



Sen. Celina Villanueva

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10200HB5189sam003

LRB102 24779 HLH 41963 a

1 AMENDMENT TO HOUSE BILL 5189

2 AMENDMENT NO. _____. Amend House Bill 5189, AS AMENDED,
3 by inserting immediately below the enacting clause the
4 following:

5 "Section 2. The Reimagining Electric Vehicles in Illinois
6 Act is amended by changing Sections 10, 15, 20, 30, and 40 as
7 follows:

8 (20 ILCS 686/10)

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

10 "Advanced battery" means a battery that consists of a
11 battery cell that can be integrated into a module, pack, or
12 system to be used in energy storage applications, including a
13 battery used in an electric vehicle or the electric grid.

14 "Advanced battery component" means a component of an
15 advanced battery, including materials, enhancements,
16 enclosures, anodes, cathodes, electrolytes, cells, and other

1 associated technologies that comprise an advanced battery.

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

4 "Applicant" means a taxpayer that (i) operates a business
5 in Illinois or is planning to locate a business within the
6 State of Illinois and (ii) is engaged in interstate or
7 intrastate commerce for the purpose of manufacturing electric
8 vehicles, electric vehicle component parts, or electric
9 vehicle power supply equipment. "Applicant" does not include a
10 taxpayer who closes or substantially reduces by more than 50%
11 operations at one location in the State and relocates
12 substantially the same operation to another location in the
13 State. This does not prohibit a Taxpayer from expanding its
14 operations at another location in the State. This also does
15 not prohibit a Taxpayer from moving its operations from one
16 location in the State to another location in the State for the
17 purpose of expanding the operation, provided that the
18 Department determines that expansion cannot reasonably be
19 accommodated within the municipality or county in which the
20 business is located, or, in the case of a business located in
21 an incorporated area of the county, within the county in which
22 the business is located, after conferring with the chief
23 elected official of the municipality or county and taking into
24 consideration any evidence offered by the municipality or
25 county regarding the ability to accommodate expansion within
26 the municipality or county.

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

4 "Battery raw materials refining service provider" means a
5 business that operates a facility that filters, sifts, and
6 treats battery raw materials for use in an advanced battery.

7 "Battery recycling and reuse manufacturer" means a
8 manufacturer that is primarily engaged in the recovery,
9 retrieval, processing, recycling, or recirculating of battery
10 raw materials for new use in electric vehicle batteries.

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

23 "Credit" means either a "REV Illinois Credit" or a "REV
24 Construction Jobs Credit" agreed to between the Department and
25 applicant under this Act.

26 "Department" means the Department of Commerce and Economic

1 Opportunity.

2 "Director" means the Director of Commerce and Economic
3 Opportunity.

4 "Electric vehicle" means a vehicle that is exclusively
5 powered by and refueled by electricity, including electricity
6 generated through a hydrogen fuel cells or solar technology.

7 "Electric vehicle" does not include hybrid electric vehicles,
8 electric bicycles, or extended-range electric vehicles that
9 are also equipped with conventional fueled propulsion or
10 auxiliary engines.

11 "Electric vehicle manufacturer" means a new or existing
12 manufacturer that is primarily focused on reequipping,
13 expanding, or establishing a manufacturing facility in
14 Illinois that produces electric vehicles as defined in this
15 Section.

16 "Electric vehicle component parts manufacturer" means a
17 new or existing manufacturer that is ~~primarily~~ focused on
18 reequipping, expanding, or establishing a manufacturing
19 facility in Illinois that produces parts or accessories used
20 in electric vehicles ~~advanced battery components or key~~
21 ~~components that directly support the electric functions of~~
22 ~~electric vehicles~~, as defined by this Section, including
23 advanced battery component parts. The changes to this
24 definition of "electric vehicle component parts manufacturer"
25 apply to agreements under this Act that are entered into on or
26 after the effective date of this amendatory Act of the 102nd

1 General Assembly.

2 "Electric vehicle power supply equipment" means the
3 equipment used specifically for the purpose of delivering
4 electricity to an electric vehicle, including hydrogen fuel
5 cells or solar refueling infrastructure.

6 "Electric vehicle power supply manufacturer" means a new
7 or existing manufacturer that is focused on reequipping,
8 expanding, or establishing a manufacturing facility in
9 Illinois that produces electric vehicle power supply equipment
10 used for the purpose of delivering electricity to an electric
11 vehicle, including hydrogen fuel cell or solar refueling
12 infrastructure.

13 "Energy Transition Area" means a county with less than
14 100,000 people or a municipality that contains one or more of
15 the following:

16 (1) a fossil fuel plant that was retired from service
17 or has significant reduced service within 6 years before
18 the time of the application or will be retired or have
19 service significantly reduced within 6 years following the
20 time of the application; or

21 (2) a coal mine that was closed or had operations
22 significantly reduced within 6 years before the time of
23 the application or is anticipated to be closed or have
24 operations significantly reduced within 6 years following
25 the time of the application.

26 "Full-time employee" means an individual who is employed

1 for consideration for at least 35 hours each week or who
2 renders any other standard of service generally accepted by
3 industry custom or practice as full-time employment. An
4 individual for whom a W-2 is issued by a Professional Employer
5 Organization (PEO) is a full-time employee if employed in the
6 service of the applicant for consideration for at least 35
7 hours each week.

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

13 "Institution of higher education" or "institution" means
14 any accredited public or private university, college,
15 community college, business, technical, or vocational school,
16 or other accredited educational institution offering degrees
17 and instruction beyond the secondary school level.

18 "Minority person" means a minority person as defined in
19 the Business Enterprise for Minorities, Women, and Persons
20 with Disabilities Act.

21 "New employee" means a newly-hired full-time employee
22 employed to work at the project site and whose work is directly
23 related to the project.

24 "Noncompliance date" means, in the case of a taxpayer that
25 is not complying with the requirements of the agreement or the
26 provisions of this Act, the day following the last date upon

1 which the taxpayer was in compliance with the requirements of
2 the agreement and the provisions of this Act, as determined by
3 the Director, pursuant to Section 70.

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

7 "Placed in service" means the state or condition of
8 readiness, availability for a specifically assigned function,
9 and the facility is constructed and ready to conduct its
10 facility operations to manufacture goods.

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

14 "Program" means the Reimagining Electric Vehicles in
15 Illinois Program (the REV Illinois Program) established in
16 this Act.

17 "Project" or "REV Illinois Project" means a for-profit
18 economic development activity for the manufacture of electric
19 vehicles, electric vehicle component parts, or electric
20 vehicle power supply equipment which is designated by the
21 Department as a REV Illinois Project and is the subject of an
22 agreement.

23 "Recycling facility" means a location at which the
24 taxpayer disposes of batteries and other component parts in
25 manufacturing of electric vehicles, electric vehicle component
26 parts, or electric vehicle power supply equipment.

1 "Related member" means a person that, with respect to the
2 taxpayer during any portion of the taxable year, is any one of
3 the following:

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

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

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

23 (4) A corporation and any party related to that
24 corporation in a manner that would require an attribution
25 of stock from the corporation to the party or from the
26 party to the corporation under the attribution rules of

1 Section 318 of the Internal Revenue Code, if the
2 corporation and all such related parties own in the
3 aggregate at least 50% of the profits, capital, stock, or
4 value of the taxpayer.

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

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

1 definition of "retained employee" apply to agreements for
2 credits under this Act that are entered into on or after the
3 effective date of this amendatory Act of the 102nd General
4 Assembly.

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

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

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

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

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

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

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

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

15 (20 ILCS 686/15)

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

23 (1) adopt rules deemed necessary and appropriate for
24 the administration of the REV Illinois Program, the
25 designation of REV Illinois Projects, and the awarding of

1 credits;

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

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

10 (4) enter into agreements and memoranda of
11 understanding for participation of, and engage in
12 cooperation with, agencies of the federal government,
13 units of local government, universities, research
14 foundations or institutions, regional economic development
15 corporations, or other organizations to implement the
16 requirements and purposes of this Act;

17 (5) gather information and conduct inquiries, in the
18 manner and by the methods it deems desirable, including
19 without limitation, gathering information with respect to
20 applicants for the purpose of making any designations or
21 certifications necessary or desirable or to gather
22 information to assist the Department with any
23 recommendation or guidance in the furtherance of the
24 purposes of this Act;

25 (6) establish, negotiate and effectuate agreements and
26 any term, agreement, or other document with any person,

1 necessary or appropriate to accomplish the purposes of
2 this Act; and to consent, subject to the provisions of any
3 agreement with another party, to the modification or
4 restructuring of any agreement to which the Department is
5 a party;

6 (7) fix, determine, charge, and collect any premiums,
7 fees, charges, costs, and expenses from applicants,
8 including, without limitation, any application fees,
9 commitment fees, program fees, financing charges, or
10 publication fees as deemed appropriate to pay expenses
11 necessary or incident to the administration, staffing, or
12 operation in connection with the Department's activities
13 under this Act, or for preparation, implementation, and
14 enforcement of the terms of the agreement, or for
15 consultation, advisory and legal fees, and other costs;
16 however, all fees and expenses incident thereto shall be
17 the responsibility of the applicant;

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

25 (9) require applicants, upon written request, to issue
26 any necessary authorization to the appropriate federal,

1 State, or local authority for the release of information
2 concerning a project being considered under the provisions
3 of this Act, with the information requested to include,
4 but not be limited to, financial reports, returns, or
5 records relating to the taxpayer or its project;

6 (10) require that a taxpayer shall at all times keep
7 proper books of record and account in accordance with
8 generally accepted accounting principles consistently
9 applied, with the books, records, or papers related to the
10 agreement in the custody or control of the taxpayer open
11 for reasonable Department inspection and audits, and
12 including, without limitation, the making of copies of the
13 books, records, or papers, and the inspection or appraisal
14 of any of the taxpayer or project assets;

15 (11) take whatever actions are necessary or
16 appropriate to protect the State's interest in the event
17 of bankruptcy, default, foreclosure, or noncompliance with
18 the terms and conditions of financial assistance or
19 participation required under this Act, including the power
20 to sell, dispose, lease, or rent, upon terms and
21 conditions determined by the Director to be appropriate,
22 real or personal property that the Department may receive
23 as a result of these actions; and -

24 (12) determine the conditions and procedures for
25 renewing the REV Illinois Credit awarded in accordance
26 with this Act.

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

2 (20 ILCS 686/20)

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

4 (a) The Reimagining Electric Vehicles in Illinois (REV
5 Illinois) Program is hereby established and shall be
6 administered by the Department. The Program will provide
7 financial incentives to any one or more of the following: (1)
8 eligible manufacturers of electric vehicles, electric vehicle
9 component parts, and electric vehicle power supply equipment;
10 (2) battery recycling and reuse manufacturers; or (3) battery
11 raw materials refining service providers.

12 (b) Any taxpayer planning a project to be located in
13 Illinois may request consideration for designation of its
14 project as a REV Illinois Project, by formal written letter of
15 request or by formal application to the Department, in which
16 the applicant states its intent to make at least a specified
17 level of investment and intends to hire a specified number of
18 full-time employees at a designated location in Illinois. As
19 circumstances require, the Department shall require a formal
20 application from an applicant and a formal letter of request
21 for assistance.

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

24 (1) for an electric vehicle manufacturer:

25 (A) make an investment of at least \$1,500,000,000

1 in 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 at least 500 new full-time employee
6 jobs; or

7 (2) for an electric vehicle component parts
8 manufacturer:

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

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

13 (C) to be placed in service within the State
14 within a 60-month period after approval of the
15 application; and

16 (D) create at least 150 new full-time employee
17 jobs; or

18 (3) for an electric vehicle manufacturer, an electric
19 vehicle power supply equipment manufacturer, an electric
20 vehicle component part manufacturer that does not qualify
21 under paragraph (2) above, a battery recycling and reuse
22 manufacturer, or a battery raw materials refining service
23 provider:

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

26 (B) for electric vehicle component part

1 manufacturers, 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 48-month period after approval of the
5 application; and

6 (D) create at least 50 new full-time employee
7 jobs; or

8 (4) for an electric vehicle manufacturer or electric
9 vehicle component parts manufacturer with existing
10 operations within Illinois that intends to convert or
11 expand, in whole or in part, the existing facility from
12 traditional manufacturing to primarily electric vehicle
13 manufacturing, electric vehicle component parts
14 manufacturing, or electric vehicle power supply equipment
15 manufacturing:

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

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

21 (C) create the lesser of 75 new full-time employee
22 jobs or new full-time employee jobs equivalent to 10%
23 of the Statewide baseline applicable to the taxpayer
24 and any related member at the time of application.

25 (d) For agreements entered into prior to April 19, 2022
26 (the effective date of Public Act 102-700) ~~this amendatory Act~~

1 ~~of the 102nd General Assembly~~, for any applicant creating the
2 full-time employee jobs noted in subsection (c), those jobs
3 must have a total compensation equal to or greater than 120% of
4 the average wage paid to full-time employees in the county
5 where the project is located, as determined by the U.S. Bureau
6 of Labor Statistics. For agreements entered into on or after
7 April 19, 2022 (the effective date of Public Act 102-700) ~~this~~
8 ~~amendatory Act of the 102nd General Assembly~~, for any
9 applicant creating the full-time employee jobs noted in
10 subsection (c), those jobs must have a compensation equal to
11 or greater than 120% of the average wage paid to full-time
12 employees in a similar position within an occupational group
13 in the county where the project is located, as determined by
14 the Department ~~U.S. Bureau of Labor Statistics~~.

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

- 19 (1) BREEAM for New Construction or BREEAM In-Use;
- 20 (2) ENERGY STAR;
- 21 (3) Envision;
- 22 (4) ISO 50001 - energy management;
- 23 (5) LEED for Building Design and Construction or LEED
24 for Building Operations and Maintenance;
- 25 (6) Green Globes for New Construction or Green Globes
26 for Existing Buildings; or

1 (7) UL 3223.

2 (f) Each applicant must outline its hiring plan and
3 commitment to recruit and hire full-time employee positions at
4 the project site. The hiring plan may include a partnership
5 with an institution of higher education to provide
6 internships, including, but not limited to, internships
7 supported by the Clean Jobs Workforce Network Program, or
8 full-time permanent employment for students at the project
9 site. Additionally, the applicant may create or utilize
10 participants from apprenticeship programs that are approved by
11 and registered with the United States Department of Labor's
12 Bureau of Apprenticeship and Training. The applicant may apply
13 for apprenticeship education expense credits in accordance
14 with the provisions set forth in 14 Ill. Adm. Admin. Code 522.
15 Each applicant is required to report annually, on or before
16 April 15, on the diversity of its workforce in accordance with
17 Section 50 of this Act. For existing facilities of applicants
18 under paragraph (3) of subsection (b) above, if the taxpayer
19 expects a reduction in force due to its transition to
20 manufacturing electric vehicle, electric vehicle component
21 parts, or electric vehicle power supply equipment, the plan
22 submitted under this Section must outline the taxpayer's plan
23 to assist with retraining its workforce aligned with the
24 taxpayer's adoption of new technologies and anticipated
25 efforts to retrain employees through employment opportunities
26 within the taxpayer's workforce.

1 (g) Each applicant must demonstrate a contractual or other
2 relationship with a recycling facility, or demonstrate its own
3 recycling capabilities, at the time of application and report
4 annually a continuing contractual or other relationship with a
5 recycling facility and the percentage of batteries used in
6 electric vehicles recycled throughout the term of the
7 agreement.

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

1 subject to an existing agreement under the Economic
2 Development for a Growing Economy Tax Credit Act meets the
3 requirements to be designated as a REV Illinois project under
4 this Act, including for actions undertaken prior to the
5 effective date of this Act, the taxpayer that is subject to
6 that existing agreement under the Economic Development for a
7 Growing Economy Tax Credit Act may apply to the Department to
8 amend the agreement to allow the project to become a
9 designated REV Illinois project. Following the amendment, time
10 accrued during which the project was eligible for credits
11 under the existing agreement under the Economic Development
12 for a Growing Economy Tax Credit Act shall count toward the
13 duration of the credit subject to limitations described in
14 Section 40 of this Act.

15 (i) If, at any time following the designation of a project
16 as a REV Illinois Project by the Department and prior to the
17 termination or expiration of an agreement under this Act, the
18 project ceases to qualify as a REV Illinois project because
19 the taxpayer is no longer an electric vehicle manufacturer, an
20 electric vehicle component manufacturer, an electric vehicle
21 power supply equipment manufacturer, a battery recycling and
22 reuse manufacturer, or a battery raw materials refining
23 service provider, that project may receive tax credit awards
24 as described in Section 5-15 and Section 5-51 of the Economic
25 Development for a Growing Economy Tax Credit Act, as long as
26 the project continues to meet requirements to obtain those

1 credits as described in the Economic Development for a Growing
2 Economy Tax Credit Act and remains compliant with terms
3 contained in the Agreement under this Act not related to their
4 status as an electric vehicle manufacturer, an electric
5 vehicle component manufacturer, an electric vehicle power
6 supply equipment manufacturer, a battery recycling and reuse
7 manufacturer, or a battery raw materials refining service
8 provider. Time accrued during which the project was eligible
9 for credits under an agreement under this Act shall count
10 toward the duration of the credit subject to limitations
11 described in Section 5-45 of the Economic Development for a
12 Growing Economy Tax Credit Act.

13 (Source: P.A. 102-669, eff. 11-16-21; 102-700, eff. 4-19-22;
14 revised 6-27-22.)

15 (20 ILCS 686/30)

16 Sec. 30. Tax credit awards.

17 (a) Subject to the conditions set forth in this Act, a
18 taxpayer is entitled to a credit against the tax imposed
19 pursuant to subsections (a) and (b) of Section 201 of the
20 Illinois Income Tax Act for a taxable year beginning on or
21 after January 1, 2025 if the taxpayer is awarded a credit by
22 the Department in accordance with an agreement under this Act.
23 The Department has authority to award credits under this Act
24 on and after January 1, 2022.

25 (b) REV Illinois Credits. A taxpayer may receive a tax

1 credit against the tax imposed under subsections (a) and (b)
2 of Section 201 of the Illinois Income Tax Act, not to exceed
3 the sum of (i) 75% of the incremental income tax attributable
4 to new employees at the applicant's project and (ii) 10% of the
5 training costs of the new employees. If the project is located
6 in an underserved area or an energy transition area, then the
7 amount of the credit may not exceed the sum of (i) 100% of the
8 incremental income tax attributable to new employees at the
9 applicant's project; and (ii) 10% of the training costs of the
10 new employees. The percentage of training costs includable in
11 the calculation may be increased by an additional 15% for
12 training costs associated with new employees that are recent
13 (2 years or less) graduates, certificate holders, or
14 credential recipients from an institution of higher education
15 in Illinois, or, if the training is provided by an institution
16 of higher education in Illinois, the Clean Jobs Workforce
17 Network Program, or an apprenticeship and training program
18 located in Illinois and approved by and registered with the
19 United States Department of Labor's Bureau of Apprenticeship
20 and Training. An applicant is also eligible for a training
21 credit that shall not exceed 10% of the training costs of
22 retained employees for the purpose of upskilling to meet the
23 operational needs of the applicant or the REV Illinois
24 Project. The percentage of training costs includable in the
25 calculation shall not exceed a total of 25%. If an applicant
26 agrees to hire the required number of new employees, then the

1 maximum amount of the credit for that applicant may be
2 increased by an amount not to exceed 75% ~~25%~~ of the incremental
3 income tax attributable to retained employees at the
4 applicant's project; provided that, in order to receive the
5 increase for retained employees, the applicant must, if
6 applicable, meet or exceed the statewide baseline. If the
7 Project is in an underserved area or an energy transition
8 area, the maximum amount of the credit attributable to
9 retained employees for the applicant may be increased to an
10 amount not to exceed 100% ~~50%~~ of the incremental income tax
11 attributable to retained employees at the applicant's project;
12 provided that, in order to receive the increase for retained
13 employees, the applicant must meet or exceed the statewide
14 baseline. REV Illinois Credits awarded may include credit
15 earned for incremental income tax withheld and training costs
16 incurred by the taxpayer beginning on or after January 1,
17 2022. Credits so earned and certified by the Department may be
18 applied against the tax imposed by subsections (a) and (b) of
19 Section 201 of the Illinois Income Tax Act for taxable years
20 beginning on or after January 1, 2025.

21 (c) REV Construction Jobs Credit. For construction wages
22 associated with a project that qualified for a REV Illinois
23 Credit under subsection (b), the taxpayer may receive a tax
24 credit against the tax imposed under subsections (a) and (b)
25 of Section 201 of the Illinois Income Tax Act in an amount
26 equal to 50% of the incremental income tax attributable to

1 construction wages paid in connection with construction of the
2 project facilities, as a jobs credit for workers hired to
3 construct the project.

4 The REV Construction Jobs Credit may not exceed 75% of the
5 amount of the incremental income tax attributable to
6 construction wages paid in connection with construction of the
7 project facilities if the project is in an underserved area or
8 an energy transition area.

9 (d) The Department shall certify to the Department of
10 Revenue: (1) the identity of Taxpayers that are eligible for
11 the REV Illinois Credit and REV Construction Jobs Credit; (2)
12 the amount of the REV Illinois Credits and REV Construction
13 Jobs Credits awarded in each calendar year; and (3) the amount
14 of the REV Illinois Credit and REV Construction Jobs Credit
15 claimed in each calendar year. REV Illinois Credits awarded
16 may include credit earned for Incremental Income Tax withheld
17 and Training Costs incurred by the Taxpayer beginning on or
18 after January 1, 2022. Credits so earned and certified by the
19 Department may be applied against the tax imposed by Section
20 201(a) and (b) of the Illinois Income Tax Act for taxable years
21 beginning on or after January 1, 2025.

22 (e) Applicants seeking certification for a tax credits
23 related to the construction of the project facilities in the
24 State shall require the contractor to enter into a project
25 labor agreement that conforms with the Project Labor
26 Agreements Act.

1 (f) Any applicant issued a certificate for a tax credit or
2 tax exemption under this Act must annually report to the
3 Department the total project tax benefits received. Reports
4 are due no later than May 31 of each year and shall cover the
5 previous calendar year. The first report is for the 2022
6 calendar year and is due no later than May 31, 2023.

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

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

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

22 (20 ILCS 686/40)

23 Sec. 40. Amount and duration of the credits; limitation to
24 amount of costs of specified items. The Department shall
25 determine the amount and duration of the REV Illinois Credit

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

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

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