



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2089

Introduced 2/25/2005, by Sen. Kimberly A. Lightford - Dan Cronin - Don Harmon - James A. DeLeo

SYNOPSIS AS INTRODUCED:

20 ILCS 3901/13 new
20 ILCS 3901/14 new
20 ILCS 3901/15
20 ILCS 3901/17 new
20 ILCS 3901/20

Amends the Addison Creek Restoration Commission Act. Authorizes the Addison Creek Restoration Commission to acquire, sell, or exchange real property, to accept loans and advances, to levy taxes, and to borrow money and issue bonds. Effective July 1, 2005.

LRB094 08852 MKM 39071 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning State government.

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

4 Section 5. The Addison Creek Restoration Commission Act is
5 amended by changing Sections 15 and 20 and by adding Sections
6 13, 14, and 17 as follows:

7 (20 ILCS 3901/13 new)

8 Sec. 13. Acquisition of property. The Commission shall have
9 the power to acquire by gift, purchase, eminent domain, or
10 legacy the fee simple title to real property located within the
11 boundaries of the Commission, including temporary and
12 permanent easements, as well as reversionary interests in the
13 streets, alleys and other public places and personal property,
14 required for its purposes, and title thereto shall be taken in
15 the corporate name of the Commission. Any such property that is
16 already devoted to a public use may nevertheless be acquired,
17 provided that no property belonging to the United States of
18 America or the State of Illinois may be acquired without the
19 consent of such governmental unit. All land and appurtenances
20 thereto, acquired or owned by the Commission, are to be deemed
21 acquired or owned for a public use or public purpose.

22 (20 ILCS 3901/14 new)

23 Sec. 14. Sale or exchange of property. The Commission shall
24 have the power to sell, transfer, exchange, vacate, or assign
25 property acquired for the purposes of this Act as it deems
26 appropriate.

27 (20 ILCS 3901/15)

28 (Section scheduled to be repealed on January 1, 2010)

29 Sec. 15. Acceptance of grants, loans, advances, and
30 appropriations. The Commission may apply for and accept

1 grants, loans, advances, and appropriations from the federal
2 government and from the State of Illinois or any agency or
3 instrumentality thereof to be used for the purposes of the
4 Commission and may enter into any agreement in relation to
5 these grants, loans, advances, and appropriations. The
6 Commission may also accept from the State, any State agency,
7 department, or commission, any unit of local government, any
8 railroad, school authority, or jointly therefrom, grants of
9 funds or services for any of the purposes of this Act.

10 (Source: P.A. 93-948, eff. 8-19-04.)

11 (20 ILCS 3901/17 new)

12 Sec. 17. Borrowing money and issuance of bonds. The
13 Commission may incur debt and borrow money from time to time
14 and, in evidence thereof, may issue and sell bonds in such
15 amount or amounts as the Commission may determine to provide
16 funds for carrying out the purposes of this Act, to pay all
17 costs and expenses incident to issuing the bonds, and to refund
18 and refinance, from time to time, bonds so issued and sold, as
19 often as may be deemed to be advantageous by the Commission.
20 Before or at the time of issuing bonds, the Commission shall
21 provide by ordinance for the collection of an annual tax
22 sufficient to pay the interest on the bonds as it falls due and
23 to pay the bonds as they mature.

24 (20 ILCS 3901/20)

25 (Section scheduled to be repealed on January 1, 2010)

26 Sec. 20. Taxing powers.

27 (a) After the first Monday in October and by the first
28 Monday in December in each year, the Commission shall levy the
29 general taxes for the Commission by general categories for the
30 next fiscal year. A certified copy of the levy ordinance shall
31 be filed with the county clerk of each county in which the
32 territory of the Commission is located by the last Tuesday in
33 December each year.

34 (b) The amount of taxes levied for general corporate

1 purposes for a fiscal year may not exceed the rate of .01% of
2 the value, as equalized or assessed by the Department of
3 Revenue, of the taxable property within the territory of the
4 Commission.

5 (c) This tax and tax rate are exclusive of the taxes
6 required for the payment of the principal of and interest on
7 bonds.

8 (d) The rate of tax levied for general corporate purposes
9 may not be initially imposed or thereafter increased unless the
10 board first adopts a resolution authorizing the initial
11 imposition of the tax rate or the increase and publishes notice
12 thereof in a newspaper having general circulation in the
13 territory of the Commission at least once not less than 45 days
14 prior to the effective date of the initial imposition of the
15 tax rate or the increase. The notice shall include a statement
16 of (1) the specific number of voters required to sign a
17 petition requesting that the question of the adoption of the
18 resolution be submitted to the electors of the territory of the
19 Commission; (2) the time in which the petition must be filed;
20 and (3) the date of the prospective referendum. The Commission
21 shall provide a petition form to any individual requesting one.
22 If, no later than 30 days after the publication of the notice,
23 petitions signed by voters of the territory of the Commission
24 equal to 10% or more of the registered voters of the territory
25 of the Commission, as determined by reference to the number of
26 voters registered at the next preceding general election, and
27 residing in the district are presented to the Commission
28 expressing opposition to the imposition of the tax rate or the
29 increase, the proposition must first be certified by the
30 Commission to the proper election officials, who shall submit
31 the proposition to the legal voters of the territory of the
32 Commission at an election in accordance with the general
33 election law and approved by a majority of those voting on the
34 proposition.

35 The rate of the tax levied for general corporate purposes
36 of the Commission may be initially imposed or thereafter

1 increased, up to the maximum rate identified in subsection (b),
2 by the Commission by a resolution calling for the submission of
3 the question of imposing or increasing the rate to the voters
4 of the Commission in accordance with the general election law.
5 The question must be in substantially the following form:

6 Shall the Commission be authorized to establish its
7 general corporate tax rate at (insert rate) on the
8 equalized assessed value on all taxable property located
9 within the territory of the Commission for its general
10 purposes?

11 The ballot must have printed on it, but not as part of the
12 proposition submitted, the following: "The approximate impact
13 of the proposed (tax rate or increase) on the owner of a single
14 family home having a market value of (insert value) would be
15 (insert amount) in the first year of the (tax rate or increase)
16 if the (tax rate or increase) is fully implemented." The ballot
17 may have printed on it, but not as part of the proposition, one
18 or both of the following: "The last tax rate extended for the
19 purposes of the Commission was (insert rate). The last rate
20 increase approved for the purposes of the Commission was in
21 (insert year)." No other information needs to be included on
22 the ballot.

23 The votes must be recorded as "Yes" or "No".

24 If a majority of the electors voting on the question vote
25 in the affirmative, the Commission may thereafter levy the tax.
26 ~~The Commission shall not have the power to levy real property~~
27 ~~taxes for any purpose whatsoever.~~

28 (Source: P.A. 93-948, eff. 8-19-04.)

29 Section 99. Effective date. This Act takes effect July 1,
30 2005.