



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1037

by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1009.5 new

Amends the Counties Code. Provides that Boone, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will county may levy an annual tax for farmland preservation easement and green redevelopment purposes. Provides that the tax may not exceed 0.05% of the equalized assessed value of taxable property in the county. Provides that the tax must be approved by referendum and that it may be discontinued by referendum. Provides that a referendum to levy or discontinue the tax may be initiated by a petition signed by a number of electors equal to at least 0.5% of the total number of votes cast in the county during the last preceding gubernatorial election. Provides that the proceeds of the tax shall be paid into two separate funds, the county farmland preservation easement fund and the green redevelopment fund. Sets forth the ways in which the proceeds of the funds shall be used.

LRB098 03823 OMW 33839 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by adding Section
5 5-1009.5 as follows:

6 (55 ILCS 5/5-1009.5 new)

7 Sec. 5-1009.5. Tax for county farmland preservation
8 easement and green redevelopment purposes.

9 (a) In Boone, DeKalb, DuPage, Grundy, Kane, Kankakee,
10 Kendall, Lake, McHenry, or Will county, whenever a petition
11 signed by a number of electors of the county equal to at least
12 0.5% of the total number of votes cast during the last
13 preceding gubernatorial election in the county is presented to
14 the county board requesting the submission of a proposition, or
15 if the county board adopts a resolution requesting the
16 submission of a proposition, of whether or not an annual tax
17 shall be levied at a rate not to exceed 0.05% of the value as
18 equalized or assessed by the Department of Revenue, on all
19 taxable property in the county for the purpose of creating and
20 maintaining a fund for county farmland preservation easement
21 purposes and for grants to units of local government within the
22 county for green redevelopment purposes, that county board
23 shall adopt a resolution for the submission of the proposition

1 at the next regular election held in the county. The county
2 board shall certify the resolution and the proposition to the
3 proper election officials, who shall submit the proposition at
4 an election in accordance with the general election law. The
5 foregoing limitations upon tax rates may be increased or
6 decreased under the referendum provisions of the General
7 Revenue Law of Illinois.

8 (b) Upon the adoption of the resolution and the
9 certification thereof to the county clerk of the county, the
10 proposition shall be submitted at the next regular election
11 held in the county.

12 The proposition shall be in substantially the following
13 form:

14 Shall an annual tax of not to exceed 0.05% be levied in
15 County for county farmland preservation easement
16 purposes and grants to units of local government for green
17 redevelopment purposes addressing stormwater management,
18 groundwater protection, and reinvestment in developed
19 sites?

20 Votes shall be recorded as "yes" or "no".

21 If a majority of the legal voters of the county voting on
22 the proposition vote in favor thereof, the proposition shall be
23 deemed adopted.

24 (c) Upon the adoption of the proposition in accordance with
25 subsection (b), the county board shall cause an annual tax of
26 not to exceed 0.05% of value, as equalized or assessed by the

1 Department of Revenue, of all taxable property of the county to
2 be levied upon all the taxable property in the county for
3 county farmland preservation easement and green redevelopment
4 purposes. Any tax imposed under this Section shall be in
5 addition to all other taxes authorized by law to be levied and
6 collected in the county and shall be in addition to the maximum
7 of taxes authorized by law for county purposes. The foregoing
8 limitations upon tax rates may be increased or decreased
9 according to the referendum provisions of the General Revenue
10 Law of Illinois.

11 (d) The proceeds of the tax authorized under this Section
12 shall be paid into 2 separate funds in the county treasury. At
13 least 50% of the proceeds shall go into a fund known as the
14 county farmland preservation easement fund which shall be used
15 by the county board for the purchase of easements to preserve
16 farmland within the county. Up to 50% of the proceeds shall go
17 into a fund known as the green redevelopment fund which shall
18 be used by the county to offer grants to units of local
19 government for green redevelopment projects including
20 acquisition, construction, demolition, conversion, repair, or
21 alteration of existing developed sites to address
22 implementation of best management practices for stormwater
23 management as defined by existing stormwater management
24 ordinances; groundwater recharge and infiltration; and
25 reinvestment in brownfield sites through remediation
26 activities. Green redevelopment funds cannot be used for

1 projects on land planned or reserved by county or municipal
2 plans for either agricultural use or open space. The fund shall
3 be expended in the same manner and subject to the same
4 requirements as other county expenditures.

5 (e) If a petition signed by a number of electors of the
6 county equal to at least 0.5% of the total number of votes cast
7 during the last preceding gubernatorial election in a county
8 that has authorized a tax for county farmland preservation
9 easement and green redevelopment purposes under the provisions
10 of this Section is presented to the county board of that
11 county, requesting a proposition whether or not the tax for
12 county farmland preservation easement and green redevelopment
13 purposes in such county shall be discontinued, the county board
14 shall adopt a resolution providing for the submission of the
15 proposition to the voters of the county at the next regular
16 election held in accordance with the general election law.

17 If a majority of the voters of the county voting upon the
18 proposition are in favor thereof, then the proposition shall be
19 deemed adopted and the tax shall be discontinued in the county.
20 In case any funds remain to the credit of the county farmland
21 preservation easement fund or the green redevelopment fund
22 after the tax has been discontinued, those remaining funds
23 shall be paid into the general fund for county purposes in the
24 county treasury. All previously executed farmland preservation
25 easements shall be in effect until the termination of the
26 easements as provided in each easement agreement. All

1 previously executed grant agreements for green redevelopment
2 with units of local government shall be fulfilled as provided
3 in each grant agreement.