

SB1791



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1791

Introduced 2/20/2015, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

20 ILCS 655/5.3

from Ch. 67 1/2, par. 608

Amends the Illinois Enterprise Zone Act. Provides that, in calendar year 2015, the Department may certify an additional 20 Enterprise Zones in counties with a population of less than 250,000.

LRB099 09875 HLH 31295 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT 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 January 1 of
21 the first calendar year after Department certification. The
22 Department shall transmit a copy of the certification to the
23 Department of Revenue, and to the designating municipality or

1 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4 may not be amended or repealed except in accordance with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. Except as
24 otherwise provided, in ~~in~~ other calendar years, no more than 13
25 Enterprise Zones may be certified by the Department. In
26 calendar year 2015, the Department may certify an additional 20

1 Enterprise Zones in counties with a population of less than
2 250,000. The Department may also designate up to 8 additional
3 Enterprise Zones outside the regular application cycle if
4 warranted by the extreme economic circumstances as determined
5 by the Department. The Department may also designate one
6 additional Enterprise Zone outside the regular application
7 cycle if an aircraft manufacturer agrees to locate an aircraft
8 manufacturing facility in the proposed Enterprise Zone.
9 Notwithstanding any other provision of this Act, no more than
10 89 Enterprise Zones may be certified by the Department for the
11 10 calendar years commencing with 1983. The 7 additional
12 Enterprise Zones authorized by Public Act 86-15 shall not lie
13 within municipalities or unincorporated areas of counties that
14 abut or are contiguous to Enterprise Zones certified pursuant
15 to this Section prior to June 30, 1989. The 7 additional
16 Enterprise Zones (excluding the additional Enterprise Zone
17 which may be designated outside the regular application cycle)
18 authorized by Public Act 86-1030 shall not lie within
19 municipalities or unincorporated areas of counties that abut or
20 are contiguous to Enterprise Zones certified pursuant to this
21 Section prior to February 28, 1990. Beginning in calendar year
22 2004 and until December 31, 2008, one additional enterprise
23 zone may be certified by the Department. In any calendar year,
24 the Department may not certify more than 3 Zones located within
25 the same municipality. The Department may certify Enterprise
26 Zones in each of the 10 calendar years commencing with 1983.

1 The Department may not certify more than a total of 18
2 Enterprise Zones located within the same county (whether within
3 municipalities or within unincorporated territory) for the 10
4 calendar years commencing with 1983. Thereafter, the
5 Department may not certify any additional Enterprise Zones, but
6 may amend and rescind certifications of existing Enterprise
7 Zones in accordance with Section 5.4.

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

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

1 For Enterprise Zones that are scheduled to expire on or
2 after January 1, 2017, an application process shall begin 2
3 years prior to the year in which the Zone expires. At that
4 time, the Zone becomes available for either the previously
5 designated area or a different area to compete for designation.
6 No preference for designation as a Zone will be given to the
7 previously designated area.

8 Each Enterprise Zone that reapplies for certification but
9 does not receive a new certification shall expire on its
10 scheduled termination date.

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