**Section 520.600 Definitions**

The following definitions are applicable to Subpart F.

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

"Eligible investment" means the required amount of investments in qualified property, as defined by Section 201(h) of the Illinois Income Tax Act [35 ILCS 5/201(h)] that qualifies a business for the High Impact Business designation.

*"Fertilizer plant" means a newly constructed or upgraded plant utilizing gas used in the production of anhydrous ammonia and downstream nitrogen fertilizer products for resale.* [20 ILCS 655/5.5(a)(3)(F)]

"Foreign Trade Zone" or "Foreign Trade Sub-Zone" means a geographic area designated by the federal government under the Foreign Trade Zone Act of 1934, as amended (19 USC 81(a)) or rules promulgated under that Act (15 CFR 400 (1986)).

"Full-time equivalent job" means *a job in which the new employee works for the recipient or for a corporation under contract to the recipient at a rate of at least 35 hours per week. A recipient who employs labor or services at a specific site or facility under contract with another may declare one full-time, permanent job for every 1,820 man hours worked per year under that contract. Vacations, paid holidays, and sick time are included in this computation. Overtime is not considered a part of regular hours.* [20 ILCS 655/3(i)]

*"Full-time retained job" means any employee defined as having a full-time or full-time equivalent job preserved at a specific facility or site, the continuance of which is threatened by a specific and demonstrable threat, which shall be specified in the application for development assistance. A recipient who employs labor or services at a specific site or facility under contract with another may declare one retained employee per year for every 1,750 man hours worked per year under that contract, even if different individuals perform on-site labor or services.* [20 ILCS 655/3(j)]

"High Impact Business" means a business located in Illinois designated as a High Impact Business by the Department pursuant to Section 5.5 of the Illinois Enterprise Zone Act [20 ILCS 655/5.5].

"Job creation" means at least 500 full-time equivalent employees are to be hired at a designated location in Illinois over the number of full-time equivalent employees that were employed by the applicant prior to January 1, 1989. Job titles being filled or refilled as a result of strikes or layoffs or replacement workers to replace company locked out employees cannot be counted as job creation. Job creation must occur within 36 months after the designation date, except that, in the case of a High Impact business designated under Section 5.5(a)(3)(F) of the Act, job creation must occur within 48 months after the designation date.

"Job retention" means at least 1,500 full-time employees are to be retained by the High Impact Business as a direct result of the eligible investment, and that the employees would have lost their jobs had the eligible investment not been made. Job retention means maintaining all full-time jobs of a company that existed at the designated locations at the time of application submittal.

"Large scale investment and development project" means a project of a High Impact Business that is the result of a minimum eligible investment of $12 million that will be placed in service in qualified property and causes the creation of 500 full-time equivalent jobs, or is the result of a minimum eligible investment of $30 million that will be placed in service in qualified property and causes the retention of 1,500 full-time jobs at a designated location in Illinois.

"New electric generating facility" means a newly-constructed electric generation plant or a newly-constructed generation capacity expansion at an existing electric generation plant, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which such new foundation construction commenced not sooner than July 1, 2001.

"New employee" means a full-time equivalent job that represents a net increase in the number of the High Impact Business' employees statewide."New employee" includes an employee who previously filled a new employee position with the recipient who was rehired or called back from a layoff that occurs during or following the base years. The term "new employee" does not include any of the following:

An employee of the High Impact Business who performs a job that was previously performed by another employee in this State, if that job existed in this State for at least 6 months before hiring the employee;

Any individual who has a direct or indirect ownership interest of at least 5% in the profits, capital or value of any member of the High Impact Business;

A child, grandchild, parent or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or indirect ownership interest of at least 5% in the profits, capital or value of any member of the High Impact Business;

Employee positions being filled or refilled as a result of strikes or layoffs or replacement workers to replace High Impact Business company locked out employees.

*"New gasification facility" means a newly constructed coal gasification facility that generates chemical feedstocks or transportation fuels derived from coal (which may include, but are not limited to, methane, methanol, and nitrogen fertilizer) that supports the creation or retention of Illinois coal-mining jobs, and that qualifies for financial assistance from the Department before December 31, 2010.* [20 ILCS 655/5.5(a)(3)(B-5)]

"New Illinois coal mining jobs" means coal mining jobs created in Illinois coal mines, not sooner than July 1, 2001, not including a call back from a layoff, supported by a "new electric generating facility" as described in this Section. Alternatively, a "new Illinois coal mining job" can be indirectly determined from quantities of coal purchased, or to be purchased, annually, based on the average amount of coal produced per Illinois miner in calendar year 2000, as published in the Annual Statistical Report of the Division of Mines and Minerals, Illinois Department of Natural Resources. Illinois miners produced an average of 9,691 tons of coal in calendar year 2000.

*"New wind power facility" means a newly constructed electric generation facility, or a newly constructed expansion of an existing electric generation facility, placed in service on or after July 1, 2009, that generates electricity using wind energy devices, and such facility shall be deemed to include all associated transmission lines, substations, and other equipment related to the generation of electricity from wind energy devices.* [20 ILCS 655/5.5(a)(3)(E)]

"Placed in service" means the state or condition of readiness and availability for a specifically assigned function. An eligible investment in qualified property as defined in Section 201(h)(2) of the Illinois Income Tax Act [35 ILCS 5/201(h)(2)] shall be considered placed in service on the date the property is placed in a condition of readiness and availability for use, or the date on which the depreciation period of that property begins.

*"Prevailing wage" means the hourly cash wages plus fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.* [20 ILCS 655/5.5(a)(3)(F)]

"Transmission facilities" means transmission lines with a voltage rating of 115 kilovolts or above, including associated equipment, that transfer electricity from points of supply to points of delivery and that transmit a majority of the electricity generated by a new electric generating facility designated as a High Impact Business in accordance with Section 5.5(d) of the Act.

*"Wind energy device" means any device, with a nameplate capacity of at least 0.5 megawatts, that is used in the process of converting kinetic energy from the wind to generate electricity.* [20 ILCS 655/5.5(a)(3)(E)]

(Source: Amended at 38 Ill. Reg. 457, effective December 20, 2013)