



Sen. David Koehler

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1 AMENDMENT TO HOUSE BILL 4545

2 AMENDMENT NO. _____. Amend House Bill 4545 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Illinois Rural Economic Development and Tourism Stimulus Act.

6 Section 10. Purpose. The express purpose of this
7 legislation is to establish a method of enabling the creation
8 of a locally customized program to utilize a palette of
9 economic development incentives already in wide use throughout
10 the State but organized in a unique, locally established
11 district to attract businesses and tourism-related activity to
12 provide stimulation of the local economies of the areas where
13 these districts are formed in order to increase economic
14 development, including jobs and tax revenues of every type, and
15 to improve the quality of life in the areas affected by the
16 unemployment, disinvestment, and population losses that

1 characterize these areas and thereby increase the
2 opportunities for rural Illinois families to remain intact and
3 prosper.

4 Section 15. Definitions.

5 (a) "Special taxing district" means those districts
6 created pursuant to this Act, which are political subdivisions
7 of the State of Illinois.

8 (b) "Board of Directors" means the group of representatives
9 appointed pursuant to the requirements of this Act to serve as
10 a governing body for those districts created pursuant to this
11 Act.

12 Section 20. Enabling authority. The State of Illinois
13 hereby confers to counties the authority to, by majority vote
14 of the county board in which a proposed district would reside,
15 the authority to create certain special taxation districts,
16 which are designed to employ certain economic development
17 incentives currently allowed under State law to address
18 conditions of persistent lack of economic development, chronic
19 underemployment or unemployment, and poverty.

20 Section 25. Requirements. All special taxation districts
21 created pursuant to this Act shall first meet the following
22 economic and employment criteria before they are eligible for
23 consideration and approval by the county board of the county in

1 which the district is proposed to be located:

2 (1) the median income or wage within the county is
3 equal to or less than 60% of the State median;

4 (2) unemployment levels within the county are equal to
5 or greater than 25% of the State median;

6 (3) the percentage of county population living below
7 the poverty level is more than 25% higher than the State
8 average; and

9 (4) the area consists of at least 1,000 acres within
10 the county seeking to institute such a district but lying
11 outside of the corporate limits of any municipality.

12 Notwithstanding any other law to the contrary, territory
13 within a special taxing district created by this Act may not be
14 annexed by another political subdivision of the State and is
15 not subject to extra-territorial applications of existing
16 municipal law.

17 Section 30. Board makeup.

18 (a) A District created by this Act shall be governed by a
19 Board of Directors consisting of 3 members appointed by the
20 county board of the county in which the district is situated.
21 Members must be residents of that county. Of the initial
22 members appointed pursuant to this Section, one shall serve for
23 a 2-year term, one shall serve for a 3-year term, and one shall
24 serve for a 4-year term. Their successors shall be appointed
25 for 4-year terms. Members shall serve without compensation, but

1 may be reimbursed for necessary expenses.

2 (b) The Board of Directors shall:

3 (1) appoint from among its members a Chairman, a
4 Secretary and such other officers as may be necessary to
5 conduct its business;

6 (2) keep and maintain a complete and accurate record of
7 all of its proceedings; the Board is a public body, subject
8 to all laws governing political subdivisions of the State
9 of Illinois;

10 (3) enter into intergovernmental agreements with the
11 county within which it is located for administrative and
12 staff support and meeting accommodations for accomplishing
13 the purposes of the District;

14 (4) enter into contracts and other agreements in the
15 interest of the District or to carry out and accomplish the
16 purposes of this Act, including construction contracts;
17 and

18 (5) contract for consulting, legal, accounting, and
19 other outside professional services, including a contracts
20 with a professional facility management company.

21 Section 35. Powers. A county, by ordinance, may create a
22 special taxation district pursuant to this Act. The District
23 shall have the authority to:

24 (1) collect and provide for the expenditure of that
25 portion of all sales taxes due from licensed economic

1 activities within the District, normally collected by and
2 allocated to the general revenue fund of the county in
3 which the District is located;

4 (2) enter into economic incentive agreements as
5 provided in Section 8-11-20 of the Illinois Municipal Code
6 to allocate utilization of the municipality's share of any
7 non-home rule retailers' occupation taxes generated within
8 the Redevelopment Project Area in accordance with Section
9 8-11-20 of the Illinois Municipal Code;

10 (3) levy and allocate the use of a Municipal Use Tax
11 (infrastructure tax) under procedures described in Section
12 8-11-1.5 of the Illinois Municipal Code;

13 (4) provide for the assessment of and the utilization
14 of a Hotel-Motel tax, not to exceed 5%, as is permitted in
15 Section 8-3-14 of the Illinois Municipal Code;

16 (5) enter into intergovernmental agreements by the
17 affirmative vote of its board of directors;

18 (6) provide for the use of Tax Increment Financing
19 (TIF) to collect property taxes for all real property
20 located within the District for the maximum period
21 allowable under State law;

22 (7) create an Illinois Business District pursuant to
23 the Business District Development and Redevelopment Act;

24 (8) levy and collect additional taxes including, but
25 not limited to, utility taxes and telecommunications taxes
26 on all property owners within the District. Any expenditure

1 of funds collected pursuant to this Act shall only be
2 expended according to a budget approved by a majority vote
3 of the District's Board of Directors. Any subsequent
4 increase in the tax rate must be approved by a majority
5 vote of the District's Board of Directors;

6 (9) levy a special use tax on business activity in the
7 District that is subject to taxation under the law; the tax
8 shall be levied at a rate to be determined by majority vote
9 of the Board of Directors;

10 (10) adopt and use a corporate seal;

11 (11) sue and be sued;

12 (12) adopt administrative rules as necessary to
13 administer and operate the District and any property under
14 its jurisdiction;

15 (13) retain legal counsel and other consultants as
16 necessary to carry out the purposes of the District; and

17 (14) acquire by any lawful means and operate, maintain,
18 encumber and dispose of real and personal property and
19 interests in property. The district shall not have the
20 power of eminent domain.

21 Section 40. Financial provisions. On or before June 30 of
22 each year, the Board shall hold a public hearing to adopt a
23 budget for the following fiscal year that includes:

24 (1) District receipts during the preceding fiscal
25 year;

- 1 (2) expenditures during the preceding fiscal year;
- 2 (3) estimates of amounts necessary for expenses during
- 3 the following fiscal year, including amounts proposed for:
 - 4 (i) costs of planning, constructing, financing,
 - 5 and maintaining the District's facilities; and
 - 6 (ii) administrative costs of the District;
- 7 (4) anticipated revenue to the District from each
- 8 source in the following fiscal year;
- 9 (5) a complete asset and liability statement;
- 10 (6) a statement of profit or loss;
- 11 (7) cash on hand as of the date the budget is adopted
- 12 and the anticipated balance at the end of the current
- 13 fiscal year; and
- 14 (8) a description of the amount and nature of private
- 15 funding and financing committed to the operation of the
- 16 District.

17 Section 45. General fund; investments. Each District
18 established pursuant to this Act shall maintain a general fund
19 and may establish accounts and subaccounts within the general
20 fund as necessary and convenient. All revenues and moneys
21 received by the District shall be deposited in the general
22 fund. The District may invest any unexpended moneys in the fund
23 as provided by State law governing investments by public
24 entities. Interest and other income from investments of monies
25 in any account shall be credited to that account except as

1 otherwise provided by law.

2 The District's investments must mature when the fund assets
3 will be required for the purposes of this Section. If the
4 liquid assets in the fund become insufficient to meet the
5 District's obligations, the Board shall direct the fiscal agent
6 to liquidate sufficient securities to meet all of the current
7 obligations and immediately notify the Auditor General of the
8 insufficiency. The Auditor General shall investigate and audit
9 the circumstances surrounding the depletion of the fund and
10 report the findings to the Board.

11 Section 50. Audit. The Board shall cause an annual audit to
12 be conducted of the District's funds, accounts, and subaccounts
13 by an independent certified public accountant within 120 days
14 after the end of the fiscal year. The Board shall immediately
15 file a certified copy of the audit with the Auditor General and
16 the county board. The Auditor General may make such further
17 audits and examinations as necessary and may take appropriate
18 action relating to the audit or examination pursuant to the
19 Illinois State Auditing Act. If the Auditor General takes no
20 further action within 30 days after the audit is filed, the
21 audit is considered to be sufficient. The Board shall pay
22 negotiated and approved fees and costs of the Certified Public
23 Accountant and Auditor General under this Section.

24 Section 55. Annexation. A district formed under this Act

1 may not be annexed by any other unit of local government
2 without the express approval of the board of commissioners of
3 the district.

4 Section 60. The Counties Code is amended by changing
5 Section 5-1062.3 as follows:

6 (55 ILCS 5/5-1062.3 new)

7 Sec. 5-1062.3. Stormwater management; Peoria.

8 (a) The purpose of this Section is to allow management and
9 mitigation of the effects of urbanization on stormwater
10 drainage in Peoria County and references to "county" in this
11 Section apply only to that county. The purpose of this Section
12 shall be achieved by:

13 (1) Consolidating the existing stormwater management
14 framework into a united, countywide structure.

15 (2) Setting minimum standards for floodplain and
16 stormwater management.

17 (3) Preparing a countywide plan for the management of
18 stormwater runoff, including the management of natural and
19 man-made drainageways. The countywide plan may incorporate
20 watershed plans.

21 (b) A stormwater management planning committee may be
22 established by county board resolution, with its membership
23 consisting of equal numbers of county board and municipal
24 representatives from each county board district, and such other

1 members as may be determined by the county and municipal
2 members. The county board may by ordinance divide the county
3 into not less than 6 areas of approximately equal population,
4 to be used instead of county board districts for the purpose of
5 determining representation on the stormwater management
6 planning committee.

7 The county board members shall be appointed by the chairman
8 of the county board. Municipal members from each county board
9 district or other represented area shall be appointed by a
10 majority vote of the mayors of those municipalities that have
11 the greatest percentage of their respective populations
12 residing in that county board district or other represented
13 area. All municipal and county board representatives shall be
14 entitled to a vote; the other members shall be nonvoting
15 members, unless authorized to vote by the unanimous consent of
16 the municipal and county board representatives. A municipality
17 that is located in more than one county may choose, at the time
18 of formation of the stormwater management planning committee
19 and based on watershed boundaries, to participate in the
20 stormwater management planning program of either or both of the
21 counties. Subcommittees of the stormwater management planning
22 committee may be established to serve a portion of the county
23 or a particular drainage basin that has similar stormwater
24 management needs. The stormwater management planning committee
25 shall adopt bylaws, by a majority vote of the county and
26 municipal members, to govern the functions of the committee and

1 its subcommittees. Officers of the committee shall include a
2 chair and vice chair, one of whom shall be a county
3 representative and one a municipal representative.

4 The principal duties of the committee shall be to develop a
5 stormwater management plan for presentation to and approval by
6 the county board, and to direct the plan's implementation and
7 revision. The committee may retain engineering, legal, and
8 financial advisors and inspection personnel. The committee
9 shall meet at least quarterly and shall hold at least one
10 public meeting during the preparation of the plan and prior to
11 its submittal to the county board. The committee may make
12 grants to units of local government that have adopted an
13 ordinance requiring actions consistent with the stormwater
14 management plan and to landowners for the purposes of
15 stormwater management, including special projects; use of the
16 grant money must be consistent with the stormwater management
17 plan.

18 The committee shall not have or exercise any power of
19 eminent domain.

20 (c) In the preparation of a stormwater management plan, a
21 county stormwater management planning committee shall
22 coordinate the planning process with each adjoining county to
23 ensure that recommended stormwater projects will have no
24 significant impact on the levels or flows of stormwaters in
25 inter-county watersheds or on the capacity of existing and
26 planned stormwater retention facilities. An adopted stormwater

1 management plan shall identify steps taken by the county to
2 coordinate the development of plan recommendations with
3 adjoining counties.

4 (d) The stormwater management committee may not enforce any
5 rules or regulations that would interfere with (i) any power
6 granted by the Illinois Drainage Code (70 ILCS 605/) to
7 operate, construct, maintain, or improve drainage systems or
8 (ii) the ability to operate, maintain, or improve the drainage
9 systems used on or by land or a facility used for production
10 agriculture purposes, as defined in the Use Tax Act (35 ILCS
11 105/), except newly constructed buildings and newly installed
12 impervious paved surfaces. Disputes regarding an exception
13 shall be determined by a mutually agreed upon arbitrator paid
14 by the disputing party or parties.

15 (e) Before the stormwater management planning committee
16 recommends to the county board a stormwater management plan for
17 the county or a portion thereof, it shall submit the plan to
18 the Office of Water Resources of the Department of Natural
19 Resources for review and recommendations. The Office, in
20 reviewing the plan, shall consider such factors as impacts on
21 the levels or flows in rivers and streams and the cumulative
22 effects of stormwater discharges on flood levels. The Office of
23 Water Resources shall determine whether the plan or ordinances
24 enacted to implement the plan complies with the requirements of
25 subsection (f). Within a period not to exceed 60 days, the
26 review comments and recommendations shall be submitted to the

1 stormwater management planning committee for consideration.
2 Any amendments to the plan shall be submitted to the Office for
3 review.

4 (f) Prior to recommending the plan to the county board, the
5 stormwater management planning committee shall hold at least
6 one public hearing thereon and shall afford interested persons
7 an opportunity to be heard. The hearing shall be held in the
8 county seat. Notice of the hearing shall be published at least
9 once no less than 15 days in advance of the hearing in a
10 newspaper of general circulation published in the county. The
11 notice shall state the time and place of the hearing and the
12 place where copies of the proposed plan will be accessible for
13 examination by interested parties. If an affected municipality
14 having a stormwater management plan adopted by ordinance wishes
15 to protest the proposed county plan provisions, it shall appear
16 at the hearing and submit in writing specific proposals to the
17 stormwater management planning committee. After consideration
18 of the matters raised at the hearing, the committee may amend
19 or approve the plan and recommend it to the county board for
20 adoption.

21 The county board may enact the proposed plan by ordinance.
22 If the proposals for modification of the plan made by an
23 affected municipality having a stormwater management plan are
24 not included in the proposed county plan, and the municipality
25 affected by the plan opposes adoption of the county plan by
26 resolution of its corporate authorities, approval of the county

1 plan shall require an affirmative vote of at least two-thirds
2 of the county board members present and voting. If the county
3 board wishes to amend the county plan, it shall submit in
4 writing specific proposals to the stormwater management
5 planning committee. If the proposals are not approved by the
6 committee, or are opposed by resolution of the corporate
7 authorities of an affected municipality having a municipal
8 stormwater management plan, amendment of the plan shall require
9 an affirmative vote of at least two-thirds of the county board
10 members present and voting.

11 (g) The county board may prescribe by ordinance reasonable
12 rules and regulations for floodplain management and for
13 governing the location, width, course, and release rate of all
14 stormwater runoff channels, streams, and basins in the county,
15 in accordance with the adopted stormwater management plan.
16 Land, facilities, and drainage district facilities used for
17 production agriculture as defined in subsection (d) shall not
18 be subjected to regulation by the county board or stormwater
19 management committee under this Section for floodplain
20 management and for governing location, width, course,
21 maintenance, and release rate of stormwater runoff channels,
22 streams and basins, or water discharged from a drainage
23 district. These rules and regulations shall, at a minimum, meet
24 the standards for floodplain management established by the
25 Office of Water Resources and the requirements of the Federal
26 Emergency Management Agency for participation in the National

1 Flood Insurance Program. The Commission may not impose more
2 stringent regulations regarding water quality on entities
3 discharging in accordance with a valid National Pollution
4 Discharge Elimination System permit issued under the
5 Environmental Protection Act.

6 (h) In accordance with, and if recommended in, the adopted
7 stormwater management plan, the county board may adopt a
8 schedule of fees as may be necessary to mitigate the effects of
9 stormwater runoff based on actual costs. The fees shall not
10 exceed the cost of satisfying the onsite stormwater retention
11 or detention requirements of the adopted stormwater management
12 plan. The fees shall be used to finance activities undertaken
13 by the county or its included municipalities to mitigate the
14 effects of urban stormwater runoff by providing regional
15 stormwater retention or detention facilities, as identified in
16 the county plan. The county board shall provide for a credit or
17 reduction in fees for any onsite retention, detention, drainage
18 district assessments, or other similar stormwater facility
19 consistent with the stormwater management ordinance.
20 Developers are exempt from any fees under this Section if the
21 new development satisfies onsite retention or detention
22 pursuant to any other local ordinance addressing erosion,
23 sediment, or stormwater control and Illinois Environmental
24 Protection Agency regulations that place the development into
25 compliance with the National Pollutant Discharge Elimination
26 System (NPDES) permit program at the time of the dedication of

1 public infrastructure. All these fees collected by the county
2 shall be held in a separate fund, and shall be expended only in
3 the watershed within which they were collected.

4 (i) For the purpose of implementing this Section and for
5 the development, design, planning, construction, operation,
6 and maintenance of stormwater facilities provided for in the
7 stormwater management plan, a county board that has established
8 a stormwater management planning committee pursuant to this
9 Section may cause an annual tax of not to exceed 0.20% of the
10 value, as equalized or assessed by the Department of Revenue,
11 of all taxable property in the county to be levied upon all the
12 taxable property in the county or occupation and use taxes of
13 1/10 of one cent. The property tax shall be in addition to all
14 other taxes authorized by law to be levied and collected in the
15 county and shall be in addition to the maximum tax rate
16 authorized by law for general county purposes. The 0.20%
17 limitation provided in this Section may be increased or
18 decreased by referendum in accordance with the provisions of
19 Sections 18-120, 18-125, and 18-130 of the Property Tax Code
20 (35 ILCS 200/).

21 Any revenues generated as a result of ownership or
22 operation of facilities or land acquired with the tax funds
23 collected pursuant to this subsection shall be held in a
24 separate fund and be used either to abate such property tax or
25 for implementing this Section.

26 However, the tax authorized by this subsection shall not be

1 levied until the question of its adoption, either for a
2 specified period or indefinitely, has been submitted to the
3 electors thereof and approved by a majority of those voting on
4 the question. This question may be submitted at any election
5 held in the county after the adoption of a resolution by the
6 county board providing for the submission of the question to
7 the electors of the county. The county board shall certify the
8 resolution and proposition to the proper election officials,
9 who shall submit the proposition at an election in accordance
10 with the general election law. If a majority of the votes cast
11 on the question is in favor of the levy of the tax, it may
12 thereafter be levied in the county for the specified period or
13 indefinitely, as provided in the proposition. The question
14 shall be put in substantially the following form:

15 Shall an annual tax be levied for stormwater management
16 purposes (for a period of not more than years) at a
17 rate not exceeding% of the equalized assessed value
18 of the taxable property of Peoria County?

19 Or this question may be submitted at any election held in the
20 county after the adoption of a resolution by the county board
21 providing for the submission of the question to the electors of
22 the county to authorize use and occupation taxes of 1/10 of one
23 cent:

24 Shall use and occupation taxes be raised for stormwater
25 management purposes (for a period of not more than
26 years) at a rate of 1/10 of one cent for taxable goods in

1 Peoria County?

2 Votes shall be recorded as Yes or No.

3 (j) If the county adopts a property tax in accordance with
4 the provisions in this Section, the stormwater management
5 committee shall offer property tax abatements or incentive
6 payments to property owners who construct, maintain, and use
7 approved stormwater management devices. If the county adopts
8 use and occupation taxes in accordance with the provisions of
9 this Section, the stormwater management committee may offer tax
10 rebates or incentive payments to property owners who construct,
11 maintain, and use approved stormwater management devices. The
12 stormwater management committee is authorized to offer credits
13 to the property tax, if applicable, based on authorized
14 practices consistent with the stormwater management plan and
15 approved by the committee. Expenses of staff of a stormwater
16 management committee that are expended on regulatory project
17 review may be no more than 20% of the annual budget of the
18 committee, including funds raised under subsections (h) and
19 (i).

20 (k) If the county has adopted a county stormwater
21 management plan under this Section it may, after 10 days
22 written notice receiving consent of the owner or occupant,
23 enter upon any lands or waters within the county for the
24 purpose of inspecting stormwater facilities or causing the
25 removal of any obstruction to an affected watercourse. If
26 consent is denied or cannot be reasonably obtained, the county

1 ordinance shall provide a process or procedure for an
2 administrative warrant to be obtained. The county shall be
3 responsible for any damages occasioned thereby.

4 (l) Upon petition of the municipality, and based on a
5 finding of the stormwater management planning committee, the
6 county shall not enforce rules and regulations adopted by the
7 county in any municipality located wholly or partly within the
8 county that has a municipal stormwater management ordinance
9 that is consistent with and at least as stringent as the county
10 plan and ordinance, and is being enforced by the municipal
11 authorities. On issues that the county ordinance is more
12 stringent as deemed by the committee, the county shall only
13 enforce rules and regulations adopted by the county on the more
14 stringent issues and accept municipal permits. The county shall
15 have no more than 60 days to review permits or the permits
16 shall be deemed approved.

17 (m) The county may issue general obligation bonds for
18 implementing any stormwater plan adopted under this Section in
19 the manner prescribed in Section 5-1012; except that the
20 referendum requirement of Section 5-1012 does not apply to
21 bonds issued pursuant to this Section on which the principal
22 and interest are to be paid entirely out of funds generated by
23 the taxes and fees authorized by this Section.

24 (n) The powers authorized by this Section may be
25 implemented by the county board for a portion of the county
26 subject to similar stormwater management needs.

1 (o) The powers and taxes authorized by this Section are in
2 addition to the powers and taxes authorized by Division 5-15;
3 in exercising its powers under this Section, a county shall not
4 be subject to the restrictions and requirements of that
5 Division.

6 (p) A home rule municipality may opt out of this Section by
7 a majority vote of that municipality's governing body.

8 Section 65. The County Economic Development Project Area
9 Property Tax Allocation Act is amended by changing Sections 4
10 and 5 as follows:

11 (55 ILCS 85/4) (from Ch. 34, par. 7004)

12 Sec. 4. Establishment of economic development project
13 area; ordinance; joint review board; notice; hearing; changes
14 in economic development plan; annual reporting requirements.
15 Economic development project areas shall be established as
16 follows:

17 (a) The corporate authorities of Whiteside County may by
18 ordinance propose the establishment of an economic development
19 project area and fix a time and place for a public hearing, and
20 shall submit a certified copy of the ordinance as adopted to
21 the Department.

22 (a-5) After the effective date of this amendatory Act of
23 the 93rd General Assembly, the corporate authorities of
24 Stephenson County may by ordinance propose the establishment of

1 an economic development project area and fix a time and place
2 for a public hearing, and shall submit a certified copy of the
3 ordinance as adopted to the Department.

4 (a-10) The corporate authorities of Grundy County may, by
5 ordinance, propose the establishment of an economic
6 development project and fix a time and place for a public
7 hearing. Upon passage of the ordinance, the corporate
8 authorities of Grundy County shall submit a certified copy of
9 the ordinance, as adopted, to the Department.

10 (a-15) The corporate authorities of Peoria County may, by
11 ordinance, propose the establishment of an economic
12 development project and fix a time and place for a public
13 hearing. Upon passage of the ordinance, the corporate
14 authorities of Peoria County shall submit a certified copy of
15 the ordinance, as adopted, to the Department.

16 (b) Any county which adopts an ordinance which fixes a
17 date, time and place for a public hearing shall convene a joint
18 review board as hereinafter provided. Not less than 45 days
19 prior to the date fixed for the public hearing, the county
20 shall give notice by mailing to the chief executive officer of
21 each affected taxing district having taxable property included
22 in the proposed economic development project area and, if the
23 ordinance is adopted by Stephenson County, the chief executive
24 officer of any municipality within Stephenson County having a
25 population of more than 20,000 that such chief executive
26 officer or his designee is invited to participate in a joint

1 review board. The designee shall serve at the discretion of the
2 chief executive officer of the taxing district for a term not
3 to exceed 2 years. Such notice shall advise each chief
4 executive officer of the date, time and place of the first
5 meeting of such joint review board, which shall occur not less
6 than 30 days prior to the date of the public hearing. Such
7 notice by mail shall be given by depositing such notice in the
8 United States Postal Service by certified mail.

9 At or prior to the first meeting of such joint review board
10 the county shall furnish to any member of such joint review
11 board copies of the proposed economic development plan and any
12 related documents which such member shall reasonably request. A
13 majority of the members of such joint review board present at
14 any meeting shall constitute a quorum. Additional meetings may
15 be called by any member of a joint review board upon the giving
16 of notice not less than 72 hours prior to the date of any
17 additional meeting to all members of the joint review board.
18 The joint review board shall review such information and
19 material as its members reasonably deem relevant to the
20 county's proposals to approve economic development plans and
21 economic development projects and to designate economic
22 development project areas. The county shall provide such
23 information and material promptly upon the request of the joint
24 review board and may also provide administrative support and
25 facilities as the joint review board may reasonably require.

26 Within 30 days of its first meeting, a joint review board

1 shall provide the county with a written report of its review of
2 any proposal to approve an economic development plan and
3 economic development project and to designate an economic
4 development project area. Such written report shall include
5 such information and advisory, nonbinding recommendations as a
6 majority of the members of the joint review board shall deem
7 relevant. Written reports of joint review boards may include
8 information and advisory, nonbinding recommendations provided
9 by a minority of the members thereof. Any joint review board
10 which does not provide such written report within such 30-day
11 period shall be deemed to have recommended that the county
12 proceed with a proposal to approve an economic development plan
13 and economic development project and to designate an economic
14 development project area.

15 (c) Notice of the public hearing shall be given by
16 publication and mailing.

17 (1) Notice by publication shall be given by publication
18 at least twice, the first publication to be not more than
19 30 nor less than 10 days prior to the hearing in a
20 newspaper of general circulation within the taxing
21 districts having property in the proposed economic
22 development project area. Notice by mailing shall be given
23 by depositing such notice together with a copy of the
24 proposed economic development plan in the United States
25 Postal Service by certified mail addressed to the person or
26 persons in whose name the general taxes for the last

1 preceding year were paid on each lot, block, tract, or
2 parcel of land lying within the proposed economic
3 development project area. The notice shall be mailed not
4 less than 10 days prior to the dates set for the public
5 hearing. In the event taxes for the last preceding year
6 were not paid, the notice shall also be sent to the persons
7 last listed on the tax rolls within the preceding 3 years
8 as the owners of the property.

9 (2) The notices issued pursuant to this Section shall
10 include the following:

11 (A) The time and place of public hearing;

12 (B) The boundaries of the proposed economic
13 development project area by legal description and by
14 street location where possible;

15 (C) A notification that all interested persons
16 will be given an opportunity to be heard at the public
17 hearing;

18 (D) An invitation for any person to submit
19 alternative proposals or bids for any proposed
20 conveyance, lease, mortgage or other disposition of
21 land within the proposed economic development project
22 area;

23 (E) A description of the economic development plan
24 or economic development project if a plan or project is
25 a subject matter of the hearing; and

26 (F) Such other matters as the county may deem

1 appropriate.

2 (3) Not less than 45 days prior to the date set for
3 hearing, the county shall give notice by mail as provided
4 in this subsection (c) to all taxing districts of which
5 taxable property is included in the economic development
6 project area, and to the Department. In addition to the
7 other requirements under this subsection (c), the notice
8 shall include an invitation to the Department and each
9 taxing district to submit comments to the county concerning
10 the subject matter of the hearing prior to the date of the
11 hearing.

12 (d) At the public hearing any interested person, the
13 Department or any affected taxing district may file written
14 objections with the county clerk and may be heard orally with
15 respect to any issues embodied in the notice. The county shall
16 hear and determine all alternate proposals or bids for any
17 proposed conveyance, lease, mortgage or other disposition of
18 land and all protests and objections at the hearing, and the
19 hearing may be adjourned to another date without further notice
20 other than a motion to be entered upon the minutes fixing the
21 time and place of the adjourned hearing. Public hearings with
22 regard to an economic development plan, economic development
23 project area, or economic development project may be held
24 simultaneously.

25 (e) At the public hearing, or at any time prior to the
26 adoption by the county of an ordinance approving an economic

1 development plan, the county may make changes in the economic
2 development plan. Changes which (1) alter the exterior
3 boundaries of the proposed economic development project area,
4 (2) substantially affect the general land uses established in
5 the proposed economic development plan, (3) substantially
6 change the nature of the proposed economic development plan,
7 (4) change the general description of any proposed developer,
8 user or tenant of any property to be located or improved within
9 the economic development project area, or (5) change the
10 description of the type, class and number of employees to be
11 employed in the operation of the facilities to be developed or
12 improved within the economic development project area shall be
13 made only after review by joint review board, notice and
14 hearing pursuant to the procedures set forth in this Section.
15 Changes which do not (1) alter the exterior boundaries of a
16 proposed economic development project area, (2) substantially
17 affect the general land uses established in the proposed plan,
18 (3) substantially change the nature of the proposed economic
19 development plan, (4) change the general description of any
20 proposed developer, user or tenant of any property to be
21 located or improved within the economic development project
22 area, or (5) change the description of the type, class and
23 number of employees to be employed in the operation of the
24 facilities to be developed or improved within the economic
25 development project area may be made without further notice or
26 hearing, provided that the county shall give notice of its

1 changes by mail to the Department and to each affected taxing
2 district and by publication in a newspaper or newspapers of
3 general circulation with the affected taxing districts. Such
4 notice by mail and by publication shall each occur not later
5 than 10 days following the adoption by ordinance of such
6 changes.

7 (f) At any time within 90 days of the final adjournment of
8 the public hearing, a county may, by ordinance, approve the
9 economic development plan, establish the economic development
10 project area, and authorize property tax allocation financing
11 for such economic development project area.

12 Any ordinance adopted by Whiteside County which approves
13 the economic development plan shall contain findings that the
14 economic development project is reasonably expected to create
15 or retain not less than 500 full-time equivalent jobs, that
16 private investment in an amount not less than \$25,000,000 is
17 reasonably expected to occur in the economic development
18 project area, that the economic development project will
19 encourage the increase of commerce and industry within the
20 State, thereby reducing the evils attendant upon unemployment
21 and increasing opportunities for personal income, and that the
22 economic development project will increase or maintain the
23 property, sales and income tax bases of the county and of the
24 State.

25 Any ordinance adopted by Grundy County that approves the
26 economic development plan shall contain findings that the

1 economic development project is reasonably expected to create
2 or retain not less than 250 full-time equivalent jobs, that
3 private investment in an amount not less than \$50,000,000 is
4 reasonably expected to occur in the economic development
5 project area, that the economic development project will
6 encourage the increase of commerce and industry within the
7 State, thereby reducing the evils attendant upon unemployment
8 and increasing opportunities for personal income, and that the
9 economic development project will increase or maintain the
10 property, sales, and income tax bases of the county and of the
11 State.

12 Any ordinance adopted by Stephenson County that approves an
13 economic development plan shall contain findings that (i) the
14 economic development project is reasonably expected to create
15 or retain not less than 500 full-time equivalent jobs; (ii)
16 private investment in an amount not less than \$10,000,000 is
17 reasonably expected to occur in the economic development area;
18 (iii) the economic development project will encourage the
19 increase of commerce and industry within the State, thereby
20 reducing the evils attendant upon unemployment and increasing
21 opportunities for personal income; and (iv) the economic
22 development project will increase or maintain the property,
23 sales, and income tax bases of the county and of the State.
24 Before the economic development project area is established by
25 Stephenson County, the following additional conditions must be
26 included in an intergovernmental agreement approved by both the

1 Stephenson County Board and the corporate authorities of the
2 City of Freeport: (i) the corporate authorities of the City of
3 Freeport must concur by resolution with the findings of
4 Stephenson County; (ii) both the corporate authorities of the
5 City of Freeport and the Stephenson County Board shall approve
6 any and all economic or redevelopment agreements and incentives
7 for any economic development project within the economic
8 development area; (iii) any economic development project that
9 receives funds under this Act, except for any economic
10 development project specifically excluded from annexation in
11 the provisions of the intergovernmental agreement, shall agree
12 to and must enter into an annexation agreement with the City of
13 Freeport to annex property included in the economic development
14 project area to the City of Freeport at the first point in time
15 that the property becomes contiguous to the City of Freeport;
16 (iv) the local share of all State occupation and use taxes
17 allocable to the City of Freeport and Stephenson County and
18 derived from commercial projects within the economic
19 development project area shall be equally shared by and between
20 the City of Freeport and Stephenson County for the duration of
21 the economic development project; and (v) any development in
22 the economic development project area shall be built in
23 accordance with the building and related codes of both the City
24 of Freeport and Stephenson County and the City of Freeport
25 shall approve all provisions for water and sewer service.

26 Any ordinance adopted by Peoria County that approves an

1 economic development plan shall contain findings that (i) the
2 economic development project is reasonably expected to create
3 or retain not less than 250 full-time equivalent jobs; (ii)
4 private investment in an amount not less than \$15,000,000 is
5 reasonably expected to occur in the economic development
6 project area; (iii) the economic development project will
7 encourage the increase of commerce and industry within the
8 State, thereby reducing the evils attendant upon unemployment
9 and increasing opportunities for personal income; and (iv) the
10 economic development project will increase or maintain the
11 property, sales, and income tax bases of the county and of the
12 State.

13 The ordinance shall also state that the economic
14 development project area shall not include parcels to be used
15 for purposes of residential development. Any ordinance adopted
16 which establishes an economic development project area shall
17 contain the boundaries of such area by legal description and,
18 where possible, by street location. Any ordinance adopted which
19 authorizes property tax allocation financing shall provide
20 that the ad valorem taxes, if any, arising from the levies upon
21 taxable real property in such economic development project area
22 by taxing districts and tax rates determined in the manner
23 provided in subsection (b) of Section 6 of this Act each year
24 after the effective date of the ordinance until economic
25 development project costs and all county obligations financing
26 economic development project costs incurred under this Act have

1 been paid shall be divided as follows:

2 (1) That portion of taxes levied upon each taxable lot,
3 block, tract or parcel of real property which is
4 attributable to the lower of the current equalized assessed
5 value or the initial equalized assessed value of each such
6 taxable lot, block, tract or parcel of real property in the
7 economic development project area shall be allocated to,
8 and when collected, shall be paid by the county collector
9 to the respective affected taxing districts in the manner
10 required by law in the absence of the adoption of property
11 tax allocation financing.

12 (2) That portion, if any, of such taxes which is
13 attributable to the increase in the current equalized
14 assessed valuation of each taxable lot, block, tract or
15 parcel of real property in the economic development project
16 area over and above the initial equalized assessed value of
17 each property in the economic development project area
18 shall be allocated to and when collected shall be paid to
19 the county treasurer who shall deposit those taxes into a
20 special fund called the special tax allocation fund of the
21 county for the purpose of paying economic development
22 project costs and obligations incurred in the payment
23 thereof.

24 (g) After a county has by ordinance approved an economic
25 development plan and established an economic development
26 project area, the plan may be amended and the boundaries of the

1 area may be altered only as herein provided. Amendments which
2 (1) alter the exterior boundaries of an economic development
3 project area, (2) substantially affect the general land uses
4 established pursuant to the economic development plan, (3)
5 substantially change the nature of the economic development
6 plan, (4) change the general description of any proposed
7 developer, user, or tenant of any property to be located or
8 improved within the economic development project area, or (5)
9 change the description of the type, class and number of
10 employees to be employed in the operation of the facilities to
11 be developed or improved shall be made only after review by a
12 joint review board, notice and hearing pursuant to the
13 procedures set forth in this Section. Amendments which do not
14 (1) alter the exterior boundaries of an economic development
15 project area, (2) substantially affect the general land uses
16 established in the economic development plan, (3)
17 substantially change the nature of the economic development
18 plan, (4) change the description of any proposed developer,
19 user, or tenant of any property to be located or improved
20 within the economic development project area, or (5) change the
21 description of the type, class and number of employees to be
22 employed in the operation of the facilities to be developed or
23 improved within the economic development project area may be
24 made without further hearing or notice, provided that the
25 county shall give notice of any amendment by mail to the
26 Department and to each taxing district and by publication in a

1 newspaper or newspapers of general circulation within the
2 affected taxing districts. Such notices by mail and by
3 publication shall each occur not later than 10 days following
4 the adoption by ordinance of such amendments.

5 (h) After the adoption of an ordinance adopting property
6 tax allocation financing for an economic development project
7 area, the county shall annually report to each taxing district
8 having taxable property within such economic development
9 project area (i) any increase or decrease in the equalized
10 assessed value of the real property located within such
11 economic development project area above or below the initial
12 equalized assessed value of such real property, (ii) that
13 portion, if any, of the ad valorem taxes arising from the
14 levies upon taxable real property in such economic development
15 project area by the taxing districts which is attributable to
16 the increase in the current equalized assessed valuation of
17 each lot, block, tract or parcel of real property in the
18 economic development project area over and above the initial
19 equalized value of each property and which has been allocated
20 to the county in the current year, and (iii) such other
21 information as the county may deem relevant.

22 (i) The county shall give notice by mail as provided in
23 this Section and shall reconvene the joint review board not
24 less than annually for each of the 2 years following its
25 adoption of an ordinance adopting property tax allocation
26 financing for an economic development project area and not less

1 than once in each 3-year period thereafter. The county shall
2 provide such information, and may provide administrative
3 support and facilities as the joint review board may reasonably
4 require for each of such meetings.

5 (Source: P.A. 93-959, eff. 8-20-04; 94-259, eff. 1-1-06.)

6 (55 ILCS 85/5) (from Ch. 34, par. 7005)

7 Sec. 5. Submission to Department; certification by
8 Department.

9 (a) The county shall submit certified copies of any
10 ordinances adopted approving a proposed economic development
11 plan, establishing an economic development project area, and
12 authorizing tax increment allocation financing to the
13 Department, together with (1) a map of the economic development
14 project area, (2) a copy of the economic development plan as
15 approved, (3) an analysis, and any supporting documents and
16 statistics, demonstrating (i) that the economic development
17 project is reasonably expected to create or retain not less
18 than 500 full-time equivalent jobs and (ii) that private
19 investment in the amount of not less than \$25,000,000 for all
20 ordinances adopted by Whiteside County ~~, and~~ in the amount of
21 not less than \$10,000,000 for any ordinance adopted by
22 Stephenson County, and in the amount of not less than
23 \$15,000,000 for any ordinance adopted by Peoria County is
24 reasonably expected to occur in the economic development
25 project area, (4) an estimate of the economic impact of the

1 economic development plan and the use of property tax
2 allocation financing upon the revenues of the county and the
3 affected taxing districts, (5) a record of all public hearings
4 held in connection with the establishment of the economic
5 development project area, and (6) such other information as the
6 Department by regulation may require.

7 (b) Upon receipt of an application from a county the
8 Department shall review the application to determine whether
9 the economic development project area qualifies as an economic
10 development project area under this Act. At its discretion, the
11 Department may accept or reject the application or may request
12 such additional information as it deems necessary or advisable
13 to aid its review. If any such area is found to be qualified to
14 be an economic development project area, the Department shall
15 approve and certify such economic development project area and
16 shall provide written notice of its approval and certification
17 to the county and to the county clerk. In determining whether
18 an economic development project area shall be approved and
19 certified, the Department shall consider (1) whether, without
20 public intervention, the State would suffer substantial
21 economic dislocation, such as relocation of a commercial
22 business or industrial or manufacturing facility to another
23 state, territory or country, or would not otherwise benefit
24 from private investment offering substantial employment
25 opportunities and economic growth, and (2) the impact on the
26 revenues of the county and the affected taxing districts of the

1 use of tax increment allocation financing in connection with
2 the economic development project.

3 (c) On or before July 1, 2007, the Department shall submit
4 to the General Assembly a report detailing the number of
5 economic development project areas it has approved and
6 certified, the number and type of jobs created or retained
7 therein, the aggregate amount of private investment therein,
8 the impact in the revenues of counties and affected taxing
9 districts of the use of property tax allocation financing
10 therein, and such additional information as the Department may
11 determine to be relevant. On July 1, 2009 ~~2008~~ the authority
12 granted hereunder to counties to establish economic
13 development project areas and to adopt property tax allocation
14 financing in connection therewith and to the Department to
15 approve and certify economic development project areas shall
16 expire unless the General Assembly shall have authorized
17 counties and the Department to continue to exercise the powers
18 granted to them under this Act.

19 (Source: P.A. 92-791, eff. 8-6-02; 93-959, eff. 8-20-04.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."