



Sen. Todd Sieben

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LRB093 18627 MKM 50669 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 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) The corporate authorities of Whiteside County may by
14 ordinance propose the establishment of an economic development
15 project area and fix a time and place for a public hearing, and
16 shall submit a certified copy of the ordinance as adopted to
17 the Department.

18 (a-5) After the effective date of this amendatory Act of
19 the 93rd General Assembly, the corporate authorities of
20 Stephenson County may by ordinance propose the establishment of
21 an economic development project area and fix a time and place
22 for a public hearing, and shall submit a certified copy of the
23 ordinance as adopted to 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 and, if the
7 ordinance is adopted by Stephenson County, the chief executive
8 officer of any municipality within Stephenson County having a
9 population of more than 20,000 that such chief executive
10 officer or his designee is invited to participate in a joint
11 review board. The designee shall serve at the discretion of the
12 chief executive officer of the taxing district for a term not
13 to exceed 2 years. Such notice shall advise each chief
14 executive officer of the date, time and place of the first
15 meeting of such joint review board, which shall occur not less
16 than 30 days prior to the date of the public hearing. Such
17 notice by mail shall be given by depositing such notice in the
18 United States Postal Service by certified mail.

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

1 facilities as the joint review board may reasonably require.

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

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

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

1 last listed on the tax rolls within the preceding 3 years
2 as the owners of the property.

3 (2) The notices issued pursuant to this Section shall
4 include the following:

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

6 (B) The boundaries of the proposed economic
7 development project area by legal description and by
8 street location where possible;

9 (C) A notification that all interested persons
10 will be given an opportunity to be heard at the public
11 hearing;

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

17 (E) A description of the economic development plan
18 or economic development project if a plan or project is
19 a subject matter of the hearing; and

20 (F) Such other matters as the county may deem
21 appropriate.

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

32 (d) At the public hearing any interested person, the
33 Department or any affected taxing district may file written
34 objections with the county clerk and may be heard orally with

1 respect to any issues embodied in the notice. The county shall
2 hear and determine all alternate proposals or bids for any
3 proposed conveyance, lease, mortgage or other disposition of
4 land and all protests and objections at the hearing, and the
5 hearing may be adjourned to another date without further notice
6 other than a motion to be entered upon the minutes fixing the
7 time and place of the adjourned hearing. Public hearings with
8 regard to an economic development plan, economic development
9 project area, or economic development project may be held
10 simultaneously.

11 (e) At the public hearing, or at any time prior to the
12 adoption by the county of an ordinance approving an economic
13 development plan, the county may make changes in the economic
14 development plan. Changes which (1) alter the exterior
15 boundaries of the proposed economic development project area,
16 (2) substantially affect the general land uses established in
17 the proposed economic development plan, (3) substantially
18 change the nature of the proposed economic development plan,
19 (4) change the general description of any proposed developer,
20 user or tenant of any property to be located or improved within
21 the economic development project area, or (5) change the
22 description of the type, class and number of employees to be
23 employed in the operation of the facilities to be developed or
24 improved within the economic development project area shall be
25 made only after review by joint review board, notice and
26 hearing pursuant to the procedures set forth in this Section.
27 Changes which do not (1) alter the exterior boundaries of a
28 proposed economic development project area, (2) substantially
29 affect the general land uses established in the proposed plan,
30 (3) substantially change the nature of the proposed economic
31 development plan, (4) change the general description of any
32 proposed developer, user or tenant of any property to be
33 located or improved within the economic development project
34 area, or (5) change the description of the type, class and

1 number of employees to be employed in the operation of the
2 facilities to be developed or improved within the economic
3 development project area may be made without further notice or
4 hearing, provided that the county shall give notice of its
5 changes by mail to the Department and to each affected taxing
6 district and by publication in a newspaper or newspapers of
7 general circulation with the affected taxing districts. Such
8 notice by mail and by publication shall each occur not later
9 than 10 days following the adoption by ordinance of such
10 changes.

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

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

29 Any ordinance adopted by Stephenson County that approves an
30 economic development plan shall contain findings that (i) the
31 economic development project is reasonably expected to create
32 or retain not less than 500 full-time equivalent jobs; (ii)
33 private investment in an amount not less than \$10,000,000 is
34 reasonably expected to occur in the economic development area;

1 (iii) the economic development project will encourage the
2 increase of commerce and industry within the State, thereby
3 reducing the evils attendant upon unemployment and increasing
4 opportunities for personal income; and (iv) the economic
5 development project will increase or maintain the property,
6 sales, and income tax bases of the county and of the State.
7 Before the economic development project area is established by
8 Stephenson County, the following additional conditions must be
9 included in an intergovernmental agreement approved by both the
10 Stephenson County Board and the corporate authorities of the
11 City of Freeport: (i) the corporate authorities of the City of
12 Freeport must concur by resolution with the findings of
13 Stephenson County; (ii) both the corporate authorities of the
14 City of Freeport and the Stephenson County Board shall approve
15 any and all economic or redevelopment agreements and incentives
16 for any economic development project within the economic
17 development area; (iii) any economic development project that
18 receives funds under this Act, except for any economic
19 development project specifically excluded from annexation in
20 the provisions of the intergovernmental agreement, shall agree
21 to and must enter into an annexation agreement with the City of
22 Freeport to annex property included in the economic development
23 project area to the City of Freeport at the first point in time
24 that the property becomes contiguous to the City of Freeport;
25 (iv) the local share of all State occupation and use taxes
26 allocable to the City of Freeport and Stephenson County and
27 derived from commercial projects within the economic
28 development project area shall be equally shared by and between
29 the City of Freeport and Stephenson County for the duration of
30 the economic development project; and (v) any development in
31 the economic development project area shall be built in
32 accordance with the building and related codes of both the City
33 of Freeport and Stephenson County and the City of Freeport
34 shall approve all provisions for water and sewer service.

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

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

26 (2) That portion, if any, of such taxes which is
27 attributable to the increase in the current equalized
28 assessed valuation of each taxable lot, block, tract or
29 parcel of real property in the economic development project
30 area over and above the initial equalized assessed value of
31 each property in the economic development project area
32 shall be allocated to and when collected shall be paid to
33 the county treasurer who shall deposit those taxes into a
34 special fund called the special tax allocation fund of the

1 county for the purpose of paying economic development
2 project costs and obligations incurred in the payment
3 thereof.

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

1 publication shall each occur not later than 10 days following
2 the adoption by ordinance of such amendments.

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

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

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

30 (55 ILCS 85/5) (from Ch. 34, par. 7005)

31 Sec. 5. Submission to Department; certification by
32 Department.

33 (a) The county shall submit certified copies of any

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

21 (b) Upon receipt of an application from a county the
22 Department shall review the application to determine whether
23 the economic development project area qualifies as an economic
24 development project area under this Act. At its discretion, the
25 Department may accept or reject the application or may request
26 such additional information as it deems necessary or advisable
27 to aid its review. If any such area is found to be qualified to
28 be an economic development project area, the Department shall
29 approve and certify such economic development project area and
30 shall provide written notice of its approval and certification
31 to the county and to the county clerk. In determining whether
32 an economic development project area shall be approved and
33 certified, the Department shall consider (1) whether, without
34 public intervention, the State would suffer substantial

1 economic dislocation, such as relocation of a commercial
2 business or industrial or manufacturing facility to another
3 state, territory or country, or would not otherwise benefit
4 from private investment offering substantial employment
5 opportunities and economic growth, and (2) the impact on the
6 revenues of the county and the affected taxing districts of the
7 use of tax increment allocation financing in connection with
8 the economic development project.

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

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

26 Section 99. Effective date. This Act takes effect upon
27 becoming law."