



Rep. Mark L. Walker

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10200HB0034ham001

LRB102 02864 RJF 23107 a

1 AMENDMENT TO HOUSE BILL 34

2 AMENDMENT NO. _____. Amend House Bill 34 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Enterprise Zone Act is amended by
5 changing Sections 3, 4, 4.1, 5.1, 5.2, 5.3, 5.4, 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.

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

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

25 (f) "Rule" means each agency statement of general
26 applicability that implements, applies, interprets or

1 prescribes law or policy, but does not include (i) statements
2 concerning only the internal management of an agency and not
3 affecting private rights or procedures available to persons or
4 entities outside the agency, (ii) intra-agency memoranda, or
5 (iii) the prescription of standardized forms.

6 (g) "Board" means the Enterprise Zone Board created in
7 Section 5.2.1.

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

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

21 (j) "Full-time retained job" means any employee defined as
22 having a full-time or full-time equivalent job preserved at a
23 specific facility or site, the continuance of which is
24 threatened by a specific and demonstrable threat, which shall
25 be specified in the application for development assistance. A
26 recipient who employs labor or services at a specific site or

1 facility under contract with another may declare one retained
2 employee per year for every 1,750 ~~man~~ hours worked per year
3 under that contract, even if different individuals perform
4 on-site labor or services.

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

6 (20 ILCS 655/4) (from Ch. 67 1/2, par. 604)

7 Sec. 4. Qualifications for enterprise zones.

8 (1) An area is qualified to become an enterprise zone
9 which:

10 (a) is a contiguous area, provided that a zone area
11 may exclude wholly surrounded territory within its
12 boundaries;

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

1 (c) (blank);

2 (d) (blank);

3 (e) is (1) entirely within a municipality or (2)
4 entirely within the unincorporated areas of a county,
5 except where reasonable need is established for such zone
6 to cover portions of more than one municipality or county
7 or (3) both comprises (i) all or part of a municipality and
8 (ii) an unincorporated area of a county; and

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

10 (1) all or part of the local labor market area has
11 had an annual average unemployment rate of at least
12 120% of the State's annual average unemployment rate
13 for the most recent calendar year or the most recent
14 fiscal year as reported by the Department of
15 Employment Security;

16 (2) designation will result in the development of
17 substantial employment opportunities by creating or
18 retaining a minimum aggregate of 1,000 full-time
19 equivalent jobs due to an aggregate investment of
20 \$100,000,000 or more, and will help alleviate the
21 effects of poverty and unemployment within the local
22 labor market area;

23 (3) all or part of the local labor market area has
24 a poverty rate of at least 20% according to American
25 Community Survey; 35% or more of families with
26 children in the area are living below 130% of the

1 poverty line, according to the latest American
2 Community Survey; ~~the latest federal decennial census,~~
3 ~~50% or more of children in the local labor market area~~
4 ~~participate in the federal free lunch program~~
5 ~~according to reported statistics from the State Board~~
6 ~~of Education,~~ or 20% or more households in the local
7 labor market area receive food stamps or assistance
8 under Supplemental Nutrition Assistance Program
9 ("SNAP") according to the latest American Community
10 Survey ~~federal decennial census;~~

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

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

1 (6) based on data from Multiple Listing Service
2 information or other suitable sources, the local labor
3 market area contains a high floor vacancy rate of
4 industrial or commercial properties, vacant or
5 demolished commercial and industrial structures are
6 prevalent in the local labor market area, or
7 industrial structures in the local labor market area
8 are not used because of age, deterioration, relocation
9 of the former occupants, or cessation of operation;

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

16 (8) significant public infrastructure is present
17 in the local labor market area in addition to a plan
18 for infrastructure development and improvement;

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

24 (10) (blank); or the change in equalized assessed
25 valuation of industrial and/or commercial properties
26 in the 5 years prior to the date of application is

1 ~~equal to or less than 50% of the State average change~~
2 ~~in equalized assessed valuation for industrial and/or~~
3 ~~commercial properties, as applicable, for the same~~
4 ~~period of time; or~~

5 (11) the applicant demonstrates a substantial plan
6 for using the designation to encourage: (i)
7 participation by businesses owned by minorities,
8 women, and persons with disabilities, as those terms
9 are defined in the Business Enterprise for Minorities,
10 Women, and Persons with Disabilities Act; and (ii) the
11 hiring of minorities, women, and persons with
12 disabilities.

13 As provided in Section 10-5.3 of the River Edge
14 Redevelopment Zone Act, upon the expiration of the term of
15 each River Edge Redevelopment Zone in existence on August 7,
16 2012 (the effective date of Public Act 97-905), that River
17 Edge Redevelopment Zone will become available for its previous
18 designee or a new applicant to compete for designation as an
19 enterprise zone. No preference for designation will be given
20 to the previous designee of the zone.

21 (2) Any criteria established by the Department or by law
22 which utilize the rate of unemployment for a particular area
23 shall provide that all persons who are not presently employed
24 and have exhausted all unemployment benefits shall be
25 considered unemployed, whether or not such persons are
26 actively seeking employment.

1 (Source: P.A. 100-838, eff. 8-13-18; 100-1149, eff. 12-14-18;
2 101-81, eff. 7-12-19.)

3 (20 ILCS 655/4.1)

4 Sec. 4.1. Department recommendations.

5 (a) For all applications that qualify under Section 4 of
6 this Act, the Department shall issue recommendations by
7 assigning a score to each applicant. The scores will be
8 determined by the Department, based on the extent to which an
9 applicant meets the criteria points under subsection (f) of
10 Section 4 of this Act. Scores will be determined using the
11 following scoring system:

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

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

25 (3) Up to 40 points for the extent to which the

1 applicant meets or exceeds the criteria in item (3) of
2 subsection (f) of Section 4 of this Act, with points
3 awarded in accordance with the severity of the
4 unemployment rate according to the latest American
5 Community Survey ~~federal decennial census~~.

6 (4) Up to 30 points for the extent to which the
7 applicant meets or exceeds the criteria in item (4) of
8 subsection (f) of Section 4 of this Act, with points
9 awarded in accordance with the severity of the
10 environmental impact of the abandoned coal mine,
11 brownfield, or federal disaster area.

12 (5) Up to 50 points for the extent to which the
13 applicant meets or exceeds the criteria in item (5) of
14 subsection (f) of Section 4 of this Act, with points
15 awarded in accordance with the severity of the applicable
16 facility closures or downsizing.

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

22 (7) Up to 30 points for the extent to which the
23 applicant meets or exceeds the criteria in item (7) of
24 subsection (f) of Section 4 of this Act, with points
25 awarded in accordance with the extent to which the
26 application addresses a plan to improve the State and

1 local government tax base, including a plan for disposal
2 of publicly-owned real property.

3 (8) Up to 50 points for the extent to which the
4 applicant meets or exceeds the criteria in item (8) of
5 subsection (f) of Section 4 of this Act, with points
6 awarded in accordance with the existence of significant
7 public infrastructure.

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

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

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

21 (12) In awarding points under paragraphs (1) through
22 (9), the Department may adjust the scoring for applicants
23 that are located entirely within a county with a
24 population of less than 300,000 if the Department finds
25 that the designation will help to alleviate the effects of
26 poverty and unemployment within the proposed Enterprise

1 Zone.

2 (b) After assigning a score for each of the individual
3 criteria using the point system as described in subsection
4 (a), the Department shall then take the sum of the scores for
5 each applicant and assign a final score. The Department shall
6 then submit this information to the Board, as required in
7 subsection (c) of Section 5.2, as its recommendation.

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

9 (20 ILCS 655/5.1) (from Ch. 67 1/2, par. 606)

10 Sec. 5.1. Application to Department.

11 (a) A county or municipality which has adopted an
12 ordinance designating an area as an enterprise zone shall make
13 written application to the Department to have such proposed
14 enterprise zone certified by the Department as an Enterprise
15 Zone. The application shall include:

16 (i) a certified copy of the ordinance designating the
17 proposed zone;

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

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

23 (iv) a statement detailing any tax, grant, and other
24 financial incentives or benefits, and any programs, to be
25 provided by the municipality or county to business

1 enterprises within the zone, other than those provided in
2 the designating ordinance, which are not to be provided
3 throughout the municipality or county;

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

6 (vi) a statement describing the functions, programs,
7 and services to be performed by designated zone
8 organizations within the zone;

9 (vii) an estimate of the economic impact of the zone,
10 considering all of the tax incentives, financial benefits
11 and programs contemplated, upon the revenues of the
12 municipality or county;

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

15 (ix) in the case of a joint application, a statement
16 detailing the need for a zone covering portions of more
17 than one municipality or county and a description of the
18 agreement between joint applicants; and

19 (x) such additional information as the Department by
20 regulation may require.

21 (b) The Department may provide for provisional
22 certification of substantially complete applications pending
23 the receipt of any of the items identified in subsection (a) of
24 this Section or any additional information requested by the
25 Department.

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

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

2 Sec. 5.2. Department Review of Enterprise Zone
3 Applications.

4 (a) All applications which are to be considered and acted
5 upon by the Department during a calendar year must be received
6 by the Department no later than December 31 of the preceding
7 calendar year.

8 Any application received after December 31 of any calendar
9 year shall be held by the Department for consideration and
10 action during the following calendar year.

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

13 (a-5) The Department shall, no later than July 31, 2013,
14 develop an application process for an enterprise zone
15 application. The Department has emergency rulemaking authority
16 for the purpose of application development only until 12
17 months after the effective date of this amendatory Act of the
18 97th General Assembly.

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

23 (c) No later than June 30, the Department shall notify all
24 applicant municipalities and counties of the Department's
25 determination of the qualification of their respective

1 designated enterprise zone areas, and shall send qualifying
2 applications, including the applicant's scores for each of the
3 items set forth in items (1) through (10) of subsection (a) of
4 Section 4.1 and the applicant's final score under that
5 Section, to the Board for the Board's consideration, along
6 with supporting documentation of the basis for the
7 Department's decision.

8 (d) If any such designated area is found to be qualified to
9 be an enterprise zone by the Department under subsection (c)
10 of this Section, the Department shall, no later than July 15,
11 send a letter of notification to each member of the General
12 Assembly whose legislative district or representative district
13 contains all or part of the designated area and publish a
14 notice in at least one newspaper of general circulation within
15 the proposed zone area to notify the general public of the
16 application and their opportunity to comment. Such notice
17 shall include a description of the area and a brief summary of
18 the application and shall indicate locations where the
19 applicant has provided copies of the application for public
20 inspection. The notice shall also indicate appropriate
21 procedures for the filing of written comments from zone
22 residents, business, civic and other organizations and
23 property owners to the Department. The Department and the
24 Board may consider written comments submitted pursuant to this
25 Section or any other information regarding a pending
26 enterprise zone application submitted after the deadline for

1 enterprise zone application and received prior to the Board's
2 decision on all pending applications.

3 (e) (Blank).

4 (f) (Blank).

5 (g) (Blank).

6 (h) (Blank).

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

8 (20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)

9 Sec. 5.3. Certification of Enterprise Zones; effective
10 date.

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

22 (b) An Enterprise Zone certified prior to January 1, 2016
23 or on or after January 1, 2017 shall be effective on January 1
24 of the first calendar year after Department certification. An
25 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,
7 and 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
18 calendar years upon amendment of the designating ordinance by
19 the 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
6 after the effective date of this amendatory Act of the 97th
7 General Assembly shall be in effect for a term of 15 calendar
8 years, or for a lesser number of years specified in the
9 certified designating ordinance. An enterprise zone designated
10 on or after the effective date of this amendatory Act of the
11 97th General Assembly shall be subject to review by the Board
12 after 13 years for an additional 10-year designation beginning
13 on the expiration date of the enterprise zone. During the
14 review process, the Board shall consider the costs incurred by
15 the State and units of local government as a result of tax
16 benefits received by the enterprise zone as well as whether
17 the Zone has substantially implemented the plans and achieved
18 the goals set forth in its original application, including
19 satisfaction of the investment and job creation or retention
20 information provided by the Applicant with respect to
21 paragraph (f) of subsection (1) of Section 4 of the Act.
22 Enterprise Zones shall terminate at midnight of December 31 of
23 the final calendar year of the certified term, except as
24 provided in Section 5.4.

25 (d) Except for Enterprise Zones authorized under
26 subsection (f), Zones that become available for designation

1 pursuant to Section 10-5.3 of the River Edge Redevelopment
2 Zone Act, or those designated pursuant to another statutory
3 authority providing for the creation of Enterprise Zones, no
4 ~~Ne~~ more than a total of 97 12 Enterprise Zones may be certified
5 by the Department and in existence in any calendar year ~~1984,~~
6 ~~no more than 12 Enterprise Zones may be certified by the~~
7 ~~Department in calendar year 1985, no more than 13 Enterprise~~
8 ~~Zones may be certified by the Department in calendar year~~
9 ~~1986, no more than 15 Enterprise Zones may be certified by the~~
10 ~~Department in calendar year 1987, and no more than 20~~
11 ~~Enterprise Zones may be certified by the Department in~~
12 ~~calendar year 1990. In other calendar years, no more than 13~~
13 ~~Enterprise Zones may be certified by the Department. The~~
14 ~~Department may also designate up to 8 additional Enterprise~~
15 ~~Zones outside the regular application cycle if warranted by~~
16 ~~the extreme economic circumstances as determined by the~~
17 ~~Department. The Department may also designate one additional~~
18 ~~Enterprise Zone outside the regular application cycle if an~~
19 ~~aircraft manufacturer agrees to locate an aircraft~~
20 ~~manufacturing facility in the proposed Enterprise Zone.~~
21 ~~Notwithstanding any other provision of this Act, no more than~~
22 ~~89 Enterprise Zones may be certified by the Department for the~~
23 ~~10 calendar years commencing with 1983. The 7 additional~~
24 ~~Enterprise Zones authorized by Public Act 86 15 shall not lie~~
25 ~~within municipalities or unincorporated areas of counties that~~
26 ~~abut or are contiguous to Enterprise Zones certified pursuant~~

1 ~~to this Section prior to June 30, 1989. The 7 additional~~
2 ~~Enterprise Zones (excluding the additional Enterprise Zone~~
3 ~~which may be designated outside the regular application cycle)~~
4 ~~authorized by Public Act 86-1030 shall not lie within~~
5 ~~municipalities or unincorporated areas of counties that abut~~
6 ~~or are contiguous to Enterprise Zones certified pursuant to~~
7 ~~this Section prior to February 28, 1990. Beginning in calendar~~
8 ~~year 2004 and until December 31, 2008, one additional~~
9 ~~enterprise zone may be certified by the Department. In any~~
10 ~~calendar year, the Department may not certify more than 3~~
11 ~~Zones located within the same municipality. The Department may~~
12 ~~certify Enterprise Zones in each of the 10 calendar years~~
13 ~~commencing with 1983. The Department may not certify more than~~
14 ~~a total of 18 Enterprise Zones located within the same county~~
15 ~~(whether within municipalities or within unincorporated~~
16 ~~territory) for the 10 calendar years commencing with 1983.~~
17 ~~Thereafter, the Department may not certify any additional~~
18 ~~Enterprise Zones, but may amend and rescind certifications of~~
19 ~~existing Enterprise Zones in accordance with Section 5.4.~~
20 Beginning in calendar year 2021 and for any year in which there
21 are at least 4 Zones available for designation, at least 25% of
22 Zones available for designation in a given calendar year must
23 be awarded to Zones located in counties with populations of
24 less than 300,000 unless there are no applicants from such
25 locations for that calendar year.

26 (e) Notwithstanding any other provision of law, if (i) the

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

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

19 For Enterprise Zones that are scheduled to expire on or
20 after January 1, 2017 and prior to January 1, 2024, an
21 application process shall begin 2 years prior to the year in
22 which the Zone expires. At that time, the Zone becomes
23 available for either the previously designated area or a
24 different area to compete for designation. For Enterprise
25 Zones that are scheduled to expire on or after January 1, 2024,
26 an application process shall begin 5 years prior to the year in

1 which the Zone expires. At that time, the Zone becomes
2 available for either the previously designated area or a
3 different area to compete for designation. No preference for
4 designation as a Zone will be given to the previously
5 designated area.

6 Each Enterprise Zone that reapplies for certification but
7 does not receive a new certification shall expire on its
8 scheduled termination date.

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

10 (20 ILCS 655/5.4) (from Ch. 67 1/2, par. 609)

11 Sec. 5.4. Amendment and Decertification of Enterprise
12 Zones.

13 (a) The terms of a certified enterprise zone designating
14 ordinance may be amended to

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

16 (ii) expand, limit or repeal tax incentives or
17 benefits provided in the ordinance, or

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

19 (iv) make technical corrections in the enterprise zone
20 designating ordinance; but such amendment shall not be
21 effective unless the Department issues an amended
22 certificate for the Enterprise Zone, approving the amended
23 designating ordinance. Upon the adoption of any ordinance
24 amending or repealing the terms of a certified enterprise
25 zone designating ordinance, the municipality or county

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

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

18 (vi) effectuate the limitation of tax abatements under
19 Section 5.4.1.

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

1 certificate, together with the amended zone designating
2 ordinance, shall be filed, recorded and transmitted as
3 provided in Section 5.3.

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

16 (d) An Enterprise Zone may be decertified for cause by the
17 Department in accordance with this Section. Prior to
18 decertification: (1) the Department shall notify the chief
19 elected official of the designating county or municipality in
20 writing of the specific deficiencies which provide cause for
21 decertification; (2) the Department shall place the
22 designating county or municipality on probationary status for
23 at least 6 months during which time corrective action may be
24 achieved in the enterprise zone by the designating county or
25 municipality; and, (3) the Department shall conduct at least
26 one public hearing within the zone. If such corrective action

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

12 (d-1) The Department shall provisionally decertify any
13 Enterprise Zone that fails to file a report or fails to report
14 any capital investment, job creation or retention, or State
15 tax expenditures for 3 consecutive calendar years. Prior to
16 provisional decertification: (1) the Department shall notify
17 the chief elected official of the designating county or
18 municipality in writing of the specific deficiencies which
19 provide cause for decertification; (2) the Department shall
20 place the designating county or municipality on probationary
21 status for at least 6 months during which time corrective
22 action may be achieved in the Enterprise Zone by the
23 designating county or municipality; and (3) the Department
24 shall conduct at least one public hearing within the Zone. If
25 such corrective action is not achieved during the probationary
26 period, the Department shall issue an amended certificate

1 signed by the Director of the Department provisionally
2 decertifying the Enterprise Zone as of the scheduled
3 termination date of the then-current designation. If the
4 provisionally-decertified Zone was approved and designated
5 after the 102nd General Assembly and has been in existence for
6 less than 15 years, such Zone shall not be eligible for an
7 additional 10-year designation after the expiration date of
8 the original Zone set forth in subsection (c) of Section 5.3.
9 Further, if such corrective action is not achieved during the
10 probationary period provided for in this Section, following
11 such probationary period the Zone becomes available for a
12 different area to compete for designation.

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

26 (f) Except as otherwise provided in Section 5.4.1, with

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

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

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

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

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

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

24 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

25 Sec. 5.5. High Impact Business.

1 (a) In order to respond to unique opportunities to assist
2 in the encouragement, development, growth, and expansion of
3 the private sector through large scale investment and
4 development projects, the Department is authorized to receive
5 and approve applications for the designation of "High Impact
6 Businesses" in Illinois subject to the following conditions:

7 (1) such applications may be submitted at any time
8 during the year;

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

12 (3) the business intends to do one or more of the
13 following:

14 (A) the business intends to make a minimum
15 investment of \$12,000,000 which will be placed in
16 service in qualified property and intends to create
17 500 full-time equivalent jobs at a designated location
18 in Illinois or intends to make a minimum investment of
19 \$30,000,000 which will be placed in service in
20 qualified property and intends to retain 1,500
21 full-time retained jobs at a designated location in
22 Illinois. The business must certify in writing that
23 the investments would not be placed in service in
24 qualified property and the job creation or job
25 retention would not occur without the tax credits and
26 exemptions set forth in subsection (b) of this

1 Section. The terms "placed in service" and "qualified
2 property" have the same meanings as described in
3 subsection (h) of Section 201 of the Illinois Income
4 Tax Act; or

5 (B) the business intends to establish a new
6 electric generating facility at a designated location
7 in Illinois. "New electric generating facility", for
8 purposes of this Section, means a newly-constructed
9 electric generation plant or a newly-constructed
10 generation capacity expansion at an existing electric
11 generation plant, including the transmission lines and
12 associated equipment that transfers electricity from
13 points of supply to points of delivery, and for which
14 such new foundation construction commenced not sooner
15 than July 1, 2001. Such facility shall be designed to
16 provide baseload electric generation and shall operate
17 on a continuous basis throughout the year; and (i)
18 shall have an aggregate rated generating capacity of
19 at least 1,000 megawatts for all new units at one site
20 if it uses natural gas as its primary fuel and
21 foundation construction of the facility is commenced
22 on or before December 31, 2004, or shall have an
23 aggregate rated generating capacity of at least 400
24 megawatts for all new units at one site if it uses coal
25 or gases derived from coal as its primary fuel and
26 shall support the creation of at least 150 new

1 Illinois coal mining jobs, or (ii) shall be funded
2 through a federal Department of Energy grant before
3 December 31, 2010 and shall support the creation of
4 Illinois coal-mining jobs, or (iii) shall use coal
5 gasification or integrated gasification-combined cycle
6 units that generate electricity or chemicals, or both,
7 and shall support the creation of Illinois coal-mining
8 jobs. The business must certify in writing that the
9 investments necessary to establish a new electric
10 generating facility would not be placed in service and
11 the job creation in the case of a coal-fueled plant
12 would not occur without the tax credits and exemptions
13 set forth in subsection (b-5) of this Section. The
14 term "placed in service" has the same meaning as
15 described in subsection (h) of Section 201 of the
16 Illinois Income Tax Act; or

17 (B-5) the business intends to establish a new
18 gasification facility at a designated location in
19 Illinois. As used in this Section, "new gasification
20 facility" means a newly constructed coal gasification
21 facility that generates chemical feedstocks or
22 transportation fuels derived from coal (which may
23 include, but are not limited to, methane, methanol,
24 and nitrogen fertilizer), that supports the creation
25 or retention of Illinois coal-mining jobs, and that
26 qualifies for financial assistance from the Department

1 before December 31, 2010. A new gasification facility
2 does not include a pilot project located within
3 Jefferson County or within a county adjacent to
4 Jefferson County for synthetic natural gas from coal;
5 or

6 (C) the business intends to establish production
7 operations at a new coal mine, re-establish production
8 operations at a closed coal mine, or expand production
9 at an existing coal mine at a designated location in
10 Illinois not sooner than July 1, 2001; provided that
11 the production operations result in the creation of
12 150 new Illinois coal mining jobs as described in
13 subdivision (a)(3)(B) of this Section, and further
14 provided that the coal extracted from such mine is
15 utilized as the predominant source for a new electric
16 generating facility. The business must certify in
17 writing that the investments necessary to establish a
18 new, expanded, or reopened coal mine would not be
19 placed in service and the job creation would not occur
20 without the tax credits and exemptions set forth in
21 subsection (b-5) of this Section. The term "placed in
22 service" has the same meaning as described in
23 subsection (h) of Section 201 of the Illinois Income
24 Tax Act; or

25 (D) the business intends to construct new
26 transmission facilities or upgrade existing

1 transmission facilities at designated locations in
2 Illinois, for which construction commenced not sooner
3 than July 1, 2001. For the purposes of this Section,
4 "transmission facilities" means transmission lines
5 with a voltage rating of 115 kilovolts or above,
6 including associated equipment, that transfer
7 electricity from points of supply to points of
8 delivery and that transmit a majority of the
9 electricity generated by a new electric generating
10 facility designated as a High Impact Business in
11 accordance with this Section. The business must
12 certify in writing that the investments necessary to
13 construct new transmission facilities or upgrade
14 existing transmission facilities would not be placed
15 in service without the tax credits and exemptions set
16 forth in subsection (b-5) of this Section. The term
17 "placed in service" has the same meaning as described
18 in subsection (h) of Section 201 of the Illinois
19 Income Tax Act; or

20 (E) the business intends to establish a new wind
21 power facility at a designated location in Illinois.
22 For purposes of this Section, "new wind power
23 facility" means a newly constructed electric
24 generation facility, or a newly constructed expansion
25 of an existing electric generation facility, placed in
26 service on or after July 1, 2009, that generates

1 electricity using wind energy devices, and such
2 facility shall be deemed to include all associated
3 transmission lines, substations, and other equipment
4 related to the generation of electricity from wind
5 energy devices. For purposes of this Section, "wind
6 energy device" means any device, with a nameplate
7 capacity of at least 0.5 megawatts, that is used in the
8 process of converting kinetic energy from the wind to
9 generate electricity; or

10 (F) the business commits to (i) make a minimum
11 investment of \$500,000,000, which will be placed in
12 service in a qualified property, (ii) create 125
13 full-time equivalent jobs at a designated location in
14 Illinois, (iii) establish a fertilizer plant at a
15 designated location in Illinois that complies with the
16 set-back standards as described in Table 1: Initial
17 Isolation and Protective Action Distances in the 2012
18 Emergency Response Guidebook published by the United
19 States Department of Transportation, (iv) pay a
20 prevailing wage for employees at that location who are
21 engaged in construction activities, and (v) secure an
22 appropriate level of general liability insurance to
23 protect against catastrophic failure of the fertilizer
24 plant or any of its constituent systems; in addition,
25 the business must agree to enter into a construction
26 project labor agreement including provisions

1 establishing wages, benefits, and other compensation
2 for employees performing work under the project labor
3 agreement at that location; for the purposes of this
4 Section, "fertilizer plant" means a newly constructed
5 or upgraded plant utilizing gas used in the production
6 of anhydrous ammonia and downstream nitrogen
7 fertilizer products for resale; for the purposes of
8 this Section, "prevailing wage" means the hourly cash
9 wages plus fringe benefits for training and
10 apprenticeship programs approved by the U.S.
11 Department of Labor, Bureau of Apprenticeship and
12 Training, health and welfare, insurance, vacations and
13 pensions paid generally, in the locality in which the
14 work is being performed, to employees engaged in work
15 of a similar character on public works; this paragraph
16 (F) applies only to businesses that submit an
17 application to the Department within 60 days after
18 July 25, 2013 (the effective date of Public Act
19 98-109) ~~this amendatory Act of the 98th General~~
20 ~~Assembly~~; and

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

25 (b) Businesses designated as High Impact Businesses
26 pursuant to subdivision (a)(3)(A) of this Section shall

1 qualify for the credits and exemptions described in the
2 following Acts: Section 9-222 and Section 9-222.1A of the
3 Public Utilities Act, subsection (h) of Section 201 of the
4 Illinois Income Tax Act, and Section 1d of the Retailers'
5 Occupation Tax Act; provided that these credits and exemptions
6 described in these Acts shall not be authorized until the
7 minimum investments set forth in subdivision (a) (3) (A) of this
8 Section have been placed in service in qualified properties
9 and, in the case of the exemptions described in the Public
10 Utilities Act and Section 1d of the Retailers' Occupation Tax
11 Act, the minimum full-time equivalent jobs or full-time
12 retained jobs set forth in subdivision (a) (3) (A) of this
13 Section have been created or retained. Businesses designated
14 as High Impact Businesses under this Section shall also
15 qualify for the exemption described in Section 51 of the
16 Retailers' Occupation Tax Act. The credit provided in
17 subsection (h) of Section 201 of the Illinois Income Tax Act
18 shall be applicable to investments in qualified property as
19 set forth in subdivision (a) (3) (A) of this Section.

20 (b-5) Businesses designated as High Impact Businesses
21 pursuant to subdivisions (a) (3) (B), (a) (3) (B-5), (a) (3) (C),
22 and (a) (3) (D) of this Section shall qualify for the credits
23 and exemptions described in the following Acts: Section 51 of
24 the Retailers' Occupation Tax Act, Section 9-222 and Section
25 9-222.1A of the Public Utilities Act, and subsection (h) of
26 Section 201 of the Illinois Income Tax Act; however, the

1 credits and exemptions authorized under Section 9-222 and
2 Section 9-222.1A of the Public Utilities Act, and subsection
3 (h) of Section 201 of the Illinois Income Tax Act shall not be
4 authorized until the new electric generating facility, the new
5 gasification facility, the new transmission facility, or the
6 new, expanded, or reopened coal mine is operational, except
7 that a new electric generating facility whose primary fuel
8 source is natural gas is eligible only for the exemption under
9 Section 51 of the Retailers' Occupation Tax Act.

10 (b-6) Businesses designated as High Impact Businesses
11 pursuant to subdivision (a)(3)(E) of this Section shall
12 qualify for the exemptions described in Section 51 of the
13 Retailers' Occupation Tax Act; any business so designated as a
14 High Impact Business being, for purposes of this Section, a
15 "Wind Energy Business".

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

25 (c) High Impact Businesses located in federally designated
26 foreign trade zones or sub-zones are also eligible for

1 additional credits, exemptions and deductions as described in
2 the following Acts: Section 9-221 and Section 9-222.1 of the
3 Public Utilities Act; and subsection (g) of Section 201, and
4 Section 203 of the Illinois Income Tax Act.

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

11 (e) Except for new wind power facilities contemplated
12 under subdivision (a)(3)(E) of this Section, new proposed
13 facilities which apply for designation as High Impact Business
14 must provide the Department with proof of alternative
15 non-Illinois sites which would receive the proposed investment
16 and job creation in the event that the business is not
17 designated as a High Impact Business.

18 (f) Except for businesses contemplated under subdivision
19 (a)(3)(E) of this Section, in the event that a business is
20 designated a High Impact Business and it is later determined
21 after reasonable notice and an opportunity for a hearing as
22 provided under the Illinois Administrative Procedure Act, that
23 the business would have placed in service in qualified
24 property the investments and created or retained the requisite
25 number of jobs without the benefits of the High Impact
26 Business designation, the Department shall be required to

1 immediately revoke the designation and notify the Director of
2 the Department of Revenue who shall begin proceedings to
3 recover all wrongfully exempted State taxes with interest. The
4 business shall also be ineligible for all State funded
5 Department programs for a period of 10 years.

6 (g) The Department shall revoke a High Impact Business
7 designation if the participating business fails to comply with
8 the terms and conditions of the designation. However, the
9 penalties for new wind power facilities or Wind Energy
10 Businesses for failure to comply with any of the terms or
11 conditions of the Illinois Prevailing Wage Act shall be only
12 those penalties identified in the Illinois Prevailing Wage
13 Act, and the Department shall not revoke a High Impact
14 Business designation as a result of the failure to comply with
15 any of the terms or conditions of the Illinois Prevailing Wage
16 Act in relation to a new wind power facility or a Wind Energy
17 Business.

18 (h) Prior to designating a business, the Department shall
19 provide the members of the General Assembly and Commission on
20 Government Forecasting and Accountability with a report
21 setting forth the terms and conditions of the designation and
22 guarantees that have been received by the Department in
23 relation to the proposed business being designated.

24 (i) High Impact Business construction jobs credit.
25 Beginning on January 1, 2021, a High Impact Business may
26 receive a tax credit against the tax imposed under subsections

1 (a) and (b) of Section 201 of the Illinois Income Tax Act in an
2 amount equal to 50% of the amount of the incremental income tax
3 attributable to High Impact Business construction jobs credit
4 employees employed in the course of completing a High Impact
5 Business construction jobs project. However, the High Impact
6 Business construction jobs credit may equal 75% of the amount
7 of the incremental income tax attributable to High Impact
8 Business construction jobs credit employees if the High Impact
9 Business construction jobs credit project is located in an
10 underserved area.

11 The Department shall certify to the Department of Revenue:
12 (1) the identity of taxpayers that are eligible for the High
13 Impact Business construction jobs credit; and (2) the amount
14 of High Impact Business construction jobs credits that are
15 claimed pursuant to subsection (h-5) of Section 201 of the
16 Illinois Income Tax Act in each taxable year. Any business
17 entity that receives a High Impact Business construction jobs
18 credit shall maintain a certified payroll pursuant to
19 subsection (j) of this Section.

20 As used in this subsection (i):

21 "High Impact Business construction jobs credit" means an
22 amount equal to 50% (or 75% if the High Impact Business
23 construction project is located in an underserved area) of the
24 incremental income tax attributable to High Impact Business
25 construction job employees. The total aggregate amount of
26 credits awarded under the Blue Collar Jobs Act (Article 20 of

1 ~~Public Act 101-9 this amendatory Act of the 101st General~~
2 ~~Assembly~~) shall not exceed \$20,000,000 in any State fiscal
3 year

4 "High Impact Business construction job employee" means a
5 laborer or worker who is employed by an Illinois contractor or
6 subcontractor in the actual construction work on the site of a
7 High Impact Business construction job project.

8 "High Impact Business construction jobs project" means
9 building a structure or building or making improvements of any
10 kind to real property, undertaken and commissioned by a
11 business that was designated as a High Impact Business by the
12 Department. The term "High Impact Business construction jobs
13 project" does not include the routine operation, routine
14 repair, or routine maintenance of existing structures,
15 buildings, or real property.

16 "Incremental income tax" means the total amount withheld
17 during the taxable year from the compensation of High Impact
18 Business construction job employees.

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

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

24 (2) 35% ~~75%~~ or more of the families with children in
25 the area are living below 130% of the poverty line,
26 according to the latest American Community Survey ~~children~~

1 ~~in the area participate in the federal free lunch program~~
2 ~~according to reported statistics from the State Board of~~
3 ~~Education;~~

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

7 (4) the area has an average unemployment rate, as
8 determined by the Illinois Department of Employment
9 Security, that is more than 120% of the national
10 unemployment average, as determined by the U.S. Department
11 of Labor, for a period of at least 2 consecutive calendar
12 years preceding the date of the application.

13 (j) Each contractor and subcontractor who is engaged in
14 and executing a High Impact Business Construction jobs
15 project, as defined under subsection (i) of this Section, for
16 a business that is entitled to a credit pursuant to subsection
17 (i) of this Section shall:

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

26 (A) the worker's name;

- 1 (B) the worker's address;
- 2 (C) the worker's telephone number, if available;
- 3 (D) the worker's social security number;
- 4 (E) the worker's classification or
- 5 classifications;
- 6 (F) the worker's gross and net wages paid in each
- 7 pay period;
- 8 (G) the worker's number of hours worked each day;
- 9 (H) the worker's starting and ending times of work
- 10 each day;
- 11 (I) the worker's hourly wage rate; and
- 12 (J) the worker's hourly overtime wage rate;
- 13 (2) no later than the 15th day of each calendar month,
- 14 provide a certified payroll for the immediately preceding
- 15 month to the taxpayer in charge of the High Impact
- 16 Business construction jobs project; within 5 business days
- 17 after receiving the certified payroll, the taxpayer shall
- 18 file the certified payroll with the Department of Labor
- 19 and the Department of Commerce and Economic Opportunity; a
- 20 certified payroll must be filed for only those calendar
- 21 months during which construction on a High Impact Business
- 22 construction jobs project has occurred; the certified
- 23 payroll shall consist of a complete copy of the records
- 24 identified in paragraph (1) of this subsection (j), but
- 25 may exclude the starting and ending times of work each
- 26 day; the certified payroll shall be accompanied by a

1 statement signed by the contractor or subcontractor or an
2 officer, employee, or agent of the contractor or
3 subcontractor which avers that:

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

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

10 A general contractor is not prohibited from relying on a
11 certified payroll of a lower-tier subcontractor, provided the
12 general contractor does not knowingly rely upon a
13 subcontractor's false certification.

14 Any contractor or subcontractor subject to this
15 subsection, and any officer, employee, or agent of such
16 contractor or subcontractor whose duty as an officer,
17 employee, or agent it is to file a certified payroll under this
18 subsection, who willfully fails to file such a certified
19 payroll on or before the date such certified payroll is
20 required by this paragraph to be filed and any person who
21 willfully files a false certified payroll that is false as to
22 any material fact is in violation of this Act and guilty of a
23 Class A misdemeanor.

24 The taxpayer in charge of the project shall keep the
25 records submitted in accordance with this subsection on or
26 after June 5, 2019 (the effective date of Public Act 101-9)

1 ~~this amendatory Act of the 101st General Assembly~~ for a period
2 of 5 years from the date of the last payment for work on a
3 contract or subcontract for the High Impact Business
4 construction jobs project.

5 The records submitted in accordance with this subsection
6 shall be considered public records, except an employee's
7 address, telephone number, and social security number, and
8 made available in accordance with the Freedom of Information
9 Act. The Department of Labor shall accept any reasonable
10 submissions by the contractor that meet the requirements of
11 this subsection (j) and shall share the information with the
12 Department in order to comply with the awarding of a High
13 Impact Business construction jobs credit. A contractor,
14 subcontractor, or public body may retain records required
15 under this Section in paper or electronic format.

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

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

1 Sec. 8.1. Accounting.

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

1 the Enterprise Zone may be decertified by the Department. If
2 the Department is able to determine that specific businesses
3 are failing to submit the information required under this
4 subsection (a) to the Department in any calendar year to the
5 Zone Administrator, regardless of the Administrator's efforts
6 to enforce reporting, the Department may, at its discretion,
7 suspend the benefits to the specific business rather than an
8 outright decertification of the particular Enterprise Zone.

9 The Department, in consultation with the Department of
10 Revenue, is authorized to adopt rules governing ineligibility
11 to receive exemptions, including the length of ineligibility.
12 Factors to be considered in determining whether a business is
13 ineligible shall include, but are not limited to, prior
14 compliance with the reporting requirements, cooperation in
15 discontinuing and correcting violations, the extent of the
16 violation, and whether the violation was willful or
17 inadvertent.

18 (a-5) Each contractor or other entity that has been issued
19 an Enterprise Zone Building Materials Exemption Certificate
20 under Section 5k of the Retailers' Occupation Tax Act or a High
21 Impact Business Building Materials Exemption Certificate under
22 Section 5l of the Retailers' Occupation Tax Act shall annually
23 report to the Department of Revenue the total value of the
24 Enterprise Zone or High Impact Business building materials
25 exemption from State taxes. Reports shall contain information
26 reasonably required by the Department of Revenue to enable it

1 to verify and calculate the total tax benefits for taxes
2 imposed by the State, and shall be broken down by Enterprise
3 Zone. Reports are due no later than May 31 of each year and
4 shall cover the previous calendar year. The first report will
5 be for the 2013 calendar year and will be due no later than May
6 31, 2014. Failure to report data may result in revocation of
7 the Enterprise Zone Building Materials Exemption Certificate
8 or High Impact Business Building Materials Exemption
9 Certificate issued to the contractor or other entity.

10 The Department of Revenue is authorized to adopt rules
11 governing revocation determinations, including the length of
12 revocation. Factors to be considered in revocations shall
13 include, but are not limited to, prior compliance with the
14 reporting requirements, cooperation in discontinuing and
15 correcting violations, and whether the certificate was used
16 unlawfully during the preceding year.

17 (b) Each person required to file a return under the Gas
18 Revenue Tax Act, the Gas Use Tax Act, the Electricity Excise
19 Tax Act, or the Telecommunications Excise Tax Act shall file,
20 on or before May 31 of each year, a report with the Department
21 of Revenue, in the manner and form required by the Department
22 of Revenue, containing information reasonably required by the
23 Department of Revenue to enable the Department of Revenue to
24 calculate the amount of the deduction for taxes imposed by the
25 State that is taken under each Act, respectively, due to the
26 location of a business in an Enterprise Zone or its

1 designation as a High Impact Business. The report shall be
2 itemized by business and the business location address.

3 (c) Employers shall report their job creation, retention,
4 and capital investment numbers within the zone annually to the
5 Department of Revenue no later than May 31 of each calendar
6 year. High Impact Businesses shall report their job creation,
7 retention, and capital investment numbers to the Department of
8 Revenue no later than May 31 of each year. With respect to job
9 creation or retention, employers and High Impact Businesses
10 shall use best efforts to submit diversity information related
11 to the gender and ethnicity of such employees.

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

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

26 (f) The Department of Revenue shall have the authority to

1 adopt rules as are reasonable and necessary to implement the
2 provisions of this Section.

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

4 (20 ILCS 655/12-9) (from Ch. 67 1/2, par. 626)

5 Sec. 12-9. Report. On January 1 of each year, the
6 Department shall report on its operation of the Fund for the
7 preceding fiscal year to the Governor and the General
8 Assembly. For any fiscal year in which no operations are
9 conducted by the Department because no funds were appropriated
10 to the Fund, the report outlined by this Section is not
11 required.

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

13 (20 ILCS 655/13)

14 Sec. 13. Enterprise Zone construction jobs credit.

15 (a) Beginning on January 1, 2021, a business entity in a
16 certified Enterprise Zone that makes a capital investment of
17 at least \$10,000,000 in an Enterprise Zone construction jobs
18 project may receive an Enterprise Zone construction jobs
19 credit against the tax imposed under subsections (a) and (b)
20 of Section 201 of the Illinois Income Tax Act in an amount
21 equal to 50% of the amount of the incremental income tax
22 attributable to Enterprise Zone construction jobs credit
23 employees employed in the course of completing an Enterprise
24 Zone construction jobs project. However, the Enterprise Zone

1 construction jobs credit may equal 75% of the amount of the
2 incremental income tax attributable to Enterprise Zone
3 construction jobs credit employees if the project is located
4 in an underserved area.

5 (b) A business entity seeking a credit under this Section
6 must submit an application to the Department and must receive
7 approval from the designating municipality or county and the
8 Department for the Enterprise Zone construction jobs credit
9 project. The application must describe the nature and benefit
10 of the project to the certified Enterprise Zone and its
11 potential contributors. The total aggregate amount of credits
12 awarded under the Blue Collar Jobs Act (Article 20 of Public
13 Act 101-9 ~~this amendatory Act of the 101st General Assembly~~)
14 shall not exceed \$20,000,000 in any State fiscal year.

15 Within 45 days after receipt of an application, the
16 Department shall give notice to the applicant as to whether
17 the application has been approved or disapproved. If the
18 Department disapproves the application, it shall specify the
19 reasons for this decision and allow 60 days for the applicant
20 to amend and resubmit its application. The Department shall
21 provide assistance upon request to applicants. Resubmitted
22 applications shall receive the Department's approval or
23 disapproval within 30 days after the application is
24 resubmitted. Those resubmitted applications satisfying initial
25 Department objectives shall be approved unless reasonable
26 circumstances warrant disapproval.

1 On an annual basis, the designated zone organization shall
2 furnish a statement to the Department on the programmatic and
3 financial status of any approved project and an audited
4 financial statement of the project.

5 The Department shall certify to the Department of Revenue
6 the identity of taxpayers who are eligible for the credits and
7 the amount of credits that are claimed pursuant to
8 subparagraph (8) of subsection (f) of Section 201 the Illinois
9 Income Tax Act.

10 The Enterprise Zone construction jobs credit project must
11 be undertaken by the business entity in the course of
12 completing a project that complies with the criteria contained
13 in Section 4 of this Act and is undertaken in a certified
14 Enterprise Zone. The Department shall adopt any necessary
15 rules for the implementation of this subsection (b).

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

19 (d) Each contractor and subcontractor who is engaged in
20 and is executing an Enterprise Zone construction jobs credit
21 project for a business that is entitled to a credit pursuant to
22 this Section shall:

23 (1) make and keep, for a period of 5 years from the
24 date of the last payment made on or after June 5, 2019 (the
25 effective date of Public Act 101-9) ~~this amendatory Act of~~
26 ~~the 101st General Assembly~~ on a contract or subcontract

1 for an Enterprise Zone construction jobs credit project,
2 records for all laborers and other workers employed by
3 them on the project; the records shall include:

4 (A) the worker's name;

5 (B) the worker's address;

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

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

8 (E) the worker's classification or
9 classifications;

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

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

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

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

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

17 (2) no later than the 15th day of each calendar month,
18 provide a certified payroll for the immediately preceding
19 month to the taxpayer in charge of the project; within 5
20 business days after receiving the certified payroll, the
21 taxpayer shall file the certified payroll with the
22 Department of Labor and the Department of Commerce and
23 Economic Opportunity; a certified payroll must be filed
24 for only those calendar months during which construction
25 on an Enterprise Zone construction jobs project has
26 occurred; the certified payroll shall consist of a

1 complete copy of the records identified in paragraph (1)
2 of this subsection (d), but may exclude the starting and
3 ending times of work each day; the certified payroll shall
4 be accompanied by a statement signed by the contractor or
5 subcontractor or an officer, employee, or agent of the
6 contractor or subcontractor which avers that:

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

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

13 A general contractor is not prohibited from relying on a
14 certified payroll of a lower-tier subcontractor, provided the
15 general contractor does not knowingly rely upon a
16 subcontractor's false certification.

17 Any contractor or subcontractor subject to this
18 subsection, and any officer, employee, or agent of such
19 contractor or subcontractor whose duty as an officer,
20 employee, or agent it is to file a certified payroll under this
21 subsection, who willfully fails to file such a certified
22 payroll on or before the date such certified payroll is
23 required by this paragraph to be filed and any person who
24 willfully files a false certified payroll that is false as to
25 any material fact is in violation of this Act and guilty of a
26 Class A misdemeanor.

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

7 The records submitted in accordance with this subsection
8 shall be considered public records, except an employee's
9 address, telephone number, and social security number, and
10 made available in accordance with the Freedom of Information
11 Act. The Department of Labor shall accept any reasonable
12 submissions by the contractor that meet the requirements of
13 this subsection and shall share the information with the
14 Department in order to comply with the awarding of Enterprise
15 Zone construction jobs credits. A contractor, subcontractor,
16 or public body may retain records required under this Section
17 in paper or electronic format.

18 Upon 7 business days' notice, the contractor and each
19 subcontractor shall make available for inspection and copying
20 at a location within this State during reasonable hours, the
21 records identified in paragraph (1) of this subsection to the
22 taxpayer in charge of the project, its officers and agents,
23 the Director of Labor and his or her deputies and agents, and
24 to federal, State, or local law enforcement agencies and
25 prosecutors.

26 (e) As used in this Section:

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

5 "Enterprise Zone construction jobs credit employee" means
6 a laborer or worker who is employed by an Illinois contractor
7 or subcontractor in the actual construction work on the site
8 of an Enterprise Zone construction jobs credit project.

9 "Enterprise Zone construction jobs credit project" means
10 building a structure or building or making improvements of any
11 kind to real property commissioned and paid for by a business
12 that has applied and been approved for an Enterprise Zone
13 construction jobs credit pursuant to this Section. "Enterprise
14 Zone construction jobs credit project" does not include the
15 routine operation, routine repair, or routine maintenance of
16 existing structures, buildings, or real property.

17 "Incremental income tax" means the total amount withheld
18 during the taxable year from the compensation of Enterprise
19 Zone construction jobs credit employees.

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

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

25 (2) 35% ~~75%~~ or more of the families with children in
26 the area are living below 130% of the poverty line,

1 according to the latest American Community Survey ~~children~~
2 ~~in the area participate in the federal free lunch program~~
3 ~~according to reported statistics from the State Board of~~
4 ~~Education;~~

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

8 (4) the area has an average unemployment rate, as
9 determined by the Illinois Department of Employment
10 Security, that is more than 120% of the national
11 unemployment average, as determined by the U.S. Department
12 of Labor, for a period of at least 2 consecutive calendar
13 years preceding the date of the application.

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