



Rep. William B. Black

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09500HB2949ham001

LRB095 09324 BDD 35216 a

1 AMENDMENT TO HOUSE BILL 2949

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

4 "Section 5. The Illinois Enterprise Zone Act is amended by  
5 changing Section 5.4 as follows:

6 (20 ILCS 655/5.4) (from Ch. 67 1/2, par. 609)

7 Sec. 5.4. Amendment and Decertification of Enterprise  
8 Zones.

9 (a) The terms of a certified enterprise zone designating  
10 ordinance may be amended to

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

12 (ii) expand, limit or repeal tax incentives or benefits  
13 provided in the ordinance, or

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

15 (iv) make technical corrections in the enterprise zone  
16 designating ordinance; but such amendment shall not be

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

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

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

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

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

8 If there are 2 or more designating units of local  
9 government, then an application under this subsection (b) for a  
10 proposed amendment to a certified Enterprise Zone must be  
11 submitted jointly by a majority of the designating units of  
12 local government.

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

25 (d) An Enterprise Zone may be decertified for cause by the  
26 Department in accordance with this Section. Prior to

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

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

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

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

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

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

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

26 In declaratory judgment actions under this paragraph, the

1 Department and the designating municipality or county shall be  
2 necessary parties defendant.

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

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