

1 AMENDMENT TO SENATE BILL 975

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 975, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Township Code is amended by changing  
6 Sections 115-20 and 115-105 as follows:

7 (60 ILCS 1/115-20)

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

9 (a) If the board recommends adoption of the open space  
10 plan, or if a petition is filed by not less than 5% or 50,  
11 whichever is greater, of the registered voters of the  
12 township (according to the voting registration records at the  
13 time the petition is filed) recommending adoption of the open  
14 space plan, then the Board, within 30 days of making of the  
15 recommendation or the filing of the petition, shall file a  
16 petition with the township clerk, requesting the clerk to  
17 submit to the voters of the township the question of whether  
18 the township shall adopt the open space plan and enter upon  
19 an open space program, with the power to acquire open land by  
20 purchase, condemnation (except townships in counties having a  
21 population of more than 150,000 but not more than 250,000),  
22 or otherwise in the township and with the power to issue

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

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

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

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

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

33 (d) If a majority of the legal voters voting at  
 34 referendum in any township approved a proposition at the

1 consolidated election in 2001 in reliance upon and consistent  
2 with this Section 115-20 as it existed prior to the effective  
3 date of Public Act 91-847, then that referendum and all  
4 actions taken in reliance thereon are hereby authorized and  
5 validated in all respects.

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

7 (60 ILCS 1/115-105)

8 Sec. 115-105. Borrowing money; bonds. The township  
9 board may borrow money and issue bonds, after referendum, for  
10 the purpose of acquiring, developing, rehabilitating and  
11 renovating open lands for open space purposes, as defined in  
12 Section 115-5, pursuant to an open space program adopted as  
13 provided in this Article, in and for the township in any  
14 amount not to exceed 5% on the valuation of taxable property  
15 in the township, to be ascertained by the last assessment for  
16 State and county taxes previous to the incurring of such  
17 indebtedness or, until January 1, 1983, if greater, the sum  
18 that is produced by multiplying the township's 1978 equalized  
19 assessed valuation by the debt limitation percentage on  
20 January 1, 1979.

21 Whenever the board desires to issue bonds under this  
22 Article, or whenever the board receives a petition from not  
23 less than 5% or 50, whichever is greater, of the registered  
24 voters of the township, according to the voting registration  
25 records at the time the petition is filed, requesting the  
26 board to issue bonds under this Article, the board,  
27 concurrently with the filing of a petition with the township  
28 clerk requesting him to submit to the voters of the township  
29 at the next election the question of whether or not to adopt  
30 an open space plan and enter upon an open space program,  
31 shall certify that proposition to the proper election  
32 officials who shall submit to the voters of the township at  
33 the next election the question of whether or not the board

1 shall issue bonds to finance an open space program and  
2 provide for the levy and collection of a direct annual tax  
3 upon all taxable property within the township to meet the  
4 principal and interest on the bonds as they mature, which tax  
5 shall be in addition to and in excess of any other tax  
6 authorized to be levied by the township. The amount of bonds  
7 to be issued under this Section shall be set forth in the  
8 question as a dollar amount. The election shall be conducted  
9 and notice given in accordance with the general election law.  
10 The question submitted to the voters at the election shall be  
11 in substantially the following form:

12           Shall (name of township) issue bonds to finance the  
13 acquisition, maintenance, development, rehabilitation and  
14 renovation of open space lands for open space purposes as  
15 provided by the Township Open Space Article of the  
16 Township Code and levy and collect property taxes, in  
17 excess of any other tax authorized to be levied by the  
18 township, sufficient to meet the principal and interest  
19 on the bonds as they mature, but not in an amount in  
20 excess of \$(amount)?

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

22 If a majority of the voters voting on the question vote  
23 in favor of the question, the board shall issue bonds as  
24 provided in this Article provided such bonds are issued  
25 within 6 months after the voters vote favorably on such  
26 question. If such proposition does not receive the approval  
27 of a majority of the voters voting at the election on the  
28 question, no proposition may be submitted to such voters  
29 pursuant to this Section less than 23 months after the date  
30 of such election.

31 The board shall then adopt a resolution authorizing the  
32 issuance of such bonds, prescribing all the details thereof,  
33 and stating the time or times when the principal thereof and  
34 the interest on the bonds become payable, and the place of

1 payment thereof. The bonds must, however, be payable within  
2 not less than 3 nor more than 40 years from date thereof, and  
3 be issued to bear interest at not to exceed the maximum rate  
4 authorized by the Bond Authorization Act, as amended at the  
5 time of the making of the contract. Such a resolution shall  
6 provide for the levy and collection of a direct annual tax  
7 upon all the taxable property within the corporate limits of  
8 such township sufficient to meet the principal of and  
9 interest on the bonds as they mature, which tax shall be in  
10 addition to and in excess of any other tax authorized to be  
11 levied by the township.

12 A certified copy of the resolution providing for the  
13 issuance of any such bonds shall be filed with the county  
14 clerk of the county in which the township is located and  
15 constitutes the basis and authority of the county clerk for  
16 the extension and collection of the tax necessary to pay the  
17 principal of and interest upon the bonds issued under the  
18 resolution.

19 With respect to instruments for the payment of money  
20 issued under this Section either before, on, or after the  
21 effective date of Public Act 86-004, it is and always has  
22 been the intention of the General Assembly (i) that the  
23 Omnibus Bond Acts are and always have been supplementary  
24 grants of power to issue instruments in accordance with the  
25 Omnibus Bond Acts, regardless of any provision of this  
26 Article that may appear to be or to have been more  
27 restrictive than those Acts, (ii) that the provisions of this  
28 Section are not a limitation on the supplementary authority  
29 granted by the Omnibus Bonds Acts, and (iii) that instruments  
30 issued under this Section within the supplementary authority  
31 granted by the Omnibus Bond Acts are not invalid because of  
32 any provision of this Article that may appear to be or to  
33 have been more restrictive than those Acts.

34 If a majority of the legal voters voting at referendum in

1 any township approved a proposition at the consolidated  
2 election in 2001 in reliance upon and consistent with this  
3 Section 115-105 as it existed prior to the effective date of  
4 Public Act 91-847, then that referendum and all actions taken  
5 in reliance thereon are hereby authorized and validated in  
6 all respects.

7 (Source: P.A. 91-847, eff. 6-22-00.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law."