

HB2359



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2359

by Rep. Avery Bourne

SYNOPSIS AS INTRODUCED:

20 ILCS 655/5.3

from Ch. 67 1/2, par. 608

Amends the Illinois Enterprise Zone Act. Provides that, in calendar year 2017, the Department of Commerce and Economic Opportunity may certify an additional 25 Enterprise Zones. Provides that for Enterprise Zones scheduled to expire after January 1, 2017, the application process shall begin 5 years (currently, 2 years) prior to the year in which the Zone expires. Effective immediately.

LRB100 08285 HLH 18387 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5.3 as follows:

6 (20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)

7 Sec. 5.3. Certification of Enterprise Zones; effective
8 date.

9 (a) Certification of Board-approved designated Enterprise
10 Zones shall be made by the Department by certification of the
11 designating ordinance. The Department shall promptly issue a
12 certificate for each Enterprise Zone upon approval by the
13 Board. The certificate shall be signed by the Director of the
14 Department, shall make specific reference to the designating
15 ordinance, which shall be attached thereto, and shall be filed
16 in the office of the Secretary of State. A certified copy of
17 the Enterprise Zone Certificate, or a duplicate original
18 thereof, shall be recorded in the office of recorder of deeds
19 of the county in which the Enterprise Zone lies.

20 (b) An Enterprise Zone certified prior to January 1, 2016
21 or on or after January 1, 2017 shall be effective on January 1
22 of the first calendar year after Department certification. An
23 Enterprise Zone certified on or after January 1, 2016 and on or

1 before December 31, 2016 shall be effective on the date of the
2 Department's certification. The Department shall transmit a
3 copy of the certification to the Department of Revenue, and to
4 the designating municipality or county.

5 Upon certification of an Enterprise Zone, the terms and
6 provisions of the designating ordinance shall be in effect, and
7 may not be amended or repealed except in accordance with
8 Section 5.4.

9 (c) With the exception of Enterprise Zones scheduled to
10 expire before December 31, 2018, an Enterprise Zone designated
11 before the effective date of this amendatory Act of the 97th
12 General Assembly shall be in effect for 30 calendar years, or
13 for a lesser number of years specified in the certified
14 designating ordinance. Notwithstanding the foregoing, any
15 Enterprise Zone in existence on the effective date of this
16 amendatory Act of the 98th General Assembly that has a term of
17 20 calendar years may be extended for an additional 10 calendar
18 years upon amendment of the designating ordinance by the
19 designating municipality or county and submission of the
20 ordinance to the Department. The amended ordinance must be
21 properly recorded in the Office of Recorder of Deeds of each
22 county in which the Enterprise Zone lies. Each Enterprise Zone
23 in existence on the effective date of this amendatory Act of
24 the 97th General Assembly that is scheduled to expire before
25 July 1, 2016 may have its termination date extended until July
26 1, 2016 upon amendment of the designating ordinance by the

1 designating municipality or county extending the termination
2 date to July 1, 2016 and submission of the ordinance to the
3 Department. The amended ordinance must be properly recorded in
4 the Office of Recorder of Deeds of each county in which the
5 Enterprise Zone lies. An Enterprise Zone designated on or after
6 the effective date of this amendatory Act of the 97th General
7 Assembly shall be in effect for a term of 15 calendar years, or
8 for a lesser number of years specified in the certified
9 designating ordinance. An enterprise zone designated on or
10 after the effective date of this amendatory Act of the 97th
11 General Assembly shall be subject to review by the Board after
12 13 years for an additional 10-year designation beginning on the
13 expiration date of the enterprise zone. During the review
14 process, the Board shall consider the costs incurred by the
15 State and units of local government as a result of tax benefits
16 received by the enterprise zone. Enterprise Zones shall
17 terminate at midnight of December 31 of the final calendar year
18 of the certified term, except as provided in Section 5.4.

19 (d) No more than 12 Enterprise Zones may be certified by
20 the Department in calendar year 1984, no more than 12
21 Enterprise Zones may be certified by the Department in calendar
22 year 1985, no more than 13 Enterprise Zones may be certified by
23 the Department in calendar year 1986, no more than 15
24 Enterprise Zones may be certified by the Department in calendar
25 year 1987, and no more than 20 Enterprise Zones may be
26 certified by the Department in calendar year 1990. Except as

1 otherwise provided, in ~~In~~ other calendar years, no more than 13
2 Enterprise Zones may be certified by the Department. In
3 calendar year 2017, the Department may certify an additional 25
4 Enterprise Zones. The Department may also designate up to 8
5 additional Enterprise Zones outside the regular application
6 cycle if warranted by the extreme economic circumstances as
7 determined by the Department. The Department may also designate
8 one additional Enterprise Zone outside the regular application
9 cycle if an aircraft manufacturer agrees to locate an aircraft
10 manufacturing facility in the proposed Enterprise Zone.
11 Notwithstanding any other provision of this Act, no more than
12 89 Enterprise Zones may be certified by the Department for the
13 10 calendar years commencing with 1983. The 7 additional
14 Enterprise Zones authorized by Public Act 86-15 shall not lie
15 within municipalities or unincorporated areas of counties that
16 abut or are contiguous to Enterprise Zones certified pursuant
17 to this Section prior to June 30, 1989. The 7 additional
18 Enterprise Zones (excluding the additional Enterprise Zone
19 which may be designated outside the regular application cycle)
20 authorized by Public Act 86-1030 shall not lie within
21 municipalities or unincorporated areas of counties that abut or
22 are contiguous to Enterprise Zones certified pursuant to this
23 Section prior to February 28, 1990. Beginning in calendar year
24 2004 and until December 31, 2008, one additional enterprise
25 zone may be certified by the Department. In any calendar year,
26 the Department may not certify more than 3 Zones located within

1 the same municipality. The Department may certify Enterprise
2 Zones in each of the 10 calendar years commencing with 1983.
3 The Department may not certify more than a total of 18
4 Enterprise Zones located within the same county (whether within
5 municipalities or within unincorporated territory) for the 10
6 calendar years commencing with 1983. Thereafter, the
7 Department may not certify any additional Enterprise Zones, but
8 may amend and rescind certifications of existing Enterprise
9 Zones in accordance with Section 5.4.

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

21 (f) Applications for Enterprise Zones that are scheduled to
22 expire in 2016, including Enterprise Zones that have been
23 extended until 2016 by this amendatory Act of the 97th General
24 Assembly, shall be submitted to the Department no later than
25 December 31, 2014. At that time, the Zone becomes available for
26 either the previously designated area or a different area to

1 compete for designation. No preference for designation as a
2 Zone will be given to the previously designated area.

3 For Enterprise Zones that are scheduled to expire on or
4 after January 1, 2017, an application process shall begin 5 ~~2~~
5 years prior to the year in which the Zone expires. At that
6 time, the Zone becomes available for either the previously
7 designated area or a different area to compete for designation.
8 No preference for designation as a Zone will be given to the
9 previously designated area.

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

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.