

1 AMENDMENT TO HOUSE BILL 2317

2 AMENDMENT NO. _____. Amend House Bill 2317 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Special Assessment Supplemental Bond and
5 Procedures Act is amended by changing Sections 20, 45, and 55
6 and adding Section 65 as follows:

7 (50 ILCS 460/20)

8 Sec. 20. Additional costs allowed. In addition to and in
9 excess of all costs otherwise permitted to be assessed under
10 any special assessment law in any special assessment
11 proceeding, the governing body may in the special assessment
12 ordinance provide for the following additional amounts in the
13 assessment:

14 (a) an additional reserve, not to exceed 10% of the
15 amount of the bonds issued pursuant to this Act, as a
16 reserve for the payment of interest on or principal of
17 bonds when due in the event of nonpayment of any
18 assessments; provided however, the interest earnings, if
19 any, on the additional reserve shall be applied to the
20 next installment as a partial reduction of payment due;

21 (b) an amount for the payment of interest upon
22 bonds for a period not to exceed the greater of 2 years

1 or a period ending 6 months after the estimated date of
2 completion of the acquisition and construction of the
3 local improvement that is the subject of the special
4 assessment proceeding; and

5 (c) an amount for bond discount (the difference
6 between the face amount of a bond and the price at which
7 the bond is to be sold, exclusive of original issue
8 discount) not to exceed 4% of the total cost of the
9 improvement. The reserve provided for by clause (a) of
10 this Section shall be in addition to and in excess of any
11 other reserve otherwise permitted by special assessment
12 law including reserves for interest deficiencies. Any
13 additional cost or reserve to be included by authority of
14 this Section shall be expressly provided for in the
15 special assessment ordinance and shall further be
16 expressly stated in any engineer's estimate of cost
17 prepared in connection with a special assessment
18 ordinance as provided by a special assessment law.

19 (Source: P.A. 90-480, eff. 8-17-97.)

20 (50 ILCS 460/45)

21 Sec. 45. Bonds. In lieu of the issuance of vouchers or
22 bonds provided by a special assessment law, Supplemental Act
23 Assessment Bonds payable from the assessments made under a
24 special assessment proceeding may be issued under this
25 Section. Supplemental Act Assessment Bonds shall be issued
26 under the following terms and provisions:

27 (a) They shall be payable from the assessments made
28 under a special assessment proceeding and such other income
29 or revenues as may lawfully be pledged to the payment of such
30 bonds by a governmental unit.

31 (b) They may be issued in lieu of vouchers at any time
32 after the date of the judicial order of final confirmation of
33 the assessment roll and report. Special Assessment Bonds may

1 be issued prior to the expiration of the appeal period
2 provided for in the special assessment law and the issuer and
3 owners of such bonds may rely on any waiver of the statutory
4 appeal period executed by a municipality, county, or other
5 issuer of such bonds and the owners and parties interested in
6 land taken, damaged, or assessed therein, as conclusive
7 evidence of the non-appealability of the final judgment or
8 order. Parties interested in land taken, damaged, or assessed
9 for purposes of such waiver and appeal shall include only the
10 owners of record, mortgagees of record, lien holders of
11 record, and contract purchasers of any land taken, damaged,
12 or assessed ~~en-or-after-the-time-when-interest-begins-to--run~~
13 ~~en---the---assessments---made---under--a--special--assessment~~
14 ~~proceeding.~~

15 (c) They may be issued in an amount not to exceed the
16 amount of the assessments confirmed in a special assessment
17 proceeding less the principal amount of any assessments
18 previously paid and less the principal amount of any vouchers
19 that may have previously been issued.

20 (d) They may bear interest at any rate or rates not to
21 exceed the rate or rates permitted by the Bond Authorization
22 Act; provided, however, that such rate or rates shall not
23 exceed the rate or rates provided for the unpaid installments
24 of the assessments made under the special assessment
25 proceeding.

26 (e) They may pay interest upon such date or dates either
27 annually, semi-annually, monthly, weekly, or otherwise.

28 (f) They may be subject to redemption with or without
29 premium upon such terms and provisions as may be provided by
30 the governing body, including, without limitation, terms as
31 to the order of redemption (numerical, pro-rata, by series,
32 or otherwise) and as to the timing thereof.

33 (g) They shall be negotiable instruments under Illinois
34 law.

1 (h) They may be made payable either serially or at term,
2 or any combination thereof, in such order of preference,
3 priority, lien position, or rank (including, without
4 limitation, numerical, pro-rata, by series, or otherwise) and
5 otherwise have any attributes permitted to bonds under the
6 Local Government Debt Reform Act, as the governing body may
7 provide.

8 (Source: P.A. 90-480, eff. 8-17-97.)

9 (50 ILCS 460/55)

10 Sec. 55. County clerk may collect. Pursuant to the
11 Illinois constitutional and statutory provisions relating to
12 intergovernmental cooperation, the county clerk of any county
13 in which property subject to a special assessment is located
14 may, but shall not be required to, agree to mail bills for a
15 special assessment with the regular tax bills of the county,
16 or otherwise as may be provided by a special assessment law.
17 If the clerk agrees to mail such bills with the regular tax
18 bills, then the annual amount due as of January 2 shall
19 become due instead in even installments with each tax bill
20 made during the year in which such January 2 date occurs,
21 thus deferring to later date in the year the obligation to
22 pay the assessments.

23 In the event that the county clerk does not agree to mail
24 such bills, or in the event that the municipality declines to
25 request the county clerk to mail said bills, the municipality
26 still may bill the annual amount due as of January 2 in 2
27 installments to become due on or about the due dates for the
28 real estate tax bills issued by the county clerk during the
29 year in which such January 2 date occurs, thus deferring to
30 later dates in said year the obligation to pay the assessment
31 installment.

32 In the event that the county clerk agrees to mail such
33 bills on behalf of a municipality, the county may charge a

1 fee for such services to be paid from the special assessment.
2 Such fee shall be considered as a cost of making, levying,
3 and collecting the assessment provided for in Section 9-2-139
4 of the Illinois Municipal Code.

5 (Source: P.A. 90-480, eff. 8-17-97.)

6 (50 ILCS 460/65 new)

7 Sec. 65. Rebates. If, after final settlement with the
8 contractor for any improvements, there is any surplus
9 remaining, the Board of Local Improvements shall declare a
10 surplus and rebate upon each lot, block, tract, or parcel of
11 land assessed the pro rata proportion of that surplus. The
12 Board of Local Improvements shall state which specific
13 assessment installments (including interest thereon) are
14 being reduced. If the Board of Local Improvements determines
15 these excess amounts have been collected for making, levying,
16 and collecting or for reserves for deficiencies, the
17 governing body can declare a surplus and credit such amount
18 to each lot, block, tract, or parcel of land assessed or a
19 pro rata proportion to the next installment as a partial
20 reduction of the payment due or, alternatively, may use such
21 surplus to retire bonds in any manner so determined.

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