



Rep. Tom Cross

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1 AMENDMENT TO HOUSE BILL 2563

2 AMENDMENT NO. _____. Amend House Bill 2563 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 Section 4 as
6 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

1 the Department.

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

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

14 (a-15) For a period of 2 years beginning on the effective
15 date of this amendatory Act of the 96th General Assembly, the
16 corporate authorities of Grundy County may, by ordinance,
17 propose the establishment of an economic development project
18 and fix a time and place for a public hearing. Upon passage of
19 the ordinance, the corporate authorities of Grundy County shall
20 submit a certified copy of the ordinance, as adopted, to the
21 Department.

22 (a-20) After the effective date of this amendatory Act of
23 the 97th General Assembly, the corporate authorities of Kendall
24 County may, by ordinance, propose the establishment of an
25 economic development project and fix a time and place for a
26 public hearing. Upon passage of the ordinance, the corporate

1 authorities of Kendall County shall submit a certified copy of
2 the ordinance, as adopted, to the Department.

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

22 At or prior to the first meeting of such joint review board
23 the county shall furnish to any member of such joint review
24 board copies of the proposed economic development plan and any
25 related documents which such member shall reasonably request. A
26 majority of the members of such joint review board present at

1 any meeting shall constitute a quorum. Additional meetings may
2 be called by any member of a joint review board upon the giving
3 of notice not less than 72 hours prior to the date of any
4 additional meeting to all members of the joint review board.
5 The joint review board shall review such information and
6 material as its members reasonably deem relevant to the
7 county's proposals to approve economic development plans and
8 economic development projects and to designate economic
9 development project areas. The county shall provide such
10 information and material promptly upon the request of the joint
11 review board and may also provide administrative support and
12 facilities as the joint review board may reasonably require.

13 Within 30 days of its first meeting, a joint review board
14 shall provide the county with a written report of its review of
15 any proposal to approve an economic development plan and
16 economic development project and to designate an economic
17 development project area. Such written report shall include
18 such information and advisory, nonbinding recommendations as a
19 majority of the members of the joint review board shall deem
20 relevant. Written reports of joint review boards may include
21 information and advisory, nonbinding recommendations provided
22 by a minority of the members thereof. Any joint review board
23 which does not provide such written report within such 30-day
24 period shall be deemed to have recommended that the county
25 proceed with a proposal to approve an economic development plan
26 and economic development project and to designate an economic

1 development project area.

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

4 (1) Notice by publication shall be given by publication
5 at least twice, the first publication to be not more than
6 30 nor less than 10 days prior to the hearing in a
7 newspaper of general circulation within the taxing
8 districts having property in the proposed economic
9 development project area. Notice by mailing shall be given
10 by depositing such notice together with a copy of the
11 proposed economic development plan in the United States
12 Postal Service by certified mail addressed to the person or
13 persons in whose name the general taxes for the last
14 preceding year were paid on each lot, block, tract, or
15 parcel of land lying within the proposed economic
16 development project area. The notice shall be mailed not
17 less than 10 days prior to the dates set for the public
18 hearing. In the event taxes for the last preceding year
19 were not paid, the notice shall also be sent to the persons
20 last listed on the tax rolls within the preceding 3 years
21 as the owners of the property.

22 (2) The notices issued pursuant to this Section shall
23 include the following:

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

25 (B) The boundaries of the proposed economic
26 development project area by legal description and by

1 street location where possible;

2 (C) A notification that all interested persons
3 will be given an opportunity to be heard at the public
4 hearing;

5 (D) An invitation for any person to submit
6 alternative proposals or bids for any proposed
7 conveyance, lease, mortgage or other disposition of
8 land within the proposed economic development project
9 area;

10 (E) A description of the economic development plan
11 or economic development project if a plan or project is
12 a subject matter of the hearing; and

13 (F) Such other matters as the county may deem
14 appropriate.

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

25 (d) At the public hearing any interested person, the
26 Department or any affected taxing district may file written

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

12 (e) At the public hearing, or at any time prior to the
13 adoption by the county of an ordinance approving an economic
14 development plan, the county may make changes in the economic
15 development plan. Changes which (1) alter the exterior
16 boundaries of the proposed economic development project area,
17 (2) substantially affect the general land uses established in
18 the proposed economic development plan, (3) substantially
19 change the nature of the proposed economic development plan,
20 (4) change the general description of any proposed developer,
21 user or tenant of any property to be located or improved within
22 the economic development project area, or (5) change the
23 description of the type, class and number of employees to be
24 employed in the operation of the facilities to be developed or
25 improved within the economic development project area shall be
26 made only after review by joint review board, notice and

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

20 (f) At any time within 90 days of the final adjournment of
21 the public hearing, a county may, by ordinance, approve the
22 economic development plan, establish the economic development
23 project area, and authorize property tax allocation financing
24 for such economic development project area.

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

1 economic development project is reasonably expected to create
2 or retain not less than 500 full-time equivalent jobs, that
3 private investment in an amount not less than \$25,000,000 is
4 reasonably expected to occur in the economic development
5 project area, that the economic development project will
6 encourage the increase of commerce and industry within the
7 State, thereby reducing the evils attendant upon unemployment
8 and increasing opportunities for personal income, and that the
9 economic development project will increase or maintain the
10 property, sales and income tax bases of the county and of the
11 State.

12 Any ordinance adopted by Grundy County that approves an
13 economic development plan shall contain findings that the
14 economic development project is reasonably expected to create
15 or retain not less than 250 full-time equivalent jobs, that
16 private investment in an amount not less than \$50,000,000 is
17 reasonably expected to occur in the economic development
18 project area, that the economic development project will
19 encourage the increase of commerce and industry within the
20 State, thereby reducing the evils attendant upon unemployment
21 and increasing opportunities for personal income, and that the
22 economic development project will increase or maintain the
23 property, sales, and income tax bases of the county and of the
24 State.

25 Any ordinance adopted by Stephenson County that approves an
26 economic development plan shall contain findings that (i) the

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

1 project area to the City of Freeport at the first point in time
2 that the property becomes contiguous to the City of Freeport;
3 (iv) the local share of all State occupation and use taxes
4 allocable to the City of Freeport and Stephenson County and
5 derived from commercial projects within the economic
6 development project area shall be equally shared by and between
7 the City of Freeport and Stephenson County for the duration of
8 the economic development project; and (v) any development in
9 the economic development project area shall be built in
10 accordance with the building and related codes of both the City
11 of Freeport and Stephenson County and the City of Freeport
12 shall approve all provisions for water and sewer service.

13 Any ordinance adopted by Kendall County that approves an
14 economic development plan shall contain findings that the
15 economic development project is reasonably expected to create
16 or retain not less than 250 full-time equivalent jobs, that
17 private investment in an amount not less than \$50,000,000 is
18 reasonably expected to occur in the economic development
19 project area, that the economic development project will
20 encourage the increase of commerce and industry within the
21 State, thereby reducing the evils attendant upon unemployment
22 and increasing opportunities for personal income, and that the
23 economic development project will increase or maintain the
24 property, sales, and income tax bases of the county and of the
25 State.

26 The ordinance shall also state that the economic

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

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

25 (2) That portion, if any, of such taxes which is
26 attributable to the increase in the current equalized

1 assessed valuation of each taxable lot, block, tract or
2 parcel of real property in the economic development project
3 area over and above the initial equalized assessed value of
4 each property in the economic development project area
5 shall be allocated to and when collected shall be paid to
6 the county treasurer who shall deposit those taxes into a
7 special fund called the special tax allocation fund of the
8 county for the purpose of paying economic development
9 project costs and obligations incurred in the payment
10 thereof.

11 (g) After a county has by ordinance approved an economic
12 development plan and established an economic development
13 project area, the plan may be amended and the boundaries of the
14 area may be altered only as herein provided. Amendments which
15 (1) alter the exterior boundaries of an economic development
16 project area, (2) substantially affect the general land uses
17 established pursuant to the economic development plan, (3)
18 substantially change the nature of the economic development
19 plan, (4) change the general description of any proposed
20 developer, user, or tenant of any property to be located or
21 improved within the economic development project area, or (5)
22 change the description of the type, class and number of
23 employees to be employed in the operation of the facilities to
24 be developed or improved shall be made only after review by a
25 joint review board, notice and hearing pursuant to the
26 procedures set forth in this Section. Amendments which do not

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

18 (h) After the adoption of an ordinance adopting property
19 tax allocation financing for an economic development project
20 area, the county shall annually report to each taxing district
21 having taxable property within such economic development
22 project area (i) any increase or decrease in the equalized
23 assessed value of the real property located within such
24 economic development project area above or below the initial
25 equalized assessed value of such real property, (ii) that
26 portion, if any, of the ad valorem taxes arising from the

1 levies upon taxable real property in such economic development
2 project area by the taxing districts which is attributable to
3 the increase in the current equalized assessed valuation of
4 each lot, block, tract or parcel of real property in the
5 economic development project area over and above the initial
6 equalized value of each property and which has been allocated
7 to the county in the current year, and (iii) such other
8 information as the county may deem relevant.

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

18 (Source: P.A. 96-1262, eff. 7-26-10.)

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