



Rep. David R. Leitch

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LRB095 18793 RLJ 51355 a

1 AMENDMENT TO SENATE BILL 2033

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2033 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 57. No rulemaking authority. Notwithstanding any  
5 other rulemaking authority that may exist, neither the Governor  
6 nor any agency or agency head under the jurisdiction of the  
7 Governor has any authority to make or promulgate rules to  
8 implement or enforce the provisions of this Act. If, however,  
9 the Governor believes that rules are necessary to implement or  
10 enforce the provisions of this Act, the Governor may suggest  
11 rules to the General Assembly by filing them with the Clerk of  
12 the House and Secretary of the Senate and by requesting that  
13 the General Assembly authorize such rulemaking by law, enact  
14 those suggested rules into law, or take any other appropriate  
15 action in the General Assembly's discretion. Nothing contained  
16 in this Act shall be interpreted to grant rulemaking authority  
17 under any other Illinois statute where such authority is not  
18 otherwise explicitly given. For the purposes of this Act,  
19 "rules" is given the meaning contained in Section 1-70 of the  
20 Illinois Administrative Procedure Act, and "agency" and  
21 "agency head" are given the meanings contained in Sections 1-20  
22 and 1-25 of the Illinois Administrative Procedure Act to the  
23 extent that such definitions apply to agencies or agency heads  
24 under the jurisdiction of the Governor.

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

3 (55 ILCS 5/5-1062.3 new)

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

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

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

12 (2) Setting minimum standards for floodplain and  
13 stormwater management.

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

18 (b) A stormwater management planning committee may be  
19 established by county board resolution, with its membership  
20 consisting of equal numbers of county board and municipal  
21 representatives from each county board district, and such other  
22 members as may be determined by the county and municipal  
23 members. The county board may by ordinance divide the county  
24 into not less than 6 areas of approximately equal population,  
25 to be used instead of county board districts for the purpose of

1 determining representation on the stormwater management  
2 planning committee.

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

26 The principal duties of the committee shall be to develop a

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

14 The committee shall not have or exercise any power of  
15 eminent domain.

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

26 (d) The stormwater management committee may not enforce any

1 rules or regulations that would interfere with (i) any power  
2 granted by the Illinois Drainage Code (70 ILCS 605/) to  
3 operate, construct, maintain, or improve drainage systems or  
4 (ii) the ability to operate, maintain, or improve the drainage  
5 systems used on or by land or a facility used for production  
6 agriculture purposes, as defined in the Use Tax Act (35 ILCS  
7 105/), except newly constructed buildings and newly installed  
8 impervious paved surfaces. Disputes regarding an exception  
9 shall be determined by a mutually agreed upon arbitrator paid  
10 by the disputing party or parties.

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

26 (f) Prior to recommending the plan to the county board, the

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

17 The county board may enact the proposed plan by ordinance.  
18 If the proposals for modification of the plan made by an  
19 affected municipality having a stormwater management plan are  
20 not included in the proposed county plan, and the municipality  
21 affected by the plan opposes adoption of the county plan by  
22 resolution of its corporate authorities, approval of the county  
23 plan shall require an affirmative vote of at least two-thirds  
24 of the county board members present and voting. If the county  
25 board wishes to amend the county plan, it shall submit in  
26 writing specific proposals to the stormwater management

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

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

1 Environmental Protection Act.

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

26 (i) For the purpose of implementing this Section and for



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

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

22 However, the tax authorized by this subsection shall not be  
23 levied until the question of its adoption, either for a  
24 specified period or indefinitely, has been submitted to the  
25 electors thereof and approved by a majority of those voting on  
26 the question. This question may be submitted at any election

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

11 Shall an annual tax be levied for stormwater management  
12 purposes (for a period of not more than ..... years) at a  
13 rate not exceeding .....% of the equalized assessed value  
14 of the taxable property of Peoria County?

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

20 Shall use and occupation taxes be raised for stormwater  
21 management purposes (for a period of not more than .....  
22 years) at a rate of 1/10 of one cent for taxable goods in  
23 Peoria County?

24 Votes shall be recorded as Yes or No.

25 (j) If the county adopts a property tax in accordance with  
26 the provisions in this Section, the stormwater management

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

16 (k) If the county has adopted a county stormwater  
17 management plan under this Section it may, after 10 days  
18 written notice receiving consent of the owner or occupant,  
19 enter upon any lands or waters within the county for the  
20 purpose of inspecting stormwater facilities or causing the  
21 removal of any obstruction to an affected watercourse. If  
22 consent is denied or cannot be reasonably obtained, the county  
23 ordinance shall provide a process or procedure for an  
24 administrative warrant to be obtained. The county shall be  
25 responsible for any damages occasioned thereby.

26 (l) Upon petition of the municipality, and based on a

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

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

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

23 (o) The powers and taxes authorized by this Section are in  
24 addition to the powers and taxes authorized by Division 5-15;  
25 in exercising its powers under this Section, a county shall not  
26 be subject to the restrictions and requirements of that

1 Division.

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

4 (q) Notwithstanding any other rulemaking authority that  
5 may exist, neither the Governor nor any agency or agency head  
6 under the jurisdiction of the Governor has any authority to  
7 make or promulgate rules to implement or enforce the provisions  
8 of this amendatory Act of the 95th General Assembly. If,  
9 however, the Governor believes that rules are necessary to  
10 implement or enforce the provisions of this amendatory Act of  
11 the 95th General Assembly, the Governor may suggest rules to  
12 the General Assembly by filing them with the Clerk of the House  
13 and Secretary of the Senate and by requesting that the General  
14 Assembly authorize such rulemaking by law, enact those  
15 suggested rules into law, or take any other appropriate action  
16 in the General Assembly's discretion. Nothing contained in this  
17 amendatory Act of the 95th General Assembly shall be  
18 interpreted to grant rulemaking authority under any other  
19 Illinois statute where such authority is not otherwise  
20 explicitly given. For the purposes of this amendatory Act of  
21 the 95th General Assembly, "rules" is given the meaning  
22 contained in Section 1-70 of the Illinois Administrative  
23 Procedure Act, and "agency" and "agency head" are given the  
24 meanings contained in Sections 1-20 and 1-25 of the Illinois  
25 Administrative Procedure Act to the extent that such  
26 definitions apply to agencies or agency heads under the

1 jurisdiction of the Governor.

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

5 (55 ILCS 85/4) (from Ch. 34, par. 7004)

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

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

16 (a-5) After the effective date of this amendatory Act of  
17 the 93rd General Assembly, the corporate authorities of  
18 Stephenson County may by ordinance propose the establishment of  
19 an economic development project area and fix a time and place  
20 for a public hearing, and shall submit a certified copy of the  
21 ordinance as adopted to the Department.

22 (a-10) The corporate authorities of Grundy County may, by  
23 ordinance, propose the establishment of an economic  
24 development project and fix a time and place for a public

1 hearing. Upon passage of the ordinance, the corporate  
2 authorities of Grundy County shall submit a certified copy of  
3 the ordinance, as adopted, to the Department.

4 (a-15) The corporate authorities of Peoria 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 Peoria County shall submit a certified copy of  
9 the ordinance, as adopted, to the Department.

10 (b) Any county which adopts an ordinance which fixes a  
11 date, time and place for a public hearing shall convene a joint  
12 review board as hereinafter provided. Not less than 45 days  
13 prior to the date fixed for the public hearing, the county  
14 shall give notice by mailing to the chief executive officer of  
15 each affected taxing district having taxable property included  
16 in the proposed economic development project area and, if the  
17 ordinance is adopted by Stephenson County, the chief executive  
18 officer of any municipality within Stephenson County having a  
19 population of more than 20,000 that such chief executive  
20 officer or his designee is invited to participate in a joint  
21 review board. The designee shall serve at the discretion of the  
22 chief executive officer of the taxing district for a term not  
23 to exceed 2 years. Such notice shall advise each chief  
24 executive officer of the date, time and place of the first  
25 meeting of such joint review board, which shall occur not less  
26 than 30 days prior to the date of the public hearing. Such

1 notice by mail shall be given by depositing such notice in the  
2 United States Postal Service by certified mail.

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

20 Within 30 days of its first meeting, a joint review board  
21 shall provide the county with a written report of its review of  
22 any proposal to approve an economic development plan and  
23 economic development project and to designate an economic  
24 development project area. Such written report shall include  
25 such information and advisory, nonbinding recommendations as a  
26 majority of the members of the joint review board shall deem



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

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

11 (1) Notice by publication shall be given by publication  
12 at least twice, the first publication to be not more than  
13 30 nor less than 10 days prior to the hearing in a  
14 newspaper of general circulation within the taxing  
15 districts having property in the proposed economic  
16 development project area. Notice by mailing shall be given  
17 by depositing such notice together with a copy of the  
18 proposed economic development plan in the United States  
19 Postal Service by certified mail addressed to the person or  
20 persons in whose name the general taxes for the last  
21 preceding year were paid on each lot, block, tract, or  
22 parcel of land lying within the proposed economic  
23 development project area. The notice shall be mailed not  
24 less than 10 days prior to the dates set for the public  
25 hearing. In the event taxes for the last preceding year  
26 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

1 other requirements under this subsection (c), the notice  
2 shall include an invitation to the Department and each  
3 taxing district to submit comments to the county concerning  
4 the subject matter of the hearing prior to the date of the  
5 hearing.

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

19 (e) At the public hearing, or at any time prior to the  
20 adoption by the county of an ordinance approving an economic  
21 development plan, the county may make changes in the economic  
22 development plan. Changes which (1) alter the exterior  
23 boundaries of the proposed economic development project area,  
24 (2) substantially affect the general land uses established in  
25 the proposed economic development plan, (3) substantially  
26 change the nature of the proposed economic development plan,

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

1 (f) At any time within 90 days of the final adjournment of  
2 the public hearing, a county may, by ordinance, approve the  
3 economic development plan, establish the economic development  
4 project area, and authorize property tax allocation financing  
5 for such economic development project area.

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

19 Any ordinance adopted by Grundy County that approves the  
20 economic development plan shall contain findings that the  
21 economic development project is reasonably expected to create  
22 or retain not less than 250 full-time equivalent jobs, that  
23 private investment in an amount not less than \$50,000,000 is  
24 reasonably expected to occur in the economic development  
25 project area, that the economic development project will  
26 encourage the increase of commerce and industry within the

1 State, thereby reducing the evils attendant upon unemployment  
2 and increasing opportunities for personal income, and that the  
3 economic development project will increase or maintain the  
4 property, sales, and income tax bases of the county and of the  
5 State.

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

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

20 Any ordinance adopted by Peoria County that approves an  
21 economic development plan shall contain findings that (i) the  
22 economic development project is reasonably expected to create  
23 or retain not less than 250 full-time equivalent jobs; (ii)  
24 private investment in an amount not less than \$15,000,000 is  
25 reasonably expected to occur in the economic development  
26 project area; (iii) the economic development project will

1 encourage the increase of commerce and industry within the  
2 State, thereby reducing the evils attendant upon unemployment  
3 and increasing opportunities for personal income; and (iv) the  
4 economic development project will increase or maintain the  
5 property, sales, and income tax bases of the county and of the  
6 State.

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

22 (1) That portion of taxes levied upon each taxable lot,  
23 block, tract or parcel of real property which is  
24 attributable to the lower of the current equalized assessed  
25 value or the initial equalized assessed value of each such  
26 taxable lot, block, tract or parcel of real property in the



1 economic development project area shall be allocated to,  
2 and when collected, shall be paid by the county collector  
3 to the respective affected taxing districts in the manner  
4 required by law in the absence of the adoption of property  
5 tax allocation financing.

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

18 (g) After a county has by ordinance approved an economic  
19 development plan and established an economic development  
20 project area, the plan may be amended and the boundaries of the  
21 area may be altered only as herein provided. Amendments which  
22 (1) alter the exterior boundaries of an economic development  
23 project area, (2) substantially affect the general land uses  
24 established pursuant to the economic development plan, (3)  
25 substantially change the nature of the economic development  
26 plan, (4) change the general description of any proposed

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

25 (h) After the adoption of an ordinance adopting property  
26 tax allocation financing for an economic development project

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

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

25 (j) Notwithstanding any other rulemaking authority that  
26 may exist, neither the Governor nor any agency or agency head

1 under the jurisdiction of the Governor has any authority to  
2 make or promulgate rules to implement or enforce the provisions  
3 of this amendatory Act of the 95th General Assembly. If,  
4 however, the Governor believes that rules are necessary to  
5 implement or enforce the provisions of this amendatory Act of  
6 the 95th General Assembly, the Governor may suggest rules to  
7 the General Assembly by filing them with the Clerk of the House  
8 and Secretary of the Senate and by requesting that the General  
9 Assembly authorize such rulemaking by law, enact those  
10 suggested rules into law, or take any other appropriate action  
11 in the General Assembly's discretion. Nothing contained in this  
12 amendatory Act of the 95th General Assembly shall be  
13 interpreted to grant rulemaking authority under any other  
14 Illinois statute where such authority is not otherwise  
15 explicitly given. For the purposes of this amendatory Act of  
16 the 95th General Assembly, "rules" is given the meaning  
17 contained in Section 1-70 of the Illinois Administrative  
18 Procedure Act, and "agency" and "agency head" are given the  
19 meanings contained in Sections 1-20 and 1-25 of the Illinois  
20 Administrative Procedure Act to the extent that such  
21 definitions apply to agencies or agency heads under the  
22 jurisdiction of the Governor.

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

24 (55 ILCS 85/5) (from Ch. 34, par. 7005)

25 Sec. 5. Submission to Department; certification by

1 Department.

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

25 (b) Upon receipt of an application from a county the  
26 Department shall review the application to determine whether

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

21 (c) On or before July 1, 2007, the Department shall submit  
22 to the General Assembly a report detailing the number of  
23 economic development project areas it has approved and  
24 certified, the number and type of jobs created or retained  
25 therein, the aggregate amount of private investment therein,  
26 the impact in the revenues of counties and affected taxing

1 districts of the use of property tax allocation financing  
2 therein, and such additional information as the Department may  
3 determine to be relevant. On July 1, 2009 ~~2008~~ the authority  
4 granted hereunder to counties to establish economic  
5 development project areas and to adopt property tax allocation  
6 financing in connection therewith and to the Department to  
7 approve and certify economic development project areas shall  
8 expire unless the General Assembly shall have authorized  
9 counties and the Department to continue to exercise the powers  
10 granted to them under this Act.

11 (d) Notwithstanding any other rulemaking authority that  
12 may exist, neither the Governor nor any agency or agency head  
13 under the jurisdiction of the Governor has any authority to  
14 make or promulgate rules to implement or enforce the provisions  
15 of this amendatory Act of the 95th General Assembly. If,  
16 however, the Governor believes that rules are necessary to  
17 implement or enforce the provisions of this amendatory Act of  
18 the 95th General Assembly, the Governor may suggest rules to  
19 the General Assembly by filing them with the Clerk of the House  
20 and Secretary of the Senate and by requesting that the General  
21 Assembly authorize such rulemaking by law, enact those  
22 suggested rules into law, or take any other appropriate action  
23 in the General Assembly's discretion. Nothing contained in this  
24 amendatory Act of the 95th General Assembly shall be  
25 interpreted to grant rulemaking authority under any other  
26 Illinois statute where such authority is not otherwise

1 explicitly given. For the purposes of this amendatory Act of  
2 the 95th General Assembly, "rules" is given the meaning  
3 contained in Section 1-70 of the Illinois Administrative  
4 Procedure Act, and "agency" and "agency head" are given the  
5 meanings contained in Sections 1-20 and 1-25 of the Illinois  
6 Administrative Procedure Act to the extent that such  
7 definitions apply to agencies or agency heads under the  
8 jurisdiction of the Governor.

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

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law."