

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 5-1062.3 as follows:

6 (55 ILCS 5/5-1062.3 new)

7 Sec. 5-1062.3. Stormwater management; Peoria.

8 (a) The purpose of this Section is to allow management and  
9 mitigation of the effects of urbanization on stormwater  
10 drainage in Peoria County and references to "county" in this  
11 Section apply only to that county. The purpose of this Section  
12 shall be achieved by:

13 (1) Consolidating the existing stormwater management  
14 framework into a united, countywide structure.

15 (2) Setting minimum standards for floodplain and  
16 stormwater management.

17 (3) Preparing a countywide plan for the management of  
18 stormwater runoff, including the management of natural and  
19 man-made drainageways. The countywide plan may incorporate  
20 watershed plans.

21 (b) A stormwater management planning committee may be  
22 established by county board resolution, with its membership  
23 consisting of equal numbers of county board and municipal

1 representatives from each county board district, and such other  
2 members as may be determined by the county and municipal  
3 members. The county board may by ordinance divide the county  
4 into not less than 6 areas of approximately equal population,  
5 to be used instead of county board districts for the purpose of  
6 determining representation on the stormwater management  
7 planning committee.

8 The county board members shall be appointed by the chairman  
9 of the county board. Municipal members from each county board  
10 district or other represented area shall be appointed by a  
11 majority vote of the mayors of those municipalities that have  
12 the greatest percentage of their respective populations  
13 residing in that county board district or other represented  
14 area. All municipal and county board representatives shall be  
15 entitled to a vote; the other members shall be nonvoting  
16 members, unless authorized to vote by the unanimous consent of  
17 the municipal and county board representatives. A municipality  
18 that is located in more than one county may choose, at the time  
19 of formation of the stormwater management planning committee  
20 and based on watershed boundaries, to participate in the  
21 stormwater management planning program of either or both of the  
22 counties. Subcommittees of the stormwater management planning  
23 committee may be established to serve a portion of the county  
24 or a particular drainage basin that has similar stormwater  
25 management needs. The stormwater management planning committee  
26 shall adopt bylaws, by a majority vote of the county and

1 municipal members, to govern the functions of the committee and  
2 its subcommittees. Officers of the committee shall include a  
3 chair and vice chair, one of whom shall be a county  
4 representative and one a municipal representative.

5 The principal duties of the committee shall be to develop a  
6 stormwater management plan for presentation to and approval by  
7 the county board, and to direct the plan's implementation and  
8 revision. The committee may retain engineering, legal, and  
9 financial advisors and inspection personnel. The committee  
10 shall meet at least quarterly and shall hold at least one  
11 public meeting during the preparation of the plan and prior to  
12 its submittal to the county board. The committee may make  
13 grants to units of local government that have adopted an  
14 ordinance requiring actions consistent with the stormwater  
15 management plan and to landowners for the purposes of  
16 stormwater management, including special projects; use of the  
17 grant money must be consistent with the stormwater management  
18 plan.

19 The committee shall not have or exercise any power of  
20 eminent domain.

21 (c) In the preparation of a stormwater management plan, a  
22 county stormwater management planning committee shall  
23 coordinate the planning process with each adjoining county to  
24 ensure that recommended stormwater projects will have no  
25 significant impact on the levels or flows of stormwaters in  
26 inter-county watersheds or on the capacity of existing and

1 planned stormwater retention facilities. An adopted stormwater  
2 management plan shall identify steps taken by the county to  
3 coordinate the development of plan recommendations with  
4 adjoining counties.

5 (d) The stormwater management committee may not enforce any  
6 rules or regulations that would interfere with (i) any power  
7 granted by the Illinois Drainage Code (70 ILCS 605/) to  
8 operate, construct, maintain, or improve drainage systems or  
9 (ii) the ability to operate, maintain, or improve the drainage  
10 systems used on or by land or a facility used for production  
11 agriculture purposes, as defined in the Use Tax Act (35 ILCS  
12 105/), except newly constructed buildings and newly installed  
13 impervious paved surfaces. Disputes regarding an exception  
14 shall be determined by a mutually agreed upon arbitrator paid  
15 by the disputing party or parties.

16 (e) Before the stormwater management planning committee  
17 recommends to the county board a stormwater management plan for  
18 the county or a portion thereof, it shall submit the plan to  
19 the Office of Water Resources of the Department of Natural  
20 Resources for review and recommendations. The Office, in  
21 reviewing the plan, shall consider such factors as impacts on  
22 the levels or flows in rivers and streams and the cumulative  
23 effects of stormwater discharges on flood levels. The Office of  
24 Water Resources shall determine whether the plan or ordinances  
25 enacted to implement the plan complies with the requirements of  
26 subsection (f). Within a period not to exceed 60 days, the

1 review comments and recommendations shall be submitted to the  
2 stormwater management planning committee for consideration.  
3 Any amendments to the plan shall be submitted to the Office for  
4 review.

5 (f) Prior to recommending the plan to the county board, the  
6 stormwater management planning committee shall hold at least  
7 one public hearing thereon and shall afford interested persons  
8 an opportunity to be heard. The hearing shall be held in the  
9 county seat. Notice of the hearing shall be published at least  
10 once no less than 15 days in advance of the hearing in a  
11 newspaper of general circulation published in the county. The  
12 notice shall state the time and place of the hearing and the  
13 place where copies of the proposed plan will be accessible for  
14 examination by interested parties. If an affected municipality  
15 having a stormwater management plan adopted by ordinance wishes  
16 to protest the proposed county plan provisions, it shall appear  
17 at the hearing and submit in writing specific proposals to the  
18 stormwater management planning committee. After consideration  
19 of the matters raised at the hearing, the committee may amend  
20 or approve the plan and recommend it to the county board for  
21 adoption.

22 The county board may enact the proposed plan by ordinance.  
23 If the proposals for modification of the plan made by an  
24 affected municipality having a stormwater management plan are  
25 not included in the proposed county plan, and the municipality  
26 affected by the plan opposes adoption of the county plan by

1 resolution of its corporate authorities, approval of the county  
2 plan shall require an affirmative vote of at least two-thirds  
3 of the county board members present and voting. If the county  
4 board wishes to amend the county plan, it shall submit in  
5 writing specific proposals to the stormwater management  
6 planning committee. If the proposals are not approved by the  
7 committee, or are opposed by resolution of the corporate  
8 authorities of an affected municipality having a municipal  
9 stormwater management plan, amendment of the plan shall require  
10 an affirmative vote of at least two-thirds of the county board  
11 members present and voting.

12 (g) The county board may prescribe by ordinance reasonable  
13 rules and regulations for floodplain management and for  
14 governing the location, width, course, and release rate of all  
15 stormwater runoff channels, streams, and basins in the county,  
16 in accordance with the adopted stormwater management plan.  
17 Land, facilities, and drainage district facilities used for  
18 production agriculture as defined in subsection (d) shall not  
19 be subjected to regulation by the county board or stormwater  
20 management committee under this Section for floodplain  
21 management and for governing location, width, course,  
22 maintenance, and release rate of stormwater runoff channels,  
23 streams and basins, or water discharged from a drainage  
24 district. These rules and regulations shall, at a minimum, meet  
25 the standards for floodplain management established by the  
26 Office of Water Resources and the requirements of the Federal

1 Emergency Management Agency for participation in the National  
2 Flood Insurance Program. The Commission may not impose more  
3 stringent regulations regarding water quality on entities  
4 discharging in accordance with a valid National Pollution  
5 Discharge Elimination System permit issued under the  
6 Environmental Protection Act.

7 (h) In accordance with, and if recommended in, the adopted  
8 stormwater management plan, the county board may adopt a  
9 schedule of fees as may be necessary to mitigate the effects of  
10 stormwater runoff based on actual costs. The fees shall not  
11 exceed the cost of satisfying the onsite stormwater retention  
12 or detention requirements of the adopted stormwater management  
13 plan. The fees shall be used to finance activities undertaken  
14 by the county or its included municipalities to mitigate the  
15 effects of urban stormwater runoff by providing regional  
16 stormwater retention or detention facilities, as identified in  
17 the county plan. The county board shall provide for a credit or  
18 reduction in fees for any onsite retention, detention, drainage  
19 district assessments, or other similar stormwater facility  
20 consistent with the stormwater management ordinance.  
21 Developers are exempt from any fees under this Section if the  
22 new development satisfies onsite retention or detention  
23 pursuant to any other local ordinance addressing erosion,  
24 sediment, or stormwater control and Illinois Environmental  
25 Protection Agency regulations that place the development into  
26 compliance with the National Pollutant Discharge Elimination

1 System (NPDES) permit program at the time of the dedication of  
2 public infrastructure. All these fees collected by the county  
3 shall be held in a separate fund, and shall be expended only in  
4 the watershed within which they were collected.

5 (i) For the purpose of implementing this Section and for  
6 the development, design, planning, construction, operation,  
7 and maintenance of stormwater facilities provided for in the  
8 stormwater management plan, a county board that has established  
9 a stormwater management planning committee pursuant to this  
10 Section may cause an annual tax of not to exceed 0.20% of the  
11 value, as equalized or assessed by the Department of Revenue,  
12 of all taxable property in the county to be levied upon all the  
13 taxable property in the county or occupation and use taxes of  
14 1/10 of one cent. The property tax shall be in addition to all  
15 other taxes authorized by law to be levied and collected in the  
16 county and shall be in addition to the maximum tax rate  
17 authorized by law for general county purposes. The 0.20%  
18 limitation provided in this Section may be increased or  
19 decreased by referendum in accordance with the provisions of  
20 Sections 18-120, 18-125, and 18-130 of the Property Tax Code  
21 (35 ILCS 200/).

22 Any revenues generated as a result of ownership or  
23 operation of facilities or land acquired with the tax funds  
24 collected pursuant to this subsection shall be held in a  
25 separate fund and be used either to abate such property tax or  
26 for implementing this Section.



1       However, the tax authorized by this subsection shall not be  
2 levied until the question of its adoption, either for a  
3 specified period or indefinitely, has been submitted to the  
4 electors thereof and approved by a majority of those voting on  
5 the question. This question may be submitted at any election  
6 held in the county after the adoption of a resolution by the  
7 county board providing for the submission of the question to  
8 the electors of the county. The county board shall certify the  
9 resolution and proposition to the proper election officials,  
10 who shall submit the proposition at an election in accordance  
11 with the general election law. If a majority of the votes cast  
12 on the question is in favor of the levy of the tax, it may  
13 thereafter be levied in the county for the specified period or  
14 indefinitely, as provided in the proposition. The question  
15 shall be put in substantially the following form:

16           Shall an annual tax be levied for stormwater management  
17 purposes (for a period of not more than ..... years) at a  
18 rate not exceeding .....% of the equalized assessed value  
19 of the taxable property of Peoria County?

20 Or this question may be submitted at any election held in the  
21 county after the adoption of a resolution by the county board  
22 providing for the submission of the question to the electors of  
23 the county to authorize use and occupation taxes of 1/10 of one  
24 cent:

25           Shall use and occupation taxes be raised for stormwater  
26 management purposes (for a period of not more than .....

1       years) at a rate of 1/10 of one cent for taxable goods in  
2       Peoria County?

3       Votes shall be recorded as Yes or No.

4       (j) If the county adopts a property tax in accordance with  
5       the provisions in this Section, the stormwater management  
6       committee shall offer property tax abatements or incentive  
7       payments to property owners who construct, maintain, and use  
8       approved stormwater management devices. If the county adopts  
9       use and occupation taxes in accordance with the provisions of  
10       this Section, the stormwater management committee may offer tax  
11       rebates or incentive payments to property owners who construct,  
12       maintain, and use approved stormwater management devices. The  
13       stormwater management committee is authorized to offer credits  
14       to the property tax, if applicable, based on authorized  
15       practices consistent with the stormwater management plan and  
16       approved by the committee. Expenses of staff of a stormwater  
17       management committee that are expended on regulatory project  
18       review may be no more than 20% of the annual budget of the  
19       committee, including funds raised under subsections (h) and  
20       (i).

21       (k) If the county has adopted a county stormwater  
22       management plan under this Section it may, after 10 days  
23       written notice receiving consent of the owner or occupant,  
24       enter upon any lands or waters within the county for the  
25       purpose of inspecting stormwater facilities or causing the  
26       removal of any obstruction to an affected watercourse. If

1 consent is denied or cannot be reasonably obtained, the county  
2 ordinance shall provide a process or procedure for an  
3 administrative warrant to be obtained. The county shall be  
4 responsible for any damages occasioned thereby.

5 (l) Upon petition of the municipality, and based on a  
6 finding of the stormwater management planning committee, the  
7 county shall not enforce rules and regulations adopted by the  
8 county in any municipality located wholly or partly within the  
9 county that has a municipal stormwater management ordinance  
10 that is consistent with and at least as stringent as the county  
11 plan and ordinance, and is being enforced by the municipal  
12 authorities. On issues that the county ordinance is more  
13 stringent as deemed by the committee, the county shall only  
14 enforce rules and regulations adopted by the county on the more  
15 stringent issues and accept municipal permits. The county shall  
16 have no more than 60 days to review permits or the permits  
17 shall be deemed approved.

18 (m) The county may issue general obligation bonds for  
19 implementing any stormwater plan adopted under this Section in  
20 the manner prescribed in Section 5-1012; except that the  
21 referendum requirement of Section 5-1012 does not apply to  
22 bonds issued pursuant to this Section on which the principal  
23 and interest are to be paid entirely out of funds generated by  
24 the taxes and fees authorized by this Section.

25 (n) The powers authorized by this Section may be  
26 implemented by the county board for a portion of the county

1 subject to similar stormwater management needs.

2 (o) The powers and taxes authorized by this Section are in  
3 addition to the powers and taxes authorized by Division 5-15;  
4 in exercising its powers under this Section, a county shall not  
5 be subject to the restrictions and requirements of that  
6 Division.

7 Section 10. The County Economic Development Project Area  
8 Property Tax Allocation Act is amended by changing Sections 4  
9 and 5 as follows:

10 (55 ILCS 85/4) (from Ch. 34, par. 7004)

11 Sec. 4. Establishment of economic development project  
12 area; ordinance; joint review board; notice; hearing; changes  
13 in economic development plan; annual reporting requirements.  
14 Economic development project areas shall be established as  
15 follows:

16 (a) The corporate authorities of Whiteside County may by  
17 ordinance propose the establishment of an economic development  
18 project area and fix a time and place for a public hearing, and  
19 shall submit a certified copy of the ordinance as adopted to  
20 the Department.

21 (a-5) After the effective date of this amendatory Act of  
22 the 93rd General Assembly, the corporate authorities of  
23 Stephenson County may by ordinance propose the establishment of  
24 an economic development project area and fix a time and place

1 for a public hearing, and shall submit a certified copy of the  
2 ordinance as adopted to the Department.

3 (a-10) The corporate authorities of Grundy County may, by  
4 ordinance, propose the establishment of an economic  
5 development project and fix a time and place for a public  
6 hearing. Upon passage of the ordinance, the corporate  
7 authorities of Grundy County shall submit a certified copy of  
8 the ordinance, as adopted, to the Department.

9 (a-15) The corporate authorities of Peoria County may, by  
10 ordinance, propose the establishment of an economic  
11 development project and fix a time and place for a public  
12 hearing. Upon passage of the ordinance, the corporate  
13 authorities of Peoria County shall submit a certified copy of  
14 the ordinance, as adopted, to the Department.

15 (b) Any county which adopts an ordinance which fixes a  
16 date, time and place for a public hearing shall convene a joint  
17 review board as hereinafter provided. Not less than 45 days  
18 prior to the date fixed for the public hearing, the county  
19 shall give notice by mailing to the chief executive officer of  
20 each affected taxing district having taxable property included  
21 in the proposed economic development project area and, if the  
22 ordinance is adopted by Stephenson County, the chief executive  
23 officer of any municipality within Stephenson County having a  
24 population of more than 20,000 that such chief executive  
25 officer or his designee is invited to participate in a joint  
26 review board. The designee shall serve at the discretion of the

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

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

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

1 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 a  
5 majority of the members of the joint review board shall deem  
6 relevant. Written reports of joint review boards may include  
7 information and advisory, nonbinding recommendations provided  
8 by a minority of the members thereof. Any joint review board  
9 which does not provide such written report within such 30-day  
10 period shall be deemed to have recommended that the county  
11 proceed with a proposal to approve an economic development plan  
12 and economic development project and to designate an economic  
13 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 publication  
17 at least twice, the first publication to be not more than  
18 30 nor less than 10 days prior to the hearing in a  
19 newspaper of general circulation within the taxing  
20 districts having property in the proposed economic  
21 development project area. Notice by mailing shall be given  
22 by depositing such notice together with a copy of the  
23 proposed economic development plan in the United States  
24 Postal Service by certified mail addressed to the person or  
25 persons in whose name the general taxes for the last  
26 preceding year were paid on each lot, block, tract, or

1 parcel of land lying within the proposed economic  
2 development project area. The notice shall be mailed not  
3 less than 10 days prior to the dates set for the public  
4 hearing. In the event taxes for the last preceding year  
5 were not paid, the notice shall also be sent to the persons  
6 last listed on the tax rolls within the preceding 3 years  
7 as the owners of the property.

8 (2) The notices issued pursuant to this Section shall  
9 include the following:

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

11 (B) The boundaries of the proposed economic  
12 development project area by legal description and by  
13 street location where possible;

14 (C) A notification that all interested persons  
15 will be given an opportunity to be heard at the public  
16 hearing;

17 (D) An invitation for any person to submit  
18 alternative proposals or bids for any proposed  
19 conveyance, lease, mortgage or other disposition of  
20 land within the proposed economic development project  
21 area;

22 (E) A description of the economic development plan  
23 or economic development project if a plan or project is  
24 a subject matter of the hearing; and

25 (F) Such other matters as the county may deem  
26 appropriate.



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

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

24           (e) At the public hearing, or at any time prior to the  
25 adoption by the county of an ordinance approving an economic  
26 development plan, the county may make changes in the economic

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

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

6 (f) At any time within 90 days of the final adjournment of  
7 the public hearing, a county may, by ordinance, approve the  
8 economic development plan, establish the economic development  
9 project area, and authorize property tax allocation financing  
10 for such economic development project area.

11 Any ordinance adopted by Whiteside County which approves  
12 the economic development plan shall contain findings that the  
13 economic development project is reasonably expected to create  
14 or retain not less than 500 full-time equivalent jobs, that  
15 private investment in an amount not less than \$25,000,000 is  
16 reasonably expected to occur in the economic development  
17 project area, that the economic development project will  
18 encourage the increase of commerce and industry within the  
19 State, thereby reducing the evils attendant upon unemployment  
20 and increasing opportunities for personal income, and that the  
21 economic development project will increase or maintain the  
22 property, sales and income tax bases of the county and of the  
23 State.

24 Any ordinance adopted by Grundy County that approves the  
25 economic development plan shall contain findings that the  
26 economic development project is reasonably expected to create

1 or retain not less than 250 full-time equivalent jobs, that  
2 private investment in an amount not less than \$50,000,000 is  
3 reasonably expected to occur in the economic development  
4 project area, that the economic development project will  
5 encourage the increase of commerce and industry within the  
6 State, thereby reducing the evils attendant upon unemployment  
7 and increasing opportunities for personal income, and that the  
8 economic development project will increase or maintain the  
9 property, sales, and income tax bases of the county and of the  
10 State.

11 Any ordinance adopted by Stephenson County that approves an  
12 economic development plan shall contain findings that (i) the  
13 economic development project is reasonably expected to create  
14 or retain not less than 500 full-time equivalent jobs; (ii)  
15 private investment in an amount not less than \$10,000,000 is  
16 reasonably expected to occur in the economic development area;  
17 (iii) the economic development project will encourage the  
18 increase of commerce and industry within the State, thereby  
19 reducing the evils attendant upon unemployment and increasing  
20 opportunities for personal income; and (iv) the economic  
21 development project will increase or maintain the property,  
22 sales, and income tax bases of the county and of the State.  
23 Before the economic development project area is established by  
24 Stephenson County, the following additional conditions must be  
25 included in an intergovernmental agreement approved by both the  
26 Stephenson County Board and the corporate authorities of the

1 City of Freeport: (i) the corporate authorities of the City of  
2 Freeport must concur by resolution with the findings of  
3 Stephenson County; (ii) both the corporate authorities of the  
4 City of Freeport and the Stephenson County Board shall approve  
5 any and all economic or redevelopment agreements and incentives  
6 for any economic development project within the economic  
7 development area; (iii) any economic development project that  
8 receives funds under this Act, except for any economic  
9 development project specifically excluded from annexation in  
10 the provisions of the intergovernmental agreement, shall agree  
11 to and must enter into an annexation agreement with the City of  
12 Freeport to annex property included in the economic development  
13 project area to the City of Freeport at the first point in time  
14 that the property becomes contiguous to the City of Freeport;  
15 (iv) the local share of all State occupation and use taxes  
16 allocable to the City of Freeport and Stephenson County and  
17 derived from commercial projects within the economic  
18 development project area shall be equally shared by and between  
19 the City of Freeport and Stephenson County for the duration of  
20 the economic development project; and (v) any development in  
21 the economic development project area shall be built in  
22 accordance with the building and related codes of both the City  
23 of Freeport and Stephenson County and the City of Freeport  
24 shall approve all provisions for water and sewer service.

25 Any ordinance adopted by Peoria County that approves an  
26 economic development plan shall contain findings that (i) the

1 economic development project is reasonably expected to create  
2 or retain not less than 250 full-time equivalent jobs; (ii)  
3 private investment in an amount not less than \$15,000,000 is  
4 reasonably expected to occur in the economic development  
5 project area; (iii) the economic development project will  
6 encourage the increase of commerce and industry within the  
7 State, thereby reducing the evils attendant upon unemployment  
8 and increasing opportunities for personal income; and (iv) the  
9 economic development project will increase or maintain the  
10 property, sales, and income tax bases of the county and of the  
11 State.

12 The ordinance shall also state that the economic  
13 development project area shall not include parcels to be used  
14 for purposes of residential development. Any ordinance adopted  
15 which establishes an economic development project area shall  
16 contain the boundaries of such area by legal description and,  
17 where possible, by street location. Any ordinance adopted which  
18 authorizes property tax allocation financing shall provide  
19 that the ad valorem taxes, if any, arising from the levies upon  
20 taxable real property in such economic development project area  
21 by taxing districts and tax rates determined in the manner  
22 provided in subsection (b) of Section 6 of this Act each year  
23 after the effective date of the ordinance until economic  
24 development project costs and all county obligations financing  
25 economic development project costs incurred under this Act have  
26 been paid shall be divided as follows:

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

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

23          (g) After a county has by ordinance approved an economic  
24          development plan and established an economic development  
25          project area, the plan may be amended and the boundaries of the  
26          area may be altered only as herein provided. Amendments which

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



1 affected taxing districts. Such notices by mail and by  
2 publication shall each occur not later than 10 days following  
3 the adoption by ordinance of such amendments.

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

21 (i) The county shall give notice by mail as provided in  
22 this Section and shall reconvene the joint review board not  
23 less than annually for each of the 2 years following its  
24 adoption of an ordinance adopting property tax allocation  
25 financing for an economic development project area and not less  
26 than once in each 3-year period thereafter. The county shall

1 provide such information, and may provide administrative  
2 support and facilities as the joint review board may reasonably  
3 require for each of such meetings.

4 (Source: P.A. 93-959, eff. 8-20-04; 94-259, eff. 1-1-06.)

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

6 Sec. 5. Submission to Department; certification by  
7 Department.

8 (a) The county shall submit certified copies of any  
9 ordinances adopted approving a proposed economic development  
10 plan, establishing an economic development project area, and  
11 authorizing tax increment allocation financing to the  
12 Department, together with (1) a map of the economic development  
13 project area, (2) a copy of the economic development plan as  
14 approved, (3) an analysis, and any supporting documents and  
15 statistics, demonstrating (i) that the economic development  
16 project is reasonably expected to create or retain not less  
17 than 500 full-time equivalent jobs and (ii) that private  
18 investment in the amount of not less than \$25,000,000 for all  
19 ordinances adopted by Whiteside County, ~~and~~ in the amount of  
20 not less than \$10,000,000 for any ordinance adopted by  
21 Stephenson County, and in the amount of not less than  
22 \$15,000,000 for any ordinance adopted by Peoria County is  
23 reasonably expected to occur in the economic development  
24 project area, (4) an estimate of the economic impact of the  
25 economic development plan and the use of property tax

1 allocation financing upon the revenues of the county and the  
2 affected taxing districts, (5) a record of all public hearings  
3 held in connection with the establishment of the economic  
4 development project area, and (6) such other information as the  
5 Department by regulation may require.

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

1 the economic development project.

2 (c) On or before July 1, 2007, the Department shall submit  
3 to the General Assembly a report detailing the number of  
4 economic development project areas it has approved and  
5 certified, the number and type of jobs created or retained  
6 therein, the aggregate amount of private investment therein,  
7 the impact in the revenues of counties and affected taxing  
8 districts of the use of property tax allocation financing  
9 therein, and such additional information as the Department may  
10 determine to be relevant. On July 1, 2009 ~~2008~~ the authority  
11 granted hereunder to counties to establish economic  
12 development project areas and to adopt property tax allocation  
13 financing in connection therewith and to the Department to  
14 approve and certify economic development project areas shall  
15 expire unless the General Assembly shall have authorized  
16 counties and the Department to continue to exercise the powers  
17 granted to them under this Act.

18 (Source: P.A. 92-791, eff. 8-6-02; 93-959, eff. 8-20-04.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.