

SB0638



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0638

Introduced 2/8/2007, by Sen. James A. DeLeo

SYNOPSIS AS INTRODUCED:

35 ILCS 120/1i

from Ch. 120, par. 440i

Amends the Retailers' Occupation Tax Act. Makes a technical change in a Section concerning High Impact Service Facilities.

LRB095 10573 BDD 30794 b

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Retailers' Occupation Tax Act is amended by
5 changing Section 1i as follows:

6 (35 ILCS 120/1i) (from Ch. 120, par. 440i)

7 Sec. 1i. High Impact Service Facility means a facility used
8 primarily for the ~~the~~ sorting, handling and redistribution of
9 mail, freight, cargo, or other parcels received from agents or
10 employees of the handler or shipper for processing at a common
11 location and redistribution to other employees or agents for
12 delivery to an ultimate destination on an item-by-item basis,
13 and which: (1) will make an investment in a business enterprise
14 project of \$100,000,000 dollars or more; (2) will cause the
15 creation of at least 750 to 1,000 jobs or more in an enterprise
16 zone established pursuant to the Illinois Enterprise Zone Act;
17 and (3) is certified by the Department of Commerce and Economic
18 Opportunity as contractually obligated to meet the
19 requirements specified in divisions (1) and (2) of this
20 paragraph within the time period as specified by the
21 certification. Any business enterprise project applying for
22 the exemption stated in this Section shall make application to
23 the Department of Commerce and Economic Opportunity in such

1 form and providing such information as may be prescribed by the
2 Department of Commerce and Economic Opportunity.

3 The Department of Commerce and Economic Opportunity shall
4 determine whether the business enterprise project meets the
5 criteria prescribed in this Section. If the Department of
6 Commerce and Economic Opportunity determines that such
7 business enterprise project meets the criteria, it shall issue
8 a certificate of eligibility for exemption to the business
9 enterprise in such form as is prescribed by the Department of
10 Revenue. The Department of Commerce and Economic Opportunity
11 shall act upon such certification requests within 60 days after
12 receipt of the application, and shall file with the Department
13 of Revenue a copy of each certificate of eligibility for
14 exemption.

15 The Department of Commerce and Economic Opportunity shall
16 have the power to promulgate rules and regulations to carry out
17 the provisions of this Section and to require that any business
18 enterprise that is granted a tax exemption repay the exempted
19 tax if the business enterprise fails to comply with the terms
20 and conditions of the certification.

21 The certificate of eligibility for exemption shall be
22 presented by the business enterprise to its supplier when
23 making the initial purchase of machinery and equipment for
24 which an exemption is granted by Section 1j of this Act,
25 together with a certification by the business enterprise that
26 such machinery and equipment is exempt from taxation under

1 Section 1j of this Act and by indicating the exempt status of
2 each subsequent purchase on the face of the purchase order.

3 The certification of eligibility for exemption shall be
4 presented by the business enterprise to its supplier when
5 making the purchase of jet fuel and petroleum products for
6 which an exemption is granted by Section 1j.1 of this Act,
7 together with a certification by the business enterprise that
8 such jet fuel and petroleum product, are exempt from taxation
9 under Section 1j.1 of this Act, and by indicating the exempt
10 status of each subsequent purchase on the face of the purchase
11 order.

12 The Department of Commerce and Economic Opportunity shall
13 determine the period during which such exemption from the taxes
14 imposed under this Act will remain in effect.

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