



Filed: 3/4/2004

09300HB6583ham001

LRB093 18627 MKM 48336 a

1 AMENDMENT TO HOUSE BILL 6583

2 AMENDMENT NO. _____. Amend House Bill 6583 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The County Economic Development Project Area
5 Tax Increment Allocation Act of 1991 is amended by changing
6 Section 10 as follows:

7 (55 ILCS 90/10) (from Ch. 34, par. 8010)

8 Sec. 10. Definitions. In this Act, ~~words or terms have the~~
9 ~~following meanings:~~

10 (a) "Economic development plan" means the written plan of a
11 county that sets forth an economic development program for an
12 economic development project area. Each economic development
13 plan shall include but not be limited to (i) estimated economic
14 development project costs, (ii) the sources of funds to pay
15 those costs, (iii) the nature and term of any obligations to be
16 issued by the county to pay those costs, (iv) the most recent
17 equalized assessed valuation of the economic development
18 project area, (v) an estimate of the equalized assessed
19 valuation of the economic development project area after
20 completion of an economic development project, (vi) the
21 estimated date of completion of any economic development
22 project proposed to be undertaken, (vii) a general description
23 of any proposed developer, user, or tenant of any property to
24 be located or improved within the economic development project

1 area, (viii) a description of the type, structure, and general
2 character of the facilities to be developed or improved, (ix) a
3 report, which may be in preliminary form, of an independent
4 engineer, architect, or other professional indicating that any
5 proposed manufacturing, industrial, research, or similar
6 facility included in a proposed economic development project
7 for a proposed economic development project area uses proven
8 technology or uses innovative technology for which there is
9 reasonable evidence of technological feasibility, (x) a
10 description of the general land uses to apply in the economic
11 development project area, (xi) a description of the type,
12 class, and number of employees to be employed in the operation
13 of the facilities to be developed or improved, and (xii) a
14 commitment by the county to fair employment practices and an
15 affirmative action plan with respect to any economic
16 development program to be undertaken by the county.

17 (b) "Economic development project" means any development
18 project in furtherance of the objectives of this Act.

19 (c) "Economic development project area" means any improved
20 or vacant area that (i) is located in a county of significant
21 unemployment as defined in subsection (e) of this Section, (ii)
22 is contiguous, (iii) is not less in the aggregate than 5000
23 acres, (iv) is suitable for siting by a commercial,
24 manufacturing, industrial, research, or transportation
25 enterprise or facilities to include but not be limited to
26 commercial businesses, offices, factories, mills, processing
27 plants, industrial or commercial distribution centers,
28 warehouses, repair overhaul or service facilities, freight
29 terminals, research facilities, test facilities, or
30 transportation facilities, regardless of whether the area has
31 been used at any time for those facilities and regardless of
32 whether the area has been used or is suitable for other uses,
33 including commercial agricultural purposes, and (v) has been
34 approved and certified by the corporate authorities of the

1 county pursuant to this Act.

2 (d) "Economic development project costs" means and
3 includes the total of all reasonable or necessary costs
4 incurred or to be incurred by a county or by a nongovernmental
5 person pursuant to an economic development project, including,
6 without limitation, the following:

7 (1) Costs of studies, surveys, development of plans and
8 specifications, and implementation and administration of
9 an economic development plan and personnel and
10 professional service costs for architectural, engineering,
11 legal, marketing, financial, planning, police, fire,
12 public works, or other services. No charges for
13 professional services, however, may be based on a
14 percentage of incremental tax revenues.

15 (2) Property assembly costs within an economic
16 development project area, including but not limited to
17 acquisition of land and other real or personal property or
18 rights or interests in property.

19 (3) Site preparation costs, including but not limited
20 to clearance of any area within an economic development
21 project area by demolition or removal of any existing
22 buildings, structures, fixtures, utilities, and
23 improvements and clearing and grading; and including
24 installation, repair, construction, reconstruction, or
25 relocation of public streets, public utilities, and other
26 public site improvements located outside the boundaries of
27 an economic development project area that are essential to
28 the preparation of the economic development project area
29 for use in accordance with an economic development plan.

30 (4) Costs of renovation, rehabilitation,
31 reconstruction, relocation, repair, or remodeling of any
32 existing buildings, improvements, and fixtures within an
33 economic development project area.

34 (5) Costs of installation or construction within an

1 economic development project area of any buildings,
2 structures, works, streets, improvements, utilities, or
3 fixtures, whether publicly or privately owned or operated.

4 (6) Financing costs, including but not limited to all
5 necessary and incidental expenses related to the issuance
6 of obligations, payment of any interest on any obligations
7 issued under this Act that accrues during the estimated
8 period of construction of any economic development project
9 for which the obligations are issued and for not more than
10 36 months after that period, and any reasonable reserves
11 related to the issuance of the obligations.

12 (7) All or a portion of a taxing district's capital
13 costs resulting from an economic development project
14 necessarily incurred or estimated to be incurred by a
15 taxing district in the furtherance of the objectives of an
16 economic development project, to the extent that the county
17 by written agreement accepts and approves those costs.

18 (8) Relocation costs to the extent that a county
19 determines that relocation costs shall be paid or is
20 required to pay relocation costs by federal or State law.

21 (9) The estimated tax revenues from real property in an
22 economic development project area acquired by a county
23 that, according to the economic development plan, is to be
24 used for a private use (i) that any taxing district would
25 have received had the county not adopted tax increment
26 allocation financing for an economic development project
27 area and (ii) that would result from the taxing district's
28 levies made after the time of the adoption by the county of
29 tax increment allocation financing to the time the current
30 equalized assessed value of real property in the economic
31 development project area exceeds the total initial
32 equalized value of real property.

33 (10) Costs of rebating ad valorem taxes paid by any
34 developer or other nongovernmental person in whose name the

1 general taxes were paid for the last preceding year on any
2 lot, block, tract, or parcel of land in the economic
3 development project area, provided that:

4 (A) the economic development project area is
5 located in an enterprise zone created under the
6 Illinois Enterprise Zone Act;

7 (B) the ad valorem taxes shall be rebated only in
8 amounts and for a tax year or years as the county and
9 any one or more affected taxing districts have agreed
10 by prior written agreement;

11 (C) any amount of rebate of taxes shall not exceed
12 the portion, if any, of taxes levied by the county or
13 taxing district or districts that is attributable to
14 the increase in the current equalized assessed
15 valuation of each taxable lot, block, tract, or parcel
16 of real property in the economic development project
17 area over and above the initial equalized assessed
18 value of each property existing at the time property
19 tax allocation financing was adopted for the economic
20 development project area; and

21 (D) costs of rebating ad valorem taxes shall be
22 paid by a county solely from the special tax allocation
23 fund established under this Act and shall not be paid
24 from the proceeds of any obligations issued by a
25 county.

26 (11) Costs of job training or advanced vocational or
27 career education, including but not limited to courses in
28 occupational, semi-technical, or technical fields leading
29 directly to employment, incurred by one or more taxing
30 districts, but only if the costs are related to the
31 establishment and maintenance of additional job training,
32 advanced vocational education, or career education
33 programs for persons employed or to be employed by
34 employers located in the economic development project area

1 and only if, when the costs are incurred by a taxing
2 district or taxing districts other than the county, they
3 shall be set forth in a written agreement by or among the
4 county and the taxing district or taxing districts that
5 describes the program to be undertaken, including without
6 limitation the number of employees to be trained, a
7 description of the training and services to be provided,
8 the number and type of positions available or to be
9 available, itemized costs of the program and sources of
10 funds to pay the costs, and the term of the agreement.
11 These costs include, specifically, the payment by
12 community college districts of costs pursuant to Sections
13 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College
14 Act and by school districts of costs pursuant to Sections
15 10-22.20 and 10-23.3a of the School Code.

16 (12) Private financing costs incurred by a developer or
17 other nongovernmental person in connection with an
18 economic development project, provided that:

19 (A) private financing costs shall be paid or
20 reimbursed by a county only pursuant to the prior
21 official action of the county evidencing an intent to
22 pay or reimburse such private financing costs;

23 (B) except as provided in subparagraph (D), the
24 aggregate amount of the costs paid or reimbursed by a
25 county in any one year shall not exceed 30% of the
26 costs paid or incurred by the developer or other
27 nongovernmental person in that year;

28 (C) private financing costs shall be paid or
29 reimbursed by a county solely from the special tax
30 allocation fund established under this Act and shall
31 not be paid from the proceeds of any obligations issued
32 by a county; and

33 (D) if there are not sufficient funds available in
34 the special tax allocation fund in any year to make the

1 payment or reimbursement in full, any amount of the
2 interest costs remaining to be paid or reimbursed by a
3 county shall accrue and be payable when funds are
4 available in the special tax allocation fund to make
5 the payment.

6 (e) "A county with significant unemployment" means a county
7 in which the average annual unemployment rate for the previous
8 calendar year equaled or exceeded 12%. For purposes of this
9 subsection, the unemployment rate of a county shall be the rate
10 as certified by the Illinois Department of Employment Security.

11 (f) "Obligations" means any instrument evidencing the
12 obligation of a county to pay money, including without
13 limitation bonds, notes, installment or financing contracts,
14 certificates, tax anticipation warrants or notes, vouchers,
15 and any other evidence of indebtedness.

16 (g) "Taxing districts" means counties, townships, and
17 school, road, park, sanitary, mosquito abatement, forest
18 preserve, public health, fire protection, river conservancy,
19 tuberculosis sanitarium, and any other districts or other
20 municipal corporations with the power to levy taxes.

21 (Source: P.A. 87-1.)".