

1 AN ACT concerning utilities.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
17 the extent such charges are exempted by the percentage
18 specified by the Department of Commerce and Economic
19 Opportunity in the case of State utility taxes, provided such
20 business enterprise meets the following criteria:

21 (1) it ~~either~~ (i) makes investments which cause the
22 creation of a minimum of 200 full-time equivalent jobs in
23 Illinois; (ii) makes investments of at least \$175,000,000

1 which cause the creation of a minimum of 150 full-time
2 equivalent jobs in Illinois; ~~or~~ (iii) makes investments
3 that cause the retention of a minimum of 300 full-time
4 equivalent jobs in the manufacturing sector, as defined by
5 the North American Industry Classification System, in an
6 area in Illinois in which the unemployment rate is above 9%
7 and makes an application to the Department within 3 months
8 after the effective date of this amendatory Act of the 96th
9 General Assembly and certifies relocation of the 300
10 full-time equivalent jobs within 36 months after the
11 application; or (iv) makes investments which cause the
12 retention of a minimum of 1,000 full-time jobs in Illinois;
13 and

14 (2) it is either (i) located in an Enterprise Zone
15 established pursuant to the Illinois Enterprise Zone Act or
16 (ii) it is located in a federally designated Foreign Trade
17 Zone or Sub-Zone and is designated a High Impact Business
18 by the Department of Commerce and Economic Opportunity; and

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

22 The Department of Commerce and Economic Opportunity shall
23 determine the period during which such exemption from the
24 charges imposed under Section 9-222 is in effect which shall
25 not exceed 30 years or the certified term of the enterprise
26 zone, whichever period is shorter, except that the exemption

1 period for a business enterprise qualifying under item (iii) of
2 clause (1) of this Section shall not exceed 30 years.

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

22 A business enterprise shall be exempt, in whole or in part,
23 from the pass-on charges of municipal utility taxes imposed
24 under Section 9-221, only if it meets the criteria specified in
25 clauses (1) through (3) of this Section and the municipality
26 has adopted an ordinance authorizing the exemption under

1 paragraph (e) of Section 8-11-2 of the Illinois Municipal Code.
2 Upon certification of the business enterprises by the
3 Department of Commerce and Economic Opportunity, the
4 Department of Commerce and Economic Opportunity shall notify
5 the Department of Revenue of such certification. The Department
6 of Revenue shall notify the public utilities of the exemption
7 status of business enterprises from the pass-on charges of
8 State and municipal utility taxes. Such exemption status shall
9 be effective within 3 months after certification of the
10 business enterprise.

11 (Source: P.A. 94-793, eff. 5-19-06.)

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