

HB3091



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3091

Introduced 2/17/2023, by Rep. William "Will" Davis

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-74.3-3

from Ch. 24, par. 11-74.3-3

Amends the Illinois Municipal Code. Makes a technical change in a Section concerning a business development or redevelopment plan under the Act.

LRB103 30965 AWJ 57545 b

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-74.3-3 as follows:

6 (65 ILCS 5/11-74.3-3) (from Ch. 24, par. 11-74.3-3)

7 Sec. 11-74.3-3. Powers of municipalities. In addition to
8 the ~~the~~ powers a municipality may now have, a municipality
9 shall have the following powers:

10 (1) To make and enter into all contracts necessary or
11 incidental to the implementation and furtherance of a
12 business district plan. A contract by and between the
13 municipality and any developer or other nongovernmental
14 person to pay or reimburse said developer or other
15 nongovernmental person for business district project costs
16 incurred or to be incurred by said developer or other
17 nongovernmental person shall not be deemed an economic
18 incentive agreement under Section 8-11-20, notwithstanding
19 the fact that such contract provides for the sharing,
20 rebate, or payment of retailers' occupation taxes or
21 service occupation taxes (including, without limitation,
22 taxes imposed pursuant to subsection (10)) the
23 municipality receives from the development or

1 redevelopment of properties in the business district.
2 Contracts entered into pursuant to this subsection shall
3 be binding upon successor corporate authorities of the
4 municipality and any party to such contract may seek to
5 enforce and compel performance of the contract by civil
6 action, mandamus, injunction, or other proceeding.

7 (2) Within a business district, to acquire by
8 purchase, donation, or lease, and to own, convey, lease,
9 mortgage, or dispose of land and other real or personal
10 property or rights or interests therein; and to grant or
11 acquire licenses, easements, and options with respect
12 thereto, all in the manner and at such price authorized by
13 law. No conveyance, lease, mortgage, disposition of land
14 or other property acquired by the municipality, or
15 agreement relating to the development of property, shall
16 be made or executed except pursuant to prior official
17 action of the municipality. No conveyance, lease,
18 mortgage, or other disposition of land owned by the
19 municipality, and no agreement relating to the development
20 of property, within a business district shall be made
21 without making public disclosure of the terms and
22 disposition of all bids and proposals submitted to the
23 municipality in connection therewith.

24 (2.5) To acquire property by eminent domain in
25 accordance with the Eminent Domain Act.

26 (3) To clear any area within a business district by

1 demolition or removal of any existing buildings,
2 structures, fixtures, utilities, or improvements, and to
3 clear and grade land.

4 (4) To install, repair, construct, reconstruct, or
5 relocate public streets, public utilities, and other
6 public site improvements within or without a business
7 district which are essential to the preparation of a
8 business district for use in accordance with a business
9 district plan.

10 (5) To renovate, rehabilitate, reconstruct, relocate,
11 repair, or remodel any existing buildings, structures,
12 works, utilities, or fixtures within any business
13 district.

14 (6) To construct public improvements, including but
15 not limited to buildings, structures, works, utilities, or
16 fixtures within any business district.

17 (7) To fix, charge, and collect fees, rents, and
18 charges for the use of any building, facility, or property
19 or any portion thereof owned or leased by the municipality
20 within a business district.

21 (8) To pay or cause to be paid business district
22 project costs. Any payments to be made by the municipality
23 to developers or other nongovernmental persons for
24 business district project costs incurred by such developer
25 or other nongovernmental person shall be made only
26 pursuant to the prior official action of the municipality

1 evidencing an intent to pay or cause to be paid such
2 business district project costs. A municipality is not
3 required to obtain any right, title, or interest in any
4 real or personal property in order to pay business
5 district project costs associated with such property. The
6 municipality shall adopt such accounting procedures as
7 shall be necessary to determine that such business
8 district project costs are properly paid.

9 (8.5) Utilize up to 1% of the revenue from a business
10 district retailers' occupation tax and service occupation
11 tax imposed under paragraph (10) and a hotel operators'
12 occupation tax under paragraph (11) of Section 11-74.3-3
13 in connection with one business district for eligible
14 costs in another business district that is:

15 (A) contiguous to the business district from which
16 the revenues are received;

17 (B) separated only by a public right of way from
18 the business district from which the revenues are
19 received; or

20 (C) separated only by forest preserve property
21 from the business district from which the revenues are
22 received if the closest boundaries of the business
23 districts that are separated by the forest preserve
24 property are less than one mile apart.

25 (9) To apply for and accept grants, guarantees,
26 donations of property or labor or any other thing of value

1 for use in connection with a business district project.

2 (10) If the municipality has by ordinance found and
3 determined that the business district is a blighted area
4 under this Law, to impose a retailers' occupation tax and
5 a service occupation tax in the business district for the
6 planning, execution, and implementation of business
7 district plans and to pay for business district project
8 costs as set forth in the business district plan approved
9 by the municipality.

10 (11) If the municipality has by ordinance found and
11 determined that the business district is a blighted area
12 under this Law, to impose a hotel operators' occupation
13 tax in the business district for the planning, execution,
14 and implementation of business district plans and to pay
15 for the business district project costs as set forth in
16 the business district plan approved by the municipality.

17 (Source: P.A. 99-452, eff. 1-1-16.)