



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0910

Introduced 2/7/2007, by Rep. Mike Bost

SYNOPSIS AS INTRODUCED:

20 ILCS 655/5.4

from Ch. 67 1/2, par. 609

Amends the Illinois Enterprise Zone Act. Provides that during the period ending one year after the effective date of this amendatory Act, the Jackson County-Carbondale-Murphysboro Enterprise Zone may expand the boundaries of the current Enterprise Zone for a one-time, multiple property expansion to attract and retain regional business. Provides that the City of Carbondale shall have full authority to approve an expansion for property inside the city limits of the City of Carbondale. Provides that the City of Murphysboro shall have full authority to approve an expansion for property inside the city limits of the City of Murphysboro. Provides that the termination date of the Jackson County-Carbondale-Murphysboro Enterprise Zone shall be extended until January 1, 2020. Effective immediately.

LRB095 09577 CMK 29777 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Enterprise Zone Act is amended by
5 changing Section 5.4 as follows:

6 (20 ILCS 655/5.4) (from Ch. 67 1/2, par. 609)

7 Sec. 5.4. Amendment and Decertification of Enterprise
8 Zones.

9 (a) The terms of a certified enterprise zone designating
10 ordinance may be amended to

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

12 (ii) expand, limit or repeal tax incentives or benefits
13 provided in the ordinance, or

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

15 (iv) make technical corrections in the enterprise zone
16 designating ordinance; but such amendment shall not be
17 effective unless the Department issues an amended
18 certificate for the Enterprise Zone, approving the amended
19 designating ordinance. Upon the adoption of any ordinance
20 amending or repealing the terms of a certified enterprise
21 zone designating ordinance, the municipality or county
22 shall promptly file with the Department an application for
23 approval thereof, containing substantially the same

1 information as required for an application under Section
2 5.1 insofar as material to the proposed changes. The
3 municipality or county must hold a public hearing on the
4 proposed changes as specified in Section 5 and, if the
5 amendment is to effectuate the limitation of tax abatements
6 under Section 5.4.1, then the public notice of the hearing
7 shall state that property that is in both the enterprise
8 zone and a redevelopment project area may not receive tax
9 abatements unless within 60 days after the adoption of the
10 amendment to the designating ordinance the municipality
11 has determined that eligibility for tax abatements has been
12 established,

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

16 (vi) effectuate the limitation of tax abatements under
17 Section 5.4.1.

18 (b) The Department shall approve or disapprove a proposed
19 amendment to a certified enterprise zone within 90 days of its
20 receipt of the application from the municipality or county. The
21 Department may not approve changes in a Zone which are not in
22 conformity with this Act, as now or hereafter amended, or with
23 other applicable laws. If the Department issues an amended
24 certificate for an Enterprise Zone, the amended certificate,
25 together with the amended zone designating ordinance, shall be
26 filed, recorded and transmitted as provided in Section 5.3.

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

13 (d) An Enterprise Zone may be decertified for cause by the
14 Department in accordance with this Section. Prior to
15 decertification: (1) the Department shall notify the chief
16 elected official of the designating county or municipality in
17 writing of the specific deficiencies which provide cause for
18 decertification; (2) the Department shall place the
19 designating county or municipality on probationary status for
20 at least 6 months during which time corrective action may be
21 achieved in the enterprise zone by the designating county or
22 municipality; and, (3) the Department shall conduct at least
23 one public hearing within the zone. If such corrective action
24 is not achieved during the probationary period, the Department
25 shall issue an amended certificate signed by the Director of
26 the Department decertifying the enterprise zone, which

1 certificate shall be filed in the office of the Secretary of
2 State. A certified copy of the amended enterprise zone
3 certificate, or a duplicate original thereof, shall be recorded
4 in the office of recorder of the county in which the enterprise
5 zone lies, and shall be provided to the chief elected official
6 of the designating county or municipality. Decertification of
7 an Enterprise Zone shall not become effective until 60 days
8 after the date of filing.

9 (e) In the event of a decertification, or an amendment
10 reducing the length of the term or the area of an Enterprise
11 Zone or the adoption of an ordinance reducing or eliminating
12 tax benefits in an Enterprise Zone, all benefits previously
13 extended within the Zone pursuant to this Act or pursuant to
14 any other Illinois law providing benefits specifically to or
15 within Enterprise Zones shall remain in effect for the original
16 stated term of the Enterprise Zone, with respect to business
17 enterprises within the Zone on the effective date of such
18 decertification or amendment, and with respect to individuals
19 participating in urban homestead programs under this Act.

20 (f) Except as otherwise provided in Section 5.4.1, with
21 respect to business enterprises (or expansions thereof) which
22 are proposed or under development within a Zone at the time of
23 a decertification or an amendment reducing the length of the
24 term of the Zone, or excluding from the Zone area the site of
25 the proposed enterprise, or an ordinance reducing or
26 eliminating tax benefits in a Zone, such business enterprise

1 shall be entitled to the benefits previously applicable within
2 the Zone for the original stated term of the Zone, if the
3 business enterprise establishes:

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

6 (ii) that substantial and binding financial
7 obligations have been made towards the development of such
8 enterprise; and

9 (iii) that such commitments have been made in
10 reasonable reliance on the benefits and programs which were
11 to have been applicable to the enterprise by reason of the
12 Zone, including in the case of a reduction in term of a
13 zone, the original length of the term.

14 In declaratory judgment actions under this paragraph, the
15 Department and the designating municipality or county shall be
16 necessary parties defendant.

17 (g) Notwithstanding the requirements of this Section,
18 during the period ending one year after the effective date of
19 this amendatory Act of the 95th General Assembly, the Jackson
20 County-Carbondale-Murphysboro Enterprise Zone may expand the
21 boundaries of the current Enterprise Zone for a one-time,
22 multiple property expansion to attract and retain regional
23 business.

24 The City of Carbondale shall have full authority, under
25 this Section, to approve an expansion for property inside the
26 city limits of the City of Carbondale. Approval by the City of

1 Murphysboro and Jackson County Board is not required.

2 The City of Murphysboro shall have full authority, under
3 this Section, to approve an expansion for property inside the
4 city limits of the City of Murphysboro. Approval by the City of
5 Carbondale and Jackson County Board is not required.

6 The termination date of the Jackson
7 County-Carbondale-Murphysboro Enterprise Zone is extended
8 until January 1, 2020.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.