

# HB6217



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB6217

by Rep. Jim Durkin

#### SYNOPSIS AS INTRODUCED:

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

Amends the Illinois Enterprise Zone Act. Provides that, beginning in calendar year 2014 and until December 31, 2017, an additional 50 enterprise zones may be certified by the Department of Commerce and Economic Opportunity. Effective immediately.

LRB098 16923 HLH 51998 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning economic development.

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4 may not be amended or repealed except in accordance with  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. 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 Beginning in calendar year 2014 and until December 31, 2017, an  
22 additional 50 enterprise zones may be certified by the  
23 Department. In any calendar year, the Department may not  
24 certify more than 3 Zones located within the same municipality.  
25 The Department may certify Enterprise Zones in each of the 10  
26 calendar years commencing with 1983. The Department may not

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

12           Section 99. Effective date. This Act takes effect upon  
13 becoming law.