



Sen. David Koehler

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1 AMENDMENT TO SENATE BILL 1820

2 AMENDMENT NO. _____. Amend Senate Bill 1820 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Energy Community Reinvestment Act.

6 Section 5. Energy Community Transition Payments.

7 (a) For purposes of this Section:

8 "Generation facility" means a plant or equipment used to
9 produce, manufacture, or otherwise generate electricity that
10 is not a transmission facility or an energy storage system
11 procured by a distribution company for support in delivering
12 energy services to end users.

13 "Wholesale generation company" means a company engaged in
14 the business of producing, manufacturing, or generating
15 electricity for sale at wholesale only.

16 (b) Any wholesale generation company that does not rely on

1 a renewable, or such company's affiliate, subsidiary, or
2 parent company, that currently has no binding agreement for
3 payments in lieu of transition payments to all taxing
4 districts in which the company's generation facilities are
5 located shall be required to make transition payments to any
6 taxing district in which an affiliated generation facility, or
7 part thereof, is located and has been devalued for property
8 tax payment purposes; provided, however, that where such a
9 binding agreement for the payment in lieu of transition
10 payments has been entered into on or after the effective date
11 of this Act, that agreement shall govern, and that generation
12 facility shall be exempt from the provisions of this Act.
13 Those payments shall offset any reductions of property taxes
14 as a result of any devaluation of that generation facility.
15 This Section does not provide for any exemption from property
16 tax and is in addition to any property tax obligations.

17 (c) For the taxable year in which the wholesale generation
18 company begins decommissioning and for the 3 subsequent
19 taxable years, transition payments shall be the difference
20 between the property taxes due for that property for the
21 current taxable year and the property taxes due for that
22 property for taxable year 2020. From the fifth taxable year
23 following the beginning of the decommissioning process until
24 the tenth taxable year, transition payments shall be
25 calculated as follows:

26 (1) For taxable year 5, the amount shall be equivalent

1 to 90% of the difference between the equalized assessed
2 value of the property as of January 1, 2020 and the
3 equalized assessed value of the property as of taxable
4 year 5, multiplied by the applicable tax rate for that
5 property for the taxable year;

6 (2) For taxable year 6, the amount shall be equivalent
7 to 80% of the difference between the equalized assessed
8 value of the property as of January 1, 2020 and the
9 equalized assessed value of the property as of taxable
10 year 6, multiplied by the applicable tax rate for that
11 property for the taxable year;

12 (3) For taxable year 7, the amount shall be equivalent
13 to 70% of the difference between the equalized assessed
14 value of the property as of January 1, 2020 and the fair
15 cash value of the property as of taxable year 7,
16 multiplied by the applicable tax rate for that property
17 for the taxable year;

18 (4) For taxable year 8, the amount shall be equivalent
19 to 60% of the difference between the equalized assessed
20 value of the property as of January 1, 2020 and the
21 equalized assessed value of the property as of taxable
22 year 8, multiplied by the applicable tax rate for that
23 property for the taxable year;

24 (5) For taxable year 9, the amount shall be equivalent
25 to 50% of the difference between the equalized assessed
26 value of the property as of January 1, 2020 and the

1 equalized assessed value of the property as of taxable
2 year 9, multiplied by the applicable tax rate for the
3 property for the taxable year; and

4 (6) For taxable year 10, the amount shall be
5 equivalent to 40% of the difference between the equalized
6 assessed value of the property as of January 1, 2020 and
7 the equalized assessed value of the property as of taxable
8 year 10, multiplied by the applicable tax rate for the
9 property for the taxable year.

10 (d) Any such transition payments shall be included in the
11 tax base for purposes of determining the taxing district's
12 levy. The Department of Revenue may issue rules and guidelines
13 for implementing the provisions of this Section consistent
14 with preserving the transition payment amounts in the local
15 tax base for such purposes.

16 For purposes of this Act only, a coal plant begins
17 decommissioning following a plant closure announcement
18 whenever at least one of the following occurs: (1) electric
19 generating equipment is shut down; (2) operating permits or
20 licenses are surrendered; or (3) unused materials associated
21 with the generation process are removed. For purposes of this
22 Act only, a nuclear plant begins decommissioning when it
23 submits a written certification that it has permanently ceased
24 operations to the Nuclear Regulatory Commission pursuant
25 Section 50.82(a) of Title 10 of the Code of Federal
26 Regulations.

1 (e) A generation company or wholesale generation company
2 may, in order to comply with its transition payment liability
3 obligation, execute an agreement for payment in lieu of
4 transition payments with the taxing districts in which such
5 generation facility is sitting, and said company shall be
6 exempt from transition payments, in whole or in part, as
7 provided in any such agreements during terms thereof. Any such
8 agreement shall be the result of good faith negotiations and
9 shall be the equivalent of the property tax obligation based
10 on full and fair cash valuation. Any such negotiated amount
11 shall be included in the tax base for purposes of determining
12 the levy. The Department of Revenue may issue rules and
13 guidelines for implementing the provisions of this Section
14 consistent with preserving the negotiated payment amount in
15 the local tax base for such purpose.

16 (f) A taxing district, acting by and through its governing
17 body and assessors, is hereby authorized to enter into an
18 agreement with a wholesale energy generator concerning
19 payments in lieu of transition payments. A taxing district and
20 wholesale energy generator may agree to ratify any such
21 agreement entered into and in effect prior to the enactment of
22 this act in all respects and as though this Act had been in
23 full force and effect at the time of the execution of said
24 agreement.

25 (g) Agreements between wholesale generation companies and
26 host taxing districts shall be executed as a result of good

1 faith negotiations. Such agreements shall cover a period of
2 time equal to a minimum of ten years. If an agreement on such
3 payment in lieu of transition payments cannot be effected
4 through good faith negotiations, the parties shall submit to
5 arbitration and such arbitration shall be performed by the
6 Department of Revenue or a state-certified professional
7 arbitrator or arbitration firm appointed by the Department of
8 Revenue.

9 (h) The Department of Revenue may adopt rules and may
10 issue guidance for implementing the provisions of this Section
11 consistent with the goal of preserving the transition payment
12 and in lieu of transition payment in the local tax base.

13 Section 10. The Unemployment Insurance Act is amended by
14 changing Section 408.5 as follows:

15 (820 ILCS 405/408.5)

16 Sec. 408.5. Additional benefits.

17 A. Additional benefits shall be available:

18 1. only with respect to benefit years beginning on or
19 after April 1, 2017 ~~2015~~ and prior to the effective date of
20 this amendatory Act of the 102nd ~~99th~~ General Assembly;
21 and

22 2. to an otherwise eligible individual: ~~(a) who was~~
23 ~~certified as eligible to apply for adjustment assistance~~
24 ~~under the federal Trade Act of 1974, as amended, on or~~

1 ~~after January 1, 2015; (b) who has not received the~~
2 ~~maximum amount of trade readjustment allowances payable to~~
3 ~~him or her pursuant to paragraph (1) of subsection (a) of~~
4 ~~Section 233 of the federal Trade Act of 1974, as amended,~~
5 ~~as a result of the certification referenced in item (a) of~~
6 ~~this paragraph 2; and (c) whose total or partial~~
7 unemployment is attributable to a layoff from an electric
8 power plant or coal mine ~~a steel manufacturer.~~

9 B. An individual shall be eligible to receive additional
10 benefits pursuant to this Section for a week if he or she: (1)
11 has met the requirements of Section 500E of this Act; (2) is an
12 exhaustee; and (3) except when the result would be
13 inconsistent with the provisions of this Section, has
14 satisfied the requirements of this Act for the receipt of
15 regular benefits as that term is defined in Section 409 of this
16 Act.

17 C. For the purposes of this Section, an individual is an
18 exhaustee with respect to a week if:

19 1. prior to such week: (a) he or she has received, with
20 respect to his or her current benefit year that includes
21 such week, the maximum total amount of benefits to which
22 he or she was entitled under the provisions of Section
23 403B, and all of the regular benefits (including
24 dependents' allowances) to which he or she had entitlement
25 (if any) on the basis of wages or employment under any
26 other State unemployment compensation law; or (b) he or

1 she has received all the regular benefits available to him
2 or her with respect to his or her current benefit year that
3 includes such week, under this Act and under any other
4 State unemployment compensation law, after a cancellation
5 of some or all of his or her wage credits or the partial or
6 total reduction of his or her regular benefit rights; or
7 (c) his or her benefit year terminated, and he or she
8 cannot meet the qualifying wage requirements of Section
9 500E of this Act or the qualifying wage or employment
10 requirements of any other State unemployment compensation
11 law to establish a new benefit year which would include
12 such week or, having established a new benefit year that
13 includes such week, he or she is ineligible for regular
14 benefits by reason of Section 607 of this Act or a like
15 provision of any other State unemployment compensation
16 law; and

17 2. for such week: (a) he or she has no right to
18 benefits or allowances, as the case may be, under the
19 Railroad Unemployment Insurance Act, the federal Trade Act
20 of 1974, as amended, or such other federal laws as are
21 specified in regulations of the United States Secretary of
22 Labor or other appropriate federal agency; and (b) he or
23 she has not received and is not seeking benefits under the
24 unemployment compensation law of Canada, except that if he
25 or she is seeking such benefits and the appropriate agency
26 finally determines that he or she is not entitled to

1 benefits under such law, this clause shall not apply; and

2 3. the week for which additional benefits are being
3 claimed is not later than 78 ~~seventy-eight~~ weeks after the
4 end of the individual's benefit year for which benefits
5 can be claimed under this Section.

6 For the purposes of clauses (a) and (b) of paragraph 1 of
7 this subsection, an individual shall be deemed to have
8 received, with respect to his or her current benefit year, the
9 maximum total amount of benefits to which he or she was
10 entitled or all of the regular benefits to which he or she had
11 entitlement, or all of the regular benefits available to him
12 or her, as the case may be, even though: (a) as a result of a
13 pending reconsideration or appeal with respect to the
14 "finding" defined in Section 701, or of a pending appeal with
15 respect to wages or employment or both under any other State
16 unemployment compensation law, he or she may subsequently be
17 determined to be entitled to more regular benefits; or (b) by
18 reason of a seasonality provision in a State unemployment
19 compensation law which establishes the weeks of the year for
20 which regular benefits may be paid to individuals on the basis
21 of wages in seasonal employment he or she may be entitled to
22 regular benefits for future weeks but such benefits are not
23 payable with respect to the week for which he or she is
24 claiming additional benefits, provided that he or she is
25 otherwise an exhaustee under the provisions of this subsection
26 with respect to his or her rights to regular benefits, under

1 such seasonality provision, during the portion of the year in
2 which that week occurs; or (c) having established a benefit
3 year, no regular benefits are payable to him or her with
4 respect to such year because his or her wage credits were
5 cancelled or his or her rights to regular benefits were
6 totally reduced by reason of the application of a
7 disqualification provision of a State unemployment
8 compensation law.

9 An individual shall not cease to be an exhaustee with
10 respect to any week solely because he or she meets the
11 qualifying wage requirements of Section 500E for a part of
12 such week.

13 D. The provisions of Section 607 and the waiting period
14 requirements of Section 500D shall not be applicable to any
15 week with respect to which benefits are otherwise payable
16 under this Section.

17 E. With respect to any week payable under this Section, an
18 exhaustee's "weekly additional benefit amount" shall be the
19 same as his or her weekly benefit amount during his or her
20 benefit year which includes such week or, if such week is not
21 in a benefit year, during his or her applicable benefit year,
22 as defined in regulations issued by the United States
23 Secretary of Labor or other appropriate federal agency. If the
24 exhaustee had more than one weekly benefit amount during his
25 or her benefit year, his or her weekly additional benefit
26 amount with respect to such week shall be the latest of such

1 weekly benefit amounts.

2 F. An eligible exhaustee shall be entitled to a maximum
3 total amount of additional benefits equal to the maximum total
4 amount of benefits to which he or she was entitled under
5 Section 403B, plus dependents' allowances, during his or her
6 applicable benefit year, minus the sum of any trade
7 readjustment allowances he or she has received as a result of
8 the certification referenced in item (a) of paragraph 2 of
9 subsection A.

10 G. 1. A claims adjudicator shall examine the first claim
11 filed by an individual who meets the requirements of
12 subsection A and, on the basis of the information in his or her
13 possession, shall make an "additional benefits finding". Such
14 finding shall state whether or not the individual has met the
15 requirement of subsection E of Section 500 of this Act, is an
16 exhaustee and, if so, his or her weekly additional benefit
17 amount and the maximum total amount of additional benefits to
18 which he or she is entitled. The claims adjudicator shall
19 promptly notify the individual of his or her "additional
20 benefits finding", and shall promptly notify the individual's
21 most recent employing unit and the individual's last employer
22 (referred to in Section 1502.1) that the individual has filed
23 a claim for additional benefits. The claims adjudicator may
24 reconsider his or her "additional benefits finding" at any
25 time within 2 years after the close of the individual's
26 applicable benefit year, and shall promptly notify the

1 individual of such reconsidered finding. All of the provisions
2 of this Act applicable to reviews from findings or
3 reconsidered findings made pursuant to Sections 701 and 703
4 which are not inconsistent with the provisions of this
5 subsection shall be applicable to reviews from additional
6 benefits findings and reconsidered additional benefits
7 findings.

8 2. If, pursuant to the reconsideration or appeal with
9 respect to a "finding", referred to in subsection C, an
10 exhaustee is found to be entitled to more regular benefits
11 and, by reason thereof, is entitled to more additional
12 benefits, the claims adjudicator shall make a reconsidered
13 additional benefits finding and shall promptly notify the
14 exhaustee thereof.

15 H. Benefits payable pursuant to this Section shall be paid
16 from the unemployment trust fund.

17 I. No employer shall be chargeable for the additional
18 benefits paid under this Section.

19 J. To ensure full compliance and coordination with all
20 applicable federal laws, including, but not limited to, the
21 federal Trade Act of 1974, as amended, the Federal
22 Unemployment Tax Act, and the Social Security Act, the
23 Director shall take any action or issue any regulations
24 necessary in the administration of this Section to ensure that
25 its provisions are so interpreted and applied as to meet the
26 requirements of such federal Act as interpreted by the United

- 1 States Secretary of Labor or other appropriate Federal agency.
- 2 (Source: P.A. 99-912, eff. 12-19-16.)".