



Sen. Chuck Weaver

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1 AMENDMENT TO SENATE BILL 2667

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2667 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Enterprise Zone Act is amended by  
5 changing Sections 3, 4, 4.1, 5.1, 5.2, 5.3, 5.4, and 8.1 as  
6 follows:

7 (20 ILCS 655/3) (from Ch. 67 1/2, par. 603)

8 Sec. 3. Definitions. As used in this Act, the following  
9 words shall have the meanings ascribed to them, unless the  
10 context otherwise requires:

11 (a) "Department" means the Department of Commerce and  
12 Economic Opportunity.

13 (b) "Enterprise Zone" means an area of the State certified  
14 by the Department as an Enterprise Zone pursuant to this Act.

15 (c) "Depressed Area" means an area in which pervasive  
16 poverty, unemployment and economic distress exist.

1           (d) "Designated Zone Organization" means an association or  
2 entity: (1) the members of which are substantially all  
3 residents of the Enterprise Zone; (2) the board of directors of  
4 which is elected by the members of the organization; (3) which  
5 satisfies the criteria set forth in Section 501(c) (3) or  
6 501(c) (4) of the Internal Revenue Code; and (4) which exists  
7 primarily for the purpose of performing within such area or  
8 zone for the benefit of the residents and businesses thereof  
9 any of the functions set forth in Section 8 of this Act.

10           (e) "Agency" means each officer, board, commission and  
11 agency created by the Constitution, in the executive branch of  
12 State government, other than the State Board of Elections; each  
13 officer, department, board, commission, agency, institution,  
14 authority, university, body politic and corporate of the State;  
15 and each administrative unit or corporate outgrowth of the  
16 State government which is created by or pursuant to statute,  
17 other than units of local government and their officers, school  
18 districts and boards of election commissioners; each  
19 administrative unit or corporate outgrowth of the above and as  
20 may be created by executive order of the Governor. No entity  
21 shall be considered an "agency" for the purposes of this Act  
22 unless authorized by law to make rules or regulations.

23           (f) "Rule" means each agency statement of general  
24 applicability that implements, applies, interprets or  
25 prescribes law or policy, but does not include (i) statements  
26 concerning only the internal management of an agency and not

1 affecting private rights or procedures available to persons or  
2 entities outside the agency, (ii) intra-agency memoranda, or  
3 (iii) the prescription of standardized forms.

4 (g) "Board" means the Enterprise Zone Board created in  
5 Section 5.2.1.

6 (h) "Local labor market area" means an economically  
7 integrated area within which individuals can reside and find  
8 employment within a reasonable distance or can readily change  
9 jobs without changing their place of residence.

10 (i) "Full-time equivalent job" means a job in which the new  
11 employee works for the recipient or for a corporation under  
12 contract to the recipient at a rate of at least 35 hours per  
13 week. A recipient who employs labor or services at a specific  
14 site or facility under contract with another may declare one  
15 full-time, permanent job for every 1,820 ~~man~~ hours worked per  
16 year under that contract. Vacations, paid holidays, and sick  
17 time are included in this computation. Overtime is not  
18 considered a part of regular hours.

19 (j) "Full-time retained job" means any employee defined as  
20 having a full-time or full-time equivalent job preserved at a  
21 specific facility or site, the continuance of which is  
22 threatened by a specific and demonstrable threat, which shall  
23 be specified in the application for development assistance. A  
24 recipient who employs labor or services at a specific site or  
25 facility under contract with another may declare one retained  
26 employee per year for every 1,750 ~~man~~ hours worked per year

1 under that contract, even if different individuals perform  
2 on-site labor or services.

3 (Source: P.A. 97-905, eff. 8-7-12; 98-463, eff. 8-16-13.)

4 (20 ILCS 655/4) (from Ch. 67 1/2, par. 604)

5 Sec. 4. Qualifications for Enterprise Zones.

6 (1) An area is qualified to become an enterprise zone  
7 which:

8 (a) is a contiguous area, provided that a zone area may  
9 exclude wholly surrounded territory within its boundaries;

10 (b) comprises a minimum of one-half square mile and not  
11 more than 12 square miles, or 15 square miles if the zone  
12 is located within the jurisdiction of 4 or more counties or  
13 municipalities, in total area, exclusive of lakes and  
14 waterways; however, in such cases where the enterprise zone  
15 is a joint effort of three or more units of government, or  
16 two or more units of government if situated in a township  
17 which is divided by a municipality of 1,000,000 or more  
18 inhabitants, and where the certification has been in effect  
19 at least one year, the total area shall comprise a minimum  
20 of one-half square mile and not more than thirteen square  
21 miles in total area exclusive of lakes and waterways;

22 (c) (blank);

23 (d) (blank);

24 (e) is (1) entirely within a municipality or (2)  
25 entirely within the unincorporated areas of a county,

1       except where reasonable need is established for such zone  
2       to cover portions of more than one municipality or county  
3       or (3) both comprises (i) all or part of a municipality and  
4       (ii) an unincorporated area of a county; and

5               (f) meets 3 or more of the following criteria:

6                       (1) all or part of the local labor market area has  
7                       had an annual average unemployment rate of at least  
8                       120% of the State's annual average unemployment rate  
9                       for the most recent calendar year or the most recent  
10                      fiscal year as reported by the Department of Employment  
11                      Security;

12                     (2) designation will result in the development of  
13                     substantial employment opportunities by creating or  
14                     retaining a minimum aggregate of 1,000 full-time  
15                     equivalent jobs due to an aggregate investment of  
16                     \$100,000,000 or more, and will help alleviate the  
17                     effects of poverty and unemployment within the local  
18                     labor market area;

19                     (3) at least one of the following applies to the  
20                     local labor market area: (A) all or part of the local  
21                     labor market area has a poverty rate of at least 20%  
22                     according to the latest federal decennial census, the  
23                     most recent American Community Survey released by the  
24                     U.S. Census Bureau, or other appropriate data source  
25                     produced by the U.S. Census Bureau; (B) 50% or more of  
26                     children in the local labor market area are eligible to

1 participate in the federal free lunch or reduced-price  
2 meals program according to reported statistics from  
3 the State Board of Education; 7 or (C) 20% or more  
4 households in the local labor market area receive food  
5 stamps or assistance under the Supplemental Nutrition  
6 Assistance Program ("SNAP") according to the latest  
7 federal decennial census or other data from the U.S.  
8 Census Bureau;

9 (4) an abandoned coal mine or a brownfield (as  
10 defined in Section 58.2 of the Environmental  
11 Protection Act) is located in the proposed zone area,  
12 or all or a portion of the proposed zone was declared a  
13 federal disaster area in the 3 years preceding the date  
14 of application;

15 (5) the local labor market area contains a presence  
16 of large employers that have downsized over the years,  
17 the labor market area has experienced plant closures in  
18 the 5 years prior to the date of application affecting  
19 more than 50 workers, or the local labor market area  
20 has experienced State or federal facility closures in  
21 the 5 years prior to the date of application affecting  
22 more than 50 workers;

23 (6) based on data from Multiple Listing Service  
24 information or other suitable sources, the local labor  
25 market area contains a high floor vacancy rate of  
26 industrial or commercial properties, vacant or

1 demolished commercial and industrial structures are  
2 prevalent in the local labor market area, or industrial  
3 structures in the local labor market area are not used  
4 because of age, deterioration, relocation of the  
5 former occupants, or cessation of operation;

6 (7) the applicant demonstrates a substantial plan  
7 for using the designation to improve the State and  
8 local government tax base, including income, sales,  
9 and property taxes, including a plan for disposal of  
10 publicly-owned real property by the methods described  
11 in Section 10 of this Act;

12 (8) significant public infrastructure is present  
13 in the local labor market area in addition to a plan  
14 for infrastructure development and improvement;

15 (9) high schools or community colleges located  
16 within the local labor market area are engaged in ACT  
17 Work Keys, Manufacturing Skills Standard  
18 Certification, or other industry-based credentials  
19 that prepare students for careers; or

20 (10) (blank). ~~the change in equalized assessed~~  
21 ~~valuation of industrial and/or commercial properties~~  
22 ~~in the 5 years prior to the date of application is~~  
23 ~~equal to or less than 50% of the State average change~~  
24 ~~in equalized assessed valuation for industrial and/or~~  
25 ~~commercial properties, as applicable, for the same~~  
26 ~~period of time.~~

1           As provided in Section 10-5.3 of the River Edge  
2 Redevelopment Zone Act, upon the expiration of the term of each  
3 River Edge Redevelopment Zone in existence on the effective  
4 date of this amendatory Act of the 97th General Assembly, that  
5 River Edge Redevelopment Zone will become available for its  
6 previous designee or a new applicant to compete for designation  
7 as an enterprise zone. No preference for designation will be  
8 given to the previous designee of the zone.

9           (2) Any criteria established by the Department or by law  
10 which utilize the rate of unemployment for a particular area  
11 shall provide that all persons who are not presently employed  
12 and have exhausted all unemployment benefits shall be  
13 considered unemployed, whether or not such persons are actively  
14 seeking employment.

15           (Source: P.A. 97-905, eff. 8-7-12.)

16           (20 ILCS 655/4.1)

17           Sec. 4.1. Department recommendations.

18           (a) For all applications that qualify under Section 4 of  
19 this Act, the Department shall issue recommendations by  
20 assigning a score to each applicant. The scores will be  
21 determined by the Department, based on the extent to which an  
22 applicant meets the criteria points under subsection (f) of  
23 Section 4 of this Act. Scores will be determined using the  
24 following scoring system:

25           (1) Up to 50 points for the extent to which the



1 applicant meets or exceeds the criteria in item (1) of  
2 subsection (f) of Section 4 of this Act, with points  
3 awarded according to the severity of the unemployment.

4 (2) Up to 50 points for the extent to which the  
5 applicant meets or exceeds the criteria in item (2) of  
6 subsection (f) of Section 4 of this Act, with points  
7 awarded in accordance with the number of jobs created and  
8 the aggregate amount of investment promised. The  
9 Department may award partial points on a pro rata basis  
10 under this paragraph (2) if the applicant demonstrates  
11 specific job creation and investment below the thresholds  
12 set forth in paragraph (2) of subsection (f) of Section 4.

13 (3) Up to 40 points for the extent to which the  
14 applicant meets or exceeds the criteria in item (3) of  
15 subsection (f) of Section 4 of this Act, with points  
16 awarded in accordance with the severity of the unemployment  
17 rate according to the latest federal decennial census.

18 (4) Up to 30 points for the extent to which the  
19 applicant meets or exceeds the criteria in item (4) of  
20 subsection (f) of Section 4 of this Act, with points  
21 awarded in accordance with the severity of the  
22 environmental impact of the abandoned coal mine,  
23 brownfield, or federal disaster area.

24 (5) Up to 50 points for the extent to which the  
25 applicant meets or exceeds the criteria in item (5) of  
26 subsection (f) of Section 4 of this Act, with points

1 awarded in accordance with the severity of the applicable  
2 facility closures or downsizing.

3 (6) Up to 40 points for the extent to which the  
4 applicant meets or exceeds the criteria in item (6) of  
5 subsection (f) of Section 4 of this Act, with points  
6 awarded in accordance with the severity and extent of the  
7 high floor vacancy or deterioration.

8 (7) Up to 30 points for the extent to which the  
9 applicant meets or exceeds the criteria in item (7) of  
10 subsection (f) of Section 4 of this Act, with points  
11 awarded in accordance with the extent to which the  
12 application addresses a plan to improve the State and local  
13 government tax base, including a plan for disposal of  
14 publicly-owned real property.

15 (8) Up to 50 points for the extent to which the  
16 applicant meets or exceeds the criteria in item (8) of  
17 subsection (f) of Section 4 of this Act, with points  
18 awarded in accordance with the existence of significant  
19 public infrastructure.

20 (9) Up to 40 points for the extent to which the  
21 applicant meets or exceeds the criteria in item (9) of  
22 subsection (f) of Section 4 of this Act, with points  
23 awarded in accordance with the extent to which educational  
24 programs exist for career preparation.

25 (10) (Blank). ~~Up to 40 points for the extent to which~~  
26 ~~the applicant meets or exceeds the criteria in item (10) of~~

1 ~~subsection (f) of Section 4 of this Act, with points~~  
2 ~~awarded according to the severity of the change in~~  
3 ~~equalized assessed valuation.~~

4 (11) In awarding points under paragraphs (1) through  
5 (9), the Department may adjust the scoring for applicants  
6 that are located entirely within a county with a population  
7 of less than 300,000 if the Department finds that the  
8 designation will help to alleviate the effects of poverty  
9 and unemployment within the proposed Enterprise Zone.

10 (b) After assigning a score for each of the individual  
11 criteria using the point system as described in subsection (a),  
12 the Department shall then take the sum of the scores for each  
13 applicant and assign a final score. The Department shall then  
14 submit this information to the Board, as required in subsection  
15 (c) of Section 5.2, as its recommendation.

16 (Source: P.A. 97-905, eff. 8-7-12; 98-109, eff. 7-25-13.)

17 (20 ILCS 655/5.1) (from Ch. 67 1/2, par. 606)

18 Sec. 5.1. Application to Department.

19 (a) A county or municipality which has adopted an ordinance  
20 designating an area as an enterprise zone shall make written  
21 application to the Department to have such proposed enterprise  
22 zone certified by the Department as an Enterprise Zone. The  
23 application shall include:

24 (i) a certified copy of the ordinance designating the  
25 proposed zone;

1           (ii) a map of the proposed enterprise zone, showing  
2 existing streets and highways;

3           (iii) an analysis, and any appropriate supporting  
4 documents and statistics, demonstrating that the proposed  
5 zone area is qualified in accordance with Section 4;

6           (iv) a statement detailing any tax, grant, and other  
7 financial incentives or benefits, and any programs, to be  
8 provided by the municipality or county to business  
9 enterprises within the zone, other than those provided in  
10 the designating ordinance, which are not to be provided  
11 throughout the municipality or county;

12           (v) a statement setting forth the economic development  
13 and planning objectives for the zone;

14           (vi) a statement describing the functions, programs,  
15 and services to be performed by designated zone  
16 organizations within the zone;

17           (vii) an estimate of the economic impact of the zone,  
18 considering all of the tax incentives, financial benefits  
19 and programs contemplated, upon the revenues of the  
20 municipality or county;

21           (viii) a transcript of all public hearings on the zone;

22           (ix) in the case of a joint application, a statement  
23 detailing the need for a zone covering portions of more  
24 than one municipality or county and a description of the  
25 agreement between joint applicants; and

26           (x) such additional information as the Department by

1 regulation may require.

2 (b) The Department may provide for provisional  
3 certification of substantially complete applications pending  
4 the receipt of any of the items identified in subsection (a) of  
5 this Section or any additional information requested by the  
6 Department.

7 (Source: P.A. 82-1019.)

8 (20 ILCS 655/5.2) (from Ch. 67 1/2, par. 607)

9 Sec. 5.2. Department Review of Enterprise Zone  
10 Applications.

11 (a) All applications which are to be considered and acted  
12 upon by the Department during a calendar year must be received  
13 by the Department no later than December 31 of the preceding  
14 calendar year.

15 Any application received after December 31 of any calendar  
16 year shall be held by the Department for consideration and  
17 action during the following calendar year.

18 Each enterprise zone application shall include a specific  
19 definition of the applicant's local labor market area.

20 (a-5) The Department shall, no later than July 31, 2013,  
21 develop an application process for an enterprise zone  
22 application. The Department has emergency rulemaking authority  
23 for the purpose of application development only until 12 months  
24 after the effective date of this amendatory Act of the 97th  
25 General Assembly.

1           (b) Upon receipt of an application from a county or  
2 municipality the Department shall review the application to  
3 determine whether the designated area qualifies as an  
4 enterprise zone under Section 4 of this Act.

5           (c) No later than June 30, the Department shall notify all  
6 applicant municipalities and counties of the Department's  
7 determination of the qualification of their respective  
8 designated enterprise zone areas, and shall send qualifying  
9 applications, including the applicant's scores for each of the  
10 items set forth in ~~items (1) through (10)~~ of subsection (a) of  
11 Section 4.1 and the applicant's final score under that Section,  
12 to the Board for the Board's consideration, along with  
13 supporting documentation of the basis for the Department's  
14 decision.

15           (d) If any such designated area is found to be qualified to  
16 be an enterprise zone by the Department under subsection (c) of  
17 this Section, the Department shall, no later than July 15, send  
18 a letter of notification to each member of the General Assembly  
19 whose legislative district or representative district contains  
20 all or part of the designated area and publish a notice in at  
21 least one newspaper of general circulation within the proposed  
22 zone area to notify the general public of the application and  
23 their opportunity to comment. Such notice shall include a  
24 description of the area and a brief summary of the application  
25 and shall indicate locations where the applicant has provided  
26 copies of the application for public inspection. The notice

1 shall also indicate appropriate procedures for the filing of  
2 written comments from zone residents, business, civic and other  
3 organizations and property owners to the Department. The  
4 Department and the Board may consider written comments  
5 submitted pursuant to this Section or any other information  
6 regarding a pending enterprise zone application submitted  
7 after the deadline for enterprise zone application and received  
8 prior to the Board's decision on all pending applications.

9 (e) (Blank).

10 (f) (Blank).

11 (g) (Blank).

12 (h) (Blank).

13 (Source: P.A. 97-905, eff. 8-7-12; 98-109, eff. 7-25-13.)

14 (20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)

15 Sec. 5.3. Certification of Enterprise Zones; effective  
16 date.

17 (a) Certification of Board-approved designated Enterprise  
18 Zones shall be made by the Department by certification of the  
19 designating ordinance. The Department shall promptly issue a  
20 certificate for each Enterprise Zone upon approval by the  
21 Board. The certificate shall be signed by the Director of the  
22 Department, shall make specific reference to the designating  
23 ordinance, which shall be attached thereto, and shall be filed  
24 in the office of the Secretary of State. A certified copy of  
25 the Enterprise Zone Certificate, or a duplicate original

1       thereof, shall be recorded in the office of recorder of deeds  
2       of the county in which the Enterprise Zone lies.

3               (b) An Enterprise Zone certified prior to January 1, 2016  
4       or on or after January 1, 2017 shall be effective on January 1  
5       of the first calendar year after Department certification. An  
6       Enterprise Zone certified on or after January 1, 2016 and on or  
7       before December 31, 2016 shall be effective on the date of the  
8       Department's certification. The Department shall transmit a  
9       copy of the certification to the Department of Revenue, and to  
10       the designating municipality or county.

11               Upon certification of an Enterprise Zone, the terms and  
12       provisions of the designating ordinance shall be in effect, and  
13       may not be amended or repealed except in accordance with  
14       Section 5.4.

15               (c) With the exception of Enterprise Zones scheduled to  
16       expire before December 31, 2018, an Enterprise Zone designated  
17       before the effective date of this amendatory Act of the 97th  
18       General Assembly shall be in effect for 30 calendar years, or  
19       for a lesser number of years specified in the certified  
20       designating ordinance. Notwithstanding the foregoing, any  
21       Enterprise Zone in existence on the effective date of this  
22       amendatory Act of the 98th General Assembly that has a term of  
23       20 calendar years may be extended for an additional 10 calendar  
24       years upon amendment of the designating ordinance by the  
25       designating municipality or county and submission of the  
26       ordinance to the Department. The amended ordinance must be



1 properly recorded in the Office of Recorder of Deeds of each  
2 county in which the Enterprise Zone lies. Each Enterprise Zone  
3 in existence on the effective date of this amendatory Act of  
4 the 97th General Assembly that is scheduled to expire before  
5 July 1, 2016 may have its termination date extended until July  
6 1, 2016 upon amendment of the designating ordinance by the  
7 designating municipality or county extending the termination  
8 date to July 1, 2016 and submission of the ordinance to the  
9 Department. The amended ordinance must be properly recorded in  
10 the Office of Recorder of Deeds of each county in which the  
11 Enterprise Zone lies. An Enterprise Zone designated on or after  
12 the effective date of this amendatory Act of the 97th General  
13 Assembly shall be in effect for a term of 15 calendar years, or  
14 for a lesser number of years specified in the certified  
15 designating ordinance. An enterprise zone designated on or  
16 after the effective date of this amendatory Act of the 97th  
17 General Assembly shall be subject to review by the Board after  
18 13 years for an additional 10-year designation beginning on the  
19 expiration date of the enterprise zone. During the review  
20 process, the Board shall consider the costs incurred by the  
21 State and units of local government as a result of tax benefits  
22 received by the enterprise zone as well as whether the Zone has  
23 substantially implemented the plans and achieved the goals set  
24 forth in its original application, including satisfaction of  
25 the investment and job creation or retention information  
26 provided by the Applicant with respect to paragraph (f) of

1 subsection (1) of Section 4 of the Act. Enterprise Zones shall  
2 terminate at midnight of December 31 of the final calendar year  
3 of the certified term, except as provided in Section 5.4.

4 (d) Except for Enterprise Zones authorized under  
5 subsection (f), Zones that become available for designation  
6 pursuant to Section 10-5.3 of the River Edge Redevelopment Zone  
7 Act, or those designated pursuant to another statutory  
8 authority providing for the creation of Enterprise Zones, no ~~no~~  
9 ~~more than a total of 97~~ ~~12~~ Enterprise Zones may be certified by  
10 the Department and in existence in any calendar year ~~1984, no~~  
11 ~~more than 12 Enterprise Zones may be certified by the~~  
12 ~~Department in calendar year 1985, no more than 13 Enterprise~~  
13 ~~Zones may be certified by the Department in calendar year 1986,~~  
14 ~~no more than 15 Enterprise Zones may be certified by the~~  
15 ~~Department in calendar year 1987, and no more than 20~~  
16 ~~Enterprise Zones may be certified by the Department in calendar~~  
17 ~~year 1990. In other calendar years, no more than 13 Enterprise~~  
18 ~~Zones may be certified by the Department. The Department may~~  
19 ~~also designate up to 8 additional Enterprise Zones outside the~~  
20 ~~regular application cycle if warranted by the extreme economic~~  
21 ~~circumstances as determined by the Department. The Department~~  
22 ~~may also designate one additional Enterprise Zone outside the~~  
23 ~~regular application cycle if an aircraft manufacturer agrees to~~  
24 ~~locate an aircraft manufacturing facility in the proposed~~  
25 ~~Enterprise Zone. Notwithstanding any other provision of this~~  
26 ~~Act, no more than 89 Enterprise Zones may be certified by the~~

1 ~~Department for the 10 calendar years commencing with 1983. The~~  
2 ~~7 additional Enterprise Zones authorized by Public Act 86-15~~  
3 ~~shall not lie within municipalities or unincorporated areas of~~  
4 ~~counties that abut or are contiguous to Enterprise Zones~~  
5 ~~certified pursuant to this Section prior to June 30, 1989. The~~  
6 ~~7 additional Enterprise Zones (excluding the additional~~  
7 ~~Enterprise Zone which may be designated outside the regular~~  
8 ~~application cycle) authorized by Public Act 86-1030 shall not~~  
9 ~~lie within municipalities or unincorporated areas of counties~~  
10 ~~that abut or are contiguous to Enterprise Zones certified~~  
11 ~~pursuant to this Section prior to February 28, 1990. Beginning~~  
12 ~~in calendar year 2004 and until December 31, 2008, one~~  
13 ~~additional enterprise zone may be certified by the Department.~~  
14 In any calendar year, the Department may not certify more than  
15 3 Zones located within the same municipality. ~~The Department~~  
16 ~~may certify Enterprise Zones in each of the 10 calendar years~~  
17 ~~commencing with 1983.~~ The Department may not certify more than  
18 a total of 18 Enterprise Zones located within the same county  
19 (whether within municipalities or within unincorporated  
20 territory) ~~for the 10 calendar years commencing with 1983.~~  
21 ~~Thereafter, the Department may not certify any additional~~  
22 ~~Enterprise Zones, but may amend and rescind certifications of~~  
23 ~~existing Enterprise Zones in accordance with Section 5.4.~~  
24 Beginning in calendar year 2019 and for any year in which there  
25 are at least 4 Zones available for designation, at least 25% of  
26 Zones available for designation in a given calendar year must

1 awarded to Zones located in counties with populations of less  
2 than 300,000 unless there are no applicants from such locations  
3 for that calendar year.

4 (e) Notwithstanding any other provision of law, if (i) the  
5 county board of any county in which a current military base is  
6 located, in part or in whole, or in which a military base that  
7 has been closed within 20 years of the effective date of this  
8 amendatory Act of 1998 is located, in part or in whole, adopts  
9 a designating ordinance in accordance with Section 5 of this  
10 Act to designate the military base in that county as an  
11 enterprise zone and (ii) the property otherwise meets the  
12 qualifications for an enterprise zone as prescribed in Section  
13 4 of this Act, then the Department may certify the designating  
14 ordinance or ordinances, as the case may be.

15 (f) Applications for Enterprise Zones that are scheduled to  
16 expire in 2016, including Enterprise Zones that have been  
17 extended until 2016 by this amendatory Act of the 97th General  
18 Assembly, shall be submitted to the Department no later than  
19 December 31, 2014. At that time, the Zone becomes available for  
20 either the previously designated area or a different area to  
21 compete for designation. No preference for designation as a  
22 Zone will be given to the previously designated area.

23 For Enterprise Zones that are scheduled to expire on or  
24 after January 1, 2017 and prior to January 1, 2022, an  
25 application process shall begin 2 years prior to the year in  
26 which the Zone expires. At that time, the Zone becomes

1 available for either the previously designated area or a  
2 different area to compete for designation. For Enterprise Zones  
3 that are scheduled to expire on or after January 1, 2022, an  
4 application process shall begin 5 years prior to the year in  
5 which the Zone expires. At that time, the Zone becomes  
6 available for either the previously designated area or a  
7 different area to compete for designation. No preference for  
8 designation as a Zone will be given to the previously  
9 designated area.

10 Each Enterprise Zone that reapplies for certification but  
11 does not receive a new certification shall expire on its  
12 scheduled termination date.

13 (Source: P.A. 98-109, eff. 7-25-13; 99-615, eff. 7-22-16.)

14 (20 ILCS 655/5.4) (from Ch. 67 1/2, par. 609)

15 Sec. 5.4. Amendment and Decertification of Enterprise  
16 Zones.

17 (a) The terms of a certified enterprise zone designating  
18 ordinance may be amended to

19 (i) alter the boundaries of the Enterprise Zone, or

20 (ii) expand, limit or repeal tax incentives or benefits  
21 provided in the ordinance, or

22 (iii) alter the termination date of the zone, or

23 (iv) make technical corrections in the enterprise zone  
24 designating ordinance; but such amendment shall not be  
25 effective unless the Department issues an amended

1 certificate for the Enterprise Zone, approving the amended  
2 designating ordinance. Upon the adoption of any ordinance  
3 amending or repealing the terms of a certified enterprise  
4 zone designating ordinance, the municipality or county  
5 shall promptly file with the Department an application for  
6 approval thereof, containing substantially the same  
7 information as required for an application under Section  
8 5.1 insofar as material to the proposed changes. The  
9 municipality or county must hold a public hearing on the  
10 proposed changes as specified in Section 5 and, if the  
11 amendment is to effectuate the limitation of tax abatements  
12 under Section 5.4.1, then the public notice of the hearing  
13 shall state that property that is in both the enterprise  
14 zone and a redevelopment project area may not receive tax  
15 abatements unless within 60 days after the adoption of the  
16 amendment to the designating ordinance the municipality  
17 has determined that eligibility for tax abatements has been  
18 established,

19 (v) include an area within another municipality or  
20 county as part of the designated enterprise zone provided  
21 the requirements of Section 4 are complied with, or

22 (vi) effectuate the limitation of tax abatements under  
23 Section 5.4.1.

24 (b) The Department shall approve or disapprove a proposed  
25 amendment to a certified enterprise zone within 90 days of its  
26 receipt of the application from the municipality or county. The

1 Department may not approve changes in a Zone which are not in  
2 conformity with this Act, as now or hereafter amended, or with  
3 other applicable laws. If the Department issues an amended  
4 certificate for an Enterprise Zone, the amended certificate,  
5 together with the amended zone designating ordinance, shall be  
6 filed, recorded and transmitted as provided in Section 5.3.

7 (c) An Enterprise Zone may be decertified by joint action  
8 of the Department and the designating county or municipality in  
9 accordance with this Section. The designating county or  
10 municipality shall conduct at least one public hearing within  
11 the zone prior to its adoption of an ordinance of  
12 de-designation. The mayor of the designating municipality or  
13 the chairman of the county board of the designating county  
14 shall execute a joint decertification agreement with the  
15 Department. A decertification of an Enterprise Zone shall not  
16 become effective until at least 6 months after the execution of  
17 the decertification agreement, which shall be filed in the  
18 office of the Secretary of State.

19 (d) An Enterprise Zone may be decertified for cause by the  
20 Department in accordance with this Section. Prior to  
21 decertification: (1) the Department shall notify the chief  
22 elected official of the designating county or municipality in  
23 writing of the specific deficiencies which provide cause for  
24 decertification; (2) the Department shall place the  
25 designating county or municipality on probationary status for  
26 at least 6 months during which time corrective action may be

1 achieved in the enterprise zone by the designating county or  
2 municipality; and, (3) the Department shall conduct at least  
3 one public hearing within the zone. If such corrective action  
4 is not achieved during the probationary period, the Department  
5 shall issue an amended certificate signed by the Director of  
6 the Department decertifying the enterprise zone, which  
7 certificate shall be filed in the office of the Secretary of  
8 State. A certified copy of the amended enterprise zone  
9 certificate, or a duplicate original thereof, shall be recorded  
10 in the office of recorder of the county in which the enterprise  
11 zone lies, and shall be provided to the chief elected official  
12 of the designating county or municipality. Decertification of  
13 an Enterprise Zone shall not become effective until 60 days  
14 after the date of filing.

15 (d-1) The Department shall provisionally decertify any  
16 Enterprise Zone that fails to report any capital investment,  
17 job creation or retention, or State tax expenditures for 3  
18 consecutive calendar years. Prior to provisional  
19 decertification: (1) the Department shall notify the chief  
20 elected official of the designating county or municipality in  
21 writing of the specific deficiencies which provide cause for  
22 decertification; (2) the Department shall place the  
23 designating county or municipality on probationary status for  
24 at least 6 months during which time corrective action may be  
25 achieved in the Enterprise Zone by the designating county or  
26 municipality; and, (3) the Department shall conduct at least



1 one public hearing within the Zone. If such corrective action  
2 is not achieved during the probationary period, the Department  
3 shall issue an amended certificate signed by the Director of  
4 the Department provisionally decertifying the Enterprise Zone  
5 as of the scheduled termination date of the then-current  
6 designation. In the event that the provisionally-decertified  
7 Zone was approved and designated after the 97th General  
8 Assembly and has been in existence for less than 15 years, such  
9 Zone shall not be eligible for an additional 10-year  
10 designation after the expiration date of the original Zone set  
11 forth in subsection (c) of Section 5.3. Further, if such  
12 corrective action is not achieved during the probationary  
13 period provided for in this Section, following such  
14 probationary period the Zone becomes available for a different  
15 area to compete for designation.

16 (e) In the event of a decertification, provisional  
17 decertification, or an amendment reducing the length of the  
18 term or the area of an Enterprise Zone or the adoption of an  
19 ordinance reducing or eliminating tax benefits in an Enterprise  
20 Zone, all benefits previously extended within the Zone pursuant  
21 to this Act or pursuant to any other Illinois law providing  
22 benefits specifically to or within Enterprise Zones shall  
23 remain in effect for the original stated term of the Enterprise  
24 Zone, with respect to business enterprises within the Zone on  
25 the effective date of such decertification, provisional  
26 decertification, or amendment, and with respect to individuals

1 participating in urban homestead programs under this Act.

2 (f) Except as otherwise provided in Section 5.4.1, with  
3 respect to business enterprises (or expansions thereof) which  
4 are proposed or under development within a Zone at the time of  
5 a decertification or an amendment reducing the length of the  
6 term of the Zone, or excluding from the Zone area the site of  
7 the proposed enterprise, or an ordinance reducing or  
8 eliminating tax benefits in a Zone, such business enterprise  
9 shall be entitled to the benefits previously applicable within  
10 the Zone for the original stated term of the Zone, if the  
11 business enterprise establishes:

12 (i) that the proposed business enterprise or expansion  
13 has been committed to be located within the Zone;

14 (ii) that substantial and binding financial  
15 obligations have been made towards the development of such  
16 enterprise; and

17 (iii) that such commitments have been made in  
18 reasonable reliance on the benefits and programs which were  
19 to have been applicable to the enterprise by reason of the  
20 Zone, including in the case of a reduction in term of a  
21 zone, the original length of the term.

22 In declaratory judgment actions under this paragraph, the  
23 Department and the designating municipality or county shall be  
24 necessary parties defendant.

25 (Source: P.A. 90-258, eff. 7-30-97.)

1 (20 ILCS 655/8.1)

2 Sec. 8.1. Accounting.

3 (a) Any business receiving tax incentives due to its  
4 location within an Enterprise Zone or its designation as a High  
5 Impact Business must annually report to the Department of  
6 Revenue information reasonably required by the Department of  
7 Revenue to enable the Department to verify and calculate the  
8 total Enterprise Zone or High Impact Business tax benefits for  
9 property taxes and taxes imposed by the State that are received  
10 by the business, broken down by incentive category and  
11 enterprise zone, if applicable. Reports will be due no later  
12 than May 31 of each year and shall cover the previous calendar  
13 year. The first report will be for the 2012 calendar year and  
14 will be due no later than May 31, 2013. Failure to report data  
15 may result in ineligibility to receive incentives. To the  
16 extent that a business receiving tax incentives has obtained an  
17 Enterprise Zone Building Materials Exemption Certificate or a  
18 High Impact Business Building Materials Exemption Certificate,  
19 that business is required to report those building materials  
20 exemption benefits only under subsection (a-5) of this Section.  
21 No additional reporting for those building materials exemption  
22 benefits is required under this subsection (a). In addition, if  
23 the Department determines that 80% or more of the businesses  
24 receiving tax incentives because of their location within a  
25 particular Enterprise Zone failed to submit the information  
26 required under this subsection (a) to the Department in any

1 calendar year, then the Enterprise Zone may be decertified by  
2 the Department. The Department, in consultation with the  
3 Department of Revenue, is authorized to adopt rules governing  
4 ineligibility to receive exemptions, including the length of  
5 ineligibility. Factors to be considered in determining whether  
6 a business is ineligible shall include, but are not limited to,  
7 prior compliance with the reporting requirements, cooperation  
8 in discontinuing and correcting violations, the extent of the  
9 violation, and whether the violation was willful or  
10 inadvertent.

11 (a-5) Each contractor or other entity that has been issued  
12 an Enterprise Zone Building Materials Exemption Certificate  
13 under Section 5k of the Retailers' Occupation Tax Act or a High  
14 Impact Business Building Materials Exemption Certificate under  
15 Section 5l of the Retailers' Occupation Tax Act shall annually  
16 report to the Department of Revenue the total value of the  
17 Enterprise Zone or High Impact Business building materials  
18 exemption from State taxes. Reports shall contain information  
19 reasonably required by the Department of Revenue to enable it  
20 to verify and calculate the total tax benefits for taxes  
21 imposed by the State, and shall be broken down by Enterprise  
22 Zone. Reports are due no later than May 31 of each year and  
23 shall cover the previous calendar year. The first report will  
24 be for the 2013 calendar year and will be due no later than May  
25 31, 2014. Failure to report data may result in revocation of  
26 the Enterprise Zone Building Materials Exemption Certificate

1 or High Impact Business Building Materials Exemption  
2 Certificate issued to the contractor or other entity.

3 The Department of Revenue is authorized to adopt rules  
4 governing revocation determinations, including the length of  
5 revocation. Factors to be considered in revocations shall  
6 include, but are not limited to, prior compliance with the  
7 reporting requirements, cooperation in discontinuing and  
8 correcting violations, and whether the certificate was used  
9 unlawfully during the preceding year.

10 (b) Each person required to file a return under the Gas  
11 Revenue Tax Act, the Gas Use Tax Act, the Electricity Excise  
12 Tax Act, or the Telecommunications Excise Tax Act shall file,  
13 on or before May 31 of each year, a report with the Department  
14 of Revenue, in the manner and form required by the Department  
15 of Revenue, containing information reasonably required by the  
16 Department of Revenue to enable the Department of Revenue to  
17 calculate the amount of the deduction for taxes imposed by the  
18 State that is taken under each Act, respectively, due to the  
19 location of a business in an Enterprise Zone or its designation  
20 as a High Impact Business. The report shall be itemized by  
21 business and the business location address.

22 (c) Employers shall report their job creation, retention,  
23 and capital investment numbers within the zone annually to the  
24 Department of Revenue no later than May 31 of each calendar  
25 year. High Impact Businesses shall report their job creation,  
26 retention, and capital investment numbers to the Department of

1 Revenue no later than May 31 of each year. With respect to job  
2 creation or retention, employers and High Impact Businesses  
3 shall use best efforts to submit diversity information related  
4 to the gender and ethnicity of such employees.

5 (d) The Department of Revenue will aggregate and collect  
6 the tax, job, and capital investment data by Enterprise Zone  
7 and High Impact Business and report this information, formatted  
8 to exclude company-specific proprietary information, to the  
9 Department and the Board by August 1, 2013, and by August 1 of  
10 every calendar year thereafter. The Department will include  
11 this information in their required reports under Section 6 of  
12 this Act. The Board shall consider this information during the  
13 reviews required under subsection (d-5) of Section 5.4 of this  
14 Act and subsection (c) of Section 5.3 of this Act.

15 (e) The Department of Revenue, in its discretion, may  
16 require that the reports filed under this Section be submitted  
17 electronically.

18 (f) The Department of Revenue shall have the authority to  
19 adopt rules as are reasonable and necessary to implement the  
20 provisions of this Section.

21 (Source: P.A. 97-905, eff. 8-7-12; 98-109, eff. 7-25-13.)

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