



Sen. John J. Cullerton

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09400HB2613sam001

LRB094 10976 AJ0 46599 a

1 AMENDMENT TO HOUSE BILL 2613

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2613 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Township Code is amended by changing  
5 Sections 115-10, 115-20, 120-10, 125-10, and 125-15 and by  
6 adding Section 125-12 as follows:

7 (60 ILCS 1/115-10)

8 Sec. 115-10. Open space plan; petition.

9 (a) A board desiring to enter upon an open space program  
10 may do so only after adoption of an open space plan under  
11 Section 115-15. The board shall commence preparation of an open  
12 space plan under that Section only upon the filing with the  
13 township clerk of a petition signed by not less than 5% or 50,  
14 whichever is greater, of the registered voters of the township  
15 (according to the voting registration records at the time the  
16 petition is filed) recommending that the board commence  
17 preparation of an open space plan. Within 5 business days after  
18 the filing of the petition, the township clerk shall provide  
19 public notice of the existence of the filed petition in the  
20 same manner as notices of meetings of the township board are  
21 provided. A hearing shall be conducted no less than 30 days  
22 after the filing of the petition to determine the validity of  
23 the petition, which may be challenged in accordance with the  
24 general election law.

1 (b) A proposed open space plan shall (i) identify all open  
2 land within the township that the board deems necessary to  
3 acquire in order to accomplish the purposes of the open space  
4 program; (ii) state the ways in which the acquisition of open  
5 land will further open space purposes; (iii) state the  
6 estimated costs of implementing the proposed plan; (iv) state  
7 the approximate tax, per \$100 of assessed value, that will be  
8 levied to provide the necessary funds for implementing the  
9 proposed plan; (v) state the estimated timetable for  
10 implementing the proposed plan; and (vi) establish standards  
11 and procedures for establishing priorities for the acquisition  
12 of parcels identified in the plan.

13 (Source: P.A. 85-1140; 88-62.)

14 (60 ILCS 1/115-20)

15 Sec. 115-20. Referendum on recommended plan; petition.

16 (a) If the board recommends adoption of the open space  
17 plan, or if a subsequent petition is filed by not less than 5%  
18 or 50, whichever is greater, of the registered voters of the  
19 township (according to the voting registration records at the  
20 time the petition is filed) recommending adoption of the open  
21 space plan, then the Board, within 30 days of making of the  
22 recommendation or the approval ~~filing~~ of the petition, shall  
23 file a petition with the township clerk, requesting the clerk  
24 to submit to the voters of the township the question of whether  
25 the township shall adopt the open space plan and enter upon an  
26 open space program, with the power to acquire open land by  
27 purchase, condemnation (except townships in counties having a  
28 population of more than 150,000 but not more than 250,000), or  
29 otherwise in the township and with the power to issue bonds for  
30 those purposes under this Article. Approval of a petition  
31 recommending adoption of the open space plan shall be given if  
32 the petition is determined to be valid following public notice  
33 and a hearing consistent with the requirements of Section

1 115-10 for the initial petition. The total amount of bonds to  
2 be issued under this Section may not exceed 5% of the valuation  
3 of all taxable property in the township and shall be set forth  
4 in the question as a dollar amount. The township clerk shall  
5 certify that proposition to the proper election officials, who  
6 shall submit the proposition to the township voters at the next  
7 regular election. The referendum shall be conducted and notice  
8 given in accordance with the general election law.

9 (b) The question submitted to the voters at the election  
10 shall be in substantially the following form:

11 Shall (name of township) adopt the open space plan  
12 considered at the public hearing on (date) and enter upon  
13 an open space program, and shall the Township Board have  
14 the power (i) to acquire open land by purchase (insert "  
15 condemnation," if the township is in a county having a  
16 population of more than 250,000) or otherwise, (ii) to  
17 issue bonds for open space purposes in an amount not  
18 exceeding \$(amount), and (iii) to levy a tax to pay the  
19 principal of and interest on those bonds, as provided in  
20 Article 115 of the Township Code?

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

22 (c) If a majority of the voters voting at the election on  
23 the question vote in favor of the question, the township shall  
24 thereafter adopt the open space plan recommended by the board  
25 or by the petition of the registered voters of the township and  
26 shall enter upon an open space program under this Article. If  
27 the proposition does not receive the approval of a majority of  
28 the voters voting at the election on the question, no  
29 proposition may be submitted to the voters under this Section  
30 less than 23 months after the date of the election.

31 (d) If a majority of the legal voters voting at referendum  
32 in any township approved a proposition at the consolidated  
33 election in 2001 in reliance upon and consistent with this  
34 Section 115-20 as it existed prior to the effective date of

1 Public Act 91-847, then that referendum and all actions taken  
2 in reliance thereon are hereby validated and are legally  
3 binding in all respects.

4 (Source: P.A. 91-641, eff. 8-20-99; 91-847, eff. 6-22-00; 92-6,  
5 eff. 6-7-01.)

6 (60 ILCS 1/120-10)

7 Sec. 120-10. Method of acquiring land. A township desiring  
8 to procure lands for park purposes under this Article may  
9 purchase the lands from the owner or owners or, in the  
10 discretion of the township board, may acquire the lands by the  
11 exercise of the power of eminent domain in the manner provided  
12 by the laws of this State for taking or damaging private  
13 property for public purposes. A township may not utilize  
14 eminent domain powers with respect to lands located within the  
15 boundaries of a municipality that is served by a municipal  
16 recreation department, or a park district.

17 (Source: Laws 1915, p. 724; P.A. 88-62.)

18 (60 ILCS 1/125-10)

19 Sec. 125-10. Petition and referendum.

20 (a) Legal ~~One hundred legal~~ voters of a township numbering  
21 no less than 5% or 50, whichever is greater, of the registered  
22 voters of the township, may file a petition in writing in the  
23 office of the circuit clerk in the county in which the township  
24 is located, with a copy of such petition required to be filed  
25 on the same day with the township clerk, asking that a  
26 referendum be held to authorize the issuance of bonds for the  
27 purpose of providing funds for the purchase and improvement of  
28 one or more public parks in the township. The petition shall  
29 designate the amount of bonds proposed to be issued for the  
30 acquirement and improvement of the parks. Within 5 business  
31 days after the filing of the petition, the township clerk shall  
32 provide public notice of the existence of the filed petition in

1 the same manner as notices of meetings of the township board  
 2 are provided. After a hearing conducted no less than 30 days  
 3 after the filing of the petition, at which time the validity of  
 4 the petition may be challenged in accordance with the general  
 5 election law ~~Upon the filing of the petition,~~ the circuit  
 6 court, if it determines that the petition conforms with the  
 7 requirements of the law, shall certify the question to the  
 8 proper election officials, who shall submit the question at an  
 9 election to the legally qualified voters of the township. The  
 10 court shall designate the election at which the question shall  
 11 be submitted. The notice of the referendum shall state the  
 12 amount of bonds proposed to be issued and identify any specific  
 13 park acquisition or improvement projects intended to be  
 14 supported by the bond proceeds, and the notice shall be given  
 15 and the referendum conducted in accordance with the general  
 16 election law.

17 (b) The proposition at the referendum shall be ~~in~~  
 18 substantially in one of the following forms ~~form~~:

19 Form A

20 Shall (name of township) be authorized to issue park  
 21 bonds to the amount of \$(amount) for the purpose of  
 22 procuring and improving one or more small parks?

23 Form B

24 Shall (name of township) be authorized to issue park  
 25 bonds to the amount of \$ (amount) for the purpose of  
 26 (identify specific park acquisition or improvement  
 27 projects)?

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

29 (c) If a majority of the votes cast upon the proposition  
 30 are in favor of the issuance of bonds, the township supervisor

1 and township clerk shall issue the bonds of the township not  
2 exceeding the amount voted upon at the township election. The  
3 bonds shall become due not more than 20 years after their date,  
4 shall be in denominations of \$100 or any multiple of \$100, and  
5 shall bear interest, evidenced by coupons, at the rate of not  
6 exceeding 5% per annum, payable semiannually.

7 (Source: Laws 1915, p. 722; P.A. 81-1489; 88-62.)

8 (60 ILCS 1/125-12 new)

9 Sec. 125-12. Public hearing following referendum approval.

10 (a) Before the bonds shall be sold, the township board  
11 shall hold at least one public hearing on the subject of how  
12 the bond proceeds may be spent. In addition to providing no  
13 less than 15 days' advance public notice of such hearing in a  
14 manner consistent with meetings of the township board, notice  
15 of such public hearing shall be provided to all municipalities  
16 and park districts located within the township. All interested  
17 residents and local government officials within the township  
18 shall be afforded an opportunity to be heard during the public  
19 hearing.

20 (b) When Form A of the referendum question is used, the  
21 township shall consider all legitimate park acquisition and  
22 improvement projects that are submitted in connection with the  
23 public hearing. When Form B of the referendum question is used,  
24 the township shall consider only those park acquisition and  
25 improvement projects that were identified in the question.

26 (60 ILCS 1/125-15)

27 Sec. 125-15. Supervisor's and clerk's certificate; tax;  
28 board of park commissioners.

29 (a) The bonds shall be sold, and the proceeds shall be  
30 used, solely for the purpose of procuring and improving one or  
31 more parks in the township; specifically, the bond proceeds may  
32 be used in connection with one or more acquisition projects,

1 one or more improvement projects, or a combination thereof. The  
2 bond proceeds may be used to support projects at parks operated  
3 by the township or, through grants or intergovernmental  
4 agreements, at parks operated by a municipality or park  
5 district. At or before the time of the delivery of the bonds  
6 for value, the township supervisor and township clerk shall  
7 file with the county clerk of the county in which the township  
8 is situated their certificate in writing, under their  
9 signatures, stating the amount of bonds to be issued, their  
10 denomination, and the rate of interest and where payable. The  
11 certificate shall include a form of the bond to be issued.

12 (b) The supervisor and clerk shall levy a direct annual tax  
13 upon all the taxable property in the township sufficient to pay  
14 the principal and interest of the bonds as and when they  
15 respectively mature. The certificate filed with the county  
16 clerk is full and complete authority to the county clerk to  
17 extend the tax named in the certificate upon all the taxable  
18 property in the township. The tax is in addition to all other  
19 taxes authorized by law.

20 (c) If there is a board of park commissioners invested by  
21 law with control over any park that lies wholly or in part in  
22 the township, the duties required of the supervisor and clerk  
23 by this Section and subsection (c) of Section 125-10 shall be  
24 performed by the board of park commissioners or under its  
25 authority.

26 (Source: P.A. 84-550; 88-62.)

27 Section 99. Effective date. This Act takes effect upon  
28 becoming law."