

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 Sections 3, 4, 4.1, 5.1, 5.2, 5.3, 5.4, 5.5, 8.1,
6 12-9, and 13 as 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.

17 (d) "Designated Zone Organization" means an association or
18 entity: (1) the members of which are substantially all
19 residents of the Enterprise Zone; (2) the board of directors
20 of which is elected by the members of the organization; (3)
21 which satisfies the criteria set forth in Section 501(c) (3)
22 or 501(c) (4) of the Internal Revenue Code; and (4) which
23 exists primarily for the purpose of performing within such

1 area or zone for the benefit of the residents and businesses
2 thereof any of the functions set forth in Section 8 of this
3 Act.

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

18 (f) "Rule" means each agency statement of general
19 applicability that implements, applies, interprets or
20 prescribes law or policy, but does not include (i) statements
21 concerning only the internal management of an agency and not
22 affecting private rights or procedures available to persons or
23 entities outside the agency, (ii) intra-agency memoranda, or
24 (iii) the prescription of standardized forms.

25 (g) "Board" means the Enterprise Zone Board created in
26 Section 5.2.1.

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

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

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

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

25 (20 ILCS 655/4) (from Ch. 67 1/2, par. 604)

1 Sec. 4. Qualifications for enterprise zones.

2 (1) An area is qualified to become an enterprise zone
3 which:

4 (a) is a contiguous area, provided that a zone area
5 may exclude wholly surrounded territory within its
6 boundaries;

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

20 (c) (blank);

21 (d) (blank);

22 (e) is (1) entirely within a municipality or (2)
23 entirely within the unincorporated areas of a county,
24 except where reasonable need is established for such zone
25 to cover portions of more than one municipality or county
26 or (3) both comprises (i) all or part of a municipality and

1 (ii) an unincorporated area of a county; and

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

3 (1) all or part of the local labor market area has
4 had an annual average unemployment rate of at least
5 120% of the State's annual average unemployment rate
6 for the most recent calendar year or the most recent
7 fiscal year as reported by the Department of
8 Employment Security;

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

16 (3) all or part of the local labor market area has
17 a poverty rate of at least 20% according to American
18 Community Survey; 35% or more of families with
19 children in the area are living below 130% of the
20 poverty line, according to the latest American
21 Community Survey; ~~the latest federal decennial census,~~
22 ~~50% or more of children in the local labor market area~~
23 ~~participate in the federal free lunch program~~
24 ~~according to reported statistics from the State Board~~
25 ~~of Education,~~ or 20% or more households in the local
26 labor market area receive food stamps or assistance

1 under Supplemental Nutrition Assistance Program
2 ("SNAP") according to the latest American Community
3 Survey ~~federal decennial census~~;

4 (4) an abandoned coal mine, a brownfield (as
5 defined in Section 58.2 of the Environmental
6 Protection Act), or an inactive nuclear-powered
7 electrical generation facility where spent nuclear
8 fuel is stored on-site is located in the proposed zone
9 area, or all or a portion of the proposed zone was
10 declared a federal disaster area in the 3 years
11 preceding the date of application;

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

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

1 are not used because of age, deterioration, relocation
2 of the former occupants, or cessation of operation;

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

9 (8) significant public infrastructure is present
10 in the local labor market area in addition to a plan
11 for infrastructure development and improvement;

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

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

24 (11) the applicant demonstrates a substantial plan
25 for using the designation to encourage: (i)
26 participation by businesses owned by minorities,

1 women, and persons with disabilities, as those terms
2 are defined in the Business Enterprise for Minorities,
3 Women, and Persons with Disabilities Act; and (ii) the
4 hiring of minorities, women, and persons with
5 disabilities.

6 As provided in Section 10-5.3 of the River Edge
7 Redevelopment Zone Act, upon the expiration of the term of
8 each River Edge Redevelopment Zone in existence on August 7,
9 2012 (the effective date of Public Act 97-905), that River
10 Edge Redevelopment Zone will become available for its previous
11 designee or a new applicant to compete for designation as an
12 enterprise zone. No preference for designation will be given
13 to the previous designee of the zone.

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

20 (Source: P.A. 100-838, eff. 8-13-18; 100-1149, eff. 12-14-18;
21 101-81, eff. 7-12-19.)

22 (20 ILCS 655/4.1)

23 Sec. 4.1. Department recommendations.

24 (a) For all applications that qualify under Section 4 of
25 this Act, the Department shall issue recommendations by

1 assigning a score to each applicant. The scores will be
2 determined by the Department, based on the extent to which an
3 applicant meets the criteria points under subsection (f) of
4 Section 4 of this Act. Scores will be determined using the
5 following scoring system:

6 (1) Up to 50 points for the extent to which the
7 applicant meets or exceeds the criteria in item (1) of
8 subsection (f) of Section 4 of this Act, with points
9 awarded according to the severity of the unemployment.

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

19 (3) Up to 40 points for the extent to which the
20 applicant meets or exceeds the criteria in item (3) of
21 subsection (f) of Section 4 of this Act, with points
22 awarded in accordance with the severity of the
23 unemployment rate according to the latest American
24 Community Survey ~~federal decennial census~~.

25 (4) Up to 30 points for the extent to which the
26 applicant meets or exceeds the criteria in item (4) of

1 subsection (f) of Section 4 of this Act, with points
2 awarded in accordance with the severity of the
3 environmental impact of the abandoned coal mine,
4 brownfield, or federal disaster area.

5 (5) Up to 50 points for the extent to which the
6 applicant meets or exceeds the criteria in item (5) of
7 subsection (f) of Section 4 of this Act, with points
8 awarded in accordance with the severity of the applicable
9 facility closures or downsizing.

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

15 (7) Up to 30 points for the extent to which the
16 applicant meets or exceeds the criteria in item (7) of
17 subsection (f) of Section 4 of this Act, with points
18 awarded in accordance with the extent to which the
19 application addresses a plan to improve the State and
20 local government tax base, including a plan for disposal
21 of publicly-owned real property.

22 (8) Up to 50 points for the extent to which the
23 applicant meets or exceeds the criteria in item (8) of
24 subsection (f) of Section 4 of this Act, with points
25 awarded in accordance with the existence of significant
26 public infrastructure.

1 (9) Up to 40 points for the extent to which the
2 applicant meets or exceeds the criteria in item (9) of
3 subsection (f) of Section 4 of this Act, with points
4 awarded in accordance with the extent to which educational
5 programs exist for career preparation.

6 (10) (Blank). ~~Up to 40 points for the extent to which~~
7 ~~the applicant meets or exceeds the criteria in item (10)~~
8 ~~of subsection (f) of Section 4 of this Act, with points~~
9 ~~awarded according to the severity of the change in~~
10 ~~equalized assessed valuation.~~

11 (11) Up to 40 points for the extent to which the
12 applicant meets or exceeds the criteria in item (11) of
13 subsection (f) of Section 4 of this Act.

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

21 (Source: P.A. 100-838, eff. 8-13-18.)

22 (20 ILCS 655/5.1) (from Ch. 67 1/2, par. 606)

23 Sec. 5.1. Application to Department.

24 (a) A county or municipality which has adopted an
25 ordinance designating an area as an enterprise zone shall make

1 written application to the Department to have such proposed
2 enterprise zone certified by the Department as an Enterprise
3 Zone. The application shall include:

4 (i) a certified copy of the ordinance designating the
5 proposed zone;

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

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

11 (iv) a statement detailing any tax, grant, and other
12 financial incentives or benefits, and any programs, to be
13 provided by the municipality or county to business
14 enterprises within the zone, other than those provided in
15 the designating ordinance, which are not to be provided
16 throughout the municipality or county;

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

19 (vi) a statement describing the functions, programs,
20 and services to be performed by designated zone
21 organizations within the zone;

22 (vii) an estimate of the economic impact of the zone,
23 considering all of the tax incentives, financial benefits
24 and programs contemplated, upon the revenues of the
25 municipality or county;

26 (viii) a transcript of all public hearings on the

1 zone;

2 (ix) in the case of a joint application, a statement
3 detailing the need for a zone covering portions of more
4 than one municipality or county and a description of the
5 agreement between joint applicants; and

6 (x) such additional information as the Department by
7 regulation may require.

8 (b) The Department may provide for provisional
9 certification of substantially complete applications pending
10 the receipt of any of the items identified in subsection (a) of
11 this Section or any additional information requested by the
12 Department.

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

14 (20 ILCS 655/5.2) (from Ch. 67 1/2, par. 607)

15 Sec. 5.2. Department Review of Enterprise Zone
16 Applications.

17 (a) All applications which are to be considered and acted
18 upon by the Department during a calendar year must be received
19 by the Department no later than December 31 of the preceding
20 calendar year.

21 Any application received after December 31 of any calendar
22 year shall be held by the Department for consideration and
23 action during the following calendar year.

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

1 (a-5) The Department shall, no later than July 31, 2013,
2 develop an application process for an enterprise zone
3 application. The Department has emergency rulemaking authority
4 for the purpose of application development only until 12
5 months after the effective date of this amendatory Act of the
6 97th General Assembly.

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

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

21 (d) If any such designated area is found to be qualified to
22 be an enterprise zone by the Department under subsection (c)
23 of this Section, the Department shall, no later than July 15,
24 send a letter of notification to each member of the General
25 Assembly whose legislative district or representative district
26 contains all or part of the designated area and publish a

1 notice in at least one newspaper of general circulation within
2 the proposed zone area to notify the general public of the
3 application and their opportunity to comment. Such notice
4 shall include a description of the area and a brief summary of
5 the application and shall indicate locations where the
6 applicant has provided copies of the application for public
7 inspection. The notice shall also indicate appropriate
8 procedures for the filing of written comments from zone
9 residents, business, civic and other organizations and
10 property owners to the Department. The Department and the
11 Board may consider written comments submitted pursuant to this
12 Section or any other information regarding a pending
13 enterprise zone application submitted after the deadline for
14 enterprise zone application and received prior to the Board's
15 decision on all pending applications.

16 (e) (Blank).

17 (f) (Blank).

18 (g) (Blank).

19 (h) (Blank).

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

21 (20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)

22 Sec. 5.3. Certification of Enterprise Zones; effective
23 date.

24 (a) Certification of Board-approved designated Enterprise
25 Zones shall be made by the Department by certification of the

1 designating ordinance. The Department shall promptly issue a
2 certificate for each Enterprise Zone upon approval by the
3 Board. The certificate shall be signed by the Director of the
4 Department, shall make specific reference to the designating
5 ordinance, which shall be attached thereto, and shall be filed
6 in the office of the Secretary of State. A certified copy of
7 the Enterprise Zone Certificate, or a duplicate original
8 thereof, shall be recorded in the office of recorder of deeds
9 of the county in which the Enterprise Zone lies.

10 (b) An Enterprise Zone certified prior to January 1, 2016
11 or on or after January 1, 2017 shall be effective on January 1
12 of the first calendar year after Department certification. An
13 Enterprise Zone certified on or after January 1, 2016 and on or
14 before December 31, 2016 shall be effective on the date of the
15 Department's certification. The Department shall transmit a
16 copy of the certification to the Department of Revenue, and to
17 the designating municipality or county.

18 Upon certification of an Enterprise Zone, the terms and
19 provisions of the designating ordinance shall be in effect,
20 and may not be amended or repealed except in accordance with
21 Section 5.4.

22 (c) With the exception of Enterprise Zones scheduled to
23 expire before December 31, 2018, an Enterprise Zone designated
24 before the effective date of this amendatory Act of the 97th
25 General Assembly shall be in effect for 30 calendar years, or
26 for a lesser number of years specified in the certified

1 designating ordinance. Notwithstanding the foregoing, any
2 Enterprise Zone in existence on the effective date of this
3 amendatory Act of the 98th General Assembly that has a term of
4 20 calendar years may be extended for an additional 10
5 calendar years upon amendment of the designating ordinance by
6 the designating municipality or county and submission of the
7 ordinance to the Department. The amended ordinance must be
8 properly recorded in the Office of Recorder of Deeds of each
9 county in which the Enterprise Zone lies. Each Enterprise Zone
10 in existence on the effective date of this amendatory Act of
11 the 97th General Assembly that is scheduled to expire before
12 July 1, 2016 may have its termination date extended until July
13 1, 2016 upon amendment of the designating ordinance by the
14 designating municipality or county extending the termination
15 date to July 1, 2016 and submission of the ordinance to the
16 Department. The amended ordinance must be properly recorded in
17 the Office of Recorder of Deeds of each county in which the
18 Enterprise Zone lies. An Enterprise Zone designated on or
19 after the effective date of this amendatory Act of the 97th
20 General Assembly shall be in effect for a term of 15 calendar
21 years, or for a lesser number of years specified in the
22 certified designating ordinance. An enterprise zone designated
23 on or after the effective date of this amendatory Act of the
24 97th General Assembly shall be subject to review by the Board
25 after 13 years for an additional 10-year designation beginning
26 on the expiration date of the enterprise zone. During the

1 review process, the Board shall consider the costs incurred by
2 the State and units of local government as a result of tax
3 benefits received by the enterprise zone as well as whether
4 the Zone has substantially implemented the plans and achieved
5 the goals set forth in its original application, including
6 satisfaction of the investment and job creation or retention
7 information provided by the Applicant with respect to
8 paragraph (f) of subsection (1) of Section 4 of the Act.

9 Enterprise Zones shall terminate at midnight of December 31 of
10 the final calendar year of the certified term, except as
11 provided in Section 5.4.

12 (d) Except for Enterprise Zones authorized under
13 subsection (f), Zones that become available for designation
14 pursuant to Section 10-5.3 of the River Edge Redevelopment
15 Zone Act, or those designated pursuant to another statutory
16 authority providing for the creation of Enterprise Zones, no
17 ~~no~~ more than a total of 97 ¹² Enterprise Zones may be certified
18 by the Department and in existence in any calendar year 1984,
19 ~~no more than 12 Enterprise Zones may be certified by the~~
20 ~~Department in calendar year 1985, no more than 13 Enterprise~~
21 ~~Zones may be certified by the Department in calendar year~~
22 ~~1986, no more than 15 Enterprise Zones may be certified by the~~
23 ~~Department in calendar year 1987, and no more than 20~~
24 ~~Enterprise Zones may be certified by the Department in~~
25 ~~calendar year 1990. In other calendar years, no more than 13~~
26 ~~Enterprise Zones may be certified by the Department. The~~

1 ~~Department may also designate up to 8 additional Enterprise~~
2 ~~Zones outside the regular application cycle if warranted by~~
3 ~~the extreme economic circumstances as determined by the~~
4 ~~Department. The Department may also designate one additional~~
5 ~~Enterprise Zone outside the regular application cycle if an~~
6 ~~aircraft manufacturer agrees to locate an aircraft~~
7 ~~manufacturing facility in the proposed Enterprise Zone.~~
8 ~~Notwithstanding any other provision of this Act, no more than~~
9 ~~89 Enterprise Zones may be certified by the Department for the~~
10 ~~10 calendar years commencing with 1983. The 7 additional~~
11 ~~Enterprise Zones authorized by Public Act 86-15 shall not lie~~
12 ~~within municipalities or unincorporated areas of counties that~~
13 ~~abut or are contiguous to Enterprise Zones certified pursuant~~
14 ~~to this Section prior to June 30, 1989. The 7 additional~~
15 ~~Enterprise Zones (excluding the additional Enterprise Zone~~
16 ~~which may be designated outside the regular application cycle)~~
17 ~~authorized by Public Act 86-1030 shall not lie within~~
18 ~~municipalities or unincorporated areas of counties that abut~~
19 ~~or are contiguous to Enterprise Zones certified pursuant to~~
20 ~~this Section prior to February 28, 1990. Beginning in calendar~~
21 ~~year 2004 and until December 31, 2008, one additional~~
22 ~~enterprise zone may be certified by the Department. In any~~
23 ~~calendar year, the Department may not certify more than 3~~
24 ~~Zones located within the same municipality. The Department may~~
25 ~~certify Enterprise Zones in each of the 10 calendar years~~
26 ~~commencing with 1983. The Department may not certify more than~~

1 a total of 18 Enterprise Zones located within the same county
2 (whether within municipalities or within unincorporated
3 territory) ~~for the 10 calendar years commencing with 1983.~~
4 ~~Thereafter, the Department may not certify any additional~~
5 ~~Enterprise Zones, but may amend and rescind certifications of~~
6 ~~existing Enterprise Zones in accordance with Section 5.4.~~
7 Beginning in calendar year 2021 and for any year in which there
8 are at least 4 Zones available for designation, at least 25% of
9 Zones available for designation in a given calendar year must
10 be awarded to Zones located in counties with populations of
11 less than 300,000 unless there are no applicants from such
12 locations for that calendar year.

13 (e) Notwithstanding any other provision of law, if (i) the
14 county board of any county in which a current military base is
15 located, in part or in whole, or in which a military base that
16 has been closed within 20 years of the effective date of this
17 amendatory Act of 1998 is located, in part or in whole, adopts
18 a designating ordinance in accordance with Section 5 of this
19 Act to designate the military base in that county as an
20 enterprise zone and (ii) the property otherwise meets the
21 qualifications for an enterprise zone as prescribed in Section
22 4 of this Act, then the Department may certify the designating
23 ordinance or ordinances, as the case may be.

24 (f) Applications for Enterprise Zones that are scheduled
25 to expire in 2016, including Enterprise Zones that have been
26 extended until 2016 by this amendatory Act of the 97th General

1 Assembly, shall be submitted to the Department no later than
2 December 31, 2014. At that time, the Zone becomes available
3 for either the previously designated area or a different area
4 to compete for designation. No preference for designation as a
5 Zone will be given to the previously designated area.

6 For Enterprise Zones that are scheduled to expire on or
7 after January 1, 2017 and prior to January 1, 2024, an
8 application process shall begin 2 years prior to the year in
9 which the Zone expires. At that time, the Zone becomes
10 available for either the previously designated area or a
11 different area to compete for designation. For Enterprise
12 Zones that are scheduled to expire on or after January 1, 2024,
13 an application process shall begin 5 years prior to the year in
14 which the Zone expires. At that time, the Zone becomes
15 available for either the previously designated area or a
16 different area to compete for designation. No preference for
17 designation as a Zone will be given to the previously
18 designated area.

19 Each Enterprise Zone that reapplies for certification but
20 does not receive a new certification shall expire on its
21 scheduled termination date.

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

23 (20 ILCS 655/5.4) (from Ch. 67 1/2, par. 609)

24 Sec. 5.4. Amendment and Decertification of Enterprise
25 Zones.

1 (a) The terms of a certified enterprise zone designating
2 ordinance may be amended to

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

4 (ii) expand, limit or repeal tax incentives or
5 benefits provided in the ordinance, or

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

7 (iv) make technical corrections in the enterprise zone
8 designating ordinance; but such amendment shall not be
9 effective unless the Department issues an amended
10 certificate for the Enterprise Zone, approving the amended
11 designating ordinance. Upon the adoption of any ordinance
12 amending or repealing the terms of a certified enterprise
13 zone designating ordinance, the municipality or county
14 shall promptly file with the Department an application for
15 approval thereof, containing substantially the same
16 information as required for an application under Section
17 5.1 insofar as material to the proposed changes. The
18 municipality or county must hold a public hearing on the
19 proposed changes as specified in Section 5 and, if the
20 amendment is to effectuate the limitation of tax
21 abatements under Section 5.4.1, then the public notice of
22 the hearing shall state that property that is in both the
23 enterprise zone and a redevelopment project area may not
24 receive tax abatements unless within 60 days after the
25 adoption of the amendment to the designating ordinance the
26 municipality has determined that eligibility for tax

1 abatelements has been established,

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

5 (vi) effectuate the limitation of tax abatelements under
6 Section 5.4.1.

7 (b) The Department shall approve or disapprove a proposed
8 amendment to a certified enterprise zone within 90 days of its
9 receipt of the application from the municipality or county.
10 The Department may not approve changes in a Zone which are not
11 in conformity with this Act, as now or hereafter amended, or
12 with other applicable laws. If the Department issues an
13 amended certificate for an Enterprise Zone, the amended
14 certificate, together with the amended zone designating
15 ordinance, shall be filed, recorded and transmitted as
16 provided in Section 5.3.

17 (c) An Enterprise Zone may be decertified by joint action
18 of the Department and the designating county or municipality
19 in accordance with this Section. The designating county or
20 municipality shall conduct at least one public hearing within
21 the zone prior to its adoption of an ordinance of
22 de-designation. The mayor of the designating municipality or
23 the chairman of the county board of the designating county
24 shall execute a joint decertification agreement with the
25 Department. A decertification of an Enterprise Zone shall not
26 become effective until at least 6 months after the execution

1 of the decertification agreement, which shall be filed in the
2 office of the Secretary of State.

3 (d) An Enterprise Zone may be decertified for cause by the
4 Department in accordance with this Section. Prior to
5 decertification: (1) the Department shall notify the chief
6 elected official of the designating county or municipality in
7 writing of the specific deficiencies which provide cause for
8 decertification; (2) the Department shall place the
9 designating county or municipality on probationary status for
10 at least 6 months during which time corrective action may be
11 achieved in the enterprise zone by the designating county or
12 municipality; and, (3) the Department shall conduct at least
13 one public hearing within the zone. If such corrective action
14 is not achieved during the probationary period, the Department
15 shall issue an amended certificate signed by the Director of
16 the Department decertifying the enterprise zone, which
17 certificate shall be filed in the office of the Secretary of
18 State. A certified copy of the amended enterprise zone
19 certificate, or a duplicate original thereof, shall be
20 recorded in the office of recorder of the county in which the
21 enterprise zone lies, and shall be provided to the chief
22 elected official of the designating county or municipality.
23 Decertification of an Enterprise Zone shall not become
24 effective until 60 days after the date of filing.

25 (d-1) The Department shall provisionally decertify any
26 Enterprise Zone that fails to file a report or fails to report

1 any capital investment, job creation or retention, or State
2 tax expenditures for 3 consecutive calendar years. Prior to
3 provisional decertification: (1) the Department shall notify
4 the chief elected official of the designating county or
5 municipality in writing of the specific deficiencies which
6 provide cause for decertification; (2) the Department shall
7 place the designating county or municipality on probationary
8 status for at least 6 months during which time corrective
9 action may be achieved in the Enterprise Zone by the
10 designating county or municipality; and (3) the Department
11 shall conduct at least one public hearing within the Zone. If
12 such corrective action is not achieved during the probationary
13 period, the Department shall issue an amended certificate
14 signed by the Director of the Department provisionally
15 decertifying the Enterprise Zone as of the scheduled
16 termination date of the then-current designation. If the
17 provisionally-decertified Zone was approved and designated
18 after the 102nd General Assembly and has been in existence for
19 less than 15 years, such Zone shall not be eligible for an
20 additional 10-year designation after the expiration date of
21 the original Zone set forth in subsection (c) of Section 5.3.
22 Further, if such corrective action is not achieved during the
23 probationary period provided for in this Section, following
24 such probationary period the Zone becomes available for a
25 different area to compete for designation.

26 (e) In the event of a decertification, provisional

1 decertification, or an amendment reducing the length of the
2 term or the area of an Enterprise Zone or the adoption of an
3 ordinance reducing or eliminating tax benefits in an
4 Enterprise Zone, all benefits previously extended within the
5 Zone pursuant to this Act or pursuant to any other Illinois law
6 providing benefits specifically to or within Enterprise Zones
7 shall remain in effect for the original stated term of the
8 Enterprise Zone, with respect to business enterprises within
9 the Zone on the effective date of such decertification,
10 provisional decertification, or amendment, and with respect to
11 individuals participating in urban homestead programs under
12 this Act.

13 (f) Except as otherwise provided in Section 5.4.1, with
14 respect to business enterprises (or expansions thereof) which
15 are proposed or under development within a Zone at the time of
16 a decertification or an amendment reducing the length of the
17 term of the Zone, or excluding from the Zone area the site of
18 the proposed enterprise, or an ordinance reducing or
19 eliminating tax benefits in a Zone, such business enterprise
20 shall be entitled to the benefits previously applicable within
21 the Zone for the original stated term of the Zone, if the
22 business enterprise establishes:

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

25 (ii) that substantial and binding financial
26 obligations have been made towards the development of such

1 enterprise; and

2 (iii) that such commitments have been made in
3 reasonable reliance on the benefits and programs which
4 were to have been applicable to the enterprise by reason
5 of the Zone, including in the case of a reduction in term
6 of a zone, the original length of the term.

7 In declaratory judgment actions under this paragraph, the
8 Department and the designating municipality or county shall be
9 necessary parties defendant.

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

11 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

12 Sec. 5.5. High Impact Business.

13 (a) In order to respond to unique opportunities to assist
14 in the encouragement, development, growth, and expansion of
15 the private sector through large scale investment and
16 development projects, the Department is authorized to receive
17 and approve applications for the designation of "High Impact
18 Businesses" in Illinois subject to the following conditions:

19 (1) such applications may be submitted at any time
20 during the year;

21 (2) such business is not located, at the time of
22 designation, in an enterprise zone designated pursuant to
23 this Act;

24 (3) the business intends to do one or more of the
25 following:

1 (A) the business intends to make a minimum
2 investment of \$12,000,000 which will be placed in
3 service in qualified property and intends to create
4 500 full-time equivalent jobs at a designated location
5 in Illinois or intends to make a minimum investment of
6 \$30,000,000 which will be placed in service in
7 qualified property and intends to retain 1,500
8 full-time retained jobs at a designated location in
9 Illinois. The business must certify in writing that
10 the investments would not be placed in service in
11 qualified property and the job creation or job
12 retention would not occur without the tax credits and
13 exemptions set forth in subsection (b) of this
14 Section. The terms "placed in service" and "qualified
15 property" have the same meanings as described in
16 subsection (h) of Section 201 of the Illinois Income
17 Tax Act; or

18 (B) the business intends to establish a new
19 electric generating facility at a designated location
20 in Illinois. "New electric generating facility", for
21 purposes of this Section, means a newly-constructed
22 electric generation plant or a newly-constructed
23 generation capacity expansion at an existing electric
24 generation plant, including the transmission lines and
25 associated equipment that transfers electricity from
26 points of supply to points of delivery, and for which

1 such new foundation construction commenced not sooner
2 than July 1, 2001. Such facility shall be designed to
3 provide baseload electric generation and shall operate
4 on a continuous basis throughout the year; and (i)
5 shall have an aggregate rated generating capacity of
6 at least 1,000 megawatts for all new units at one site
7 if it uses natural gas as its primary fuel and
8 foundation construction of the facility is commenced
9 on or before December 31, 2004, or shall have an
10 aggregate rated generating capacity of at least 400
11 megawatts for all new units at one site if it uses coal
12 or gases derived from coal as its primary fuel and
13 shall support the creation of at least 150 new
14 Illinois coal mining jobs, or (ii) shall be funded
15 through a federal Department of Energy grant before
16 December 31, 2010 and shall support the creation of
17 Illinois coal-mining jobs, or (iii) shall use coal
18 gasification or integrated gasification-combined cycle
19 units that generate electricity or chemicals, or both,
20 and shall support the creation of Illinois coal-mining
21 jobs. The business must certify in writing that the
22 investments necessary to establish a new electric
23 generating facility would not be placed in service and
24 the job creation in the case of a coal-fueled plant
25 would not occur without the tax credits and exemptions
26 set forth in subsection (b-5) of this Section. The

1 term "placed in service" has the same meaning as
2 described in subsection (h) of Section 201 of the
3 Illinois Income Tax Act; or

4 (B-5) the business intends to establish a new
5 gasification facility at a designated location in
6 Illinois. As used in this Section, "new gasification
7 facility" means a newly constructed coal gasification
8 facility that generates chemical feedstocks or
9 transportation fuels derived from coal (which may
10 include, but are not limited to, methane, methanol,
11 and nitrogen fertilizer), that supports the creation
12 or retention of Illinois coal-mining jobs, and that
13 qualifies for financial assistance from the Department
14 before December 31, 2010. A new gasification facility
15 does not include a pilot project located within
16 Jefferson County or within a county adjacent to
17 Jefferson County for synthetic natural gas from coal;
18 or

19 (C) the business intends to establish production
20 operations at a new coal mine, re-establish production
21 operations at a closed coal mine, or expand production
22 at an existing coal mine at a designated location in
23 Illinois not sooner than July 1, 2001; provided that
24 the production operations result in the creation of
25 150 new Illinois coal mining jobs as described in
26 subdivision (a) (3) (B) of this Section, and further

1 provided that the coal extracted from such mine is
2 utilized as the predominant source for a new electric
3 generating facility. The business must certify in
4 writing that the investments necessary to establish a
5 new, expanded, or reopened coal mine would not be
6 placed in service and the job creation would not occur
7 without the tax credits and exemptions set forth in
8 subsection (b-5) of this Section. The term "placed in
9 service" has the same meaning as described in
10 subsection (h) of Section 201 of the Illinois Income
11 Tax Act; or

12 (D) the business intends to construct new
13 transmission facilities or upgrade existing
14 transmission facilities at designated locations in
15 Illinois, for which construction commenced not sooner
16 than July 1, 2001. For the purposes of this Section,
17 "transmission facilities" means transmission lines
18 with a voltage rating of 115 kilovolts or above,
19 including associated equipment, that transfer
20 electricity from points of supply to points of
21 delivery and that transmit a majority of the
22 electricity generated by a new electric generating
23 facility designated as a High Impact Business in
24 accordance with this Section. The business must
25 certify in writing that the investments necessary to
26 construct new transmission facilities or upgrade

1 existing transmission facilities would not be placed
2 in service without the tax credits and exemptions set
3 forth in subsection (b-5) of this Section. The term
4 "placed in service" has the same meaning as described
5 in subsection (h) of Section 201 of the Illinois
6 Income Tax Act; or

7 (E) the business intends to establish a new wind
8 power facility at a designated location in Illinois.
9 For purposes of this Section, "new wind power
10 facility" means a newly constructed electric
11 generation facility, or a newly constructed expansion
12 of an existing electric generation facility, placed in
13 service on or after July 1, 2009, that generates
14 electricity using wind energy devices, and such
15 facility shall be deemed to include all associated
16 transmission lines, substations, and other equipment
17 related to the generation of electricity from wind
18 energy devices. For purposes of this Section, "wind
19 energy device" means any device, with a nameplate
20 capacity of at least 0.5 megawatts, that is used in the
21 process of converting kinetic energy from the wind to
22 generate electricity; or

23 (F) the business commits to (i) make a minimum
24 investment of \$500,000,000, which will be placed in
25 service in a qualified property, (ii) create 125
26 full-time equivalent jobs at a designated location in

1 Illinois, (iii) establish a fertilizer plant at a
2 designated location in Illinois that complies with the
3 set-back standards as described in Table 1: Initial
4 Isolation and Protective Action Distances in the 2012
5 Emergency Response Guidebook published by the United
6 States Department of Transportation, (iv) pay a
7 prevailing wage for employees at that location who are
8 engaged in construction activities, and (v) secure an
9 appropriate level of general liability insurance to
10 protect against catastrophic failure of the fertilizer
11 plant or any of its constituent systems; in addition,
12 the business must agree to enter into a construction
13 project labor agreement including provisions
14 establishing wages, benefits, and other compensation
15 for employees performing work under the project labor
16 agreement at that location; for the purposes of this
17 Section, "fertilizer plant" means a newly constructed
18 or upgraded plant utilizing gas used in the production
19 of anhydrous ammonia and downstream nitrogen
20 fertilizer products for resale; for the purposes of
21 this Section, "prevailing wage" means the hourly cash
22 wages plus fringe benefits for training and
23 apprenticeship programs approved by the U.S.
24 Department of Labor, Bureau of Apprenticeship and
25 Training, health and welfare, insurance, vacations and
26 pensions paid generally, in the locality in which the

1 work is being performed, to employees engaged in work
2 of a similar character on public works; this paragraph
3 (F) applies only to businesses that submit an
4 application to the Department within 60 days after
5 July 25, 2013 (the effective date of Public Act
6 98-109) ~~this amendatory Act of the 98th General~~
7 ~~Assembly~~; and

8 (4) no later than 90 days after an application is
9 submitted, the Department shall notify the applicant of
10 the Department's determination of the qualification of the
11 proposed High Impact Business under this Section.

12 (b) Businesses designated as High Impact Businesses
13 pursuant to subdivision (a)(3)(A) of this Section shall
14 qualify for the credits and exemptions described in the
15 following Acts: Section 9-222 and Section 9-222.1A of the
16 Public Utilities Act, subsection (h) of Section 201 of the
17 Illinois Income Tax Act, and Section 1d of the Retailers'
18 Occupation Tax Act; provided that these credits and exemptions
19 described in these Acts shall not be authorized until the
20 minimum investments set forth in subdivision (a)(3)(A) of this
21 Section have been placed in service in qualified properties
22 and, in the case of the exemptions described in the Public
23 Utilities Act and Section 1d of the Retailers' Occupation Tax
24 Act, the minimum full-time equivalent jobs or full-time
25 retained jobs set forth in subdivision (a)(3)(A) of this
26 Section have been created or retained. Businesses designated

1 as High Impact Businesses under this Section shall also
2 qualify for the exemption described in Section 51 of the
3 Retailers' Occupation Tax Act. The credit provided in
4 subsection (h) of Section 201 of the Illinois Income Tax Act
5 shall be applicable to investments in qualified property as
6 set forth in subdivision (a) (3) (A) of this Section.

7 (b-5) Businesses designated as High Impact Businesses
8 pursuant to subdivisions (a) (3) (B), (a) (3) (B-5), (a) (3) (C),
9 and (a) (3) (D) of this Section shall qualify for the credits
10 and exemptions described in the following Acts: Section 51 of
11 the Retailers' Occupation Tax Act, Section 9-222 and Section
12 9-222.1A of the Public Utilities Act, and subsection (h) of
13 Section 201 of the Illinois Income Tax Act; however, the
14 credits and exemptions authorized under Section 9-222 and
15 Section 9-222.1A of the Public Utilities Act, and subsection
16 (h) of Section 201 of the Illinois Income Tax Act shall not be
17 authorized until the new electric generating facility, the new
18 gasification facility, the new transmission facility, or the
19 new, expanded, or reopened coal mine is operational, except
20 that a new electric generating facility whose primary fuel
21 source is natural gas is eligible only for the exemption under
22 Section 51 of the Retailers' Occupation Tax Act.

23 (b-6) Businesses designated as High Impact Businesses
24 pursuant to subdivision (a) (3) (E) of this Section shall
25 qualify for the exemptions described in Section 51 of the
26 Retailers' Occupation Tax Act; any business so designated as a

1 High Impact Business being, for purposes of this Section, a
2 "Wind Energy Business".

3 (b-7) Beginning on January 1, 2021, businesses designated
4 as High Impact Businesses by the Department shall qualify for
5 the High Impact Business construction jobs credit under
6 subsection (h-5) of Section 201 of the Illinois Income Tax Act
7 if the business meets the criteria set forth in subsection (i)
8 of this Section. The total aggregate amount of credits awarded
9 under the Blue Collar Jobs Act (Article 20 of Public Act 101-9
10 ~~this amendatory Act of the 101st General Assembly~~) shall not
11 exceed \$20,000,000 in any State fiscal year.

12 (c) High Impact Businesses located in federally designated
13 foreign trade zones or sub-zones are also eligible for
14 additional credits, exemptions and deductions as described in
15 the following Acts: Section 9-221 and Section 9-222.1 of the
16 Public Utilities Act; and subsection (g) of Section 201, and
17 Section 203 of the Illinois Income Tax Act.

18 (d) Except for businesses contemplated under subdivision
19 (a)(3)(E) of this Section, existing Illinois businesses which
20 apply for designation as a High Impact Business must provide
21 the Department with the prospective plan for which 1,500
22 full-time retained jobs would be eliminated in the event that
23 the business is not designated.

24 (e) Except for new wind power facilities contemplated
25 under subdivision (a)(3)(E) of this Section, new proposed
26 facilities which apply for designation as High Impact Business

1 must provide the Department with proof of alternative
2 non-Illinois sites which would receive the proposed investment
3 and job creation in the event that the business is not
4 designated as a High Impact Business.

5 (f) Except for businesses contemplated under subdivision
6 (a)(3)(E) of this Section, in the event that a business is
7 designated a High Impact Business and it is later determined
8 after reasonable notice and an opportunity for a hearing as
9 provided under the Illinois Administrative Procedure Act, that
10 the business would have placed in service in qualified
11 property the investments and created or retained the requisite
12 number of jobs without the benefits of the High Impact
13 Business designation, the Department shall be required to
14 immediately revoke the designation and notify the Director of
15 the Department of Revenue who shall begin proceedings to
16 recover all wrongfully exempted State taxes with interest. The
17 business shall also be ineligible for all State funded
18 Department programs for a period of 10 years.

19 (g) The Department shall revoke a High Impact Business
20 designation if the participating business fails to comply with
21 the terms and conditions of the designation. However, the
22 penalties for new wind power facilities or Wind Energy
23 Businesses for failure to comply with any of the terms or
24 conditions of the Illinois Prevailing Wage Act shall be only
25 those penalties identified in the Illinois Prevailing Wage
26 Act, and the Department shall not revoke a High Impact

1 Business designation as a result of the failure to comply with
2 any of the terms or conditions of the Illinois Prevailing Wage
3 Act in relation to a new wind power facility or a Wind Energy
4 Business.

5 (h) Prior to designating a business, the Department shall
6 provide the members of the General Assembly and Commission on
7 Government Forecasting and Accountability with a report
8 setting forth the terms and conditions of the designation and
9 guarantees that have been received by the Department in
10 relation to the proposed business being designated.

11 (i) High Impact Business construction jobs credit.
12 Beginning on January 1, 2021, a High Impact Business may
13 receive a tax credit against the tax imposed under subsections
14 (a) and (b) of Section 201 of the Illinois Income Tax Act in an
15 amount equal to 50% of the amount of the incremental income tax
16 attributable to High Impact Business construction jobs credit
17 employees employed in the course of completing a High Impact
18 Business construction jobs project. However, the High Impact
19 Business construction jobs credit may equal 75% of the amount
20 of the incremental income tax attributable to High Impact
21 Business construction jobs credit employees if the High Impact
22 Business construction jobs credit project is located in an
23 underserved area.

24 The Department shall certify to the Department of Revenue:
25 (1) the identity of taxpayers that are eligible for the High
26 Impact Business construction jobs credit; and (2) the amount

1 of High Impact Business construction jobs credits that are
2 claimed pursuant to subsection (h-5) of Section 201 of the
3 Illinois Income Tax Act in each taxable year. Any business
4 entity that receives a High Impact Business construction jobs
5 credit shall maintain a certified payroll pursuant to
6 subsection (j) of this Section.

7 As used in this subsection (i):

8 "High Impact Business construction jobs credit" means an
9 amount equal to 50% (or 75% if the High Impact Business
10 construction project is located in an underserved area) of the
11 incremental income tax attributable to High Impact Business
12 construction job employees. The total aggregate amount of
13 credits awarded under the Blue Collar Jobs Act (Article 20 of
14 Public Act 101-9 ~~this amendatory Act of the 101st General~~
15 ~~Assembly~~) shall not exceed \$20,000,000 in any State fiscal
16 year

17 "High Impact Business construction job employee" means a
18 laborer or worker who is employed by an Illinois contractor or
19 subcontractor in the actual construction work on the site of a
20 High Impact Business construction job project.

21 "High Impact Business construction jobs project" means
22 building a structure or building or making improvements of any
23 kind to real property, undertaken and commissioned by a
24 business that was designated as a High Impact Business by the
25 Department. The term "High Impact Business construction jobs
26 project" does not include the routine operation, routine

1 repair, or routine maintenance of existing structures,
2 buildings, or real property.

3 "Incremental income tax" means the total amount withheld
4 during the taxable year from the compensation of High Impact
5 Business construction job employees.

6 "Underserved area" means a geographic area that meets one
7 or more of the following conditions:

8 (1) the area has a poverty rate of at least 20%
9 according to the latest American Community Survey ~~federal~~
10 ~~decennial census~~;

11 (2) 35% ~~75%~~ or more of the families with children in
12 the area are living below 130% of the poverty line,
13 according to the latest American Community Survey ~~children~~
14 ~~in the area participate in the federal free lunch program~~
15 ~~according to reported statistics from the State Board of~~
16 ~~Education~~;

17 (3) at least 20% of the households in the area receive
18 assistance under the Supplemental Nutrition Assistance
19 Program (SNAP); or

20 (4) the area has an average unemployment rate, as
21 determined by the Illinois Department of Employment
22 Security, that is more than 120% of the national
23 unemployment average, as determined by the U.S. Department
24 of Labor, for a period of at least 2 consecutive calendar
25 years preceding the date of the application.

26 (j) Each contractor and subcontractor who is engaged in

1 and executing a High Impact Business Construction jobs
2 project, as defined under subsection (i) of this Section, for
3 a business that is entitled to a credit pursuant to subsection
4 (i) of this Section shall:

5 (1) make and keep, for a period of 5 years from the
6 date of the last payment made on or after June 5, 2019 (the
7 effective date of Public Act 101-9) ~~this amendatory Act of~~
8 ~~the 101st General Assembly~~ on a contract or subcontract
9 for a High Impact Business Construction Jobs Project,
10 records for all laborers and other workers employed by the
11 contractor or subcontractor on the project; the records
12 shall include:

13 (A) the worker's name;

14 (B) the worker's address;

15 (C) the worker's telephone number, if available;

16 (D) the worker's social security number;

17 (E) the worker's classification or
18 classifications;

19 (F) the worker's gross and net wages paid in each
20 pay period;

21 (G) the worker's number of hours worked each day;

22 (H) the worker's starting and ending times of work
23 each day;

24 (I) the worker's hourly wage rate; and

25 (J) the worker's hourly overtime wage rate;

26 (2) no later than the 15th day of each calendar month,

1 provide a certified payroll for the immediately preceding
2 month to the taxpayer in charge of the High Impact
3 Business construction jobs project; within 5 business days
4 after receiving the certified payroll, the taxpayer shall
5 file the certified payroll with the Department of Labor
6 and the Department of Commerce and Economic Opportunity; a
7 certified payroll must be filed for only those calendar
8 months during which construction on a High Impact Business
9 construction jobs project has occurred; the certified
10 payroll shall consist of a complete copy of the records
11 identified in paragraph (1) of this subsection (j), but
12 may exclude the starting and ending times of work each
13 day; the certified payroll shall be accompanied by a
14 statement signed by the contractor or subcontractor or an
15 officer, employee, or agent of the contractor or
16 subcontractor which avers that:

17 (A) he or she has examined the certified payroll
18 records required to be submitted by the Act and such
19 records are true and accurate; and

20 (B) the contractor or subcontractor is aware that
21 filing a certified payroll that he or she knows to be
22 false is a Class A misdemeanor.

23 A general contractor is not prohibited from relying on a
24 certified payroll of a lower-tier subcontractor, provided the
25 general contractor does not knowingly rely upon a
26 subcontractor's false certification.

1 Any contractor or subcontractor subject to this
2 subsection, and any officer, employee, or agent of such
3 contractor or subcontractor whose duty as an officer,
4 employee, or agent it is to file a certified payroll under this
5 subsection, who willfully fails to file such a certified
6 payroll on or before the date such certified payroll is
7 required by this paragraph to be filed and any person who
8 willfully files a false certified payroll that is false as to
9 any material fact is in violation of this Act and guilty of a
10 Class A misdemeanor.

11 The taxpayer in charge of the project shall keep the
12 records submitted in accordance with this subsection on or
13 after June 5, 2019 (the effective date of Public Act 101-9)
14 ~~this amendatory Act of the 101st General Assembly~~ for a period
15 of 5 years from the date of the last payment for work on a
16 contract or subcontract for the High Impact Business
17 construction jobs project.

18 The records submitted in accordance with this subsection
19 shall be considered public records, except an employee's
20 address, telephone number, and social security number, and
21 made available in accordance with the Freedom of Information
22 Act. The Department of Labor shall accept any reasonable
23 submissions by the contractor that meet the requirements of
24 this subsection (j) and shall share the information with the
25 Department in order to comply with the awarding of a High
26 Impact Business construction jobs credit. A contractor,

1 subcontractor, or public body may retain records required
2 under this Section in paper or electronic format.

3 (k) Upon 7 business days' notice, each contractor and
4 subcontractor shall make available for inspection and copying
5 at a location within this State during reasonable hours, the
6 records identified in this subsection (j) to the taxpayer in
7 charge of the High Impact Business construction jobs project,
8 its officers and agents, the Director of the Department of
9 Labor and his or her deputies and agents, and to federal,
10 State, or local law enforcement agencies and prosecutors.

11 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

12 (20 ILCS 655/8.1)

13 Sec. 8.1. Accounting.

14 (a) Any business receiving tax incentives due to its
15 location within an Enterprise Zone or its designation as a
16 High Impact Business must annually report to the Department of
17 Revenue information reasonably required by the Department of
18 Revenue to enable the Department to verify and calculate the
19 total Enterprise Zone or High Impact Business tax benefits for
20 property taxes and taxes imposed by the State that are
21 received by the business, broken down by incentive category
22 and enterprise zone, if applicable. Reports will be due no
23 later than May 31 of each year and shall cover the previous
24 calendar year. The first report will be for the 2012 calendar
25 year and will be due no later than May 31, 2013. Failure to

1 report data may result in ineligibility to receive incentives.
2 To the extent that a business receiving tax incentives has
3 obtained an Enterprise Zone Building Materials Exemption
4 Certificate or a High Impact Business Building Materials
5 Exemption Certificate, that business is required to report
6 those building materials exemption benefits only under
7 subsection (a-5) of this Section. No additional reporting for
8 those building materials exemption benefits is required under
9 this subsection (a). In addition, if the Department determines
10 that 80% or more of the businesses receiving tax incentives
11 because of their location within a particular Enterprise Zone
12 failed to submit the information required under this
13 subsection (a) to the Department in any calendar year, then
14 the Enterprise Zone may be decertified by the Department. If
15 the Department is able to determine that specific businesses
16 are failing to submit the information required under this
17 subsection (a) to the Department in any calendar year to the
18 Zone Administrator, regardless of the Administrator's efforts
19 to enforce reporting, the Department may, at its discretion,
20 suspend the benefits to the specific business rather than an
21 outright decertification of the particular Enterprise Zone.
22 The Department, in consultation with the Department of
23 Revenue, is authorized to adopt rules governing ineligibility
24 to receive exemptions, including the length of ineligibility.
25 Factors to be considered in determining whether a business is
26 ineligible shall include, but are not limited to, prior

1 compliance with the reporting requirements, cooperation in
2 discontinuing and correcting violations, the extent of the
3 violation, and whether the violation was willful or
4 inadvertent.

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

23 The Department of Revenue is authorized to adopt rules
24 governing revocation determinations, including the length of
25 revocation. Factors to be considered in revocations shall
26 include, but are not limited to, prior compliance with the

1 reporting requirements, cooperation in discontinuing and
2 correcting violations, and whether the certificate was used
3 unlawfully during the preceding year.

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

16 (c) Employers shall report their job creation, retention,
17 and capital investment numbers within the zone annually to the
18 Department of Revenue no later than May 31 of each calendar
19 year. High Impact Businesses shall report their job creation,
20 retention, and capital investment numbers to the Department of
21 Revenue no later than May 31 of each year. With respect to job
22 creation or retention, employers and High Impact Businesses
23 shall use best efforts to submit diversity information related
24 to the gender and ethnicity of such employees.

25 (d) The Department of Revenue will aggregate and collect
26 the tax, job, and capital investment data by Enterprise Zone

1 and High Impact Business and report this information,
2 formatted to exclude company-specific proprietary information,
3 to the Department and the Board by August 1, 2013, and by
4 August 1 of every calendar year thereafter. The Department
5 will include this information in their required reports under
6 Section 6 of this Act. The Board shall consider this
7 information during the reviews required under subsection (d-5)
8 of Section 5.4 of this Act and subsection (c) of Section 5.3 of
9 this Act.

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

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

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

17 (20 ILCS 655/12-9) (from Ch. 67 1/2, par. 626)

18 Sec. 12-9. Report. On January 1 of each year, the
19 Department shall report on its operation of the Fund for the
20 preceding fiscal year to the Governor and the General
21 Assembly. For any fiscal year in which no operations are
22 conducted by the Department because no funds were appropriated
23 to the Fund, the report outlined by this Section is not
24 required.

25 (Source: P.A. 84-165.)

1 (20 ILCS 655/13)

2 Sec. 13. Enterprise Zone construction jobs credit.

3 (a) Beginning on January 1, 2021, a business entity in a
4 certified Enterprise Zone that makes a capital investment of
5 at least \$10,000,000 in an Enterprise Zone construction jobs
6 project may receive an Enterprise Zone construction jobs
7 credit against the tax imposed under subsections (a) and (b)
8 of Section 201 of the Illinois Income Tax Act in an amount
9 equal to 50% of the amount of the incremental income tax
10 attributable to Enterprise Zone construction jobs credit
11 employees employed in the course of completing an Enterprise
12 Zone construction jobs project. However, the Enterprise Zone
13 construction jobs credit may equal 75% of the amount of the
14 incremental income tax attributable to Enterprise Zone
15 construction jobs credit employees if the project is located
16 in an underserved area.

17 (b) A business entity seeking a credit under this Section
18 must submit an application to the Department and must receive
19 approval from the designating municipality or county and the
20 Department for the Enterprise Zone construction jobs credit
21 project. The application must describe the nature and benefit
22 of the project to the certified Enterprise Zone and its
23 potential contributors. The total aggregate amount of credits
24 awarded under the Blue Collar Jobs Act (Article 20 of Public
25 Act 101-9 ~~this amendatory Act of the 101st General Assembly~~)

1 shall not exceed \$20,000,000 in any State fiscal year.

2 Within 45 days after receipt of an application, the
3 Department shall give notice to the applicant as to whether
4 the application has been approved or disapproved. If the
5 Department disapproves the application, it shall specify the
6 reasons for this decision and allow 60 days for the applicant
7 to amend and resubmit its application. The Department shall
8 provide assistance upon request to applicants. Resubmitted
9 applications shall receive the Department's approval or
10 disapproval within 30 days after the application is
11 resubmitted. Those resubmitted applications satisfying initial
12 Department objectives shall be approved unless reasonable
13 circumstances warrant disapproval.

14 On an annual basis, the designated zone organization shall
15 furnish a statement to the Department on the programmatic and
16 financial status of any approved project and an audited
17 financial statement of the project.

18 The Department shall certify to the Department of Revenue
19 the identity of taxpayers who are eligible for the credits and
20 the amount of credits that are claimed pursuant to
21 subparagraph (8) of subsection (f) of Section 201 the Illinois
22 Income Tax Act.

23 The Enterprise Zone construction jobs credit project must
24 be undertaken by the business entity in the course of
25 completing a project that complies with the criteria contained
26 in Section 4 of this Act and is undertaken in a certified

1 Enterprise Zone. The Department shall adopt any necessary
2 rules for the implementation of this subsection (b).

3 (c) Any business entity that receives an Enterprise Zone
4 construction jobs credit shall maintain a certified payroll
5 pursuant to subsection (d) of this Section.

6 (d) Each contractor and subcontractor who is engaged in
7 and is executing an Enterprise Zone construction jobs credit
8 project for a business that is entitled to a credit pursuant to
9 this Section shall:

10 (1) make and keep, for a period of 5 years from the
11 date of the last payment made on or after June 5, 2019 (the
12 effective date of Public Act 101-9) ~~this amendatory Act of~~
13 ~~the 101st General Assembly~~ on a contract or subcontract
14 for an Enterprise Zone construction jobs credit project,
15 records for all laborers and other workers employed by
16 them on the project; the records shall include:

17 (A) the worker's name;

18 (B) the worker's address;

19 (C) the worker's telephone number, if available;

20 (D) the worker's social security number;

21 (E) the worker's classification or
22 classifications;

23 (F) the worker's gross and net wages paid in each
24 pay period;

25 (G) the worker's number of hours worked each day;

26 (H) the worker's starting and ending times of work

1 each day;

2 (I) the worker's hourly wage rate; and

3 (J) the worker's hourly overtime wage rate;

4 (2) no later than the 15th day of each calendar month,
5 provide a certified payroll for the immediately preceding
6 month to the taxpayer in charge of the project; within 5
7 business days after receiving the certified payroll, the
8 taxpayer shall file the certified payroll with the
9 Department of Labor and the Department of Commerce and
10 Economic Opportunity; a certified payroll must be filed
11 for only those calendar months during which construction
12 on an Enterprise Zone construction jobs project has
13 occurred; the certified payroll shall consist of a
14 complete copy of the records identified in paragraph (1)
15 of this subsection (d), but may exclude the starting and
16 ending times of work each day; the certified payroll shall
17 be accompanied by a statement signed by the contractor or
18 subcontractor or an officer, employee, or agent of the
19 contractor or subcontractor which avers that:

20 (A) he or she has examined the certified payroll
21 records required to be submitted by the Act and such
22 records are true and accurate; and

23 (B) the contractor or subcontractor is aware that
24 filing a certified payroll that he or she knows to be
25 false is a Class A misdemeanor.

26 A general contractor is not prohibited from relying on a

1 certified payroll of a lower-tier subcontractor, provided the
2 general contractor does not knowingly rely upon a
3 subcontractor's false certification.

4 Any contractor or subcontractor subject to this
5 subsection, and any officer, employee, or agent of such
6 contractor or subcontractor whose duty as an officer,
7 employee, or agent it is to file a certified payroll under this
8 subsection, who willfully fails to file such a certified
9 payroll on or before the date such certified payroll is
10 required by this paragraph to be filed and any person who
11 willfully files a false certified payroll that is false as to
12 any material fact is in violation of this Act and guilty of a
13 Class A misdemeanor.

14 The taxpayer in charge of the project shall keep the
15 records submitted in accordance with this subsection on or
16 after June 5, 2019 (the effective date of Public Act 101-9)
17 ~~this amendatory Act of the 101st General Assembly~~ for a period
18 of 5 years from the date of the last payment for work on a
19 contract or subcontract for the project.

20 The records submitted in accordance with this subsection
21 shall be considered public records, except an employee's
22 address, telephone number, and social security number, and
23 made available in accordance with the Freedom of Information
24 Act. The Department of Labor shall accept any reasonable
25 submissions by the contractor that meet the requirements of
26 this subsection and shall share the information with the

1 Department in order to comply with the awarding of Enterprise
2 Zone construction jobs credits. A contractor, subcontractor,
3 or public body may retain records required under this Section
4 in paper or electronic format.

5 Upon 7 business days' notice, the contractor and each
6 subcontractor shall make available for inspection and copying
7 at a location within this State during reasonable hours, the
8 records identified in paragraph (1) of this subsection to the
9 taxpayer in charge of the project, its officers and agents,
10 the Director of Labor and his or her deputies and agents, and
11 to federal, State, or local law enforcement agencies and
12 prosecutors.

13 (e) As used in this Section:

14 "Enterprise Zone construction jobs credit" means an amount
15 equal to 50% (or 75% if the project is located in an
16 underserved area) of the incremental income tax attributable
17 to Enterprise Zone construction jobs credit employees.

18 "Enterprise Zone construction jobs credit employee" means
19 a laborer or worker who is employed by an Illinois contractor
20 or subcontractor in the actual construction work on the site
21 of an Enterprise Zone construction jobs credit project.

22 "Enterprise Zone construction jobs credit project" means
23 building a structure or building or making improvements of any
24 kind to real property commissioned and paid for by a business
25 that has applied and been approved for an Enterprise Zone
26 construction jobs credit pursuant to this Section. "Enterprise

1 Zone construction jobs credit project" does not include the
2 routine operation, routine repair, or routine maintenance of
3 existing structures, buildings, or real property.

4 "Incremental income tax" means the total amount withheld
5 during the taxable year from the compensation of Enterprise
6 Zone construction jobs credit employees.

7 "Underserved area" means a geographic area that meets one
8 or more of the following conditions:

9 (1) the area has a poverty rate of at least 20%
10 according to the latest American Community Survey ~~federal~~
11 ~~decennial census~~;

12 (2) 35% ~~75%~~ or more of the families with children in
13 the area are living below 130% of the poverty line,
14 according to the latest American Community Survey ~~children~~
15 ~~in the area participate in the federal free lunch program~~
16 ~~according to reported statistics from the State Board of~~
17 ~~Education~~;

18 (3) at least 20% of the households in the area receive
19 assistance under the Supplemental Nutrition Assistance
20 Program (SNAP); or

21 (4) the area has an average unemployment rate, as
22 determined by the Illinois Department of Employment
23 Security, that is more than 120% of the national
24 unemployment average, as determined by the U.S. Department
25 of Labor, for a period of at least 2 consecutive calendar
26 years preceding the date of the application.

1 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)