



Sen. Don Harmon

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10100SB1530sam001

LRB101 08495 JWD 58805 a

1 AMENDMENT TO SENATE BILL 1530

2 AMENDMENT NO. _____. Amend Senate Bill 1530 by replacing
3 everything after the enacting clause with the following:

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

6 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

7 Sec. 5.5. High Impact Business.

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

14 (1) such applications may be submitted at any time
15 during the year;

16 (2) such business is not located, at the time of

1 designation, in an enterprise zone designated pursuant to
2 this Act;

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

5 (A) the business intends to make a minimum
6 investment of \$12,000,000 which will be placed in
7 service in qualified property and intends to create 500
8 full-time equivalent jobs at a designated location in
9 Illinois or intends to make a minimum investment of
10 \$30,000,000 which will be placed in service in
11 qualified property and intends to retain 1,500
12 full-time retained jobs at a designated location in
13 Illinois. The business must certify in writing that the
14 investments would not be placed in service in qualified
15 property and the job creation or job retention would
16 not occur without the tax credits and exemptions set
17 forth in subsection (b) of this Section. The terms
18 "placed in service" and "qualified property" have the
19 same meanings as described in subsection (h) of Section
20 201 of the Illinois Income Tax Act; or

21 (B) the business intends to establish a new
22 electric generating facility at a designated location
23 in Illinois. "New electric generating facility", for
24 purposes of this Section, means a newly-constructed
25 electric generation plant or a newly-constructed
26 generation capacity expansion at an existing electric

1 generation plant, including the transmission lines and
2 associated equipment that transfers electricity from
3 points of supply to points of delivery, and for which
4 such new foundation construction commenced not sooner
5 than July 1, 2001. Such facility shall be designed to
6 provide baseload electric generation and shall operate
7 on a continuous basis throughout the year; and (i)
8 shall have an aggregate rated generating capacity of at
9 least 1,000 megawatts for all new units at one site if
10 it uses natural gas as its primary fuel and foundation
11 construction of the facility is commenced on or before
12 December 31, 2004, or shall have an aggregate rated
13 generating capacity of at least 400 megawatts for all
14 new units at one site if it uses coal or gases derived
15 from coal as its primary fuel and shall support the
16 creation of at least 150 new Illinois coal mining jobs,
17 or (ii) shall be funded through a federal Department of
18 Energy grant before December 31, 2010 and shall support
19 the creation of Illinois coal-mining jobs, or (iii)
20 shall use coal gasification or integrated
21 gasification-combined cycle units that generate
22 electricity or chemicals, or both, and shall support
23 the creation of Illinois coal-mining jobs. The
24 business must certify in writing that the investments
25 necessary to establish a new electric generating
26 facility would not be placed in service and the job

1 creation in the case of a coal-fueled plant would not
2 occur without the tax credits and exemptions set forth
3 in subsection (b-5) of this Section. The term "placed
4 in service" has the same meaning as described in
5 subsection (h) of Section 201 of the Illinois Income
6 Tax Act; or

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

22 (C) the business intends to establish production
23 operations at a new coal mine, re-establish production
24 operations at a closed coal mine, or expand production
25 at an existing coal mine at a designated location in
26 Illinois not sooner than July 1, 2001; provided that

1 the production operations result in the creation of 150
2 new Illinois coal mining jobs as described in
3 subdivision (a)(3)(B) of this Section, and further
4 provided that the coal extracted from such mine is
5 utilized as the predominant source for a new electric
6 generating facility. The business must certify in
7 writing that the investments necessary to establish a
8 new, expanded, or reopened coal mine would not be
9 placed in service and the job creation would not occur
10 without the tax credits and exemptions set forth in
11 subsection (b-5) of this Section. The term "placed in
12 service" has the same meaning as described in
13 subsection (h) of Section 201 of the Illinois Income
14 Tax Act; or

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

1 this Section. The business must certify in writing that
2 the investments necessary to construct new
3 transmission facilities or upgrade existing
4 transmission facilities would not be placed in service
5 without the tax credits and exemptions set forth in
6 subsection (b-5) of this Section. The term "placed in
7 service" has the same meaning as described in
8 subsection (h) of Section 201 of the Illinois Income
9 Tax Act; or

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

26 (F) the business commits to (i) make a minimum

1 investment of \$500,000,000, which will be placed in
2 service in a qualified property, (ii) create 125
3 full-time equivalent jobs at a designated location in
4 Illinois, (iii) establish a fertilizer plant at a
5 designated location in Illinois that complies with the
6 set-back standards as described in Table 1: Initial
7 Isolation and Protective Action Distances in the 2012
8 Emergency Response Guidebook published by the United
9 States Department of Transportation, (iv) pay a
10 prevailing wage for employees at that location who are
11 engaged in construction activities, and (v) secure an
12 appropriate level of general liability insurance to
13 protect against catastrophic failure of the fertilizer
14 plant or any of its constituent systems; in addition,
15 the business must agree to enter into a construction
16 project labor agreement including provisions
17 establishing wages, benefits, and other compensation
18 for employees performing work under the project labor
19 agreement at that location; for the purposes of this
20 Section, "fertilizer plant" means a newly constructed
21 or upgraded plant utilizing gas used in the production
22 of anhydrous ammonia and downstream nitrogen
23 fertilizer products for resale; for the purposes of
24 this Section, "prevailing wage" means the hourly cash
25 wages plus fringe benefits for training and
26 apprenticeship programs approved by the U.S.

1 Department of Labor, Bureau of Apprenticeship and
2 Training, health and welfare, insurance, vacations and
3 pensions paid generally, in the locality in which the
4 work is being performed, to employees engaged in work
5 of a similar character on public works; this paragraph
6 (F) applies only to businesses that submit an
7 application to the Department within 60 days after July
8 25, 2013 (the effective date of Public Act 98-109) ~~this~~
9 ~~amendatory Act of the 98th General Assembly; or and~~

10 (G) the business intends to establish a new utility-scale
11 solar facility at a designated location in Illinois. For
12 purposes of this Section, "new utility-scale solar facility"
13 means a newly constructed electric generation facility of
14 greater than 2,000 kilowatts of nameplate capacity, or a newly
15 constructed expansion of greater than 2,000 kilowatts of
16 nameplate capacity of an existing electric generation facility
17 of greater than 2,000 kilowatts of nameplate capacity, placed
18 in service on or after June 1, 2017, that generates electricity
19 using photovoltaic cells or panels, and such facility shall be
20 deemed to include all associated inverters, transmission
21 lines, substations, and other equipment related to the
22 generation of electricity from photovoltaic cells or panels;
23 and

24 (4) no later than 90 days after an application is
25 submitted, the Department shall notify the applicant of the
26 Department's determination of the qualification of the

1 proposed High Impact Business under this Section.

2 (b) Businesses designated as High Impact Businesses
3 pursuant to subdivision (a) (3) (A) of this Section shall qualify
4 for the credits and exemptions described in the following Acts:
5 Section 9-222 and Section 9-222.1A of the Public Utilities Act,
6 subsection (h) of Section 201 of the Illinois Income Tax Act,
7 and Section 1d of the Retailers' Occupation Tax Act; provided
8 that these credits and exemptions described in these Acts shall
9 not be authorized until the minimum investments set forth in
10 subdivision (a) (3) (A) of this Section have been placed in
11 service in qualified properties and, in the case of the
12 exemptions described in the Public Utilities Act and Section 1d
13 of the Retailers' Occupation Tax Act, the minimum full-time
14 equivalent jobs or full-time retained jobs set forth in
15 subdivision (a) (3) (A) of this Section have been created or
16 retained. Businesses designated as High Impact Businesses
17 under this Section shall also qualify for the exemption
18 described in Section 51 of the Retailers' Occupation Tax Act.
19 The credit provided in subsection (h) of Section 201 of the
20 Illinois Income Tax Act shall be applicable to investments in
21 qualified property as set forth in subdivision (a) (3) (A) of
22 this Section.

23 (b-5) Businesses designated as High Impact Businesses
24 pursuant to subdivisions (a) (3) (B), (a) (3) (B-5), (a) (3) (C),
25 and (a) (3) (D) of this Section shall qualify for the credits and
26 exemptions described in the following Acts: Section 51 of the

1 Retailers' Occupation Tax Act, Section 9-222 and Section
2 9-222.1A of the Public Utilities Act, and subsection (h) of
3 Section 201 of the Illinois Income Tax Act; however, the
4 credits and exemptions authorized under Section 9-222 and
5 Section 9-222.1A of the Public Utilities Act, and subsection
6 (h) of Section 201 of the Illinois Income Tax Act shall not be
7 authorized until the new electric generating facility, the new
8 gasification facility, the new transmission facility, or the
9 new, expanded, or reopened coal mine is operational, except
10 that a new electric generating facility whose primary fuel
11 source is natural gas is eligible only for the exemption under
12 Section 51 of the Retailers' Occupation Tax Act.

13 (b-6) Businesses designated as High Impact Businesses
14 pursuant to subdivision (a) (3) (E) and (a) (3) (G) of this Section
15 shall qualify for the exemptions described in Section 51 of the
16 Retailers' Occupation Tax Act; any business so designated as a
17 High Impact Business being, for purposes of this Section, a
18 "Renewable ~~Wind~~ Energy Business".

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

25 (d) Except for businesses contemplated under subdivision
26 (a) (3) (E) and (a) (3) (G) of this Section, existing Illinois

1 businesses which apply for designation as a High Impact
2 Business must provide the Department with the prospective plan
3 for which 1,500 full-time retained jobs would be eliminated in
4 the event that the business is not designated.

5 (e) Except for new wind power facilities contemplated under
6 subdivision (a) (3) (E) and new utility-scale solar facilities
7 contemplated under subdivision (a) (3) (G) of this Section, new
8 proposed facilities which apply for designation as High Impact
9 Business must provide the Department with proof of alternative
10 non-Illinois sites which would receive the proposed investment
11 and job creation in the event that the business is not
12 designated as a High Impact Business.

13 (f) Except for businesses contemplated under subdivision
14 (a) (3) (E) and (a) (3) (G) of this Section, in the event that a
15 business is designated a High Impact Business and it is later
16 determined after reasonable notice and an opportunity for a
17 hearing as provided under the Illinois Administrative
18 Procedure Act, that the business would have placed in service
19 in qualified property the investments and created or retained
20 the requisite number of jobs without the benefits of the High
21 Impact Business designation, the Department shall be required
22 to immediately revoke the designation and notify the Director
23 of the Department of Revenue who shall begin proceedings to
24 recover all wrongfully exempted State taxes with interest. The
25 business shall also be ineligible for all State funded
26 Department programs for a period of 10 years.

1 (g) The Department shall revoke a High Impact Business
2 designation if the participating business fails to comply with
3 the terms and conditions of the designation. However, the
4 penalties for new wind power facilities, new utility-scale
5 solar facilities, or Renewable ~~Wind~~ Energy Businesses for
6 failure to comply with any of the terms or conditions of the
7 Illinois Prevailing Wage Act shall be only those penalties
8 identified in the Illinois Prevailing Wage Act, and the
9 Department shall not revoke a High Impact Business designation
10 as a result of the failure to comply with any of the terms or
11 conditions of the Illinois Prevailing Wage Act in relation to a
12 new wind power facility, new utility-scale solar facilities, or
13 a Renewable ~~Wind~~ Energy Business.

14 (h) Prior to designating a business, the Department shall
15 provide the members of the General Assembly and Commission on
16 Government Forecasting and Accountability with a report
17 setting forth the terms and conditions of the designation and
18 guarantees that have been received by the Department in
19 relation to the proposed business being designated.

20 (Source: P.A. 97-905, eff. 8-7-12; 98-109, eff. 7-25-13.)

21 Section 10. The Prevailing Wage Act is amended by changing
22 Section 2 as follows:

23 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

24 (Text of Section before amendment by P.A. 100-1177)

1 Sec. 2. This Act applies to the wages of laborers,
2 mechanics and other workers employed in any public works, as
3 hereinafter defined, by any public body and to anyone under
4 contracts for public works. This includes any maintenance,
5 repair, assembly, or disassembly work performed on equipment
6 whether owned, leased, or rented.

7 As used in this Act, unless the context indicates
8 otherwise:

9 "Public works" means all fixed works constructed or
10 demolished by any public body, or paid for wholly or in part
11 out of public funds. "Public works" as defined herein includes
12 all projects financed in whole or in part with bonds, grants,
13 loans, or other funds made available by or through the State or
14 any of its political subdivisions, including but not limited
15 to: bonds issued under the Industrial Project Revenue Bond Act
16 (Article 11, Division 74 of the Illinois Municipal Code), the
17 Industrial Building Revenue Bond Act, the Illinois Finance
18 Authority Act, the Illinois Sports Facilities Authority Act, or
19 the Build Illinois Bond Act; loans or other funds made
20 available pursuant to the Build Illinois Act; loans or other
21 funds made available pursuant to the Riverfront Development
22 Fund under Section 10-15 of the River Edge Redevelopment Zone
23 Act; or funds from the Fund for Illinois' Future under Section
24 6z-47 of the State Finance Act, funds for school construction
25 under Section 5 of the General Obligation Bond Act, funds
26 authorized under Section 3 of the School Construction Bond Act,

1 funds for school infrastructure under Section 6z-45 of the
2 State Finance Act, and funds for transportation purposes under
3 Section 4 of the General Obligation Bond Act. "Public works"
4 also includes (i) all projects financed in whole or in part
5 with funds from the Department of Commerce and Economic
6 Opportunity under the Illinois Renewable Fuels Development
7 Program Act for which there is no project labor agreement; (ii)
8 all work performed pursuant to a public private agreement under
9 the Public Private Agreements for the Illiana Expressway Act or
10 the Public-Private Agreements for the South Suburban Airport
11 Act; and (iii) all projects undertaken under a public-private
12 agreement under the Public-Private Partnerships for
13 Transportation Act. "Public works" also includes all projects
14 at leased facility property used for airport purposes under
15 Section 35 of the Local Government Facility Lease Act. "Public
16 works" also includes the construction of a new wind power
17 facility by a business designated as a High Impact Business
18 under Section 5.5(a)(3)(E) and a new utility-scale solar
19 facility under Section 5.5 (a) (3) (G) of the Illinois Enterprise
20 Zone Act. "Public works" does not include work done directly by
21 any public utility company, whether or not done under public
22 supervision or direction, or paid for wholly or in part out of
23 public funds. "Public works" also includes any corrective
24 action performed pursuant to Title XVI of the Environmental
25 Protection Act for which payment from the Underground Storage
26 Tank Fund is requested. "Public works" does not include

1 projects undertaken by the owner at an owner-occupied
2 single-family residence or at an owner-occupied unit of a
3 multi-family residence. "Public works" does not include work
4 performed for soil and water conservation purposes on
5 agricultural lands, whether or not done under public
6 supervision or paid for wholly or in part out of public funds,
7 done directly by an owner or person who has legal control of
8 those lands.

9 "Construction" means all work on public works involving
10 laborers, workers or mechanics. This includes any maintenance,
11 repair, assembly, or disassembly work performed on equipment
12 whether owned, leased, or rented.

13 "Locality" means the county where the physical work upon
14 public works is performed, except (1) that if there is not
15 available in the county a sufficient number of competent
16 skilled laborers, workers and mechanics to construct the public
17 works efficiently and properly, "locality" includes any other
18 county nearest the one in which the work or construction is to
19 be performed and from which such persons may be obtained in
20 sufficient numbers to perform the work and (2) that, with
21 respect to contracts for highway work with the Department of
22 Transportation of this State, "locality" may at the discretion
23 of the Secretary of the Department of Transportation be
24 construed to include two or more adjacent counties from which
25 workers may be accessible for work on such construction.

26 "Public body" means the State or any officer, board or

1 commission of the State or any political subdivision or
2 department thereof, or any institution supported in whole or in
3 part by public funds, and includes every county, city, town,
4 village, township, school district, irrigation, utility,
5 reclamation improvement or other district and every other
6 political subdivision, district or municipality of the state
7 whether such political subdivision, municipality or district
8 operates under a special charter or not.

9 The terms "general prevailing rate of hourly wages",
10 "general prevailing rate of wages" or "prevailing rate of
11 wages" when used in this Act mean the hourly cash wages plus
12 annualized fringe benefits for training and apprenticeship
13 programs approved by the U.S. Department of Labor, Bureau of
14 Apprenticeship and Training, health and welfare, insurance,
15 vacations and pensions paid generally, in the locality in which
16 the work is being performed, to employees engaged in work of a
17 similar character on public works.

18 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;
19 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.
20 7-16-14.)

21 (Text of Section after amendment by P.A. 100-1177)

22 Sec. 2. This Act applies to the wages of laborers,
23 mechanics and other workers employed in any public works, as
24 hereinafter defined, by any public body and to anyone under
25 contracts for public works. This includes any maintenance,

1 repair, assembly, or disassembly work performed on equipment
2 whether owned, leased, or rented.

3 As used in this Act, unless the context indicates
4 otherwise:

5 "Public works" means all fixed works constructed or
6 demolished by any public body, or paid for wholly or in part
7 out of public funds. "Public works" as defined herein includes
8 all projects financed in whole or in part with bonds, grants,
9 loans, or other funds made available by or through the State or
10 any of its political subdivisions, including but not limited
11 to: bonds issued under the Industrial Project Revenue Bond Act
12 (Article 11, Division 74 of the Illinois Municipal Code), the
13 Industrial Building Revenue Bond Act, the Illinois Finance
14 Authority Act, the Illinois Sports Facilities Authority Act, or
15 the Build Illinois Bond Act; loans or other funds made
16 available pursuant to the Build Illinois Act; loans or other
17 funds made available pursuant to the Riverfront Development
18 Fund under Section 10-15 of the River Edge Redevelopment Zone
19 Act; or funds from the Fund for Illinois' Future under Section
20 6z-47 of the State Finance Act, funds for school construction
21 under Section 5 of the General Obligation Bond Act, funds
22 authorized under Section 3 of the School Construction Bond Act,
23 funds for school infrastructure under Section 6z-45 of the
24 State Finance Act, and funds for transportation purposes under
25 Section 4 of the General Obligation Bond Act. "Public works"
26 also includes (i) all projects financed in whole or in part

1 with funds from the Department of Commerce and Economic
2 Opportunity under the Illinois Renewable Fuels Development
3 Program Act for which there is no project labor agreement; (ii)
4 all work performed pursuant to a public private agreement under
5 the Public Private Agreements for the Illiana Expressway Act or
6 the Public-Private Agreements for the South Suburban Airport
7 Act; and (iii) all projects undertaken under a public-private
8 agreement under the Public-Private Partnerships for
9 Transportation Act. "Public works" also includes all projects
10 at leased facility property used for airport purposes under
11 Section 35 of the Local Government Facility Lease Act. "Public
12 works" also includes the construction of a new wind power
13 facility by a business designated as a High Impact Business
14 under Section 5.5(a)(3)(E) and a new utility-scale solar
15 facility under Section 5.5 (a) (3) (G) of the Illinois Enterprise
16 Zone Act. "Public works" does not include work done directly by
17 any public utility company, whether or not done under public
18 supervision or direction, or paid for wholly or in part out of
19 public funds. "Public works" also includes any corrective
20 action performed pursuant to Title XVI of the Environmental
21 Protection Act for which payment from the Underground Storage
22 Tank Fund is requested. "Public works" does not include
23 projects undertaken by the owner at an owner-occupied
24 single-family residence or at an owner-occupied unit of a
25 multi-family residence. "Public works" does not include work
26 performed for soil and water conservation purposes on

1 agricultural lands, whether or not done under public
2 supervision or paid for wholly or in part out of public funds,
3 done directly by an owner or person who has legal control of
4 those lands.

5 "Construction" means all work on public works involving
6 laborers, workers or mechanics. This includes any maintenance,
7 repair, assembly, or disassembly work performed on equipment
8 whether owned, leased, or rented.

9 "Locality" means the county where the physical work upon
10 public works is performed, except (1) that if there is not
11 available in the county a sufficient number of competent
12 skilled laborers, workers and mechanics to construct the public
13 works efficiently and properly, "locality" includes any other
14 county nearest the one in which the work or construction is to
15 be performed and from which such persons may be obtained in
16 sufficient numbers to perform the work and (2) that, with
17 respect to contracts for highway work with the Department of
18 Transportation of this State, "locality" may at the discretion
19 of the Secretary of the Department of Transportation be
20 construed to include two or more adjacent counties from which
21 workers may be accessible for work on such construction.

22 "Public body" means the State or any officer, board or
23 commission of the State or any political subdivision or
24 department thereof, or any institution supported in whole or in
25 part by public funds, and includes every county, city, town,
26 village, township, school district, irrigation, utility,

1 reclamation improvement or other district and every other
2 political subdivision, district or municipality of the state
3 whether such political subdivision, municipality or district
4 operates under a special charter or not.

5 "Labor organization" means an organization that is the
6 exclusive representative of an employer's employees recognized
7 or certified pursuant to the National Labor Relations Act.

8 The terms "general prevailing rate of hourly wages",
9 "general prevailing rate of wages" or "prevailing rate of
10 wages" when used in this Act mean the hourly cash wages plus
11 annualized fringe benefits for training and apprenticeship
12 programs approved by the U.S. Department of Labor, Bureau of
13 Apprenticeship and Training, health and welfare, insurance,
14 vacations and pensions paid generally, in the locality in which
15 the work is being performed, to employees engaged in work of a
16 similar character on public works.

17 (Source: P.A. 100-1177, eff. 6-1-19.)

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act."