

1 AN ACT concerning economic development.

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

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  
23 days prior to the date fixed for the public hearing, the  
24 county shall give notice by mailing to the chief executive  
25 officer of each affected taxing district having taxable  
26 property included in the proposed economic development  
27 project area that such chief executive officer or his  
28 designee is invited to participate in a joint review board.  
29 The designee shall serve at the discretion of the chief  
30 executive officer of the taxing district for a term not to  
31 exceed 2 years. Such notice shall advise each chief executive

1 officer of the date, time and place of the first meeting of  
2 such joint review board, which shall occur not less than 30  
3 days prior to the date of the public hearing. Such notice by  
4 mail shall be given by depositing such notice in the United  
5 States Postal Service by certified mail.

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

24 Within 30 days of its first meeting, a joint review board  
25 shall provide the county with a written report of its review  
26 of any proposal to approve an economic development plan and  
27 economic development project and to designate an economic  
28 development project area. Such written report shall include  
29 such information and advisory, nonbinding recommendations as  
30 a majority of the members of the joint review board shall  
31 deem relevant. Written reports of joint review boards may  
32 include information and advisory, nonbinding recommendations  
33 provided by a minority of the members thereof. Any joint  
34 review board which does not provide such written report

1 within such 30-day period shall be deemed to have recommended  
2 that the county proceed with a proposal to approve an  
3 economic development plan and economic development project  
4 and to designate an economic development project area.

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

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

25 (2) The notices issued pursuant to this Section  
26 shall include the following:

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

28 (B) The boundaries of the proposed economic  
29 development project area by legal description and by  
30 street location where possible;

31 (C) A notification that all interested persons  
32 will be given an opportunity to be heard at the  
33 public hearing;

34 (D) An invitation for any person to submit

1 alternative proposals or bids for any proposed  
 2 conveyance, lease, mortgage or other disposition of  
 3 land within the proposed economic development  
 4 project area;

5 (E) A description of the economic development  
 6 plan or economic development project if a plan or  
 7 project is a subject matter of the hearing; and

8 (F) Such other matters as the county may deem  
 9 appropriate.

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

20 (d) At the public hearing any interested person, the  
 21 Department or any affected taxing district may file written  
 22 objections with the county clerk and may be heard orally with  
 23 respect to any issues embodied in the notice. The county  
 24 shall hear and determine all alternate proposals or bids for  
 25 any proposed conveyance, lease, mortgage or other disposition  
 26 of land and all protests and objections at the hearing, and  
 27 the hearing may be adjourned to another date without further  
 28 notice other than a motion to be entered upon the minutes  
 29 fixing the time and place of the adjourned hearing. Public  
 30 hearings with regard to an economic development plan,  
 31 economic development project area, or economic development  
 32 project may be held simultaneously.

33 (e) At the public hearing, or at any time prior to the  
 34 adoption by the county of an ordinance approving an economic

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

33 (f) At any time within 90 days of the final adjournment  
34 of the public hearing, a county may, by ordinance, approve

1 the economic development plan, establish the economic  
2 development project area, and authorize property tax  
3 allocation financing for such economic development project  
4 area. Any ordinance adopted which approves the economic  
5 development plan shall contain findings that the economic  
6 development project is reasonably expected to create or  
7 retain not less than 500 ~~1,700~~ full-time equivalent jobs,  
8 that private investment in an amount not less than  
9 \$25,000,000 ~~\$50,000,000~~ is reasonably expected to occur in  
10 the economic development project area, that the economic  
11 development project will encourage the increase of commerce  
12 and industry within the State, thereby reducing the evils  
13 attendant upon unemployment and increasing opportunities for  
14 personal income, and that the economic development project  
15 will increase or maintain the property, sales and income tax  
16 bases of the county and of the State. The ordinance shall  
17 also state that the economic development project area shall  
18 not include parcels to be used for purposes of residential  
19 development. Any ordinance adopted which establishes an  
20 economic development project area shall contain the  
21 boundaries of such area by legal description and, where  
22 possible, by street location. Any ordinance adopted which  
23 authorizes property tax allocation financing shall provide  
24 that the ad valorem taxes, if any, arising from the levies  
25 upon taxable real property in such economic development  
26 project area by taxing districts and tax rates determined in  
27 the manner provided in subsection (b) of Section 6 of this  
28 Act each year after the effective date of the ordinance until  
29 economic development project costs and all county obligations  
30 financing economic development project costs incurred under  
31 this Act have been paid shall be divided as follows:

32 (1) That portion of taxes levied upon each taxable  
33 lot, block, tract or parcel of real property which is  
34 attributable to the lower of the current equalized

1           assessed value or the initial equalized assessed value of  
2           each such taxable lot, block, tract or parcel of real  
3           property in the economic development project area shall  
4           be allocated to, and when collected, shall be paid by the  
5           county collector to the respective affected taxing  
6           districts in the manner required by law in the absence of  
7           the adoption of property tax allocation financing.

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

20          (g) After a county has by ordinance approved an economic  
21          development plan and established an economic development  
22          project area, the plan may be amended and the boundaries of  
23          the area may be altered only as herein provided. Amendments  
24          which (1) alter the exterior boundaries of an economic  
25          development project area, (2) substantially affect the  
26          general land uses established pursuant to the economic  
27          development plan, (3) substantially change the nature of the  
28          economic development plan, (4) change the general description  
29          of any proposed developer, user, or tenant of any property to  
30          be located or improved within the economic development  
31          project area, or (5) change the description of the type,  
32          class and number of employees to be employed in the  
33          operation of the facilities to be developed or improved shall  
34          be made only after review by a joint review board, notice and

1 hearing pursuant to the procedures set forth in this Section.  
2 Amendments which do not (1) alter the exterior boundaries of  
3 an economic development project area, (2) substantially  
4 affect the general land uses established in the economic  
5 development plan, (3) substantially change the nature of the  
6 economic development plan, (4) change the 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 hearing  
13 or notice, provided that the county shall give notice of any  
14 amendment by mail to the Department and to each taxing  
15 district and by publication in a newspaper or newspapers of  
16 general circulation within the affected taxing districts.  
17 Such notices by mail and by publication shall each occur not  
18 later than 10 days following the adoption by ordinance of  
19 such amendments.

20 (h) After the adoption of an ordinance adopting property  
21 tax allocation financing for an economic development project  
22 area, the county shall annually report to each taxing  
23 district having taxable property within such economic  
24 development project area (i) any increase or decrease in the  
25 equalized assessed value of the real property located within  
26 such economic development project area above or below the  
27 initial equalized assessed value of such real property, (ii)  
28 that portion, if any, of the ad valorem taxes arising from  
29 the levies upon taxable real property in such economic  
30 development project area by the taxing districts which is  
31 attributable to the increase in the current equalized  
32 assessed valuation of each lot, block, tract or parcel of  
33 real property in the economic development project area over  
34 and above the initial equalized value of each property and



1 which has been allocated to the county in the current year,  
2 and (iii) such other information as the county may deem  
3 relevant.

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

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

14 (55 ILCS 85/5) (from Ch. 34, par. 7005)

15 Sec. 5. Submission to Department; certification by  
16 Department.

17 (a) The county shall submit certified copies of any  
18 ordinances adopted approving a proposed economic development  
19 plan, establishing an economic development project area, and  
20 authorizing tax increment allocation financing to the  
21 Department, together with (1) a map of the economic  
22 development project area, (2) a copy of the economic  
23 development plan as approved, (3) an analysis, and any  
24 supporting documents and statistics, demonstrating that the  
25 economic development project is reasonably expected to create  
26 or retain not less than 500 ~~1,700~~ full-time equivalent jobs  
27 and that private investment in the amount of not less than  
28 \$25,000,000 ~~\$50,000,000~~ is reasonably expected to occur in  
29 the economic development project area, (4) an estimate of the  
30 economic impact of the economic development plan and the use  
31 of property tax allocation financing upon the revenues of the  
32 county and the affected taxing districts, (5) a record of all  
33 public hearings held in connection with the establishment of

1 the economic development project area, and (6) such other  
2 information as the Department by regulation may require.

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

26 (c) On or before July 1, 2006 ~~1994~~, the Department shall  
27 submit to the General Assembly a report detailing the number  
28 of economic development project areas it has approved and  
29 certified, the number and type of jobs created or retained  
30 therein, the aggregate amount of private investment therein,  
31 the impact in the revenues of counties and affected taxing  
32 districts of the use of property tax allocation financing  
33 therein, and such additional information as the Department  
34 may determine to be relevant. On July 1, 2008 ~~1996~~ the

1 authority granted hereunder to counties to establish economic  
2 development project areas and to adopt property tax  
3 allocation financing in connection therewith and to the  
4 Department to approve and certify economic development  
5 project areas shall expire unless the General Assembly shall  
6 have authorized counties and the Department to continue to  
7 exercise the powers granted to them under this Act.

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

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