

Supreme Court of Illinois.
The PEOPLE ex rel. the CITY OF CANTON, Appellee,
v.
Harlan E. **CROUCH**, Mayor, Appellant.
No. 52151.

March 28, 1980.

PER CURIAM:

The mayor of the city of Canton, Harlan E. Crouch, appeals from a judgment of the circuit court of Fulton County entered in a mandamus proceeding brought against the mayor by the city. The petition for a writ of mandamus was filed to compel the mayor to execute two general obligation bonds authorized by a municipal ordinance adopted July 5, 1978. The mayor, in a letter to ****244 ***156** the city council, refused to execute the bonds, stating that he could not because there was some doubt as to the "validity, interpretation, and constitutionality" of the enabling act, the Real Property Tax Increment Allocation Redevelopment Act (hereinafter the Act) (Ill.Rev.Stat.1977, ch. 24, pars. 11-74.4-1 through 11-74.4-11). The circuit court did not agree and, based ***360** upon the pleadings, a stipulation of fact and multiple exhibits, denied the mayor's motion for summary judgment and entered summary judgment in favor of the city....

The issue presented is whether the Act is constitutional. The Act became effective January 10, 1977. Its stated purpose is to eradicate blighted conditions and prevent new ones from occurring. The intent of the Act is to redevelop blighted areas so as to prevent the further deterioration of the tax bases of these areas and to remove the threat to the health, safety, morals and welfare of the public which blighted conditions present. (Ill.Rev.Stat.1977, ch. 24, pars. 11-74.4-2(a), (b).)

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The procedure under the Act authorizes public hearings and, subsequently, the passage of an ordinance designating a redevelopment project area, as defined in section 11-74.4-3(h) (Ill.Rev.Stat.1977, ch. 24, par. 11-74.4-3(h)), and approving a redevelopment plan or project (Ill.Rev.Stat.1977, ch. 24, par. 11-74.4-5). Notice of the hearing is required to be given to property owners within the redevelopment area, both by publication and mailing. (Ill.Rev.Stat.1977, ch. 24, par. 11-74.4-6.) Once an ordinance authorizing a redevelopment plan and project and designating a redevelopment project area is adopted, the municipality is granted a panoply of powers to carry the plan into effect. For example, ***361** the municipality may: make and enter into all necessary or incidental contracts; acquire property by purchase, donation, lease or eminent domain; own, convey, lease, mortgage or otherwise dispose of property; demolish, remove, renovate, rehabilitate or construct any structure or building within a redevelopment project area; incur development costs,

create a commission to exercise powers under the Act; and exercise any and all other powers necessary to effectuate the purposes of the Act.Ill.Rev.Stat.1977, ch. 24, par. 11-74.4-4.

Additionally, the municipality may issue bonds, incur other obligations and pledge the full faith and credit of the municipality as well as the net revenues from, and taxes collected on, the redevelopment project area as collateral for repayment of its obligations. The obligations must have a maturity date not exceeding 20 years. The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to the Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. The debt incurred by a municipality pursuant to the Act is exclusive of any statutory limitation upon the indebtedness a taxing district may incur.Ill.Rev.Stat.1977, ch. 24, par. 11-74.4-7.

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The mayor's penultimate ground for reversal is that specific recommendations for change made by the Governor exceeded the scope of the **amendatory veto** power granted in article IV, section 9(e), of the 1970 Constitution. The recommendations for change, all of which were accepted by the General Assembly, related to, inter alia : the requirement of an estimated completion date for any redevelopment plan; the requirement of an ordinance to authorize each disposition of property; a section requiring the disclosure by municipal officers of any interest in property affected by the redevelopment plan; and the requirement that each taxing district receive notice by mail and publication of all changes in a redevelopment plan, project or area.

[11][12] The **amendatory veto** power of the Governor has arisen in other cases decided by this court. While the power has not been given precise boundaries in these cases, it is possible to say that the power does not extend to the point where the Governor may make a substitution of completely new bills. (People ex rel. Klinger v. Howlett (1972), 50 Ill.2d 242, 249, 278 N.E.2d 84.) Nor does it extend to the point that it may change the fundamental purpose of the legislation, nor make substantial or expansive changes in the legislation. (Continental Illinois National Bank v. Zagel (1979), 78 Ill.2d 387, 36 Ill.Dec. 650, 401 N.E.2d 491.) The constitutional provision authorizes "specific recommendations for change." (Ill.Const.1970, art. IV, sec. 9(e).) It is clear that the power encompasses more than mere proofreading to correct technical errors. It therefore becomes a question of guided discretion to judge whether the changes are less than ***376** fundamental alterations but more than technical corrections. We think the changes made in the act at bar fall within that middle area. They were intended to improve the bill in material ways, yet not to alter its essential purpose and intent. The changes constituted minor enhancements which spoke to the clarity, fairness and practical requirements of the Act. They did not exceed the scope of the Governor's **amendatory veto** power.