



Rep. David R. Leitch

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LRB095 18793 RCE 51618 a

1 AMENDMENT TO SENATE BILL 2033

2 AMENDMENT NO. _____. Amend Senate Bill 2033, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 60. The Counties Code is amended by changing
6 Section 5-1062.3 as follows:

7 (55 ILCS 5/5-1062.3 new)

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

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

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

16 (2) Setting minimum standards for floodplain and

1 stormwater management.

2 (3) Preparing a countywide plan for the management of
3 stormwater runoff, including the management of natural and
4 man-made drainageways. The countywide plan may incorporate
5 watershed plans.

6 (b) A stormwater management planning committee may be
7 established by county board resolution, with its membership
8 consisting of equal numbers of county board and municipal
9 representatives from each county board district, and such other
10 members as may be determined by the county and municipal
11 members. The county board may by ordinance divide the county
12 into not less than 6 areas of approximately equal population,
13 to be used instead of county board districts for the purpose of
14 determining representation on the stormwater management
15 planning committee.

16 The county board members shall be appointed by the chairman
17 of the county board. Municipal members from each county board
18 district or other represented area shall be appointed by a
19 majority vote of the mayors of those municipalities that have
20 the greatest percentage of their respective populations
21 residing in that county board district or other represented
22 area. All municipal and county board representatives shall be
23 entitled to a vote; the other members shall be nonvoting
24 members, unless authorized to vote by the unanimous consent of
25 the municipal and county board representatives. A municipality
26 that is located in more than one county may choose, at the time

1 of formation of the stormwater management planning committee
2 and based on watershed boundaries, to participate in the
3 stormwater management planning program of either or both of the
4 counties. Subcommittees of the stormwater management planning
5 committee may be established to serve a portion of the county
6 or a particular drainage basin that has similar stormwater
7 management needs. The stormwater management planning committee
8 shall adopt bylaws, by a majority vote of the county and
9 municipal members, to govern the functions of the committee and
10 its subcommittees. Officers of the committee shall include a
11 chair and vice chair, one of whom shall be a county
12 representative and one a municipal representative.

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

1 The committee shall not have or exercise any power of
2 eminent domain.

3 (c) In the preparation of a stormwater management plan, a
4 county stormwater management planning committee shall
5 coordinate the planning process with each adjoining county to
6 ensure that recommended stormwater projects will have no
7 significant impact on the levels or flows of stormwaters in
8 inter-county watersheds or on the capacity of existing and
9 planned stormwater retention facilities. An adopted stormwater
10 management plan shall identify steps taken by the county to
11 coordinate the development of plan recommendations with
12 adjoining counties.

13 (d) The stormwater management committee may not enforce any
14 rules or regulations that would interfere with (i) any power
15 granted by the Illinois Drainage Code (70 ILCS 605/) to
16 operate, construct, maintain, or improve drainage systems or
17 (ii) the ability to operate, maintain, or improve the drainage
18 systems used on or by land or a facility used for production
19 agriculture purposes, as defined in the Use Tax Act (35 ILCS
20 105/), except newly constructed buildings and newly installed
21 impervious paved surfaces. Disputes regarding an exception
22 shall be determined by a mutually agreed upon arbitrator paid
23 by the disputing party or parties.

24 (e) Before the stormwater management planning committee
25 recommends to the county board a stormwater management plan for
26 the county or a portion thereof, it shall submit the plan to

1 the Office of Water Resources of the Department of Natural
2 Resources for review and recommendations. The Office, in
3 reviewing the plan, shall consider such factors as impacts on
4 the levels or flows in rivers and streams and the cumulative
5 effects of stormwater discharges on flood levels. The Office of
6 Water Resources shall determine whether the plan or ordinances
7 enacted to implement the plan complies with the requirements of
8 subsection (f). Within a period not to exceed 60 days, the
9 review comments and recommendations shall be submitted to the
10 stormwater management planning committee for consideration.
11 Any amendments to the plan shall be submitted to the Office for
12 review.

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

1 of the matters raised at the hearing, the committee may amend
2 or approve the plan and recommend it to the county board for
3 adoption.

4 The county board may enact the proposed plan by ordinance.
5 If the proposals for modification of the plan made by an
6 affected municipality having a stormwater management plan are
7 not included in the proposed county plan, and the municipality
8 affected by the plan opposes adoption of the county plan by
9 resolution of its corporate authorities, approval of the county
10 plan shall require an affirmative vote of at least two-thirds
11 of the county board members present and voting. If the county
12 board wishes to amend the county plan, it shall submit in
13 writing specific proposals to the stormwater management
14 planning committee. If the proposals are not approved by the
15 committee, or are opposed by resolution of the corporate
16 authorities of an affected municipality having a municipal
17 stormwater management plan, amendment of the plan shall require
18 an affirmative vote of at least two-thirds of the county board
19 members present and voting.

20 (g) The county board may prescribe by ordinance reasonable
21 rules and regulations for floodplain management and for
22 governing the location, width, course, and release rate of all
23 stormwater runoff channels, streams, and basins in the county,
24 in accordance with the adopted stormwater management plan.
25 Land, facilities, and drainage district facilities used for
26 production agriculture as defined in subsection (d) shall not

1 be subjected to regulation by the county board or stormwater
2 management committee under this Section for floodplain
3 management and for governing location, width, course,
4 maintenance, and release rate of stormwater runoff channels,
5 streams and basins, or water discharged from a drainage
6 district. These rules and regulations shall, at a minimum, meet
7 the standards for floodplain management established by the
8 Office of Water Resources and the requirements of the Federal
9 Emergency Management Agency for participation in the National
10 Flood Insurance Program. The Commission may not impose more
11 stringent regulations regarding water quality on entities
12 discharging in accordance with a valid National Pollution
13 Discharge Elimination System permit issued under the
14 Environmental Protection Act.

15 (h) In accordance with, and if recommended in, the adopted
16 stormwater management plan, the county board may adopt a
17 schedule of fees as may be necessary to mitigate the effects of
18 stormwater runoff based on actual costs. The fees shall not
19 exceed the cost of satisfying the onsite stormwater retention
20 or detention requirements of the adopted stormwater management
21 plan. The fees shall be used to finance activities undertaken
22 by the county or its included municipalities to mitigate the
23 effects of urban stormwater runoff by providing regional
24 stormwater retention or detention facilities, as identified in
25 the county plan. The county board shall provide for a credit or
26 reduction in fees for any onsite retention, detention, drainage

1 district assessments, or other similar stormwater facility
2 consistent with the stormwater management ordinance.
3 Developers are exempt from any fees under this Section if the
4 new development satisfies onsite retention or detention
5 pursuant to any other local ordinance addressing erosion,
6 sediment, or stormwater control and Illinois Environmental
7 Protection Agency regulations that place the development into
8 compliance with the National Pollutant Discharge Elimination
9 System (NPDES) permit program at the time of the dedication of
10 public infrastructure. All these fees collected by the county
11 shall be held in a separate fund, and shall be expended only in
12 the watershed within which they were collected.

13 (i) For the purpose of implementing this Section and for
14 the development, design, planning, construction, operation,
15 and maintenance of stormwater facilities provided for in the
16 stormwater management plan, a county board that has established
17 a stormwater management planning committee pursuant to this
18 Section may cause an annual tax of not to exceed 0.20% of the
19 value, as equalized or assessed by the Department of Revenue,
20 of all taxable property in the county to be levied upon all the
21 taxable property in the county or occupation and use taxes of
22 1/10 of one cent. The property tax shall be in addition to all
23 other taxes authorized by law to be levied and collected in the
24 county and shall be in addition to the maximum tax rate
25 authorized by law for general county purposes. The 0.20%
26 limitation provided in this Section may be increased or

1 decreased by referendum in accordance with the provisions of
2 Sections 18-120, 18-125, and 18-130 of the Property Tax Code
3 (35 ILCS 200/).

4 Any revenues generated as a result of ownership or
5 operation of facilities or land acquired with the tax funds
6 collected pursuant to this subsection shall be held in a
7 separate fund and be used either to abate such property tax or
8 for implementing this Section.

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

24 Shall an annual tax be levied for stormwater management
25 purposes (for a period of not more than years) at a
26 rate not exceeding% of the equalized assessed value

1 of the taxable property of Peoria County?

2 Or this question may be submitted at any election held in the
3 county after the adoption of a resolution by the county board
4 providing for the submission of the question to the electors of
5 the county to authorize use and occupation taxes of 1/10 of one
6 cent:

7 Shall use and occupation taxes be raised for stormwater
8 management purposes (for a period of not more than
9 years) at a rate of 1/10 of one cent for taxable goods in
10 Peoria County?

11 Votes shall be recorded as Yes or No.

12 (j) If the county adopts a property tax in accordance with
13 the provisions in this Section, the stormwater management
14 committee shall offer property tax abatements or incentive
15 payments to property owners who construct, maintain, and use
16 approved stormwater management devices. If the county adopts
17 use and occupation taxes in accordance with the provisions of
18 this Section, the stormwater management committee may offer tax
19 rebates or incentive payments to property owners who construct,
20 maintain, and use approved stormwater management devices. The
21 stormwater management committee is authorized to offer credits
22 to the property tax, if applicable, based on authorized
23 practices consistent with the stormwater management plan and
24 approved by the committee. Expenses of staff of a stormwater
25 management committee that are expended on regulatory project
26 review may be no more than 20% of the annual budget of the

1 committee, including funds raised under subsections (h) and
2 (i).

3 (k) If the county has adopted a county stormwater
4 management plan under this Section it may, after 10 days
5 written notice receiving consent of the owner or occupant,
6 enter upon any lands or waters within the county for the
7 purpose of inspecting stormwater facilities or causing the
8 removal of any obstruction to an affected watercourse. If
9 consent is denied or cannot be reasonably obtained, the county
10 ordinance shall provide a process or procedure for an
11 administrative warrant to be obtained. The county shall be
12 responsible for any damages occasioned thereby.

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

26 (m) The county may issue general obligation bonds for

1 implementing any stormwater plan adopted under this Section in
2 the manner prescribed in Section 5-1012; except that the
3 referendum requirement of Section 5-1012 does not apply to
4 bonds issued pursuant to this Section on which the principal
5 and interest are to be paid entirely out of funds generated by
6 the taxes and fees authorized by this Section.

7 (n) The powers authorized by this Section may be
8 implemented by the county board for a portion of the county
9 subject to similar stormwater management needs.

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

15 (p) Notwithstanding any other rulemaking authority that
16 may exist, neither the Governor nor any agency or agency head
17 under the jurisdiction of the Governor has any authority to
18 make or promulgate rules to implement or enforce the provisions
19 of this amendatory Act of the 95th General Assembly. If,
20 however, the Governor believes that rules are necessary to
21 implement or enforce the provisions of this amendatory Act of
22 the 95th General Assembly, the Governor may suggest rules to
23 the General Assembly by filing them with the Clerk of the House
24 and Secretary of the Senate and by requesting that the General
25 Assembly authorize such rulemaking by law, enact those
26 suggested rules into law, or take any other appropriate action

1 in the General Assembly's discretion. Nothing contained in this
2 amendatory Act of the 95th General Assembly shall be
3 interpreted to grant rulemaking authority under any other
4 Illinois statute where such authority is not otherwise
5 explicitly given. For the purposes of this amendatory Act of
6 the 95th General Assembly, "rules" is given the meaning
7 contained in Section 1-70 of the Illinois Administrative
8 Procedure Act, and "agency" and "agency head" are given the
9 meanings contained in Sections 1-20 and 1-25 of the Illinois
10 Administrative Procedure Act to the extent that such
11 definitions apply to agencies or agency heads under the
12 jurisdiction of the Governor.

13 (q) A home rule municipality may opt out of this Section by
14 a majority vote of that municipality's governing body.

15 Section 65. The County Economic Development Project Area
16 Property Tax Allocation Act is amended by changing Sections 4
17 and 5 as follows:

18 (55 ILCS 85/4) (from Ch. 34, par. 7004)

19 Sec. 4. Establishment of economic development project
20 area; ordinance; joint review board; notice; hearing; changes
21 in economic development plan; annual reporting requirements.
22 Economic development project areas shall be established as
23 follows:

24 (a) The corporate authorities of Whiteside County may by

1 ordinance propose the establishment of an economic development
2 project area and fix a time and place for a public hearing, and
3 shall submit a certified copy of the ordinance as adopted to
4 the Department.

5 (a-5) After the effective date of this amendatory Act of
6 the 93rd General Assembly, the corporate authorities of
7 Stephenson County may by ordinance propose the establishment of
8 an economic development project area and fix a time and place
9 for a public hearing, and shall submit a certified copy of the
10 ordinance as adopted to the Department.

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

17 (a-15) The corporate authorities of Peoria County may, by
18 ordinance, propose the establishment of an economic
19 development project and fix a time and place for a public
20 hearing. Upon passage of the ordinance, the corporate
21 authorities of Peoria County shall submit a certified copy of
22 the ordinance, as 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

1 shall give notice by mailing to the chief executive officer of
2 each affected taxing district having taxable property included
3 in the proposed economic development project area and, if the
4 ordinance is adopted by Stephenson County, the chief executive
5 officer of any municipality within Stephenson County having a
6 population of more than 20,000 that such chief executive
7 officer or his designee is invited to participate in a joint
8 review board. The designee shall serve at the discretion of the
9 chief executive officer of the taxing district for a term not
10 to exceed 2 years. Such notice shall advise each chief
11 executive officer of the date, time and place of the first
12 meeting of such joint review board, which shall occur not less
13 than 30 days prior to the date of the public hearing. Such
14 notice by mail shall be given by depositing such notice in the
15 United States Postal Service by certified mail.

16 At or prior to the first meeting of such joint review board
17 the county shall furnish to any member of such joint review
18 board copies of the proposed economic development plan and any
19 related documents which such member shall reasonably request. A
20 majority of the members of such joint review board present at
21 any meeting shall constitute a quorum. Additional meetings may
22 be called by any member of a joint review board upon the giving
23 of notice not less than 72 hours prior to the date of any
24 additional meeting to all members of the joint review board.
25 The joint review board shall review such information and
26 material as its members reasonably deem relevant to the

1 county's proposals to approve economic development plans and
2 economic development projects and to designate economic
3 development project areas. The county shall provide such
4 information and material promptly upon the request of the joint
5 review board and may also provide administrative support and
6 facilities as the joint review board may reasonably require.

7 Within 30 days of its first meeting, a joint review board
8 shall provide the county with a written report of its review of
9 any proposal to approve an economic development plan and
10 economic development project and to designate an economic
11 development project area. Such written report shall include
12 such information and advisory, nonbinding recommendations as a
13 majority of the members of the joint review board shall deem
14 relevant. Written reports of joint review boards may include
15 information and advisory, nonbinding recommendations provided
16 by a minority of the members thereof. Any joint review board
17 which does not provide such written report within such 30-day
18 period shall be deemed to have recommended that the county
19 proceed with a proposal to approve an economic development plan
20 and economic development project and to designate an economic
21 development project area.

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

24 (1) Notice by publication shall be given by publication
25 at least twice, the first publication to be not more than
26 30 nor less than 10 days prior to the hearing in a

1 newspaper of general circulation within the taxing
2 districts having property in the proposed economic
3 development project area. Notice by mailing shall be given
4 by depositing such notice together with a copy of the
5 proposed economic development plan in the United States
6 Postal Service by certified mail addressed to the person or
7 persons in whose name the general taxes for the last
8 preceding year were paid on each lot, block, tract, or
9 parcel of land lying within the proposed economic
10 development project area. The notice shall be mailed not
11 less than 10 days prior to the dates set for the public
12 hearing. In the event taxes for the last preceding year
13 were not paid, the notice shall also be sent to the persons
14 last listed on the tax rolls within the preceding 3 years
15 as the owners of the property.

16 (2) The notices issued pursuant to this Section shall
17 include the following:

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

19 (B) The boundaries of the proposed economic
20 development project area by legal description and by
21 street location where possible;

22 (C) A notification that all interested persons
23 will be given an opportunity to be heard at the public
24 hearing;

25 (D) An invitation for any person to submit
26 alternative proposals or bids for any proposed

1 conveyance, lease, mortgage or other disposition of
2 land within the proposed economic development project
3 area;

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

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

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

19 (d) At the public hearing any interested person, the
20 Department or any affected taxing district may file written
21 objections with the county clerk and may be heard orally with
22 respect to any issues embodied in the notice. The county shall
23 hear and determine all alternate proposals or bids for any
24 proposed conveyance, lease, mortgage or other disposition of
25 land and all protests and objections at the hearing, and the
26 hearing may be adjourned to another date without further notice

1 other than a motion to be entered upon the minutes fixing the
2 time and place of the adjourned hearing. Public hearings with
3 regard to an economic development plan, economic development
4 project area, or economic development project may be held
5 simultaneously.

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

1 proposed developer, user or tenant of any property to be
2 located or improved within the economic development project
3 area, or (5) change the description of the type, class and
4 number of employees to be employed in the operation of the
5 facilities to be developed or improved within the economic
6 development project area may be made without further notice or
7 hearing, provided that the county shall give notice of its
8 changes by mail to the Department and to each affected taxing
9 district and by publication in a newspaper or newspapers of
10 general circulation with the affected taxing districts. Such
11 notice by mail and by publication shall each occur not later
12 than 10 days following the adoption by ordinance of such
13 changes.

14 (f) At any time within 90 days of the final adjournment of
15 the public hearing, a county may, by ordinance, approve the
16 economic development plan, establish the economic development
17 project area, and authorize property tax allocation financing
18 for such economic development project area.

19 Any ordinance adopted by Whiteside County which approves
20 the economic development plan shall contain findings that the
21 economic development project is reasonably expected to create
22 or retain not less than 500 full-time equivalent jobs, that
23 private investment in an amount not less than \$25,000,000 is
24 reasonably expected to occur in the economic development
25 project area, that the economic development project will
26 encourage the increase of commerce and industry within the

1 State, thereby reducing the evils attendant upon unemployment
2 and increasing opportunities for personal income, and that the
3 economic development project will increase or maintain the
4 property, sales and income tax bases of the county and of the
5 State.

6 Any ordinance adopted by Grundy County that approves the
7 economic development plan shall contain findings that the
8 economic development project is reasonably expected to create
9 or retain not less than 250 full-time equivalent jobs, that
10 private investment in an amount not less than \$50,000,000 is
11 reasonably expected to occur in the economic development
12 project area, that the economic development project will
13 encourage the increase of commerce and industry within the
14 State, thereby reducing the evils attendant upon unemployment
15 and increasing opportunities for personal income, and that the
16 economic development project will increase or maintain the
17 property, sales, and income tax bases of the county and of the
18 State.

19 Any ordinance adopted by Stephenson County that approves an
20 economic development plan shall contain findings that (i) the
21 economic development project is reasonably expected to create
22 or retain not less than 500 full-time equivalent jobs; (ii)
23 private investment in an amount not less than \$10,000,000 is
24 reasonably expected to occur in the economic development area;
25 (iii) the economic development project will encourage the
26 increase of commerce and industry within the State, thereby

1 reducing the evils attendant upon unemployment and increasing
2 opportunities for personal income; and (iv) the economic
3 development project will increase or maintain the property,
4 sales, and income tax bases of the county and of the State.
5 Before the economic development project area is established by
6 Stephenson County, the following additional conditions must be
7 included in an intergovernmental agreement approved by both the
8 Stephenson County Board and the corporate authorities of the
9 City of Freeport: (i) the corporate authorities of the City of
10 Freeport must concur by resolution with the findings of
11 Stephenson County; (ii) both the corporate authorities of the
12 City of Freeport and the Stephenson County Board shall approve
13 any and all economic or redevelopment agreements and incentives
14 for any economic development project within the economic
15 development area; (iii) any economic development project that
16 receives funds under this Act, except for any economic
17 development project specifically excluded from annexation in
18 the provisions of the intergovernmental agreement, shall agree
19 to and must enter into an annexation agreement with the City of
20 Freeport to annex property included in the economic development
21 project area to the City of Freeport at the first point in time
22 that the property becomes contiguous to the City of Freeport;
23 (iv) the local share of all State occupation and use taxes
24 allocable to the City of Freeport and Stephenson County and
25 derived from commercial projects within the economic
26 development project area shall be equally shared by and between

1 the City of Freeport and Stephenson County for the duration of
2 the economic development project; and (v) any development in
3 the economic development project area shall be built in
4 accordance with the building and related codes of both the City
5 of Freeport and Stephenson County and the City of Freeport
6 shall approve all provisions for water and sewer service.

7 Any ordinance adopted by Peoria County that approves an
8 economic development plan shall contain findings that (i) the
9 economic development project is reasonably expected to create
10 or retain not less than 250 full-time equivalent jobs; (ii)
11 private investment in an amount not less than \$15,000,000 is
12 reasonably expected to occur in the economic development
13 project area; (iii) the economic development project will
14 encourage the increase of commerce and industry within the
15 State, thereby reducing the evils attendant upon unemployment
16 and increasing opportunities for personal income; and (iv) the
17 economic development project will increase or maintain the
18 property, sales, and income tax bases of the county and of the
19 State.

20 The ordinance shall also state that the economic
21 development project area shall not include parcels to be used
22 for purposes of residential development. Any ordinance adopted
23 which establishes an economic development project area shall
24 contain the boundaries of such area by legal description and,
25 where possible, by street location. Any ordinance adopted which
26 authorizes property tax allocation financing shall provide

1 that the ad valorem taxes, if any, arising from the levies upon
2 taxable real property in such economic development project area
3 by taxing districts and tax rates determined in the manner
4 provided in subsection (b) of Section 6 of this Act each year
5 after the effective date of the ordinance until economic
6 development project costs and all county obligations financing
7 economic development project costs incurred under this Act have
8 been paid shall be divided as follows:

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

19 (2) That portion, if any, of such taxes which is
20 attributable to the increase in the current equalized
21 assessed valuation of each taxable lot, block, tract or
22 parcel of real property in the economic development project
23 area over and above the initial equalized assessed value of
24 each property in the economic development project area
25 shall be allocated to and when collected shall be paid to
26 the county treasurer who shall deposit those taxes into a

1 special fund called the special tax allocation fund of the
2 county for the purpose of paying economic development
3 project costs and obligations incurred in the payment
4 thereof.

5 (g) After a county has by ordinance approved an economic
6 development plan and established an economic development
7 project area, the plan may be amended and the boundaries of the
8 area may be altered only as herein provided. Amendments which
9 (1) alter the exterior boundaries of an economic development
10 project area, (2) substantially affect the general land uses
11 established pursuant to the economic development plan, (3)
12 substantially change the nature of the economic development
13 plan, (4) change the general description of any proposed
14 developer, user, or tenant of any property to be located or
15 improved within the economic development project area, or (5)
16 change the description of the type, class and number of
17 employees to be employed in the operation of the facilities to
18 be developed or improved shall be made only after review by a
19 joint review board, notice and hearing pursuant to the
20 procedures set forth in this Section. Amendments which do not
21 (1) alter the exterior boundaries of an economic development
22 project area, (2) substantially affect the general land uses
23 established in the economic development plan, (3)
24 substantially change the nature of the economic development
25 plan, (4) change the description of any proposed developer,
26 user, or tenant of any property to be located or improved

1 within the economic development project area, or (5) change the
2 description of the type, class and number of employees to be
3 employed in the operation of the facilities to be developed or
4 improved within the economic development project area may be
5 made without further hearing or notice, provided that the
6 county shall give notice of any amendment by mail to the
7 Department and to each taxing district and by publication in a
8 newspaper or newspapers of general circulation within the
9 affected taxing districts. Such notices by mail and by
10 publication shall each occur not later than 10 days following
11 the adoption by ordinance of such amendments.

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

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

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

12 (j) Notwithstanding any other rulemaking authority that
13 may exist, neither the Governor nor any agency or agency head
14 under the jurisdiction of the Governor has any authority to
15 make or promulgate rules to implement or enforce the provisions
16 of this amendatory Act of the 95th General Assembly. If,
17 however, the Governor believes that rules are necessary to
18 implement or enforce the provisions of this amendatory Act of
19 the 95th General Assembly, the Governor may suggest rules to
20 the General Assembly by filing them with the Clerk of the House
21 and Secretary of the Senate and by requesting that the General
22 Assembly authorize such rulemaking by law, enact those
23 suggested rules into law, or take any other appropriate action
24 in the General Assembly's discretion. Nothing contained in this
25 amendatory Act of the 95th General Assembly shall be
26 interpreted to grant rulemaking authority under any other

1 Illinois statute where such authority is not otherwise
2 explicitly given. For the purposes of this amendatory Act of
3 the 95th General Assembly, "rules" is given the meaning
4 contained in Section 1-70 of the Illinois Administrative
5 Procedure Act, and "agency" and "agency head" are given the
6 meanings contained in Sections 1-20 and 1-25 of the Illinois
7 Administrative Procedure Act to the extent that such
8 definitions apply to agencies or agency heads under the
9 jurisdiction of the Governor.

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

11 (55 ILCS 85/5) (from Ch. 34, par. 7005)

12 Sec. 5. Submission to Department; certification by
13 Department.

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

1 not less than \$10,000,000 for any ordinance adopted by
2 Stephenson County, and in the amount of not less than
3 \$15,000,000 for any ordinance adopted by Peoria County is
4 reasonably expected to occur in the economic development
5 project area, (4) an estimate of the economic impact of the
6 economic development plan and the use of property tax
7 allocation financing upon the revenues of the county and the
8 affected taxing districts, (5) a record of all public hearings
9 held in connection with the establishment of the economic
10 development project area, and (6) such other information as the
11 Department by regulation may require.

12 (b) Upon receipt of an application from a county the
13 Department shall review the application to determine whether
14 the economic development project area qualifies as an economic
15 development project area under this Act. At its discretion, the
16 Department may accept or reject the application or may request
17 such additional information as it deems necessary or advisable
18 to aid its review. If any such area is found to be qualified to
19 be an economic development project area, the Department shall
20 approve and certify such economic development project area and
21 shall provide written notice of its approval and certification
22 to the county and to the county clerk. In determining whether
23 an economic development project area shall be approved and
24 certified, the Department shall consider (1) whether, without
25 public intervention, the State would suffer substantial
26 economic dislocation, such as relocation of a commercial

1 business or industrial or manufacturing facility to another
2 state, territory or country, or would not otherwise benefit
3 from private investment offering substantial employment
4 opportunities and economic growth, and (2) the impact on the
5 revenues of the county and the affected taxing districts of the
6 use of tax increment allocation financing in connection with
7 the economic development project.

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

24 (d) Notwithstanding any other rulemaking authority that
25 may exist, neither the Governor nor any agency or agency head
26 under the jurisdiction of the Governor has any authority to

1 make or promulgate rules to implement or enforce the provisions
2 of this amendatory Act of the 95th General Assembly. If,
3 however, the Governor believes that rules are necessary to
4 implement or enforce the provisions of this amendatory Act of
5 the 95th General Assembly, the Governor may suggest rules to
6 the General Assembly by filing them with the Clerk of the House
7 and Secretary of the Senate and by requesting that the General
8 Assembly authorize such rulemaking by law, enact those
9 suggested rules into law, or take any other appropriate action
10 in the General Assembly's discretion. Nothing contained in this
11 amendatory Act of the 95th General Assembly shall be
12 interpreted to grant rulemaking authority under any other
13 Illinois statute where such authority is not otherwise
14 explicitly given. For the purposes of this amendatory Act of
15 the 95th General Assembly, "rules" is given the meaning
16 contained in Section 1-70 of the Illinois Administrative
17 Procedure Act, and "agency" and "agency head" are given the
18 meanings contained in Sections 1-20 and 1-25 of the Illinois
19 Administrative Procedure Act to the extent that such
20 definitions apply to agencies or agency heads under the
21 jurisdiction of the Governor.

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."