

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Enterprise Zone Act is amended by  
5 changing Sections 3, 4, 4.1, 5.1, 5.2, 5.3, 5.4, 5.5, 8.1,  
6 12-9, and 13 as follows:

7 (20 ILCS 655/3) (from Ch. 67 1/2, par. 603)

8 Sec. 3. Definitions. As used in this Act, the following  
9 words shall have the meanings ascribed to them, unless the  
10 context otherwise requires:

11 (a) "Department" means the Department of Commerce and  
12 Economic Opportunity.

13 (b) "Enterprise Zone" means an area of the State certified  
14 by the Department as an Enterprise Zone pursuant to this Act.

15 (c) "Depressed Area" means an area in which pervasive  
16 poverty, unemployment and economic distress exist.

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

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

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

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

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

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

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

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

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

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

1           Sec. 4. Qualifications for enterprise zones.

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

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

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

20           (c) (blank);

21           (d) (blank);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (20 ILCS 655/4.1)

23 Sec. 4.1. Department recommendations.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

14           (12) In awarding points under paragraphs (1) through  
15           (9), the Department may adjust the scoring for applicants  
16           that are located entirely within a county with a  
17           population of less than 300,000 if the Department finds  
18           that the designation will help to alleviate the effects of  
19           poverty and unemployment within the proposed Enterprise  
20           Zone.

21           (b) After assigning a score for each of the individual  
22           criteria using the point system as described in subsection  
23           (a), the Department shall then take the sum of the scores for  
24           each applicant and assign a final score. The Department shall  
25           then submit this information to the Board, as required in  
26           subsection (c) of Section 5.2, as its recommendation.

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

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

3 Sec. 5.1. Application to Department.

4 (a) A county or municipality which has adopted an  
5 ordinance designating an area as an enterprise zone shall make  
6 written application to the Department to have such proposed  
7 enterprise zone certified by the Department as an Enterprise  
8 Zone. The application shall include:

9 (i) a certified copy of the ordinance designating the  
10 proposed zone;

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

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

16 (iv) a statement detailing any tax, grant, and other  
17 financial incentives or benefits, and any programs, to be  
18 provided by the municipality or county to business  
19 enterprises within the zone, other than those provided in  
20 the designating ordinance, which are not to be provided  
21 throughout the municipality or county;

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

24 (vi) a statement describing the functions, programs,  
25 and services to be performed by designated zone

1 organizations within the zone;

2 (vii) an estimate of the economic impact of the zone,  
3 considering all of the tax incentives, financial benefits  
4 and programs contemplated, upon the revenues of the  
5 municipality or county;

6 (viii) a transcript of all public hearings on the  
7 zone;

8 (ix) in the case of a joint application, a statement  
9 detailing the need for a zone covering portions of more  
10 than one municipality or county and a description of the  
11 agreement between joint applicants; and

12 (x) such additional information as the Department by  
13 regulation may require.

14 (b) The Department may provide for provisional  
15 certification of substantially complete applications pending  
16 the receipt of any of the items identified in subsection (a) of  
17 this Section or any additional information requested by the  
18 Department.

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

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

21 Sec. 5.2. Department Review of Enterprise Zone  
22 Applications.

23 (a) All applications which are to be considered and acted  
24 upon by the Department during a calendar year must be received  
25 by the Department no later than December 31 of the preceding

1 calendar year.

2 Any application received after December 31 of any calendar  
3 year shall be held by the Department for consideration and  
4 action during the following calendar year.

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

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

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

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

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

22 (e) (Blank).

23 (f) (Blank).

24 (g) (Blank).

25 (h) (Blank).

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

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

2 Sec. 5.3. Certification of Enterprise Zones; effective  
3 date.

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

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

23 Upon certification of an Enterprise Zone, the terms and  
24 provisions of the designating ordinance shall be in effect,  
25 and may not be amended or repealed except in accordance with



1 Section 5.4.

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

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

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

1 ~~Zones may be certified by the Department in calendar year~~  
2 ~~1986, no more than 15 Enterprise Zones may be certified by the~~  
3 ~~Department in calendar year 1987, and no more than 20~~  
4 ~~Enterprise Zones may be certified by the Department in~~  
5 ~~calendar year 1990. In other calendar years, no more than 13~~  
6 ~~Enterprise Zones may be certified by the Department. The~~  
7 ~~Department may also designate up to 8 additional Enterprise~~  
8 ~~Zones outside the regular application cycle if warranted by~~  
9 ~~the extreme economic circumstances as determined by the~~  
10 ~~Department. The Department may also designate one additional~~  
11 ~~Enterprise Zone outside the regular application cycle if an~~  
12 ~~aircraft manufacturer agrees to locate an aircraft~~  
13 ~~manufacturing facility in the proposed Enterprise Zone.~~  
14 ~~Notwithstanding any other provision of this Act, no more than~~  
15 ~~89 Enterprise Zones may be certified by the Department for the~~  
16 ~~10 calendar years commencing with 1983. The 7 additional~~  
17 ~~Enterprise Zones authorized by Public Act 86-15 shall not lie~~  
18 ~~within municipalities or unincorporated areas of counties that~~  
19 ~~abut or are contiguous to Enterprise Zones certified pursuant~~  
20 ~~to this Section prior to June 30, 1989. The 7 additional~~  
21 ~~Enterprise Zones (excluding the additional Enterprise Zone~~  
22 ~~which may be designated outside the regular application cycle)~~  
23 ~~authorized by Public Act 86-1030 shall not lie within~~  
24 ~~municipalities or unincorporated areas of counties that abut~~  
25 ~~or are contiguous to Enterprise Zones certified pursuant to~~  
26 ~~this Section prior to February 28, 1990. Beginning in calendar~~

1 ~~year 2004 and until December 31, 2008, one additional~~  
2 ~~enterprise zone may be certified by the Department.~~ In any  
3 calendar year, the Department may not certify more than 3  
4 Zones located within the same municipality. ~~The Department may~~  
5 ~~certify Enterprise Zones in each of the 10 calendar years~~  
6 ~~commencing with 1983.~~ The Department may not certify more than  
7 a total of 18 Enterprise Zones located within the same county  
8 (whether within municipalities or within unincorporated  
9 territory) ~~for the 10 calendar years commencing with 1983.~~  
10 ~~Thereafter, the Department may not certify any additional~~  
11 ~~Enterprise Zones, but may amend and rescind certifications of~~  
12 ~~existing Enterprise Zones in accordance with Section 5.4.~~  
13 Beginning in calendar year 2021 and for any year in which there  
14 are at least 4 Zones available for designation, at least 25% of  
15 Zones available for designation in a given calendar year must  
16 be awarded to Zones located in counties with populations of  
17 less than 300,000 unless there are no applicants from such  
18 locations for that calendar year.

19 (e) Notwithstanding any other provision of law, if (i) the  
20 county board of any county in which a current military base is  
21 located, in part or in whole, or in which a military base that  
22 has been closed within 20 years of the effective date of this  
23 amendatory Act of 1998 is located, in part or in whole, adopts  
24 a designating ordinance in accordance with Section 5 of this  
25 Act to designate the military base in that county as an  
26 enterprise zone and (ii) the property otherwise meets the

1 qualifications for an enterprise zone as prescribed in Section  
2 4 of this Act, then the Department may certify the designating  
3 ordinance or ordinances, as the case may be.

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

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

25 Each Enterprise Zone that reapplies for certification but  
26 does not receive a new certification shall expire on its

1 scheduled termination date.

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

3 (20 ILCS 655/5.4) (from Ch. 67 1/2, par. 609)

4 Sec. 5.4. Amendment and Decertification of Enterprise  
5 Zones.

6 (a) The terms of a certified enterprise zone designating  
7 ordinance may be amended to

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

9 (ii) expand, limit or repeal tax incentives or  
10 benefits provided in the ordinance, or

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

12 (iv) make technical corrections in the enterprise zone  
13 designating ordinance; but such amendment shall not be  
14 effective unless the Department issues an amended  
15 certificate for the Enterprise Zone, approving the amended  
16 designating ordinance. Upon the adoption of any ordinance  
17 amending or repealing the terms of a certified enterprise  
18 zone designating ordinance, the municipality or county  
19 shall promptly file with the Department an application for  
20 approval thereof, containing substantially the same  
21 information as required for an application under Section  
22 5.1 insofar as material to the proposed changes. The  
23 municipality or county must hold a public hearing on the  
24 proposed changes as specified in Section 5 and, if the  
25 amendment is to effectuate the limitation of tax

1 abatement under Section 5.4.1, then the public notice of  
2 the hearing shall state that property that is in both the  
3 enterprise zone and a redevelopment project area may not  
4 receive tax abatements unless within 60 days after the  
5 adoption of the amendment to the designating ordinance the  
6 municipality has determined that eligibility for tax  
7 abatements has been established,

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

11 (vi) effectuate the limitation of tax abatements under  
12 Section 5.4.1.

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

23 (c) An Enterprise Zone may be decertified by joint action  
24 of the Department and the designating county or municipality  
25 in accordance with this Section. The designating county or  
26 municipality shall conduct at least one public hearing within

1 the zone prior to its adoption of an ordinance of  
2 de-designation. The mayor of the designating municipality or  
3 the chairman of the county board of the designating county  
4 shall execute a joint decertification agreement with the  
5 Department. A decertification of an Enterprise Zone shall not  
6 become effective until at least 6 months after the execution  
7 of the decertification agreement, which shall be filed in the  
8 office of the Secretary of State.

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



1 enterprise zone lies, and shall be provided to the chief  
2 elected official of the designating county or municipality.  
3 Decertification of an Enterprise Zone shall not become  
4 effective until 60 days after the date of filing.

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

1 the original Zone set forth in subsection (c) of Section 5.3.  
2 Further, if such corrective action is not achieved during the  
3 probationary period provided for in this Section, following  
4 such probationary period the Zone becomes available for a  
5 different area to compete for designation.

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

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

1 the Zone for the original stated term of the Zone, if the  
2 business enterprise establishes:

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

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

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

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

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

17 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

18 Sec. 5.5. High Impact Business.

19 (a) In order to respond to unique opportunities to assist  
20 in the encouragement, development, growth, and expansion of  
21 the private sector through large scale investment and  
22 development projects, the Department is authorized to receive  
23 and approve applications for the designation of "High Impact  
24 Businesses" in Illinois subject to the following conditions:

25 (1) such applications may be submitted at any time

1 during the year;

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

5 (3) the business intends to do one or more of the  
6 following:

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

24 (B) the business intends to establish a new  
25 electric generating facility at a designated location  
26 in Illinois. "New electric generating facility", for

1 purposes of this Section, means a newly-constructed  
2 electric generation plant or a newly-constructed  
3 generation capacity expansion at an existing electric  
4 generation plant, including the transmission lines and  
5 associated equipment that transfers electricity from  
6 points of supply to points of delivery, and for which  
7 such new foundation construction commenced not sooner  
8 than July 1, 2001. Such facility shall be designed to  
9 provide baseload electric generation and shall operate  
10 on a continuous basis throughout the year; and (i)  
11 shall have an aggregate rated generating capacity of  
12 at least 1,000 megawatts for all new units at one site  
13 if it uses natural gas as its primary fuel and  
14 foundation construction of the facility is commenced  
15 on or before December 31, 2004, or shall have an  
16 aggregate rated generating capacity of at least 400  
17 megawatts for all new units at one site if it uses coal  
18 or gases derived from coal as its primary fuel and  
19 shall support the creation of at least 150 new  
20 Illinois coal mining jobs, or (ii) shall be funded  
21 through a federal Department of Energy grant before  
22 December 31, 2010 and shall support the creation of  
23 Illinois coal-mining jobs, or (iii) shall use coal  
24 gasification or integrated gasification-combined cycle  
25 units that generate electricity or chemicals, or both,  
26 and shall support the creation of Illinois coal-mining

1 jobs. The business must certify in writing that the  
2 investments necessary to establish a new electric  
3 generating facility would not be placed in service and  
4 the job creation in the case of a coal-fueled plant  
5 would not occur without the tax credits and exemptions  
6 set forth in subsection (b-5) of this Section. The  
7 term "placed in service" has the same meaning as  
8 described in subsection (h) of Section 201 of the  
9 Illinois Income Tax Act; or

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

25 (C) the business intends to establish production  
26 operations at a new coal mine, re-establish production

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

18 (D) the business intends to construct new  
19 transmission facilities or upgrade existing  
20 transmission facilities at designated locations in  
21 Illinois, for which construction commenced not sooner  
22 than July 1, 2001. For the purposes of this Section,  
23 "transmission facilities" means transmission lines  
24 with a voltage rating of 115 kilovolts or above,  
25 including associated equipment, that transfer  
26 electricity from points of supply to points of

1 delivery and that transmit a majority of the  
2 electricity generated by a new electric generating  
3 facility designated as a High Impact Business in  
4 accordance with this Section. The business must  
5 certify in writing that the investments necessary to  
6 construct new transmission facilities or upgrade  
7 existing transmission facilities would not be placed  
8 in service without the tax credits and exemptions set  
9 forth in subsection (b-5) of this Section. The term  
10 "placed in service" has the same meaning as described  
11 in subsection (h) of Section 201 of the Illinois  
12 Income Tax Act; or

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



1 process of converting kinetic energy from the wind to  
2 generate electricity; or

3 (F) the business commits to (i) make a minimum  
4 investment of \$500,000,000, which will be placed in  
5 service in a qualified property, (ii) create 125  
6 full-time equivalent jobs at a designated location in  
7 Illinois, (iii) establish a fertilizer plant at a  
8 designated location in Illinois that complies with the  
9 set-back standards as described in Table 1: Initial  
10 Isolation and Protective Action Distances in the 2012  
11 Emergency Response Guidebook published by the United  
12 States Department of Transportation, (iv) pay a  
13 prevailing wage for employees at that location who are  
14 engaged in construction activities, and (v) secure an  
15 appropriate level of general liability insurance to  
16 protect against catastrophic failure of the fertilizer  
17 plant or any of its constituent systems; in addition,  
18 the business must agree to enter into a construction  
19 project labor agreement including provisions  
20 establishing wages, benefits, and other compensation  
21 for employees performing work under the project labor  
22 agreement at that location; for the purposes of this  
23 Section, "fertilizer plant" means a newly constructed  
24 or upgraded plant utilizing gas used in the production  
25 of anhydrous ammonia and downstream nitrogen  
26 fertilizer products for resale; for the purposes of

1           this Section, "prevailing wage" means the hourly cash  
2           wages plus fringe benefits for training and  
3           apprenticeship programs approved by the U.S.  
4           Department of Labor, Bureau of Apprenticeship and  
5           Training, health and welfare, insurance, vacations and  
6           pensions paid generally, in the locality in which the  
7           work is being performed, to employees engaged in work  
8           of a similar character on public works; this paragraph  
9           (F) applies only to businesses that submit an  
10          application to the Department within 60 days after  
11          July 25, 2013 (the effective date of Public Act  
12          98-109) ~~this amendatory Act of the 98th General~~  
13          ~~Assembly~~; and

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

18          (b) Businesses designated as High Impact Businesses  
19          pursuant to subdivision (a)(3)(A) of this Section shall  
20          qualify for the credits and exemptions described in the  
21          following Acts: Section 9-222 and Section 9-222.1A of the  
22          Public Utilities Act, subsection (h) of Section 201 of the  
23          Illinois Income Tax Act, and Section 1d of the Retailers'  
24          Occupation Tax Act; provided that these credits and exemptions  
25          described in these Acts shall not be authorized until the  
26          minimum investments set forth in subdivision (a)(3)(A) of this

1 Section have been placed in service in qualified properties  
2 and, in the case of the exemptions described in the Public  
3 Utilities Act and Section 1d of the Retailers' Occupation Tax  
4 Act, the minimum full-time equivalent jobs or full-time  
5 retained jobs set forth in subdivision (a)(3)(A) of this  
6 Section have been created or retained. Businesses designated  
7 as High Impact Businesses under this Section shall also  
8 qualify for the exemption described in Section 51 of the  
9 Retailers' Occupation Tax Act. The credit provided in  
10 subsection (h) of Section 201 of the Illinois Income Tax Act  
11 shall be applicable to investments in qualified property as  
12 set forth in subdivision (a)(3)(A) of this Section.

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

1 source is natural gas is eligible only for the exemption under  
2 Section 51 of the Retailers' Occupation Tax Act.

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

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

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

24 (d) Except for businesses contemplated under subdivision  
25 (a)(3)(E) of this Section, existing Illinois businesses which  
26 apply for designation as a High Impact Business must provide

1 the Department with the prospective plan for which 1,500  
2 full-time retained jobs would be eliminated in the event that  
3 the business is not designated.

4 (e) Except for new wind power facilities contemplated  
5 under subdivision (a)(3)(E) of this Section, new proposed  
6 facilities which apply for designation as High Impact Business  
7 must provide the Department with proof of alternative  
8 non-Illinois sites which would receive the proposed investment  
9 and job creation in the event that the business is not  
10 designated as a High Impact Business.

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

25 (g) The Department shall revoke a High Impact Business  
26 designation if the participating business fails to comply with

1 the terms and conditions of the designation. However, the  
2 penalties for new wind power facilities or Wind Energy  
3 Businesses for failure to comply with any of the terms or  
4 conditions of the Illinois Prevailing Wage Act shall be only  
5 those penalties identified in the Illinois Prevailing Wage  
6 Act, and the Department shall not revoke a High Impact  
7 Business designation as a result of the failure to comply with  
8 any of the terms or conditions of the Illinois Prevailing Wage  
9 Act in relation to a new wind power facility or a Wind Energy  
10 Business.

11 (h) Prior to designating a business, the Department shall  
12 provide the members of the General Assembly and Commission on  
13 Government Forecasting and Accountability with a report  
14 setting forth the terms and conditions of the designation and  
15 guarantees that have been received by the Department in  
16 relation to the proposed business being designated.

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

1 Business construction jobs credit employees if the High Impact  
2 Business construction jobs credit project is located in an  
3 underserved area.

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

13 As used in this subsection (i):

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

23 "High Impact Business construction job employee" means a  
24 laborer or worker who is employed by an Illinois contractor or  
25 subcontractor in the actual construction work on the site of a  
26 High Impact Business construction job project.

1 "High Impact Business construction jobs project" means  
2 building a structure or building or making improvements of any  
3 kind to real property, undertaken and commissioned by a  
4 business that was designated as a High Impact Business by the  
5 Department. The term "High Impact Business construction jobs  
6 project" does not include the routine operation, routine  
7 repair, or routine maintenance of existing structures,  
8 buildings, or real property.

9 "Incremental income tax" means the total amount withheld  
10 during the taxable year from the compensation of High Impact  
11 Business construction job employees.

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

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

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

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

26 (4) the area has an average unemployment rate, as



1 determined by the Illinois Department of Employment  
2 Security, that is more than 120% of the national  
3 unemployment average, as determined by the U.S. Department  
4 of Labor, for a period of at least 2 consecutive calendar  
5 years preceding the date of the application.

6 (j) Each contractor and subcontractor who is engaged in  
7 and executing a High Impact Business Construction jobs  
8 project, as defined under subsection (i) of this Section, for  
9 a business that is entitled to a credit pursuant to subsection  
10 (i) of this Section shall:

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

19 (A) the worker's name;

20 (B) the worker's address;

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

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

23 (E) the worker's classification or  
24 classifications;

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

1 (G) the worker's number of hours worked each day;  
2 (H) the worker's starting and ending times of work  
3 each day;

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

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

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

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

26 (B) the contractor or subcontractor is aware that

1 filing a certified payroll that he or she knows to be  
2 false is a Class A misdemeanor.

3 A general contractor is not prohibited from relying on a  
4 certified payroll of a lower-tier subcontractor, provided the  
5 general contractor does not knowingly rely upon a  
6 subcontractor's false certification.

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

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

24 The records submitted in accordance with this subsection  
25 shall be considered public records, except an employee's  
26 address, telephone number, and social security number, and

1 made available in accordance with the Freedom of Information  
2 Act. The Department of Labor shall accept any reasonable  
3 submissions by the contractor that meet the requirements of  
4 this subsection (j) and shall share the information with the  
5 Department in order to comply with the awarding of a High  
6 Impact Business construction jobs credit. A contractor,  
7 subcontractor, or public body may retain records required  
8 under this Section in paper or electronic format.

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

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

18 (20 ILCS 655/8.1)

19 Sec. 8.1. Accounting.

20 (a) Any business receiving tax incentives due to its  
21 location within an Enterprise Zone or its designation as a  
22 High Impact Business must annually report to the Department of  
23 Revenue information reasonably required by the Department of  
24 Revenue to enable the Department to verify and calculate the  
25 total Enterprise Zone or High Impact Business tax benefits for

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

1 outright decertification of the particular Enterprise Zone.

2 The Department, in consultation with the Department of  
3 Revenue, is authorized to adopt rules governing ineligibility  
4 to receive exemptions, including the length of ineligibility.  
5 Factors to be considered in determining whether a business is  
6 ineligible shall include, but are not limited to, prior  
7 compliance with the reporting requirements, cooperation in  
8 discontinuing and correcting violations, the extent of the  
9 violation, and whether the violation was willful or  
10 inadvertent.

11 (a-5) Each contractor or other entity that has been issued  
12 an Enterprise Zone Building Materials Exemption Certificate  
13 under Section 5k of the Retailers' Occupation Tax Act or a High  
14 Impact Business Building Materials Exemption Certificate under  
15 Section 5l of the Retailers' Occupation Tax Act shall annually  
16 report to the Department of Revenue the total value of the  
17 Enterprise Zone or High Impact Business building materials  
18 exemption from State taxes. Reports shall contain information  
19 reasonably required by the Department of Revenue to enable it  
20 to verify and calculate the total tax benefits for taxes  
21 imposed by the State, and shall be broken down by Enterprise  
22 Zone. Reports are due no later than May 31 of each year and  
23 shall cover the previous calendar year. The first report will  
24 be for the 2013 calendar year and will be due no later than May  
25 31, 2014. Failure to report data may result in revocation of  
26 the Enterprise Zone Building Materials Exemption Certificate

1 or High Impact Business Building Materials Exemption  
2 Certificate issued to the contractor or other entity.

3 The Department of Revenue is authorized to adopt rules  
4 governing revocation determinations, including the length of  
5 revocation. Factors to be considered in revocations shall  
6 include, but are not limited to, prior compliance with the  
7 reporting requirements, cooperation in discontinuing and  
8 correcting violations, and whether the certificate was used  
9 unlawfully during the preceding year.

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

22 (c) Employers shall report their job creation, retention,  
23 and capital investment numbers within the zone annually to the  
24 Department of Revenue no later than May 31 of each calendar  
25 year. High Impact Businesses shall report their job creation,  
26 retention, and capital investment numbers to the Department of

1 Revenue no later than May 31 of each year. With respect to job  
2 creation or retention, employers and High Impact Businesses  
3 shall use best efforts to submit diversity information related  
4 to the gender and ethnicity of such employees.

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

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

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

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

23 (20 ILCS 655/12-9) (from Ch. 67 1/2, par. 626)

24 Sec. 12-9. Report. On January 1 of each year, the  
25 Department shall report on its operation of the Fund for the



1 preceding fiscal year to the Governor and the General  
2 Assembly. For any fiscal year in which no operations are  
3 conducted by the Department because no funds were appropriated  
4 to the Fund, the report outlined by this Section is not  
5 required.

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

7 (20 ILCS 655/13)

8 Sec. 13. Enterprise Zone construction jobs credit.

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

23 (b) A business entity seeking a credit under this Section  
24 must submit an application to the Department and must receive  
25 approval from the designating municipality or county and the

1 Department for the Enterprise Zone construction jobs credit  
2 project. The application must describe the nature and benefit  
3 of the project to the certified Enterprise Zone and its  
4 potential contributors. The total aggregate amount of credits  
5 awarded under the Blue Collar Jobs Act (Article 20 of Public  
6 Act 101-9 ~~this amendatory Act of the 101st General Assembly~~)  
7 shall not exceed \$20,000,000 in any State fiscal year.

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

20 On an annual basis, the designated zone organization shall  
21 furnish a statement to the Department on the programmatic and  
22 financial status of any approved project and an audited  
23 financial statement of the project.

24 The Department shall certify to the Department of Revenue  
25 the identity of taxpayers who are eligible for the credits and  
26 the amount of credits that are claimed pursuant to

1 subparagraph (8) of subsection (f) of Section 201 the Illinois  
2 Income Tax Act.

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

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

12 (d) Each contractor and subcontractor who is engaged in  
13 and is executing an Enterprise Zone construction jobs credit  
14 project for a business that is entitled to a credit pursuant to  
15 this Section shall:

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

23 (A) the worker's name;

24 (B) the worker's address;

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

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

1 (E) the worker's classification or  
2 classifications;

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

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

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

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

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

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

26 (A) he or she has examined the certified payroll

1 records required to be submitted by the Act and such  
2 records are true and accurate; and

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

6 A general contractor is not prohibited from relying on a  
7 certified payroll of a lower-tier subcontractor, provided the  
8 general contractor does not knowingly rely upon a  
9 subcontractor's false certification.

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

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

26 The records submitted in accordance with this subsection

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

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

19 (e) As used in this Section:

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

24 "Enterprise Zone construction jobs credit employee" means  
25 a laborer or worker who is employed by an Illinois contractor  
26 or subcontractor in the actual construction work on the site

1 of an Enterprise Zone construction jobs credit project.

2 "Enterprise Zone construction jobs credit project" means  
3 building a structure or building or making improvements of any  
4 kind to real property commissioned and paid for by a business  
5 that has applied and been approved for an Enterprise Zone  
6 construction jobs credit pursuant to this Section. "Enterprise  
7 Zone construction jobs credit project" does not include the  
8 routine operation, routine repair, or routine maintenance of  
9 existing structures, buildings, or real property.

10 "Incremental income tax" means the total amount withheld  
11 during the taxable year from the compensation of Enterprise  
12 Zone construction jobs credit employees.

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

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

18 (2) 35% ~~75%~~ or more of the families with children in  
19 the area are living below 130% of the poverty line,  
20 according to the latest American Community Survey ~~children~~  
21 ~~in the area participate in the federal free lunch program~~  
22 ~~according to reported statistics from the State Board of~~  
23 ~~Education~~;

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

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

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