



Rep. Robert Rita

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09600SB3464ham004

LRB096 16565 JDS 41301 a

1 AMENDMENT TO SENATE BILL 3464

2 AMENDMENT NO. _____. Amend Senate Bill 3464, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 3, on page 16, immediately below line 2, by inserting the
5 following:

6 "Section 7. The Township Code is amended by changing
7 Section 30-50 as follows:

8 (60 ILCS 1/30-50)

9 Sec. 30-50. Purchase and use of property.

10 (a) The electors may make all orders for the purchase,
11 sale, conveyance, regulation, or use of the township's
12 corporate property (including the direct sale or lease of
13 single township road district property) that may be deemed
14 conducive to the interests of its inhabitants, including the
15 lease, for up to 10 years, or for up to 25 years if the lease is
16 for a wireless telecommunications tower, at fair market value,

1 of corporate property for which no use or need during the lease
2 period is anticipated at the time of leasing. The property may
3 be leased to another governmental body, however, or to a
4 not-for-profit corporation that has contracted to construct or
5 fund the construction of a structure or improvement upon the
6 real estate owned by the township and that has contracted with
7 the township to allow the township to use at least a portion of
8 the structure or improvement to be constructed upon the real
9 estate leased and not otherwise used by the township, for any
10 term not exceeding 50 years and for any consideration. In the
11 case of a not-for-profit corporation, the township shall hold a
12 public hearing on the proposed lease. The township clerk shall
13 give notice of the hearing by publication in a newspaper
14 published in the township, or in a newspaper published in the
15 county and having general circulation in the township if no
16 newspaper is published in the township, and by posting notices
17 in at least 5 public places at least 10 days before the public
18 hearing.

19 (b) If a new tax is to be levied or an existing tax rate is
20 to be increased above the statutory limits for the purchase of
21 the property, however, no action otherwise authorized in
22 subsection (a) shall be taken unless a petition signed by at
23 least 10% of the registered voters residing in the township is
24 presented to the township clerk. If a petition is presented to
25 the township clerk, the clerk shall order a referendum on the
26 proposition. The referendum shall be held at the next annual or

1 special township meeting or at an election in accordance with
2 the general election law. If the referendum is ordered to be
3 held at the township meeting, the township clerk shall give
4 notice that at the next annual or special township meeting the
5 proposition shall be voted upon. The notice shall set forth the
6 proposition and shall be given by publication in a newspaper
7 published in the township. If there is no newspaper published
8 in the township, the notice shall be published in a newspaper
9 published in the county and having general circulation in the
10 township. Notice also shall be given by posting notices in at
11 least 5 public places at least 10 days before the township
12 meeting. If the referendum is ordered to be held at an
13 election, the township clerk shall certify that proposition to
14 the proper election officials, who shall submit the proposition
15 at an election. The proposition shall be submitted in
16 accordance with the general election law.

17 (c) If the leased property is utilized in part for private
18 use and in part for public use, those portions of the
19 improvements devoted to private use are fully taxable. The land
20 is exempt from taxation to the extent that the uses on the land
21 are public and taxable to the extent that the uses are private.

22 (d) Before the township makes a lease or sale of township
23 or road district real or personal property, unless the personal
24 property has a sale value of \$2,500 or less, the electors shall
25 adopt a resolution stating the intent to lease or sell the real
26 or personal property, describing the property in full, and

1 stating the terms and conditions the electors deem necessary
2 and desirable for the lease or sale. A resolution stating the
3 intent to sell real property shall also contain pertinent
4 information concerning the size, use, and zoning of the
5 property. The value of real property shall be determined by a
6 State licensed real estate appraiser. The appraisal shall be
7 available for public inspection. The resolution may direct the
8 sale to be conducted by the staff of the township or by listing
9 with local licensed real estate agencies (in which case the
10 terms of the agent's compensation shall be included in the
11 resolution).

12 When a township sells township or road district personal
13 property valued for sale at \$2,500 or less, the electors are
14 not required to adopt a resolution. Prior to the sale, the
15 clerk shall prepare a notice stating the intent of the township
16 or road district to sell personal property with a sale value of
17 \$2,500 or less and describing the property in full.

18 The clerk shall thereafter publish the resolution or
19 personal property sale notice once in a newspaper published in
20 the township or, if no newspaper is published in the township,
21 in a newspaper generally circulated in the township. If no
22 newspaper is generally circulated in the township, the clerk
23 shall post the resolution or personal property sale notice in 5
24 of the most public places in the township. In addition to the
25 foregoing publication requirements, the clerk shall post the
26 resolution or personal property sale notice at the office of

1 the township (if township property is involved) or at the
2 office of the road district (if road district property is
3 involved). The following information shall be published or
4 posted with the resolution or personal property sale notice:

5 (i) the date by which all bids must be received by the township
6 or road district, which shall not be less than 30 days after
7 the date of publication or posting, and (ii) the place, time,
8 and date at which bids shall be opened, which shall be at a
9 regular meeting of the township board.

10 All bids shall be opened by the clerk (or someone duly
11 appointed to act for the clerk) at the regular meeting of the
12 township board described in the notice. With respect to
13 township personal property, except personal property valued
14 for sale at \$2,500 or less, the township board may accept the
15 high bid or any other bid determined to be in the best
16 interests of the township by a majority vote of the board. With
17 respect to township real property, the township board may
18 accept the high bid or any other bid determined to be in the
19 best interests of the township by a vote of three-fourths of
20 the township board then holding office, but in no event at a
21 price less than 80% of the appraised value. With respect to
22 road district property, except personal property valued for
23 sale at \$2,500 or less, the highway commissioner may accept the
24 high bid or any other bid determined to be in the best
25 interests of the road district. In each case, the township
26 board or commissioner may reject any and all bids. With respect

1 to township or road district personal property valued for sale
2 at \$2,500 or less, the clerk shall accept at least 2 bids and
3 the township board or highway commissioner shall accept the
4 highest bid. This notice and competitive bidding procedure
5 shall not be followed when property is leased to another
6 governmental body. The notice and competitive bidding
7 procedure shall not be followed when property is declared
8 surplus by the electors and sold to another governmental body.
9 The notice and competitive bidding procedure may be, but need
10 not be, followed if property is leased for a wireless
11 telecommunications tower.

12 (e) A trade-in of machinery or equipment on new or
13 different machinery or equipment does not constitute the sale
14 of township or road district property.

15 (Source: P.A. 95-909, eff. 8-26-08.)".