



Rep. Jack McGuire

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LRB095 17503 HLH 51750 a

1 AMENDMENT TO SENATE BILL 2301

2 AMENDMENT NO. _____. Amend Senate Bill 2301 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Intermodal Facilities Promotion Act.

6 Section 5. Purpose. The General Assembly has determined
7 that it is in the interest of the State of Illinois to promote
8 development that will protect, promote, and improve freight
9 rail systems and their intermodal connections in Illinois and
10 encourage the efficient development of those facilities.

11 Section 10. Definitions. As used in this Act:

12 "Agreement" means the agreement between an eligible
13 employer and the Department under the provisions of Section 30
14 of this Act.

15 "Department" means the Department of Commerce and Economic

1 Opportunity.

2 "Director" means the Director of Commerce and Economic
3 Opportunity.

4 "Eligible developer" means an individual, partnership,
5 corporation, or other entity that develops an intermodal
6 terminal facility in the City of Joliet.

7 "Eligible employer" means an individual, partnership,
8 corporation, or other entity that employs full-time employees
9 at an intermodal terminal facility in the City of Joliet.

10 "Full-time employee" means an individual who is employed
11 for consideration for at least 35 hours each week or who
12 renders any other standard of service generally accepted by
13 industry custom or practice as full-time employment. An
14 individual for whom a W-2 is issued by a Professional Employer
15 Organization (PEO) is a full-time employee if employed in the
16 service of the eligible employer for consideration for at least
17 35 hours each week or who renders any other standard of service
18 generally accepted by industry custom or practice as full-time
19 employment.

20 "Incremental income tax" means the total amount withheld
21 from the compensation of new employees under Article 7 of the
22 Illinois Income Tax Act arising from employment by an eligible
23 employer.

24 "Infrastructure" means roads, access roads, streets,
25 bridges, sidewalks, water and sewer line extensions, water
26 distribution and purification facilities, waste disposal

1 systems, sewage treatment facilities, stormwater drainage and
2 retention facilities, gas and electric utility line
3 extensions, or other improvements that are essential to the
4 development of the project that is the subject of an agreement.

5 "Intermodal terminal facility" means a cohesively planned
6 project consisting of at least 2,000 acres of land,
7 improvements to that land, equipment, and appliances necessary
8 for the receipt and transfer of goods between one mode of
9 transportation and another and for the assembly and storage of
10 those goods.

11 "New employee" means a full-time employee first employed by
12 an eligible employer in the project that is the subject of an
13 agreement between the Department and an eligible developer and
14 who is hired after the eligible developer enters into the
15 agreement, but does not include:

16 (1) an employee of the eligible employer who performs a
17 job that (i) existed for at least 6 months before the
18 employee was hired and (ii) was previously performed by
19 another employee;

20 (2) an employee of the eligible employer who was
21 previously employed in Illinois by a related member of the
22 eligible employer and whose employment was shifted to the
23 eligible employer after the eligible employer entered into
24 the Agreement; or

25 (3) a child, grandchild, parent, or spouse, other than
26 a spouse who is legally separated from the individual, of

1 any individual who has a direct or an indirect ownership
2 interest of at least 5% in the profits, capital, or value
3 of the eligible employer.

4 Notwithstanding item (2) of this definition, an employee
5 may be considered a new employee under the agreement if the
6 employee performs a job that was previously performed by an
7 employee who was:

8 (A) treated under the Agreement as a new employee; and

9 (B) promoted by the eligible employer to another job.

10 "Professional Employer Organization" (PEO) means an
11 employee leasing company, as defined in Section 206.1(A)(2) of
12 the Illinois Unemployment Insurance Act.

13 "Related member" means a person or entity that, with
14 respect to the eligible employer during any portion of the
15 taxable year, is any one of the following:

16 (1) an individual stockholder, if the stockholder and
17 the members of the stockholder's family (as defined in
18 Section 318 of the Internal Revenue Code) own directly,
19 indirectly, beneficially, or constructively, in the
20 aggregate, at least 50% of the value of the eligible
21 employer's outstanding stock;

22 (2) a partnership, estate, or trust and any partner or
23 beneficiary, if the partnership, estate, or trust, and its
24 partners or beneficiaries own directly, indirectly, or
25 beneficially, or constructively, in the aggregate, at
26 least 50% of the profits, capital, stock, or value of the

1 eligible employer;

2 (3) a corporation, and any party related to the
3 corporation in a manner that would require an attribution
4 of stock from the corporation to the party or from the
5 party to the corporation under the attribution rules of
6 Section 318 of the Internal Revenue Code, if the taxpayer
7 owns directly, indirectly, beneficially, or constructively
8 at least 50% of the value of the corporation's outstanding
9 stock;

10 (4) a corporation and any party related to that
11 corporation in a manner that would require an attribution
12 of stock from the corporation to the party or from the
13 party to the corporation under the attribution rules of
14 Section 318 of the Internal Revenue Code, if the
15 corporation and all such related parties own in the
16 aggregate at least 50% of the profits, capital, stock, or
17 value of the eligible employer; or

18 (5) a person to or from whom there is attribution of
19 stock ownership in accordance with Section 1563(e) of the
20 Internal Revenue Code, except, for purposes of determining
21 whether a person is a related member under this definition,
22 20% shall be substituted for 5% wherever 5% appears in
23 Section 1563(e) of the Internal Revenue Code.

24 Section 15. Intermodal Facilities Promotion Fund. The
25 Intermodal Facilities Promotion Fund is created as a special

1 fund in the State treasury. As soon as possible after the first
2 day of each month, upon certification of the Department of
3 Revenue, the Comptroller shall order transferred and the
4 Treasurer shall transfer from the General Revenue Fund to the
5 Intermodal Facilities Promotion Fund an amount equal to the
6 incremental income tax for the previous month attributable to a
7 project that is the subject of an agreement.

8 Section 20. Grants from the Intermodal Facilities
9 Promotion Fund. In State fiscal years 2009 through 2015, all
10 moneys in the Intermodal Facilities Promotion Fund, held solely
11 for the benefit of eligible developers, shall be appropriated
12 to the Department to make infrastructure grants to eligible
13 developers pursuant to agreements.

14 Section 25. Limitation on grant amounts. The total amount
15 of a grant to an eligible developer shall not exceed the lesser
16 of:

- 17 (1) \$3,000,000 in each State fiscal year; or
18 (2) the total amount of infrastructure costs incurred
19 by the eligible developer with respect to a project that is
20 the subject of an agreement.

21 No eligible developer shall receive moneys that are
22 attributable to a project that is not the subject of the
23 developer's agreement with the Department.

1 Section 30. Agreements with applicants. The Department
2 shall enter into an agreement with an eligible developer who is
3 entitled to grants under this Act. The agreement must include
4 all of the following:

5 (1) A detailed description of the project that is the
6 subject of the agreement, including the location of the
7 project, the number of jobs created by the project, and
8 project costs. For purposes of this subsection, "project
9 costs" includes the cost of the project incurred or to be
10 incurred by the eligible developer, including
11 infrastructure costs, but excludes the value of State or
12 local incentives, including tax increment financing and
13 deductions, credits, or exemptions afforded to an employer
14 located in an enterprise zone.

15 (2) A requirement that the eligible developer shall
16 maintain operations at the project location, stated as a
17 minimum number of years not to exceed 10 years.

18 (3) A specific method for determining the number of new
19 employees attributable to the project.

20 (4) A requirement that the eligible developer shall
21 report monthly to the Department and the Department of
22 Revenue the number of new employees and the incremental
23 income tax withheld in connection with the new employees.

24 (5) A requirement that the Department is authorized to
25 verify with the Department of Revenue the amounts reported
26 under paragraph (4).

1 Section 35. Rulemaking. Notwithstanding any other
2 rulemaking authority that may exist, neither the Governor nor
3 any agency or agency head under the jurisdiction of the
4 Governor has any authority to make or promulgate rules to
5 implement or enforce the provisions of this Act. If, however,
6 the Governor believes that rules are necessary to implement or
7 enforce the provisions of this Act, the Governor may suggest
8 rules to the General Assembly by filing them with the Clerk of
9 the House and the Secretary of the Senate and by requesting
10 that the General Assembly authorize such rulemaking by law,
11 enact those suggested rules into law, or take any other
12 appropriate action in the General Assembly's discretion.
13 Nothing contained in this Act shall be interpreted to grant
14 rulemaking authority under any other Illinois statute where
15 such authority is not otherwise explicitly given. For the
16 purposes of this paragraph, "rules" is given the meaning
17 contained in Section 1-70 of the Illinois Administrative
18 Procedure Act, and "agency" and "agency head" are given the
19 meanings contained in Sections 1-20 and 1-25 of the Illinois
20 Administrative Procedure Act to the extent that such
21 definitions apply to agencies or agency heads under the
22 jurisdiction of the Governor.

23 Section 90. The State Finance Act is amended by adding
24 Section 5.709 as follows:

1 (30 ILCS 105/5.709 new)

2 Sec. 5.709. Intermodal Facilities Promotion Fund.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".