

1 AMENDMENT TO SENATE BILL 2227

2 AMENDMENT NO. _____. Amend Senate Bill 2227 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 a County,
14 ~~with--more--than--200,000--and--less--than--300,000--inhabitants--and~~
15 ~~which--is--adjacent--to--the--Mississippi--River,~~ may by ordinance
16 propose the establishment of an economic development project
17 area and fix a time and place for a public hearing, and shall
18 submit a certified copy of the ordinance as adopted to the
19 Department.

20 (b) Any county which adopts an ordinance which fixes a
21 date, time and place for a public hearing shall convene a
22 joint review board as hereinafter provided. Not less than 45

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

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

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

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

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

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

34 (2) The notices issued pursuant to this Section

1 shall include the following:

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

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

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

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

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

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

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

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

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

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

1 without further notice or hearing, provided that the county
2 shall give notice of its changes by mail to the Department
3 and to each affected taxing district and by publication in a
4 newspaper or newspapers of general circulation with the
5 affected taxing districts. Such notice by mail and by
6 publication shall each occur not later than 10 days following
7 the adoption by ordinance of such changes.

8 (f) At any time within 90 days of the final adjournment
9 of the public hearing, a county may, by ordinance, approve
10 the economic development plan, establish the economic
11 development project area, and authorize property tax
12 allocation financing for such economic development project
13 area. Any ordinance adopted which approves the economic
14 development plan shall contain findings that the economic
15 development project is reasonably expected to create or
16 retain not less than 500 ~~1,000~~ full-time equivalent jobs,
17 that private investment in an amount not less than
18 \$25,000,000 ~~\$50,000,000~~ is reasonably expected to occur in
19 the economic development project area, that the economic
20 development project will encourage the increase of commerce
21 and industry within the State, thereby reducing the evils
22 attendant upon unemployment and increasing opportunities for
23 personal income, and that the economic development project
24 will increase or maintain the property, sales and income tax
25 bases of the county and of the State. Any ordinance adopted
26 which establishes an economic development project area shall
27 contain the boundaries of such area by legal description and,
28 where possible, by street location. Any ordinance adopted
29 which authorizes property tax allocation financing shall
30 provide that the ad valorem taxes, if any, arising from the
31 levies upon taxable real property in such economic
32 development project area by taxing districts and tax rates
33 determined in the manner provided in subsection (b) of
34 Section 6 of this Act each year after the effective date of

1 the ordinance until economic development project costs and
2 all county obligations financing economic development project
3 costs incurred under this Act have been paid shall be divided
4 as follows:

5 (1) That portion of taxes levied upon each taxable
6 lot, block, tract or parcel of real property which is
7 attributable to the lower of the current equalized
8 assessed value or the initial equalized assessed value of
9 each such taxable lot, block, tract or parcel of real
10 property in the economic development project area shall
11 be allocated to, and when collected, shall be paid by the
12 county collector to the respective affected taxing
13 districts in the manner required by law in the absence of
14 the adoption of property tax allocation financing.

15 (2) That portion, if any, of such taxes which is
16 attributable to the increase in the current equalized
17 assessed valuation of each taxable lot, block, tract or
18 parcel of real property in the economic development
19 project area over and above the initial equalized
20 assessed value of each property in the economic
21 development project area shall be allocated to and when
22 collected shall be paid to the county treasurer who shall
23 deposit those taxes into a special fund called the
24 special tax allocation fund of the county for the purpose
25 of paying economic development project costs and
26 obligations incurred in the payment thereof.

27 (g) After a county has by ordinance approved an economic
28 development plan and established an economic development
29 project area, the plan may be amended and the boundaries of
30 the area may be altered only as herein provided. Amendments
31 which (1) alter the exterior boundaries of an economic
32 development project area, (2) substantially affect the
33 general land uses established pursuant to the economic
34 development plan, (3) substantially change the nature of the

1 economic development plan, (4) change the general description
2 of any proposed developer, user, or tenant of any property to
3 be located or improved within the economic development
4 project area, or (5) change the description of the type,
5 class and number of employees to be employed in the
6 operation of the facilities to be developed or improved shall
7 be made only after review by a joint review board, notice and
8 hearing pursuant to the procedures set forth in this Section.
9 Amendments which do not (1) alter the exterior boundaries of
10 an economic development project area, (2) substantially
11 affect the general land uses established in the economic
12 development plan, (3) substantially change the nature of the
13 economic development plan, (4) change the 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 hearing
20 or notice, provided that the county shall give notice of any
21 amendment by mail to the Department and to each taxing
22 district and by publication in a newspaper or newspapers of
23 general circulation within the affected taxing districts.
24 Such notices by mail and by publication shall each occur not
25 later than 10 days following the adoption by ordinance of
26 such amendments.

27 (h) After the adoption of an ordinance adopting property
28 tax allocation financing for an economic development project
29 area, the county shall annually report to each taxing
30 district having taxable property within such economic
31 development project area (i) any increase or decrease in the
32 equalized assessed value of the real property located within
33 such economic development project area above or below the
34 initial equalized assessed value of such real property, (ii)

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

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

20 (Source: P.A. 86-1388.)

21 (55 ILCS 85/5) (from Ch. 34, par. 7005)

22 Sec. 5. Submission to Department; certification by
23 Department.

24 (a) The county shall submit certified copies of any
25 ordinances adopted approving a proposed economic development
26 plan, establishing an economic development project area, and
27 authorizing tax increment allocation financing to the
28 Department, together with (1) a map of the economic
29 development project area, (2) a copy of the economic
30 development plan as approved, (3) an analysis, and any
31 supporting documents and statistics, demonstrating that the
32 economic development project is reasonably expected to create
33 or retain not less than 500 ~~1,000~~ full-time equivalent jobs

1 and that private investment in the amount of not less than
2 \$25,000,000 ~~\$50,000,000~~ is reasonably expected to occur in
3 the economic development project area, (4) an estimate of the
4 economic impact of the economic development plan and the use
5 of property tax allocation financing upon the revenues of the
6 county and the affected taxing districts, (5) a record of all
7 public hearings held in connection with the establishment of
8 the economic development project area, and (6) such other
9 information as the Department by regulation may require.

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

33 (c) On or before July 1, 2006 ~~1994~~, the Department shall
34 submit to the General Assembly a report detailing the number

1 of economic development project areas it has approved and
2 certified, the number and type of jobs created or retained
3 therein, the aggregate amount of private investment therein,
4 the impact in the revenues of counties and affected taxing
5 districts of the use of property tax allocation financing
6 therein, and such additional information as the Department
7 may determine to be relevant. On July 1, 2008 ~~1996~~ the
8 authority granted hereunder to counties to establish economic
9 development project areas and to adopt property tax
10 allocation financing in connection therewith and to the
11 Department to approve and certify economic development
12 project areas shall expire unless the General Assembly shall
13 have authorized counties and the Department to continue to
14 exercise the powers granted to them under this Act.

15 (Source: P.A. 87-18; 88-688, eff. 1-24-95.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."