



Sen. Michael W. Frerichs

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LRB096 20363 HLH 37334 a

1 AMENDMENT TO SENATE BILL 3659

2 AMENDMENT NO. _____. Amend Senate Bill 3659 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 5.3 as follows:

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

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

9 (a) Approval of designated Enterprise Zones shall be made
10 by the Department by certification of the designating
11 ordinance. The Department shall promptly issue a certificate
12 for each Enterprise Zone upon its approval. The certificate
13 shall be signed by the Director of the Department, shall make
14 specific reference to the designating ordinance, which shall be
15 attached thereto, and shall be filed in the office of the
16 Secretary of State. A certified copy of the Enterprise Zone

1 Certificate, or a duplicate original thereof, shall be recorded
2 in the office of recorder of deeds of the county in which the
3 Enterprise Zone lies.

4 (b) An Enterprise Zone shall be effective upon its
5 certification. The Department shall transmit a copy of the
6 certification to the Department of Revenue, and to the
7 designating municipality or county.

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10 may not be amended or repealed except in accordance with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

12 (c) An Enterprise Zone shall be in effect for 30 calendar
13 years, or for a lesser number of years specified in the
14 certified designating ordinance. Enterprise Zones shall
15 terminate at midnight of December 31 of the final calendar year
16 of the certified term, except as provided in Section 5.4. The
17 corporate authorities of the county or municipality that
18 adopted the ordinance designating the Enterprise Zone may apply
19 to the Department for a one-time extension of 10 additional
20 calendar years. The application shall be approved by the
21 Department if, upon completion of the term set forth in the
22 original certified designating ordinance, the area where the
23 Enterprise Zone is located still satisfies the requirements set
24 forth in Section 4 of this Act.

25 (d) No more than 12 Enterprise Zones may be certified by
26 the Department in calendar year 1984, no more than 12

1 Enterprise Zones may be certified by the Department in calendar
2 year 1985, no more than 13 Enterprise Zones may be certified by
3 the Department in calendar year 1986, no more than 15
4 Enterprise Zones may be certified by the Department in calendar
5 year 1987, and no more than 20 Enterprise Zones may be
6 certified by the Department in calendar year 1990. In other
7 calendar years, no more than 13 Enterprise Zones may be
8 certified by the Department. The Department may also designate
9 up to 8 additional Enterprise Zones outside the regular
10 application cycle if warranted by the extreme economic
11 circumstances as determined by the Department. The Department
12 may also designate one additional Enterprise Zone outside the
13 regular application cycle if an aircraft manufacturer agrees to
14 locate an aircraft manufacturing facility in the proposed
15 Enterprise Zone. Notwithstanding any other provision of this
16 Act, no more than 89 Enterprise Zones may be certified by the
17 Department for the 10 calendar years commencing with 1983. The
18 7 additional Enterprise Zones authorized by Public Act 86-15
19 shall not lie within municipalities or unincorporated areas of
20 counties that abut or are contiguous to Enterprise Zones
21 certified pursuant to this Section prior to June 30, 1989. The
22 7 additional Enterprise Zones (excluding the additional
23 Enterprise Zone which may be designated outside the regular
24 application cycle) authorized by Public Act 86-1030 shall not
25 lie within municipalities or unincorporated areas of counties
26 that abut or are contiguous to Enterprise Zones certified

1 pursuant to this Section prior to February 28, 1990. Beginning
2 in calendar year 2004 and until December 31, 2008, one
3 additional enterprise zone may be certified by the Department.
4 In any calendar year, the Department may not certify more than
5 3 Zones located within the same municipality. The Department
6 may certify Enterprise Zones in each of the 10 calendar years
7 commencing with 1983. The Department may not certify more than
8 a total of 18 Enterprise Zones located within the same county
9 (whether within municipalities or within unincorporated
10 territory) for the 10 calendar years commencing with 1983.
11 Thereafter, the Department may not certify any additional
12 Enterprise Zones, but may amend and rescind certifications of
13 existing Enterprise Zones in accordance with Section 5.4.

14 (e) Notwithstanding any other provision of law, if (i) the
15 county board of any county in which a current military base is
16 located, in part or in whole, or in which a military base that
17 has been closed within 20 years of the effective date of this
18 amendatory Act of 1998 is located, in part or in whole, adopts
19 a designating ordinance in accordance with Section 5 of this
20 Act to designate the military base in that county as an
21 enterprise zone and (ii) the property otherwise meets the
22 qualifications for an enterprise zone as prescribed in Section
23 4 of this Act, then the Department may certify the designating
24 ordinance or ordinances, as the case may be.

25 (Source: P.A. 92-16, eff. 6-28-01; 92-777, eff. 1-1-03; 93-436,
26 eff. 1-1-04.)

1 Section 10. The Public Utilities Act is amended by changing
2 Section 9-222.1 as follows:

3 (220 ILCS 5/9-222.1) (from Ch. 111 2/3, par. 9-222.1)

4 Sec. 9-222.1. A business enterprise which is located within
5 an area designated by a county or municipality as an enterprise
6 zone pursuant to the Illinois Enterprise Zone Act or located in
7 a federally designated Foreign Trade Zone or Sub-Zone shall be
8 exempt from the additional charges added to the business
9 enterprise's utility bills as a pass-on of municipal and State
10 utility taxes under Sections 9-221 and 9-222 of this Act, to
11 the extent such charges are exempted by ordinance adopted in
12 accordance with paragraph (e) of Section 8-11-2 of the Illinois
13 Municipal Code in the case of municipal utility taxes, and to
14 the extent such charges are exempted by the percentage
15 specified by the Department of Commerce and Economic
16 Opportunity in the case of State utility taxes, provided such
17 business enterprise meets the following criteria:

18 (1) it (i) makes investments which cause the creation
19 of a minimum of 200 full-time equivalent jobs in Illinois;
20 (ii) makes investments of at least \$175,000,000 which cause
21 the creation of a minimum of 150 full-time equivalent jobs
22 in Illinois; (iii) makes investments that cause the
23 retention of a minimum of 300 full-time equivalent jobs in
24 the manufacturing sector, as defined by the North American

1 Industry Classification System, in an area in Illinois in
2 which the unemployment rate is above 9% and makes an
3 application to the Department within 3 months after the
4 effective date of this amendatory Act of the 96th General
5 Assembly and certifies relocation of the 300 full-time
6 equivalent jobs within 36 months after the application;
7 (iv) makes investments which cause the retention of a
8 minimum of 1,000 full-time jobs in Illinois; or (v) makes
9 an application to the Department within 2 months after the
10 effective date of this amendatory Act of the 96th General
11 Assembly and makes investments that cause the retention of
12 a minimum of 500 full-time equivalent jobs in 2009 and
13 2010, 675 full-time jobs in Illinois in 2011, 850 full-time
14 jobs in 2012, and 1,000 full-time jobs in 2013, in the
15 manufacturing sector as defined by the North American
16 Industry Classification System; and

17 (2) it is either (i) located in an Enterprise Zone
18 established pursuant to the Illinois Enterprise Zone Act or
19 (ii) located in a federally designated Foreign Trade Zone
20 or Sub-Zone and is designated a High Impact Business by the
21 Department of Commerce and Economic Opportunity; and

22 (3) it is certified by the Department of Commerce and
23 Economic Opportunity as complying with the requirements
24 specified in clauses (1) and (2) of this Section.

25 The Department of Commerce and Economic Opportunity shall
26 determine the period during which such exemption from the

1 charges imposed under Section 9-222 is in effect which shall
2 not exceed 40 ~~30~~ years or the certified term of the enterprise
3 zone (including any extensions granted under subsection (c) of
4 Section 5.3 of the Illinois Enterprise Zone Act), whichever
5 period is shorter, except that the exemption period for a
6 business enterprise qualifying under item (iii) of clause (1)
7 of this Section shall not exceed 30 years.

8 The Department of Commerce and Economic Opportunity shall
9 have the power to promulgate rules and regulations to carry out
10 the provisions of this Section including procedures for
11 complying with the requirements specified in clauses (1) and
12 (2) of this Section and procedures for applying for the
13 exemptions authorized under this Section; to define the amounts
14 and types of eligible investments which business enterprises
15 must make in order to receive State utility tax exemptions
16 pursuant to Sections 9-222 and 9-222.1 of this Act; to approve
17 such utility tax exemptions for business enterprises whose
18 investments are not yet placed in service; and to require that
19 business enterprises granted tax exemptions repay the exempted
20 tax should the business enterprise fail to comply with the
21 terms and conditions of the certification. However, no business
22 enterprise shall be required, as a condition for certification
23 under clause (3) of this Section, to attest that its decision
24 to invest under clause (1) of this Section and to locate under
25 clause (2) of this Section is predicated upon the availability
26 of the exemptions authorized by this Section.

1 A business enterprise shall be exempt, in whole or in part,
2 from the pass-on charges of municipal utility taxes imposed
3 under Section 9-221, only if it meets the criteria specified in
4 clauses (1) through (3) of this Section and the municipality
5 has adopted an ordinance authorizing the exemption under
6 paragraph (e) of Section 8-11-2 of the Illinois Municipal Code.
7 Upon certification of the business enterprises by the
8 Department of Commerce and Economic Opportunity, the
9 Department of Commerce and Economic Opportunity shall notify
10 the Department of Revenue of such certification. The Department
11 of Revenue shall notify the public utilities of the exemption
12 status of business enterprises from the pass-on charges of
13 State and municipal utility taxes. Such exemption status shall
14 be effective within 3 months after certification of the
15 business enterprise.

16 (Source: P.A. 96-716, eff. 8-25-09; 96-865, eff. 1-21-10.)".