



Rep. William B. Black

Filed: 5/17/2007

09500HB2949ham002

LRB095 09324 BDD 36556 a

1 AMENDMENT TO HOUSE BILL 2949

2 AMENDMENT NO. _____. Amend House Bill 2949 by replacing
3 everything after the enacting clause with the following:

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

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

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

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

25 (b) The Department shall approve or disapprove a proposed
26 amendment to a certified enterprise zone within 90 days of its

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

8 For an enterprise zone located in Vermillion County for
9 which there are 2 or more designating units of local
10 government, an application under this subsection (b) for a
11 proposed amendment to a certified Enterprise Zone must be
12 submitted jointly by a majority of the designating units of
13 local government.

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

26 (d) An Enterprise Zone may be decertified for cause by the

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

22 (e) In the event of a decertification, or an amendment
23 reducing the length of the term or the area of an Enterprise
24 Zone or the adoption of an ordinance reducing or eliminating
25 tax benefits in an Enterprise Zone, all benefits previously
26 extended within the Zone pursuant to this Act or pursuant to

1 any other Illinois law providing benefits specifically to or
2 within Enterprise Zones shall remain in effect for the original
3 stated term of the Enterprise Zone, with respect to business
4 enterprises within the Zone on the effective date of such
5 decertification or amendment, and with respect to individuals
6 participating in urban homestead programs under this Act.

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

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

19 (ii) that substantial and binding financial
20 obligations have been made towards the development of such
21 enterprise; and

22 (iii) that such commitments have been made in
23 reasonable reliance on the benefits and programs which were
24 to have been applicable to the enterprise by reason of the
25 Zone, including in the case of a reduction in term of a
26 zone, the original length of the term.

1 In declaratory judgment actions under this paragraph, the
2 Department and the designating municipality or county shall be
3 necessary parties defendant.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".