



Sen. David Koehler

**Filed: 11/19/2010**

09600HB5756sam001

LRB096 18249 ASK 44062 a

1 AMENDMENT TO HOUSE BILL 5756

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5756 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Emergency Telephone System Act is amended  
5 by changing Section 15.2a as follows:

6 (50 ILCS 750/15.2a) (from Ch. 134, par. 45.2a)

7 Sec. 15.2a. The installation of or connection to a  
8 telephone company's network of any automatic alarm, automatic  
9 alerting device, or mechanical dialer that causes the number  
10 9-1-1 to be dialed in order to directly access emergency  
11 services is prohibited in a 9-1-1 system. The prohibitions  
12 contained in this Section shall not be applicable to devices  
13 used to enable access to the 9-1-1 system for  
14 cognitively-impaired, disabled, or special needs persons in an  
15 emergency situation reported by a caregiver after initiating a  
16 missing person's report. Any such device must have the

1 capability to be activated and controlled remotely by trained  
2 personnel at a service center to prevent falsely activated or  
3 repeated calls to the 9-1-1 system in a single incident. Any  
4 such device must have the technical capability to generate the  
5 provision of location information to the 9-1-1 system. Under no  
6 circumstances shall a device be sold for use in a geographical  
7 jurisdiction where the 9-1-1 system has not deployed wireless  
8 phase II location technology. The alerting device shall also  
9 provide for either 2-way communication or send a pre-recorded  
10 message to 9-1-1 explaining the nature of the emergency so that  
11 9-1-1 will be able to dispatch the appropriate emergency  
12 responder. Violation of this Section is a Class A misdemeanor.  
13 A second or subsequent violation of this Section is a Class 4  
14 felony.

15 (Source: P.A. 87-146; 88-497.)

16 Section 7. The Township Code is amended by changing Section  
17 30-50 as follows:

18 (60 ILCS 1/30-50)

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

20 (a) The electors may make all orders for the purchase,  
21 sale, conveyance, regulation, or use of the township's  
22 corporate property (including the direct sale or lease of  
23 single township road district property) that may be deemed  
24 conducive to the interests of its inhabitants, including the

1 lease, for up to 10 years, or for up to 25 years if the lease is  
2 for a wireless telecommunications tower, at fair market value,  
3 of corporate property for which no use or need during the lease  
4 period is anticipated at the time of leasing. The property may  
5 be leased to another governmental body, however, or to a  
6 not-for-profit corporation that has contracted to construct or  
7 fund the construction of a structure or improvement upon the  
8 real estate owned by the township and that has contracted with  
9 the township to allow the township to use at least a portion of  
10 the structure or improvement to be constructed upon the real  
11 estate leased and not otherwise used by the township, for any  
12 term not exceeding 50 years and for any consideration. In the  
13 case of a not-for-profit corporation, the township shall hold a  
14 public hearing on the proposed lease. The township clerk shall  
15 give notice of the hearing by publication in a newspaper  
16 published in the township, or in a newspaper published in the  
17 county and having general circulation in the township if no  
18 newspaper is published in the township, and by posting notices  
19 in at least 5 public places at least 10 days before the public  
20 hearing.

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

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

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

24 (d) Before the township makes a lease or sale of township  
25 or road district real or personal property, unless the personal  
26 property has a sale value of \$2,500 or less, the electors shall

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

14 When a township sells township or road district personal  
15 property valued for sale at \$2,500 or less, the electors are  
16 not required to adopt a resolution. Prior to the sale, the  
17 clerk shall prepare a notice stating the intent of the township  
18 or road district to sell personal property with a sale value of  
19 \$2,500 or less and describing the property in full.

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

1 foregoing publication requirements, the clerk shall post the  
2 resolution or personal property sale notice at the office of  
3 the township (if township property is involved) or at the  
4 office of the road district (if road district property is  
5 involved). The following information shall be published or  
6 posted with the resolution or personal property sale notice:  
7 (i) the date by which all bids must be received by the township  
8 or road district, which shall not be less than 30 days after  
9 the date of publication or posting, and (ii) the place, time,  
10 and date at which bids shall be opened, which shall be at a  
11 regular meeting of the township board.

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

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

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

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

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law."