



Rep. Randy Ramey, Jr.

Filed: 3/8/2011

09700HB2821ham001

LRB097 07879 KMW 52362 a

1 AMENDMENT TO HOUSE BILL 2821

2 AMENDMENT NO. _____. Amend House Bill 2821 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Township Code is amended by changing
5 Section 30-50 as follows:

6 (60 ILCS 1/30-50)

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

8 (a) The electors may make all orders for the purchase,
9 sale, conveyance, regulation, or use of the township's
10 corporate property (including the direct sale or lease of
11 single township road district property) that may be deemed
12 conducive to the interests of its inhabitants, including the
13 lease, for up to 10 years, or for up to 25 years if the lease is
14 for a wireless telecommunications tower, at fair market value,
15 of corporate property for which no use or need during the lease
16 period is anticipated at the time of leasing. The property may

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

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

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

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

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

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

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

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

1 involved). The following information shall be published or
2 posted with the resolution or personal property sale notice:

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

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

1 the township board or highway commissioner shall accept the
2 highest bid. This notice and competitive bidding procedure
3 shall not be followed when property is leased to another
4 governmental body. The notice and competitive bidding
5 procedure shall not be followed when property is declared
6 surplus by the electors and sold to another governmental body.

7 If the lease is for a wireless telecommunications tower,
8 and the township board or commissioner has received no bids,
9 the township board or commissioner may negotiate a lease with a
10 private entity. Notwithstanding any other provisions, a lease
11 for a wireless telecommunications tower that was not made
12 through notice and competitive bidding procedures may not
13 exceed 10 years. The terms of the lease shall be published on
14 the township website or in a newspaper before the lease term
15 begins.

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

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

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