



Sen. Michael Noland

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1 AMENDMENT TO SENATE BILL 1477

2 AMENDMENT NO. _____. Amend Senate Bill 1477 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. "AN ACT concerning local government", approved
5 January 26, 2009, (Public Act 95-1028) is amended by adding
6 Section 999 as follows:

7 (P.A. 95-1028, Sec. 999 new)

8 Sec. 999. Effective date. This Act (Public Act 95-1028)
9 takes effect on the effective date of this amendatory Act of
10 the 96th General Assembly.

11 Section 10. The Illinois Municipal Code is amended by
12 changing Section 11-74.4-4 as follows:

13 (65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)

14 Sec. 11-74.4-4. Municipal powers and duties; redevelopment

1 project areas. A municipality may:

2 (a) The changes made by this amendatory Act of the 91st
3 General Assembly do not apply to a municipality that, (i)
4 before the effective date of this amendatory Act of the 91st
5 General Assembly, has adopted an ordinance or resolution fixing
6 a time and place for a public hearing under Section 11-74.4-5
7 or (ii) before July 1, 1999, has adopted an ordinance or
8 resolution providing for a feasibility study under Section
9 11-74.4-4.1, but has not yet adopted an ordinance approving
10 redevelopment plans and redevelopment projects or designating
11 redevelopment project areas under this Section, until after
12 that municipality adopts an ordinance approving redevelopment
13 plans and redevelopment projects or designating redevelopment
14 project areas under this Section; thereafter the changes made
15 by this amendatory Act of the 91st General Assembly apply to
16 the same extent that they apply to redevelopment plans and
17 redevelopment projects that were approved and redevelopment
18 projects that were designated before the effective date of this
19 amendatory Act of the 91st General Assembly.

20 By ordinance introduced in the governing body of the
21 municipality within 14 to 90 days from the completion of the
22 hearing specified in Section 11-74.4-5 approve redevelopment
23 plans and redevelopment projects, and designate redevelopment
24 project areas pursuant to notice and hearing required by this
25 Act. No redevelopment project area shall be designated unless a
26 plan and project are approved prior to the designation of such

1 area and such area shall include only those contiguous parcels
2 of real property and improvements thereon substantially
3 benefited by the proposed redevelopment project improvements.
4 Upon adoption of the ordinances, the municipality shall
5 forthwith transmit to the county clerk of the county or
6 counties within which the redevelopment project area is located
7 a certified copy of the ordinances, a legal description of the
8 redevelopment project area, a map of the redevelopment project
9 area, identification of the year that the county clerk shall
10 use for determining the total initial equalized assessed value
11 of the redevelopment project area consistent with subsection
12 (a) of Section 11-74.4-9, and a list of the parcel or tax
13 identification number of each parcel of property included in
14 the redevelopment project area.

15 (b) Make and enter into all contracts with property owners,
16 developers, tenants, overlapping taxing bodies, and others
17 necessary or incidental to the implementation and furtherance
18 of its redevelopment plan and project. Contract provisions
19 concerning loan repayment obligations in contracts entered
20 into on or after the effective date of this amendatory Act of
21 the 93rd General Assembly shall terminate no later than the
22 last to occur of the estimated dates of completion of the
23 redevelopment project and retirement of the obligations issued
24 to finance redevelopment project costs as required by item (3)
25 of subsection (n) of Section 11-74.4-3. Payments received under
26 contracts entered into by the municipality prior to the

1 effective date of this amendatory Act of the 93rd General
2 Assembly that are received after the redevelopment project area
3 has been terminated by municipal ordinance shall be deposited
4 into a special fund of the municipality to be used for other
5 community redevelopment needs within the redevelopment project
6 area.

7 (c) Within a redevelopment project area, acquire by
8 purchase, donation, lease or eminent domain; own, convey,
9 lease, mortgage or dispose of land and other property, real or
10 personal, or rights or interests therein, and grant or acquire
11 licenses, easements and options with respect thereto, all in
12 the manner and at such price the municipality determines is
13 reasonably necessary to achieve the objectives of the
14 redevelopment plan and project. No conveyance, lease,
15 mortgage, disposition of land or other property owned by a
16 municipality, or agreement relating to the development of such
17 municipal property shall be made except upon the adoption of an
18 ordinance by the corporate authorities of the municipality.
19 Furthermore, no conveyance, lease, mortgage, or other
20 disposition of land owned by a municipality or agreement
21 relating to the development of such municipal property shall be
22 made without making public disclosure of the terms of the
23 disposition and all bids and proposals made in response to the
24 municipality's request. The procedures for obtaining such bids
25 and proposals shall provide reasonable opportunity for any
26 person to submit alternative proposals or bids.

1 (d) Within a redevelopment project area, clear any area by
2 demolition or removal of any existing buildings and structures.

3 (e) Within a redevelopment project area, renovate or
4 rehabilitate or construct any structure or building, as
5 permitted under this Act.

6 (f) Install, repair, construct, reconstruct or relocate
7 streets, utilities and site improvements essential to the
8 preparation of the redevelopment area for use in accordance
9 with a redevelopment plan.

10 (g) Within a redevelopment project area, fix, charge and
11 collect fees, rents and charges for the use of any building or
12 property owned or leased by it or any part thereof, or facility
13 therein.

14 (h) Accept grants, guarantees and donations of property,
15 labor, or other things of value from a public or private source
16 for use within a project redevelopment area.

17 (i) Acquire and construct public facilities within a
18 redevelopment project area, as permitted under this Act.

19 (j) Incur project redevelopment costs and reimburse
20 developers who incur redevelopment project costs authorized by
21 a redevelopment agreement; provided, however, that on and after
22 the effective date of this amendatory Act of the 91st General
23 Assembly, no municipality shall incur redevelopment project
24 costs (except for planning costs and any other eligible costs
25 authorized by municipal ordinance or resolution that are
26 subsequently included in the redevelopment plan for the area

1 and are incurred by the municipality after the ordinance or
2 resolution is adopted) that are not consistent with the program
3 for accomplishing the objectives of the redevelopment plan as
4 included in that plan and approved by the municipality until
5 the municipality has amended the redevelopment plan as provided
6 elsewhere in this Act.

7 (k) Create a commission of not less than 5 or more than 15
8 persons to be appointed by the mayor or president of the
9 municipality with the consent of the majority of the governing
10 board of the municipality. Members of a commission appointed
11 after the effective date of this amendatory Act of 1987 shall
12 be appointed for initial terms of 1, 2, 3, 4 and 5 years,
13 respectively, in such numbers as to provide that the terms of
14 not more than 1/3 of all such members shall expire in any one
15 year. Their successors shall be appointed for a term of 5
16 years. The commission, subject to approval of the corporate
17 authorities may exercise the powers enumerated in this Section.
18 The commission shall also have the power to hold the public
19 hearings required by this division and make recommendations to
20 the corporate authorities concerning the adoption of
21 redevelopment plans, redevelopment projects and designation of
22 redevelopment project areas.

23 (l) Make payment in lieu of taxes or a portion thereof to
24 taxing districts. If payments in lieu of taxes or a portion
25 thereof are made to taxing districts, those payments shall be
26 made to all districts within a project redevelopment area on a

1 basis which is proportional to the current collections of
2 revenue which each taxing district receives from real property
3 in the redevelopment project area.

4 (m) Exercise any and all other powers necessary to
5 effectuate the purposes of this Act.

6 (n) If any member of the corporate authority, a member of a
7 commission established pursuant to Section 11-74.4-4(k) of
8 this Act, or an employee or consultant of the municipality
9 involved in the planning and preparation of a redevelopment
10 plan, or project for a redevelopment project area or proposed
11 redevelopment project area, as defined in Sections
12 11-74.4-3(i) through (k) of this Act, owns or controls an
13 interest, direct or indirect, in any property included in any
14 redevelopment area, or proposed redevelopment area, he or she
15 shall disclose the same in writing to the clerk of the
16 municipality, and shall also so disclose the dates and terms
17 and conditions of any disposition of any such interest, which
18 disclosures shall be acknowledged by the corporate authorities
19 and entered upon the minute books of the corporate authorities.
20 If an individual holds such an interest then that individual
21 shall refrain from any further official involvement in regard
22 to such redevelopment plan, project or area, from voting on any
23 matter pertaining to such redevelopment plan, project or area,
24 or communicating with other members concerning corporate
25 authorities, commission or employees concerning any matter
26 pertaining to said redevelopment plan, project or area.

1 Furthermore, no such member or employee shall acquire of any
2 interest direct, or indirect, in any property in a
3 redevelopment area or proposed redevelopment area after either
4 (a) such individual obtains knowledge of such plan, project or
5 area or (b) first public notice of such plan, project or area
6 pursuant to Section 11-74.4-6 of this Division, whichever
7 occurs first. For the purposes of this subsection, a property
8 interest acquired in a single parcel of property by a member of
9 the corporate authority, which property is used exclusively as
10 the member's primary residence, shall not be deemed to
11 constitute an interest in any property included in a
12 redevelopment area or proposed redevelopment area that was
13 established before December 31, 1989, but the member must
14 disclose the acquisition to the municipal clerk under the
15 provisions of this subsection. A single property interest
16 acquired within one year after the effective date of this
17 amendatory Act of the 94th General Assembly or 2 years after
18 the effective date of this amendatory Act of the 96th General
19 Assembly by a member of the corporate authority does not
20 constitute an interest in any property included in any
21 redevelopment area or proposed redevelopment area, regardless
22 of when the redevelopment area was established, if (i) the
23 property is used exclusively as the member's primary residence,
24 (ii) the member discloses the acquisition to the municipal
25 clerk under the provisions of this subsection, (iii) the
26 acquisition is for fair market value, (iv) the member acquires

1 the property as a result of the property being publicly
2 advertised for sale, and (v) the member refrains from voting
3 on, and communicating with other members concerning, any matter
4 when the benefits to the redevelopment project or area would be
5 significantly greater than the benefits to the municipality as
6 a whole. For the purposes of this subsection, a month-to-month
7 leasehold interest in a single parcel of property by a member
8 of the corporate authority shall not be deemed to constitute an
9 interest in any property included in any redevelopment area or
10 proposed redevelopment area, but the member must disclose the
11 interest to the municipal clerk under the provisions of this
12 subsection.

13 (o) Create a Tax Increment Economic Development Advisory
14 Committee to be appointed by the Mayor or President of the
15 municipality with the consent of the majority of the governing
16 board of the municipality, the members of which Committee shall
17 be appointed for initial terms of 1, 2, 3, 4 and 5 years
18 respectively, in such numbers as to provide that the terms of
19 not more than 1/3 of all such members shall expire in any one
20 year. Their successors shall be appointed for a term of 5
21 years. The Committee shall have none of the powers enumerated
22 in this Section. The Committee shall serve in an advisory
23 capacity only. The Committee may advise the governing Board of
24 the municipality and other municipal officials regarding
25 development issues and opportunities within the redevelopment
26 project area or the area within the State Sales Tax Boundary.

1 The Committee may also promote and publicize development
2 opportunities in the redevelopment project area or the area
3 within the State Sales Tax Boundary.

4 (p) Municipalities may jointly undertake and perform
5 redevelopment plans and projects and utilize the provisions of
6 the Act wherever they have contiguous redevelopment project
7 areas or they determine to adopt tax increment financing with
8 respect to a redevelopment project area which includes
9 contiguous real property within the boundaries of the
10 municipalities, and in doing so, they may, by agreement between
11 municipalities, issue obligations, separately or jointly, and
12 expend revenues received under the Act for eligible expenses
13 anywhere within contiguous redevelopment project areas or as
14 otherwise permitted in the Act.

15 (q) Utilize revenues, other than State sales tax increment
16 revenues, received under this Act from one redevelopment
17 project area for eligible costs in another redevelopment
18 project area that is:

19 (i) contiguous to the redevelopment project area from
20 which the revenues are received;

21 (ii) separated only by a public right of way from the
22 redevelopment project area from which the revenues are
23 received; or

24 (iii) separated only by forest preserve property from
25 the redevelopment project area from which the revenues are
26 received if the closest boundaries of the redevelopment

1 project areas that are separated by the forest preserve
2 property are less than one mile apart.

3 Utilize tax increment revenues for eligible costs that are
4 received from a redevelopment project area created under the
5 Industrial Jobs Recovery Law that is either contiguous to, or
6 is separated only by a public right of way from, the
7 redevelopment project area created under this Act which
8 initially receives these revenues. Utilize revenues, other
9 than State sales tax increment revenues, by transferring or
10 loaning such revenues to a redevelopment project area created
11 under the Industrial Jobs Recovery Law that is either
12 contiguous to, or separated only by a public right of way from
13 the redevelopment project area that initially produced and
14 received those revenues; and, if the redevelopment project area
15 (i) was established before the effective date of this
16 amendatory Act of the 91st General Assembly and (ii) is located
17 within a municipality with a population of more than 100,000,
18 utilize revenues or proceeds of obligations authorized by
19 Section 11-74.4-7 of this Act, other than use or occupation tax
20 revenues, to pay for any redevelopment project costs as defined
21 by subsection (q) of Section 11-74.4-3 to the extent that the
22 redevelopment project costs involve public property that is
23 either contiguous to, or separated only by a public right of
24 way from, a redevelopment project area whether or not
25 redevelopment project costs or the source of payment for the
26 costs are specifically set forth in the redevelopment plan for

1 the redevelopment project area.

2 (r) If no redevelopment project has been initiated in a
3 redevelopment project area within 7 years after the area was
4 designated by ordinance under subsection (a), the municipality
5 shall adopt an ordinance repealing the area's designation as a
6 redevelopment project area; provided, however, that if an area
7 received its designation more than 3 years before the effective
8 date of this amendatory Act of 1994 and no redevelopment
9 project has been initiated within 4 years after the effective
10 date of this amendatory Act of 1994, the municipality shall
11 adopt an ordinance repealing its designation as a redevelopment
12 project area. Initiation of a redevelopment project shall be
13 evidenced by either a signed redevelopment agreement or
14 expenditures on eligible redevelopment project costs
15 associated with a redevelopment project.

16 (Source: P.A. 93-298, eff. 7-23-03; 93-961, eff. 1-1-05;
17 93-1098, eff. 1-1-06; 94-1013, eff. 1-1-07.)

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