



Rep. John E. Bradley

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1 AMENDMENT TO HOUSE BILL 2496

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2496, AS AMENDED,  
3 immediately above the enacting clause, by inserting the  
4 following:

5 "WHEREAS, The State of Illinois has a strategic interest in  
6 the operations of the Illinois International Port District and  
7 its Board, whose function is to develop the District's port and  
8 harbor facilities, issue construction permits, regulate the  
9 District's facilities and waterways, establish and operate  
10 foreign trade zones, and govern and administer all the District  
11 area within Chicago's corporate limits; and

12 WHEREAS, The Illinois International Port District is a very  
13 significant driver of freight movement and economic activity  
14 throughout the State of Illinois, including the downstate  
15 waterways and especially the Mississippi River and the Illinois  
16 River; and

1           WHEREAS, In 2010, cargo shipments at the Port of Chicago  
2 directly or indirectly supported 6,930 jobs and generated  
3 \$425,000,000 in revenue for Illinois firms, according to the  
4 Washington D.C.-based American Great Lakes Ports Association;  
5 and

6           WHEREAS, The Port of Chicago links rail and trucking lines  
7 with barges and ships supplying the Great Lakes and nearby  
8 rivers and handles an estimated 26,000,000 cargo tons annually  
9 throughout its 1,500 acre complex on the far south side,  
10 according to a recent estimate by a consortium of Great Lakes  
11 shipping interests; and

12           WHEREAS, In 1978, the Capital Development Board provided  
13 funds to the Illinois International Port District as authorized  
14 by Section 13 of the Capital Development Board Act, which  
15 provides for repayment by the Illinois International Port  
16 District using a flexible formula based on specified levels of  
17 revenues and profits; and

18           WHEREAS, In the over 30 years since that payment from the  
19 Capital Development Board, the Illinois International Port  
20 District has never been required to make a single payment to  
21 the Capital Development Board because it has never reached the  
22 levels of revenues and profits that would require such payment;

1 and

2 WHEREAS, The Capital Development Board annually certifies  
3 to the Illinois International Port District that it owes no  
4 payment for the year to the Capital Development Board; and

5 WHEREAS, It is virtually impossible that the Illinois  
6 International Port District will ever reach the level of  
7 revenues and profits that would require it to make a payment to  
8 the Capital Development Board; and

9 WHEREAS, In its financial statements for each year since at  
10 least 2005, the Capital Development Board has "reserved" the  
11 entire amount lent to the Illinois International Port District,  
12 indicating that it does not expect any payments under the loan,  
13 and that non-payment of the loan would not require any future  
14 or present cash outlay by the Capital Development Board or the  
15 State; and

16 WHEREAS, For the reasons discussed above, the existence of  
17 this debt is of no value whatsoever to the State and serves  
18 only to limit the investment in the Port of Chicago and the  
19 amount of economic activity throughout Illinois water and rail  
20 lines; and

21 WHEREAS, Official forgiveness of the obligation from the

1 Illinois International Port District to the Capital  
2 Development Board would benefit the entire State of Illinois by  
3 allowing greater investment in the State's waterways and  
4 freight facilities; therefore"; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Illinois Enterprise Zone Act is amended by  
8 changing Section 5.5 as follows:

9 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

10 Sec. 5.5. High Impact Business.

11 (a) In order to respond to unique opportunities to assist  
12 in the encouragement, development, growth and expansion of the  
13 private sector through large scale investment and development  
14 projects, the Department is authorized to receive and approve  
15 applications for the designation of "High Impact Businesses" in  
16 Illinois subject to the following conditions:

17 (1) such applications may be submitted at any time  
18 during the year;

19 (2) such business is not located, at the time of  
20 designation, in an enterprise zone designated pursuant to  
21 this Act;

22 (3) the business intends to do one or more of the  
23 following:

1           (A) the business intends to make a minimum  
2 investment of \$12,000,000 which will be placed in  
3 service in qualified property and intends to create 500  
4 full-time equivalent jobs at a designated location in  
5 Illinois or intends to make a minimum investment of  
6 \$30,000,000 which will be placed in service in  
7 qualified property and intends to retain 1,500  
8 full-time retained jobs at a designated location in  
9 Illinois. The business must certify in writing that the  
10 investments would not be placed in service in qualified  
11 property and the job creation or job retention would  
12 not occur without the tax credits and exemptions set  
13 forth in subsection (b) of this Section. The terms  
14 "placed in service" and "qualified property" have the  
15 same meanings as described in subsection (h) of Section  
16 201 of the Illinois Income Tax Act; or

17           (B) the business intends to establish a new  
18 electric generating facility at a designated location  
19 in Illinois. "New electric generating facility", for  
20 purposes of this Section, means a newly-constructed  
21 electric generation plant or a newly-constructed  
22 generation capacity expansion at an existing electric  
23 generation plant, including the transmission lines and  
24 associated equipment that transfers electricity from  
25 points of supply to points of delivery, and for which  
26 such new foundation construction commenced not sooner

1 than July 1, 2001. Such facility shall be designed to  
2 provide baseload electric generation and shall operate  
3 on a continuous basis throughout the year; and (i)  
4 shall have an aggregate rated generating capacity of at  
5 least 1,000 megawatts for all new units at one site if  
6 it uses natural gas as its primary fuel and foundation  
7 construction of the facility is commenced on or before  
8 December 31, 2004, or shall have an aggregate rated  
9 generating capacity of at least 400 megawatts for all  
10 new units at one site if it uses coal or gases derived  
11 from coal as its primary fuel and shall support the  
12 creation of at least 150 new Illinois coal mining jobs,  
13 or (ii) shall be funded through a federal Department of  
14 Energy grant before December 31, 2010 and shall support  
15 the creation of Illinois coal-mining jobs, or (iii)  
16 shall use coal gasification or integrated  
17 gasification-combined cycle units that generate  
18 electricity or chemicals, or both, and shall support  
19 the creation of Illinois coal-mining jobs. The  
20 business must certify in writing that the investments  
21 necessary to establish a new electric generating  
22 facility would not be placed in service and the job  
23 creation in the case of a coal-fueled plant would not  
24 occur without the tax credits and exemptions set forth  
25 in subsection (b-5) of this Section. The term "placed  
26 in service" has the same meaning as described in

1 subsection (h) of Section 201 of the Illinois Income  
2 Tax Act; or

3 (B-5) the business intends to establish a new  
4 gasification facility at a designated location in  
5 Illinois. As used in this Section, "new gasification  
6 facility" means a newly constructed coal gasification  
7 facility that generates chemical feedstocks or  
8 transportation fuels derived from coal (which may  
9 include, but are not limited to, methane, methanol, and  
10 nitrogen fertilizer), that supports the creation or  
11 retention of Illinois coal-mining jobs, and that  
12 qualifies for financial assistance from the Department  
13 before December 31, 2010. A new gasification facility  
14 does not include a pilot project located within  
15 Jefferson County or within a county adjacent to  
16 Jefferson County for synthetic natural gas from coal;  
17 or

18 (C) the business intends to establish production  
19 operations at a new coal mine, re-establish production  
20 operations at a closed coal mine, or expand production  
21 at an existing coal mine at a designated location in  
22 Illinois not sooner than July 1, 2001; provided that  
23 the production operations result in the creation of 150  
24 new Illinois coal mining jobs as described in  
25 subdivision (a)(3)(B) of this Section, and further  
26 provided that the coal extracted from such mine is

1 utilized as the predominant source for a new electric  
2 generating facility. The business must certify in  
3 writing that the investments necessary to establish a  
4 new, expanded, or reopened coal mine would not be  
5 placed in service and the job creation would not occur  
6 without the tax credits and exemptions set forth in  
7 subsection (b-5) of this Section. The term "placed in  
8 service" has the same meaning as described in  
9 subsection (h) of Section 201 of the Illinois Income  
10 Tax Act; or

11 (D) the business intends to construct new  
12 transmission facilities or upgrade existing  
13 transmission facilities at designated locations in  
14 Illinois, for which construction commenced not sooner  
15 than July 1, 2001. For the purposes of this Section,  
16 "transmission facilities" means transmission lines  
17 with a voltage rating of 115 kilovolts or above,  
18 including associated equipment, that transfer  
19 electricity from points of supply to points of delivery  
20 and that transmit a majority of the electricity  
21 generated by a new electric generating facility  
22 designated as a High Impact Business in accordance with  
23 this Section. The business must certify in writing that  
24 the investments necessary to construct new  
25 transmission facilities or upgrade existing  
26 transmission facilities would not be placed in service



1 without the tax credits and exemptions set forth in  
2 subsection (b-5) of this Section. The term "placed in  
3 service" has the same meaning as described in  
4 subsection (h) of Section 201 of the Illinois Income  
5 Tax Act; or

6 (E) the business intends to establish a new wind  
7 power facility at a designated location in Illinois.  
8 For purposes of this Section, "new wind power facility"  
9 means a newly constructed electric generation  
10 facility, or a newly constructed expansion of an  
11 existing electric generation facility, placed in  
12 service on or after July 1, 2009, that generates  
13 electricity using wind energy devices, and such  
14 facility shall be deemed to include all associated  
15 transmission lines, substations, and other equipment  
16 related to the generation of electricity from wind  
17 energy devices. For purposes of this Section, "wind  
18 energy device" means any device, with a nameplate  
19 capacity of at least 0.5 megawatts, that is used in the  
20 process of converting kinetic energy from the wind to  
21 generate electricity; or ~~and~~

22 (F) the business intends to (i) make a minimum  
23 investment of \$500,000,000, which will be placed in  
24 service in a qualified property, (ii) create 125  
25 full-time equivalent jobs at a designated location in  
26 Illinois, and (iii) establish a fertilizer plant at a

1           designated location in Illinois; for the purposes of  
2           this Section, "fertilizer plant" means a newly  
3           constructed or upgraded plant facilitating gas used in  
4           the production of anhydrous ammonia and downstream  
5           nitrogen fertilizer products for resale; this  
6           paragraph (F) applies only to businesses that submit an  
7           application to the Department within 60 days after the  
8           effective date of this amendatory Act of the 98th  
9           General Assembly; and

10           (4) no later than 90 days after an application is  
11           submitted, the Department shall notify the applicant of the  
12           Department's determination of the qualification of the  
13           proposed High Impact Business under this Section.

14           (b) Businesses designated as High Impact Businesses  
15           pursuant to subdivision (a) (3) (A) of this Section shall qualify  
16           for the credits and exemptions described in the following Acts:  
17           Section 9-222 and Section 9-222.1A of the Public Utilities Act,  
18           subsection (h) of Section 201 of the Illinois Income Tax Act,  
19           and Section 1d of the Retailers' Occupation Tax Act; provided  
20           that these credits and exemptions described in these Acts shall  
21           not be authorized until the minimum investments set forth in  
22           subdivision (a) (3) (A) of this Section have been placed in  
23           service in qualified properties and, in the case of the  
24           exemptions described in the Public Utilities Act and Section 1d  
25           of the Retailers' Occupation Tax Act, the minimum full-time  
26           equivalent jobs or full-time retained jobs set forth in

1 subdivision (a) (3) (A) of this Section have been created or  
2 retained. Businesses designated as High Impact Businesses  
3 under this Section shall also qualify for the exemption  
4 described in Section 51 of the Retailers' Occupation Tax Act.  
5 The credit provided in subsection (h) of Section 201 of the  
6 Illinois Income Tax Act shall be applicable to investments in  
7 qualified property as set forth in subdivision (a) (3) (A) of  
8 this Section.

9 (b-5) Businesses designated as High Impact Businesses  
10 pursuant to subdivisions (a) (3) (B), (a) (3) (B-5), (a) (3) (C),  
11 and (a) (3) (D) of this Section shall qualify for the credits and  
12 exemptions described in the following Acts: Section 51 of the  
13 Retailers' Occupation Tax Act, Section 9-222 and Section  
14 9-222.1A of the Public Utilities Act, and subsection (h) of  
15 Section 201 of the Illinois Income Tax Act; however, the  
16 credits and exemptions authorized under Section 9-222 and  
17 Section 9-222.1A of the Public Utilities Act, and subsection  
18 (h) of Section 201 of the Illinois Income Tax Act shall not be  
19 authorized until the new electric generating facility, the new  
20 gasification facility, the new transmission facility, or the  
21 new, expanded, or reopened coal mine is operational, except  
22 that a new electric generating facility whose primary fuel  
23 source is natural gas is eligible only for the exemption under  
24 Section 51 of the Retailers' Occupation Tax Act.

25 (b-6) Businesses designated as High Impact Businesses  
26 pursuant to subdivision (a) (3) (E) of this Section shall qualify

1 for the exemptions described in Section 51 of the Retailers'  
2 Occupation Tax Act; any business so designated as a High Impact  
3 Business being, for purposes of this Section, a "Wind Energy  
4 Business".

5 (c) High Impact Businesses located in federally designated  
6 foreign trade zones or sub-zones are also eligible for  
7 additional credits, exemptions and deductions as described in  
8 the following Acts: Section 9-221 and Section 9-222.1 of the  
9 Public Utilities Act; and subsection (g) of Section 201, and  
10 Section 203 of the Illinois Income Tax Act.

11 (d) Except for businesses contemplated under subdivision  
12 (a) (3) (E) of this Section, existing Illinois businesses which  
13 apply for designation as a High Impact Business must provide  
14 the Department with the prospective plan for which 1,500  
15 full-time retained jobs would be eliminated in the event that  
16 the business is not designated.

17 (e) Except for new wind power facilities contemplated under  
18 subdivision (a) (3) (E) of this Section, new proposed facilities  
19 which apply for designation as High Impact Business must  
20 provide the Department with proof of alternative non-Illinois  
21 sites which would receive the proposed investment and job  
22 creation in the event that the business is not designated as a  
23 High Impact Business.

24 (f) Except for businesses contemplated under subdivision  
25 (a) (3) (E) of this Section, in the event that a business is  
26 designated a High Impact Business and it is later determined

1 after reasonable notice and an opportunity for a hearing as  
2 provided under the Illinois Administrative Procedure Act, that  
3 the business would have placed in service in qualified property  
4 the investments and created or retained the requisite number of  
5 jobs without the benefits of the High Impact Business  
6 designation, the Department shall be required to immediately  
7 revoke the designation and notify the Director of the  
8 Department of Revenue who shall begin proceedings to recover  
9 all wrongfully exempted State taxes with interest. The business  
10 shall also be ineligible for all State funded Department  
11 programs for a period of 10 years.

12 (g) The Department shall revoke a High Impact Business  
13 designation if the participating business fails to comply with  
14 the terms and conditions of the designation. However, the  
15 penalties for new wind power facilities or Wind Energy  
16 Businesses for failure to comply with any of the terms or  
17 conditions of the Illinois Prevailing Wage Act shall be only  
18 those penalties identified in the Illinois Prevailing Wage Act,  
19 and the Department shall not revoke a High Impact Business  
20 designation as a result of the failure to comply with any of  
21 the terms or conditions of the Illinois Prevailing Wage Act in  
22 relation to a new wind power facility or a Wind Energy  
23 Business.

24 (h) Prior to designating a business, the Department shall  
25 provide the members of the General Assembly and Commission on  
26 Government Forecasting and Accountability with a report

1 setting forth the terms and conditions of the designation and  
2 guarantees that have been received by the Department in  
3 relation to the proposed business being designated.

4 (Source: P.A. 96-28, eff. 7-1-09; 97-905, eff. 8-7-12.)

5 Section 10. The Corporate Accountability for Tax  
6 Expenditures Act is amended by changing Section 25 as follows:

7 (20 ILCS 715/25)

8 Sec. 25. Recapture.

9 (a) All development assistance agreements shall contain,  
10 at a minimum, the following recapture provisions:

11 (1) The recipient must (i) make the level of capital  
12 investment in the economic development project specified  
13 in the development assistance agreement; (ii) create or  
14 retain, or both, the requisite number of jobs, paying not  
15 less than specified wages for the created and retained  
16 jobs, within and for the duration of the time period  
17 specified in the legislation authorizing, or the  
18 administrative rules implementing, the development  
19 assistance programs and the development assistance  
20 agreement.

21 (2) If the recipient fails to create or retain the  
22 requisite number of jobs within and for the time period  
23 specified, in the legislation authorizing, or the  
24 administrative rules implementing, the development

1 assistance programs and the development assistance  
2 agreement, the recipient shall be deemed to no longer  
3 qualify for the State economic assistance and the  
4 applicable recapture provisions shall take effect.

5 (3) If the recipient receives State economic  
6 assistance in the form of a High Impact Business  
7 designation pursuant to Section 5.5 of the Illinois  
8 Enterprise Zone Act and the business receives the benefit  
9 of the exemption authorized under Section 51 of the  
10 Retailers' Occupation Tax Act (for the sale of building  
11 materials incorporated into a High Impact Business  
12 location) or the utility tax exemption authorized under  
13 Section 9-222.1A of the Public Utilities Act and the  
14 recipient fails to create or retain the requisite number of  
15 jobs, as determined by the legislation authorizing the  
16 development assistance programs or the administrative  
17 rules implementing such legislation, or both, within the  
18 requisite period of time, the recipient shall be required  
19 to pay to the State the full amount of both the State tax  
20 exemption and the utility tax exemption that it received as  
21 a result of the High Impact Business designation.

22 (4) If the recipient receives a grant or loan pursuant  
23 to the Large Business Development Program, the Business  
24 Development Public Infrastructure Program, or the  
25 Industrial Training Program and the recipient fails to  
26 create or retain the requisite number of jobs for the

1 requisite time period, as provided in the legislation  
2 authorizing the development assistance programs or the  
3 administrative rules implementing such legislation, or  
4 both, or in the development assistance agreement, the  
5 recipient shall be required to repay to the State a pro  
6 rata amount of the grant; that amount shall reflect the  
7 percentage of the deficiency between the requisite number  
8 of jobs to be created or retained by the recipient and the  
9 actual number of such jobs in existence as of the date the  
10 Department determines the recipient is in breach of the job  
11 creation or retention covenants contained in the  
12 development assistance agreement. If the recipient of  
13 development assistance under the Large Business  
14 Development Program, the Business Development Public  
15 Infrastructure Program, or the Industrial Training Program  
16 ceases operations at the specific project site, during the  
17 5-year period commencing on the date of assistance, the  
18 recipient shall be required to repay the entire amount of  
19 the grant or to accelerate repayment of the loan back to  
20 the State.

21 (5) If the recipient receives a tax credit under the  
22 Economic Development for a Growing Economy tax credit  
23 program, the development assistance agreement must provide  
24 that (i) if the number of new or retained employees falls  
25 below the requisite number set forth in the development  
26 assistance agreement, the allowance of the credit shall be



1 automatically suspended until the number of new and  
2 retained employees equals or exceeds the requisite number  
3 in the development assistance agreement; (ii) if the  
4 recipient discontinues operations at the specific project  
5 site during the 5-year period after the beginning of the  
6 first tax year for which the Department issues a tax credit  
7 certificate, the recipient shall forfeit all credits taken  
8 by the recipient during such 5-year period; and (iii) in  
9 the event of a revocation or suspension of the credit, the  
10 Department shall contact the Director of Revenue to  
11 initiate proceedings against the recipient to recover  
12 wrongfully exempted Illinois State income taxes and the  
13 recipient shall promptly repay to the Department of Revenue  
14 any wrongfully exempted Illinois State income taxes. The  
15 forfeited amount of credits shall be deemed assessed on the  
16 date the Department contacts the Department of Revenue and  
17 the recipient shall promptly repay to the Department of  
18 Revenue any wrongfully exempted Illinois State income  
19 taxes.

20 (b) The Director may elect to waive enforcement of any  
21 contractual provision arising out of the development  
22 assistance agreement required by this Act based on a finding  
23 that the waiver is necessary to avert an imminent and  
24 demonstrable hardship to the recipient that may result in such  
25 recipient's insolvency or discharge of workers. If a waiver is  
26 granted, the recipient must agree to a contractual

1 modification, including recapture provisions, to the  
2 development assistance agreement. The existence of any waiver  
3 granted pursuant to this subsection (b) ~~(e)~~, the date of the  
4 granting of such waiver, and a brief summary of the reasons  
5 supporting the granting of such waiver shall be disclosed  
6 consistent with the provisions of Section 25 of this Act.

7 (b-5) The Department shall post, on its website, (i) the  
8 identity of each recipient from whom amounts were recaptured  
9 under this Section on or after the effective date of this  
10 amendatory Act of the 97th General Assembly, (ii) the date of  
11 the recapture, (iii) a summary of the reasons supporting the  
12 recapture, and (iv) the amount recaptured from those  
13 recipients.

14 (c) Beginning June 1, 2004, the Department shall annually  
15 compile a report on the outcomes and effectiveness of recapture  
16 provisions by program, including but not limited to: (i) the  
17 total number of companies that receive development assistance  
18 as defined in this Act; (ii) the total number of recipients in  
19 violation of development agreements with the Department; (iii)  
20 the total number of completed recapture efforts; (iv) the total  
21 number of recapture efforts initiated; and (v) the number of  
22 waivers granted. This report shall be disclosed consistent with  
23 the provisions of Section 20 of this Act.

24 (d) For the purposes of this Act, recapture provisions do  
25 not include the Illinois Department of Transportation Economic  
26 Development Program, any grants under the Industrial Training

1 Program that are not given as an incentive to a recipient  
2 business organization, or any successor programs as described  
3 in the term "development assistance" in Section 5 of this Act.  
4 (Source: P.A. 97-2, eff. 5-6-11; 97-721, eff. 6-29-12; revised  
5 10-10-12.)

6 Section 15. The Capital Development Board Act is amended by  
7 changing Section 13 as follows:

8 (20 ILCS 3105/13) (from Ch. 127, par. 783)

9 Sec. 13. The Board may provide cargo handling facilities  
10 and facilities designed for the movement of cargo to or from  
11 cargo handling facilities for the use of regional port  
12 districts. Pursuant to appropriations setting forth specific  
13 projects and regional port districts, the Board shall contract  
14 with the regional port district named in the Act making the  
15 appropriation for cargo handling facilities. Such contract  
16 shall provide that the regional port district shall remit to  
17 the State of Illinois an amount equal to not more than 20% of  
18 the gross receipts attributable to those facilities, and not  
19 less than 20% of the profit attributable to those facilities,  
20 whether collected by the regional port district or through an  
21 operator or other intermediary, until the full amount  
22 appropriated and expended by the State of Illinois has been  
23 remitted to the State. The exact amount of, the manner of, the  
24 method of and the time for such remittances shall be agreed

1 upon by the particular port district and the Board acting  
2 through its Executive Director, and such agreement may, from  
3 time to time, be amended by the parties so as to alter or  
4 modify the amount of, manner of, method of and time for the  
5 remittance, including, but not limited to, the temporary  
6 forgiveness, suspension or delay of the remittances not to  
7 exceed 24 months for any single suspension or delay. The  
8 payback is subordinate solely to any outstanding public bond  
9 agreements existing at the time of the contract and solely for  
10 the period of time of the running of those bond agreements. For  
11 any contract entered into under this Section, if, for a period  
12 of 25 years, a regional port district has not been required to  
13 remit any amount because the regional port district has failed  
14 to achieve the required level of profit, then the regional port  
15 district shall not be required to remit any amount under the  
16 contract.

17 This Section shall apply to all regional port district  
18 facilities to be constructed by the Board, including projects  
19 for which appropriations or reappropriations have been made  
20 prior to June 30, 1976, and to all contracts existing prior to  
21 the effective date of this amendatory Act of 1985 as well as  
22 contracts entered into on or after such date.

23 (Source: P.A. 84-781.)".

24 Section 20. The Property Tax Code is amended by changing  
25 Section 18-165 as follows:

1 (35 ILCS 200/18-165)

2 Sec. 18-165. Abatement of taxes.

3 (a) Any taxing district, upon a majority vote of its  
4 governing authority, may, after the determination of the  
5 assessed valuation of its property, order the clerk of that  
6 county to abate any portion of its taxes on the following types  
7 of property:

8 (1) Commercial and industrial.

9 (A) The property of any commercial or industrial  
10 firm, including but not limited to the property of (i)  
11 any firm that is used for collecting, separating,  
12 storing, or processing recyclable materials, locating  
13 within the taxing district during the immediately  
14 preceding year from another state, territory, or  
15 country, or having been newly created within this State  
16 during the immediately preceding year, or expanding an  
17 existing facility, or (ii) any firm that is used for  
18 the generation and transmission of electricity  
19 locating within the taxing district during the  
20 immediately preceding year or expanding its presence  
21 within the taxing district during the immediately  
22 preceding year by construction of a new electric  
23 generating facility that uses natural gas as its fuel,  
24 or any firm that is used for production operations at a  
25 new, expanded, or reopened coal mine within the taxing

1 district, that has been certified as a High Impact  
2 Business by the Illinois Department of Commerce and  
3 Economic Opportunity. The property of any firm used for  
4 the generation and transmission of electricity shall  
5 include all property of the firm used for transmission  
6 facilities as defined in Section 5.5 of the Illinois  
7 Enterprise Zone Act. The abatement shall not exceed a  
8 period of 10 years and the aggregate amount of abated  
9 taxes for all taxing districts combined shall not  
10 exceed \$4,000,000.

11 (A-5) Any property in the taxing district of a new  
12 electric generating facility, as defined in Section  
13 605-332 of the Department of Commerce and Economic  
14 Opportunity Law of the Civil Administrative Code of  
15 Illinois. The abatement shall not exceed a period of 10  
16 years. The abatement shall be subject to the following  
17 limitations:

18 (i) if the equalized assessed valuation of the  
19 new electric generating facility is equal to or  
20 greater than \$25,000,000 but less than  
21 \$50,000,000, then the abatement may not exceed (i)  
22 over the entire term of the abatement, 5% of the  
23 taxing district's aggregate taxes from the new  
24 electric generating facility and (ii) in any one  
25 year of abatement, 20% of the taxing district's  
26 taxes from the new electric generating facility;

1           (ii) if the equalized assessed valuation of  
2           the new electric generating facility is equal to or  
3           greater than \$50,000,000 but less than  
4           \$75,000,000, then the abatement may not exceed (i)  
5           over the entire term of the abatement, 10% of the  
6           taxing district's aggregate taxes from the new  
7           electric generating facility and (ii) in any one  
8           year of abatement, 35% of the taxing district's  
9           taxes from the new electric generating facility;

10           (iii) if the equalized assessed valuation of  
11           the new electric generating facility is equal to or  
12           greater than \$75,000,000 but less than  
13           \$100,000,000, then the abatement may not exceed  
14           (i) over the entire term of the abatement, 20% of  
15           the taxing district's aggregate taxes from the new  
16           electric generating facility and (ii) in any one  
17           year of abatement, 50% of the taxing district's  
18           taxes from the new electric generating facility;

19           (iv) if the equalized assessed valuation of  
20           the new electric generating facility is equal to or  
21           greater than \$100,000,000 but less than  
22           \$125,000,000, then the abatement may not exceed  
23           (i) over the entire term of the abatement, 30% of  
24           the taxing district's aggregate taxes from the new  
25           electric generating facility and (ii) in any one  
26           year of abatement, 60% of the taxing district's

1 taxes from the new electric generating facility;

2 (v) if the equalized assessed valuation of the  
3 new electric generating facility is equal to or  
4 greater than \$125,000,000 but less than  
5 \$150,000,000, then the abatement may not exceed  
6 (i) over the entire term of the abatement, 40% of  
7 the taxing district's aggregate taxes from the new  
8 electric generating facility and (ii) in any one  
9 year of abatement, 60% of the taxing district's  
10 taxes from the new electric generating facility;

11 (vi) if the equalized assessed valuation of  
12 the new electric generating facility is equal to or  
13 greater than \$150,000,000, then the abatement may  
14 not exceed (i) over the entire term of the  
15 abatement, 50% of the taxing district's aggregate  
16 taxes from the new electric generating facility  
17 and (ii) in any one year of abatement, 60% of the  
18 taxing district's taxes from the new electric  
19 generating facility.

20 The abatement is not effective unless the owner of  
21 the new electric generating facility agrees to repay to  
22 the taxing district all amounts previously abated,  
23 together with interest computed at the rate and in the  
24 manner provided for delinquent taxes, in the event that  
25 the owner of the new electric generating facility  
26 closes the new electric generating facility before the



1 expiration of the entire term of the abatement.

2 The authorization of taxing districts to abate  
3 taxes under this subdivision (a) (1) (A-5) expires on  
4 January 1, 2010.

5 (B) The property of any commercial or industrial  
6 development of at least (i) 500 acres or (ii) 225 acres  
7 in the case of a commercial or industrial development  
8 that applies for and is granted designation as a High  
9 Impact Business under paragraph (F) of item (3) of  
10 subsection (a) of Section 5.5 of the Illinois  
11 Enterprise Zone Act, having been created within the  
12 taxing district. The abatement shall not exceed a  
13 period of 20 years and the aggregate amount of abated  
14 taxes for all taxing districts combined shall not  
15 exceed \$12,000,000.

16 (C) The property of any commercial or industrial  
17 firm currently located in the taxing district that  
18 expands a facility or its number of employees. The  
19 abatement shall not exceed a period of 10 years and the  
20 aggregate amount of abated taxes for all taxing  
21 districts combined shall not exceed \$4,000,000. The  
22 abatement period may be renewed at the option of the  
23 taxing districts.

24 (2) Horse racing. Any property in the taxing district  
25 which is used for the racing of horses and upon which  
26 capital improvements consisting of expansion, improvement

1 or replacement of existing facilities have been made since  
2 July 1, 1987. The combined abatements for such property  
3 from all taxing districts in any county shall not exceed  
4 \$5,000,000 annually and shall not exceed a period of 10  
5 years.

6 (3) Auto racing. Any property designed exclusively for  
7 the racing of motor vehicles. Such abatement shall not  
8 exceed a period of 10 years.

9 (4) Academic or research institute. The property of any  
10 academic or research institute in the taxing district that  
11 (i) is an exempt organization under paragraph (3) of  
12 Section 501(c) of the Internal Revenue Code, (ii) operates  
13 for the benefit of the public by actually and exclusively  
14 performing scientific research and making the results of  
15 the research available to the interested public on a  
16 non-discriminatory basis, and (iii) employs more than 100  
17 employees. An abatement granted under this paragraph shall  
18 be for at least 15 years and the aggregate amount of abated  
19 taxes for all taxing districts combined shall not exceed  
20 \$5,000,000.

21 (5) Housing for older persons. Any property in the  
22 taxing district that is devoted exclusively to affordable  
23 housing for older households. For purposes of this  
24 paragraph, "older households" means those households (i)  
25 living in housing provided under any State or federal  
26 program that the Department of Human Rights determines is

1 specifically designed and operated to assist elderly  
2 persons and is solely occupied by persons 55 years of age  
3 or older and (ii) whose annual income does not exceed 80%  
4 of the area gross median income, adjusted for family size,  
5 as such gross income and median income are determined from  
6 time to time by the United States Department of Housing and  
7 Urban Development. The abatement shall not exceed a period  
8 of 15 years, and the aggregate amount of abated taxes for  
9 all taxing districts shall not exceed \$3,000,000.

10 (6) Historical society. For assessment years 1998  
11 through 2018, the property of an historical society  
12 qualifying as an exempt organization under Section  
13 501(c)(3) of the federal Internal Revenue Code.

14 (7) Recreational facilities. Any property in the  
15 taxing district (i) that is used for a municipal airport,  
16 (ii) that is subject to a leasehold assessment under  
17 Section 9-195 of this Code and (iii) which is sublet from a  
18 park district that is leasing the property from a  
19 municipality, but only if the property is used exclusively  
20 for recreational facilities or for parking lots used  
21 exclusively for those facilities. The abatement shall not  
22 exceed a period of 10 years.

23 (8) Relocated corporate headquarters. If approval  
24 occurs within 5 years after the effective date of this  
25 amendatory Act of the 92nd General Assembly, any property  
26 or a portion of any property in a taxing district that is

1 used by an eligible business for a corporate headquarters  
2 as defined in the Corporate Headquarters Relocation Act.  
3 Instead of an abatement under this paragraph (8), a taxing  
4 district may enter into an agreement with an eligible  
5 business to make annual payments to that eligible business  
6 in an amount not to exceed the property taxes paid directly  
7 or indirectly by that eligible business to the taxing  
8 district and any other taxing districts for premises  
9 occupied pursuant to a written lease and may make those  
10 payments without the need for an annual appropriation. No  
11 school district, however, may enter into an agreement with,  
12 or abate taxes for, an eligible business unless the  
13 municipality in which the corporate headquarters is  
14 located agrees to provide funding to the school district in  
15 an amount equal to the amount abated or paid by the school  
16 district as provided in this paragraph (8). Any abatement  
17 ordered or agreement entered into under this paragraph (8)  
18 may be effective for the entire term specified by the  
19 taxing district, except the term of the abatement or annual  
20 payments may not exceed 20 years.

21 (9) United States Military Public/Private Residential  
22 Developments. Each building, structure, or other  
23 improvement designed, financed, constructed, renovated,  
24 managed, operated, or maintained after January 1, 2006  
25 under a "PPV Lease", as set forth under Division 14 of  
26 Article 10, and any such PPV Lease.

1           (10) Property located in a business corridor that  
2           qualifies for an abatement under Section 18-184.10.

3           (b) Upon a majority vote of its governing authority, any  
4           municipality may, after the determination of the assessed  
5           valuation of its property, order the county clerk to abate any  
6           portion of its taxes on any property that is located within the  
7           corporate limits of the municipality in accordance with Section  
8           8-3-18 of the Illinois Municipal Code.

9           (Source: P.A. 96-1136, eff. 7-21-10; 97-577, eff. 1-1-12;  
10          97-636, eff. 6-1-12.)

11          Section 25. The Public Utilities Act is amended by changing  
12          Section 9-222.1A as follows:

13           (220 ILCS 5/9-222.1A)

14          Sec. 9-222.1A. High impact business. Beginning on August 1,  
15          1998 and thereafter, a business enterprise that is certified as  
16          a High Impact Business by the Department of Commerce and  
17          Economic Opportunity (formerly Department of Commerce and  
18          Community Affairs) is exempt from the tax imposed by Section  
19          2-4 of the Electricity Excise Tax Law, if the High Impact  
20          Business is registered to self-assess that tax, and is exempt  
21          from any additional charges added to the business enterprise's  
22          utility bills as a pass-on of State utility taxes under Section  
23          9-222 of this Act, to the extent the tax or charges are  
24          exempted by the percentage specified by the Department of

1 Commerce and Economic Opportunity for State utility taxes,  
2 provided the business enterprise meets the following criteria:

3 (1) (A) it intends either (i) to make a minimum  
4 eligible investment of \$12,000,000 that will be placed  
5 in service in qualified property in Illinois and is  
6 intended to create at least 500 full-time equivalent  
7 jobs at a designated location in Illinois; or (ii) to  
8 make a minimum eligible investment of \$30,000,000 that  
9 will be placed in service in qualified property in  
10 Illinois and is intended to retain at least 1,500  
11 full-time equivalent jobs at a designated location in  
12 Illinois; or

13 (B) it meets the criteria of subdivision  
14 (a) (3) (B), (a) (3) (C), ~~or~~ (a) (3) (D), or (a) (3) (F) of  
15 Section 5.5 of the Illinois Enterprise Zone Act;

16 (2) it is designated as a High Impact Business by the  
17 Department of Commerce and Economic Opportunity; and

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

21 The Department of Commerce and Economic Opportunity shall  
22 determine the period during which the exemption from the  
23 Electricity Excise Tax Law and the charges imposed under  
24 Section 9-222 are in effect, which shall not exceed 20 years  
25 from the date of initial certification, and shall specify the  
26 percentage of the exemption from those taxes or additional

1 charges.

2 The Department of Commerce and Economic Opportunity is  
3 authorized to promulgate rules and regulations to carry out the  
4 provisions of this Section, including procedures for complying  
5 with the requirements specified in clauses (1) and (2) of this  
6 Section and procedures for applying for the exemptions  
7 authorized under this Section; to define the amounts and types  
8 of eligible investments that business enterprises must make in  
9 order to receive State utility tax exemptions or exemptions  
10 from the additional charges imposed under Section 9-222 and  
11 this Section; to approve such utility tax exemptions for  
12 business enterprises whose investments are not yet placed in  
13 service; and to require that business enterprises granted tax  
14 exemptions or exemptions from additional charges under Section  
15 9-222 repay the exempted amount if the business enterprise  
16 fails to comply with the terms and conditions of the  
17 certification.

18 Upon certification of the business enterprises by the  
19 Department of Commerce and Economic Opportunity, the  
20 Department of Commerce and Economic Opportunity shall notify  
21 the Department of Revenue of the certification. The Department  
22 of Revenue shall notify the public utilities of the exemption  
23 status of business enterprises from the tax or pass-on charges  
24 of State utility taxes. The exemption status shall take effect  
25 within 3 months after certification of the business enterprise.

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

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