



Rep. Michael K. Smith

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LRB096 01963 MJR 32771 a

1 AMENDMENT TO SENATE BILL 328

2 AMENDMENT NO. _____. Amend Senate Bill 328, by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Section 9-222.1 as follows:

6 (220 ILCS 5/9-222.1) (from Ch. 111 2/3, par. 9-222.1)

7 Sec. 9-222.1. A business enterprise which is located within
8 an area designated by a county or municipality as an enterprise
9 zone pursuant to the Illinois Enterprise Zone Act or located in
10 a federally designated Foreign Trade Zone or Sub-Zone shall be
11 exempt from the additional charges added to the business
12 enterprise's utility bills as a pass-on of municipal and State
13 utility taxes under Sections 9-221 and 9-222 of this Act, to
14 the extent such charges are exempted by ordinance adopted in
15 accordance with paragraph (e) of Section 8-11-2 of the Illinois
16 Municipal Code in the case of municipal utility taxes, and to

1 the extent such charges are exempted by the percentage
2 specified by the Department of Commerce and Economic
3 Opportunity in the case of State utility taxes, provided such
4 business enterprise meets the following criteria:

5 (1) it (i) makes investments which cause the creation
6 of a minimum of 200 full-time equivalent jobs in Illinois;
7 (ii) makes investments of at least \$175,000,000 which cause
8 the creation of a minimum of 150 full-time equivalent jobs
9 in Illinois; (iii) makes investments that cause the
10 retention of a minimum of 300 full-time equivalent jobs in
11 the manufacturing sector, as defined by the North American
12 Industry Classification System, in an area in Illinois in
13 which the unemployment rate is above 9% and makes an
14 application to the Department within 3 months after the
15 effective date of this amendatory Act of the 96th General
16 Assembly and certifies relocation of the 300 full-time
17 equivalent jobs within 36 months after the application; ~~or~~
18 (iv) makes investments which cause the retention of a
19 minimum of 1,000 full-time jobs in Illinois; or (v) makes
20 an application to the Department within 2 months after the
21 effective date of this amendatory Act of the 96th General
22 Assembly and makes investments that cause the retention of
23 a minimum of 500 full-time equivalent jobs in 2009 and
24 2010, 675 full-time jobs in Illinois in 2011, 850 full-time
25 jobs in 2012, and 1,000 full-time jobs in 2013, in the
26 manufacturing sector as defined by the North American

1 Industry Classification System; and

2 (2) it is either (i) located in an Enterprise Zone
3 established pursuant to the Illinois Enterprise Zone Act or
4 (ii) ~~it is~~ located in a federally designated Foreign Trade
5 Zone or Sub-Zone and is designated a High Impact Business
6 by the Department of Commerce and Economic Opportunity; and

7 (3) it is certified by the Department of Commerce and
8 Economic Opportunity as complying with the requirements
9 specified in clauses (1) and (2) of this Section.

10 The Department of Commerce and Economic Opportunity shall
11 determine the period during which such exemption from the
12 charges imposed under Section 9-222 is in effect which shall
13 not exceed 30 years or the certified term of the enterprise
14 zone, whichever period is shorter, except that the exemption
15 period for a business enterprise qualifying under item (iii) of
16 clause (1) of this Section shall not exceed 30 years.

17 The Department of Commerce and Economic Opportunity shall
18 have the power to promulgate rules and regulations to carry out
19 the provisions of this Section including procedures for
20 complying with the requirements specified in clauses (1) and
21 (2) of this Section and procedures for applying for the
22 exemptions authorized under this Section; to define the amounts
23 and types of eligible investments which business enterprises
24 must make in order to receive State utility tax exemptions
25 pursuant to Sections 9-222 and 9-222.1 of this Act; to approve
26 such utility tax exemptions for business enterprises whose

1 investments are not yet placed in service; and to require that
2 business enterprises granted tax exemptions repay the exempted
3 tax should the business enterprise fail to comply with the
4 terms and conditions of the certification. However, no business
5 enterprise shall be required, as a condition for certification
6 under clause (3) of this Section, to attest that its decision
7 to invest under clause (1) of this Section and to locate under
8 clause (2) of this Section is predicated upon the availability
9 of the exemptions authorized by this Section.

10 A business enterprise shall be exempt, in whole or in part,
11 from the pass-on charges of municipal utility taxes imposed
12 under Section 9-221, only if it meets the criteria specified in
13 clauses (1) through (3) of this Section and the municipality
14 has adopted an ordinance authorizing the exemption under
15 paragraph (e) of Section 8-11-2 of the Illinois Municipal Code.
16 Upon certification of the business enterprises by the
17 Department of Commerce and Economic Opportunity, the
18 Department of Commerce and Economic Opportunity shall notify
19 the Department of Revenue of such certification. The Department
20 of Revenue shall notify the public utilities of the exemption
21 status of business enterprises from the pass-on charges of
22 State and municipal utility taxes. Such exemption status shall
23 be effective within 3 months after certification of the
24 business enterprise.

25 (Source: P.A. 96-716, eff. 8-25-09; revised 11-3-09.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".