



Sen. Celina Villanueva

**Filed: 1/10/2023**

10200HB3107sam001

LRB102 15737 HLH 42605 a

1 AMENDMENT TO HOUSE BILL 3107

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3107 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Invest in Illinois Act.

6 Section 5. Purpose. The General Assembly finds that the  
7 State must encourage and promote the retention and expansion  
8 of existing businesses and industry within the State and  
9 recruit and attract new businesses and industry to the State  
10 by providing businesses with ready access to the capital and  
11 incentives needed to stimulate economic activity and create  
12 new jobs.

13 Section 10. Definitions. As used in this Act:

14 "Agreement" means an agreement between an applicant and  
15 the Department under Section 30 of this Act.

1 "Applicant" means a taxpayer that operates or plans to  
2 operate an eligible business in the State.

3 "Business" means a sole proprietorship, partnership,  
4 corporation, or limited liability company.

5 "Capital improvement" means (i) the purchase, renovation,  
6 rehabilitation, or construction, at an approved project site  
7 in the State, of land, buildings, structures, equipment, or  
8 furnishings and (ii) goods or services that are normally  
9 capitalized, including organizational costs and research and  
10 development costs incurred in Illinois. "Capital improvement"  
11 does not include land, buildings, structures, and equipment  
12 that are leased, unless the term of the lease equals or exceeds  
13 the term of the agreement. For land, buildings, structures,  
14 and equipment that are leased and are considered capital  
15 improvements, the cost of the property shall be determined  
16 from the present value of the lease payments, using the  
17 corporate interest rate prevailing at the time of the  
18 application.

19 "Capital investment" means the expenditure of money for  
20 capital improvements.

21 "Department" means the Department of Commerce and Economic  
22 Opportunity.

23 "Director" means the Director of Commerce and Economic  
24 Opportunity.

25 "Eligible business" means a business that is engaged in  
26 manufacturing, processing, assembling, warehousing, or

1 distributing products, conducting research and development,  
2 providing tourism services, or providing commercial services  
3 in office industries or agricultural processing. "Eligible  
4 business" does not include a retailer or a provider of health  
5 services or professional services.

6 "Full-time employee" means an individual who is employed  
7 for consideration for at least 35 hours each week or who  
8 renders any other standard of service generally accepted by  
9 industry custom or practice as full-time employment. Annually  
10 scheduled periods for inventory or repairs, vacations,  
11 holidays, and paid time for sick leave, vacation, or other  
12 leave shall be included in this computation of full-time  
13 employment. An individual for whom a W-2 is issued by a  
14 Professional Employer Organization is a full-time employee if  
15 employed in the service of the applicant for consideration for  
16 at least 35 hours each week.

17 "Project" means for-profit economic development activity  
18 or activities at a single site. For-profit economic  
19 development activity or activities of one or more taxpayers at  
20 multiple sites may be considered a project if the economic  
21 activities are vertically integrated and designated by the  
22 Department as a project and as the subject of an agreement that  
23 includes capital improvement requirements and job creation  
24 requirements and, if applicable, job retention requirements  
25 for the project location or locations. The employees subject  
26 to the agreement must be assigned to a specific project

1 location and work there as their primary location.

2 "Qualified investment" means investment in this State  
3 related to a project subject to an agreement under this Act.

4 "Taxpayer" means a business that is subject to any tax or  
5 fee collected by the Department of Revenue or that will be  
6 subject to any tax or fee collected by the Department of  
7 Revenue upon the location of the business in the State.

8 Section 15. Eligibility.

9 (a) The Department may make non-competitive economic  
10 incentive awards, including, but not limited to, grants and  
11 loans, to assist applicants that pledge to make capital  
12 investments and create new jobs in this State or retain jobs in  
13 this State.

14 (b) To qualify for economic incentives under this Act, an  
15 applicant must:

16 (1) be in good standing under the laws of this State  
17 and the laws of all other states where the applicant was  
18 formed or is organized; and

19 (2) owe no delinquent taxes to the State.

20 (c) The Department may not award economic incentives to an  
21 applicant that (i) closes operations at one location in the  
22 State or reduces those operations by more than 50% and (ii)  
23 relocates substantially the same operations to another  
24 location in the State. This prohibition does not apply if (i)  
25 the applicant moves its operations from one location in the

1 State to another location in the State for the purpose of  
2 expanding its operations in the State and (ii) the Department  
3 determines that expansion could not reasonably be accommodated  
4 within the municipality or county where the business was  
5 located prior to the relocation. In making its determination,  
6 the Department shall confer with the chief executive officer  
7 of the municipality or county where the business was located  
8 prior to the relocation and take into consideration any  
9 evidence offered by the municipality or county regarding its  
10 ability to accommodate expansion within the municipality or  
11 county.

12 (d) Notwithstanding subsection (c), the Department shall  
13 not award economic incentives to a professional sports  
14 organization that moves its operations from one location in  
15 the State to another location in the State.

16 (e) Nothing in this Act will diminish or remove diversity,  
17 equity, inclusion, or jobs goals and commitments in other  
18 State Programs related to any development project supported by  
19 this Act.

20 Section 20. Application. An applicant seeking an economic  
21 incentive under this Act shall submit a detailed application  
22 to the Department. The application must, at a minimum, contain  
23 the following information:

24 (1) the location of the project;

25 (2) the amount of the capital investment the applicant

1 will make in the project;

2 (3) the number of new jobs that will be created as a  
3 result of the project;

4 (4) the number of jobs retained by an existing  
5 applicant; and

6 (5) the average salary of the jobs to be created or  
7 retained.

8 Section 25. Review of application. The Department shall  
9 determine which projects will benefit the State and are  
10 eligible to receive an economic incentive under this Act. In  
11 making this determination, the Department may consider:

12 (1) the number of jobs to be created by the applicant;

13 (2) the number of jobs to be retained by the  
14 applicant;

15 (3) the average salary of jobs created by the  
16 applicant;

17 (4) the average salary of jobs retained by the  
18 applicant;

19 (5) the total capital investment to be made by the  
20 applicant;

21 (6) the likelihood of other businesses locating within  
22 the same vicinity or within the State as a result of the  
23 business activity to be conducted by the applicant  
24 receiving the economic incentive;

25 (7) the impact on the economy of the area or community

1 where the project is located; and

2 (8) any other factors the Department determines to be  
3 relevant to accomplish the purposes of this Act.

4 Section 30. Agreement.

5 (a) Upon approval of an application under this Act, the  
6 Department shall enter into an agreement with the applicant  
7 that shall include, at a minimum, the following:

8 (1) a detailed description of the project that is the  
9 subject of the agreement, as well as the performance  
10 conditions, including the required amount of capital  
11 investment and the number of jobs required to be created  
12 or retained;

13 (2) the performance conditions that must be met to  
14 obtain the award, including, but not limited to, the  
15 number of new jobs created, the average salary, and the  
16 total capital investment;

17 (3) the schedule of payments;

18 (4) a requirement that the applicant maintain  
19 operations at the project location for a minimum number of  
20 years;

21 (5) a specific method for determining the number of  
22 new employees and, if applicable, the number of retained  
23 employees, to be employed during each taxable year covered  
24 by the agreement;

25 (6) a requirement that the taxpayer annually report to

1 the Department the number of new employees and any other  
2 information the Department deems necessary and appropriate  
3 to perform its duties under this Act;

4 (7) a detailed description of the number of new  
5 employees to be hired and the occupation and payroll of  
6 full-time jobs to be created or retained because of the  
7 project;

8 (8) the minimum capital investment the taxpayer will  
9 make, the time period for placing the property in service,  
10 and the designated location in Illinois for the capital  
11 investment;

12 (9) a requirement that the taxpayer provide written  
13 notice to the Director and the Director's designee not  
14 more than 30 days after the taxpayer determines that the  
15 minimum job creation, job retention, employment payroll,  
16 or capital investment is no longer or will no longer be  
17 achieved or maintained as required in the agreement and  
18 include in that notice the number of layoffs, the date of  
19 the layoffs, and the taxpayer's efforts to provide career  
20 and training counseling to the impacted workers with  
21 industry-related certifications and trainings;

22 (10) a claw-back provision to recapture incentive  
23 amounts for failure to meet the provisions contained in  
24 the agreement; and

25 (11) a provision that the agreement shall not take  
26 effect, nor may any funds be expended or transferred under



1 the agreement, if the Department fails to comply with the  
2 notification requirements under Section 32 or if the  
3 Speaker of the House of Representatives or the Senate  
4 President (or their designees, if applicable) submit a  
5 letter of rejection under Section 32.

6 (b) Subject to the provisions of Section 32, the  
7 Department may issue the incentive to the applicant within the  
8 time period the Department deems appropriate in order to  
9 ensure that the applicant achieves the performance conditions  
10 set forth in the agreement.

11 Section 32. General Assembly notification. The Department  
12 shall notify the President of the Senate, or his or her  
13 designee, and the Speaker of the House of Representatives, or  
14 his or her designee, when awards for the purposes of this Act  
15 are nearing final negotiation with an applicant. The  
16 notification shall include the prospective amount of the award  
17 and other relevant information related to the application. The  
18 President of the Senate and the Speaker of the House, or their  
19 designees, if applicable, shall certify that they have been  
20 notified of the planned awards and that they do not object. If  
21 there is no objection certified from the President of the  
22 Senate and the Speaker of the House, the Department may enter  
23 into an agreement under this Act for the award amount  
24 contained in the notification. If the Department enters into  
25 an agreement under this Act for an award in an amount that is

1 different than the amount contained in the notification, it  
2 shall deliver a copy of the agreement to both the Speaker of  
3 the House of Representatives, or his or her designee, and the  
4 Senate President, or his or her designee, within 2 days after  
5 the agreement is executed. Notwithstanding any other provision  
6 of this Act, an agreement entered into under this Act shall not  
7 take effect, nor may any funds be expended or transferred  
8 under that agreement, if the Speaker of the House of  
9 Representatives and the Senate President, or their designees,  
10 if applicable, submit a letter to the Department noting an  
11 objection to the agreement in writing within 2 days after the  
12 notification is delivered to the Speaker of the House of  
13 Representatives and the Senate President, or their designees,  
14 if applicable.

15 Section 35. Penalties.

16 (a) If the applicant fails to comply with the performance  
17 conditions set forth in an agreement entered into under this  
18 Act, then the applicant may be required to repay some or all of  
19 the grant, loan, or other economic incentive awarded to the  
20 applicant, along with any applicable interest to the State at  
21 the agreed upon rate and on the agreed terms set forth in the  
22 agreement.

23 (b) The Department may also assess specified penalties for  
24 noncompliance against the applicant. Those penalties shall be  
25 contained in the Agreement.

1 (c) If the applicant fails to comply with the terms of an  
2 agreement, then the State may:

3 (1) obtain a lien or other interest in the capital  
4 improvements in proportion to the percentage of the  
5 incentive amount used to pay for those capital  
6 improvements; and

7 (2) require the recipient of the incentive, if the  
8 capital improvements are sold, to:

9 (A) repay to the State the funds used to pay for  
10 the capital improvement, with interest at the rate and  
11 according to the other terms provided by the  
12 agreement; and

13 (B) share with the State a proportionate amount of  
14 any profit realized from the sale.

15 Section 40. Powers of the Department. The Department, in  
16 addition to those powers granted under the Civil  
17 Administrative Code of Illinois, is granted and shall have all  
18 the powers necessary or convenient to administer the program  
19 established under this Act and to carry out and effectuate the  
20 purposes and provisions of this Act, including, but not  
21 limited to, the power and authority to:

22 (1) adopt emergency and permanent rules deemed  
23 necessary and appropriate for the administration of this  
24 Act;

25 (2) establish forms for applications, notifications,

1 contracts, or any other agreements and accept applications  
2 at any time during the year;

3 (3) assist applicants pursuant to the provisions of  
4 this Act and cooperate with taxpayers that are parties to  
5 agreements under this Act to promote, foster, and support  
6 economic development, capital investment, and job creation  
7 and retention within the State;

8 (4) establish, negotiate, and effectuate agreements  
9 and other documents and terms with any person as necessary  
10 or appropriate to accomplish the purposes of this Act and  
11 to consent, subject to the provisions of an agreement with  
12 another party, to the modification or restructuring of any  
13 agreement to which the Department is a party;

14 (5) provide for sufficient personnel to permit  
15 administration, staffing, operation, and related support  
16 required to adequately discharge its duties and  
17 responsibilities described in this Act from funds made  
18 available through charges to applicants or from funds as  
19 may be appropriated by the General Assembly for the  
20 administration of this Act;

21 (6) take whatever actions are necessary or appropriate  
22 to protect the State's interest in the event of  
23 bankruptcy, default, foreclosure, or noncompliance with  
24 the terms and conditions of financial assistance or  
25 participation required under this Act, including the power  
26 to sell, dispose, lease, or rent, upon terms and

1 conditions determined by the Director to be appropriate,  
2 real or personal property that the Department may receive  
3 as a result of these actions.

4 Section 45. Annual report. On or before July 1 of each  
5 year, the Department shall submit to the General Assembly and  
6 the Governor a report on the program established under this  
7 Act. The report shall include information on the number of  
8 agreements that were entered into under this Act during the  
9 preceding calendar year, a description of the project that is  
10 the subject of each agreement, an update on the status of  
11 projects under agreements entered into before the preceding  
12 calendar year, and the amount of funds awarded under this Act.

13 The report must include, for each agreement:

14 (1) the number of new jobs to be created and, if  
15 applicable, the number of retained jobs;

16 (2) any relevant modifications to existing agreements;

17 (3) a statement of the progress made by each applicant  
18 in meeting the terms of the original agreement;

19 (4) a statement of wages paid to full-time employees  
20 and, if applicable, retained employees in the State; and

21 (5) a copy of the original agreement or a link to the  
22 agreement on the Department's website.

23 Section 50. Statutory exemptions. Awards of economic  
24 incentives made pursuant to this Act are exempt from the

1 Corporate Accountability for Tax Expenditures Act, the  
2 Illinois Works Jobs Program Act, and Section 45 of the State  
3 Finance Act, and any rules adopted under those authorities. In  
4 addition, non-competitive awards of economic incentives made  
5 pursuant to this Act are exempt from the public notice of  
6 funding opportunity (NOFO), merit review, audit, and grant  
7 payment method provisions of the Grant Accountability and  
8 Transparency Act (GATA) and the corresponding GATA rules  
9 associated with NOFOs, merit reviews, audits, and grant  
10 payment methods.

11 Section 55. Vendor diversity report. Each applicant shall,  
12 no later than April 15 of each taxable year for which an  
13 agreement under this Act between the applicant and the  
14 Department is in effect, report on the diversity of the  
15 vendors used by the applicant. The report shall be published  
16 on the Department's website and shall include the following  
17 information:

18 (1) a point of contact for potential vendors to  
19 register with the applicant's project;

20 (2) certifications that the applicant accepts or  
21 recognizes for minority-owned businesses and women-owned  
22 businesses as entities;

23 (3) the applicant's goals to contract with diverse  
24 vendors, if any, for the next fiscal year for the entire  
25 budget of the applicant's project;

1 (4) for the last fiscal year, the actual contractual  
2 spending for the entire budget of the project and the  
3 actual spending for minority-owned businesses and  
4 women-owned businesses, expressed as a percentage of the  
5 total budget for actual spending for the project;

6 (5) a narrative explaining the results of the report  
7 and the applicant's plan to address the voluntary goals  
8 for the next fiscal year; and

9 (6) a copy of the applicant's submission of vendor  
10 diversity information to the federal government, including  
11 but not limited to vendor diversity goals and actual  
12 contractual spending for minority-owned businesses and  
13 women-owned businesses, if the applicant is a federal  
14 contractor and is required by the federal government to  
15 submit that information to the federal government.

16 Section 900. The Illinois Administrative Procedure Act is  
17 amended by adding Section 5-45.35 as follows:

18 (5 ILCS 100/5-45.35 new)

19 Sec. 5-45.35. Emergency rulemaking. To provide for the  
20 expeditious and timely implementation of the Invest in  
21 Illinois Act, emergency rules implementing the Invest in  
22 Illinois Act may be adopted in accordance with Section 5-45 by  
23 the Department of Commerce and Economic Opportunity. The  
24 adoption of emergency rules authorized by Section 5-45 and

1 this Section is deemed to be necessary for the public  
2 interest, safety, and welfare.

3 This Section is repealed one year after the effective date  
4 of this amendatory Act of the 102nd General Assembly.

5 Section 905. The Illinois Enterprise Zone Act is amended  
6 by changing Sections 4, 5.5, and 6 as follows:

7 (20 ILCS 655/4) (from Ch. 67 1/2, par. 604)

8 Sec. 4. Qualifications for enterprise zones.

9 (1) An area is qualified to become an enterprise zone  
10 which:

11 (a) is a contiguous area, provided that a zone area  
12 may exclude wholly surrounded territory within its  
13 boundaries;

14 (b) comprises a minimum of one-half square mile and  
15 not more than 14 ~~12~~ square miles, or 20 ~~15~~ square miles if  
16 the zone is located within the jurisdiction of 4 or more  
17 counties or municipalities, in total area, exclusive of  
18 lakes and waterways; however, in such cases where the  
19 enterprise zone is a joint effort of three or more units of  
20 government, or two or more units of government if situated  
21 in a township which is divided by a municipality of  
22 1,000,000 or more inhabitants, and where the certification  
23 has been in effect at least one year, the total area shall  
24 comprise a minimum of one-half square mile and not more



1 than 16 ~~thirteen~~ square miles in total area exclusive of  
2 lakes and waterways;

3 (c) (blank);

4 (d) (blank);

5 (e) is (1) entirely within a municipality or (2)  
6 entirely within the unincorporated areas of a county,  
7 except where reasonable need is established for such zone  
8 to cover portions of more than one municipality or county  
9 or (3) both comprises (i) all or part of a municipality and  
10 (ii) an unincorporated area of a county; and

11 (f) meets 3 or more of the following criteria:

12 (1) all or part of the local labor market area has  
13 had an annual average unemployment rate of at least  
14 120% of the State's annual average unemployment rate  
15 for the most recent calendar year or the most recent  
16 fiscal year as reported by the Department of  
17 Employment Security;

18 (2) designation will result in the development of  
19 substantial employment opportunities by creating or  
20 retaining a minimum aggregate of 1,000 full-time  
21 equivalent jobs due to an aggregate investment of  
22 \$100,000,000 or more, and will help alleviate the  
23 effects of poverty and unemployment within the local  
24 labor market area;

25 (3) all or part of the local labor market area has  
26 a poverty rate of at least 20% according to American

1 Community Survey; 35% or more of families with  
2 children in the area are living below 130% of the  
3 poverty line, according to the latest American  
4 Community Survey; or 20% or more households in the  
5 local labor market area receive food stamps or  
6 assistance under Supplemental Nutrition Assistance  
7 Program ("SNAP") according to the latest American  
8 Community Survey;

9 (4) an abandoned coal mine, a brownfield (as  
10 defined in Section 58.2 of the Environmental  
11 Protection Act), or an inactive nuclear-powered  
12 electrical generation facility where spent nuclear  
13 fuel is stored on-site is located in the proposed zone  
14 area, or all or a portion of the proposed zone was  
15 declared a federal disaster area in the 3 years  
16 preceding the date of application;

17 (5) the local labor market area contains a  
18 presence of large employers that have downsized over  
19 the years, the labor market area has experienced plant  
20 closures in the 5 years prior to the date of  
21 application affecting more than 50 workers, or the  
22 local labor market area has experienced State or  
23 federal facility closures in the 5 years prior to the  
24 date of application affecting more than 50 workers;

25 (6) based on data from Multiple Listing Service  
26 information or other suitable sources, the local labor

1 market area contains a high floor vacancy rate of  
2 industrial or commercial properties, vacant or  
3 demolished commercial and industrial structures are  
4 prevalent in the local labor market area, or  
5 industrial structures in the local labor market area  
6 are not used because of age, deterioration, relocation  
7 of the former occupants, or cessation of operation;

8 (7) the applicant demonstrates a substantial plan  
9 for using the designation to improve the State and  
10 local government tax base, including income, sales,  
11 and property taxes, including a plan for disposal of  
12 publicly-owned real property by the methods described  
13 in Section 10 of this Act;

14 (8) significant public infrastructure is present  
15 in the local labor market area in addition to a plan  
16 for infrastructure development and improvement;

17 (9) high schools or community colleges located  
18 within the local labor market area are engaged in ACT  
19 Work Keys, Manufacturing Skills Standard  
20 Certification, or other industry-based credentials  
21 that prepare students for careers;

22 (10) (blank); or

23 (11) the applicant demonstrates a substantial plan  
24 for using the designation to encourage: (i)  
25 participation by businesses owned by minorities,  
26 women, and persons with disabilities, as those terms

1           are defined in the Business Enterprise for Minorities,  
2           Women, and Persons with Disabilities Act; and (ii) the  
3           hiring of minorities, women, and persons with  
4           disabilities.

5           As provided in Section 10-5.3 of the River Edge  
6           Redevelopment Zone Act, upon the expiration of the term of  
7           each River Edge Redevelopment Zone in existence on August 7,  
8           2012 (the effective date of Public Act 97-905), that River  
9           Edge Redevelopment Zone will become available for its previous  
10          designee or a new applicant to compete for designation as an  
11          enterprise zone. No preference for designation will be given  
12          to the previous designee of the zone.

13          (2) Any criteria established by the Department or by law  
14          which utilize the rate of unemployment for a particular area  
15          shall provide that all persons who are not presently employed  
16          and have exhausted all unemployment benefits shall be  
17          considered unemployed, whether or not such persons are  
18          actively seeking employment.

19          (Source: P.A. 101-81, eff. 7-12-19; 102-108, eff. 1-1-22.)

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

21          Sec. 5.5. High Impact Business.

22          (a) In order to respond to unique opportunities to assist  
23          in the encouragement, development, growth, and expansion of  
24          the private sector through large scale investment and  
25          development projects, the Department is authorized to receive

1 and approve applications for the designation of "High Impact  
2 Businesses" in Illinois, for an initial term of 20 years with  
3 an option for renewal for a term not to exceed 20 years,  
4 subject to the following conditions:

5 (1) such applications may be submitted at any time  
6 during the year;

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

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

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

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

3 (B) the business intends to establish a new  
4 electric generating facility at a designated location  
5 in Illinois. "New electric generating facility", for  
6 purposes of this Section, means a newly constructed  
7 electric generation plant or a newly constructed  
8 generation capacity expansion at an existing electric  
9 generation plant, including the transmission lines and  
10 associated equipment that transfers electricity from  
11 points of supply to points of delivery, and for which  
12 such new foundation construction commenced not sooner  
13 than July 1, 2001. Such facility shall be designed to  
14 provide baseload electric generation and shall operate  
15 on a continuous basis throughout the year; and (i)  
16 shall have an aggregate rated generating capacity of  
17 at least 1,000 megawatts for all new units at one site  
18 if it uses natural gas as its primary fuel and  
19 foundation construction of the facility is commenced  
20 on or before December 31, 2004, or shall have an  
21 aggregate rated generating capacity of at least 400  
22 megawatts for all new units at one site if it uses coal  
23 or gases derived from coal as its primary fuel and  
24 shall support the creation of at least 150 new  
25 Illinois coal mining jobs, or (ii) shall be funded  
26 through a federal Department of Energy grant before

1 December 31, 2010 and shall support the creation of  
2 Illinois coal-mining jobs, or (iii) shall use coal  
3 gasification or integrated gasification-combined cycle  
4 units that generate electricity or chemicals, or both,  
5 and shall support the creation of Illinois coal-mining  
6 jobs. ~~The business must certify in writing that the~~  
7 ~~investments necessary to establish a new electric~~  
8 ~~generating facility would not be placed in service and~~  
9 ~~the job creation in the case of a coal-fueled plant~~  
10 ~~would not occur without the tax credits and exemptions~~  
11 ~~set forth in subsection (b-5) of this Section.~~ The  
12 term "placed in service" has the same meaning as  
13 described in subsection (h) of Section 201 of the  
14 Illinois Income Tax Act; or

15 (B-5) the business intends to establish a new  
16 gasification facility at a designated location in  
17 Illinois. As used in this Section, "new gasification  
18 facility" means a newly constructed coal gasification  
19 facility that generates chemical feedstocks or  
20 transportation fuels derived from coal (which may  
21 include, but are not limited to, methane, methanol,  
22 and nitrogen fertilizer), that supports the creation  
23 or retention of Illinois coal-mining jobs, and that  
24 qualifies for financial assistance from the Department  
25 before December 31, 2010. A new gasification facility  
26 does not include a pilot project located within

1 Jefferson County or within a county adjacent to  
2 Jefferson County for synthetic natural gas from coal;  
3 or

4 (C) the business intends to establish production  
5 operations at a new coal mine, re-establish production  
6 operations at a closed coal mine, or expand production  
7 at an existing coal mine at a designated location in  
8 Illinois not sooner than July 1, 2001; provided that  
9 the production operations result in the creation of  
10 150 new Illinois coal mining jobs as described in  
11 subdivision (a)(3)(B) of this Section, and further  
12 provided that the coal extracted from such mine is  
13 utilized as the predominant source for a new electric  
14 generating facility. ~~The business must certify in  
15 writing that the investments necessary to establish a  
16 new, expanded, or reopened coal mine would not be  
17 placed in service and the job creation would not occur  
18 without the tax credits and exemptions set forth in  
19 subsection (b 5) of this Section.~~ The term "placed in  
20 service" has the same meaning as described in  
21 subsection (h) of Section 201 of the Illinois Income  
22 Tax Act; or

23 (D) the business intends to construct new  
24 transmission facilities or upgrade existing  
25 transmission facilities at designated locations in  
26 Illinois, for which construction commenced not sooner



1 than July 1, 2001. For the purposes of this Section,  
2 "transmission facilities" means transmission lines  
3 with a voltage rating of 115 kilovolts or above,  
4 including associated equipment, that transfer  
5 electricity from points of supply to points of  
6 delivery and that transmit a majority of the  
7 electricity generated by a new electric generating  
8 facility designated as a High Impact Business in  
9 accordance with this Section. ~~The business must~~  
10 ~~certify in writing that the investments necessary to~~  
11 ~~construct new transmission facilities or upgrade~~  
12 ~~existing transmission facilities would not be placed~~  
13 ~~in service without the tax credits and exemptions set~~  
14 ~~forth in subsection (b 5) of this Section.~~ The term  
15 "placed in service" has the same meaning as described  
16 in subsection (h) of Section 201 of the Illinois  
17 Income Tax Act; or

18 (E) the business intends to establish a new wind  
19 power facility at a designated location in Illinois.  
20 For purposes of this Section, "new wind power  
21 facility" means a newly constructed electric  
22 generation facility, a newly constructed expansion of  
23 an existing electric generation facility, or the  
24 replacement of an existing electric generation  
25 facility, including the demolition and removal of an  
26 electric generation facility irrespective of whether

1           it will be replaced, placed in service or replaced on  
2           or after July 1, 2009, that generates electricity  
3           using wind energy devices, and such facility shall be  
4           deemed to include any permanent structures associated  
5           with the electric generation facility and all  
6           associated transmission lines, substations, and other  
7           equipment related to the generation of electricity  
8           from wind energy devices. For purposes of this  
9           Section, "wind energy device" means any device, with a  
10          nameplate capacity of at least 0.5 megawatts, that is  
11          used in the process of converting kinetic energy from  
12          the wind to generate electricity; or

13           (E-5) the business intends to establish a new  
14          utility-scale solar facility at a designated location  
15          in Illinois. For purposes of this Section, "new  
16          utility-scale solar power facility" means a newly  
17          constructed electric generation facility, or a newly  
18          constructed expansion of an existing electric  
19          generation facility, placed in service on or after  
20          July 1, 2021, that (i) generates electricity using  
21          photovoltaic cells and (ii) has a nameplate capacity  
22          that is greater than 5,000 kilowatts, and such  
23          facility shall be deemed to include all associated  
24          transmission lines, substations, energy storage  
25          facilities, and other equipment related to the  
26          generation and storage of electricity from

1 photovoltaic cells; or

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

1 wages plus fringe benefits for training and  
2 apprenticeship programs approved by the U.S.  
3 Department of Labor, Bureau of Apprenticeship and  
4 Training, health and welfare, insurance, vacations and  
5 pensions paid generally, in the locality in which the  
6 work is being performed, to employees engaged in work  
7 of a similar character on public works; this paragraph  
8 (F) applies only to businesses that submit an  
9 application to the Department within 60 days after  
10 July 25, 2013 (the effective date of Public Act  
11 98-109); and

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

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

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

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

1 (b-6) Businesses designated as High Impact Businesses  
2 pursuant to subdivision (a)(3)(E) or (a)(3)(E-5) of this  
3 Section shall qualify for the exemptions described in Section  
4 51 of the Retailers' Occupation Tax Act; any business so  
5 designated as a High Impact Business being, for purposes of  
6 this Section, a "Wind Energy Business".

7 (b-7) Beginning on January 1, 2021, businesses designated  
8 as High Impact Businesses by the Department shall qualify for  
9 the High Impact Business construction jobs credit under  
10 subsection (h-5) of Section 201 of the Illinois Income Tax Act  
11 if the business meets the criteria set forth in subsection (i)  
12 of this Section. The total aggregate amount of credits awarded  
13 under the Blue Collar Jobs Act (Article 20 of Public Act 101-9)  
14 shall not exceed \$20,000,000 in any State fiscal year.

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

21 (d) Except for businesses contemplated under subdivision  
22 (a)(3)(E) or (a)(3)(E-5) of this Section, existing Illinois  
23 businesses which apply for designation as a High Impact  
24 Business must provide the Department with the prospective plan  
25 for which 1,500 full-time retained jobs would be eliminated in  
26 the event that the business is not designated.

1           (e) Except for new wind power facilities contemplated  
2 under subdivision (a) (3) (E) of this Section, new proposed  
3 facilities which apply for designation as High Impact Business  
4 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) of this Section, in the event that a business is  
10 designated a High Impact Business and it is later determined  
11 after reasonable notice and an opportunity for a hearing as  
12 provided under the Illinois Administrative Procedure Act, that  
13 the business would have placed in service in qualified  
14 property the investments and created or retained the requisite  
15 number of jobs without the benefits of the High Impact  
16 Business designation, the Department shall be required to  
17 immediately revoke the designation and notify the Director of  
18 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.

25           (h) Prior to designating a business, the Department shall  
26 provide the members of the General Assembly and Commission on

1 Government Forecasting and Accountability with a report  
2 setting forth the terms and conditions of the designation and  
3 guarantees that have been received by the Department in  
4 relation to the proposed business being designated.

5 (i) High Impact Business construction jobs credit.  
6 Beginning on January 1, 2021, a High Impact Business may  
7 receive a tax credit against the tax imposed under subsections  
8 (a) and (b) of Section 201 of the Illinois Income Tax Act in an  
9 amount equal to 50% of the amount of the incremental income tax  
10 attributable to High Impact Business construction jobs credit  
11 employees employed in the course of completing a High Impact  
12 Business construction jobs project. However, the High Impact  
13 Business construction jobs credit may equal 75% of the amount  
14 of the incremental income tax attributable to High Impact  
15 Business construction jobs credit employees if the High Impact  
16 Business construction jobs credit project is located in an  
17 underserved area.

18 The Department shall certify to the Department of Revenue:  
19 (1) the identity of taxpayers that are eligible for the High  
20 Impact Business construction jobs credit; and (2) the amount  
21 of High Impact Business construction jobs credits that are  
22 claimed pursuant to subsection (h-5) of Section 201 of the  
23 Illinois Income Tax Act in each taxable year. Any business  
24 entity that receives a High Impact Business construction jobs  
25 credit shall maintain a certified payroll pursuant to  
26 subsection (j) of this Section.



1 As used in this subsection (i):

2 "High Impact Business construction jobs credit" means an  
3 amount equal to 50% (or 75% if the High Impact Business  
4 construction project is located in an underserved area) of the  
5 incremental income tax attributable to High Impact Business  
6 construction job employees. The total aggregate amount of  
7 credits awarded under the Blue Collar Jobs Act (Article 20 of  
8 Public Act 101-9) shall not exceed \$20,000,000 in any State  
9 fiscal year

10 "High Impact Business construction job employee" means a  
11 laborer or worker who is employed by an Illinois contractor or  
12 subcontractor in the actual construction work on the site of a  
13 High Impact Business construction job project.

14 "High Impact Business construction jobs project" means  
15 building a structure or building or making improvements of any  
16 kind to real property, undertaken and commissioned by a  
17 business that was designated as a High Impact Business by the  
18 Department. The term "High Impact Business construction jobs  
19 project" does not include the routine operation, routine  
20 repair, or routine maintenance of existing structures,  
21 buildings, or real property.

22 "Incremental income tax" means the total amount withheld  
23 during the taxable year from the compensation of High Impact  
24 Business construction job employees.

25 "Underserved area" means a geographic area that meets one  
26 or more of the following conditions:

1           (1) the area has a poverty rate of at least 20%  
2 according to the latest American Community Survey;

3           (2) 35% or more of the families with children in the  
4 area are living below 130% of the poverty line, according  
5 to the latest American Community Survey;

6           (3) at least 20% of the households in the area receive  
7 assistance under the Supplemental Nutrition Assistance  
8 Program (SNAP); or

9           (4) the area has an average unemployment rate, as  
10 determined by the Illinois Department of Employment  
11 Security, that is more than 120% of the national  
12 unemployment average, as determined by the U.S. Department  
13 of Labor, for a period of at least 2 consecutive calendar  
14 years preceding the date of the application.

15           (j) Each contractor and subcontractor who is engaged in  
16 and executing a High Impact Business Construction jobs  
17 project, as defined under subsection (i) of this Section, for  
18 a business that is entitled to a credit pursuant to subsection  
19 (i) of this Section shall:

20           (1) make and keep, for a period of 5 years from the  
21 date of the last payment made on or after June 5, 2019 (the  
22 effective date of Public Act 101-9) on a contract or  
23 subcontract for a High Impact Business Construction Jobs  
24 Project, records for all laborers and other workers  
25 employed by the contractor or subcontractor on the  
26 project; the records shall include:

- 1 (A) the worker's name;
  - 2 (B) the worker's address;
  - 3 (C) the worker's telephone number, if available;
  - 4 (D) the worker's social security number;
  - 5 (E) the worker's classification or
  - 6 classifications;
  - 7 (F) the worker's gross and net wages paid in each
  - 8 pay period;
  - 9 (G) the worker's number of hours worked each day;
  - 10 (H) the worker's starting and ending times of work
  - 11 each day;
  - 12 (I) the worker's hourly wage rate;
  - 13 (J) the worker's hourly overtime wage rate;
  - 14 (K) the worker's race and ethnicity; and
  - 15 (L) the worker's gender;
- 16 (2) no later than the 15th day of each calendar month,
- 17 provide a certified payroll for the immediately preceding
- 18 month to the taxpayer in charge of the High Impact
- 19 Business construction jobs project; within 5 business days
- 20 after receiving the certified payroll, the taxpayer shall
- 21 file the certified payroll with the Department of Labor
- 22 and the Department of Commerce and Economic Opportunity; a
- 23 certified payroll must be filed for only those calendar
- 24 months during which construction on a High Impact Business
- 25 construction jobs project has occurred; the certified
- 26 payroll shall consist of a complete copy of the records

1 identified in paragraph (1) of this subsection (j), but  
2 may exclude the starting and ending times of work each  
3 day; the certified payroll shall be accompanied by a  
4 statement signed by the contractor or subcontractor or an  
5 officer, employee, or agent of the contractor or  
6 subcontractor which avers that:

7 (A) he or she has examined the certified payroll  
8 records required to be submitted by the Act and such  
9 records are true and accurate; and

10 (B) the contractor or subcontractor is aware that  
11 filing a certified payroll that he or she knows to be  
12 false is a Class A misdemeanor.

13 A general contractor is not prohibited from relying on a  
14 certified payroll of a lower-tier subcontractor, provided the  
15 general contractor does not knowingly rely upon a  
16 subcontractor's false certification.

17 Any contractor or subcontractor subject to this  
18 subsection, and any officer, employee, or agent of such  
19 contractor or subcontractor whose duty as an officer,  
20 employee, or agent it is to file a certified payroll under this  
21 subsection, who willfully fails to file such a certified  
22 payroll on or before the date such certified payroll is  
23 required by this paragraph to be filed and any person who  
24 willfully files a false certified payroll that is false as to  
25 any material fact is in violation of this Act and guilty of a  
26 Class A misdemeanor.

1           The taxpayer in charge of the project shall keep the  
2 records submitted in accordance with this subsection on or  
3 after June 5, 2019 (the effective date of Public Act 101-9) for  
4 a period of 5 years from the date of the last payment for work  
5 on a contract or subcontract for the High Impact Business  
6 construction jobs project.

7           The records submitted in accordance with this subsection  
8 shall be considered public records, except an employee's  
9 address, telephone number, and social security number, and  
10 made available in accordance with the Freedom of Information  
11 Act. The Department of Labor shall share the information with  
12 the Department in order to comply with the awarding of a High  
13 Impact Business construction jobs credit. A contractor,  
14 subcontractor, or public body may retain records required  
15 under this Section in paper or electronic format.

16           (k) Upon 7 business days' notice, each contractor and  
17 subcontractor shall make available for inspection and copying  
18 at a location within this State during reasonable hours, the  
19 records identified in this subsection (j) to the taxpayer in  
20 charge of the High Impact Business construction jobs project,  
21 its officers and agents, the Director of the Department of  
22 Labor and his or her deputies and agents, and to federal,  
23 State, or local law enforcement agencies and prosecutors.

24           (l) The changes made to this Section by this amendatory  
25 Act of the 102nd General Assembly, other than the changes in  
26 subsection (a), apply to high impact businesses that submit

1 applications on or after the effective date of this amendatory  
2 Act of the 102nd General Assembly.

3 (Source: P.A. 101-9, eff. 6-5-19; 102-108, eff. 1-1-22;  
4 102-558, eff. 8-20-21; 102-605, eff. 8-27-21; 102-662, eff.  
5 9-15-21; 102-673, eff. 11-30-21; 102-813, eff. 5-13-22.)

6 (20 ILCS 655/6) (from Ch. 67 1/2, par. 610)

7 Sec. 6. Powers and Duties of Department.

8 (A) General Powers. The Department shall administer this  
9 Act and shall have the following powers and duties:

10 (1) To monitor the implementation of this Act and  
11 submit reports evaluating the effectiveness of the program  
12 and any suggestions for legislation to the Governor and  
13 General Assembly by October 1 of every year preceding a  
14 regular Session of the General Assembly and to annually  
15 report to the General Assembly initial and current  
16 population, employment, per capita income, number of  
17 business establishments, dollar value of new construction  
18 and improvements, and the aggregate value of each tax  
19 incentive, based on information provided by the Department  
20 of Revenue, for each Enterprise Zone.

21 (2) To promulgate all necessary rules and regulations  
22 to carry out the purposes of this Act in accordance with  
23 The Illinois Administrative Procedure Act.

24 (3) To assist municipalities and counties in obtaining  
25 Federal status as an Enterprise Zone.

1           (4) To determine the conditions and processes for  
2           renewal of high impact business designations, and any  
3           incentives associated with that designation, awarded under  
4           this Act in accordance with Section 5.5 of this Act.

5           (B) Specific Duties:

6           (1) The Department shall provide information and  
7           appropriate assistance to persons desiring to locate and  
8           engage in business in an enterprise zone, to persons  
9           engaged in business in an enterprise zone and to  
10          designated zone organizations operating there.

11          (2) The Department shall, in cooperation with  
12          appropriate units of local government and State agencies,  
13          coordinate and streamline existing State business  
14          assistance programs and permit and license application  
15          procedures for Enterprise Zone businesses.

16          (3) The Department shall publicize existing tax  
17          incentives and economic development programs within the  
18          Zone and upon request, offer technical assistance in  
19          abatement and alternative revenue source development to  
20          local units of government which have enterprise Zones  
21          within their jurisdiction.

22          (4) The Department shall work together with the  
23          responsible State and Federal agencies to promote the  
24          coordination of other relevant programs, including but not  
25          limited to housing, community and economic development,  
26          small business, banking, financial assistance, and

1 employment training programs which are carried on in an  
2 Enterprise Zone.

3 (5) In order to stimulate employment opportunities for  
4 Zone residents, the Department, in cooperation with the  
5 Department of Human Services and the Department of  
6 Employment Security, is to initiate a test of the  
7 following 2 programs within the 12 month period following  
8 designation and approval by the Department of the first  
9 enterprise zones: (i) the use of aid to families with  
10 dependent children benefits payable under Article IV of  
11 the Illinois Public Aid Code, General Assistance benefits  
12 payable under Article VI of the Illinois Public Aid Code,  
13 the unemployment insurance benefits payable under the  
14 Unemployment Insurance Act as training or employment  
15 subsidies leading to unsubsidized employment; and (ii) a  
16 program for voucher reimbursement of the cost of training  
17 zone residents eligible under the Targeted Jobs Tax Credit  
18 provisions of the Internal Revenue Code for employment in  
19 private industry. These programs shall not be designed to  
20 subsidize businesses, but are intended to open up job and  
21 training opportunities not otherwise available. Nothing in  
22 this paragraph (5) shall be deemed to require zone  
23 businesses to utilize these programs. These programs  
24 should be designed (i) for those individuals whose  
25 opportunities for job-finding are minimal without program  
26 participation, (ii) to minimize the period of benefit



1 collection by such individuals, and (iii) to accelerate  
2 the transition of those individuals to unsubsidized  
3 employment. The Department is to seek agreement with  
4 business, organized labor and the appropriate State  
5 Department and agencies on the design, operation and  
6 evaluation of the test programs.

7 A report with recommendations including representative  
8 comments of these groups shall be submitted by the Department  
9 to the county or municipality which designated the area as an  
10 Enterprise Zone, Governor and General Assembly not later than  
11 12 months after such test programs have commenced, or not  
12 later than 3 months following the termination of such test  
13 programs, whichever first occurs.

14 (Source: P.A. 97-905, eff. 8-7-12.)

15 Section 910. The Reimagining Electric Vehicles in Illinois  
16 Act is amended by changing Sections 1, 5, 10, 20, 30, 40, and  
17 45 as follows:

18 (20 ILCS 686/1)

19 Sec. 1. Short title. This Act may be cited as the  
20 Reimagining Energy and Electric Vehicles in Illinois Act.

21 (Source: P.A. 102-669, eff. 11-16-21.)

22 (20 ILCS 686/5)

23 Sec. 5. Purpose. It is the intent of the General Assembly

1 that Illinois should lead the nation in the production of  
2 electric vehicles and other products essential to the growth  
3 of the renewable energy sector. The General Assembly finds  
4 that, through investments in electric vehicle manufacturing  
5 and renewable energy manufacturing, Illinois will be on the  
6 forefront of emerging technologies that are currently  
7 transforming those industries ~~the auto manufacturing industry~~.  
8 This Act will reduce carbon emissions, create good paying  
9 jobs, and generate long-term economic investment in the  
10 Illinois business economy. Illinois must aggressively adopt  
11 new business development investment tools so that Illinois is  
12 more competitive in site location decision-making for  
13 manufacturing facilities directly related to the electric  
14 vehicle and renewable energy industry. Illinois' long-term  
15 development benefits from rational, strategic use of State  
16 resources in support of development and growth in the electric  
17 vehicle and renewable energy industry.

18 The General Assembly finds that workers are essential to  
19 the prosperity of our State's economy and play a critical role  
20 in Illinois becoming leader in manufacturing. The General  
21 Assembly further finds that, for the prosperity of our State,  
22 workers in this industry must be afforded high quality jobs  
23 that honor the dignity of work. Therefore, the General  
24 Assembly finds that it is in the best interest of Illinois to  
25 protect the work conditions, worker safety, and worker rights  
26 in the manufacturing industry and further finds that employer

1 workplace policies shall be interpreted broadly to protect  
2 employees.

3 (Source: P.A. 102-669, eff. 11-16-21.)

4 (20 ILCS 686/10)

5 Sec. 10. Definitions. As used in this Act:

6 "Advanced battery" means a battery that consists of a  
7 battery cell that can be integrated into a module, pack, or  
8 system to be used in energy storage applications, including a  
9 battery used in an electric vehicle or the electric grid.

10 "Advanced battery component" means a component of an  
11 advanced battery, including materials, enhancements,  
12 enclosures, anodes, cathodes, electrolytes, cells, and other  
13 associated technologies that comprise an advanced battery.

14 "Agreement" means the agreement between a taxpayer and the  
15 Department under the provisions of Section 45 of this Act.

16 "Applicant" means a taxpayer that (i) operates a business  
17 in Illinois or is planning to locate a business within the  
18 State of Illinois and (ii) is engaged in interstate or  
19 intrastate commerce as an ~~for the purpose of manufacturing~~  
20 electric vehicle manufacturer ~~vehicles,~~ an electric vehicle  
21 component parts manufacturer, or an electric vehicle power  
22 supply equipment manufacturer. For applications for credits  
23 under this Act that are submitted on or after the effective  
24 date of this amendatory Act of the 102nd General Assembly,  
25 "applicant" also includes a taxpayer that (i) operates a

1 business in Illinois or is planning to locate a business  
2 within the State of Illinois and (ii) is engaged in interstate  
3 or intrastate commerce as a renewable energy manufacturer.

4 "Applicant" does not include a taxpayer who closes or  
5 substantially reduces by more than 50% operations at one  
6 location in the State and relocates substantially the same  
7 operation to another location in the State. This does not  
8 prohibit a Taxpayer from expanding its operations at another  
9 location in the State. This also does not prohibit a Taxpayer  
10 from moving its operations from one location in the State to  
11 another location in the State for the purpose of expanding the  
12 operation, provided that the Department determines that  
13 expansion cannot reasonably be accommodated within the  
14 municipality or county in which the business is located, or,  
15 in the case of a business located in an incorporated area of  
16 the county, within the county in which the business is  
17 located, after conferring with the chief elected official of  
18 the municipality or county and taking into consideration any  
19 evidence offered by the municipality or county regarding the  
20 ability to accommodate expansion within the municipality or  
21 county.

22 "Battery raw materials" means the raw and processed form  
23 of a mineral, metal, chemical, or other material used in an  
24 advanced battery component.

25 "Battery raw materials refining service provider" means a  
26 business that operates a facility that filters, sifts, and

1 treats battery raw materials for use in an advanced battery.

2 "Battery recycling and reuse manufacturer" means a  
3 manufacturer that is primarily engaged in the recovery,  
4 retrieval, processing, recycling, or recirculating of battery  
5 raw materials for new use in electric vehicle batteries.

6 "Capital improvements" means the purchase, renovation,  
7 rehabilitation, or construction of permanent tangible land,  
8 buildings, structures, equipment, and furnishings in an  
9 approved project sited in Illinois and expenditures for goods  
10 or services that are normally capitalized, including  
11 organizational costs and research and development costs  
12 incurred in Illinois. For land, buildings, structures, and  
13 equipment that are leased, the lease must equal or exceed the  
14 term of the agreement, and the cost of the property shall be  
15 determined from the present value, using the corporate  
16 interest rate prevailing at the time of the application, of  
17 the lease payments.

18 "Credit" means either a "REV Illinois Credit" or a "REV  
19 Construction Jobs Credit" agreed to between the Department and  
20 applicant under this Act.

21 "Department" means the Department of Commerce and Economic  
22 Opportunity.

23 "Director" means the Director of Commerce and Economic  
24 Opportunity.

25 "Electric vehicle" means a vehicle that is exclusively  
26 powered by and refueled by electricity, including electricity

1 generated through a hydrogen fuel cells or solar technology.  
2 "Electric vehicle" does not include hybrid electric vehicles,  
3 electric bicycles, or extended-range electric vehicles that  
4 are also equipped with conventional fueled propulsion or  
5 auxiliary engines.

6 "Electric vehicle manufacturer" means a new or existing  
7 manufacturer that is primarily focused on reequipping,  
8 expanding, or establishing a manufacturing facility in  
9 Illinois that produces electric vehicles as defined in this  
10 Section.

11 "Electric vehicle component parts manufacturer" means a  
12 new or existing manufacturer that is focused on reequipping,  
13 expanding, or establishing a manufacturing facility in  
14 Illinois that produces parts or accessories used in electric  
15 vehicles, as defined by this Section, including advanced  
16 battery component parts. The changes to this definition of  
17 "electric vehicle component parts manufacturer" apply to  
18 agreements under this Act that are entered into on or after the  
19 effective date of this amendatory Act of the 102nd General  
20 Assembly.

21 "Electric vehicle power supply equipment" means the  
22 equipment used specifically for the purpose of delivering  
23 electricity to an electric vehicle, including hydrogen fuel  
24 cells or solar refueling infrastructure.

25 "Electric vehicle power supply manufacturer" means a new  
26 or existing manufacturer that is focused on reequipping,

1 expanding, or establishing a manufacturing facility in  
2 Illinois that produces electric vehicle power supply equipment  
3 used for the purpose of delivering electricity to an electric  
4 vehicle, including hydrogen fuel cell or solar refueling  
5 infrastructure.

6 "Energy Transition Area" means a county with less than  
7 100,000 people or a municipality that contains one or more of  
8 the following:

9 (1) a fossil fuel plant that was retired from service  
10 or has significant reduced service within 6 years before  
11 the time of the application or will be retired or have  
12 service significantly reduced within 6 years following the  
13 time of the application; or

14 (2) a coal mine that was closed or had operations  
15 significantly reduced within 6 years before the time of  
16 the application or is anticipated to be closed or have  
17 operations significantly reduced within 6 years following  
18 the time of the application.

19 "Full-time employee" means an individual who is employed  
20 for consideration for at least 35 hours each week or who  
21 renders any other standard of service generally accepted by  
22 industry custom or practice as full-time employment. An  
23 individual for whom a W-2 is issued by a Professional Employer  
24 Organization (PEO) is a full-time employee if employed in the  
25 service of the applicant for consideration for at least 35  
26 hours each week.

1 "Incremental income tax" means the total amount withheld  
2 during the taxable year from the compensation of new employees  
3 and, if applicable, retained employees under Article 7 of the  
4 Illinois Income Tax Act arising from employment at a project  
5 that is the subject of an agreement.

6 "Institution of higher education" or "institution" means  
7 any accredited public or private university, college,  
8 community college, business, technical, or vocational school,  
9 or other accredited educational institution offering degrees  
10 and instruction beyond the secondary school level.

11 "Minority person" means a minority person as defined in  
12 the Business Enterprise for Minorities, Women, and Persons  
13 with Disabilities Act.

14 "New employee" means a newly-hired full-time employee  
15 employed to work at the project site and whose work is directly  
16 related to the project.

17 "Noncompliance date" means, in the case of a taxpayer that  
18 is not complying with the requirements of the agreement or the  
19 provisions of this Act, the day following the last date upon  
20 which the taxpayer was in compliance with the requirements of  
21 the agreement and the provisions of this Act, as determined by  
22 the Director, pursuant to Section 70.

23 "Pass-through entity" means an entity that is exempt from  
24 the tax under subsection (b) or (c) of Section 205 of the  
25 Illinois Income Tax Act.

26 "Placed in service" means the state or condition of



1 readiness, availability for a specifically assigned function,  
2 and the facility is constructed and ready to conduct its  
3 facility operations to manufacture goods.

4 "Professional employer organization" (PEO) means an  
5 employee leasing company, as defined in Section 206.1 of the  
6 Illinois Unemployment Insurance Act.

7 "Program" means the Reimagining Energy and Electric  
8 Vehicles in Illinois Program (the REV Illinois Program)  
9 established in this Act.

10 "Project" or "REV Illinois Project" means a for-profit  
11 economic development activity for the manufacture of electric  
12 vehicles, electric vehicle component parts, ~~or~~ electric  
13 vehicle power supply equipment, or renewable energy products,  
14 which is designated by the Department as a REV Illinois  
15 Project and is the subject of an agreement.

16 "Recycling facility" means a location at which the  
17 taxpayer disposes of batteries and other component parts in  
18 manufacturing of electric vehicles, electric vehicle component  
19 parts, or electric vehicle power supply equipment.

20 "Related member" means a person that, with respect to the  
21 taxpayer during any portion of the taxable year, is any one of  
22 the following:

- 23 (1) An individual stockholder, if the stockholder and  
24 the members of the stockholder's family (as defined in  
25 Section 318 of the Internal Revenue Code) own directly,  
26 indirectly, beneficially, or constructively, in the

1 aggregate, at least 50% of the value of the taxpayer's  
2 outstanding stock.

3 (2) A partnership, estate, trust and any partner or  
4 beneficiary, if the partnership, estate, or trust, and its  
5 partners or beneficiaries own directly, indirectly,  
6 beneficially, or constructively, in the aggregate, at  
7 least 50% of the profits, capital, stock, or value of the  
8 taxpayer.

9 (3) A corporation, and any party related to the  
10 corporation in a manner that would require an attribution  
11 of stock from the corporation under the attribution rules  
12 of Section 318 of the Internal Revenue Code, if the  
13 Taxpayer owns directly, indirectly, beneficially, or  
14 constructively at least 50% of the value of the  
15 corporation's outstanding stock.

16 (4) A corporation and any party related to that  
17 corporation in a manner that would require an attribution  
18 of stock from the corporation to the party or from the  
19 party to the corporation under the attribution rules of  
20 Section 318 of the Internal Revenue Code, if the  
21 corporation and all such related parties own in the  
22 aggregate at least 50% of the profits, capital, stock, or  
23 value of the taxpayer.

24 (5) A person to or from whom there is an attribution of  
25 stock ownership in accordance with Section 1563(e) of the  
26 Internal Revenue Code, except, for purposes of determining

1           whether a person is a related member under this paragraph,  
2           20% shall be substituted for 5% wherever 5% appears in  
3           Section 1563(e) of the Internal Revenue Code.

4           "Renewable energy" means energy produced using the  
5           materials and sources of energy through which renewable energy  
6           resources are generated.

7           "Renewable energy manufacturer" means a manufacturer whose  
8           primary function is to manufacture or assemble: (i) equipment,  
9           systems, or products used to produce renewable or nuclear  
10           energy; (ii) products used for energy conservation, storage,  
11           or grid efficiency purposes; or (iii) component parts for that  
12           equipment or those systems or products.

13           "Renewable energy resources" has the meaning ascribed to  
14           that term in Section 1-10 of the Illinois Power Agency Act.

15           "Retained employee" means a full-time employee employed by  
16           the taxpayer prior to the term of the Agreement who continues  
17           to be employed during the term of the agreement whose job  
18           duties are directly related to the project. The term "retained  
19           employee" does not include any individual who has a direct or  
20           an indirect ownership interest of at least 5% in the profits,  
21           equity, capital, or value of the taxpayer or a child,  
22           grandchild, parent, or spouse, other than a spouse who is  
23           legally separated from the individual, of any individual who  
24           has a direct or indirect ownership of at least 5% in the  
25           profits, equity, capital, or value of the taxpayer. The  
26           changes to this definition of "retained employee" apply to

1 agreements for credits under this Act that are entered into on  
2 or after the effective date of this amendatory Act of the 102nd  
3 General Assembly.

4 "REV Illinois credit" means a credit agreed to between the  
5 Department and the applicant under this Act that is based on  
6 the incremental income tax attributable to new employees and,  
7 if applicable, retained employees, and on training costs for  
8 such employees at the applicant's project.

9 "REV construction jobs credit" means a credit agreed to  
10 between the Department and the applicant under this Act that  
11 is based on the incremental income tax attributable to  
12 construction wages paid in connection with construction of the  
13 project facilities.

14 "Statewide baseline" means the total number of full-time  
15 employees of the applicant and any related member employed by  
16 such entities at the time of application for incentives under  
17 this Act.

18 "Taxpayer" means an individual, corporation, partnership,  
19 or other entity that has a legal obligation to pay Illinois  
20 income taxes and file an Illinois income tax return.

21 "Training costs" means costs incurred to upgrade the  
22 technological skills of full-time employees in Illinois and  
23 includes: curriculum development; training materials  
24 (including scrap product costs); trainee domestic travel  
25 expenses; instructor costs (including wages, fringe benefits,  
26 tuition and domestic travel expenses); rent, purchase or lease

1 of training equipment; and other usual and customary training  
2 costs. "Training costs" do not include costs associated with  
3 travel outside the United States (unless the Taxpayer receives  
4 prior written approval for the travel by the Director based on  
5 a showing of substantial need or other proof the training is  
6 not reasonably available within the United States), wages and  
7 fringe benefits of employees during periods of training, or  
8 administrative cost related to full-time employees of the  
9 taxpayer.

10 "Underserved area" means any geographic areas as defined  
11 in Section 5-5 of the Economic Development for a Growing  
12 Economy Tax Credit Act.

13 (Source: P.A. 102-669, eff. 11-16-21; 102-700, eff. 4-19-22;  
14 102-1112, eff. 12-21-22.)

15 (20 ILCS 686/20)

16 Sec. 20. REV Illinois Program; project applications.

17 (a) The Reimagining Energy and Electric Vehicles in  
18 Illinois (REV Illinois) Program is hereby established and  
19 shall be administered by the Department. The Program will  
20 provide financial incentives to any one or more of the  
21 following: (1) eligible manufacturers of electric vehicles,  
22 electric vehicle component parts, and electric vehicle power  
23 supply equipment; (2) battery recycling and reuse  
24 manufacturers; ~~or~~ (3) battery raw materials refining service  
25 providers; or (4) renewable energy manufacturers.

1 (b) Any taxpayer planning a project to be located in  
2 Illinois may request consideration for designation of its  
3 project as a REV Illinois Project, by formal written letter of  
4 request or by formal application to the Department, in which  
5 the applicant states its intent to make at least a specified  
6 level of investment and intends to hire a specified number of  
7 full-time employees at a designated location in Illinois. As  
8 circumstances require, the Department shall require a formal  
9 application from an applicant and a formal letter of request  
10 for assistance.

11 (c) In order to qualify for credits under the REV Illinois  
12 Program, an applicant must:

13 (1) if the applicant is ~~for~~ an electric vehicle  
14 manufacturer:

15 (A) make an investment of at least \$1,500,000,000  
16 in capital improvements at the project site;

17 (B) to be placed in service within the State  
18 within a 60-month period after approval of the  
19 application; and

20 (C) create at least 500 new full-time employee  
21 jobs; or

22 (2) if the applicant is ~~for~~ an electric vehicle  
23 component parts manufacturer or a renewable energy  
24 manufacturer:

25 (A) make an investment of at least \$300,000,000 in  
26 capital improvements at the project site;

1 (B) manufacture one or more parts that are  
2 primarily used for electric vehicle manufacturing;

3 (C) to be placed in service within the State  
4 within a 60-month period after approval of the  
5 application; and

6 (D) create at least 150 new full-time employee  
7 jobs; or

8 (3) if the agreement is entered into before the  
9 effective date of this amendatory Act of the 102nd General  
10 Assembly and the applicant is ~~for~~ an electric vehicle  
11 manufacturer, an electric vehicle power supply equipment  
12 manufacturer, an electric vehicle component part  
13 manufacturer that does not qualify under paragraph (2)  
14 above, a battery recycling and reuse manufacturer, or a  
15 battery raw materials refining service provider:

16 (A) make an investment of at least \$20,000,000 in  
17 capital improvements at the project site;

18 (B) for electric vehicle component part  
19 manufacturers, manufacture one or more parts that are  
20 primarily used for electric vehicle manufacturing;

21 (C) to be placed in service within the State  
22 within a 48-month period after approval of the  
23 application; and

24 (D) create at least 50 new full-time employee  
25 jobs; or

26 (3.1) if the agreement is entered into on or after the

1 effective date of this amendatory Act of the 102nd General  
2 Assembly and the applicant is an electric vehicle  
3 manufacturer, an electric vehicle power supply equipment  
4 manufacturer, an electric vehicle component part  
5 manufacturer that does not qualify under paragraph (2)  
6 above, a renewable energy manufacturer that does not  
7 qualify under paragraph (2) above, a battery recycling and  
8 reuse manufacturer, or a battery raw materials refining  
9 service provider:

10 (A) make an investment of at least \$2,500,000 in  
11 capital improvements at the project site;

12 (B) in the case of electric vehicle component part  
13 manufacturers, manufacture one or more parts that are  
14 used for electric vehicle manufacturing;

15 (C) to be placed in service within the State  
16 within a 48-month period after approval of the  
17 application; and

18 (D) create the lesser of 50 new full-time employee  
19 jobs or new full-time employee jobs equivalent to 10%  
20 of the Statewide baseline applicable to the taxpayer  
21 and any related member at the time of application; or

22 (4) if the agreement is entered into before the  
23 effective date of this amendatory Act of the 102nd General  
24 Assembly and the applicant is ~~for~~ an electric vehicle  
25 manufacturer or electric vehicle component parts  
26 manufacturer with existing operations within Illinois that



1 intends to convert or expand, in whole or in part, the  
2 existing facility from traditional manufacturing to  
3 primarily electric vehicle manufacturing, electric vehicle  
4 component parts manufacturing, or electric vehicle power  
5 supply equipment manufacturing:

6 (A) make an investment of at least \$100,000,000 in  
7 capital improvements at the project site;

8 (B) to be placed in service within the State  
9 within a 60-month period after approval of the  
10 application; and

11 (C) create the lesser of 75 new full-time employee  
12 jobs or new full-time employee jobs equivalent to 10%  
13 of the Statewide baseline applicable to the taxpayer  
14 and any related member at the time of application; or ~~or~~  
15 (4.1) if the agreement is entered into on or after the  
16 effective date of this amendatory Act of the 102nd General  
17 Assembly and the applicant (i) is an electric vehicle  
18 manufacturer, an electric vehicle component parts  
19 manufacturer, or a renewable energy manufacturer and (ii)  
20 has existing operations within Illinois that the applicant  
21 intends to convert or expand, in whole or in part, from  
22 traditional manufacturing to electric vehicle  
23 manufacturing, electric vehicle component parts  
24 manufacturing, renewable energy manufacturing, or electric  
25 vehicle power supply equipment manufacturing:

26 (A) make an investment of at least \$100,000,000 in

1           capital improvements at the project site;

2           (B) to be placed in service within the State  
3           within a 60-month period after approval of the  
4           application; and

5           (C) create the lesser of 50 new full-time employee  
6           jobs or new full-time employee jobs equivalent to 10%  
7           of the Statewide baseline applicable to the taxpayer  
8           and any related member at the time of application.

9           (d) For agreements entered into prior to April 19, 2022  
10          (the effective date of Public Act 102-700), for any applicant  
11          creating the full-time employee jobs noted in subsection (c),  
12          those jobs must have a total compensation equal to or greater  
13          than 120% of the average wage paid to full-time employees in  
14          the county where the project is located, as determined by the  
15          U.S. Bureau of Labor Statistics. For agreements entered into  
16          on or after April 19, 2022 (the effective date of Public Act  
17          102-700), for any applicant creating the full-time employee  
18          jobs noted in subsection (c), those jobs must have a  
19          compensation equal to or greater than 120% of the average wage  
20          paid to full-time employees in a similar position within an  
21          occupational group in the county where the project is located,  
22          as determined by the Department.

23          (e) For any applicant, within 24 months after being placed  
24          in service, it must certify to the Department that it is carbon  
25          neutral or has attained certification under one of more of the  
26          following green building standards:

- 1 (1) BREEAM for New Construction or BREEAM In-Use;
- 2 (2) ENERGY STAR;
- 3 (3) Envision;
- 4 (4) ISO 50001 - energy management;
- 5 (5) LEED for Building Design and Construction or LEED
- 6 for Building Operations and Maintenance;
- 7 (6) Green Globes for New Construction or Green Globes
- 8 for Existing Buildings; or
- 9 (7) UL 3223.

10 (f) Each applicant must outline its hiring plan and  
11 commitment to recruit and hire full-time employee positions at  
12 the project site. The hiring plan may include a partnership  
13 with an institution of higher education to provide  
14 internships, including, but not limited to, internships  
15 supported by the Clean Jobs Workforce Network Program, or  
16 full-time permanent employment for students at the project  
17 site. Additionally, the applicant may create or utilize  
18 participants from apprenticeship programs that are approved by  
19 and registered with the United States Department of Labor's  
20 Bureau of Apprenticeship and Training. The applicant may apply  
21 for apprenticeship education expense credits in accordance  
22 with the provisions set forth in 14 Ill. Adm. Code 522. Each  
23 applicant is required to report annually, on or before April  
24 15, on the diversity of its workforce in accordance with  
25 Section 50 of this Act. For existing facilities of applicants  
26 under paragraph (3) of subsection (b) above, if the taxpayer

1 expects a reduction in force due to its transition to  
2 manufacturing electric vehicle, electric vehicle component  
3 parts, or electric vehicle power supply equipment, the plan  
4 submitted under this Section must outline the taxpayer's plan  
5 to assist with retraining its workforce aligned with the  
6 taxpayer's adoption of new technologies and anticipated  
7 efforts to retrain employees through employment opportunities  
8 within the taxpayer's workforce.

9 (g) Each applicant must demonstrate a contractual or other  
10 relationship with a recycling facility, or demonstrate its own  
11 recycling capabilities, at the time of application and report  
12 annually a continuing contractual or other relationship with a  
13 recycling facility and the percentage of batteries used in  
14 electric vehicles recycled throughout the term of the  
15 agreement.

16 (h) A taxpayer may not enter into more than one agreement  
17 under this Act with respect to a single address or location for  
18 the same period of time. Also, a taxpayer may not enter into an  
19 agreement under this Act with respect to a single address or  
20 location for the same period of time for which the taxpayer  
21 currently holds an active agreement under the Economic  
22 Development for a Growing Economy Tax Credit Act. This  
23 provision does not preclude the applicant from entering into  
24 an additional agreement after the expiration or voluntary  
25 termination of an earlier agreement under this Act or under  
26 the Economic Development for a Growing Economy Tax Credit Act

1 to the extent that the taxpayer's application otherwise  
2 satisfies the terms and conditions of this Act and is approved  
3 by the Department. An applicant with an existing agreement  
4 under the Economic Development for a Growing Economy Tax  
5 Credit Act may submit an application for an agreement under  
6 this Act after it terminates any existing agreement under the  
7 Economic Development for a Growing Economy Tax Credit Act with  
8 respect to the same address or location. If a project that is  
9 subject to an existing agreement under the Economic  
10 Development for a Growing Economy Tax Credit Act meets the  
11 requirements to be designated as a REV Illinois project under  
12 this Act, including for actions undertaken prior to the  
13 effective date of this Act, the taxpayer that is subject to  
14 that existing agreement under the Economic Development for a  
15 Growing Economy Tax Credit Act may apply to the Department to  
16 amend the agreement to allow the project to become a  
17 designated REV Illinois project. Following the amendment, time  
18 accrued during which the project was eligible for credits  
19 under the existing agreement under the Economic Development  
20 for a Growing Economy Tax Credit Act shall count toward the  
21 duration of the credit subject to limitations described in  
22 Section 40 of this Act.

23 (i) If, at any time following the designation of a project  
24 as a REV Illinois Project by the Department and prior to the  
25 termination or expiration of an agreement under this Act, the  
26 project ceases to qualify as a REV Illinois project because

1 the taxpayer is no longer an electric vehicle manufacturer, an  
2 electric vehicle component manufacturer, an electric vehicle  
3 power supply equipment manufacturer, a battery recycling and  
4 reuse manufacturer, or a battery raw materials refining  
5 service provider, that project may receive tax credit awards  
6 as described in Section 5-15 and Section 5-51 of the Economic  
7 Development for a Growing Economy Tax Credit Act, as long as  
8 the project continues to meet requirements to obtain those  
9 credits as described in the Economic Development for a Growing  
10 Economy Tax Credit Act and remains compliant with terms  
11 contained in the Agreement under this Act not related to their  
12 status as an electric vehicle manufacturer, an electric  
13 vehicle component manufacturer, an electric vehicle power  
14 supply equipment manufacturer, a battery recycling and reuse  
15 manufacturer, or a battery raw materials refining service  
16 provider. Time accrued during which the project was eligible  
17 for credits under an agreement under this Act shall count  
18 toward the duration of the credit subject to limitations  
19 described in Section 5-45 of the Economic Development for a  
20 Growing Economy Tax Credit Act.

21 (Source: P.A. 102-669, eff. 11-16-21; 102-700, eff. 4-19-22;  
22 102-1112, eff. 12-21-22.)

23 (20 ILCS 686/30)

24 Sec. 30. Tax credit awards.

25 (a) Subject to the conditions set forth in this Act, a

1 taxpayer is entitled to a credit against the tax imposed  
2 pursuant to subsections (a) and (b) of Section 201 of the  
3 Illinois Income Tax Act for a taxable year beginning on or  
4 after January 1, 2025 if the taxpayer is awarded a credit by  
5 the Department in accordance with an agreement under this Act.  
6 The Department has authority to award credits under this Act  
7 on and after January 1, 2022.

8 (b) REV Illinois Credits. A taxpayer may receive a tax  
9 credit against the tax imposed under subsections (a) and (b)  
10 of Section 201 of the Illinois Income Tax Act, not to exceed  
11 the sum of (i) 75% of the incremental income tax attributable  
12 to new employees at the applicant's project and (ii) 10% of the  
13 training costs of the new employees. If the project is located  
14 in an underserved area or an energy transition area, then the  
15 amount of the credit may not exceed the sum of (i) 100% of the  
16 incremental income tax attributable to new employees at the  
17 applicant's project; and (ii) 10% of the training costs of the  
18 new employees. The percentage of training costs includable in  
19 the calculation may be increased by an additional 15% for  
20 training costs associated with new employees that are recent  
21 (2 years or less) graduates, certificate holders, or  
22 credential recipients from an institution of higher education  
23 in Illinois, or, if the training is provided by an institution  
24 of higher education in Illinois, the Clean Jobs Workforce  
25 Network Program, or an apprenticeship and training program  
26 located in Illinois and approved by and registered with the

1 United States Department of Labor's Bureau of Apprenticeship  
2 and Training. An applicant is also eligible for a training  
3 credit that shall not exceed 10% of the training costs of  
4 retained employees for the purpose of upskilling to meet the  
5 operational needs of the applicant or the REV Illinois  
6 Project. The percentage of training costs includable in the  
7 calculation shall not exceed a total of 25%. If an applicant  
8 agrees to hire the required number of new employees, then the  
9 maximum amount of the credit for that applicant may be  
10 increased by an amount not to exceed 75% of the incremental  
11 income tax attributable to retained employees at the  
12 applicant's project; provided that, in order to receive the  
13 increase for retained employees, the applicant must, if  
14 applicable, meet or exceed the statewide baseline. If the  
15 Project is in an underserved area or an energy transition  
16 area, the maximum amount of the credit attributable to  
17 retained employees for the applicant may be increased to an  
18 amount not to exceed 100% of the incremental income tax  
19 attributable to retained employees at the applicant's project;  
20 provided that, in order to receive the increase for retained  
21 employees, the applicant must meet or exceed the statewide  
22 baseline. REV Illinois Credits awarded may include credit  
23 earned for incremental income tax withheld and training costs  
24 incurred by the taxpayer beginning on or after January 1,  
25 2022. Credits so earned and certified by the Department may be  
26 applied against the tax imposed by subsections (a) and (b) of



1 Section 201 of the Illinois Income Tax Act for taxable years  
2 beginning on or after January 1, 2025.

3 (c) REV Construction Jobs Credit. For construction wages  
4 associated with a project that qualified for a REV Illinois  
5 Credit under subsection (b), the taxpayer may receive a tax  
6 credit against the tax imposed under subsections (a) and (b)  
7 of Section 201 of the Illinois Income Tax Act in an amount  
8 equal to 50% of the incremental income tax attributable to  
9 construction wages paid in connection with construction of the  
10 project facilities, as a jobs credit for workers hired to  
11 construct the project.

12 The REV Construction Jobs Credit may not exceed 75% of the  
13 amount of the incremental income tax attributable to  
14 construction wages paid in connection with construction of the  
15 project facilities if the project is in an underserved area or  
16 an energy transition area.

17 (d) The Department shall certify to the Department of  
18 Revenue: (1) the identity of Taxpayers that are eligible for  
19 the REV Illinois Credit and REV Construction Jobs Credit; (2)  
20 the amount of the REV Illinois Credits and REV Construction  
21 Jobs Credits awarded in each calendar year; and (3) the amount  
22 of the REV Illinois Credit and REV Construction Jobs Credit  
23 claimed in each calendar year. REV Illinois Credits awarded  
24 may include credit earned for Incremental Income Tax withheld  
25 and Training Costs incurred by the Taxpayer beginning on or  
26 after January 1, 2022. Credits so earned and certified by the

1 Department may be applied against the tax imposed by Section  
2 201(a) and (b) of the Illinois Income Tax Act for taxable years  
3 beginning on or after January 1, 2025.

4 (e) Applicants seeking certification for a tax credits  
5 related to the construction of the project facilities in the  
6 State shall require the contractor to enter into a project  
7 labor agreement that conforms with the Project Labor  
8 Agreements Act.

9 (f) Any applicant issued a certificate for a tax credit or  
10 tax exemption under this Act must annually report to the  
11 Department the total project tax benefits received. Reports  
12 are due no later than May 31 of each year and shall cover the  
13 previous calendar year. The first report is for the 2022  
14 calendar year and is due no later than May 31, 2023. For  
15 applicants issued a certificate of exemption under Section 105  
16 of this Act, the report shall be the same as required for a  
17 High Impact Business under subsection (a-5) of Section 8.1 of  
18 the Illinois Enterprise Zone Act. Each person required to file  
19 a return under the Gas Revenue Tax Act, the Electricity Excise  
20 Tax Law, or the Telecommunications Excise Tax Act shall file a  
21 report containing information about customers that are issued  
22 an exemption certificate under Section 95 of this Act in the  
23 same manner and form as they are required to report under  
24 subsection (b) of Section 8.1 of the Illinois Enterprise Zone  
25 Act.

26 (g) Nothing in this Act shall prohibit an award of credit

1 to an applicant that uses a PEO if all other award criteria are  
2 satisfied.

3 (h) With respect to any portion of a REV Illinois Credit  
4 that is based on the incremental income tax attributable to  
5 new employees or retained employees, in lieu of the Credit  
6 allowed under this Act against the taxes imposed pursuant to  
7 subsections (a) and (b) of Section 201 of the Illinois Income  
8 Tax Act, a taxpayer that otherwise meets the criteria set  
9 forth in this Section, the taxpayer may elect to claim the  
10 credit, on or after January 1, 2025, against its obligation to  
11 pay over withholding under Section 704A of the Illinois Income  
12 Tax Act. The election shall be made in the manner prescribed by  
13 the Department of Revenue and once made shall be irrevocable.  
14 (Source: P.A. 102-669, eff. 11-16-21; 102-1112, eff.  
15 12-21-22.)

16 (20 ILCS 686/40)

17 Sec. 40. Amount and duration of the credits; limitation to  
18 amount of costs of specified items. The Department shall  
19 determine the amount and duration of the REV Illinois Credit  
20 awarded under this Act, subject to the limitations set forth  
21 in this Act. For a project that qualified under paragraph (1),  
22 (2), ~~or~~ (4), or (4.1) of subsection (c) of Section 20, the  
23 duration of the credit may not exceed 15 taxable years, with an  
24 option to renew the agreement for no more than one term not to  
25 exceed an additional 15 taxable years. For project that

1 qualified under paragraph (3) or (3.1) of subsection (c) of  
2 Section 20, the duration of the credit may not exceed 10  
3 taxable years, with an option to renew the agreement for no  
4 more than one term not to exceed an additional 10 taxable  
5 years. The credit may be stated as a percentage of the  
6 incremental income tax and training costs attributable to the  
7 applicant's project and may include a fixed dollar limitation.

8 Nothing in this Section shall prevent the Department, in  
9 consultation with the Department of Revenue, from adopting  
10 rules to extend the sunset of any earned, existing, and unused  
11 tax credit or credits a taxpayer may be in possession of, as  
12 provided for in Section 605-1055 of the Department of Commerce  
13 and Economic Opportunity Law of the Civil Administrative Code  
14 of Illinois, notwithstanding the carry-forward provisions  
15 pursuant to paragraph (4) of Section 211 of the Illinois  
16 Income Tax Act.

17 (Source: P.A. 102-669, eff. 11-16-21; 102-1112, eff.  
18 12-21-22.)

19 (20 ILCS 686/45)

20 Sec. 45. Contents of agreements with applicants.

21 (a) The Department shall enter into an agreement with an  
22 applicant that is awarded a credit under this Act. The  
23 agreement shall include all of the following:

24 (1) A detailed description of the project that is the  
25 subject of the agreement, including the location and

1 amount of the investment and jobs created or retained.

2 (2) The duration of the credit, the first taxable year  
3 for which the credit may be awarded, and the first taxable  
4 year in which the credit may be used by the taxpayer.

5 (3) The credit amount that will be allowed for each  
6 taxable year.

7 (4) For a project qualified under paragraphs (1), (2),  
8 or (4) of subsection (c) of Section 20, a requirement that  
9 the taxpayer shall maintain operations at the project  
10 location a minimum number of years not to exceed 15. For  
11 project qualified under paragraph (3) of subsection (c) of  
12 Section 20, a requirement that the taxpayer shall maintain  
13 operations at the project location a minimum number of  
14 years not to exceed 10.

15 (5) A specific method for determining the number of  
16 new employees and if applicable, retained employees,  
17 employed during a taxable year.

18 (6) A requirement that the taxpayer shall annually  
19 report to the Department the number of new employees, the  
20 incremental income tax withheld in connection with the new  
21 employees, and any other information the Department deems  
22 necessary and appropriate to perform its duties under this  
23 Act.

24 (7) A requirement that the Director is authorized to  
25 verify with the appropriate State agencies the amounts  
26 reported under paragraph (6), and after doing so shall

1 issue a certificate to the taxpayer stating that the  
2 amounts have been verified.

3 (8) A requirement that the taxpayer shall provide  
4 written notification to the Director not more than 30 days  
5 after the taxpayer makes or receives a proposal that would  
6 transfer the taxpayer's State tax liability obligations to  
7 a successor taxpayer.

8 (9) A detailed description of the number of new  
9 employees to be hired, and the occupation and payroll of  
10 full-time jobs to be created or retained because of the  
11 project.

12 (10) The minimum investment the taxpayer will make in  
13 capital improvements, the time period for placing the  
14 property in service, and the designated location in  
15 Illinois for the investment.

16 (11) A requirement that the taxpayer shall provide  
17 written notification to the Director and the Director's  
18 designee not more than 30 days after the taxpayer  
19 determines that the minimum job creation or retention,  
20 employment payroll, or investment no longer is or will be  
21 achieved or maintained as set forth in the terms and  
22 conditions of the agreement. Additionally, the  
23 notification should outline to the Department the number  
24 of layoffs, date of the layoffs, and detail taxpayer's  
25 efforts to provide career and training counseling for the  
26 impacted workers with industry-related certifications and

1 trainings.

2 (12) A provision that, if the total number of new  
3 employees falls below a specified level, the allowance of  
4 credit shall be suspended until the number of new  
5 employees equals or exceeds the agreement amount.

6 (13) If applicable, a provision that specifies the  
7 statewide baseline at the time of application for retained  
8 employees. Additionally, the agreement must have a  
9 provision addressing if the total number retained  
10 employees falls below the statewide baseline, the  
11 allowance of the credit shall be suspended until the  
12 number of retained employees equals or exceeds the  
13 agreement amount.

14 (14) A detailed description of the items for which the  
15 costs incurred by the Taxpayer will be included in the  
16 limitation on the Credit provided in Section 40.

17 (15) A provision stating that if the taxpayer fails to  
18 meet either the investment or job creation and retention  
19 requirements specified in the agreement during the entire  
20 5-year period beginning on the first day of the first  
21 taxable year in which the agreement is executed and ending  
22 on the last day of the fifth taxable year after the  
23 agreement is executed, then the agreement is automatically  
24 terminated on the last day of the fifth taxable year after  
25 the agreement is executed, and the taxpayer is not  
26 entitled to the award of any credits for any of that 5-year

1 period.

2 (16) A provision stating that if the taxpayer ceases  
3 principal operations with the intent to permanently shut  
4 down the project in the State during the term of the  
5 Agreement, then the entire credit amount awarded to the  
6 taxpayer prior to the date the taxpayer ceases principal  
7 operations shall be returned to the Department and shall  
8 be reallocated to the local workforce investment area in  
9 which the project was located.

10 (17) A provision stating that the Taxpayer must  
11 provide the reports outlined in Sections 50 and 55 on or  
12 before April 15 each year.

13 (18) A provision requiring the taxpayer to report  
14 annually its contractual obligations or otherwise with a  
15 recycling facility for its operations.

16 (19) Any other performance conditions or contract  
17 provisions the Department determines are necessary or  
18 appropriate.

19 (20) Each taxpayer under paragraph (1) of subsection  
20 (c) of Section 20 above shall maintain labor neutrality  
21 toward any union organizing campaign for any employees of  
22 the taxpayer assigned to work on the premises of the REV  
23 Illinois Project Site. This paragraph shall not apply to  
24 an electric vehicle manufacturer, electric vehicle  
25 component part manufacturer, electric vehicle power supply  
26 manufacturer, or renewable energy manufacturer, or any



1 joint venture including an electric vehicle manufacturer,  
2 electric vehicle component part manufacturer, ~~and~~ electric  
3 vehicle power supply manufacturer, or renewable energy  
4 manufacturer, who is subject to collective bargaining  
5 agreement entered into prior to the taxpayer filing an  
6 application pursuant to this Act.

7 (b) The Department shall post on its website the terms of  
8 each agreement entered into under this Act. Such information  
9 shall be posted within 10 days after entering into the  
10 agreement and must include the following:

11 (1) the name of the taxpayer;

12 (2) the location of the project;

13 (3) the estimated value of the credit;

14 (4) the number of new employee jobs and, if  
15 applicable, number of retained employee jobs at the  
16 project; and

17 (5) whether or not the project is in an underserved  
18 area or energy transition area.

19 (Source: P.A. 102-669, eff. 11-16-21.)

20 Section 915. The Build Illinois Act is amended by changing  
21 Section 10-6 as follows:

22 (30 ILCS 750/10-6) (from Ch. 127, par. 2710-6)

23 Sec. 10-6. Large Business Attraction Fund.

24 (a) There is created the Large Business Attraction Fund to

1 be held as part of the State Treasury. The Department is  
2 authorized to make loans from the Fund for the purposes  
3 established under this Article. The State Treasurer shall have  
4 custody of the Fund and may invest in securities constituting  
5 direct obligations of the United States Government, in  
6 obligations the principal of and interest on which are  
7 guaranteed by the United States Government, or in certificates  
8 of deposit of any State or national bank that are fully secured  
9 by obligations guaranteed as to principal and interest by the  
10 United States Government. The purpose of the Fund is to offer  
11 loans to finance large firms considering the location of a  
12 proposed plant in the State and to provide financing to carry  
13 out the purposes and provisions of paragraph (h) of Section  
14 10-3. Financing shall be in the form of a loan, mortgage, or  
15 other debt instrument. All loans shall be conditioned on the  
16 project receiving financing from participating lenders or  
17 other sources. Loan proceeds shall be available for project  
18 costs associated with an expansion of business capacity and  
19 employment, except for debt refinancing. Targeted companies  
20 for the program shall primarily consist of established  
21 industrial and service companies with proven records of  
22 earnings that will sell their product to markets beyond  
23 Illinois and have proven multistate location options. New  
24 ventures shall be considered only if the entity is protected  
25 with adequate security with regard to its financing and  
26 operation. The limitations and conditions with respect to the

1 use of this Fund shall not apply in carrying out the purposes  
2 and provisions of paragraph (h) of Section 10-3.

3 (b) Deposits into the Fund shall include, but are not  
4 limited to:

5 (1) Any appropriations, grants, or gifts made to the  
6 Fund.

7 (2) Any income received from interest on investments  
8 of amounts from the Fund not currently needed to meet the  
9 obligations of the Fund.

10 (c) The State Comptroller and the State Treasurer shall  
11 from time to time, upon the written direction of the Governor,  
12 transfer from the Fund to the General Revenue Fund those  
13 amounts that the Governor determines are in excess of the  
14 amounts required to meet the obligations of the Fund.

15 (d) Notwithstanding subsection (a) of this Section, the  
16 Large Business Attraction Fund may be used for the purposes  
17 established under the Invest in Illinois Act, including for  
18 awards, grants, loans, contracts, and administrative expenses.

19 (Source: P.A. 90-372, eff. 7-1-98.)

20 Section 920. The Illinois Income Tax Act is amended by  
21 changing Sections 236, 237, and 704A as follows:

22 (35 ILCS 5/236)

23 Sec. 236. Reimagining Energy and Electric Vehicles in  
24 Illinois Tax credits.

1 (a) For tax years beginning on or after January 1, 2025, a  
2 taxpayer who has entered into an agreement under the  
3 Reimagining Energy and Electric Vehicles in Illinois Act is  
4 entitled to a credit against the taxes imposed under  
5 subsections (a) and (b) of Section 201 of this Act in an amount  
6 to be determined in the Agreement. The taxpayer may elect to  
7 claim the credit, on or after January 1, 2025, against its  
8 obligation to pay over withholding under Section 704A of this  
9 Act as provided in paragraph (6) of subsection (b). If the  
10 taxpayer is a partnership or Subchapter S corporation, the  
11 credit shall be allowed to the partners or shareholders in  
12 accordance with the determination of income and distributive  
13 share of income under Sections 702 and 704 and subchapter S of  
14 the Internal Revenue Code. The Department, in cooperation with  
15 the Department of Commerce and Economic Opportunity, shall  
16 adopt rules to enforce and administer the provisions of this  
17 Section. This Section is exempt from the provisions of Section  
18 250 of this Act.

19 (b) The credit is subject to the conditions set forth in  
20 the agreement and the following limitations:

21 (1) The tax credit may be in the form of either or both  
22 the REV Illinois Credit or the REV Construction Jobs  
23 Credit (as defined in the Reimagining Energy and Electric  
24 Vehicles in Illinois Act) and shall not exceed the  
25 percentage of incremental income tax and percentage of  
26 training costs permitted in that Act and in the agreement

1 with respect to the project.

2 (2) The amount of the credit allowed during a tax year  
3 plus the sum of all amounts allowed in prior tax years  
4 shall not exceed the maximum amount of credit established  
5 in the agreement.

6 (3) The amount of the credit shall be determined on an  
7 annual basis. Except as applied in a carryover year  
8 pursuant to paragraph (4), the credit may not be applied  
9 against any State income tax liability in more than 15  
10 taxable years.

11 (4) The credit may not exceed the amount of taxes  
12 imposed pursuant to subsections (a) and (b) of Section 201  
13 of this Act. Any credit that is unused in the year the  
14 credit is computed may be carried forward and applied to  
15 the tax liability of the 5 taxable years following the  
16 excess credit year. The credit shall be applied to the  
17 earliest year for which there is a tax liability. If there  
18 are credits from more than one tax year that are available  
19 to offset a liability, the earlier credit shall be applied  
20 first.

21 (5) No credit shall be allowed with respect to any  
22 agreement for any taxable year ending after the  
23 noncompliance date. Upon receiving notification by the  
24 Department of Commerce and Economic Opportunity of the  
25 noncompliance of a taxpayer with an agreement, the  
26 Department shall notify the taxpayer that no credit is

1 allowed with respect to that agreement for any taxable  
2 year ending after the noncompliance date, as stated in  
3 such notification. If any credit has been allowed with  
4 respect to an agreement for a taxable year ending after  
5 the noncompliance date for that agreement, any refund paid  
6 to the taxpayer for that taxable year shall, to the extent  
7 of that credit allowed, be an erroneous refund within the  
8 meaning of Section 912 of this Act.

9 If, during any taxable year, a taxpayer ceases  
10 operations at a project location that is the subject of  
11 that agreement with the intent to terminate operations in  
12 the State, the tax imposed under subsections (a) and (b)  
13 of Section 201 of this Act for such taxable year shall be  
14 increased by the amount of any credit allowed under the  
15 Agreement for that Project location prior to the date the  
16 Taxpayer ceases operations.

17 (6) Instead of claiming the credit against the taxes  
18 imposed under subsections (a) and (b) of Section 201 of  
19 this Act, with respect to the portion of a REV Illinois  
20 Credit that is calculated based on the Incremental Income  
21 Tax attributable to new employees and retained employees,  
22 the taxpayer may elect, in accordance with the Reimagining  
23 Energy and Electric ~~Electric~~ Vehicles in Illinois Act, to claim the  
24 credit, on or after January 1, 2025, against its  
25 obligation to pay over withholding under Section 704A of  
26 the Illinois Income Tax Act. Any credit for which a

1 Taxpayer makes such an election shall not be claimed  
2 against the taxes imposed under subsections (a) and (b) of  
3 Section 201 of this Act.

4 (Source: P.A. 102-669, eff. 11-16-21.)

5 (35 ILCS 5/237)

6 Sec. 237. REV Illinois Investment Tax credits.

7 (a) For tax years beginning on or after the effective date  
8 of this amendatory Act of the 102nd General Assembly, a  
9 taxpayer shall be allowed a credit against the tax imposed by  
10 subsections (a) and (b) of Section 201 for investment in  
11 qualified property which is placed in service at the site of a  
12 REV Illinois Project subject to an agreement between the  
13 taxpayer and the Department of Commerce and Economic  
14 Opportunity pursuant to the Reimagining Energy and Electric  
15 Vehicles in Illinois Act. For partners, shareholders of  
16 Subchapter S corporations, and owners of limited liability  
17 companies, if the liability company is treated as a  
18 partnership for purposes of federal and State income taxation,  
19 there shall be allowed a credit under this Section to be  
20 determined in accordance with the determination of income and  
21 distributive share of income under Sections 702 and 704 and  
22 Subchapter S of the Internal Revenue Code. The credit shall be  
23 0.5% of the basis for such property. The credit shall be  
24 available only in the taxable year in which the property is  
25 placed in service and shall not be allowed to the extent that

1 it would reduce a taxpayer's liability for the tax imposed by  
2 subsections (a) and (b) of Section 201 to below zero. The  
3 credit shall be allowed for the tax year in which the property  
4 is placed in service, or, if the amount of the credit exceeds  
5 the tax liability for that year, whether it exceeds the  
6 original liability or the liability as later amended, such  
7 excess may be carried forward and applied to the tax liability  
8 of the 5 taxable years following the excess credit year. The  
9 credit shall be applied to the earliest year for which there is  
10 a liability. If there is credit from more than one tax year  
11 that is available to offset a liability, the credit accruing  
12 first in time shall be applied first.

13 (b) The term qualified property means property which:

14 (1) is tangible, whether new or used, including  
15 buildings and structural components of buildings;

16 (2) is depreciable pursuant to Section 167 of the  
17 Internal Revenue Code, except that "3-year property" as  
18 defined in Section 168(c)(2)(A) of that Code is not  
19 eligible for the credit provided by this Section;

20 (3) is acquired by purchase as defined in Section  
21 179(d) of the Internal Revenue Code;

22 (4) is used at the site of the REV Illinois Project by  
23 the taxpayer; and

24 (5) has not been previously used in Illinois in such a  
25 manner and by such a person as would qualify for the credit  
26 provided by this Section.



1           (c) The basis of qualified property shall be the basis  
2 used to compute the depreciation deduction for federal income  
3 tax purposes.

4           (d) If the basis of the property for federal income tax  
5 depreciation purposes is increased after it has been placed in  
6 service at the site of the REV Illinois Project by the  
7 taxpayer, the amount of such increase shall be deemed property  
8 placed in service on the date of such increase in basis.

9           (e) The term "placed in service" shall have the same  
10 meaning as under Section 46 of the Internal Revenue Code.

11           (f) If during any taxable year, any property ceases to be  
12 qualified property in the hands of the taxpayer within 48  
13 months after being placed in service, or the situs of any  
14 qualified property is moved from the REV Illinois Project site  
15 within 48 months after being placed in service, the tax  
16 imposed under subsections (a) and (b) of Section 201 for such  
17 taxable year shall be increased. Such increase shall be  
18 determined by (i) recomputing the investment credit which  
19 would have been allowed for the year in which credit for such  
20 property was originally allowed by eliminating such property  
21 from such computation, and (ii) subtracting such recomputed  
22 credit from the amount of credit previously allowed. For the  
23 purposes of this subsection (f), a reduction of the basis of  
24 qualified property resulting from a redetermination of the  
25 purchase price shall be deemed a disposition of qualified  
26 property to the extent of such reduction.

1 (Source: P.A. 102-669, eff. 11-16-21.)

2 (35 ILCS 5/704A)

3 Sec. 704A. Employer's return and payment of tax withheld.

4 (a) In general, every employer who deducts and withholds  
5 or is required to deduct and withhold tax under this Act on or  
6 after January 1, 2008 shall make those payments and returns as  
7 provided in this Section.

8 (b) Returns. Every employer shall, in the form and manner  
9 required by the Department, make returns with respect to taxes  
10 withheld or required to be withheld under this Article 7 for  
11 each quarter beginning on or after January 1, 2008, on or  
12 before the last day of the first month following the close of  
13 that quarter.

14 (c) Payments. With respect to amounts withheld or required  
15 to be withheld on or after January 1, 2008:

16 (1) Semi-weekly payments. For each calendar year, each  
17 employer who withheld or was required to withhold more  
18 than \$12,000 during the one-year period ending on June 30  
19 of the immediately preceding calendar year, payment must  
20 be made:

21 (A) on or before each Friday of the calendar year,  
22 for taxes withheld or required to be withheld on the  
23 immediately preceding Saturday, Sunday, Monday, or  
24 Tuesday;

25 (B) on or before each Wednesday of the calendar

1           year, for taxes withheld or required to be withheld on  
2           the immediately preceding Wednesday, Thursday, or  
3           Friday.

4           Beginning with calendar year 2011, payments made under  
5           this paragraph (1) of subsection (c) must be made by  
6           electronic funds transfer.

7           (2) Semi-weekly payments. Any employer who withholds  
8           or is required to withhold more than \$12,000 in any  
9           quarter of a calendar year is required to make payments on  
10          the dates set forth under item (1) of this subsection (c)  
11          for each remaining quarter of that calendar year and for  
12          the subsequent calendar year.

13          (3) Monthly payments. Each employer, other than an  
14          employer described in items (1) or (2) of this subsection,  
15          shall pay to the Department, on or before the 15th day of  
16          each month the taxes withheld or required to be withheld  
17          during the immediately preceding month.

18          (4) Payments with returns. Each employer shall pay to  
19          the Department, on or before the due date for each return  
20          required to be filed under this Section, any tax withheld  
21          or required to be withheld during the period for which the  
22          return is due and not previously paid to the Department.

23          (d) Regulatory authority. The Department may, by rule:

24                (1) Permit employers, in lieu of the requirements of  
25                subsections (b) and (c), to file annual returns due on or  
26                before January 31 of the year for taxes withheld or

1 required to be withheld during the previous calendar year  
2 and, if the aggregate amounts required to be withheld by  
3 the employer under this Article 7 (other than amounts  
4 required to be withheld under Section 709.5) do not exceed  
5 \$1,000 for the previous calendar year, to pay the taxes  
6 required to be shown on each such return no later than the  
7 due date for such return.

8 (2) Provide that any payment required to be made under  
9 subsection (c)(1) or (c)(2) is deemed to be timely to the  
10 extent paid by electronic funds transfer on or before the  
11 due date for deposit of federal income taxes withheld  
12 from, or federal employment taxes due with respect to, the  
13 wages from which the Illinois taxes were withheld.

14 (3) Designate one or more depositories to which  
15 payment of taxes required to be withheld under this  
16 Article 7 must be paid by some or all employers.

17 (4) Increase the threshold dollar amounts at which  
18 employers are required to make semi-weekly payments under  
19 subsection (c)(1) or (c)(2).

20 (e) Annual return and payment. Every employer who deducts  
21 and withholds or is required to deduct and withhold tax from a  
22 person engaged in domestic service employment, as that term is  
23 defined in Section 3510 of the Internal Revenue Code, may  
24 comply with the requirements of this Section with respect to  
25 such employees by filing an annual return and paying the taxes  
26 required to be deducted and withheld on or before the 15th day

1 of the fourth month following the close of the employer's  
2 taxable year. The Department may allow the employer's return  
3 to be submitted with the employer's individual income tax  
4 return or to be submitted with a return due from the employer  
5 under Section 1400.2 of the Unemployment Insurance Act.

6 (f) Magnetic media and electronic filing. With respect to  
7 taxes withheld in calendar years prior to 2017, any W-2 Form  
8 that, under the Internal Revenue Code and regulations  
9 promulgated thereunder, is required to be submitted to the  
10 Internal Revenue Service on magnetic media or electronically  
11 must also be submitted to the Department on magnetic media or  
12 electronically for Illinois purposes, if required by the  
13 Department.

14 With respect to taxes withheld in 2017 and subsequent  
15 calendar years, the Department may, by rule, require that any  
16 return (including any amended return) under this Section and  
17 any W-2 Form that is required to be submitted to the Department  
18 must be submitted on magnetic media or electronically.

19 The due date for submitting W-2 Forms shall be as  
20 prescribed by the Department by rule.

21 (g) For amounts deducted or withheld after December 31,  
22 2009, a taxpayer who makes an election under subsection (f) of  
23 Section 5-15 of the Economic Development for a Growing Economy  
24 Tax Credit Act for a taxable year shall be allowed a credit  
25 against payments due under this Section for amounts withheld  
26 during the first calendar year beginning after the end of that

1 taxable year equal to the amount of the credit for the  
2 incremental income tax attributable to full-time employees of  
3 the taxpayer awarded to the taxpayer by the Department of  
4 Commerce and Economic Opportunity under the Economic  
5 Development for a Growing Economy Tax Credit Act for the  
6 taxable year and credits not previously claimed and allowed to  
7 be carried forward under Section 211(4) of this Act as  
8 provided in subsection (f) of Section 5-15 of the Economic  
9 Development for a Growing Economy Tax Credit Act. The credit  
10 or credits may not reduce the taxpayer's obligation for any  
11 payment due under this Section to less than zero. If the amount  
12 of the credit or credits exceeds the total payments due under  
13 this Section with respect to amounts withheld during the  
14 calendar year, the excess may be carried forward and applied  
15 against the taxpayer's liability under this Section in the  
16 succeeding calendar years as allowed to be carried forward  
17 under paragraph (4) of Section 211 of this Act. The credit or  
18 credits shall be applied to the earliest year for which there  
19 is a tax liability. If there are credits from more than one  
20 taxable year that are available to offset a liability, the  
21 earlier credit shall be applied first. Each employer who  
22 deducts and withholds or is required to deduct and withhold  
23 tax under this Act and who retains income tax withholdings  
24 under subsection (f) of Section 5-15 of the Economic  
25 Development for a Growing Economy Tax Credit Act must make a  
26 return with respect to such taxes and retained amounts in the

1 form and manner that the Department, by rule, requires and pay  
2 to the Department or to a depository designated by the  
3 Department those withheld taxes not retained by the taxpayer.  
4 For purposes of this subsection (g), the term taxpayer shall  
5 include taxpayer and members of the taxpayer's unitary  
6 business group as defined under paragraph (27) of subsection  
7 (a) of Section 1501 of this Act. This Section is exempt from  
8 the provisions of Section 250 of this Act. No credit awarded  
9 under the Economic Development for a Growing Economy Tax  
10 Credit Act for agreements entered into on or after January 1,  
11 2015 may be credited against payments due under this Section.

12 (g-1) For amounts deducted or withheld after December 31,  
13 2024, a taxpayer who makes an election under the Reimagining  
14 Energy and Electric Vehicles in Illinois Act shall be allowed  
15 a credit against payments due under this Section for amounts  
16 withheld during the first quarterly reporting period beginning  
17 after the certificate is issued equal to the portion of the REV  
18 Illinois Credit attributable to the incremental income tax  
19 attributable to new employees and retained employees as  
20 certified by the Department of Commerce and Economic  
21 Opportunity pursuant to an agreement with the taxpayer under  
22 the Reimagining Energy and Electric Vehicles in Illinois Act  
23 for the taxable year. The credit or credits may not reduce the  
24 taxpayer's obligation for any payment due under this Section  
25 to less than zero. If the amount of the credit or credits  
26 exceeds the total payments due under this Section with respect

1 to amounts withheld during the quarterly reporting period, the  
2 excess may be carried forward and applied against the  
3 taxpayer's liability under this Section in the succeeding  
4 quarterly reporting period as allowed to be carried forward  
5 under paragraph (4) of Section 211 of this Act. The credit or  
6 credits shall be applied to the earliest quarterly reporting  
7 period for which there is a tax liability. If there are credits  
8 from more than one quarterly reporting period that are  
9 available to offset a liability, the earlier credit shall be  
10 applied first. Each employer who deducts and withholds or is  
11 required to deduct and withhold tax under this Act and who  
12 retains income tax withholdings this subsection must make a  
13 return with respect to such taxes and retained amounts in the  
14 form and manner that the Department, by rule, requires and pay  
15 to the Department or to a depository designated by the  
16 Department those withheld taxes not retained by the taxpayer.  
17 For purposes of this subsection (g-1), the term taxpayer shall  
18 include taxpayer and members of the taxpayer's unitary  
19 business group as defined under paragraph (27) of subsection  
20 (a) of Section 1501 of this Act. This Section is exempt from  
21 the provisions of Section 250 of this Act.

22 (g-2) For amounts deducted or withheld after December 31,  
23 2024, a taxpayer who makes an election under the Manufacturing  
24 Illinois Chips for Real Opportunity (MICRO) Act shall be  
25 allowed a credit against payments due under this Section for  
26 amounts withheld during the first quarterly reporting period



1 beginning after the certificate is issued equal to the portion  
2 of the MICRO Illinois Credit attributable to the incremental  
3 income tax attributable to new employees and retained  
4 employees as certified by the Department of Commerce and  
5 Economic Opportunity pursuant to an agreement with the  
6 taxpayer under the Manufacturing Illinois Chips for Real  
7 Opportunity (MICRO) Act for the taxable year. The credit or  
8 credits may not reduce the taxpayer's obligation for any  
9 payment due under this Section to less than zero. If the amount  
10 of the credit or credits exceeds the total payments due under  
11 this Section with respect to amounts withheld during the  
12 quarterly reporting period, the excess may be carried forward  
13 and applied against the taxpayer's liability under this  
14 Section in the succeeding quarterly reporting period as  
15 allowed to be carried forward under paragraph (4) of Section  
16 211 of this Act. The credit or credits shall be applied to the  
17 earliest quarterly reporting period for which there is a tax  
18 liability. If there are credits from more than one quarterly  
19 reporting period that are available to offset a liability, the  
20 earlier credit shall be applied first. Each employer who  
21 deducts and withholds or is required to deduct and withhold  
22 tax under this Act and who retains income tax withholdings  
23 this subsection must make a return with respect to such taxes  
24 and retained amounts in the form and manner that the  
25 Department, by rule, requires and pay to the Department or to a  
26 depository designated by the Department those withheld taxes

1 not retained by the taxpayer. For purposes of this subsection,  
2 the term taxpayer shall include taxpayer and members of the  
3 taxpayer's unitary business group as defined under paragraph  
4 (27) of subsection (a) of Section 1501 of this Act. This  
5 Section is exempt from the provisions of Section 250 of this  
6 Act.

7 (h) An employer may claim a credit against payments due  
8 under this Section for amounts withheld during the first  
9 calendar year ending after the date on which a tax credit  
10 certificate was issued under Section 35 of the Small Business  
11 Job Creation Tax Credit Act. The credit shall be equal to the  
12 amount shown on the certificate, but may not reduce the  
13 taxpayer's obligation for any payment due under this Section  
14 to less than zero. If the amount of the credit exceeds the  
15 total payments due under this Section with respect to amounts  
16 withheld during the calendar year, the excess may be carried  
17 forward and applied against the taxpayer's liability under  
18 this Section in the 5 succeeding calendar years. The credit  
19 shall be applied to the earliest year for which there is a tax  
20 liability. If there are credits from more than one calendar  
21 year that are available to offset a liability, the earlier  
22 credit shall be applied first. This Section is exempt from the  
23 provisions of Section 250 of this Act.

24 (i) Each employer with 50 or fewer full-time equivalent  
25 employees during the reporting period may claim a credit  
26 against the payments due under this Section for each qualified

1 employee in an amount equal to the maximum credit allowable.  
2 The credit may be taken against payments due for reporting  
3 periods that begin on or after January 1, 2020, and end on or  
4 before December 31, 2027. An employer may not claim a credit  
5 for an employee who has worked fewer than 90 consecutive days  
6 immediately preceding the reporting period; however, such  
7 credits may accrue during that 90-day period and be claimed  
8 against payments under this Section for future reporting  
9 periods after the employee has worked for the employer at  
10 least 90 consecutive days. In no event may the credit exceed  
11 the employer's liability for the reporting period. Each  
12 employer who deducts and withholds or is required to deduct  
13 and withhold tax under this Act and who retains income tax  
14 withholdings under this subsection must make a return with  
15 respect to such taxes and retained amounts in the form and  
16 manner that the Department, by rule, requires and pay to the  
17 Department or to a depository designated by the Department  
18 those withheld taxes not retained by the employer.

19 For each reporting period, the employer may not claim a  
20 credit or credits for more employees than the number of  
21 employees making less than the minimum or reduced wage for the  
22 current calendar year during the last reporting period of the  
23 preceding calendar year. Notwithstanding any other provision  
24 of this subsection, an employer shall not be eligible for  
25 credits for a reporting period unless the average wage paid by  
26 the employer per employee for all employees making less than

1 \$55,000 during the reporting period is greater than the  
2 average wage paid by the employer per employee for all  
3 employees making less than \$55,000 during the same reporting  
4 period of the prior calendar year.

5 For purposes of this subsection (i):

6 "Compensation paid in Illinois" has the meaning ascribed  
7 to that term under Section 304(a)(2)(B) of this Act.

8 "Employer" and "employee" have the meaning ascribed to  
9 those terms in the Minimum Wage Law, except that "employee"  
10 also includes employees who work for an employer with fewer  
11 than 4 employees. Employers that operate more than one  
12 establishment pursuant to a franchise agreement or that  
13 constitute members of a unitary business group shall aggregate  
14 their employees for purposes of determining eligibility for  
15 the credit.

16 "Full-time equivalent employees" means the ratio of the  
17 number of paid hours during the reporting period and the  
18 number of working hours in that period.

19 "Maximum credit" means the percentage listed below of the  
20 difference between the amount of compensation paid in Illinois  
21 to employees who are paid not more than the required minimum  
22 wage reduced by the amount of compensation paid in Illinois to  
23 employees who were paid less than the current required minimum  
24 wage during the reporting period prior to each increase in the  
25 required minimum wage on January 1. If an employer pays an  
26 employee more than the required minimum wage and that employee

1 previously earned less than the required minimum wage, the  
2 employer may include the portion that does not exceed the  
3 required minimum wage as compensation paid in Illinois to  
4 employees who are paid not more than the required minimum  
5 wage.

6 (1) 25% for reporting periods beginning on or after  
7 January 1, 2020 and ending on or before December 31, 2020;

8 (2) 21% for reporting periods beginning on or after  
9 January 1, 2021 and ending on or before December 31, 2021;

10 (3) 17% for reporting periods beginning on or after  
11 January 1, 2022 and ending on or before December 31, 2022;

12 (4) 13% for reporting periods beginning on or after  
13 January 1, 2023 and ending on or before December 31, 2023;

14 (5) 9% for reporting periods beginning on or after  
15 January 1, 2024 and ending on or before December 31, 2024;

16 (6) 5% for reporting periods beginning on or after  
17 January 1, 2025 and ending on or before December 31, 2025.

18 The amount computed under this subsection may continue to  
19 be claimed for reporting periods beginning on or after January  
20 1, 2026 and:

21 (A) ending on or before December 31, 2026 for  
22 employers with more than 5 employees; or

23 (B) ending on or before December 31, 2027 for  
24 employers with no more than 5 employees.

25 "Qualified employee" means an employee who is paid not  
26 more than the required minimum wage and has an average wage

1 paid per hour by the employer during the reporting period  
2 equal to or greater than his or her average wage paid per hour  
3 by the employer during each reporting period for the  
4 immediately preceding 12 months. A new qualified employee is  
5 deemed to have earned the required minimum wage in the  
6 preceding reporting period.

7 "Reporting period" means the quarter for which a return is  
8 required to be filed under subsection (b) of this Section.

9 (j) For reporting periods beginning on or after January 1,  
10 2023, if a private employer grants all of its employees the  
11 option of taking a paid leave of absence of at least 30 days  
12 for the purpose of serving as an organ donor or bone marrow  
13 donor, then the private employer may take a credit against the  
14 payments due under this Section in an amount equal to the  
15 amount withheld under this Section with respect to wages paid  
16 while the employee is on organ donation leave, not to exceed  
17 \$1,000 in withholdings for each employee who takes organ  
18 donation leave. To be eligible for the credit, such a leave of  
19 absence must be taken without loss of pay, vacation time,  
20 compensatory time, personal days, or sick time for at least  
21 the first 30 days of the leave of absence. The private employer  
22 shall adopt rules governing organ donation leave, including  
23 rules that (i) establish conditions and procedures for  
24 requesting and approving leave and (ii) require medical  
25 documentation of the proposed organ or bone marrow donation  
26 before leave is approved by the private employer. A private

1 employer must provide, in the manner required by the  
2 Department, documentation from the employee's medical  
3 provider, which the private employer receives from the  
4 employee, that verifies the employee's organ donation. The  
5 private employer must also provide, in the manner required by  
6 the Department, documentation that shows that a qualifying  
7 organ donor leave policy was in place and offered to all  
8 qualifying employees at the time the leave was taken. For the  
9 private employer to receive the tax credit, the employee  
10 taking organ donor leave must allow for the applicable medical  
11 records to be disclosed to the Department. If the private  
12 employer cannot provide the required documentation to the  
13 Department, then the private employer is ineligible for the  
14 credit under this Section. A private employer must also  
15 provide, in the form required by the Department, any  
16 additional documentation or information required by the  
17 Department to administer the credit under this Section. The  
18 credit under this subsection (j) shall be taken within one  
19 year after the date upon which the organ donation leave  
20 begins. If the leave taken spans into a second tax year, the  
21 employer qualifies for the allowable credit in the later of  
22 the 2 years. If the amount of credit exceeds the tax liability  
23 for the year, the excess may be carried and applied to the tax  
24 liability for the 3 taxable years following the excess credit  
25 year. The tax credit shall be applied to the earliest year for  
26 which there is a tax liability. If there are credits for more

1 than one year that are available to offset liability, the  
2 earlier credit shall be applied first.

3 Nothing in this subsection (j) prohibits a private  
4 employer from providing an unpaid leave of absence to its  
5 employees for the purpose of serving as an organ donor or bone  
6 marrow donor; however, if the employer's policy provides for  
7 fewer than 30 days of paid leave for organ or bone marrow  
8 donation, then the employer shall not be eligible for the  
9 credit under this Section.

10 As used in this subsection (j):

11 "Organ" means any biological tissue of the human body that  
12 may be donated by a living donor, including, but not limited  
13 to, the kidney, liver, lung, pancreas, intestine, bone, skin,  
14 or any subpart of those organs.

15 "Organ donor" means a person from whose body an organ is  
16 taken to be transferred to the body of another person.

17 "Private employer" means a sole proprietorship,  
18 corporation, partnership, limited liability company, or other  
19 entity with one or more employees. "Private employer" does not  
20 include a municipality, county, State agency, or other public  
21 employer.

22 This subsection (j) is exempt from the provisions of  
23 Section 250 of this Act.

24 (Source: P.A. 101-1, eff. 2-19-19; 102-669, eff. 11-16-21;  
25 102-700, Article 30, Section 30-5, eff. 4-19-22; 102-700,  
26 Article 110, Section 110-905, eff. 4-19-22; revised 6-1-22.)



1           Section 925. The Economic Development for a Growing  
2 Economy Tax Credit Act is amended by changing Sections 5-5,  
3 5-25, and 5-50 as follows:

4           (35 ILCS 10/5-5)

5           Sec. 5-5. Definitions. As used in this Act:

6           "Agreement" means the Agreement between a Taxpayer and the  
7 Department under the provisions of Section 5-50 of this Act.

8           "Applicant" means a Taxpayer that is operating a business  
9 located or that the Taxpayer plans to locate within the State  
10 of Illinois and that is engaged in interstate or intrastate  
11 commerce for the purpose of manufacturing, processing,  
12 assembling, warehousing, or distributing products, conducting  
13 research and development, providing tourism services, or  
14 providing services in interstate commerce, office industries,  
15 or agricultural processing, but excluding retail, retail food,  
16 health, or professional services. "Applicant" does not include  
17 a Taxpayer who closes or substantially reduces an operation at  
18 one location in the State and relocates substantially the same  
19 operation to another location in the State. This does not  
20 prohibit a Taxpayer from expanding its operations at another  
21 location in the State, provided that existing operations of a  
22 similar nature located within the State are not closed or  
23 substantially reduced. This also does not prohibit a Taxpayer  
24 from moving its operations from one location in the State to

1 another location in the State for the purpose of expanding the  
2 operation provided that the Department determines that  
3 expansion cannot reasonably be accommodated within the  
4 municipality in which the business is located, or in the case  
5 of a business located in an incorporated area of the county,  
6 within the county in which the business is located, after  
7 conferring with the chief elected official of the municipality  
8 or county and taking into consideration any evidence offered  
9 by the municipality or county regarding the ability to  
10 accommodate expansion within the municipality or county.

11 "Credit" means the amount agreed to between the Department  
12 and Applicant under this Act, but not to exceed the lesser of:  
13 (1) the sum of (i) 50% of the Incremental Income Tax  
14 attributable to New Employees at the Applicant's project and  
15 (ii) 10% of the training costs of New Employees; or (2) 100% of  
16 the Incremental Income Tax attributable to New Employees at  
17 the Applicant's project. However, if the project is located in  
18 an underserved area, then the amount of the Credit may not  
19 exceed the lesser of: (1) the sum of (i) 75% of the Incremental  
20 Income Tax attributable to New Employees at the Applicant's  
21 project and (ii) 10% of the training costs of New Employees; or  
22 (2) 100% of the Incremental Income Tax attributable to New  
23 Employees at the Applicant's project. If the project is not  
24 located in an underserved area and the ~~an~~ Applicant agrees to  
25 hire the required number of New Employees, then the maximum  
26 amount of the Credit for that Applicant may be increased by an

1 amount not to exceed 25% of the Incremental Income Tax  
2 attributable to retained employees at the Applicant's project,  
3 ~~provided that, in order to receive the increase for retained~~  
4 ~~employees, the Applicant must provide the additional evidence~~  
5 ~~required under paragraph (3) of subsection (b) of Section~~  
6 ~~5-25. If the project is located in an underserved area and the~~  
7 ~~Applicant agrees to hire the required number of New Employees,~~  
8 ~~then the maximum amount of the credit for that Applicant may be~~  
9 ~~increased by an amount not to exceed 50% of the Incremental~~  
10 ~~Income Tax attributable to retained employees at the~~  
11 ~~Applicant's project.~~

12 "Department" means the Department of Commerce and Economic  
13 Opportunity.

14 "Director" means the Director of Commerce and Economic  
15 Opportunity.

16 "Full-time Employee" means an individual who is employed  
17 for consideration for at least 35 hours each week or who  
18 renders any other standard of service generally accepted by  
19 industry custom or practice as full-time employment. An  
20 individual for whom a W-2 is issued by a Professional Employer  
21 Organization (PEO) is a full-time employee if employed in the  
22 service of the Applicant for consideration for at least 35  
23 hours each week or who renders any other standard of service  
24 generally accepted by industry custom or practice as full-time  
25 employment to Applicant.

26 "Incremental Income Tax" means the total amount withheld

1 during the taxable year from the compensation of New Employees  
2 and, if applicable, retained employees under Article 7 of the  
3 Illinois Income Tax Act arising from employment at a project  
4 that is the subject of an Agreement.

5 "New Construction EDGE Agreement" means the Agreement  
6 between a Taxpayer and the Department under the provisions of  
7 Section 5-51 of this Act.

8 "New Construction EDGE Credit" means an amount agreed to  
9 between the Department and the Applicant under this Act as  
10 part of a New Construction EDGE Agreement that does not exceed  
11 50% of the Incremental Income Tax attributable to New  
12 Construction EDGE Employees at the Applicant's project;  
13 however, if the New Construction EDGE Project is located in an  
14 underserved area, then the amount of the New Construction EDGE  
15 Credit may not exceed 75% of the Incremental Income Tax  
16 attributable to New Construction EDGE Employees at the  
17 Applicant's New Construction EDGE Project.

18 "New Construction EDGE Employee" means a laborer or worker  
19 who is employed by an Illinois contractor or subcontractor in  
20 the actual construction work on the site of a New Construction  
21 EDGE Project, pursuant to a New Construction EDGE Agreement.

22 "New Construction EDGE Incremental Income Tax" means the  
23 total amount withheld during the taxable year from the  
24 compensation of New Construction EDGE Employees.

25 "New Construction EDGE Project" means the building of a  
26 Taxpayer's structure or building, or making improvements of

1 any kind to real property. "New Construction EDGE Project"  
2 does not include the routine operation, routine repair, or  
3 routine maintenance of existing structures, buildings, or real  
4 property.

5 "New Employee" means:

6 (a) A Full-time Employee first employed by a Taxpayer  
7 in the project that is the subject of an Agreement and who  
8 is hired after the Taxpayer enters into the tax credit  
9 Agreement.

10 (b) The term "New Employee" does not include:

11 (1) an employee of the Taxpayer who performs a job  
12 that was previously performed by another employee, if  
13 that job existed for at least 6 months before hiring  
14 the employee;

15 (2) an employee of the Taxpayer who was previously  
16 employed in Illinois by a Related Member of the  
17 Taxpayer and whose employment was shifted to the  
18 Taxpayer after the Taxpayer entered into the tax  
19 credit Agreement; or

20 (3) a child, grandchild, parent, or spouse, other  
21 than a spouse who is legally separated from the  
22 individual, of any individual who has a direct or an  
23 indirect ownership interest of at least 5% in the  
24 profits, capital, or value of the Taxpayer.

25 (c) Notwithstanding paragraph (1) of subsection (b),  
26 an employee may be considered a New Employee under the

1 Agreement if the employee performs a job that was  
2 previously performed by an employee who was:

3 (1) treated under the Agreement as a New Employee;

4 and

5 (2) promoted by the Taxpayer to another job.

6 (d) Notwithstanding subsection (a), the Department may  
7 award Credit to an Applicant with respect to an employee  
8 hired prior to the date of the Agreement if:

9 (1) the Applicant is in receipt of a letter from  
10 the Department stating an intent to enter into a  
11 credit Agreement;

12 (2) the letter described in paragraph (1) is  
13 issued by the Department not later than 15 days after  
14 the effective date of this Act; and

15 (3) the employee was hired after the date the  
16 letter described in paragraph (1) was issued.

17 "Noncompliance Date" means, in the case of a Taxpayer that  
18 is not complying with the requirements of the Agreement or the  
19 provisions of this Act, the day following the last date upon  
20 which the Taxpayer was in compliance with the requirements of  
21 the Agreement and the provisions of this Act, as determined by  
22 the Director, pursuant to Section 5-65.

23 "Pass Through Entity" means an entity that is exempt from  
24 the tax under subsection (b) or (c) of Section 205 of the  
25 Illinois Income Tax Act.

26 "Professional Employer Organization" (PEO) means an

1 employee leasing company, as defined in Section 206.1(A)(2) of  
2 the Illinois Unemployment Insurance Act.

3 "Related Member" means a person that, with respect to the  
4 Taxpayer during any portion of the taxable year, is any one of  
5 the following:

6 (1) An individual stockholder, if the stockholder and  
7 the members of the stockholder's family (as defined in  
8 Section 318 of the Internal Revenue Code) own directly,  
9 indirectly, beneficially, or constructively, in the  
10 aggregate, at least 50% of the value of the Taxpayer's  
11 outstanding stock.

12 (2) A partnership, estate, or trust and any partner or  
13 beneficiary, if the partnership, estate, or trust, and its  
14 partners or beneficiaries own directly, indirectly,  
15 beneficially, or constructively, in the aggregate, at  
16 least 50% of the profits, capital, stock, or value of the  
17 Taxpayer.

18 (3) A corporation, and any party related to the  
19 corporation in a manner that would require an attribution  
20 of stock from the corporation to the party or from the  
21 party to the corporation under the attribution rules of  
22 Section 318 of the Internal Revenue Code, if the Taxpayer  
23 owns directly, indirectly, beneficially, or constructively  
24 at least 50% of the value of the corporation's outstanding  
25 stock.

26 (4) A corporation and any party related to that

1 corporation in a manner that would require an attribution  
2 of stock from the corporation to the party or from the  
3 party to the corporation under the attribution rules of  
4 Section 318 of the Internal Revenue Code, if the  
5 corporation and all such related parties own in the  
6 aggregate at least 50% of the profits, capital, stock, or  
7 value of the Taxpayer.

8 (5) A person to or from whom there is attribution of  
9 stock ownership in accordance with Section 1563(e) of the  
10 Internal Revenue Code, except, for purposes of determining  
11 whether a person is a Related Member under this paragraph,  
12 20% shall be substituted for 5% wherever 5% appears in  
13 Section 1563(e) of the Internal Revenue Code.

14 "Startup taxpayer" means a corporation, partnership, or  
15 other entity incorporated or organized no more than 5 years  
16 before the filing of an application for an Agreement that has  
17 never had any Illinois income tax liability, excluding any  
18 Illinois income tax liability of a Related Member which shall  
19 not be attributed to the startup taxpayer.

20 "Taxpayer" means an individual, corporation, partnership,  
21 or other entity that has any Illinois Income Tax liability.

22 Until July 1, 2022, "underserved area" means a geographic  
23 area that meets one or more of the following conditions:

24 (1) the area has a poverty rate of at least 20%  
25 according to the latest federal decennial census;

26 (2) 75% or more of the children in the area



1 participate in the federal free lunch program according to  
2 reported statistics from the State Board of Education;

3 (3) at least 20% of the households in the area receive  
4 assistance under the Supplemental Nutrition Assistance  
5 Program (SNAP); or

6 (4) the area has an average unemployment rate, as  
7 determined by the Illinois Department of Employment  
8 Security, that is more than 120% of the national  
9 unemployment average, as determined by the U.S. Department  
10 of Labor, for a period of at least 2 consecutive calendar  
11 years preceding the date of the application.

12 On and after July 1, 2022, "underserved area" means a  
13 geographic area that meets one or more of the following  
14 conditions:

15 (1) the area has a poverty rate of at least 20%  
16 according to the latest American Community Survey;

17 (2) 35% or more of the families with children in the  
18 area are living below 130% of the poverty line, according  
19 to the latest American Community Survey;

20 (3) at least 20% of the households in the area receive  
21 assistance under the Supplemental Nutrition Assistance  
22 Program (SNAP); or

23 (4) the area has an average unemployment rate, as  
24 determined by the Illinois Department of Employment  
25 Security, that is more than 120% of the national  
26 unemployment average, as determined by the U.S. Department

1 of Labor, for a period of at least 2 consecutive calendar  
2 years preceding the date of the application.

3 (Source: P.A. 101-9, eff. 6-5-19; 102-330, eff. 1-1-22;  
4 102-700, eff. 4-19-22.)

5 (35 ILCS 10/5-25)

6 Sec. 5-25. Review of Application.

7 (a) (Blank).

8 (b) The Department shall determine which projects will  
9 benefit the State. In making its recommendation that an  
10 Applicant's application for Credit should or should not be  
11 accepted, which shall occur within a reasonable time frame as  
12 determined by the nature of the application, the Department  
13 shall determine that all the following conditions exist:

14 (1) The Applicant's project intends, as required by  
15 subsection (b) of Section 5-20 to make the required  
16 investment in the State and intends to hire the required  
17 number of New Employees in Illinois as a result of that  
18 project.

19 (2) The Applicant's project is economically sound and  
20 will benefit the people of the State of Illinois by  
21 increasing opportunities for employment and strengthen the  
22 economy of Illinois.

23 (3) The Applicant has certified that ~~That~~, if not for  
24 the Credit, the project would not occur in Illinois, ~~which~~  
25 ~~may be demonstrated by evidence that receipt of the Credit~~

1 ~~is essential to the Applicant's decision to create new~~  
2 ~~jobs in the State, such as the magnitude of the cost~~  
3 ~~differential between Illinois and a competing State; in~~  
4 ~~addition, if the Applicant is seeking an increase in the~~  
5 ~~maximum amount of the Credit for retained employees, the~~  
6 ~~Applicant must provide evidence the Applicant has~~  
7 ~~multi state location options and could reasonably and~~  
8 ~~efficiently locate outside of the State or demonstrate~~  
9 ~~that at least one other state is being considered for the~~  
10 ~~project.~~

11 (4) A cost differential is identified, using best  
12 available data, in the projected costs for the Applicant's  
13 project compared to the costs in the competing state,  
14 including the impact of the competing state's incentive  
15 programs. The competing state's incentive programs shall  
16 include state, local, private, and federal funds  
17 available. This paragraph (4) applies only to agreements  
18 entered into before the effective date of this amendatory  
19 Act of the 102nd General Assembly.

20 (5) The political subdivisions affected by the project  
21 have committed local incentives with respect to the  
22 project, considering local ability to assist.

23 (6) Awarding the Credit will result in an overall  
24 positive fiscal impact to the State, as certified by the  
25 Department using the best available data.

26 (7) The Credit is not prohibited by Section 5-35 of

1           this Act.

2           (Source: P.A. 102-330, eff. 1-1-22.)

3           (35 ILCS 10/5-50)

4           Sec. 5-50. Contents of Agreements with Applicants. The  
5 Department shall enter into an Agreement with an Applicant  
6 that is awarded a Credit under this Act. The Agreement must  
7 include all of the following:

8           (1) A detailed description of the project that is the  
9 subject of the Agreement, including the location and  
10 amount of the investment and jobs created or retained.

11           (2) The duration of the Credit and the first taxable  
12 year for which the Credit may be claimed.

13           (3) The Credit amount that will be allowed for each  
14 taxable year.

15           (4) A requirement that the Taxpayer shall maintain  
16 operations at the project location that shall be stated as  
17 a minimum number of years not to exceed 10.

18           (5) A specific method for determining the number of  
19 New Employees employed during a taxable year.

20           (6) A requirement that the Taxpayer shall annually  
21 report to the Department the number of New Employees, the  
22 Incremental Income Tax withheld in connection with the New  
23 Employees, and any other information the Director needs to  
24 perform the Director's duties under this Act.

25           (7) A requirement that the Director is authorized to

1           verify with the appropriate State agencies the amounts  
2           reported under paragraph (6), and after doing so shall  
3           issue a certificate to the Taxpayer stating that the  
4           amounts have been verified.

5           (8) A requirement that the Taxpayer shall provide  
6           written notification to the Director not more than 30 days  
7           after the Taxpayer makes or receives a proposal that would  
8           transfer the Taxpayer's State tax liability obligations to  
9           a successor Taxpayer.

10          (9) A detailed description of the number of New  
11          Employees to be hired, and the occupation and payroll of  
12          the full-time jobs to be created or retained as a result of  
13          the project.

14          (10) The minimum investment the business enterprise  
15          will make in capital improvements, the time period for  
16          placing the property in service, and the designated  
17          location in Illinois for the investment.

18          (11) A requirement that the Taxpayer shall provide  
19          written notification to the Director and the Committee not  
20          more than 30 days after the Taxpayer determines that the  
21          minimum job creation or retention, employment payroll, or  
22          investment no longer is being or will be achieved or  
23          maintained as set forth in the terms and conditions of the  
24          Agreement.

25          (12) A provision that, if the total number of New  
26          Employees falls below a specified level, the allowance of

1 Credit shall be suspended until the number of New  
2 Employees equals or exceeds the Agreement amount.

3 (13) A detailed description of the items for which the  
4 costs incurred by the Taxpayer will be included in the  
5 limitation on the Credit provided in Section 5-30.

6 (13.5) A provision that, if the Taxpayer never meets  
7 either the investment or job creation and retention  
8 requirements specified in the Agreement during the entire  
9 5-year period beginning on the effective date of first day  
10 ~~of the first taxable year in which the Agreement is~~  
11 ~~executed~~ and ending 5 years after the effective date of  
12 the Agreement ~~on the last day of the fifth taxable year~~  
13 ~~after the Agreement is executed~~, then the Agreement is  
14 automatically terminated on the last day of the fifth  
15 taxable year after the Agreement is executed and the  
16 Taxpayer is not entitled to the award of any credits for  
17 any of that 5-year period.

18 (13.7) A provision specifying that, if the Taxpayer  
19 ceases principal operations with the intent to shut down  
20 the project in the State permanently during the term of  
21 the Agreement, then the entire credit amount awarded to  
22 the Taxpayer prior to the date the Taxpayer ceases  
23 principal operations shall be returned to the Department  
24 and shall be reallocated to the local workforce investment  
25 area in which the project was located.

26 (14) Any other performance conditions or contract

1 provisions as the Department determines are appropriate.

2 The Department shall post on its website the terms of each  
3 Agreement entered into under this Act on or after the  
4 effective date of this amendatory Act of the 97th General  
5 Assembly. Such information shall be posted within 10 days  
6 after entering into the Agreement and must include the  
7 following:

8 (1) the name of the recipient business;

9 (2) the location of the project;

10 (3) the estimated value of the credit;

11 (4) the number of new jobs and, if applicable,  
12 retained jobs pledged as a result of the project; and

13 (5) whether or not the project is located in an  
14 underserved area.

15 (Source: P.A. 100-511, eff. 9-18-17.)

16 Section 930. The Film Production Services Tax Credit Act  
17 of 2008 is amended by changing Sections 10 and 42 as follows:

18 (35 ILCS 16/10)

19 Sec. 10. Definitions. As used in this Act:

20 "Accredited production" means: (i) for productions  
21 commencing before May 1, 2006, a film, video, or television  
22 production that has been certified by the Department in which  
23 the aggregate Illinois labor expenditures included in the cost  
24 of the production, in the period that ends 12 months after the

1 time principal filming or taping of the production began,  
2 exceed \$100,000 for productions of 30 minutes or longer, or  
3 \$50,000 for productions of less than 30 minutes; and (ii) for  
4 productions commencing on or after May 1, 2006, a film, video,  
5 or television production that has been certified by the  
6 Department in which the Illinois production spending included  
7 in the cost of production in the period that ends 12 months  
8 after the time principal filming or taping of the production  
9 began exceeds \$100,000 for productions of 30 minutes or longer  
10 or exceeds \$50,000 for productions of less than 30 minutes.

11 "Accredited production" does not include a production that:

12 (1) is news, current events, or public programming, or  
13 a program that includes weather or market reports;

14 (2) is a talk show;

15 (3) is a production in respect of a game,  
16 questionnaire, or contest;

17 (4) is a sports event or activity;

18 (5) is a gala presentation or awards show;

19 (6) is a finished production that solicits funds;

20 (7) is a production produced by a film production  
21 company if records, as required by 18 U.S.C. 2257, are to  
22 be maintained by that film production company with respect  
23 to any performer portrayed in that single media or  
24 multimedia program; or

25 (8) is a production produced primarily for industrial,  
26 corporate, or institutional purposes.



1 "Accredited animated production" means an accredited  
2 production in which movement and characters' performances are  
3 created using a frame-by-frame technique and a significant  
4 number of major characters are animated. Motion capture by  
5 itself is not an animation technique.

6 "Accredited production certificate" means a certificate  
7 issued by the Department certifying that the production is an  
8 accredited production that meets the guidelines of this Act.

9 "Applicant" means a taxpayer that is a film production  
10 company that is operating or has operated an accredited  
11 production located within the State of Illinois and that (i)  
12 owns the copyright in the accredited production throughout the  
13 Illinois production period or (ii) has contracted directly  
14 with the owner of the copyright in the accredited production  
15 or a person acting on behalf of the owner to provide services  
16 for the production, where the owner of the copyright is not an  
17 eligible production corporation.

18 "Credit" means:

19 (1) for an accredited production approved by the  
20 Department on or before January 1, 2005 and commencing  
21 before May 1, 2006, the amount equal to 25% of the Illinois  
22 labor expenditure approved by the Department. The  
23 applicant is deemed to have paid, on its balance due day  
24 for the year, an amount equal to 25% of its qualified  
25 Illinois labor expenditure for the tax year. For Illinois  
26 labor expenditures generated by the employment of

1 residents of geographic areas of high poverty or high  
2 unemployment, as determined by the Department, in an  
3 accredited production commencing before May 1, 2006 and  
4 approved by the Department after January 1, 2005, the  
5 applicant shall receive an enhanced credit of 10% in  
6 addition to the 25% credit; and

7 (2) for an accredited production commencing on or  
8 after May 1, 2006 and before January 1, 2009, the amount  
9 equal to:

10 (i) 20% of the Illinois production spending for  
11 the taxable year; plus

12 (ii) 15% of the Illinois labor expenditures  
13 generated by the employment of residents of geographic  
14 areas of high poverty or high unemployment, as  
15 determined by the Department; and

16 (3) for an accredited production commencing on or  
17 after January 1, 2009, the amount equal to:

18 (i) 30% of the Illinois production spending for  
19 the taxable year; plus

20 (ii) 15% of the Illinois labor expenditures  
21 generated by the employment of residents of geographic  
22 areas of high poverty or high unemployment, as  
23 determined by the Department.

24 "Department" means the Department of Commerce and Economic  
25 Opportunity.

26 "Director" means the Director of Commerce and Economic

1 Opportunity.

2 "Illinois labor expenditure" means salary or wages paid to  
3 employees of the applicant for services on the accredited  
4 production.

5 To qualify as an Illinois labor expenditure, the  
6 expenditure must be:

7 (1) Reasonable in the circumstances.

8 (2) Included in the federal income tax basis of the  
9 property.

10 (3) Incurred by the applicant for services on or after  
11 January 1, 2004.

12 (4) Incurred for the production stages of the  
13 accredited production, from the final script stage to the  
14 end of the post-production stage.

15 (5) Limited to the first \$25,000 of wages paid or  
16 incurred to each employee of a production commencing  
17 before May 1, 2006 and the first \$100,000 of wages paid or  
18 incurred to each employee of a production commencing on or  
19 after May 1, 2006 and prior to July 1, 2022. For  
20 productions commencing on or after July 1, 2022, limited  
21 to the first \$500,000 of wages paid or incurred to each  
22 eligible nonresident or resident employee of a production  
23 company or loan out company that provides in-State  
24 services to a production, whether those wages are paid or  
25 incurred by the production company, loan out company, or  
26 both, subject to withholding payments provided for in

1 Article 7 of the Illinois Income Tax Act. For purposes of  
2 calculating Illinois labor expenditures for a television  
3 series, the eligible nonresident wage limitations provided  
4 under this subparagraph are applied to the entire season.  
5 For the purpose of this paragraph (5), an eligible  
6 nonresident is a nonresident whose wages qualify as an  
7 Illinois labor expenditure under the provisions of  
8 paragraph (9) that apply to that production.

9 (6) For a production commencing before May 1, 2006,  
10 exclusive of the salary or wages paid to or incurred for  
11 the 2 highest paid employees of the production.

12 (7) Directly attributable to the accredited  
13 production.

14 (8) (Blank).

15 (9) Prior to July 1, 2022, paid to persons resident in  
16 Illinois at the time the payments were made. For a  
17 production commencing on or after July 1, 2022, paid to  
18 persons resident in Illinois and nonresidents at the time  
19 the payments were made.

20 For purposes of this subparagraph, if the production  
21 is accredited by the Department before the effective date  
22 of this amendatory Act of the 102nd General Assembly, only  
23 wages paid to nonresidents working in the following  
24 positions shall be considered Illinois labor expenditures:  
25 Writer, Director, Director of Photography, Production  
26 Designer, Costume Designer, Production Accountant, VFX

1 Supervisor, Editor, Composer, and Actor, subject to the  
2 limitations set forth under this subparagraph. For an  
3 accredited Illinois production spending of \$25,000,000 or  
4 less, no more than 2 nonresident actors' wages shall  
5 qualify as an Illinois labor expenditure. For an  
6 accredited production with Illinois production spending of  
7 more than \$25,000,000, no more than 4 nonresident actor's  
8 wages shall qualify as Illinois labor expenditures.

9 For purposes of this subparagraph, if the production  
10 is accredited by the Department on or after the effective  
11 date of this amendatory Act of the 102nd General Assembly,  
12 wages paid to nonresidents shall qualify as Illinois labor  
13 expenditures only under the following conditions:

14 (A) the nonresident must be employed in a  
15 qualified position;

16 (B) for each of those accredited productions, the  
17 wages of not more than 9 nonresidents who are employed  
18 in a qualified position other than Actor shall qualify  
19 as Illinois labor expenditures;

20 (C) for an accredited production with Illinois  
21 production spending of \$25,000,000 or less, no more  
22 than 2 nonresident actors' wages shall qualify as  
23 Illinois labor expenditures; and

24 (D) for an accredited production with Illinois  
25 production spending of more than \$25,000,000, no more  
26 than 4 nonresident actors' wages shall qualify as

1           Illinois labor expenditures.

2           As used in this paragraph (9), "qualified position"  
3           means: Writer, Director, Director of Photography,  
4           Production Designer, Costume Designer, Production  
5           Accountant, VFX Supervisor, Editor, Composer, or Actor.

6           (10) Paid for services rendered in Illinois.

7           "Illinois production spending" means the expenses incurred  
8 by the applicant for an accredited production, including,  
9 without limitation, all of the following:

10           (1) expenses to purchase, from vendors within  
11 Illinois, tangible personal property that is used in the  
12 accredited production;

13           (2) expenses to acquire services, from vendors in  
14 Illinois, for film production, editing, or processing; and

15           (3) for a production commencing before July 1, 2022,  
16 the compensation, not to exceed \$100,000 for any one  
17 employee, for contractual or salaried employees who are  
18 Illinois residents performing services with respect to the  
19 accredited production. For a production commencing on or  
20 after July 1, 2022, the compensation, not to exceed  
21 \$500,000 for any one employee, for contractual or salaried  
22 employees who are Illinois residents or nonresident  
23 employees, subject to the limitations set forth under  
24 Section 10 of this Act.

25           "Loan out company" means a personal service corporation or  
26 other entity that is under contract with the taxpayer to

1 provide specified individual personnel, such as artists, crew,  
2 actors, producers, or directors for the performance of  
3 services used directly in a production. "Loan out company"  
4 does not include entities contracted with by the taxpayer to  
5 provide goods or ancillary contractor services such as  
6 catering, construction, trailers, equipment, or  
7 transportation.

8 "Qualified production facility" means stage facilities in  
9 the State in which television shows and films are or are  
10 intended to be regularly produced and that contain at least  
11 one sound stage of at least 15,000 square feet.

12 Rulemaking authority to implement Public Act 95-1006, if  
13 any, is conditioned on the rules being adopted in accordance  
14 with all provisions of the Illinois Administrative Procedure  
15 Act and all rules and procedures of the Joint Committee on  
16 Administrative Rules; any purported rule not so adopted, for  
17 whatever reason, is unauthorized.

18 (Source: P.A. 102-558, eff. 8-20-21; 102-700, eff. 4-19-22.)

19 (35 ILCS 16/42)

20 Sec. 42. Sunset of credits. The application of credits  
21 awarded pursuant to this Act shall be limited by a reasonable  
22 and appropriate sunset date. A taxpayer shall not be awarded  
23 any new credits pursuant to this Act for tax years beginning on  
24 or after January 1, 2033 ~~January 1, 2027~~.

25 (Source: P.A. 101-178, eff. 8-1-19; 102-700, eff. 4-19-22.)

1           Section 935. The Manufacturing Illinois Chips for Real  
2 Opportunity (MICRO) Act is amended by changing Sections  
3 110-15, 110-20, 110-30, and 110-40 as follows:

4           (35 ILCS 45/110-15)

5           Sec. 110-15. Powers of the Department. The Department, in  
6 addition to those powers granted under the Civil  
7 Administrative Code of Illinois, is granted and shall have all  
8 the powers necessary or convenient to administer the program  
9 under this Act and to carry out and effectuate the purposes and  
10 provisions of this Act, including, but not limited to, the  
11 power and authority to:

12           (1) adopt rules deemed necessary and appropriate for  
13 the administration of the program, the designation of  
14 projects, and the awarding of credits;

15           (2) establish forms for applications, notifications,  
16 contracts, or any other agreements and accept applications  
17 at any time during the year;

18           (3) assist taxpayers pursuant to the provisions of  
19 this Act and cooperate with taxpayers that are parties to  
20 agreements under this Act to promote, foster, and support  
21 economic development, capital investment, and job creation  
22 or retention within the State;

23           (4) enter into agreements and memoranda of  
24 understanding for participation of, and engage in



1 cooperation with, agencies of the federal government,  
2 units of local government, universities, research  
3 foundations or institutions, regional economic development  
4 corporations, or other organizations to implement the  
5 requirements and purposes of this Act;

6 (5) gather information and conduct inquiries, in the  
7 manner and by the methods it deems desirable, including  
8 without limitation, gathering information with respect to  
9 applicants for the purpose of making any designations or  
10 certifications necessary or desirable or to gather  
11 information to assist the Department with any  
12 recommendation or guidance in the furtherance of the  
13 purposes of this Act;

14 (6) establish, negotiate and effectuate agreements and  
15 any term, agreement, or other document with any person,  
16 necessary or appropriate to accomplish the purposes of  
17 this Act; and to consent, subject to the provisions of any  
18 agreement with another party, to the modification or  
19 restructuring of any agreement to which the Department is  
20 a party;

21 (7) fix, determine, charge, and collect any premiums,  
22 fees, charges, costs, and expenses from applicants,  
23 including, without limitation, any application fees,  
24 commitment fees, program fees, financing charges, or  
25 publication fees as deemed appropriate to pay expenses  
26 necessary or incident to the administration, staffing, or

1 operation in connection with the Department's activities  
2 under this Act, or for preparation, implementation, and  
3 enforcement of the terms of the agreement, or for  
4 consultation, advisory and legal fees, and other costs;  
5 however, all fees and expenses incident thereto shall be  
6 the responsibility of the applicant;

7 (8) provide for sufficient personnel to permit  
8 administration, staffing, operation, and related support  
9 required to adequately discharge its duties and  
10 responsibilities described in this Act from funds made  
11 available through charges to applicants or from funds as  
12 may be appropriated by the General Assembly for the  
13 administration of this Act;

14 (9) require applicants, upon written request, to issue  
15 any necessary authorization to the appropriate federal,  
16 State, or local authority for the release of information  
17 concerning a project being considered under the provisions  
18 of this Act, with the information requested to include,  
19 but not be limited to, financial reports, returns, or  
20 records relating to the taxpayer or its project;

21 (10) require that a taxpayer shall at all times keep  
22 proper books of record and account in accordance with  
23 generally accepted accounting principles consistently  
24 applied, with the books, records, or papers related to the  
25 agreement in the custody or control of the taxpayer open  
26 for reasonable Department inspection and audits, and

1 including, without limitation, the making of copies of the  
2 books, records, or papers, and the inspection or appraisal  
3 of any of the taxpayer or project assets;

4 (11) take whatever actions are necessary or  
5 appropriate to protect the State's interest in the event  
6 of bankruptcy, default, foreclosure, or noncompliance with  
7 the terms and conditions of financial assistance or  
8 participation required under this Act, including the power  
9 to sell, dispose, lease, or rent, upon terms and  
10 conditions determined by the Director to be appropriate,  
11 real or personal property that the Department may receive  
12 as a result of these actions; and-

13 (12) determine the conditions and process for renewal  
14 of the Manufacturing Illinois Chips for Real Opportunity  
15 incentives awarded under this Act in accordance with  
16 Section 110-40 of this Act.

17 (Source: P.A. 102-700, eff. 4-19-22.)

18 (35 ILCS 45/110-20)

19 Sec. 110-20. Manufacturing Illinois Chips for Real  
20 Opportunity (MICRO) Program; project applications.

21 (a) The Manufacturing Illinois Chips for Real Opportunity  
22 (MICRO) Program is hereby established and shall be  
23 administered by the Department. The Program will provide  
24 financial incentives to eligible semiconductor manufacturers  
25 and microchip manufacturers.

1           (b) Any taxpayer planning a project to be located in  
2 Illinois may request consideration for designation of its  
3 project as a MICRO project, by formal written letter of  
4 request or by formal application to the Department, in which  
5 the applicant states its intent to make at least a specified  
6 level of investment and intends to hire a specified number of  
7 full-time employees at a designated location in Illinois. As  
8 circumstances require, the Department shall require a formal  
9 application from an applicant and a formal letter of request  
10 for assistance.

11           (c) In order to qualify for credits under the program, an  
12 applicant must:

13                 (1) for a semiconductor manufacturer or microchip  
14 manufacturer:

15                         (A) make an investment of at least \$1,500,000,000  
16 in capital improvements at the project site;

17                         (B) to be placed in service within the State  
18 within a 60-month period after approval of the  
19 application; and

20                         (C) create at least 500 new full-time employee  
21 jobs; or

22                 (2) for a semiconductor or microchip component parts  
23 manufacturer:

24                         (A) make an investment of at least \$300,000,000 in  
25 capital improvements at the project site;

26                         (B) manufacture one or more parts that are

1 primarily used for the manufacture of semiconductors  
2 or microchips;

3 (C) to be placed in service within the State  
4 within a 60-month period after approval of the  
5 application; and

6 (D) create at least 150 new full-time employee  
7 jobs; or

8 (3) for a semiconductor manufacturer or microchip  
9 manufacturer or a semiconductor or microchip component  
10 parts manufacturer that does not qualify under paragraph  
11 (2) above:

12 (A) make an investment of at least \$20,000,000 in  
13 capital improvements at the project site;

14 (B) to be placed in service within the State  
15 within a 48-month period after approval of the  
16 application; and

17 (C) create at least 50 new full-time employee  
18 jobs; or

19 (4) for a semiconductor manufacturer or microchip  
20 manufacturer or a semiconductor or microchip component  
21 parts manufacturer with existing operations in Illinois  
22 that intends to convert or expand, in whole or in part, the  
23 existing facility from traditional manufacturing to  
24 semiconductor manufacturing or microchip manufacturing or  
25 semiconductor or microchip component parts manufacturing:

26 (A) make an investment of at least \$100,000,000 in

1 capital improvements at the project site;

2 (B) to be placed in service within the State  
3 within a 60-month period after approval of the  
4 application; and

5 (C) create the lesser of 75 new full-time employee  
6 jobs or new full-time employee jobs equivalent to 10%  
7 of the Statewide baseline applicable to the taxpayer  
8 and any related member at the time of application.

9 (d) For any applicant creating the full-time employee jobs  
10 noted in subsection (c), those jobs must have a total  
11 compensation equal to or greater than 120% of the average wage  
12 paid to full-time employees in the county where the project is  
13 located, as determined by the Department ~~U.S. Bureau of Labor~~  
14 ~~Statistics.~~

15 (e) Each applicant must outline its hiring plan and  
16 commitment to recruit and hire full-time employee positions at  
17 the project site. The hiring plan may include a partnership  
18 with an institution of higher education to provide  
19 internships, including, but not limited to, internships  
20 supported by the Clean Jobs Workforce Network Program, or  
21 full-time permanent employment for students at the project  
22 site. Additionally, the applicant may create or utilize  
23 participants from apprenticeship programs that are approved by  
24 and registered with the United States Department of Labor's  
25 Bureau of Apprenticeship and Training. The Applicant may apply  
26 for apprenticeship education expense credits in accordance

1 with the provisions set forth in 14 Ill. Admin. Code 522. Each  
2 applicant is required to report annually, on or before April  
3 15, on the diversity of its workforce in accordance with  
4 Section 110-50 of this Act. For existing facilities of  
5 applicants under paragraph (3) of subsection (b) above, if the  
6 taxpayer expects a reduction in force due to its transition to  
7 manufacturing semiconductors, microchips, or semiconductor or  
8 microchip component parts, the plan submitted under this  
9 Section must outline the taxpayer's plan to assist with  
10 retraining its workforce aligned with the taxpayer's adoption  
11 of new technologies and anticipated efforts to retrain  
12 employees through employment opportunities within the  
13 taxpayer's workforce.

14 (f) A taxpayer may not enter into more than one agreement  
15 under this Act with respect to a single address or location for  
16 the same period of time. Also, a taxpayer may not enter into an  
17 agreement under this Act with respect to a single address or  
18 location for the same period of time for which the taxpayer  
19 currently holds an active agreement under the Economic  
20 Development for a Growing Economy Tax Credit Act. This  
21 provision does not preclude the applicant from entering into  
22 an additional agreement after the expiration or voluntary  
23 termination of an earlier agreement under this Act or under  
24 the Economic Development for a Growing Economy Tax Credit Act  
25 to the extent that the taxpayer's application otherwise  
26 satisfies the terms and conditions of this Act and is approved

1 by the Department. An applicant with an existing agreement  
2 under the Economic Development for a Growing Economy Tax  
3 Credit Act may submit an application for an agreement under  
4 this Act after it terminates any existing agreement under the  
5 Economic Development for a Growing Economy Tax Credit Act with  
6 respect to the same address or location.

7 (Source: P.A. 102-700, eff. 4-19-22.)

8 (35 ILCS 45/110-30)

9 Sec. 110-30. Tax credit awards.

10 (a) Subject to the conditions set forth in this Act, a  
11 taxpayer is entitled to a credit against the tax imposed  
12 pursuant to subsections (a) and (b) of Section 201 of the  
13 Illinois Income Tax Act for a taxable year beginning on or  
14 after January 1, 2025 if the taxpayer is awarded a credit by  
15 the Department in accordance with an agreement under this Act.  
16 The Department has authority to award credits under this Act  
17 on and after January 1, 2023.

18 (b) A taxpayer may receive a tax credit against the tax  
19 imposed under subsections (a) and (b) of Section 201 of the  
20 Illinois Income Tax Act, not to exceed the sum of (i) 75% of  
21 the incremental income tax attributable to new employees at  
22 the applicant's project and (ii) 10% of the training costs of  
23 the new employees. If the project is located in an underserved  
24 area or an energy transition area, then the amount of the  
25 credit may not exceed the sum of (i) 100% of the incremental



1 income tax attributable to new employees at the applicant's  
2 project; and (ii) 10% of the training costs of the new  
3 employees. The percentage of training costs includable in the  
4 calculation may be increased by an additional 15% for training  
5 costs associated with new employees that are recent (2 years  
6 or less) graduates, certificate holders, or credential  
7 recipients from an institution of higher education in  
8 Illinois, or, if the training is provided by an institution of  
9 higher education in Illinois, the Clean Jobs Workforce Network  
10 Program, or an apprenticeship and training program located in  
11 Illinois and approved by and registered with the United States  
12 Department of Labor's Bureau of Apprenticeship and Training.  
13 An applicant is also eligible for a training credit that shall  
14 not exceed 10% of the training costs of retained employees for  
15 the purpose of upskilling to meet the operational needs of the  
16 applicant or the project. The percentage of training costs  
17 includable in the calculation shall not exceed a total of 25%.  
18 If an applicant agrees to hire the required number of new  
19 employees, then the maximum amount of the credit for that  
20 applicant may be increased by an amount not to exceed 75% ~~25%~~  
21 of the incremental income tax attributable to retained  
22 employees at the applicant's project; provided that, in order  
23 to receive the increase for retained employees, the applicant  
24 must, if applicable, meet or exceed the statewide baseline. If  
25 the Project is in an underserved area or an energy transition  
26 area, the maximum amount of the credit attributable to

1 retained employees for the applicant may be increased to an  
2 amount not to exceed 100% ~~50%~~ of the incremental income tax  
3 attributable to retained employees at the applicant's project;  
4 provided that, in order to receive the increase for retained  
5 employees, the applicant must meet or exceed the statewide  
6 baseline. Credits awarded may include credit earned for  
7 incremental income tax withheld and training costs incurred by  
8 the taxpayer beginning on or after January 1, 2023. Credits so  
9 earned and certified by the Department may be applied against  
10 the tax imposed by subsections (a) and (b) of Section 201 of  
11 the Illinois Income Tax Act for taxable years beginning on or  
12 after January 1, 2025.

13 (c) MICRO Construction Jobs Credit. For construction wages  
14 associated with a project that qualified for a credit under  
15 subsection (b), the taxpayer may receive a tax credit against  
16 the tax imposed under subsections (a) and (b) of Section 201 of  
17 the Illinois Income Tax Act in an amount equal to 50% of the  
18 incremental income tax attributable to construction wages paid  
19 in connection with construction of the project facilities, as  
20 a jobs credit for workers hired to construct the project.

21 The MICRO Construction Jobs Credit may not exceed 75% of  
22 the amount of the incremental income tax attributable to  
23 construction wages paid in connection with construction of the  
24 project facilities if the project is in an underserved area or  
25 an energy transition area.

26 (d) The Department shall certify to the Department of

1 Revenue: (1) the identity of taxpayers that are eligible for  
2 the MICRO Credit and MICRO Construction Jobs Credit; (2) the  
3 amount of the MICRO Credits and MICRO Construction Jobs  
4 Credits awarded in each calendar year; and (3) the amount of  
5 the MICRO Credit and MICRO Construction Jobs Credit claimed in  
6 each calendar year. MICRO Credits awarded may include credit  
7 earned for incremental income tax withheld and training costs  
8 incurred by the taxpayer beginning on or after January 1,  
9 2023. Credits so earned and certified by the Department may be  
10 applied against the tax imposed by Section 201(a) and (b) of  
11 the Illinois Income Tax Act for taxable years beginning on or  
12 after January 1, 2025.

13 (e) Applicants seeking certification for a tax credits  
14 related to the construction of the project facilities in the  
15 State shall require the contractor to enter into a project  
16 labor agreement that conforms with the Project Labor  
17 Agreements Act.

18 (f) Any applicant issued a certificate for a tax credit or  
19 tax exemption under this Act must annually report to the  
20 Department the total project tax benefits received. Reports  
21 are due no later than May 31 of each year and shall cover the  
22 previous calendar year. The first report is for the 2023  
23 calendar year and is due no later than May 31, 2023. For  
24 applicants issued a certificate of exemption under Section  
25 110-105 of this Act, the report shall be the same as required  
26 for a High Impact Business under subsection (a-5) of Section

1 8.1 of the Illinois Enterprise Zone Act. Each person required  
2 to file a return under the Gas Revenue Tax Act, the Electricity  
3 Excise Tax Act, or the Telecommunications Excise Tax Act shall  
4 file a report on customers issued an exemption certificate  
5 under Section 110-95 of this Act in the same manner and form as  
6 they are required to report under subsection (b) of Section  
7 8.1 of the Illinois Enterprise Zone Act.

8 (g) Nothing in this Act shall prohibit an award of credit  
9 to an applicant that uses a PEO if all other award criteria are  
10 satisfied.

11 (h) With respect to any portion of a credit that is based  
12 on the incremental income tax attributable to new employees or  
13 retained employees, in lieu of the credit allowed under this  
14 Act against the taxes imposed pursuant to subsections (a) and  
15 (b) of Section 201 of the Illinois Income Tax Act, a taxpayer  
16 that otherwise meets the criteria set forth in this Section,  
17 the taxpayer may elect to claim the credit, on or after January  
18 1, 2025, against its obligation to pay over withholding under  
19 Section 704A of the Illinois Income Tax Act. The election  
20 shall be made in the manner prescribed by the Department of  
21 Revenue and once made shall be irrevocable.

22 (Source: P.A. 102-700, eff. 4-19-22.)

23 (35 ILCS 45/110-40)

24 Sec. 110-40. Amount and duration of the credits;  
25 limitation to amount of costs of specified items. The

1 Department shall determine the amount and duration of the  
2 credit awarded under this Act, subject to the limitations set  
3 forth in this Act. For a project that qualified under  
4 paragraph (1), (2), or (4) of subsection (c) of Section  
5 110-20, the duration of the credit may not exceed 15 taxable  
6 years, with an option to renew the agreement for no more than  
7 one term not to exceed an additional 15 taxable years. For  
8 project that qualified under paragraph (3) of subsection (c)  
9 of Section 110-20, the duration of the credit may not exceed 10  
10 taxable years, with an option to renew the agreement for no  
11 more than one term not to exceed an additional 10 taxable  
12 years. The credit may be stated as a percentage of the  
13 incremental income tax and training costs attributable to the  
14 applicant's project and may include a fixed dollar limitation.

15 Nothing in this Section shall prevent the Department, in  
16 consultation with the Department of Revenue, from adopting  
17 rules to extend the sunset of any earned, existing, and unused  
18 tax credit or credits a taxpayer may be in possession of.

19 (Source: P.A. 102-700, eff. 4-19-22.)

20 Section 940. The Use Tax Act is amended by adding Section  
21 3-87 as follows:

22 (35 ILCS 105/3-87 new)

23 Sec. 3-87. Sustainable Aviation Fuel Purchase Credit.

24 (a) From June 1, 2023 through January 1, 2033, sustainable

1 aviation fuel sold to or used by an air carrier, certified by  
2 the carrier to the Department to be used in Illinois, earns a  
3 credit in the amount of \$1.50 per gallon of sustainable  
4 aviation fuel purchased. The credit earned shall be referred  
5 to as the Sustainable Aviation Fuel Credit.

6 The purchaser of sustainable aviation fuel shall certify  
7 to the seller of the aviation fuel that the purchaser is  
8 satisfying all or part of its liability under the Use Tax Act  
9 or the Service Use Tax Act that is due on the purchase of  
10 aviation fuel by use of the sustainable aviation fuel purchase  
11 credit.

12 The Sustainable Aviation Fuel Purchase Credit  
13 certification must be dated and shall include the name and  
14 address of the purchaser, the purchaser's registration number,  
15 if registered, the credit being applied, and a statement that  
16 the State use tax or service use tax liability is being  
17 satisfied with the air carrier's accumulated sustainable  
18 aviation fuel purchase credit.

19 Until July 1, 2033, on an annual basis, no credit may be  
20 earned by an air carrier for soybean oil-derived sustainable  
21 aviation fuel once air carriers in this State have  
22 collectively purchased sustainable aviation fuel containing  
23 10,000,000 gallons of soybean oil feedstock.

24 A Sustainable Aviation Fuel Purchase Credit certification  
25 provided by the air carrier may be used to satisfy the  
26 retailer's or serviceman's liability on aviation fuel under

1 the Retailers' Occupation Tax Act or Service Occupation Tax  
2 Act for the credit claimed.

3 (b) As used in this Section, "sustainable aviation fuel"  
4 means liquid fuel that meets the criteria set forth in  
5 subsections (d) and (e) of Section 40B of the federal Internal  
6 Revenue Code of 1986 or:

7 (1) consists of synthesized hydrocarbons and meets the  
8 requirements of:

9 (A) the American Society for Testing and Materials  
10 International Standard D7566; or

11 (B) the Fischer-Tropsch provisions of American  
12 Society for Testing and Materials International  
13 Standard D1655, Annex A1;

14 (2) prior to June 1, 2028, is derived from biomass  
15 resources, waste streams, renewable energy sources, or  
16 gaseous carbon oxides, and beginning on June 1, 2028 is  
17 derived from domestic biomass resources;

18 (3) is not derived from any palm derivatives; and

19 (4) achieves at least a 50% lifecycle greenhouse gas  
20 emissions reduction in comparison with petroleum-based jet  
21 fuel, as determined by a test that shows:

22 (A) that the fuel production pathway achieves at  
23 least a 50% reduction of the aggregate attributional  
24 core lifecycle emissions and the positive induced land  
25 use change values under the lifecycle methodology for  
26 sustainable aviation fuels adopted by the

1 International Civil Aviation Organization with the  
2 agreement of the United States; or

3 (B) that the fuel production pathway achieves at  
4 least a 50% reduction of the aggregate attributional  
5 core lifecycle greenhouse gas emissions values  
6 utilizing the most recent version of Argonne National  
7 Laboratory's GREET model, inclusive of agricultural  
8 practices and carbon capture and sequestration.

9 Section 950. The Service Use Tax Act is amended by adding  
10 Section 3-72 as follows:

11 (35 ILCS 110/3-72 new)

12 Sec. 3-72. Sustainable Aviation Fuel Purchase Credit.

13 (a) From June 1, 2023 through January 1, 2033, sustainable  
14 aviation fuel sold to or used by an air carrier, certified by  
15 the carrier to the Department to be used in Illinois, earns a  
16 credit in the amount of \$1.50 per gallon of sustainable  
17 aviation fuel purchased. The credit earned shall be referred  
18 to as the Sustainable Aviation Fuel Credit.

19 The purchaser of sustainable aviation fuel shall certify  
20 to the seller of the aviation fuel that the purchaser is  
21 satisfying all or part of its liability under the Use Tax Act  
22 or the Service Use Tax Act that is due on the purchase of  
23 aviation fuel by use of the sustainable aviation fuel purchase  
24 credit.



1       The Sustainable Aviation Fuel Purchase Credit  
2 certification must be dated and shall include the name and  
3 address of the purchaser, the purchaser's registration number,  
4 if registered, the credit being applied, and a statement that  
5 the State use tax or service use tax liability is being  
6 satisfied with the air carrier's accumulated sustainable  
7 aviation fuel purchase credit.

8       Until July 1, 2033, on an annual basis, no credit may be  
9 earned by an air carrier for soybean oil-derived sustainable  
10 aviation fuel once air carriers in this State have  
11 collectively purchased sustainable aviation fuel containing  
12 10,000,000 gallons of soybean oil feedstock.

13       A Sustainable Aviation Fuel Purchase Credit certification  
14 provided by the air carrier may be used to satisfy the  
15 retailer's or serviceman's liability on aviation fuel under  
16 the Retailers' Occupation Tax Act or Service Occupation Tax  
17 Act for the credit claimed.

18       (b) As used in this Section, "sustainable aviation fuel"  
19 means liquid fuel that meets the criteria set forth in  
20 subsections (d) and (e) of Section 40B of the federal Internal  
21 Revenue Code of 1986 or:

22           (1) consists of synthesized hydrocarbons and meets the  
23 requirements of:

24                   (A) the American Society for Testing and Materials  
25 International Standard D7566; or

26                   (B) the Fischer-Tropsch provisions of American

1           Society for Testing and Materials International  
2           Standard D1655, Annex A1;

3           (2) prior to June 1, 2028, is derived from biomass  
4           resources, waste streams, renewable energy sources, or  
5           gaseous carbon oxides, and beginning on June 1, 2028 is  
6           derived from domestic biomass resources;

7           (3) is not derived from any palm derivatives; and

8           (4) achieves at least a 50% lifecycle greenhouse gas  
9           emissions reduction in comparison with petroleum-based jet  
10           fuel, as determined by a test that shows:

11           (A) that the fuel production pathway achieves at  
12           least a 50% reduction of the aggregate attributional  
13           core lifecycle emissions and the positive induced land  
14           use change values under the lifecycle methodology for  
15           sustainable aviation fuels adopted by the  
16           International Civil Aviation Organization with the  
17           agreement of the United States; or

18           (B) that the fuel production pathway achieves at  
19           least a 50% reduction of the aggregate attributional  
20           core lifecycle greenhouse gas emissions values  
21           utilizing the most recent version of Argonne National  
22           Laboratory's GREET model, inclusive of agricultural  
23           practices and carbon capture and sequestration.

24           Section 965. The Retailers' Occupation Tax Act is amended  
25           by changing Section 5m as follows:

1 (35 ILCS 120/5m)

2 Sec. 5m. Building materials exemption; REV Illinois  
3 projects ~~electric vehicle manufacturer, electric vehicle~~  
4 ~~component parts manufacturer, and electric vehicle power~~  
5 ~~supply manufacturer.~~ Each retailer who makes a sale of  
6 building materials that will be incorporated into a real  
7 ~~estate in an electric vehicle manufacturing facility, an~~  
8 ~~electric vehicle component parts manufacturing facility, or an~~  
9 ~~electric vehicle power supply manufacturing facility~~ REV  
10 Illinois Project ~~which meets the qualifications under~~  
11 ~~paragraphs (1), (2), or (4) of subsection (c) of Section 20 of~~  
12 ~~the Reimagining Electric Vehicles in Illinois Act~~ for which a  
13 certificate of exemption has been issued by the Department of  
14 Commerce and Economic Opportunity under Section 105 of the  
15 Reimagining Energy and Electric Vehicles in Illinois Act, may  
16 deduct receipts from those ~~such~~ sales when calculating any  
17 State or local use and occupation taxes. No retailer who is  
18 eligible for the deduction or credit under Section 5k of this  
19 Act related to enterprise zones or Section 5l of this Act  
20 related to High Impact Businesses for a given sale shall be  
21 eligible for the deduction or credit authorized under this  
22 Section for that same sale.

23 In addition to any other requirements to document the  
24 exemption allowed under this Section, the retailer must obtain  
25 ~~from~~ the purchaser's REV Illinois Building Materials Exemption

1 certificate number issued by the Department. A construction  
2 contractor or other entity shall not make tax-free purchases  
3 under this Section unless it has an active REV Illinois  
4 Building Materials Exemption Certificate issued by the  
5 Department at the time of purchase.

6 Upon request from the certified manufacturer ~~electric~~  
7 ~~vehicle manufacturer, electric vehicle component parts~~  
8 ~~manufacturer, or electric vehicle power supply manufacturer~~  
9 ~~certified by the Department of Commerce and Economic~~  
10 ~~Opportunity under REV Illinois Act,~~ the Department shall issue  
11 a REV Illinois Building Materials Exemption Certificate for  
12 each construction contractor or other entity identified by the  
13 certified manufacturer ~~electric vehicle manufacturer, electric~~  
14 ~~vehicle component parts manufacturer, or electric vehicle~~  
15 ~~power supply manufacturer~~. The Department shall make the REV  
16 Illinois Building Materials Exemption Certificates available  
17 to each construction contractor or other entity identified by  
18 the certified manufacturer and to the certified ~~electric~~  
19 ~~vehicle manufacturer, electric vehicle component parts~~  
20 ~~manufacturer, or electric vehicle power supply manufacturer~~.  
21 The request for REV Illinois Building Materials Exemption  
22 Certificates under this Section ~~from the certified electric~~  
23 ~~vehicle manufacturer, electric vehicle component parts~~  
24 ~~manufacturer, or electric vehicle power supply manufacturer to~~  
25 ~~the Department~~ must include the following information:

26 (1) the name and address of the construction

1 contractor or other entity;

2 (2) the name and location or address of the building  
3 project site;

4 (3) the estimated amount of the exemption for each  
5 construction contractor or other entity for which a  
6 request for a REV Illinois Building Materials Exemption  
7 Certificate is made, based on a stated estimated average  
8 tax rate and the percentage of the contract that consists  
9 of materials;

10 (4) the period of time over which supplies for the  
11 project are expected to be purchased; and

12 (5) other reasonable information as the Department may  
13 require, including but not limited to FEIN numbers, to  
14 determine if the contractor or other entity, or any  
15 partner, or a corporate officer, and in the case of a  
16 limited liability company, any manager or member, of the  
17 construction contractor or other entity, is or has been  
18 the owner, a partner, a corporate officer, and in the case  
19 of a limited liability company, a manager or member, of a  
20 person that is in default for moneys due to the Department  
21 under this Act or any other tax or fee Act administered by  
22 the Department.

23 The Department shall issue the REV Illinois Building  
24 Materials Exemption Certificates within 3 business days after  
25 receipt of the request from the certified ~~electric vehicle~~  
26 manufacturer, ~~electric vehicle component parts manufacturer,~~

1 ~~or electric vehicle power supply manufacturer.~~ This  
2 requirement does not apply in circumstances where the  
3 Department, for reasonable cause, is unable to issue the  
4 Exemption Certificate within 3 business days. The Department  
5 may refuse to issue a REV Illinois Building Materials  
6 Exemption Certificate if the owner, any partner, or a  
7 corporate officer, and in the case of a limited liability  
8 company, any manager or member, of the construction contractor  
9 or other entity is or has been the owner, a partner, a  
10 corporate officer, and in the case of a limited liability  
11 company, a manager or member, of a person that is in default  
12 for moneys due to the Department under this Act or any other  
13 tax or fee Act administered by the Department.

14 The REV Illinois Building Materials Exemption Certificate  
15 shall contain language stating that if the construction  
16 contractor or other entity who is issued the Exemption  
17 Certificate makes a tax-exempt purchase, as described in this  
18 Section, that is not eligible for exemption under this Section  
19 or allows another person to make a tax-exempt purchase, as  
20 described in this Section, that is not eligible for exemption  
21 under this Section, then, in addition to any tax or other  
22 penalty imposed, the construction contractor or other entity  
23 is subject to a penalty equal to the tax that would have been  
24 paid by the retailer under this Act as well as any applicable  
25 local retailers' occupation tax on the purchase that is not  
26 eligible for the exemption.

1           The Department, in its discretion, may require that the  
2 request for REV Illinois Building Materials Exemption  
3 Certificates be submitted electronically. The Department may,  
4 in its discretion, issue the Exemption Certificates  
5 electronically. The REV Illinois Building Materials Exemption  
6 Certificate number shall be designed in such a way that the  
7 Department can identify from the unique number on the  
8 Exemption Certificate issued to a given construction  
9 contractor or other entity, the name of the REV Illinois  
10 project ~~designated electric vehicle manufacturing, electric~~  
11 ~~vehicle component parts manufacturing, or electric vehicle~~  
12 ~~power supply manufacturing~~ site and the construction  
13 contractor or other entity to whom the Exemption Certificate  
14 is issued. The REV Illinois Building Materials Exemption  
15 Certificate shall contain an expiration date, which shall be  
16 no more than 5 years after the date of issuance. At the request  
17 of the ~~designated~~ certified ~~electric vehicle~~ manufacturer,  
18 ~~electric vehicle component parts manufacturer, or electric~~  
19 ~~vehicle power supply manufacturer,~~ the Department may renew a  
20 REV Illinois Building Materials Exemption Certificate. After  
21 the Department issues Exemption Certificates for a given REV  
22 Illinois project ~~designated electric vehicle manufacturing,~~  
23 ~~electric vehicle component parts manufacturing, or electric~~  
24 ~~vehicle power supply manufacturing~~ site, the certified  
25 ~~electric vehicle~~ manufacturer, ~~electric vehicle component~~  
26 ~~parts manufacturer, or electric vehicle power supply~~

1 ~~manufacturer~~ may notify the Department of additional  
2 construction contractors or other entities that are eligible  
3 for a REV Illinois Building Materials Exemption Certificate.  
4 Upon receiving such a notification ~~by the certified electric~~  
5 ~~vehicle manufacturer, electric vehicle component parts~~  
6 ~~manufacturer, or electric vehicle power supply manufacturer~~  
7 and subject to the other provisions of this Section, the  
8 Department shall issue a REV Illinois Building Materials  
9 Exemption Certificate to each additional construction  
10 contractor or other entity so identified ~~by the certified~~  
11 ~~electric vehicle manufacturer, electric vehicle component~~  
12 ~~parts manufacturer, or electric vehicle power supply~~  
13 ~~manufacturer~~. A certified ~~electric vehicle~~ manufacturer,  
14 ~~electric vehicle component parts manufacturer, or electric~~  
15 ~~vehicle power supply manufacturer~~ may ask ~~notify~~ the  
16 Department to rescind a REV Illinois Building Materials  
17 Exemption Certificate previously issued by the Department to a  
18 construction contractor or other entity working at that  
19 certified manufacturer's REV Illinois project site if that REV  
20 Illinois Building Materials Exemption Certificate ~~but that~~ has  
21 not yet expired. Upon receiving such a request ~~notification by~~  
22 ~~the certified electric vehicle manufacturer, electric vehicle~~  
23 ~~component parts manufacturer, or electric vehicle power supply~~  
24 ~~manufacturer~~ and subject to the other provisions of this  
25 Section, the Department shall issue the rescission of the REV  
26 Illinois Building Materials Exemption Certificate to the



1 construction contractor or other entity identified by the  
2 certified manufacturer ~~electric vehicle manufacturer, electric~~  
3 ~~vehicle component parts manufacturer, or electric vehicle~~  
4 ~~power supply manufacturer~~ and provide a copy of the rescission  
5 to the construction contractor or other entity and to the  
6 certified ~~electric vehicle manufacturer, electric vehicle~~  
7 ~~component parts manufacturer, or electric vehicle power supply~~  
8 manufacturer.

9 If the Department of Revenue determines that a  
10 construction contractor or other entity that was issued an  
11 Exemption Certificate under this Section made a tax-exempt  
12 purchase, as described in this Section, that was not eligible  
13 for exemption under this Section or allowed another person to  
14 make a tax-exempt purchase, as described in this Section, that  
15 was not eligible for exemption under this Section, then, in  
16 addition to any tax or other penalty imposed, the construction  
17 contractor or other entity is subject to a penalty equal to the  
18 tax that would have been paid by the retailer under this Act as  
19 well as any applicable local retailers' occupation tax on the  
20 purchase that was not eligible for the exemption.

21 This Section is exempt from the provisions of Section  
22 2-70.

23 As used in this Section, "certified manufacturer" means a  
24 person certified by the Department of Commerce and Economic  
25 Opportunity under Section 105 of the Reimagining Energy and  
26 Vehicles in Illinois Act.

1 (Source: P.A. 102-669, eff. 11-16-21.)

2 Section 975. The Property Tax Code is amended by changing  
3 Section 18-184.15 as follows:

4 (35 ILCS 200/18-184.15)

5 Sec. 18-184.15. REV Illinois project facilities for  
6 electric vehicles, electric vehicle component parts, or  
7 electric vehicle power supply equipment; abatement. Any taxing  
8 district, upon a majority vote of its governing body, may,  
9 after determination of the assessed value as set forth in this  
10 Code, order the clerk of the appropriate municipality or  
11 county to abate any portion of real property taxes otherwise  
12 levied or extended by the taxing district on a REV Illinois  
13 Project facility owned by an electric vehicle manufacturer,  
14 electric vehicle component parts manufacturer, or an electric  
15 vehicle power supply manufacturer that is subject to an  
16 agreement with the Department of Commerce and Economic  
17 Opportunity under Section 45 of the Reimagining Energy and  
18 ~~Electric~~ Vehicles in Illinois Act, during the period of time  
19 such agreement is in effect as specified by the Department of  
20 Commerce and Economic Opportunity.

21 (Source: P.A. 102-669, eff. 11-16-21.)

22 Section 980. The Telecommunications Excise Tax Act is  
23 amended by changing Section 2 as follows:

1 (35 ILCS 630/2) (from Ch. 120, par. 2002)

2 Sec. 2. As used in this Article, unless the context  
3 clearly requires otherwise:

4 (a) "Gross charge" means the amount paid for the act or  
5 privilege of originating or receiving telecommunications in  
6 this State and for all services and equipment provided in  
7 connection therewith by a retailer, valued in money whether  
8 paid in money or otherwise, including cash, credits, services  
9 and property of every kind or nature, and shall be determined  
10 without any deduction on account of the cost of such  
11 telecommunications, the cost of materials used, labor or  
12 service costs or any other expense whatsoever. In case credit  
13 is extended, the amount thereof shall be included only as and  
14 when paid. "Gross charges" for private line service shall  
15 include charges imposed at each channel termination point  
16 within this State, charges for the channel mileage between  
17 each channel termination point within this State, and charges  
18 for that portion of the interstate inter-office channel  
19 provided within Illinois. Charges for that portion of the  
20 interstate inter-office channel provided in Illinois shall be  
21 determined by the retailer as follows: (i) for interstate  
22 inter-office channels having 2 channel termination points,  
23 only one of which is in Illinois, 50% of the total charge  
24 imposed; or (ii) for interstate inter-office channels having  
25 more than 2 channel termination points, one or more of which

1 are in Illinois, an amount equal to the total charge  
2 multiplied by a fraction, the numerator of which is the number  
3 of channel termination points within Illinois and the  
4 denominator of which is the total number of channel  
5 termination points. Prior to January 1, 2004, any method  
6 consistent with this paragraph or other method that reasonably  
7 apportions the total charges for interstate inter-office  
8 channels among the states in which channel terminations points  
9 are located shall be accepted as a reasonable method to  
10 determine the charges for that portion of the interstate  
11 inter-office channel provided within Illinois for that period.  
12 However, "gross charges" shall not include any of the  
13 following:

14 (1) Any amounts added to a purchaser's bill because of  
15 a charge made pursuant to (i) the tax imposed by this  
16 Article; (ii) charges added to customers' bills pursuant  
17 to the provisions of Sections 9-221 or 9-222 of the Public  
18 Utilities Act, as amended, or any similar charges added to  
19 customers' bills by retailers who are not subject to rate  
20 regulation by the Illinois Commerce Commission for the  
21 purpose of recovering any of the tax liabilities or other  
22 amounts specified in such provisions of such Act; (iii)  
23 the tax imposed by Section 4251 of the Internal Revenue  
24 Code; (iv) 911 surcharges; or (v) the tax imposed by the  
25 Simplified Municipal Telecommunications Tax Act.

26 (2) Charges for a sent collect telecommunication

1 received outside of the State.

2 (3) Charges for leased time on equipment or charges  
3 for the storage of data or information for subsequent  
4 retrieval or the processing of data or information  
5 intended to change its form or content. Such equipment  
6 includes, but is not limited to, the use of calculators,  
7 computers, data processing equipment, tabulating equipment  
8 or accounting equipment and also includes the usage of  
9 computers under a time-sharing agreement.

10 (4) Charges for customer equipment, including such  
11 equipment that is leased or rented by the customer from  
12 any source, wherein such charges are disaggregated and  
13 separately identified from other charges.

14 (5) Charges to business enterprises certified under  
15 Section 9-222.1 of the Public Utilities Act, as amended,  
16 ~~or to electric vehicle manufacturers, electric vehicle~~  
17 ~~component parts manufacturers, or electric vehicle power~~  
18 ~~supply manufacturers at REV Illinois Project sites for~~  
19 ~~which a certificate of exemption has been issued by the~~  
20 ~~Department of Commerce and Economic Opportunity~~ under  
21 Section 95 of the Reimagining Energy and Electric Vehicles  
22 in Illinois Act, to the extent of such exemption and  
23 during the period of time specified by the Department of  
24 Commerce and Economic Opportunity.

25 (5.1) Charges to business enterprises certified under  
26 the Manufacturing Illinois Chips for Real Opportunity

1 (MICRO) Act, to the extent of the exemption and during the  
2 period of time specified by the Department of Commerce and  
3 Economic Opportunity.

4 (6) Charges for telecommunications and all services  
5 and equipment provided in connection therewith between a  
6 parent corporation and its wholly owned subsidiaries or  
7 between wholly owned subsidiaries when the tax imposed  
8 under this Article has already been paid to a retailer and  
9 only to the extent that the charges between the parent  
10 corporation and wholly owned subsidiaries or between  
11 wholly owned subsidiaries represent expense allocation  
12 between the corporations and not the generation of profit  
13 for the corporation rendering such service.

14 (7) Bad debts. Bad debt means any portion of a debt  
15 that is related to a sale at retail for which gross charges  
16 are not otherwise deductible or excludable that has become  
17 worthless or uncollectable, as determined under applicable  
18 federal income tax standards. If the portion of the debt  
19 deemed to be bad is subsequently paid, the retailer shall  
20 report and pay the tax on that portion during the  
21 reporting period in which the payment is made.

22 (8) Charges paid by inserting coins in coin-operated  
23 telecommunication devices.

24 (9) Amounts paid by telecommunications retailers under  
25 the Telecommunications Municipal Infrastructure  
26 Maintenance Fee Act.

1           (10)     Charges     for     nontaxable     services     or  
2     telecommunications if (i) those charges are aggregated  
3     with other charges for telecommunications that are  
4     taxable, (ii) those charges are not separately stated on  
5     the customer bill or invoice, and (iii) the retailer can  
6     reasonably identify the nontaxable charges on the  
7     retailer's books and records kept in the regular course of  
8     business. If the nontaxable charges cannot reasonably be  
9     identified, the gross charge from the sale of both taxable  
10    and nontaxable services or telecommunications billed on a  
11    combined basis shall be attributed to the taxable services  
12    or telecommunications. The burden of proving nontaxable  
13    charges shall be on the retailer of the  
14    telecommunications.

15           (b) "Amount paid" means the amount charged to the  
16    taxpayer's service address in this State regardless of where  
17    such amount is billed or paid.

18           (c) "Telecommunications", in addition to the meaning  
19    ordinarily and popularly ascribed to it, includes, without  
20    limitation, messages or information transmitted through use of  
21    local, toll and wide area telephone service; private line  
22    services; channel services; telegraph services;  
23    teletypewriter; computer exchange services; cellular mobile  
24    telecommunications service; specialized mobile radio;  
25    stationary two way radio; paging service; or any other form of  
26    mobile and portable one-way or two-way communications; or any

1 other transmission of messages or information by electronic or  
2 similar means, between or among points by wire, cable,  
3 fiber-optics, laser, microwave, radio, satellite or similar  
4 facilities. As used in this Act, "private line" means a  
5 dedicated non-traffic sensitive service for a single customer,  
6 that entitles the customer to exclusive or priority use of a  
7 communications channel or group of channels, from one or more  
8 specified locations to one or more other specified locations.  
9 The definition of "telecommunications" shall not include value  
10 added services in which computer processing applications are  
11 used to act on the form, content, code and protocol of the  
12 information for purposes other than transmission.  
13 "Telecommunications" shall not include purchases of  
14 telecommunications by a telecommunications service provider  
15 for use as a component part of the service provided by him to  
16 the ultimate retail consumer who originates or terminates the  
17 taxable end-to-end communications. Carrier access charges,  
18 right of access charges, charges for use of inter-company  
19 facilities, and all telecommunications resold in the  
20 subsequent provision of, used as a component of, or integrated  
21 into end-to-end telecommunications service shall be  
22 non-taxable as sales for resale.

23 (d) "Interstate telecommunications" means all  
24 telecommunications that either originate or terminate outside  
25 this State.

26 (e) "Intrastate telecommunications" means all



1 telecommunications that originate and terminate within this  
2 State.

3 (f) "Department" means the Department of Revenue of the  
4 State of Illinois.

5 (g) "Director" means the Director of Revenue for the  
6 Department of Revenue of the State of Illinois.

7 (h) "Taxpayer" means a person who individually or through  
8 his agents, employees or permittees engages in the act or  
9 privilege of originating or receiving telecommunications in  
10 this State and who incurs a tax liability under this Article.

11 (i) "Person" means any natural individual, firm, trust,  
12 estate, partnership, association, joint stock company, joint  
13 venture, corporation, limited liability company, or a  
14 receiver, trustee, guardian or other representative appointed  
15 by order of any court, the Federal and State governments,  
16 including State universities created by statute or any city,  
17 town, county or other political subdivision of this State.

18 (j) "Purchase at retail" means the acquisition,  
19 consumption or use of telecommunication through a sale at  
20 retail.

21 (k) "Sale at retail" means the transmitting, supplying or  
22 furnishing of telecommunications and all services and  
23 equipment provided in connection therewith for a consideration  
24 to persons other than the Federal and State governments, and  
25 State universities created by statute and other than between a  
26 parent corporation and its wholly owned subsidiaries or

1 between wholly owned subsidiaries for their use or consumption  
2 and not for resale.

3 (l) "Retailer" means and includes every person engaged in  
4 the business of making sales at retail as defined in this  
5 Article. The Department may, in its discretion, upon  
6 application, authorize the collection of the tax hereby  
7 imposed by any retailer not maintaining a place of business  
8 within this State, who, to the satisfaction of the Department,  
9 furnishes adequate security to insure collection and payment  
10 of the tax. Such retailer shall be issued, without charge, a  
11 permit to collect such tax. When so authorized, it shall be the  
12 duty of such retailer to collect the tax upon all of the gross  
13 charges for telecommunications in this State in the same  
14 manner and subject to the same requirements as a retailer  
15 maintaining a place of business within this State. The permit  
16 may be revoked by the Department at its discretion.

17 (m) "Retailer maintaining a place of business in this  
18 State", or any like term, means and includes any retailer  
19 having or maintaining within this State, directly or by a  
20 subsidiary, an office, distribution facilities, transmission  
21 facilities, sales office, warehouse or other place of  
22 business, or any agent or other representative operating  
23 within this State under the authority of the retailer or its  
24 subsidiary, irrespective of whether such place of business or  
25 agent or other representative is located here permanently or  
26 temporarily, or whether such retailer or subsidiary is

1 licensed to do business in this State.

2 (n) "Service address" means the location of  
3 telecommunications equipment from which the telecommunications  
4 services are originated or at which telecommunications  
5 services are received by a taxpayer. In the event this may not  
6 be a defined location, as in the case of mobile phones, paging  
7 systems, maritime systems, service address means the  
8 customer's place of primary use as defined in the Mobile  
9 Telecommunications Sourcing Conformity Act. For air-to-ground  
10 systems and the like, service address shall mean the location  
11 of a taxpayer's primary use of the telecommunications  
12 equipment as defined by telephone number, authorization code,  
13 or location in Illinois where bills are sent.

14 (o) "Prepaid telephone calling arrangements" mean the  
15 right to exclusively purchase telephone or telecommunications  
16 services that must be paid for in advance and enable the  
17 origination of one or more intrastate, interstate, or  
18 international telephone calls or other telecommunications  
19 using an access number, an authorization code, or both,  
20 whether manually or electronically dialed, for which payment  
21 to a retailer must be made in advance, provided that, unless  
22 recharged, no further service is provided once that prepaid  
23 amount of service has been consumed. Prepaid telephone calling  
24 arrangements include the recharge of a prepaid calling  
25 arrangement. For purposes of this subsection, "recharge" means  
26 the purchase of additional prepaid telephone or

1 telecommunications services whether or not the purchaser  
2 acquires a different access number or authorization code.  
3 "Prepaid telephone calling arrangement" does not include an  
4 arrangement whereby a customer purchases a payment card and  
5 pursuant to which the service provider reflects the amount of  
6 such purchase as a credit on an invoice issued to that customer  
7 under an existing subscription plan.

8 (Source: P.A. 102-669, eff. 11-16-21; 102-700, eff. 4-19-22.)

9 Section 985. The Telecommunications Infrastructure  
10 Maintenance Fee Act is amended by changing Section 10 as  
11 follows:

12 (35 ILCS 635/10)

13 Sec. 10. Definitions.

14 (a) "Gross charges" means the amount paid to a  
15 telecommunications retailer for the act or privilege of  
16 originating or receiving telecommunications in this State and  
17 for all services rendered in connection therewith, valued in  
18 money whether paid in money or otherwise, including cash,  
19 credits, services, and property of every kind or nature, and  
20 shall be determined without any deduction on account of the  
21 cost of such telecommunications, the cost of the materials  
22 used, labor or service costs, or any other expense whatsoever.  
23 In case credit is extended, the amount thereof shall be  
24 included only as and when paid. "Gross charges" for private

1 line service shall include charges imposed at each channel  
2 termination point within this State, charges for the channel  
3 mileage between each channel termination point within this  
4 State, and charges for that portion of the interstate  
5 inter-office channel provided within Illinois. Charges for  
6 that portion of the interstate inter-office channel provided  
7 in Illinois shall be determined by the retailer as follows:

8 (i) for interstate inter-office channels having 2 channel  
9 termination points, only one of which is in Illinois, 50% of  
10 the total charge imposed; or (ii) for interstate inter-office  
11 channels having more than 2 channel termination points, one or  
12 more of which are in Illinois, an amount equal to the total  
13 charge multiplied by a fraction, the numerator of which is the  
14 number of channel termination points within Illinois and the  
15 denominator of which is the total number of channel  
16 termination points. Prior to January 1, 2004, any method  
17 consistent with this paragraph or other method that reasonably  
18 apportions the total charges for interstate inter-office  
19 channels among the states in which channel terminations points  
20 are located shall be accepted as a reasonable method to  
21 determine the charges for that portion of the interstate  
22 inter-office channel provided within Illinois for that period.  
23 However, "gross charges" shall not include any of the  
24 following:

- 25 (1) Any amounts added to a purchaser's bill because of  
26 a charge made under: (i) the fee imposed by this Section,

1 (ii) additional charges added to a purchaser's bill under  
2 Section 9-221 or 9-222 of the Public Utilities Act, (iii)  
3 the tax imposed by the Telecommunications Excise Tax Act,  
4 (iv) 911 surcharges, (v) the tax imposed by Section 4251  
5 of the Internal Revenue Code, or (vi) the tax imposed by  
6 the Simplified Municipal Telecommunications Tax Act.

7 (2) Charges for a sent collect telecommunication  
8 received outside of this State.

9 (3) Charges for leased time on equipment or charges  
10 for the storage of data or information or subsequent  
11 retrieval or the processing of data or information  
12 intended to change its form or content. Such equipment  
13 includes, but is not limited to, the use of calculators,  
14 computers, data processing equipment, tabulating  
15 equipment, or accounting equipment and also includes the  
16 usage of computers under a time-sharing agreement.

17 (4) Charges for customer equipment, including such  
18 equipment that is leased or rented by the customer from  
19 any source, wherein such charges are disaggregated and  
20 separately identified from other charges.

21 (5) Charges to business enterprises certified under  
22 Section 9-222.1 of the Public Utilities Act to the extent  
23 of such exemption and during the period of time specified  
24 by the Department of Commerce and Economic Opportunity.

25 (5.1) Charges to business enterprises certified under  
26 Section 95 of the Reimagining Energy and Vehicles in

1 Illinois Act, to the extent of the exemption and during  
2 the period of time specified by the Department of Commerce  
3 and Economic Opportunity.

4 (5.2) Charges to business enterprises certified under  
5 Section 110-95 of the Manufacturing Illinois Chips for  
6 Real Opportunity (MICRO) Act, to the extent of the  
7 exemption and during the period of time specified by the  
8 Department of Commerce and Economic Opportunity.

9 (6) Charges for telecommunications and all services  
10 and equipment provided in connection therewith between a  
11 parent corporation and its wholly owned subsidiaries or  
12 between wholly owned subsidiaries, and only to the extent  
13 that the charges between the parent corporation and wholly  
14 owned subsidiaries or between wholly owned subsidiaries  
15 represent expense allocation between the corporations and  
16 not the generation of profit other than a regulatory  
17 required profit for the corporation rendering such  
18 services.

19 (7) Bad debts ("bad debt" means any portion of a debt  
20 that is related to a sale at retail for which gross charges  
21 are not otherwise deductible or excludable that has become  
22 worthless or uncollectible, as determined under applicable  
23 federal income tax standards; if the portion of the debt  
24 deemed to be bad is subsequently paid, the retailer shall  
25 report and pay the tax on that portion during the  
26 reporting period in which the payment is made).

1           (8) Charges paid by inserting coins in coin-operated  
2 telecommunication devices.

3           (9) Charges for nontaxable services or  
4 telecommunications if (i) those charges are aggregated  
5 with other charges for telecommunications that are  
6 taxable, (ii) those charges are not separately stated on  
7 the customer bill or invoice, and (iii) the retailer can  
8 reasonably identify the nontaxable charges on the  
9 retailer's books and records kept in the regular course of  
10 business. If the nontaxable charges cannot reasonably be  
11 identified, the gross charge from the sale of both taxable  
12 and nontaxable services or telecommunications billed on a  
13 combined basis shall be attributed to the taxable services  
14 or telecommunications. The burden of proving nontaxable  
15 charges shall be on the retailer of the  
16 telecommunications.

17           (a-5) "Department" means the Illinois Department of  
18 Revenue.

19           (b) "Telecommunications" includes, but is not limited to,  
20 messages or information transmitted through use of local,  
21 toll, and wide area telephone service, channel services,  
22 telegraph services, teletypewriter service, computer exchange  
23 services, private line services, specialized mobile radio  
24 services, or any other transmission of messages or information  
25 by electronic or similar means, between or among points by  
26 wire, cable, fiber optics, laser, microwave, radio, satellite,



1 or similar facilities. Unless the context clearly requires  
2 otherwise, "telecommunications" shall also include wireless  
3 telecommunications as hereinafter defined.  
4 "Telecommunications" shall not include value added services in  
5 which computer processing applications are used to act on the  
6 form, content, code, and protocol of the information for  
7 purposes other than transmission. "Telecommunications" shall  
8 not include purchase of telecommunications by a  
9 telecommunications service provider for use as a component  
10 part of the service provided by him or her to the ultimate  
11 retail consumer who originates or terminates the end-to-end  
12 communications. Retailer access charges, right of access  
13 charges, charges for use of intercompany facilities, and all  
14 telecommunications resold in the subsequent provision and used  
15 as a component of, or integrated into, end-to-end  
16 telecommunications service shall not be included in gross  
17 charges as sales for resale. "Telecommunications" shall not  
18 include the provision of cable services through a cable system  
19 as defined in the Cable Communications Act of 1984 (47 U.S.C.  
20 Sections 521 and following) as now or hereafter amended or  
21 through an open video system as defined in the Rules of the  
22 Federal Communications Commission (47 C.D.F. 76.1550 and  
23 following) as now or hereafter amended. Beginning January 1,  
24 2001, prepaid telephone calling arrangements shall not be  
25 considered "telecommunications" subject to the tax imposed  
26 under this Act. For purposes of this Section, "prepaid

1 telephone calling arrangements" means that term as defined in  
2 Section 2-27 of the Retailers' Occupation Tax Act.

3 (c) "Wireless telecommunications" includes cellular mobile  
4 telephone services, personal wireless services as defined in  
5 Section 704(C) of the Telecommunications Act of 1996 (Public  
6 Law No. 104-104) as now or hereafter amended, including all  
7 commercial mobile radio services, and paging services.

8 (d) "Telecommunications retailer" or "retailer" or  
9 "carrier" means and includes every person engaged in the  
10 business of making sales of telecommunications at retail as  
11 defined in this Section. The Department may, in its  
12 discretion, upon applications, authorize the collection of the  
13 fee hereby imposed by any retailer not maintaining a place of  
14 business within this State, who, to the satisfaction of the  
15 Department, furnishes adequate security to insure collection  
16 and payment of the fee. When so authorized, it shall be the  
17 duty of such retailer to pay the fee upon all of the gross  
18 charges for telecommunications in the same manner and subject  
19 to the same requirements as a retailer maintaining a place of  
20 business within this State.

21 (e) "Retailer maintaining a place of business in this  
22 State", or any like term, means and includes any retailer  
23 having or maintaining within this State, directly or by a  
24 subsidiary, an office, distribution facilities, transmission  
25 facilities, sales office, warehouse, or other place of  
26 business, or any agent or other representative operating

1 within this State under the authority of the retailer or its  
2 subsidiary, irrespective of whether such place of business or  
3 agent or other representative is located here permanently or  
4 temporarily, or whether such retailer or subsidiary is  
5 licensed to do business in this State.

6 (f) "Sale of telecommunications at retail" means the  
7 transmitting, supplying, or furnishing of telecommunications  
8 and all services rendered in connection therewith for a  
9 consideration, other than between a parent corporation and its  
10 wholly owned subsidiaries or between wholly owned  
11 subsidiaries, when the gross charge made by one such  
12 corporation to another such corporation is not greater than  
13 the gross charge paid to the retailer for their use or  
14 consumption and not for sale.

15 (g) "Service address" means the location of  
16 telecommunications equipment from which telecommunications  
17 services are originated or at which telecommunications  
18 services are received. If this is not a defined location, as in  
19 the case of wireless telecommunications, paging systems,  
20 maritime systems, service address means the customer's place  
21 of primary use as defined in the Mobile Telecommunications  
22 Sourcing Conformity Act. For air-to-ground systems, and the  
23 like, "service address" shall mean the location of the  
24 customer's primary use of the telecommunications equipment as  
25 defined by the location in Illinois where bills are sent.

26 (Source: P.A. 93-286, eff. 1-1-04; 94-793, eff. 5-19-06.)

1           Section 990. The Simplified Municipal Telecommunications  
2 Tax Act is amended by changing Section 5-7 as follows:

3           (35 ILCS 636/5-7)

4           Sec. 5-7. Definitions. For purposes of the taxes  
5 authorized by this Act:

6           "Amount paid" means the amount charged to the taxpayer's  
7 service address in such municipality regardless of where such  
8 amount is billed or paid.

9           "Department" means the Illinois Department of Revenue.

10          "Gross charge" means the amount paid for the act or  
11 privilege of originating or receiving telecommunications in  
12 such municipality and for all services and equipment provided  
13 in connection therewith by a retailer, valued in money whether  
14 paid in money or otherwise, including cash, credits, services  
15 and property of every kind or nature, and shall be determined  
16 without any deduction on account of the cost of such  
17 telecommunications, the cost of the materials used, labor or  
18 service costs or any other expense whatsoever. In case credit  
19 is extended, the amount thereof shall be included only as and  
20 when paid. "Gross charges" for private line service shall  
21 include charges imposed at each channel termination point  
22 within a municipality that has imposed a tax under this  
23 Section and charges for the portion of the inter-office  
24 channels provided within that municipality. Charges for that

1 portion of the inter-office channel connecting 2 or more  
2 channel termination points, one or more of which is located  
3 within the jurisdictional boundary of such municipality, shall  
4 be determined by the retailer by multiplying an amount equal  
5 to the total charge for the inter-office channel by a  
6 fraction, the numerator of which is the number of channel  
7 termination points that are located within the jurisdictional  
8 boundary of the municipality and the denominator of which is  
9 the total number of channel termination points connected by  
10 the inter-office channel. Prior to January 1, 2004, any method  
11 consistent with this paragraph or other method that reasonably  
12 apportions the total charges for inter-office channels among  
13 the municipalities in which channel termination points are  
14 located shall be accepted as a reasonable method to determine  
15 the taxable portion of an inter-office channel provided within  
16 a municipality for that period. However, "gross charge" shall  
17 not include any of the following:

18 (1) Any amounts added to a purchaser's bill because of  
19 a charge made pursuant to: (i) the tax imposed by this Act,  
20 (ii) the tax imposed by the Telecommunications Excise Tax  
21 Act, (iii) the tax imposed by Section 4251 of the Internal  
22 Revenue Code, (iv) 911 surcharges, or (v) charges added to  
23 customers' bills pursuant to the provisions of Section  
24 9-221 or 9-222 of the Public Utilities Act, as amended, or  
25 any similar charges added to customers' bills by retailers  
26 who are not subject to rate regulation by the Illinois

1 Commerce Commission for the purpose of recovering any of  
2 the tax liabilities or other amounts specified in those  
3 provisions of the Public Utilities Act.

4 (2) Charges for a sent collect telecommunication  
5 received outside of such municipality.

6 (3) Charges for leased time on equipment or charges  
7 for the storage of data or information for subsequent  
8 retrieval or the processing of data or information  
9 intended to change its form or content. Such equipment  
10 includes, but is not limited to, the use of calculators,  
11 computers, data processing equipment, tabulating equipment  
12 or accounting equipment and also includes the usage of  
13 computers under a time-sharing agreement.

14 (4) Charges for customer equipment, including such  
15 equipment that is leased or rented by the customer from  
16 any source, wherein such charges are disaggregated and  
17 separately identified from other charges.

18 (5) Charges to business enterprises certified as  
19 exempt under Section 9-222.1 of the Public Utilities Act  
20 to the extent of such exemption and during the period of  
21 time specified by the Department of Commerce and Economic  
22 Opportunity.

23 (5.1) Charges to business enterprises certified under  
24 Section 95 of the Reimagining Energy and Vehicles in  
25 Illinois Act, to the extent of the exemption and during  
26 the period of time specified by the Department of Commerce

1       and Economic Opportunity.

2       (5.2) Charges to business enterprises certified under  
3       Section 110-95 of the Manufacturing Illinois Chips for  
4       Real Opportunity (MICRO) Act, to the extent of the  
5       exemption and during the period of time specified by the  
6       Department of Commerce and Economic Opportunity.

7       (6) Charges for telecommunications and all services  
8       and equipment provided in connection therewith between a  
9       parent corporation and its wholly owned subsidiaries or  
10      between wholly owned subsidiaries when the tax imposed  
11      under this Act has already been paid to a retailer and only  
12      to the extent that the charges between the parent  
13      corporation and wholly owned subsidiaries or between  
14      wholly owned subsidiaries represent expense allocation  
15      between the corporations and not the generation of profit  
16      for the corporation rendering such service.

17      (7) Bad debts ("bad debt" means any portion of a debt  
18      that is related to a sale at retail for which gross charges  
19      are not otherwise deductible or excludable that has become  
20      worthless or uncollectible, as determined under applicable  
21      federal income tax standards; if the portion of the debt  
22      deemed to be bad is subsequently paid, the retailer shall  
23      report and pay the tax on that portion during the  
24      reporting period in which the payment is made).

25      (8) Charges paid by inserting coins in coin-operated  
26      telecommunication devices.

1           (9) Amounts paid by telecommunications retailers under  
2 the Telecommunications Infrastructure Maintenance Fee Act.

3           (10) Charges for nontaxable services or  
4 telecommunications if (i) those charges are aggregated  
5 with other charges for telecommunications that are  
6 taxable, (ii) those charges are not separately stated on  
7 the customer bill or invoice, and (iii) the retailer can  
8 reasonably identify the nontaxable charges on the  
9 retailer's books and records kept in the regular course of  
10 business. If the nontaxable charges cannot reasonably be  
11 identified, the gross charge from the sale of both taxable  
12 and nontaxable services or telecommunications billed on a  
13 combined basis shall be attributed to the taxable services  
14 or telecommunications. The burden of proving nontaxable  
15 charges shall be on the retailer of the  
16 telecommunications.

17           "Interstate telecommunications" means all  
18 telecommunications that either originate or terminate outside  
19 this State.

20           "Intrastate telecommunications" means all  
21 telecommunications that originate and terminate within this  
22 State.

23           "Person" means any natural individual, firm, trust,  
24 estate, partnership, association, joint stock company, joint  
25 venture, corporation, limited liability company, or a  
26 receiver, trustee, guardian, or other representative appointed



1 by order of any court, the Federal and State governments,  
2 including State universities created by statute, or any city,  
3 town, county, or other political subdivision of this State.

4 "Purchase at retail" means the acquisition, consumption or  
5 use of telecommunications through a sale at retail.

6 "Retailer" means and includes every person engaged in the  
7 business of making sales at retail as defined in this Section.  
8 The Department may, in its discretion, upon application,  
9 authorize the collection of the tax hereby imposed by any  
10 retailer not maintaining a place of business within this  
11 State, who, to the satisfaction of the Department, furnishes  
12 adequate security to insure collection and payment of the tax.  
13 Such retailer shall be issued, without charge, a permit to  
14 collect such tax. When so authorized, it shall be the duty of  
15 such retailer to collect the tax upon all of the gross charges  
16 for telecommunications in this State in the same manner and  
17 subject to the same requirements as a retailer maintaining a  
18 place of business within this State. The permit may be revoked  
19 by the Department at its discretion.

20 "Retailer maintaining a place of business in this State",  
21 or any like term, means and includes any retailer having or  
22 maintaining within this State, directly or by a subsidiary, an  
23 office, distribution facilities, transmission facilities,  
24 sales office, warehouse or other place of business, or any  
25 agent or other representative operating within this State  
26 under the authority of the retailer or its subsidiary,

1       irrespective of whether such place of business or agent or  
2       other representative is located here permanently or  
3       temporarily, or whether such retailer or subsidiary is  
4       licensed to do business in this State.

5       "Sale at retail" means the transmitting, supplying or  
6       furnishing of telecommunications and all services and  
7       equipment provided in connection therewith for a  
8       consideration, to persons other than the Federal and State  
9       governments, and State universities created by statute and  
10      other than between a parent corporation and its wholly owned  
11      subsidiaries or between wholly owned subsidiaries for their  
12      use or consumption and not for resale.

13      "Service address" means the location of telecommunications  
14      equipment from which telecommunications services are  
15      originated or at which telecommunications services are  
16      received by a taxpayer. In the event this may not be a defined  
17      location, as in the case of mobile phones, paging systems, and  
18      maritime systems, service address means the customer's place  
19      of primary use as defined in the Mobile Telecommunications  
20      Sourcing Conformity Act. For air-to-ground systems and the  
21      like, "service address" shall mean the location of a  
22      taxpayer's primary use of the telecommunications equipment as  
23      defined by telephone number, authorization code, or location  
24      in Illinois where bills are sent.

25      "Taxpayer" means a person who individually or through his  
26      or her agents, employees, or permittees engages in the act or

1 privilege of originating or receiving telecommunications in a  
2 municipality and who incurs a tax liability as authorized by  
3 this Act.

4 "Telecommunications", in addition to the meaning  
5 ordinarily and popularly ascribed to it, includes, without  
6 limitation, messages or information transmitted through use of  
7 local, toll, and wide area telephone service, private line  
8 services, channel services, telegraph services,  
9 teletypewriter, computer exchange services, cellular mobile  
10 telecommunications service, specialized mobile radio,  
11 stationary two-way radio, paging service, or any other form of  
12 mobile and portable one-way or two-way communications, or any  
13 other transmission of messages or information by electronic or  
14 similar means, between or among points by wire, cable, fiber  
15 optics, laser, microwave, radio, satellite, or similar  
16 facilities. As used in this Act, "private line" means a  
17 dedicated non-traffic sensitive service for a single customer,  
18 that entitles the customer to exclusive or priority use of a  
19 communications channel or group of channels, from one or more  
20 specified locations to one or more other specified locations.  
21 The definition of "telecommunications" shall not include value  
22 added services in which computer processing applications are  
23 used to act on the form, content, code, and protocol of the  
24 information for purposes other than transmission.  
25 "Telecommunications" shall not include purchases of  
26 telecommunications by a telecommunications service provider

1 for use as a component part of the service provided by such  
2 provider to the ultimate retail consumer who originates or  
3 terminates the taxable end-to-end communications. Carrier  
4 access charges, right of access charges, charges for use of  
5 inter-company facilities, and all telecommunications resold in  
6 the subsequent provision of, used as a component of, or  
7 integrated into, end-to-end telecommunications service shall  
8 be non-taxable as sales for resale. Prepaid telephone calling  
9 arrangements shall not be considered "telecommunications"  
10 subject to the tax imposed under this Act. For purposes of this  
11 Section, "prepaid telephone calling arrangements" means that  
12 term as defined in Section 2-27 of the Retailers' Occupation  
13 Tax Act.

14 (Source: P.A. 93-286, eff. 1-1-04; 94-793, eff. 5-19-06.)

15 Section 995. The Electricity Excise Tax Law is amended by  
16 changing Section 2-4 as follows:

17 (35 ILCS 640/2-4)

18 Sec. 2-4. Tax imposed.

19 (a) Except as provided in subsection (b), a tax is imposed  
20 on the privilege of using in this State electricity purchased  
21 for use or consumption and not for resale, other than by  
22 municipal corporations owning and operating a local  
23 transportation system for public service, at the following  
24 rates per kilowatt-hour delivered to the purchaser:

1 (i) For the first 2000 kilowatt-hours used or consumed  
2 in a month: 0.330 cents per kilowatt-hour;

3 (ii) For the next 48,000 kilowatt-hours used or  
4 consumed in a month: 0.319 cents per kilowatt-hour;

5 (iii) For the next 50,000 kilowatt-hours used or  
6 consumed in a month: 0.303 cents per kilowatt-hour;

7 (iv) For the next 400,000 kilowatt-hours used or  
8 consumed in a month: 0.297 cents per kilowatt-hour;

9 (v) For the next 500,000 kilowatt-hours used or  
10 consumed in a month: 0.286 cents per kilowatt-hour;

11 (vi) For the next 2,000,000 kilowatt-hours used or  
12 consumed in a month: 0.270 cents per kilowatt-hour;

13 (vii) For the next 2,000,000 kilowatt-hours used or  
14 consumed in a month: 0.254 cents per kilowatt-hour;

15 (viii) For the next 5,000,000 kilowatt-hours used or  
16 consumed in a month: 0.233 cents per kilowatt-hour;

17 (ix) For the next 10,000,000 kilowatt-hours used or  
18 consumed in a month: 0.207 cents per kilowatt-hour;

19 (x) For all electricity in excess of 20,000,000  
20 kilowatt-hours used or consumed in a month: 0.202 cents  
21 per kilowatt-hour.

22 Provided, that in lieu of the foregoing rates, the tax is  
23 imposed on a self-assessing purchaser at the rate of 5.1% of  
24 the self-assessing purchaser's purchase price for all  
25 electricity distributed, supplied, furnished, sold,  
26 transmitted and delivered to the self-assessing purchaser in a

1 month.

2 (b) A tax is imposed on the privilege of using in this  
3 State electricity purchased from a municipal system or  
4 electric cooperative, as defined in Article XVII of the Public  
5 Utilities Act, which has not made an election as permitted by  
6 either Section 17-200 or Section 17-300 of such Act, at the  
7 lesser of 0.32 cents per kilowatt hour of all electricity  
8 distributed, supplied, furnished, sold, transmitted, and  
9 delivered by such municipal system or electric cooperative to  
10 the purchaser or 5% of each such purchaser's purchase price  
11 for all electricity distributed, supplied, furnished, sold,  
12 transmitted, and delivered by such municipal system or  
13 electric cooperative to the purchaser, whichever is the lower  
14 rate as applied to each purchaser in each billing period.

15 (c) The tax imposed by this Section 2-4 is not imposed with  
16 respect to any use of electricity by business enterprises  
17 certified under Section 9-222.1 or 9-222.1A of the Public  
18 Utilities Act, as amended, to the extent of such exemption and  
19 during the time specified by the Department of Commerce and  
20 Economic Opportunity; or with respect to any transaction in  
21 interstate commerce, or otherwise, to the extent to which such  
22 transaction may not, under the Constitution and statutes of  
23 the United States, be made the subject of taxation by this  
24 State.

25 (d) The tax imposed by this Section 2-4 is not imposed with  
26 respect to any use of electricity at a REV Illinois Project

1 site that has received a certification for tax exemption from  
2 the Department of Commerce and Economic Opportunity pursuant  
3 to Section 95 of the Reimagining Energy and Electric Vehicles  
4 in Illinois Act, to the extent of such exemption, which shall  
5 be no more than 10 years.

6 (e) The tax imposed by this Section 2-4 is not imposed with  
7 respect to any use of electricity at a project site that has  
8 received a certification for tax exemption from the Department  
9 of Commerce and Economic Opportunity pursuant to the  
10 Manufacturing Illinois Chips for Real Opportunity (MICRO) Act,  
11 to the extent of such exemption, which shall be no more than 10  
12 years.

13 (Source: P.A. 102-669, eff. 11-16-21; 102-700, eff. 4-19-22.)

14 Section 1000. The Public Utilities Act is amended by  
15 changing Sections 9-222 and 9-222.1A as follows:

16 (220 ILCS 5/9-222) (from Ch. 111 2/3, par. 9-222)

17 Sec. 9-222. Whenever a tax is imposed upon a public  
18 utility engaged in the business of distributing, supplying,  
19 furnishing, or selling gas for use or consumption pursuant to  
20 Section 2 of the Gas Revenue Tax Act, or whenever a tax is  
21 required to be collected by a delivering supplier pursuant to  
22 Section 2-7 of the Electricity Excise Tax Act, or whenever a  
23 tax is imposed upon a public utility pursuant to Section 2-202  
24 of this Act, such utility may charge its customers, other than

1 customers who are high impact businesses under Section 5.5 of  
2 the Illinois Enterprise Zone Act, customers who are electric  
3 ~~vehicle manufacturers, electric vehicle component parts~~  
4 ~~manufacturers, or electric vehicle power supply equipment~~  
5 ~~manufacturers at REV Illinois Project sites as certified under~~  
6 Section 95 of the Reimagining Energy and Electric Vehicles in  
7 Illinois Act, manufacturers under the Manufacturing Illinois  
8 Chips for Real Opportunity (MICRO) Act, or certified business  
9 enterprises under Section 9-222.1 of this Act, to the extent  
10 of such exemption and during the period in which such  
11 exemption is in effect, in addition to any rate authorized by  
12 this Act, an additional charge equal to the total amount of  
13 such taxes. The exemption of this Section relating to high  
14 impact businesses shall be subject to the provisions of  
15 subsections (a), (b), and (b-5) of Section 5.5 of the Illinois  
16 Enterprise Zone Act. This requirement shall not apply to taxes  
17 on invested capital imposed pursuant to the Messages Tax Act,  
18 the Gas Revenue Tax Act and the Public Utilities Revenue Act.  
19 Such utility shall file with the Commission a supplemental  
20 schedule which shall specify such additional charge and which  
21 shall become effective upon filing without further notice.  
22 Such additional charge shall be shown separately on the  
23 utility bill to each customer. The Commission shall have the  
24 power to investigate whether or not such supplemental schedule  
25 correctly specifies such additional charge, but shall have no  
26 power to suspend such supplemental schedule. If the Commission



1 finds, after a hearing, that such supplemental schedule does  
2 not correctly specify such additional charge, it shall by  
3 order require a refund to the appropriate customers of the  
4 excess, if any, with interest, in such manner as it shall deem  
5 just and reasonable, and in and by such order shall require the  
6 utility to file an amended supplemental schedule corresponding  
7 to the finding and order of the Commission. Except with  
8 respect to taxes imposed on invested capital, such tax  
9 liabilities shall be recovered from customers solely by means  
10 of the additional charges authorized by this Section.

11 (Source: P.A. 102-669, eff. 11-16-21; 102-700, eff. 4-19-22.)

12 (220 ILCS 5/9-222.1A)

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

1 following criteria:

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

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

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

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

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

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

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

26           (Source: P.A. 98-109, eff. 7-25-13.)

1           Section 9999. Effective date. This Act takes effect upon  
2    becoming law.".