

SB2603



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2603

Introduced 1/21/2010, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

70 ILCS 410/15
70 ILCS 805/13

from Ch. 96 1/2, par. 7116
from Ch. 96 1/2, par. 6323

Amends the Conservation District Act and the Downstate Forest Preserve District Act. Provides that bonds issued by a conservation district or a forest preserve district shall be payable no later than 25 years from their respective date of issue (now, 20 years). Effective immediately.

LRB096 18031 RLJ 33403 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Conservation District Act is amended by
5 changing Section 15 as follows:

6 (70 ILCS 410/15) (from Ch. 96 1/2, par. 7116)

7 Sec. 15. (a) Whenever a district does not have sufficient
8 money in its treasury to meet all necessary expenses and
9 liabilities thereof, it may issue tax anticipation warrants.
10 Such issue of tax anticipation warrants shall be subject to the
11 provisions of Section 2 of "An Act to provide for the manner of
12 issuing warrants upon the treasurer of the State or of any
13 county, township, or other municipal corporation or quasi
14 municipal corporation, or of any farm drainage district, river
15 district, drainage and levee district, fire protection
16 district and jurors' certificates", approved June 27, 1913, as
17 now and hereafter amended.

18 (b) For the purpose of acquisition of real property, or
19 rights thereto, a district may incur indebtedness and, as
20 evidence of the indebtedness thus created, may issue and sell
21 bonds without first obtaining the consent of the legal voters
22 of the district.

23 (c) For the purpose of development of real property, a

1 district may incur indebtedness and, as evidence of the
2 indebtedness thus created, may issue and sell bonds only after
3 the proposition to issue bonds has been submitted to the legal
4 voters of the district at an election and has been approved by
5 a majority of those voting on the proposition. Such election is
6 subject to Section 15.1 of this Act.

7 (d) No district shall become indebted in any manner or for
8 any purpose, to any amount including existing indebtedness in
9 the aggregate exceeding 0.575% of the value, as equalized or
10 assessed by the Department of Revenue, of the taxable property
11 therein; except that a district entirely within a county of
12 under 750,000 inhabitants and contiguous to a county of more
13 than 2,000,000 inhabitants may incur indebtedness, including
14 existing indebtedness, in the aggregate not exceeding 1.725% of
15 that value if the aggregate indebtedness over 0.575% is
16 submitted to the legal voters of the district at an election
17 and is approved by a majority of those voting on the
18 proposition as provided in Section 15.1.

19 (e) Before or at the time of issuing bonds for acquisition
20 or development of real property, the district shall provide by
21 ordinance for the collection of an annual tax, in addition to
22 all other taxes authorized by this act, sufficient to pay such
23 bonds and the interest thereon as the same respectively become
24 due. Such bonds shall be divided into series, the first of
25 which shall mature not later than 5 years after the date of
26 issue and the last of which shall mature not later than 25 ~~20~~

1 years after the date of issue; shall bear interest at a rate or
2 rates not exceeding the maximum rate permitted in "An Act to
3 authorize public corporations to issue bonds, other evidences
4 of indebtedness and tax anticipation warrants subject to
5 interest rate limitations set forth therein", approved May 26,
6 1970, as now or hereafter amended; shall be in such form as the
7 district shall by resolution provide and shall be payable as to
8 both principal and interest from the proceeds of the annual
9 levy of taxes authorized to be levied by this Section, or so
10 much thereof as will be sufficient to pay the principal thereof
11 and the interest thereon. Prior to the authorization and
12 issuance of such bonds the district may, with or without
13 notice, negotiate and enter into an agreement or agreements
14 with any bank, investment banker, trust company or insurance
15 company or group thereof whereunder the marketing of such bonds
16 may be assured and consummated. The proceeds of such bonds
17 shall be deposited in a special fund, to be kept separate and
18 apart from all other funds of the conservation district.

19 (Source: P.A. 94-617, eff. 8-18-05.)

20 Section 10. The Downstate Forest Preserve District Act is
21 amended by changing Section 13 as follows:

22 (70 ILCS 805/13) (from Ch. 96 1/2, par. 6323)

23 Sec. 13. Bonds; limitation on indebtedness. The board of
24 any forest preserve district organized hereunder may, for any

1 of the purposes enumerated in this Act, borrow money upon the
2 faith and credit of such district, and may issue bonds
3 therefor. However, a district with a population of less than
4 3,000,000 may not become indebted in any manner or for any
5 purpose to an amount including existing indebtedness in the
6 aggregate exceeding 2.3% of the assessed value of the taxable
7 property therein, as ascertained by the last equalized
8 assessment for State and county purposes. No district may incur
9 (i) indebtedness in excess of .3% of the assessed value of
10 taxable property in the district, as ascertained by the last
11 equalized assessment for State and county purposes, for the
12 development of forest preserve lands held by the district, or
13 (ii) indebtedness for any other purpose except the acquisition
14 of land including acquiring lands in fee simple along or
15 enclosing water courses, drainage ways, lakes, ponds, planned
16 impoundments or elsewhere which are required to store flood
17 waters or control other drainage and water conditions necessary
18 for the preservation and management of the water resources of
19 the District, unless the proposition to issue bonds or
20 otherwise incur indebtedness is certified by the board to the
21 proper election officials who shall submit the proposition at
22 an election in accordance with the general election law, and
23 approved by a majority of those voting upon the proposition. No
24 district containing fewer than 3,000,000 inhabitants may incur
25 indebtedness for the acquisition of land or lands for any
26 purpose in excess of 55,000 acres, including all lands

1 theretofore acquired, unless the proposition to issue bonds or
2 otherwise incur indebtedness is first submitted to the voters
3 of the district at a referendum in accordance with the general
4 election law and approved by a majority of those voting upon
5 the proposition. Before or at the time of issuing bonds, the
6 board shall provide by ordinance for the collection of an
7 annual tax sufficient to pay the interest on the bonds as it
8 falls due, and to pay the bonds as they mature. All bonds
9 issued by any forest preserve district must be divided into
10 series, the first of which matures not later than 5 years after
11 the date of issue and the last of which matures not later than
12 25 ~~20~~ years after the date of issue, or for bonds issued prior
13 to January 1, 2011, commonly known as "Build America Bonds" as
14 authorized by Section 54AA of the Internal Revenue Code of
15 1986, as amended, and for bonds issued from time to time to
16 refund "Build America Bonds", not later than 25 years after the
17 date of issue.

18 This Section does not apply to a forest preserve district
19 created under Section 18.5 of the Conservation District Act.

20 (Source: P.A. 96-828, eff. 12-2-09.)

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