



Sen. Todd Sieben

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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 Property Tax Allocation Act is amended by changing Sections 4  
6 and 5 as follows:

7 (55 ILCS 85/4) (from Ch. 34, par. 7004)

8 Sec. 4. Establishment of economic development project  
9 area; ordinance; joint review board; notice; hearing; changes  
10 in economic development plan; annual reporting requirements.  
11 Economic development project areas shall be established as  
12 follows:

13 (a) After the effective date of this amendatory Act of the  
14 93rd General Assembly, the ~~The~~ corporate authorities of  
15 Whiteside County may by ordinance propose the establishment of  
16 an economic development project area and fix a time and place  
17 for a public hearing, and shall submit a certified copy of the  
18 ordinance as adopted to the Department.

19 (a-5) The corporate authorities of Stephenson County may by  
20 ordinance propose the establishment of an economic development  
21 project area and fix a time and place for a public hearing, and  
22 shall submit a certified copy of the ordinance as adopted to  
23 the Department.

24 (b) Any county which adopts an ordinance which fixes a

1 date, time and place for a public hearing shall convene a joint  
2 review board as hereinafter provided. Not less than 45 days  
3 prior to the date fixed for the public hearing, the county  
4 shall give notice by mailing to the chief executive officer of  
5 each affected taxing district having taxable property included  
6 in the proposed economic development project area that such  
7 chief executive officer or his designee is invited to  
8 participate in a joint review board. The designee shall serve  
9 at the discretion of the chief executive officer of the taxing  
10 district for a term not to exceed 2 years. Such notice shall  
11 advise each chief executive officer of the date, time and place  
12 of the first meeting of such joint review board, which shall  
13 occur not less than 30 days prior to the date of the public  
14 hearing. Such notice by mail shall be given by depositing such  
15 notice in the United States Postal Service by certified mail.

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

33 Within 30 days of its first meeting, a joint review board  
34 shall provide the county with a written report of its review of

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

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

16 (1) Notice by publication shall be given by publication  
17 at least twice, the first publication to be not more than  
18 30 nor less than 10 days prior to the hearing in a  
19 newspaper of general circulation within the taxing  
20 districts having property in the proposed economic  
21 development project area. Notice by mailing shall be given  
22 by depositing such notice together with a copy of the  
23 proposed economic development plan in the United States  
24 Postal Service by certified mail addressed to the person or  
25 persons in whose name the general taxes for the last  
26 preceding year were paid on each lot, block, tract, or  
27 parcel of land lying within the proposed economic  
28 development project area. The notice shall be mailed not  
29 less than 10 days prior to the dates set for the public  
30 hearing. In the event taxes for the last preceding year  
31 were not paid, the notice shall also be sent to the persons  
32 last listed on the tax rolls within the preceding 3 years  
33 as the owners of the property.

34 (2) The notices issued pursuant to this Section shall

1 include the following:

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

3 (B) The boundaries of the proposed economic  
4 development project area by legal description and by  
5 street location where possible;

6 (C) A notification that all interested persons  
7 will be given an opportunity to be heard at the public  
8 hearing;

9 (D) An invitation for any person to submit  
10 alternative proposals or bids for any proposed  
11 conveyance, lease, mortgage or other disposition of  
12 land within the proposed economic development project  
13 area;

14 (E) A description of the economic development plan  
15 or economic development project if a plan or project is  
16 a subject matter of the hearing; and

17 (F) Such other matters as the county may deem  
18 appropriate.

19 (3) Not less than 45 days prior to the date set for  
20 hearing, the county shall give notice by mail as provided  
21 in this subsection (c) to all taxing districts of which  
22 taxable property is included in the economic development  
23 project area, and to the Department. In addition to the  
24 other requirements under this subsection (c), the notice  
25 shall include an invitation to the Department and each  
26 taxing district to submit comments to the county concerning  
27 the subject matter of the hearing prior to the date of the  
28 hearing.

29 (d) At the public hearing any interested person, the  
30 Department or any affected taxing district may file written  
31 objections with the county clerk and may be heard orally with  
32 respect to any issues embodied in the notice. The county shall  
33 hear and determine all alternate proposals or bids for any  
34 proposed conveyance, lease, mortgage or other disposition of

1 land and all protests and objections at the hearing, and the  
2 hearing may be adjourned to another date without further notice  
3 other than a motion to be entered upon the minutes fixing the  
4 time and place of the adjourned hearing. Public hearings with  
5 regard to an economic development plan, economic development  
6 project area, or economic development project may be held  
7 simultaneously.

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

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

8 (f) At any time within 90 days of the final adjournment of  
9 the public hearing, a county may, by ordinance, approve the  
10 economic development plan, establish the economic development  
11 project area, and authorize property tax allocation financing  
12 for such economic development project area. Any ordinance  
13 adopted by Whiteside County which approves the economic  
14 development plan shall contain findings that the economic  
15 development project is reasonably expected to create or retain  
16 not less than 500 full-time equivalent jobs, that private  
17 investment in an amount not less than \$25,000,000 is reasonably  
18 expected to occur in the economic development project area,  
19 that the economic development project will encourage the  
20 increase of commerce and industry within the State, thereby  
21 reducing the evils attendant upon unemployment and increasing  
22 opportunities for personal income, and that the economic  
23 development project will increase or maintain the property,  
24 sales and income tax bases of the county and of the State. Any  
25 ordinance adopted by Stephenson County on or after January 1,  
26 2005 that approves the economic development plan shall contain  
27 findings that (i) the economic development project is  
28 reasonably expected to create or retain not less than 500  
29 full-time equivalent jobs; (ii) private investment in an amount  
30 not less than \$10,000,000 is reasonably expected to occur in  
31 the economic development area; (iii) the economic development  
32 project will encourage the increase of commerce and industry  
33 within the State, thereby reducing the evils attendant upon  
34 unemployment and increasing opportunities for personal income;

1 and (iv) the economic development project will increase or  
2 maintain the property, sales, and income tax bases of the  
3 county and of the State. The ordinance shall also state that  
4 the economic development project area shall not include parcels  
5 to be used for purposes of residential development. Any  
6 ordinance adopted which establishes an economic development  
7 project area shall contain the boundaries of such area by legal  
8 description and, where possible, by street location. Any  
9 ordinance adopted which authorizes property tax allocation  
10 financing shall provide that the ad valorem taxes, if any,  
11 arising from the levies upon taxable real property in such  
12 economic development project area by taxing districts and tax  
13 rates determined in the manner provided in subsection (b) of  
14 Section 6 of this Act each year after the effective date of the  
15 ordinance until economic development project costs and all  
16 county obligations financing economic development project  
17 costs incurred under this Act have been paid shall be divided  
18 as follows:

19 (1) That portion of taxes levied upon each taxable lot,  
20 block, tract or parcel of real property which is  
21 attributable to the lower of the current equalized assessed  
22 value or the initial equalized assessed value of each such  
23 taxable lot, block, tract or parcel of real property in the  
24 economic development project area shall be allocated to,  
25 and when collected, shall be paid by the county collector  
26 to the respective affected taxing districts in the manner  
27 required by law in the absence of the adoption of property  
28 tax allocation financing.

29 (2) That portion, if any, of such taxes which is  
30 attributable to the increase in the current equalized  
31 assessed valuation of each taxable lot, block, tract or  
32 parcel of real property in the economic development project  
33 area over and above the initial equalized assessed value of  
34 each property in the economic development project area

1 shall be allocated to and when collected shall be paid to  
2 the county treasurer who shall deposit those taxes into a  
3 special fund called the special tax allocation fund of the  
4 county for the purpose of paying economic development  
5 project costs and obligations incurred in the payment  
6 thereof.

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



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

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

23 (i) The county shall give notice by mail as provided in  
24 this Section and shall reconvene the joint review board not  
25 less than annually for each of the 2 years following its  
26 adoption of an ordinance adopting property tax allocation  
27 financing for an economic development project area and not less  
28 than once in each 3-year period thereafter. The county shall  
29 provide such information, and may provide administrative  
30 support and facilities as the joint review board may reasonably  
31 require for each of such meetings.

32 (Source: P.A. 92-791, eff. 8-6-02.)

33 (55 ILCS 85/5) (from Ch. 34, par. 7005)

1           Sec. 5. Submission to Department; certification by  
2 Department.

3           (a) The county shall submit certified copies of any  
4 ordinances adopted approving a proposed economic development  
5 plan, establishing an economic development project area, and  
6 authorizing tax increment allocation financing to the  
7 Department, together with (1) a map of the economic development  
8 project area, (2) a copy of the economic development plan as  
9 approved, (3) an analysis, and any supporting documents and  
10 statistics, demonstrating (i) that the economic development  
11 project is reasonably expected to create or retain not less  
12 than 500 full-time equivalent jobs and (ii) that private  
13 investment in the amount of not less than \$25,000,000 for all  
14 ordinances adopted by Whiteside County and in the amount of not  
15 less than \$10,000,000 for any ordinance adopted by Stephenson  
16 County on or after January 1, 2005 is reasonably expected to  
17 occur in the economic development project area , (4) an  
18 estimate of the economic impact of the economic development  
19 plan and the use of property tax allocation financing upon the  
20 revenues of the county and the affected taxing districts, (5) a  
21 record of all public hearings held in connection with the  
22 establishment of the economic development project area, and (6)  
23 such other information as the Department by regulation may  
24 require.

25           (b) Upon receipt of an application from a county the  
26 Department shall review the application to determine whether  
27 the economic development project area qualifies as an economic  
28 development project area under this Act. At its discretion, the  
29 Department may accept or reject the application or may request  
30 such additional information as it deems necessary or advisable  
31 to aid its review. If any such area is found to be qualified to  
32 be an economic development project area, the Department shall  
33 approve and certify such economic development project area and  
34 shall provide written notice of its approval and certification

1 to the county and to the county clerk. In determining whether  
2 an economic development project area shall be approved and  
3 certified, the Department shall consider (1) whether, without  
4 public intervention, the State would suffer substantial  
5 economic dislocation, such as relocation of a commercial  
6 business or industrial or manufacturing facility to another  
7 state, territory or country, or would not otherwise benefit  
8 from private investment offering substantial employment  
9 opportunities and economic growth, and (2) the impact on the  
10 revenues of the county and the affected taxing districts of the  
11 use of tax increment allocation financing in connection with  
12 the economic development project.

13 (c) On or before July 1, 2007 ~~2006~~, the Department shall  
14 submit to the General Assembly a report detailing the number of  
15 economic development project areas it has approved and  
16 certified, the number and type of jobs created or retained  
17 therein, the aggregate amount of private investment therein,  
18 the impact in the revenues of counties and affected taxing  
19 districts of the use of property tax allocation financing  
20 therein, and such additional information as the Department may  
21 determine to be relevant. On July 1, 2008 the authority granted  
22 hereunder to counties to establish economic development  
23 project areas and to adopt property tax allocation financing in  
24 connection therewith and to the Department to approve and  
25 certify economic development project areas shall expire unless  
26 the General Assembly shall have authorized counties and the  
27 Department to continue to exercise the powers granted to them  
28 under this Act.

29 (Source: P.A. 92-791, eff. 8-6-02.)

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law."