

1 AN ACT concerning counties.

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 Tax
5 Increment Allocation Act of 1991 is amended by changing Section
6 10 as follows:

7 (55 ILCS 90/10) (from Ch. 34, par. 8010)

8 Sec. 10. Definitions. In this Act, ~~words or terms have the~~
9 ~~following meanings:~~

10 (a) "Economic development plan" means the written plan of a
11 county that sets forth an economic development program for an
12 economic development project area. Each economic development
13 plan shall include but not be limited to (i) estimated economic
14 development project costs, (ii) the sources of funds to pay
15 those costs, (iii) the nature and term of any obligations to be
16 issued by the county to pay those costs, (iv) the most recent
17 equalized assessed valuation of the economic development
18 project area, (v) an estimate of the equalized assessed
19 valuation of the economic development project area after
20 completion of an economic development project, (vi) the
21 estimated date of completion of any economic development
22 project proposed to be undertaken, (vii) a general description
23 of any proposed developer, user, or tenant of any property to
24 be located or improved within the economic development project
25 area, (viii) a description of the type, structure, and general
26 character of the facilities to be developed or improved, (ix) a
27 report, which may be in preliminary form, of an independent
28 engineer, architect, or other professional indicating that any
29 proposed manufacturing, industrial, research, or similar
30 facility included in a proposed economic development project
31 for a proposed economic development project area uses proven
32 technology or uses innovative technology for which there is

1 reasonable evidence of technological feasibility, (x) a
2 description of the general land uses to apply in the economic
3 development project area, (xi) a description of the type,
4 class, and number of employees to be employed in the operation
5 of the facilities to be developed or improved, and (xii) a
6 commitment by the county to fair employment practices and an
7 affirmative action plan with respect to any economic
8 development program to be undertaken by the county.

9 (b) "Economic development project" means any development
10 project in furtherance of the objectives of this Act.

11 (c) "Economic development project area" means any improved
12 or vacant area that (i) is located in a county of significant
13 unemployment as defined in subsection (e) of this Section, (ii)
14 is contiguous, (iii) is not less in the aggregate than 5000
15 acres, (iv) is suitable for siting by a commercial,
16 manufacturing, industrial, research, or transportation
17 enterprise or facilities to include but not be limited to
18 commercial businesses, offices, factories, mills, processing
19 plants, industrial or commercial distribution centers,
20 warehouses, repair overhaul or service facilities, freight
21 terminals, research facilities, test facilities, or
22 transportation facilities, regardless of whether the area has
23 been used at any time for those facilities and regardless of
24 whether the area has been used or is suitable for other uses,
25 including commercial agricultural purposes, and (v) has been
26 approved and certified by the corporate authorities of the
27 county pursuant to this Act.

28 (d) "Economic development project costs" means and
29 includes the total of all reasonable or necessary costs
30 incurred or to be incurred by a county or by a nongovernmental
31 person pursuant to an economic development project, including,
32 without limitation, the following:

33 (1) Costs of studies, surveys, development of plans and
34 specifications, and implementation and administration of
35 an economic development plan and personnel and
36 professional service costs for architectural, engineering,

1 legal, marketing, financial, planning, police, fire,
2 public works, or other services. No charges for
3 professional services, however, may be based on a
4 percentage of incremental tax revenues.

5 (2) Property assembly costs within an economic
6 development project area, including but not limited to
7 acquisition of land and other real or personal property or
8 rights or interests in property.

9 (3) Site preparation costs, including but not limited
10 to clearance of any area within an economic development
11 project area by demolition or removal of any existing
12 buildings, structures, fixtures, utilities, and
13 improvements and clearing and grading; and including
14 installation, repair, construction, reconstruction, or
15 relocation of public streets, public utilities, and other
16 public site improvements located outside the boundaries of
17 an economic development project area that are essential to
18 the preparation of the economic development project area
19 for use in accordance with an economic development plan.

20 (4) Costs of renovation, rehabilitation,
21 reconstruction, relocation, repair, or remodeling of any
22 existing buildings, improvements, and fixtures within an
23 economic development project area.

24 (5) Costs of installation or construction within an
25 economic development project area of any buildings,
26 structures, works, streets, improvements, utilities, or
27 fixtures, whether publicly or privately owned or operated.

28 (6) Financing costs, including but not limited to all
29 necessary and incidental expenses related to the issuance
30 of obligations, payment of any interest on any obligations
31 issued under this Act that accrues during the estimated
32 period of construction of any economic development project
33 for which the obligations are issued and for not more than
34 36 months after that period, and any reasonable reserves
35 related to the issuance of the obligations.

36 (7) All or a portion of a taxing district's capital

1 costs resulting from an economic development project
2 necessarily incurred or estimated to be incurred by a
3 taxing district in the furtherance of the objectives of an
4 economic development project, to the extent that the county
5 by written agreement accepts and approves those costs.

6 (8) Relocation costs to the extent that a county
7 determines that relocation costs shall be paid or is
8 required to pay relocation costs by federal or State law.

9 (9) The estimated tax revenues from real property in an
10 economic development project area acquired by a county
11 that, according to the economic development plan, is to be
12 used for a private use (i) that any taxing district would
13 have received had the county not adopted tax increment
14 allocation financing for an economic development project
15 area and (ii) that would result from the taxing district's
16 levies made after the time of the adoption by the county of
17 tax increment allocation financing to the time the current
18 equalized assessed value of real property in the economic
19 development project area exceeds the total initial
20 equalized value of real property.

21 (10) Costs of rebating ad valorem taxes paid by any
22 developer or other nongovernmental person in whose name the
23 general taxes were paid for the last preceding year on any
24 lot, block, tract, or parcel of land in the economic
25 development project area, provided that:

26 (A) the economic development project area is
27 located in an enterprise zone created under the
28 Illinois Enterprise Zone Act;

29 (B) the ad valorem taxes shall be rebated only in
30 amounts and for a tax year or years as the county and
31 any one or more affected taxing districts have agreed
32 by prior written agreement;

33 (C) any amount of rebate of taxes shall not exceed
34 the portion, if any, of taxes levied by the county or
35 taxing district or districts that is attributable to
36 the increase in the current equalized assessed

1 valuation of each taxable lot, block, tract, or parcel
2 of real property in the economic development project
3 area over and above the initial equalized assessed
4 value of each property existing at the time property
5 tax allocation financing was adopted for the economic
6 development project area; and

7 (D) costs of rebating ad valorem taxes shall be
8 paid by a county solely from the special tax allocation
9 fund established under this Act and shall not be paid
10 from the proceeds of any obligations issued by a
11 county.

12 (11) Costs of job training or advanced vocational or
13 career education, including but not limited to courses in
14 occupational, semi-technical, or technical fields leading
15 directly to employment, incurred by one or more taxing
16 districts, but only if the costs are related to the
17 establishment and maintenance of additional job training,
18 advanced vocational education, or career education
19 programs for persons employed or to be employed by
20 employers located in the economic development project area
21 and only if, when the costs are incurred by a taxing
22 district or taxing districts other than the county, they
23 shall be set forth in a written agreement by or among the
24 county and the taxing district or taxing districts that
25 describes the program to be undertaken, including without
26 limitation the number of employees to be trained, a
27 description of the training and services to be provided,
28 the number and type of positions available or to be
29 available, itemized costs of the program and sources of
30 funds to pay the costs, and the term of the agreement.
31 These costs include, specifically, the payment by
32 community college districts of costs pursuant to Sections
33 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College
34 Act and by school districts of costs pursuant to Sections
35 10-22.20 and 10-23.3a of the School Code.

36 (12) Private financing costs incurred by a developer or

1 other nongovernmental person in connection with an
2 economic development project, provided that:

3 (A) private financing costs shall be paid or
4 reimbursed by a county only pursuant to the prior
5 official action of the county evidencing an intent to
6 pay or reimburse such private financing costs;

7 (B) except as provided in subparagraph (D), the
8 aggregate amount of the costs paid or reimbursed by a
9 county in any one year shall not exceed 30% of the
10 costs paid or incurred by the developer or other
11 nongovernmental person in that year;

12 (C) private financing costs shall be paid or
13 reimbursed by a county solely from the special tax
14 allocation fund established under this Act and shall
15 not be paid from the proceeds of any obligations issued
16 by a county; and

17 (D) if there are not sufficient funds available in
18 the special tax allocation fund in any year to make the
19 payment or reimbursement in full, any amount of the
20 interest costs remaining to be paid or reimbursed by a
21 county shall accrue and be payable when funds are
22 available in the special tax allocation fund to make
23 the payment.

24 (e) "A county with significant unemployment" means a county
25 in which the average annual unemployment rate for the previous
26 calendar year equaled or exceeded 12%. For purposes of this
27 subsection, the unemployment rate of a county shall be the rate
28 as certified by the Illinois Department of Employment Security.

29 (f) "Obligations" means any instrument evidencing the
30 obligation of a county to pay money, including without
31 limitation bonds, notes, installment or financing contracts,
32 certificates, tax anticipation warrants or notes, vouchers,
33 and any other evidence of indebtedness.

34 (g) "Taxing districts" means counties, townships, and
35 school, road, park, sanitary, mosquito abatement, forest
36 preserve, public health, fire protection, river conservancy,

1 tuberculosis sanitarium, and any other districts or other
2 municipal corporations with the power to levy taxes.

3 (Source: P.A. 87-1.)