



Rep. Rosemary Kurtz

Filed: 3/29/2004

09300HB2633ham004

LRB093 10995 MKM 49250 a

1 AMENDMENT TO HOUSE BILL 2633

2 AMENDMENT NO. _____. Amend House Bill 2633, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Counties Code is amended by adding Section
6 5-1041.2 as follows:

7 (55 ILCS 5/5-1041.2 new)

8 Sec. 5-1041.2. Requests for refunds of cash contributions;
9 limitations; payments under protest.

10 (a) Any request for the refund of cash contributions paid
11 in lieu of land donations under this Division, and pursuant to
12 a county's ordinance, that is based on objections to the
13 validity of an ordinance or to the manner in which donations or
14 contributions are calculated under the ordinance must be filed
15 with the county within one year after the date of payment or a
16 longer period, if specified in a county ordinance or in an
17 annexation agreement. Each request must state: (i) the name and
18 address of the person who made the payment; (ii) the amount of
19 the cash contribution; (iii) the reasons for which a refund is
20 being requested; and (iv) evidence that the contribution was
21 made under protest at the time of payment.

22 (b) Any request for the refund of cash contributions paid
23 in lieu of land donations under this Division, and pursuant to
24 a county ordinance, that is based on an objection that the

1 money collected has been spent in a manner inconsistent with
2 the ordinance must be filed within one year after the objector
3 knew or should have known the money has been spent. However, in
4 any case, the request must be filed within 5 years after the
5 money has been spent. Each request shall be directed to the
6 unit of local government that is alleged to have spent the
7 funds incorrectly and shall be copied to the county, requesting
8 that the funds be returned to the county so that it may issue a
9 refund. Each request must state: (i) the name and address of
10 the person who made the payment, (ii) the amount of the cash
11 contribution, and (iii) the reasons for which the refund is
12 being requested.

13 (c) The county may institute procedures to facilitate
14 consideration of refund requests and must require strict
15 compliance with the requirements of this Section. Failure to
16 file a request within the designated time period and to comply
17 with the requirements of this Section constitutes grounds for
18 denial of the request.

19 Section 10. The Illinois Municipal Code is amended by
20 adding Section 11-12-5.2 as follows:

21 (65 ILCS 5/11-12-5.2 new)

22 Sec. 11-12-5.2. Requests for refunds of cash
23 contributions; limitations; payment under protest.

24 (a) Any request for the refund of cash contributions paid
25 in lieu of land donations under this Division, and pursuant to
26 a municipality's ordinance, that is based on objections to the
27 validity of an ordinance or to the manner in which donations or
28 contributions are calculated under the ordinance must be filed
29 with the municipality within one year after the date of payment
30 or a longer period, if specified in a municipal ordinance or in
31 an annexation agreement. Each request must state: (i) the name
32 and address of the person who made the payment; (ii) the amount

1 of the cash contribution; (iii) the reasons for which a refund
2 is being requested; and (iv) evidence that the contribution was
3 made under protest at the time of payment.

4 (b) Any request for the refund of cash contributions paid
5 in lieu of land donations under this Division, and pursuant to
6 a municipal ordinance, that is based on an objection that the
7 money collected has been spent in a manner inconsistent with
8 the ordinance must be filed within one year after the objector
9 knew or should have known the money has been spent. However, in
10 any case, the request must be filed within 5 years after the
11 money has been spent. Each request shall be directed to the
12 unit of local government that is alleged to have spent the
13 funds incorrectly and shall be copied to the municipality,
14 requesting that the funds be returned to the municipality so
15 that it may issue a refund. Each request must state: (i) the
16 name and address of the person who made the payment, (ii) the
17 amount of the cash contribution, and (iii) the reasons for
18 which the refund is being requested.

19 (c) The municipality may institute procedures to
20 facilitate consideration of refund requests and must require
21 strict compliance with the requirements of this Section.
22 Failure to file a request within the designated time period and
23 to comply with the requirements of this Section constitutes
24 grounds for denial of the request.

25 Section 99. Effective date. This Act takes effect on
26 January 1, 2005."