

1 AN ACT concerning regulation.

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

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
17 designation, in an enterprise zone designated pursuant to
18 this Act;

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

21 (A) the business intends to make a minimum
22 investment of \$12,000,000 which will be placed in
23 service in qualified property and intends to create 500

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

14 (B) the business intends to establish a new
15 electric generating facility at a designated location
16 in Illinois. "New electric generating facility", for
17 purposes of this Section, means a newly-constructed
18 electric generation plant or a newly-constructed
19 generation capacity expansion at an existing electric
20 generation plant, including the transmission lines and
21 associated equipment that transfers electricity from
22 points of supply to points of delivery, and for which
23 such new foundation construction commenced not sooner
24 than July 1, 2001. Such facility shall be designed to
25 provide baseload electric generation and shall operate
26 on a continuous basis throughout the year; and (i)

1 shall have an aggregate rated generating capacity of at
2 least 1,000 megawatts for all new units at one site if
3 it uses natural gas as its primary fuel and foundation
4 construction of the facility is commenced on or before
5 December 31, 2004, or shall have an aggregate rated
6 generating capacity of at least 400 megawatts for all
7 new units at one site if it uses coal or gases derived
8 from coal as its primary fuel and shall support the
9 creation of at least 150 new Illinois coal mining jobs,
10 or (ii) shall be funded through a federal Department of
11 Energy grant before December 31, 2010 and shall support
12 the creation of Illinois coal-mining jobs, or (iii)
13 shall use coal gasification or integrated
14 gasification-combined cycle units that generate
15 electricity or chemicals, or both, and shall support
16 the creation of Illinois coal-mining jobs. The
17 business must certify in writing that the investments
18 necessary to establish a new electric generating
19 facility would not be placed in service and the job
20 creation in the case of a coal-fueled plant would not
21 occur without the tax credits and exemptions set forth
22 in subsection (b-5) of this Section. The term "placed
23 in service" has the same meaning as described in
24 subsection (h) of Section 201 of the Illinois Income
25 Tax Act; or

26 (B-5) the business intends to establish a new

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

15 (C) the business intends to establish production
16 operations at a new coal mine, re-establish production
17 operations at a closed coal mine, or expand production
18 at an existing coal mine at a designated location in
19 Illinois not sooner than July 1, 2001; provided that
20 the production operations result in the creation of 150
21 new Illinois coal mining jobs as described in
22 subdivision (a)(3)(B) of this Section, and further
23 provided that the coal extracted from such mine is
24 utilized as the predominant source for a new electric
25 generating facility. The business must certify in
26 writing that the investments necessary to establish a

1 new, expanded, or reopened coal mine would not be
2 placed in service and the job creation would not occur
3 without the tax credits and exemptions set forth in
4 subsection (b-5) of this Section. The term "placed in
5 service" has the same meaning as described in
6 subsection (h) of Section 201 of the Illinois Income
7 Tax Act; or

8 (D) the business intends to construct new
9 transmission facilities or upgrade existing
10 transmission facilities at designated locations in
11 Illinois, for which construction commenced not sooner
12 than July 1, 2001. For the purposes of this Section,
13 "transmission facilities" means transmission lines
14 with a voltage rating of 115 kilovolts or above,
15 including associated equipment, that transfer
16 electricity from points of supply to points of delivery
17 and that transmit a majority of the electricity
18 generated by a new electric generating facility
19 designated as a High Impact Business in accordance with
20 this Section. The business must certify in writing that
21 the investments necessary to construct new
22 transmission facilities or upgrade existing
23 transmission facilities would not be placed in service
24 without the tax credits and exemptions set forth in
25 subsection (b-5) of this Section. The term "placed in
26 service" has the same meaning as described in

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

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

19 (F) the business commits to (i) make a minimum
20 investment of \$500,000,000, which will be placed in
21 service in a qualified property, (ii) create 125
22 full-time equivalent jobs at a designated location in
23 Illinois, (iii) establish a fertilizer plant at a
24 designated location in Illinois that complies with the
25 set-back standards as described in Table 1: Initial
26 Isolation and Protective Action Distances in the 2012

1 Emergency Response Guidebook published by the United
2 States Department of Transportation, (iv) pay a
3 prevailing wage for employees at that location who are
4 engaged in construction activities, and (v) secure an
5 appropriate level of general liability insurance to
6 protect against catastrophic failure of the fertilizer
7 plant or any of its constituent systems; in addition,
8 the business must agree to enter into a construction
9 project labor agreement including provisions
10 establishing wages, benefits, and other compensation
11 for employees performing work under the project labor
12 agreement at that location; for the purposes of this
13 Section, "fertilizer plant" means a newly constructed
14 or upgraded plant utilizing gas used in the production
15 of anhydrous ammonia and downstream nitrogen
16 fertilizer products for resale; for the purposes of
17 this Section, "prevailing wage" means the hourly cash
18 wages plus fringe benefits for training and
19 apprenticeship programs approved by the U.S.
20 Department of Labor, Bureau of Apprenticeship and
21 Training, health and welfare, insurance, vacations and
22 pensions paid generally, in the locality in which the
23 work is being performed, to employees engaged in work
24 of a similar character on public works; this paragraph
25 (F) applies only to businesses that submit an
26 application to the Department within 60 days after July

1 25, 2013 (the effective date of Public Act 98-109) ~~this~~
2 ~~amendatory Act of the 98th General Assembly; or and~~

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

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

23 (b) Businesses designated as High Impact Businesses
24 pursuant to subdivision (a) (3) (A) of this Section shall qualify
25 for the credits and exemptions described in the following Acts:
26 Section 9-222 and Section 9-222.1A of the Public Utilities Act,

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

18 (b-5) Businesses designated as High Impact Businesses
19 pursuant to subdivisions (a)(3)(B), (a)(3)(B-5), (a)(3)(C),
20 and (a)(3)(D) of this Section shall qualify for the credits and
21 exemptions described in the following Acts: Section 51 of the
22 Retailers' Occupation Tax Act, Section 9-222 and Section
23 9-222.1A of the Public Utilities Act, and subsection (h) of
24 Section 201 of the Illinois Income Tax Act; however, the
25 credits and exemptions authorized under Section 9-222 and
26 Section 9-222.1A of the Public Utilities Act, and subsection

1 (h) of Section 201 of the Illinois Income Tax Act shall not be
2 authorized until the new electric generating facility, the new
3 gasification facility, the new transmission facility, or the
4 new, expanded, or reopened coal mine is operational, except
5 that a new electric generating facility whose primary fuel
6 source is natural gas is eligible only for the exemption under
7 Section 51 of the Retailers' Occupation Tax Act.

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

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

20 (d) Except for businesses contemplated under subdivision
21 (a) (3) (E) and (a) (3) (G) of this Section, existing Illinois
22 businesses which apply for designation as a High Impact
23 Business must provide the Department with the prospective plan
24 for which 1,500 full-time retained jobs would be eliminated in
25 the event that the business is not designated.

26 (e) Except for new wind power facilities contemplated under

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

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

22 (g) The Department shall revoke a High Impact Business
23 designation if the participating business fails to comply with
24 the terms and conditions of the designation. However, the
25 penalties for new wind power facilities, new utility-scale
26 solar facilities, or Renewable Wind Energy Businesses for

1 failure to comply with any of the terms or conditions of the
2 Illinois Prevailing Wage Act shall be only those penalties
3 identified in the Illinois Prevailing Wage Act, and the
4 Department shall not revoke a High Impact Business designation
5 as a result of the failure to comply with any of the terms or
6 conditions of the Illinois Prevailing Wage Act in relation to a
7 new wind power facility, new utility-scale solar facilities, or
8 a Renewable ~~Wind~~ Energy Business.

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

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

16 Section 10. The Prevailing Wage Act is amended by changing
17 Section 2 as follows:

18 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

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

20 Sec. 2. This Act applies to the wages of laborers,
21 mechanics and other workers employed in any public works, as
22 hereinafter defined, by any public body and to anyone under
23 contracts for public works. This includes any maintenance,
24 repair, assembly, or disassembly work performed on equipment

1 whether owned, leased, or rented.

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

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

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

1 supervision or paid for wholly or in part out of public funds,
2 done directly by an owner or person who has legal control of
3 those lands.

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

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

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

1 political subdivision, district or municipality of the state
2 whether such political subdivision, municipality or district
3 operates under a special charter or not.

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

13 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;
14 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.
15 7-16-14.)

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

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

23 As used in this Act, unless the context indicates
24 otherwise:

25 "Public works" means all fixed works constructed or

1 demolished by any public body, or paid for wholly or in part
2 out of public funds. "Public works" as defined herein includes
3 all projects financed in whole or in part with bonds, grants,
4 loans, or other funds made available by or through the State or
5 any of its political subdivisions, including but not limited
6 to: bonds issued under the Industrial Project Revenue Bond Act
7 (Article 11, Division 74 of the Illinois Municipal Code), the
8 Industrial Building Revenue Bond Act, the Illinois Finance
9 Authority Act, the Illinois Sports Facilities Authority Act, or
10 the Build Illinois Bond Act; loans or other funds made
11 available pursuant to the Build Illinois Act; loans or other
12 funds made available pursuant to the Riverfront Development
13 Fund under Section 10-15 of the River Edge Redevelopment Zone
14 Act; or funds from the Fund for Illinois' Future under Section
15 6z-47 of the State Finance Act, funds for school construction
16 under Section 5 of the General Obligation Bond Act, funds
17 authorized under Section 3 of the School Construction Bond Act,
18 funds for school infrastructure under Section 6z-45 of the
19 State Finance Act, and funds for transportation purposes under
20 Section 4 of the General Obligation Bond Act. "Public works"
21 also includes (i) all projects financed in whole or in part
22 with funds from the Department of Commerce and Economic
23 Opportunity under the Illinois Renewable Fuels Development
24 Program Act for which there is no project labor agreement; (ii)
25 all work performed pursuant to a public private agreement under
26 the Public Private Agreements for the Illiana Expressway Act or

1 the Public-Private Agreements for the South Suburban Airport
2 Act; and (iii) all projects undertaken under a public-private
3 agreement under the Public-Private Partnerships for
4 Transportation Act. "Public works" also includes all projects
5 at leased facility property used for airport purposes under
6 Section 35 of the Local Government Facility Lease Act. "Public
7 works" also includes the construction of a new wind power
8 facility by a business designated as a High Impact Business
9 under Section 5.5(a)(3)(E) and a new utility-scale solar
10 facility under Section 5.5 (a) (3) (G) of the Illinois Enterprise
11 Zone Act. "Public works" does not include work done directly by
12 any public utility company, whether or not done under public
13 supervision or direction, or paid for wholly or in part out of
14 public funds. "Public works" also includes any corrective
15 action performed pursuant to Title XVI of the Environmental
16 Protection Act for which payment from the Underground Storage
17 Tank Fund is requested. "Public works" does not include
18 projects undertaken by the owner at an owner-occupied
19 single-family residence or at an owner-occupied unit of a
20 multi-family residence. "Public works" does not include work
21 performed for soil and water conservation purposes on
22 agricultural lands, whether or not done under public
23 supervision or paid for wholly or in part out of public funds,
24 done directly by an owner or person who has legal control of
25 those lands.

26 "Construction" means all work on public works involving

1 laborers, workers or mechanics. This includes any maintenance,
2 repair, assembly, or disassembly work performed on equipment
3 whether owned, leased, or rented.

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

17 "Public body" means the State or any officer, board or
18 commission of the State or any political subdivision or
19 department thereof, or any institution supported in whole or in
20 part by public funds, and includes every county, city, town,
21 village, township, school district, irrigation, utility,
22 reclamation improvement or other district and every other
23 political subdivision, district or municipality of the state
24 whether such political subdivision, municipality or district
25 operates under a special charter or not.

26 "Labor organization" means an organization that is the

1 exclusive representative of an employer's employees recognized
2 or certified pursuant to the National Labor Relations Act.

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

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

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