

1 AN ACT concerning enterprise zones.

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
5 by 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
10 made 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
15 be attached thereto, and shall be filed in the office of the
16 Secretary of State. A certified copy of the Enterprise Zone
17 Certificate, or a duplicate original thereof, shall be
18 recorded in the office of recorder of deeds of the county in
19 which the Enterprise Zone lies.

20 (b) An Enterprise Zone shall be effective upon its
21 certification. The Department shall transmit a copy of the
22 certification to the Department of Revenue, and to the
23 designating municipality or county.

24 Upon certification of an Enterprise Zone, the terms and
25 provisions of the designating ordinance shall be in effect,
26 and may not be amended or repealed except in accordance with
27 Section 5.4.

28 (c) An Enterprise Zone shall be in effect for 30
29 calendar years, or for a lesser number of years specified in
30 the certified designating ordinance. Enterprise Zones shall
31 terminate at midnight of December 31 of the final calendar

1 year of the certified term, except as provided in Section
2 5.4. ~~The Whiteside County/Carroll County Enterprise Zone,~~
3 ~~however, solely with respect to industrial purposes and uses,~~
4 ~~shall be in effect for 30 calendar years or for a lesser~~
5 ~~number of years specified in the certified designating~~
6 ~~ordinance.~~

7 (d) No more than 12 Enterprise Zones may be certified by
8 the Department in calendar year 1984, no more than 12
9 Enterprise Zones may be certified by the Department in
10 calendar year 1985, no more than 13 Enterprise Zones may be
11 certified by the Department in calendar year 1986, no more
12 than 15 Enterprise Zones may be certified by the Department
13 in calendar year 1987, and no more than 20 Enterprise Zones
14 may be certified by the Department in calendar year 1990. In
15 other calendar years, no more than 13 Enterprise Zones may be
16 certified by the Department. The Department may also
17 designate up to 8 additional Enterprise Zones outside the
18 regular application cycle if warranted by the extreme
19 economic circumstances as determined by the Department. The
20 Department may also designate one additional Enterprise Zone
21 outside the regular application cycle if an aircraft
22 manufacturer agrees to locate an aircraft manufacturing
23 facility in the proposed Enterprise Zone. Notwithstanding any
24 other provision of this Act, no more than 89 Enterprise Zones
25 may be certified by the Department for the 10 calendar years
26 commencing with 1983. The 7 additional Enterprise Zones
27 authorized by Public Act 86-15 shall not lie within
28 municipalities or unincorporated areas of counties that abut
29 or are contiguous to Enterprise Zones certified pursuant to
30 this Section prior to June 30, 1989. The 7 additional
31 Enterprise Zones (excluding the additional Enterprise Zone
32 which may be designated outside the regular application
33 cycle) authorized by Public Act 86-1030 shall not lie within
34 municipalities or unincorporated areas of counties that abut

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

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

25 (Source: P.A. 91-567, eff. 8-14-99; 91-937, eff. 1-11-01;
26 92-16, eff. 6-28-01.)

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

29 (220 ILCS 5/9-222.1) (from Ch. 111 2/3, par. 9-222.1)

30 Sec. 9-222.1. A business enterprise which is located
31 within an area designated by a county or municipality as an
32 enterprise zone pursuant to the Illinois Enterprise Zone Act

1 or located in a federally designated Foreign Trade Zone or
 2 Sub-Zone shall be exempt from the additional charges added to
 3 the business enterprise's utility bills as a pass-on of
 4 municipal and State utility taxes under Sections 9-221 and
 5 9-222 of this Act, to the extent such charges are exempted by
 6 ordinance adopted in accordance with paragraph (e) of Section
 7 8-11-2 of the Illinois Municipal Code in the case of
 8 municipal utility taxes, and to the extent such charges are
 9 exempted by the percentage specified by the Department of
 10 Commerce and Community Affairs in the case of State utility
 11 taxes, provided such business enterprise meets the following
 12 criteria:

13 (1) it either (i) makes investments which cause the
 14 creation of a minimum of 200 full-time equivalent jobs in
 15 Illinois; (ii) makes investments of at least \$175,000,000
 16 which cause the creation of a minimum of 150 full-time
 17 equivalent jobs in Illinois; or (iii) makes investments
 18 which cause the retention of a minimum of 1,000 full-time
 19 jobs in Illinois; and

20 (2) it is either (i) located in an Enterprise Zone
 21 established pursuant to the Illinois Enterprise Zone Act
 22 or (ii) it is located in a federally designated Foreign
 23 Trade Zone or Sub-Zone and is designated a High Impact
 24 Business by the Department of Commerce and Community
 25 Affairs; and

26 (3) it is certified by the Department of Commerce
 27 and Community Affairs as complying with the requirements
 28 specified in clauses (1) and (2) of this Section.

29 The Department of Commerce and Community Affairs shall
 30 determine the period during which such exemption from the
 31 charges imposed under Section 9-222 is in effect which shall
 32 not exceed 30 ~~20~~ years or the certified term of the
 33 enterprise zone, whichever period is shorter~~7-except-in-the~~
 34 ~~ease-of-the-Whiteside-County/Carroll-County-Enterprise--Zone,~~

1 where,--solely--with-respect-to-industrial-purposes-and-uses,
2 the-exemption-period-shall-not-exceed--30--years,--and--shall
3 specify--the--percentage--of-the-exemption-from-State-utility
4 taxes.

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

25 A business enterprise shall be exempt, in whole or in
26 part, from the pass-on charges of municipal utility taxes
27 imposed under Section 9-221, only if it meets the criteria
28 specified in clauses (1) through (3) of this Section and the
29 municipality has adopted an ordinance authorizing the
30 exemption under paragraph (e) of Section 8-11-2 of the
31 Illinois Municipal Code. Upon certification of the business
32 enterprises by the Department of Commerce and Community
33 Affairs, the Department of Commerce and Community Affairs
34 shall notify the Department of Revenue of such certification.

1 The Department of Revenue shall notify the public utilities
2 of the exemption status of business enterprises from the
3 pass-on charges of State and municipal utility taxes. Such
4 exemption status shall be effective within 3 months after
5 certification of the business enterprise.

6 (Source: P.A. 90-16, eff. 6-16-97; 91-567, eff. 8-14-99.)