



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4026

Introduced 1/14/2004, by Patrick Verschoore, Jay C. Hoffman,
Brandon W. Phelps, Dan Reitz, William J. Grunloh, et al.

SYNOPSIS AS INTRODUCED:

60 ILCS 1/85-10
60 ILCS 1/140-5
60 ILCS 1/240-5
605 ILCS 5/6-107.1

from Ch. 121, par. 6-107.1

Amends the Township Code and the Illinois Highway Code. Provides that a township or a road district may borrow money from a bank or financial institution if the money is to be repaid within 10 years (instead of one year). Provides that a township road district, with the approval of the town board of trustees, may borrow money from the town fund, if the money is to be repaid within 10 years (now, one year). Provides that a township may construct a township hall under contracts providing for payment over a period of time of not more than 10 years (instead of 5 years). Provides that a referendum is required for a township to lease, for a period of longer than 10 years (instead of 5 years), a township hall, a multi-purpose senior center, or a combination. Makes a technical change to a cross-reference. Effective immediately.

LRB093 15637 MKM 41245 b

1 AN ACT in relation to townships.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Township Code is amended by changing
5 Sections 85-10, 140-5, and 240-5 as follows:

6 (60 ILCS 1/85-10)

7 Sec. 85-10. Township corporate powers.

8 (a) Every township has the corporate capacity to exercise
9 the powers granted to it, or necessarily implied, and no
10 others. Every township has the powers specified in this
11 Section.

12 (b) A township may sue and be sued.

13 (c) A township may acquire (by purchase, gift, or legacy)
14 and hold property, both real and personal, for the use of its
15 inhabitants and may sell and convey that property. A township
16 may purchase any real estate or personal property for public
17 purposes under contracts providing for payment in installments
18 over a period of time of not more than 20 years in the case of
19 real estate and not more than 10 years in the case of personal
20 property. A township may finance the purchase of any real
21 estate or personal property for public purpose under finance
22 contracts providing for payment in installments over a period
23 of time of not more than 20 years in the case of real estate and
24 not more than 10 years in the case of personal property. A
25 township may construct a township hall under contracts
26 providing for payment over a period of time of not more than 10
27 ~~5~~ years. The interest on the unpaid balance shall not exceed
28 that permitted in the Bond Authorization Act.

29 (d) A township may make all contracts necessary in the
30 exercise of the township's powers.

31 (e) A township may expend or contract for the expenditure
32 of any federal funds made available to the township by law for

1 any purpose for which taxes imposed upon township property or
2 property within the township may be expended.

3 (f) A township may acquire (singly or jointly with a
4 municipality or municipalities) land or any interest in land
5 located within its township limits. The township may acquire
6 the land or interest by gift, purchase, or otherwise, but not
7 by condemnation. A township may (singly or jointly) improve or
8 arrange for the improvement of the land for industrial or
9 commercial purposes and may donate and convey the land or
10 interest in land so acquired and so improved to the Illinois
11 Finance Authority.

12 (g) (Blank)

13 (h) It is the policy of this State that all powers granted
14 either expressly or by necessary implication by this Code, any
15 other Illinois statute, or the Illinois Constitution to
16 townships may be exercised by those townships notwithstanding
17 effects on competition. It is the intention of the General
18 Assembly that the "State action exemption" to the application
19 of federal antitrust statutes be fully available to townships
20 to the extent their activities are authorized by law as stated
21 in this Code.

22 (i) A township may receive funds under the federal Housing
23 and Community Development Act of 1974 and may expend or
24 contract for the expenditure of those funds and other township
25 funds for the activities specified in Section 105 of that Act.
26 The powers granted under this subsection (i) are in addition to
27 powers otherwise possessed by a township and shall not be
28 construed as a limitation of those other powers.

29 (j) A township may establish reasonable fees for recreation
30 and instructional programs sponsored by the township.

31 (Source: P.A. 93-205, eff. 1-1-04.)

32 (60 ILCS 1/140-5)

33 Sec. 140-5. Petition and referendum for township hall.

34 (a) Whenever it is desired to build, purchase, or lease, for a
35 longer period than 10 ~~5~~ years, a township hall, a multi-purpose

1 senior center, or a combined township hall and multi-purpose
2 senior center in any township, at least 25 electors of the
3 township may, before the time of giving notice of the annual
4 township meeting, file with the township clerk a petition in
5 writing that the proposition of building, purchasing, or
6 leasing a township hall, a multi-purpose senior center, or a
7 combination township hall and multi-purpose senior center and
8 issuing bonds for the building, purchase, or lease be submitted
9 to the voters of the township at the next ensuing general
10 election. The proposition shall be clearly stated in the
11 petition substantially as follows: "Shall (name of township)
12 borrow \$(amount) to (build, purchase, or lease) a (township
13 hall, multi-purpose senior center, or combination
14 multi-purpose township hall and senior center) and issue bonds
15 for the (building, purchase, or lease)?" The petition shall be
16 filed in the office of the township clerk.

17 (b) The township clerk shall certify the proposition to the
18 proper election officials, who shall submit the proposition to
19 the legal voters of the township at an election in accordance
20 with the general election law. The form of the proposition
21 shall be substantially as follows:

22 Shall (name of township) borrow \$(amount) to (build,
23 purchase, or lease) a (township hall, multi-purpose senior
24 center, or combination township hall and multi-purpose
25 senior center) and issue bonds for the (building, purchase,
26 or lease)?

27 The votes shall be recorded as "Yes" or "No".

28 (Source: P.A. 87-1254; 88-62.)

29 (60 ILCS 1/240-5)

30 Sec. 240-5. Borrowing money. The township board may borrow
31 money (i) from any bank or financial institution if the money
32 is to be repaid within 10 years from the time it is borrowed or
33 (ii), with the approval of the highway commissioner, from a
34 township road district fund, if the money is to be repaid
35 within one year from the time it is borrowed. "Financial

1 institution" means any bank subject to the Illinois Banking
2 Act, any savings and loan association subject to the Illinois
3 Savings and Loan Act of 1985, and any federally chartered
4 commercial bank or savings and loan association organized and
5 operated in this State under the laws of the United States.

6 (Source: P.A. 86-1179; 88-62.)

7 Section 10. The Illinois Highway Code is amended by
8 changing Section 6-107.1 as follows:

9 (605 ILCS 5/6-107.1) (from Ch. 121, par. 6-107.1)

10 Sec. 6-107.1. Road districts may borrow money from any bank
11 or other financial institution or, in a township road district
12 and with the approval of the town board of trustees, from the
13 town fund, provided such money shall be repaid within 10 years
14 ~~one year~~ from the time the money is borrowed. "Financial
15 institution" means any bank subject to the Illinois Banking
16 Act, any savings and loan association subject to the Illinois
17 Savings and Loan Act of 1985, and any federally chartered
18 commercial bank or savings and loan association organized and
19 operated in this State pursuant to the laws of the United
20 States.

21 (Source: P.A. 85-514; 86-1179.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.