



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB3380

Introduced 5/19/2004, by Sen. Patrick Welch

SYNOPSIS AS INTRODUCED:

55 ILCS 85/4

from Ch. 34, par. 7004

Amends the County Economic Development Project Area Property Tax Allocation Act. Provides that the corporate authorities of Grundy County may, by ordinance, propose the establishment of an economic development project and fix a time and place for a public hearing and must submit a certified copy of the ordinance, as adopted, to the Department of Commerce and Economic Opportunity.

LRB093 22260 BDD 51248 b

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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
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
17 the Department.

18 (a-5) The corporate authorities of Grundy County may, by
19 ordinance, propose the establishment of an economic
20 development project and fix a time and place for a public
21 hearing and must submit a certified copy of the ordinance, as
22 adopted, to the Department.

23 (b) Any county which adopts an ordinance which fixes a
24 date, time and place for a public hearing shall convene a joint
25 review board as hereinafter provided. Not less than 45 days
26 prior to the date fixed for the public hearing, the county
27 shall give notice by mailing to the chief executive officer of
28 each affected taxing district having taxable property included
29 in the proposed economic development project area that such
30 chief executive officer or his designee is invited to
31 participate in a joint review board. The designee shall serve
32 at the discretion of the chief executive officer of the taxing

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

7 At or prior to the first meeting of such joint review board
8 the county shall furnish to any member of such joint review
9 board copies of the proposed economic development plan and any
10 related documents which such member shall reasonably request. A
11 majority of the members of such joint review board present at
12 any meeting shall constitute a quorum. Additional meetings may
13 be called by any member of a joint review board upon the giving
14 of notice not less than 72 hours prior to the date of any
15 additional meeting to all members of the joint review board.
16 The joint review board shall review such information and
17 material as its members reasonably deem relevant to the
18 county's proposals to approve economic development plans and
19 economic development projects and to designate economic
20 development project areas. The county shall provide such
21 information and material promptly upon the request of the joint
22 review board and may also provide administrative support and
23 facilities as the joint review 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 of
26 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 a
30 majority of the members of the joint review board shall deem
31 relevant. Written reports of joint review boards may include
32 information and advisory, nonbinding recommendations provided
33 by a minority of the members thereof. Any joint review board
34 which does not provide such written report within such 30-day
35 period shall be deemed to have recommended that the county
36 proceed with a proposal to approve an economic development plan

1 and economic development project and to designate an economic
2 development project area.

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

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

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

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

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

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

32 (D) An invitation for any person to submit
33 alternative proposals or bids for any proposed
34 conveyance, lease, mortgage or other disposition of
35 land within the proposed economic development project
36 area;

1 (E) A description of the economic development plan
2 or economic development project if a plan or project is
3 a subject matter of the hearing; and

4 (F) Such other matters as the county may deem
5 appropriate.

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

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

29 (e) At the public hearing, or at any time prior to the
30 adoption by the county of an ordinance approving an economic
31 development plan, the county may make changes in the economic
32 development plan. Changes which (1) alter the exterior
33 boundaries of the proposed economic development project area,
34 (2) substantially affect the general land uses established in
35 the proposed economic development plan, (3) substantially
36 change the nature of the proposed economic development plan,

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

27 (f) At any time within 90 days of the final adjournment of
28 the public hearing, a county may, by ordinance, approve the
29 economic development plan, establish the economic development
30 project area, and authorize property tax allocation financing
31 for such economic development project area. Any ordinance
32 adopted which approves the economic development plan shall
33 contain findings that the economic development project is
34 reasonably expected to create or retain not less than 500
35 full-time equivalent jobs, that private investment in an amount
36 not less than \$25,000,000 is reasonably expected to occur in

1 the economic development project area, that the economic
2 development project will encourage the increase of commerce and
3 industry within the State, thereby reducing the evils attendant
4 upon unemployment and increasing opportunities for personal
5 income, and that the economic development project will increase
6 or maintain the property, sales and income tax bases of the
7 county and of the State. The ordinance shall also state that
8 the economic development project area shall not include parcels
9 to be used for purposes of residential development. Any
10 ordinance adopted which establishes an economic development
11 project area shall contain the boundaries of such area by legal
12 description and, where possible, by street location. Any
13 ordinance adopted which authorizes property tax allocation
14 financing shall provide that the ad valorem taxes, if any,
15 arising from the levies upon taxable real property in such
16 economic development project area by taxing districts and tax
17 rates determined in the manner provided in subsection (b) of
18 Section 6 of this Act each year after the effective date of the
19 ordinance until economic development project costs and all
20 county obligations financing economic development project
21 costs incurred under this Act have been paid shall be divided
22 as follows:

23 (1) That portion of taxes levied upon each taxable lot,
24 block, tract or parcel of real property which is
25 attributable to the lower of the current equalized assessed
26 value or the initial equalized assessed value of each such
27 taxable lot, block, tract or parcel of real property in the
28 economic development project area shall be allocated to,
29 and when collected, shall be paid by the county collector
30 to the respective affected taxing districts in the manner
31 required by law in the absence of the adoption of property
32 tax allocation financing.

33 (2) That portion, if any, of such taxes which is
34 attributable to the increase in the current equalized
35 assessed valuation of each taxable lot, block, tract or
36 parcel of real property in the economic development project

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

9 (g) After a county has by ordinance approved an economic
10 development plan and established an economic development
11 project area, the plan may be amended and the boundaries of the
12 area may be altered only as herein provided. Amendments which
13 (1) alter the exterior boundaries of an economic development
14 project area, (2) substantially affect the general land uses
15 established pursuant to the economic development plan, (3)
16 substantially change the nature of the economic development
17 plan, (4) change the general description of any proposed
18 developer, user, or tenant of any property to be located or
19 improved within the economic development project area, or (5)
20 change the description of the type, class and number of
21 employees to be employed in the operation of the facilities to
22 be developed or improved shall be made only after review by a
23 joint review board, notice and hearing pursuant to the
24 procedures set forth in this Section. Amendments which do not
25 (1) alter the exterior boundaries of an economic development
26 project area, (2) substantially affect the general land uses
27 established in the economic development plan, (3)
28 substantially change the nature of the economic development
29 plan, (4) change the description of any proposed developer,
30 user, or tenant of any property to be located or improved
31 within the economic development project area, or (5) change the
32 description of the type, class and number of employees to be
33 employed in the operation of the facilities to be developed or
34 improved within the economic development project area may be
35 made without further hearing or notice, provided that the
36 county shall give notice of any amendment by mail to the

1 Department and to each taxing district and by publication in a
2 newspaper or newspapers of general circulation within the
3 affected taxing districts. Such notices by mail and by
4 publication shall each occur not later than 10 days following
5 the adoption by ordinance of such amendments.

6 (h) After the adoption of an ordinance adopting property
7 tax allocation financing for an economic development project
8 area, the county shall annually report to each taxing district
9 having taxable property within such economic development
10 project area (i) any increase or decrease in the equalized
11 assessed value of the real property located within such
12 economic development project area above or below the initial
13 equalized assessed value of such real property, (ii) that
14 portion, if any, of the ad valorem taxes arising from the
15 levies upon taxable real property in such economic development
16 project area by the taxing districts which is attributable to
17 the increase in the current equalized assessed valuation of
18 each lot, block, tract or parcel of real property in the
19 economic development project area over and above the initial
20 equalized value of each property and which has been allocated
21 to the county in the current year, and (iii) such other
22 information as the county may deem relevant.

23 (i) The county shall give notice by mail as provided in
24 this Section and shall reconvene the joint review board not
25 less than annually for each of the 2 years following its
26 adoption of an ordinance adopting property tax allocation
27 financing for an economic development project area and not less
28 than once in each 3-year period thereafter. The county shall
29 provide such information, and may provide administrative
30 support and facilities as the joint review board may reasonably
31 require for each of such meetings.

32 (Source: P.A. 92-791, eff. 8-6-02.)