96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1553

Introduced 2/18/2009, by Sen. Dan Rutherford

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-74.4-3.5

Amends the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code. Provides that the redevelopment project in the TIF district created by an ordinance that was adopted on September 9, 1999 by the Village of Downs must be completed by December 31 of the 35th year (now, the 23rd year) after the year in which the ordinance was adopted. Makes revisory changes. Contains a non-acceleration clause. Effective immediately.

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FISCAL NOTE ACT MAY APPLY HOUSING AFFORDABILITY IMPACT NOTE ACT MAY APPLY

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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 11-74.4-3.5 as follows:

6 (65 ILCS 5/11-74.4-3.5)

(Text of Section before amendment by P.A. 95-1028)

8 Sec. 11-74.4-3.5. Completion dates for redevelopment 9 projects.

(a) Unless otherwise stated in this Section, the estimated 10 11 dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs 12 (including refunding bonds under Section 11-74.4-7) may not be 13 14 later than December 31 of the year in which the payment to the municipal treasurer, as provided in subsection (b) of Section 15 16 11-74.4-8 of this Act, is to be made with respect to ad valorem 17 taxes levied in the 23rd calendar year after the year in which the ordinance approving the redevelopment project area was 18 19 adopted if the ordinance was adopted on or after January 15, 20 1981.

(b) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 33rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted, if the ordinance was adopted on May 20, 1985 by the Village of Wheeling.

8 (c) The estimated dates of completion of the redevelopment 9 project and retirement of obligations issued to finance 10 redevelopment project costs (including refunding bonds under 11 Section 11-74.4-7) may not be later than December 31 of the 12 year in which the payment to the municipal treasurer as 13 provided in subsection (b) of Section 11-74.4-8 of this Act is 14 to be made with respect to ad valorem taxes levied in the 35th 15 calendar year after the year in which the ordinance approving 16 the redevelopment project area was adopted:

17 (1) if the ordinance was adopted before January 15,18 1981;

19 (2) if the ordinance was adopted in December 1983,
20 April 1984, July 1985, or December 1989;

(3) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport;

24 (4) if the ordinance was adopted before January 1, 1987
25 by a municipality in Mason County;

26

(5) if the municipality is subject to the Local

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1 2 Government Financial Planning and Supervision Act or the Financially Distressed City Law;

3 4 (6) if the ordinance was adopted in December 1984 by the Village of Rosemont;

5 (7) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at 6 7 least \$250,000 of tax increment bonds were authorized on 8 June 17, 1997, or if the ordinance was adopted on December 9 31, 1986 by a municipality with a population in 1990 of 10 less than 3,600 that is located in a county with a 11 population in 1990 of less than 34,000 and for which at 12 least \$250,000 of tax increment bonds were authorized on 13 June 17, 1997;

14 (8) if the ordinance was adopted on October 5, 1982 by
15 the City of Kankakee, or if the ordinance was adopted on
16 December 29, 1986 by East St. Louis;

17 (9) if the ordinance was adopted on November 12, 1991
18 by the Village of Sauget;

(10) if the ordinance was adopted on February 11, 1985by the City of Rock Island;

(11) if the ordinance was adopted before December 18,
1986 by the City of Moline;

23 (12) if the ordinance was adopted in September 1988 by
24 Sauk Village;

(13) if the ordinance was adopted in October 1993 by
Sauk Village;

1	(14) if the ordinance was adopted on December 29, 1986
2	by the City of Galva;
3	(15) if the ordinance was adopted in March 1991 by the
4	City of Centreville;
5	(16) if the ordinance was adopted on January 23, 1991
6	by the City of East St. Louis;
7	(17) if the ordinance was adopted on December 22, 1986
8	by the City of Aledo;
9	(18) if the ordinance was adopted on February 5, 1990
10	by the City of Clinton;
11	(19) if the ordinance was adopted on September 6, 1994
12	by the City of Freeport;
13	(20) if the ordinance was adopted on December 22, 1986
14	by the City of Tuscola;
15	(21) if the ordinance was adopted on December 23, 1986
16	by the City of Sparta;
17	(22) if the ordinance was adopted on December 23, 1986
18	by the City of Beardstown;
19	(23) if the ordinance was adopted on April 27, 1981,
20	October 21, 1985, or December 30, 1986 by the City of
21	Belleville;
22	(24) if the ordinance was adopted on December 29, 1986
23	by the City of Collinsville;
24	(25) if the ordinance was adopted on September 14, 1994
25	by the City of Alton;
26	(26) if the ordinance was adopted on November 11, 1996

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1	by the City of Lexington;
2	(27) if the ordinance was adopted on November 5, 1984
3	by the City of LeRoy;
4	(28) if the ordinance was adopted on April 3, 1991 or
5	June 3, 1992 by the City of Markham;
6	(29) if the ordinance was adopted on November 11, 1986
7	by the City of Pekin;
8	(30) if the ordinance was adopted on December 15, 1981
9	by the City of Champaign;
10	(31) if the ordinance was adopted on December 15, 1986
11	by the City of Urbana;
12	(32) if the ordinance was adopted on December 15, 1986
13	by the Village of Heyworth;
14	(33) if the ordinance was adopted on February 24, 1992
15	by the Village of Heyworth;
16	(34) if the ordinance was adopted on March 16, 1995 by
17	the Village of Heyworth;
18	(35) if the ordinance was adopted on December 23, 1986
19	by the Town of Cicero;
20	(36) if the ordinance was adopted on December 30, 1986
21	by the City of Effingham;
22	(37) if the ordinance was adopted on May 9, 1991 by the
23	Village of Tilton;
24	(38) if the ordinance was adopted on October 20, 1986
25	by the City of Elmhurst;
26	(39) if the ordinance was adopted on January 19, 1988

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1	by the City of Waukegan;
2	(40) if the ordinance was adopted on September 21, 1998
3	by the City of Waukegan;
4	(41) if the ordinance was adopted on December 31, 1986
5	by the City of Sullivan;
6	(42) if the ordinance was adopted on December 23, 1991
7	by the City of Sullivan;
8	(43) if the ordinance was adopted on December 31, 1986
9	by the City of Oglesby;
10	(44) if the ordinance was adopted on July 28, 1987 by
11	the City of Marion;
12	(45) if the ordinance was adopted on April 23, 1990 by
13	the City of Marion;
14	(46) if the ordinance was adopted on August 20, 1985 by
15	the Village of Mount Prospect;
16	(47) if the ordinance was adopted on February 2, 1998
17	by the Village of Woodhull;
18	(48) if the ordinance was adopted on April 20, 1993 by
19	the Village of Princeville;
20	(49) if the ordinance was adopted on July 1, 1986 by
21	the City of Granite City;
22	(50) if the ordinance was adopted on February 2, 1989
23	by the Village of Lombard;
24	(51) if the ordinance was adopted on December 29, 1986
25	by the Village of Gardner;
26	(52) if the ordinance was adopted on July 14, 1999 by

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1	the Village of Paw Paw;
2	(53) if the ordinance was adopted on November 17, 1986
3	by the Village of Franklin Park;
4	(54) if the ordinance was adopted on November 20, 1989
5	by the Village of South Holland;
6	(55) if the ordinance was adopted on July 14, 1992 by
7	the Village of Riverdale;
8	(56) if the ordinance was adopted on December 29, 1986
9	by the City of Galesburg;
10	(57) if the ordinance was adopted on April 1, 1985 by
11	the City of Galesburg;
12	(58) if the ordinance was adopted on May 21, 1990 by
13	the City of West Chicago;
14	(59) if the ordinance was adopted on December 16, 1986
15	by the City of Oak Forest;
16	(60) if the ordinance was adopted in 1999 by the City
17	of Villa Grove;
18	(61) if the ordinance was adopted on January 13, 1987
19	by the Village of Mt. Zion;
20	(62) if the ordinance was adopted on December 30, 1986
21	by the Village of Manteno;
22	(63) if the ordinance was adopted on April 3, 1989 by
23	the City of Chicago Heights;
24	(64) if the ordinance was adopted on January 6, 1999 by
25	the Village of Rosemont;
26	(65) if the ordinance was adopted on December 19, 2000

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by the Village of Stone Park; 1 2 (66) if the ordinance was adopted on December 22, 1986 3 by the City of DeKalb; or 4 (67) if the ordinance was adopted on December 2, 1986 5 by the City of Aurora;-(68) (67) if the ordinance was adopted on December 31, 6 7 1986 by the Village of Milan; or 8 (69) (68) if the ordinance was adopted on September 8, 9 1994 by the City of West Frankfort;-10 (70) if the ordinance was adopted on December 23, 1986 11 by the Village of Libertyville; or 12 (72) if the ordinance was adopted on September 9, 1999 13 by the Village of Downs. (d) For redevelopment project areas for which bonds were 14 issued before July 29, 1991, or for which contracts were 15 16 entered into before June 1, 1988, in connection with a 17 redevelopment project in the area within the State Sales Tax estimated dates of completion 18 Boundary, the of the redevelopment project and retirement of obligations to finance 19 20 redevelopment project costs (including refunding bonds under Section 11-74.4-7) may be extended by municipal ordinance to 21 22 December 31, 2013. The termination procedures of subsection (b) 23 of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension 24 25 allowed by Public Act 87-1272 shall not apply to real property 26 tax increment allocation financing under Section 11-74.4-8.

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Those dates, for purposes of real property tax 1 (e) 2 increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project 3 areas that were adopted on or after December 16, 1986 and for 4 5 which at least \$8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 6 1990; provided that the municipality elects to extend the life 7 of the redevelopment project area to 35 years by the adoption 8 9 of an ordinance after at least 14 but not more than 30 days' 10 written notice to the taxing bodies, that would otherwise 11 constitute the joint review board for the redevelopment project 12 area, before the adoption of the ordinance.

13 Those dates, for purposes of real property tax (f) 14 increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project 15 16 areas that were established on or after December 1, 1981 but 17 before January 1, 1982 and for which at least \$1,500,000 worth of tax increment revenue bonds were authorized on or after 18 September 30, 1990 but before July 1, 1991; provided that the 19 20 municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after 21 22 at least 14 but not more than 30 days' written notice to the 23 taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption 24 25 of the ordinance.

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(g) In consolidating the material relating to completion

dates from Sections 11-74.4-3 and 11-74.4-7 into this Section, it is not the intent of the 95th General Assembly to make any substantive change in the law, except for the extension of the completion dates date for the City of Aurora, the Village of Milan, and the City of West Frankfort, and the Village of <u>Libertyville</u> set forth under items item (67), and (68), (69), and (70) of subsection (c) of this Section.

8 (Source: P.A. 95-932, eff. 8-26-08; 95-964, eff. 9-23-08;
9 incorporates P.A. 95-777, eff. 9-22-08; revised 10-14-08.)

(Text of Section after amendment by P.A. 95-1028)

Sec. 11-74.4-3.5. Completion dates for redevelopment projects.

(a) Unless otherwise stated in this Section, the estimated 13 14 dates of completion of the redevelopment project and retirement 15 of obligations issued to finance redevelopment project costs 16 (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the 17 municipal treasurer, as provided in subsection (b) of Section 18 11-74.4-8 of this Act, is to be made with respect to ad valorem 19 taxes levied in the 23rd calendar year after the year in which 20 21 the ordinance approving the redevelopment project area was 22 adopted if the ordinance was adopted on or after January 15, 23 1981.

(b) The estimated dates of completion of the redevelopmentproject and retirement of obligations issued to finance

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redevelopment project costs (including refunding bonds under 1 2 Section 11-74.4-7) may not be later than December 31 of the 3 year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is 4 5 to be made with respect to ad valorem taxes levied in the 33rd 6 calendar year after the year in which the ordinance approving 7 the redevelopment project area was adopted, if the ordinance 8 was adopted on May 20, 1985 by the Village of Wheeling.

9 (c) The estimated dates of completion of the redevelopment 10 project and retirement of obligations issued to finance 11 redevelopment project costs (including refunding bonds under 12 Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as 13 provided in subsection (b) of Section 11-74.4-8 of this Act is 14 15 to be made with respect to ad valorem taxes levied in the 35th 16 calendar year after the year in which the ordinance approving 17 the redevelopment project area was adopted:

18 (1) if the ordinance was adopted before January 15,19 1981;

20 (2) if the ordinance was adopted in December 1983,
21 April 1984, July 1985, or December 1989;

(3) if the ordinance was adopted in December 1987 and
the redevelopment project is located within one mile of
Midway Airport;

(4) if the ordinance was adopted before January 1, 1987
by a municipality in Mason County;

(5) if the municipality is subject to the Local
 Government Financial Planning and Supervision Act or the
 Financially Distressed City Law;

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(6) if the ordinance was adopted in December 1984 by the Village of Rosemont;

(7) if the ordinance was adopted on December 31, 1986 6 7 by a municipality located in Clinton County for which at 8 least \$250,000 of tax increment bonds were authorized on 9 June 17, 1997, or if the ordinance was adopted on December 10 31, 1986 by a municipality with a population in 1990 of 11 less than 3,600 that is located in a county with a 12 population in 1990 of less than 34,000 and for which at 13 least \$250,000 of tax increment bonds were authorized on 14 June 17, 1997;

(8) if the ordinance was adopted on October 5, 1982 by
the City of Kankakee, or if the ordinance was adopted on
December 29, 1986 by East St. Louis;

18 (9) if the ordinance was adopted on November 12, 1991
19 by the Village of Sauget;

20 (10) if the ordinance was adopted on February 11, 1985
21 by the City of Rock Island;

(11) if the ordinance was adopted before December 18,
1986 by the City of Moline;

24 (12) if the ordinance was adopted in September 1988 by
25 Sauk Village;

(13) if the ordinance was adopted in October 1993 by

1	Sauk Village;
2	(14) if the ordinance was adopted on December 29, 1986
3	by the City of Galva;
4	(15) if the ordinance was adopted in March 1991 by the
5	City of Centreville;
6	(16) if the ordinance was adopted on January 23, 1991
7	by the City of East St. Louis;
8	(17) if the ordinance was adopted on December 22, 1986
9	by the City of Aledo;
10	(18) if the ordinance was adopted on February 5, 1990
11	by the City of Clinton;
12	(19) if the ordinance was adopted on September 6, 1994
13	by the City of Freeport;
14	(20) if the ordinance was adopted on December 22, 1986
15	by the City of Tuscola;
16	(21) if the ordinance was adopted on December 23, 1986
17	by the City of Sparta;
18	(22) if the ordinance was adopted on December 23, 1986
19	by the City of Beardstown;
20	(23) if the ordinance was adopted on April 27, 1981,
21	October 21, 1985, or December 30, 1986 by the City of
22	Belleville;
23	(24) if the ordinance was adopted on December 29, 1986
24	by the City of Collinsville;
25	(25) if the ordinance was adopted on September 14, 1994
26	by the City of Alton;

- 14 - LRB096 10849 RLJ 21079 b SB1553 (26) if the ordinance was adopted on November 11, 1996 1 2 by the City of Lexington; (27) if the ordinance was adopted on November 5, 1984 3 by the City of LeRoy; 4 5 (28) if the ordinance was adopted on April 3, 1991 or 6 June 3, 1992 by the City of Markham; 7 (29) if the ordinance was adopted on November 11, 1986 8 by the City of Pekin; 9 (30) if the ordinance was adopted on December 15, 1981 10 by the City of Champaign; 11 (31) if the ordinance was adopted on December 15, 1986 12 by the City of Urbana; 13 (32) if the ordinance was adopted on December 15, 1986 14 by the Village of Heyworth; 15 (33) if the ordinance was adopted on February 24, 1992 16 by the Village of Heyworth; 17 (34) if the ordinance was adopted on March 16, 1995 by 18 the Village of Heyworth; 19 (35) if the ordinance was adopted on December 23, 1986 20 by the Town of Cicero; 21 (36) if the ordinance was adopted on December 30, 1986 22 by the City of Effingham; 23 (37) if the ordinance was adopted on May 9, 1991 by the 24 Village of Tilton; 25 (38) if the ordinance was adopted on October 20, 1986

by the City of Elmhurst;

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1		(39) if the ordinanc	e was ado	opted on	January	19,	1988
2	by	the City of Waukegan;					
3		(40) if the ordinance	e was adop	oted on S	eptember	21,	1998
4	by	the City of Waukegan;					
5		(41) if the ordinance	e was ado	pted on	December	31,	1986
6	by	the City of Sullivan;					
7		(42) if the ordinance	e was ado	pted on	December	23,	1991
8	by	the City of Sullivan;					
9		(43) if the ordinance	e was ado	pted on	December	31,	1986
10	by	the City of Oglesby;					
11		(44) if the ordinanc	e was ado	opted on	July 28,	198	7 by
12	the	e City of Marion;					
13		(45) if the ordinance	e was ado	pted on	April 23,	199	0 by
14	the	e City of Marion;					
15		(46) if the ordinance	e was adop	oted on A	ugust 20,	198	5 by
16	the	e Village of Mount Pros	pect;				
17		(47) if the ordinanc	e was add	opted on	February	2,	1998
18	by	the Village of Woodhul	1;				
19		(48) if the ordinance	e was ado	pted on	April 20,	199	3 by
20	the	e Village of Princevill	e;				
21		(49) if the ordinanc	ce was ad	opted on	July 1,	198	6 by
22	the	e City of Granite City;					
23		(50) if the ordinanc	e was add	opted on	February	2,	1989
24	by	the Village of Lombard	l;				
25		(51) if the ordinance	e was ado	pted on	December	29,	1986
26	by	the Village of Gardner	, ,				

- 16 - LRB096 10849 RLJ 21079 b SB1553 (52) if the ordinance was adopted on July 14, 1999 by 1 2 the Village of Paw Paw; (53) if the ordinance was adopted on November 17, 1986 3 by the Village of Franklin Park; 4 5 (54) if the ordinance was adopted on November 20, 1989 6 by the Village of South Holland; 7 (55) if the ordinance was adopted on July 14, 1992 by 8 the Village of Riverdale; 9 (56) if the ordinance was adopted on December 29, 1986 10 by the City of Galesburg; 11 (57) if the ordinance was adopted on April 1, 1985 by 12 the City of Galesburg; 13 (58) if the ordinance was adopted on May 21, 1990 by 14 the City of West Chicago; 15 (59) if the ordinance was adopted on December 16, 1986 16 by the City of Oak Forest; 17 (60) if the ordinance was adopted in 1999 by the City of Villa Grove; 18 (61) if the ordinance was adopted on January 13, 1987 19 20 by the Village of Mt. Zion; (62) if the ordinance was adopted on December 30, 1986 21 22 by the Village of Manteno; 23 (63) if the ordinance was adopted on April 3, 1989 by 24 the City of Chicago Heights; 25 (64) if the ordinance was adopted on January 6, 1999 by 26 the Village of Rosemont;

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1	(65) if the ordinance was adopted on December 19, 2000
2	by the Village of Stone Park;
3	(66) if the ordinance was adopted on December 22, 1986
4	by the City of DeKalb; or
5	(67) if the ordinance was adopted on December 2, 1986
6	by the City of Aurora <u>;</u> -
7	(68) (67) if the ordinance was adopted on December 31,
8	1986 by the Village of Milan; or
9	(69) (68) if the ordinance was adopted on September 8,
10	1994 by the City of West Frankfort <u>;</u> -
11	(70) if the ordinance was adopted on December 23, 1986
12	by the Village of Libertyville;
13	(71) if the ordinance was adopted on December 22, 1986
14	by the Village of Hoffman Estates; or
15	(72) if the ordinance was adopted on September 9, 1999
16	by the Village of Downs.
17	(d) For redevelopment project areas for which bonds were
18	issued before July 29, 1991, or for which contracts were
	issued before only 23, 1351, of for which concludes were
19	entered into before June 1, 1988, in connection with a
19 20	_
	entered into before June 1, 1988, in connection with a
20	entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax
20 21	entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the
20 21 22	entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance
20 21 22 23	entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs (including refunding bonds under

project areas in 2009 but are required in 2013. The extension allowed by Public Act 87-1272 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

Those dates, for purposes of real property tax 4 (e) 5 increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project 6 areas that were adopted on or after December 16, 1986 and for 7 8 which at least \$8 million worth of municipal bonds were 9 authorized on or after December 19, 1989 but before January 1, 10 1990; provided that the municipality elects to extend the life 11 of the redevelopment project area to 35 years by the adoption 12 of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise 13 14 constitute the joint review board for the redevelopment project 15 area, before the adoption of the ordinance.

16 (f) Those dates, for purposes of real property tax 17 increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project 18 areas that were established on or after December 1, 1981 but 19 20 before January 1, 1982 and for which at least \$1,500,000 worth of tax increment revenue bonds were authorized on or after 21 22 September 30, 1990 but before July 1, 1991; provided that the 23 municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after 24 25 at least 14 but not more than 30 days' written notice to the 26 taxing bodies, that would otherwise constitute the joint review

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board for the redevelopment project area, before the adoption of the ordinance.

(g) In consolidating the material relating to completion 3 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section, 4 5 it is not the intent of the 95th General Assembly to make any substantive change in the law, except for the extension of the 6 7 completion dates date for the City of Aurora, the Village of Milan, and the City of West Frankfort, the Village of 8 9 Libertyville, and the Village of Hoffman Estates set forth 10 under items item (67), and (68), (69), (70), and (71) of 11 subsection (c) of this Section.

12 (Source: P.A. 95-932, eff. 8-26-08; 95-964, eff. 9-23-08; 13 incorporates P.A. 95-777, eff. 9-22-08, and 95-1028, eff. 14 1-1-10; revised 1-27-09.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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