



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2777

Introduced 1/20/2006, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1041.2 new
65 ILCS 5/11-12-5.2 new

Amends the Counties Code and the Illinois Municipal Code. Provides that any request for refund of cash contributions paid in lieu of land donations and pursuant to a county or municipal ordinance must be filed (i) within one year after the date of payment or a longer period specified in a county or municipal ordinance or an annexation agreement if the request is based on an objection to the validity of an ordinance or to the manner in which donations or contributions are calculated under an ordinance or (ii) within one year after the objector knew or should have known that the money has been spent if the request is based on an objection that the contribution was spent in a manner inconsistent with the county or municipal ordinance but, in any case, must be filed within 5 years after the money has been spent. Requires each request to include certain information and provides that failure to file the request within the designated time period and to comply with certain requirements constitutes grounds for denial of the request. Effective January 1, 2007.

LRB094 18748 HLH 54126 b

1 AN ACT concerning local government.

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

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

6 (55 ILCS 5/5-1041.2 new)

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

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

21 (b) Any request for the refund of cash contributions paid
22 in lieu of land donations under this Division, and pursuant to
23 a county ordinance, that is based on an objection that the
24 money collected has been spent in a manner inconsistent with
25 the ordinance must be filed within one year after the objector
26 knew or should have known the money has been spent. However, in
27 any case, the request must be filed within 5 years after the
28 money has been spent. Each request shall be directed to the
29 unit of local government that is alleged to have spent the
30 funds incorrectly and shall be copied to the county, requesting
31 that the funds be returned to the county so that it may issue a
32 refund. Each request must state: (i) the name and address of

1 the person who made the payment, (ii) the amount of the cash
2 contribution, and (iii) the reasons for which the refund is
3 being requested.

4 (c) The county may institute procedures to facilitate
5 consideration of refund requests and must require strict
6 compliance with the requirements of this Section. Failure to
7 file a request within the designated time period and to comply
8 with the requirements of this Section constitutes grounds for
9 denial of the request.

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

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

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

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

27 (b) Any request for the refund of cash contributions paid
28 in lieu of land donations under this Division, and pursuant to
29 a municipal ordinance, that is based on an objection that the
30 money collected has been spent in a manner inconsistent with
31 the ordinance must be filed within one year after the objector
32 knew or should have known the money has been spent. However, in
33 any case, the request must be filed within 5 years after the
34 money has been spent. Each request shall be directed to the

1 unit of local government that is alleged to have spent the
2 funds incorrectly and shall be copied to the municipality,
3 requesting that the funds be returned to the municipality so
4 that it may issue a refund. Each request must state: (i) the
5 name and address of the person who made the payment, (ii) the
6 amount of the cash contribution, and (iii) the reasons for
7 which the refund is being requested.

8 (c) The municipality may institute procedures to
9 facilitate consideration of refund requests and must require
10 strict compliance with the requirements of this Section.
11 Failure to file a request within the designated time period and
12 to comply with the requirements of this Section constitutes
13 grounds for denial of the request.

14 Section 99. Effective date. This Act takes effect on
15 January 1, 2007.