



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5305

Introduced 1/25/2006, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

New Act

Creates the Chanute-Rantoul National Aviation Center Redevelopment Commission and sets forth its territorial jurisdiction in the area formerly known as Chanute Air Force Base. Provides that the Commission is comprised of 7 members and 4 ex-officio members. Contains provisions concerning the powers and duties of the Commission. Allows the Commission to acquire, own, sell, lease, or dispose of property interests and to issue revenue bonds and notes. Contains other provisions. Effective immediately.

LRB094 18679 HLH 54259 b

FISCAL NOTE ACT
MAY APPLY

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 1. Short title. This Act may be cited as the
5 Chanute-Rantoul National Aviation Center Redevelopment
6 Commission Act.

7 Section 5. Purpose. The purpose of this Act is to
8 facilitate and promote the economic and environmental
9 redevelopment of the area formerly known as Chanute Air Force
10 Base.

11 Section 10. Definitions. In this Act:

12 "Aviation Center" means the Rantoul National Aviation
13 Center Airport.

14 "Board" means the Board of Directors of the Chanute-Rantoul
15 National Aviation Center Redevelopment Commission.

16 "Commercial project" means any project, including, but not
17 limited to, one or more buildings and other structures,
18 improvements, machinery, and equipment whether or not on the
19 same site, suitable for use by any retail or wholesale concern,
20 distributorship, or agency, any cultural facilities of a
21 for-profit or not-for-profit type, including, but not limited
22 to, educational, theatrical, recreational, and entertainment
23 facilities, sports facilities, racetracks, stadiums,
24 convention centers, exhibition halls, arenas, opera houses,
25 theaters, swimming pools, restaurants, velodromes, coliseums,
26 sports training facilities, parking facilities, terminals,
27 terminal facilities, hotels and motels, gymnasiums, and
28 medical facilities.

29 "Commission" means the Chanute-Rantoul National Aviation
30 Center Redevelopment Commission.

31 "Comprehensive plan" means a plan (which may include

1 several redevelopment plans) setting forth a comprehensive
2 process or scheme for the redevelopment of the area within the
3 territorial jurisdiction of the Commission.

4 "Construct or acquire" means to plan, design, build,
5 reconstruct, improve, modify, extend, landscape, expand or
6 obtain possession of property by way of gift or purchase.

7 "Industrial project" means (1) a capital project,
8 including one or more buildings and other structures,
9 improvements, machinery, and equipment, whether or not on the
10 same site, suitable for use by any manufacturing, industrial,
11 research, transportation, or commercial enterprise including
12 but not limited to use as a factory, mill, processing plant,
13 assembly plant, packaging plant, fabricating plant, office
14 building, industrial distribution center, warehouse, repair,
15 overhaul, or service facility, freight terminal, research
16 facility, test facility, railroad facility, solid waste and
17 wastewater treatment and disposal sites and other pollution
18 control facilities, resource or waste reduction, recovery,
19 treatment, and disposal facilities, including the sites and
20 other rights in land therefor, site preparation and landscaping
21 and all appurtenances and facilities incidental thereto such as
22 utilities, access roads, railroad sidings, truck docking, and
23 similar facilities, parking facilities, railroad roadbed,
24 track, trestle, depot, terminal, switching and signaling
25 equipment, or related equipment and other improvements
26 necessary or convenient thereto; or (2) any land, buildings,
27 machinery, or equipment comprising an addition to or
28 renovation, rehabilitation, or improvement of any existing
29 capital project.

30 "Member" means a member of the Board.

31 "Person" includes, without limitation, an individual,
32 corporation, partnership, unincorporated association, and any
33 other legal entity, including a trustee, receiver, assignee, or
34 personal representative of the entity.

35 "Project" means an industrial or commercial project or any
36 combination thereof, provided that all uses fall within one of

1 those categories. The term "project" includes removal of
2 environmental hazards in buildings, demolition of
3 uninhabitable buildings, building and leasing new industrial
4 and commercial ventures, and working with the Village to manage
5 and develop the Aviation Center to support the establishment of
6 an intermodal transportation center. The term "project" also
7 includes all site improvements and new construction involving
8 sidewalks, sewers, solid waste and wastewater treatment and
9 disposal sites and other pollution control facilities,
10 resource or waste reduction, recovery, treatment, and disposal
11 facilities, parks, open spaces, wildlife sanctuaries, streets,
12 highways, and runways.

13 "Redevelopment plan" means any one or more plans approved
14 or adopted by the Commission setting forth programs or
15 procedures for one or more projects and the protection of
16 adjacent areas, and all administrative, funding, and financial
17 details and proposals necessary to effectuate the plan.

18 "Terminal" means a public place, station, or depot for
19 receiving and delivering passengers, baggage, mail, freight,
20 or express matter and any combination thereof in connection
21 with the transportation of persons and property on land, by
22 air, or both.

23 "Terminal facilities" means all land, buildings,
24 structures, improvements, equipment, and appliances useful in
25 the operation of public warehouse, storage, and transportation
26 facilities and industrial, manufacturing, or commercial
27 activities for the accommodation of or in connection with
28 commerce by land.

29 "Village" means the Village of Rantoul.

30 Section 15. Chanute-Rantoul National Aviation Center
31 Redevelopment Commission; creation.

32 (a) The Chanute-Rantoul National Aviation Center
33 Redevelopment Commission is created as a political
34 subdivision, body politic, and municipal corporation of the
35 State. The territorial jurisdiction of the Commission shall

1 extend over all of the 1,400 acres, more or less, under public
2 control, within the area commonly known and described as
3 Chanute Air Force Base, and the entire 2,125 acres of the area
4 commonly known and described as Chanute Air Force Base that is
5 under public control for the purposes of underground
6 infrastructure issues.

7 (b) The governing body of the Commission shall be a Board
8 of Directors consisting of 7 public members appointed by the
9 Village President, with the advice and consent of the Village
10 Board, and the following ex-officio, non-voting members:

11 (1) The Director of Commerce and Economic Opportunity,
12 or his or her designee;

13 (2) The Director of the Illinois Environmental
14 Protection Agency, or his or her designee;

15 (3) The President of the Village of Rantoul, or his or
16 her designee; and

17 (4) The Chair of the Rantoul Plan Commission or another
18 Rantoul Plan Commission member designated to represent the
19 Plan Commission.

20 All public members must reside within East Central
21 Illinois. Five members shall constitute a quorum.

22 All persons appointed as public members must have
23 recognized ability and experience in one or more of the
24 following areas: economic development, finance, banking,
25 industrial development, real estate development,
26 transportation, logistics, community development, or venture
27 capital finance.

28 The members shall elect the following officers from among
29 the public members of the Commission: Chair, Vice-Chair,
30 Treasurer, and Secretary. The officers shall serve for a term
31 prescribed by the Commission.

32 All members of the Commission shall serve without
33 compensation for their services as members but may be
34 reimbursed for all necessary expenses incurred in connection
35 with the performance of their duties as members.

36 (c) The terms of all members shall begin 30 days after the

1 effective date of this Act. Of the initial appointees, one
2 member shall serve for a term of 2 years, 2 members shall serve
3 for a term of 3 years, 2 members shall serve for a term of 4
4 years, and 2 members shall serve for a term of 5 years. All
5 successors shall serve 5-year terms, except in case of an
6 appointment to fill a vacancy. Vacancies occurring among the
7 public members shall be filled for the remainder of the term.

8 (d) The Board shall determine the general policy of the
9 Commission, approve its annual budget, make all
10 appropriations, adopt all resolutions and ordinances providing
11 for the issuance of bonds or notes by the Commission, adopt its
12 bylaws, rules, and regulations, and have such other powers and
13 duties as may be prescribed in this Act.

14 Section 20. Official acts; duty to promote development.

15 (a) All official acts of the Commission shall require the
16 affirmative vote of at least 5 public members.

17 (b) It shall be the duty of the Commission to promote
18 development within the territorial jurisdiction of the
19 Commission. The Commission shall use the powers conferred upon
20 it in this Act to assist in the development, construction, and
21 acquisition of industrial and commercial projects within the
22 territorial jurisdiction of the Commission and shall have the
23 authority to (i) act as public developer in carrying out
24 development programs for the publicly-held properties within
25 the territorial jurisdiction of the Commission; (ii) make
26 available adequate management, administrative, technical,
27 financial, and other assistance necessary for encouraging a
28 defined, organized, planned, scheduled, diversified, and
29 economically, technologically, and environmentally sound
30 community environment within the territorial jurisdiction of
31 the Commission and to do so through the use of management
32 procedures and programs that rely, to the maximum extent
33 possible, on private enterprise; (iii) provide a conduit for
34 the State and federal governments to make their resources
35 available to the Commission; (iv) encourage the fullest use of

1 the economic potential of commercial and industrial building
2 sites at reasonable costs to support the Rantoul National
3 Aviation Center Airport and the goals of any redevelopment area
4 within the territorial jurisdiction of the Commission that was
5 established under Division 74.4 of the Illinois Municipal Code;
6 (v) plan, assist, develop, build and construct, or finance any
7 facility or project that is within the mission of the
8 Commission to enhance the community environment and provide
9 technological management, when requested to do so by the
10 Village.

11 Section 25. Powers.

12 (a) The Commission possesses all the powers of a body
13 corporate necessary and convenient to accomplish the purposes
14 of this Act, including, but not limited to, the following
15 powers:

16 (1) to sue and be sued in its corporate name;

17 (2) to apply for and accept gifts, grants, or loans of
18 funds or property, financial, or other aid from any public
19 agency or private entity;

20 (3) to acquire, hold, sell, lease as lessor or lessee,
21 deal in, lend, transfer, convey, donate or otherwise
22 dispose of real or personal property, or interests in the
23 property, under procedures set by the Commission and for
24 consideration in the best interests of the Rantoul National
25 Aviation Center Airport and the community;

26 (4) to enter into loans, contracts, agreements, and
27 mortgages in any matter connected with any of its corporate
28 purposes and to invest its funds;

29 (5) to implement the comprehensive plan for the
30 redevelopment of the area within the territorial
31 jurisdiction of the Commission that is adopted by the
32 Village and to assist the Village in updating the
33 comprehensive plan;

34 (6) to create, develop, and implement redevelopment
35 plans for the territorial jurisdiction of the Commission,

1 which may include commercial and industrial uses;

2 (7) to prepare, submit, and administer plans, and to
3 participate in projects or intergovernmental agreements,
4 or both, and to create reserves for planning, constructing,
5 reconstructing, acquiring, owning, managing, insuring,
6 leasing, equipping, extending, improving, operating,
7 maintaining, and repairing land and projects that the
8 Commission owns or leases;

9 (8) to provide for the insurance, including
10 self-insurance, of any property or operations of the
11 Commission or its members, directors, and employees,
12 against any risk or hazard, and to indemnify its members,
13 agents, independent contractors, directors, and employees
14 against any risk or hazard;

15 (9) to appoint, retain, employ, and set compensation
16 rates for its agents, independent contractors, and
17 employees to carry out its powers and functions;
18 specifically the administrative officer of the Village
19 shall serve as Executive Director of the Commission, and
20 the Comptroller of the Village shall serve as the Financial
21 Officer of the Commission;

22 (10) to acquire and accept by purchase, lease, gift, or
23 otherwise any property or rights from any persons, any
24 municipal corporation, body politic, or agency of the State
25 or of the federal government or directly from the State or
26 the federal government, useful for the purposes of the
27 Commission, and apply for and accept grants, matching
28 grants, loans, or appropriations from the State or the
29 federal government, or any agency or instrumentality of the
30 State or the federal government to be used for any of the
31 purposes of the Commission, and to enter into any agreement
32 with the State or federal government in relation to those
33 grants, matching grants, loans, or appropriations;

34 (11) to exercise the right of eminent domain by
35 condemnation proceedings, in the manner provided by
36 Article VII of the Illinois Code of Civil Procedure, to

1 acquire private property for the lawful purposes of the
2 Commission or to carry out a comprehensive plan or
3 redevelopment plan;

4 (12) to fix and collect just, reasonable, and
5 nondiscriminatory charges and rents for the use of
6 Commission property and services. The charges collected
7 may be used to defray the reasonable expenses of the
8 Commission and to pay the principal of and the interest on
9 any bonds issued by the Commission;

10 (13) to install, repair, construct, reconstruct, or
11 relocate streets, roads, alleys, sidewalks, utilities, and
12 site improvements essential to the preparation of the area
13 within the territorial jurisdiction of the Commission for
14 use in accordance with the redevelopment plan;

15 (14) to enter into redevelopment agreements with other
16 units of local government relating to sharing taxes and
17 other revenues and sharing, limiting, and transferring
18 land use planning, subdivision, and zoning powers; and

19 (15) to borrow money for the corporate purposes of the
20 Commission and, in evidence of its obligations to repay the
21 borrowing, issue its negotiable revenue bonds or notes for
22 any of its corporate purposes, including, but not limited
23 to, the following: paying for costs of planning,
24 constructing, reconstructing, acquiring, owning, leasing,
25 equipping, or improving any publicly-owned land within the
26 territorial jurisdiction of the Commission, paying
27 interest and principal on bonds, paying for legal,
28 financial, and administrative consulting costs related to
29 any debt financing, and creating reserves.

30 (b) Any financial arrangements made by the Commission must
31 expressly benefit the operations in order to keep the Aviation
32 Center a viable and financially stable entity of the Village of
33 Rantoul.

34 Section 30. Bonds or notes.

35 (a) The Commission shall have the power to issue bonds or

1 notes for the purpose of developing, constructing, acquiring,
2 or improving projects, including, without limitation, those
3 established by business entities locating or expanding
4 property within the territorial jurisdiction of the
5 Commission.

6 (b) Any bonds or notes issued under this Section by the
7 Commission shall be authorized by resolution or ordinance of
8 the Board adopted by the affirmative vote of 5 of the
9 Directors. The action of the Commission authorizing the
10 issuance of the bonds may be effective immediately upon its
11 adoption and shall describe in a general way any project
12 contemplated to be financed by the bonds or notes, set forth
13 the estimated cost of the project, and determine the project's
14 period of usefulness. The authorizing resolution or ordinance
15 shall determine the maturity or maturities of the bonds or
16 notes, the denominations, the rate or rates at which the bonds
17 or notes are to bear interest, and all the other terms and
18 details of the bonds or notes. The bonds or notes may be issued
19 as serial bonds payable in installments or as term bonds with
20 or without sinking fund installments or a combination of the
21 serial bonds and term bonds. All bonds or notes shall mature
22 within the period of estimated usefulness of the project for
23 which the bonds or notes are issued, as determined by the
24 Board, but in any event not more than 50 years from their date
25 of issue. The bonds and notes may bear interest at the rates
26 the resolution or ordinance provides, notwithstanding any
27 other provision of law, and shall be payable at the times
28 determined in the resolution or ordinance. Bonds or notes of
29 the Commission shall be sold in the manner that the Board
30 determines, either at par or at a premium, or at discount.

31 (c) In connection with the issuance of its bonds or notes,
32 the Commission may enter into arrangements to provide
33 additional security and liquidity for its obligations,
34 including but not limited to, municipal bond insurance, letters
35 of credit, lines of credit by which the Commission may borrow
36 funds to pay or redeem its obligations, and purchase or

1 remarketing arrangements for assuring the ability of owners of
2 the obligations to sell or to have redeemed the obligations.
3 The Commission may enter into contracts and may agree to pay
4 fees to persons providing those arrangements, including from
5 bond or note proceeds.

6 (d) The Commission's action authorizing the issuance of
7 bonds or notes may provide that interest rates may vary
8 depending on criteria set forth in the resolution or ordinance,
9 including, but not limited to, variation of interest rates as
10 may be necessary to cause bonds or notes to be remarketable at
11 a price equal to their principal amount, and may provide for
12 appointment of a national banking association, bank trust
13 company, investment banker, or other financial institution to
14 serve as a remarketing agent in that connection.
15 Notwithstanding any other provision of law, the resolution or
16 ordinance of the Commission authorizing the issuance of its
17 bonds or notes may provide that alternative interest rates or
18 provisions will apply when the bonds or notes are held by a
19 person providing a letter of credit or other credit enhancement
20 arrangement for those bonds or notes.

21 (e) The authorization of the issuance of any bonds or notes
22 under this subsection shall constitute a contract with the
23 holders of the bonds and notes. The resolution or ordinance may
24 contain such covenants and restrictions regarding the project
25 and the contracts, the issuance of additional bonds or notes by
26 the Commission, the security for the bonds and notes, and any
27 other matters deemed necessary or advisable by the Board to
28 assure the payment of the bonds or notes of the Commission.

29 (f) The resolution or ordinance authorizing the issuance of
30 bonds or notes by the Commission shall provide for the
31 application of revenues derived from the operation of the
32 Commission's projects, revenues received from its members
33 including revenue from contracts for the use of the
34 Commission's projects, and revenues from its investment
35 earnings to the payment of the operating expenses of the
36 projects; the provision of adequate depreciation, reserve, or

1 replacement funds for the project, planned projects, and bonds
2 or notes; and the payment of principal, premium, and interest
3 on the bonds or notes of the Commission, including amounts for
4 the purchase of the bonds or notes. The resolution or ordinance
5 may provide that revenues of the Commission so derived and
6 other receipts of the Commission which may be applied to those
7 purposes shall be placed in separate funds and used for those
8 purposes and also may provide that revenues not required for
9 those purposes may be used for any proper purpose of the
10 Commission or may be returned to members. Any notes of the
11 Commission may, in addition, be secured by a pledge of proceeds
12 of bonds to be issued by the Commission, as specified in the
13 resolution or ordinance authorizing the issuance of the notes.

14 (g) All bonds and notes of the Commission issued under this
15 subsection shall be revenue bonds or notes. The bonds or notes
16 shall have no claim for payment other than from revenues of the
17 Commission derived from the operation of its projects, revenues
18 received from its members, including from contracts for the use
19 of the Commission's projects, bond or note proceeds, other
20 receipts of the Commission, and investment earnings on the
21 foregoing, all as and to the extent as provided in the
22 resolution or ordinance of the Board authorizing the issuance
23 of the bonds or notes. Bonds or notes issued by the Commission
24 under this Section shall not constitute an indebtedness of the
25 Commission or of any member within the meaning of any
26 constitutional or statutory limitation. It shall be plainly
27 stated on each bond and note that it does not constitute an
28 indebtedness of the Commission or of any member within the
29 meaning of any constitutional or statutory limitation.

30 (h) As long as any bonds or notes of the Commission created
31 under this subsection are outstanding and unpaid, the
32 Commission shall not terminate or dissolve. The Commission
33 shall establish fees and charges for its operations sufficient
34 to provide adequate revenues to meet all of the requirements
35 under its various resolutions authorizing bonds or notes.

36 (i) A holder of any bond or note issued under this

1 subsection may, in any civil action, mandamus, or other
2 proceeding, enforce and compel performance of all duties
3 required to be performed by the Commission as set forth in the
4 authorizing resolution or ordinance, or any members of the
5 Commission or other persons contracting with the Commission in
6 connection with any of the Commission's projects, including the
7 imposition of fees and charges, the collection of sufficient
8 revenues, and the proper application of revenues as provided in
9 this subsection.

10 (j) In addition, the resolution or ordinance authorizing
11 any bonds or notes issued under this subsection may provide for
12 a pledge, assignment, lien, or security interest, for the
13 benefit of the holders of any or all bonds or notes of the
14 Commission, (i) on any and all revenues derived from any
15 contracts for the use of the Commission's projects and
16 investment earnings of the projects, (ii) on any and all
17 revenues received from its members, or (iii) on funds or
18 accounts securing the payment of the bonds or notes as provided
19 in the authorizing resolution. Any such pledge, assignment,
20 lien, or security interest for the benefit of holders of bonds
21 or notes shall be valid and binding from the time the bonds or
22 notes are issued, without any physical delivery or further act,
23 and shall be valid and binding against or before any claims of
24 any other party having any claims of any kind against the
25 Commission irrespective of whether the other parties have
26 notice of the pledge, assignment, lien, or security interest.

27 (k) A resolution or ordinance of the Board authorizing the
28 issuance of bonds or notes under this subsection may provide
29 for the appointment of a corporate trustee for any or all of
30 the bonds or notes, and, in that event, shall prescribe the
31 rights, duties, and powers of the trustee to be exercised for
32 the benefit of the Commission and the protection of the holders
33 of the bonds or notes. The trustee may be any trust company or
34 state or national bank having the power of a trust company
35 within Illinois. The resolution or ordinance may provide for
36 the trustee to hold in trust, invest, and use amounts in funds

1 and accounts created by the resolution or ordinance. The
2 resolution or ordinance may also provide for the assignment and
3 direct payment to the trustee of amounts owed by members and
4 other persons to the Commission under contracts for the use of
5 or access to the Commission's projects, for application by the
6 trustee to the purposes for which the revenues are to be used
7 as provided in this subsection and as provided in the
8 authorizing resolution. Upon receipt of the assignment, the
9 member or other person shall make the assigned payments
10 directly to the trustee.

11 Section 35. Annual report. The Authority shall annually
12 submit a report of its finances to the Auditor General. The
13 Authority shall annually submit a report of its activities to
14 the Governor and to the General Assembly.

15 Section 40. Anti-trust laws; State action exemption; tort
16 immunity; tax exemption. (a) The Commission is hereby
17 expressly made the beneficiary of the provisions of Section 1
18 of the Local Government Antitrust Exemption Act, and the
19 General Assembly intends that the State action exemption to the
20 application of the federal anti-trust laws be fully available
21 to the Commission to the extent its activities are either (i)
22 expressly or by necessary implication authorized by this Act or
23 other Illinois law; or (ii) within traditional areas of local
24 governmental activity.

25 (b) Members of the Commission, and their present and former
26 officers, employees, agents, and independent contractors shall
27 have the same immunities as established by the Local
28 Governmental and Governmental Employees Tort Immunity Act.

29 (c) Property, income, and receipts of or transactions by
30 the Commission shall be exempt from all taxation, the same as
31 if it were the property, income, or transaction of a city or
32 county.

33 Section 45. Commission not to have taxing power. The

1 Commission shall not have power to levy taxes for any purpose
2 whatsoever except as provided with respect to Special Service
3 Districts and Tax Increment Financing Districts.

4 Section 50. Termination of the Commission. If the
5 Commission terminates or dissolves, all assets of the
6 Commission shall revert to the Village.

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