

HB6317



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6317

Introduced 2/11/2016, by Rep. Jehan A. Gordon-Booth

SYNOPSIS AS INTRODUCED:

20 ILCS 655/5.3

from Ch. 67 1/2, par. 608

Amends the Illinois Enterprise Zone Act. Provides that Enterprise Zones shall be effective on the date of certification (instead of January 1 of the first calendar year after certification). Provides that the Zone application process shall begin 3 years (instead of 2 years) prior to the year in which the Zone expires. Effective immediately.

LRB099 20546 HLH 45096 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

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

20 (b) An Enterprise Zone shall be effective on the date of
21 the Department's ~~January 1 of the first calendar year after~~
22 ~~Department~~ certification. The Department shall transmit a copy
23 of the certification to the Department of Revenue, and to the

1 designating municipality or county.

2 Upon certification of an Enterprise Zone, the terms and
3 provisions of the designating ordinance shall be in effect, and
4 may not be amended or repealed except in accordance with
5 Section 5.4.

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

1 the Office of Recorder of Deeds of each county in which the
2 Enterprise Zone lies. An Enterprise Zone designated on or after
3 the effective date of this amendatory Act of the 97th General
4 Assembly shall be in effect for a term of 15 calendar years, or
5 for a lesser number of years specified in the certified
6 designating ordinance. An enterprise zone designated on or
7 after the effective date of this amendatory Act of the 97th
8 General Assembly shall be subject to review by the Board after
9 13 years for an additional 10-year designation beginning on the
10 expiration date of the enterprise zone. During the review
11 process, the Board shall consider the costs incurred by the
12 State and units of local government as a result of tax benefits
13 received by the enterprise zone. Enterprise Zones shall
14 terminate at midnight of December 31 of the final calendar year
15 of the certified term, except as provided in Section 5.4.

16 (d) No more than 12 Enterprise Zones may be certified by
17 the Department in calendar year 1984, no more than 12
18 Enterprise Zones may be certified by the Department in calendar
19 year 1985, no more than 13 Enterprise Zones may be certified by
20 the Department in calendar year 1986, no more than 15
21 Enterprise Zones may be certified by the Department in calendar
22 year 1987, and no more than 20 Enterprise Zones may be
23 certified by the Department in calendar year 1990. In other
24 calendar years, no more than 13 Enterprise Zones may be
25 certified by the Department. The Department may also designate
26 up to 8 additional Enterprise Zones outside the regular

1 application cycle if warranted by the extreme economic
2 circumstances as determined by the Department. The Department
3 may also designate one additional Enterprise Zone outside the
4 regular application cycle if an aircraft manufacturer agrees to
5 locate an aircraft manufacturing facility in the proposed
6 Enterprise Zone. Notwithstanding any other provision of this
7 Act, no more than 89 Enterprise Zones may be certified by the
8 Department for the 10 calendar years commencing with 1983. The
9 7 additional Enterprise Zones authorized by Public Act 86-15
10 shall not lie within municipalities or unincorporated areas of
11 counties that abut or are contiguous to Enterprise Zones
12 certified pursuant to this Section prior to June 30, 1989. The
13 7 additional Enterprise Zones (excluding the additional
14 Enterprise Zone which may be designated outside the regular
15 application cycle) authorized by Public Act 86-1030 shall not
16 lie within municipalities or unincorporated areas of counties
17 that abut or are contiguous to Enterprise Zones certified
18 pursuant to this Section prior to February 28, 1990. Beginning
19 in calendar year 2004 and until December 31, 2008, one
20 additional enterprise zone may be certified by the Department.
21 In any calendar year, the Department may not certify more than
22 3 Zones located within the same municipality. The Department
23 may certify Enterprise Zones in each of the 10 calendar years
24 commencing with 1983. The Department may not certify more than
25 a total of 18 Enterprise Zones located within the same county
26 (whether within municipalities or within unincorporated

1 territory) for the 10 calendar years commencing with 1983.
2 Thereafter, the Department may not certify any additional
3 Enterprise Zones, but may amend and rescind certifications of
4 existing Enterprise Zones in accordance with Section 5.4.

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

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

24 For Enterprise Zones that are scheduled to expire on or
25 after January 1, 2017, an application process shall begin 3 ~~2~~
26 years prior to the year in which the Zone expires. At that

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

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

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.