



Sen. Ann Gillespie

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10200SB0664sam001

LRB102 17106 RJF 23850 a

1 AMENDMENT TO SENATE BILL 664

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 664 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.)".