



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4064

Introduced 5/3/2023, by Rep. Amy Elik - Jay Hoffman - Katie Stuart

SYNOPSIS AS INTRODUCED:

20 ILCS 686/20
20 ILCS 686/30
20 ILCS 686/40
20 ILCS 686/45

Amends the Reimagining Energy and Vehicles in Illinois Act. Provides that, if the agreement is entered into on or after the effective date of the amendatory Act and before June 1, 2024 and the applicant (i) is an electric vehicle manufacturer, an electric vehicle component parts manufacturer, or a renewable energy manufacturer or (ii) has existing operations within Illinois that the applicant intends to convert or expand, in whole or in part, from traditional manufacturing to electric vehicle manufacturing, electric vehicle component parts manufacturing, renewable energy manufacturing, or electric vehicle power supply equipment manufacturing, then the applicant must (A) make an investment of at least \$500,000,000 in capital improvements at the project site to be placed in service within the State within a 60-month period after approval of the application and (B) retain at least 800 full-time employee jobs in Illinois. Provides that, with respect to those agreements, a taxpayer may receive a tax credit not to exceed 75% of the incremental income tax attributable to retained employees at the applicant's project, except that, if the project is in an underserved area or an energy transition area, then the maximum amount of the credit attributable to retained employees for the applicant may be increased to an amount not to exceed 100% of the incremental income tax attributable to retained employees at the applicant's project. Effective immediately.

LRB103 31959 HLH 61416 b

1 AN ACT concerning State government.

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

4 Section 5. The Reimagining Energy and Vehicles in Illinois
5 Act is amended by changing Sections 20, 30, 40, and 45 as
6 follows:

7 (20 ILCS 686/20)

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

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

18 (b) Any taxpayer planning a project to be located in
19 Illinois may request consideration for designation of its
20 project as a REV Illinois Project, by formal written letter of
21 request or by formal application to the Department, in which
22 the applicant states its intent to make at least a specified
23 level of investment and intends to hire a specified number of

1 full-time employees at a designated location in Illinois. As
2 circumstances require, the Department shall require a formal
3 application from an applicant and a formal letter of request
4 for assistance.

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

7 (1) if the applicant is an electric vehicle
8 manufacturer:

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

11 (B) to be placed in service within the State
12 within a 60-month period after approval of the
13 application; and

14 (C) create at least 500 new full-time employee
15 jobs; or

16 (2) if the applicant is an electric vehicle component
17 parts manufacturer or a renewable energy manufacturer:

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

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

22 (C) to be placed in service within the State
23 within a 60-month period after approval of the
24 application; and

25 (D) create at least 150 new full-time employee
26 jobs; or

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

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

11 (B) for electric vehicle component part
12 manufacturers, manufacture one or more parts that are
13 primarily used for electric vehicle manufacturing;

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

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

19 (3.1) if the agreement is entered into on or after the
20 effective date of this amendatory Act of the 102nd General
21 Assembly and the applicant is an electric vehicle
22 manufacturer, an electric vehicle power supply equipment
23 manufacturer, an electric vehicle component part
24 manufacturer that does not qualify under paragraph (2)
25 above, a renewable energy manufacturer that does not
26 qualify under paragraph (2) above, a battery recycling and

1 reuse manufacturer, or a battery raw materials refining
2 service provider:

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

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

8 (C) to be placed in service within the State
9 within a 48-month period after approval of the
10 application; and

11 (D) create the lesser of 50 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

15 (4) if the agreement is entered into before the
16 effective date of this amendatory Act of the 102nd General
17 Assembly and the applicant is an electric vehicle
18 manufacturer or electric vehicle component parts
19 manufacturer with existing operations within Illinois that
20 intends to convert or expand, in whole or in part, the
21 existing facility from traditional manufacturing to
22 primarily electric vehicle manufacturing, electric vehicle
23 component parts manufacturing, or electric vehicle power
24 supply equipment manufacturing:

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

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

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

8 (4.1) if the agreement is entered into on or after the
9 effective date of this amendatory Act of the 102nd General
10 Assembly and the applicant (i) is an electric vehicle
11 manufacturer, an electric vehicle component parts
12 manufacturer, or a renewable energy manufacturer and (ii)
13 has existing operations within Illinois that the applicant
14 intends to convert or expand, in whole or in part, from
15 traditional manufacturing to electric vehicle
16 manufacturing, electric vehicle component parts
17 manufacturing, renewable energy manufacturing, or electric
18 vehicle power supply equipment manufacturing:

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

21 (B) to be placed in service within the State
22 within a 60-month period after approval of the
23 application; and

24 (C) create the lesser of 50 new full-time employee
25 jobs or new full-time employee jobs equivalent to 10%
26 of the Statewide baseline applicable to the taxpayer

1 and any related member at the time of application; ~~or-~~
2 (5) if the agreement is entered into on or after the
3 effective date of this amendatory Act of the 103rd General
4 Assembly and before June 1, 2024 and the applicant (i) is
5 an electric vehicle manufacturer, an electric vehicle
6 component parts manufacturer, or a renewable energy
7 manufacturer or (ii) has existing operations within
8 Illinois that the applicant intends to convert or expand,
9 in whole or in part, from traditional manufacturing to
10 electric vehicle manufacturing, electric vehicle component
11 parts manufacturing, renewable energy manufacturing, or
12 electric vehicle power supply equipment manufacturing:

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

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

18 (C) retain at least 800 full-time employee jobs at
19 the project.

20 (d) For agreements entered into prior to April 19, 2022
21 (the effective date of Public Act 102-700), for any applicant
22 creating the full-time employee jobs noted in subsection (c),
23 those jobs must have a total compensation equal to or greater
24 than 120% of the average wage paid to full-time employees in
25 the county where the project is located, as determined by the
26 U.S. Bureau of Labor Statistics. For agreements entered into

1 on or after April 19, 2022 (the effective date of Public Act
2 102-700), for any applicant creating the full-time employee
3 jobs noted in subsection (c), those jobs must have a
4 compensation equal to or greater than 120% of the average wage
5 paid to full-time employees in a similar position within an
6 occupational group in the county where the project is located,
7 as determined by the Department.

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

12 (1) BREEAM for New Construction or BREEAM In-Use;

13 (2) ENERGY STAR;

14 (3) Envision;

15 (4) ISO 50001 - energy management;

16 (5) LEED for Building Design and Construction or LEED
17 for Building Operations and Maintenance;

18 (6) Green Globes for New Construction or Green Globes
19 for Existing Buildings; or

20 (7) UL 3223.

21 (f) Each applicant must outline its hiring plan and
22 commitment to recruit and hire full-time employee positions at
23 the project site. The hiring plan may include a partnership
24 with an institution of higher education to provide
25 internships, including, but not limited to, internships
26 supported by the Clean Jobs Workforce Network Program, or

1 full-time permanent employment for students at the project
2 site. Additionally, the applicant may create or utilize
3 participants from apprenticeship programs that are approved by
4 and registered with the United States Department of Labor's
5 Bureau of Apprenticeship and Training. The applicant may apply
6 for apprenticeship education expense credits in accordance
7 with the provisions set forth in 14 Ill. Adm. Code 522. Each
8 applicant is required to report annually, on or before April
9 15, on the diversity of its workforce in accordance with
10 Section 50 of this Act. For existing facilities of applicants
11 under paragraph (3) of subsection (b) above, if the taxpayer
12 expects a reduction in force due to its transition to
13 manufacturing electric vehicle, electric vehicle component
14 parts, or electric vehicle power supply equipment, the plan
15 submitted under this Section must outline the taxpayer's plan
16 to assist with retraining its workforce aligned with the
17 taxpayer's adoption of new technologies and anticipated
18 efforts to retrain employees through employment opportunities
19 within the taxpayer's workforce.

20 (g) Each applicant must demonstrate a contractual or other
21 relationship with a recycling facility, or demonstrate its own
22 recycling capabilities, at the time of application and report
23 annually a continuing contractual or other relationship with a
24 recycling facility and the percentage of batteries used in
25 electric vehicles recycled throughout the term of the
26 agreement.

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

1 amend the agreement to allow the project to become a
2 designated REV Illinois project. Following the amendment, time
3 accrued during which the project was eligible for credits
4 under the existing agreement under the Economic Development
5 for a Growing Economy Tax Credit Act shall count toward the
6 duration of the credit subject to limitations described in
7 Section 40 of this Act.

8 (i) If, at any time following the designation of a project
9 as a REV Illinois Project by the Department and prior to the
10 termination or expiration of an agreement under this Act, the
11 project ceases to qualify as a REV Illinois project because
12 the taxpayer is no longer an electric vehicle manufacturer, an
13 electric vehicle component manufacturer, an electric vehicle
14 power supply equipment manufacturer, a battery recycling and
15 reuse manufacturer, or a battery raw materials refining
16 service provider, that project may receive tax credit awards
17 as described in Section 5-15 and Section 5-51 of the Economic
18 Development for a Growing Economy Tax Credit Act, as long as
19 the project continues to meet requirements to obtain those
20 credits as described in the Economic Development for a Growing
21 Economy Tax Credit Act and remains compliant with terms
22 contained in the Agreement under this Act not related to their
23 status as an electric vehicle manufacturer, an electric
24 vehicle component manufacturer, an electric vehicle power
25 supply equipment manufacturer, a battery recycling and reuse
26 manufacturer, or a battery raw materials refining service

1 provider. Time accrued during which the project was eligible
2 for credits under an agreement under this Act shall count
3 toward the duration of the credit subject to limitations
4 described in Section 5-45 of the Economic Development for a
5 Growing Economy Tax Credit Act.

6 (Source: P.A. 102-669, eff. 11-16-21; 102-700, eff. 4-19-22;
7 102-1112, eff. 12-21-22; 102-1125, eff. 2-3-23.)

8 (20 ILCS 686/30)

9 Sec. 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, 2022.

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

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

1 amendatory Act of the 103rd General Assembly and before June
2 1, 2024 that qualify under paragraph (5) of subsection (c) of
3 Section 20, a taxpayer may receive a tax credit not to exceed
4 75% of the incremental income tax attributable to retained
5 employees at the applicant's project. If the project is in an
6 underserved area or an energy transition area and qualifies
7 under paragraph (5) of subsection (c) of Section 20, then the
8 maximum amount of the credit attributable to retained
9 employees for the applicant may be increased to an amount not
10 to exceed 100% of the incremental income tax attributable to
11 retained employees at the applicant's project.

12 If the Project is in an underserved area or an energy
13 transition area, the maximum amount of the credit attributable
14 to retained employees for the applicant may be increased to an
15 amount not to exceed 100% of the incremental income tax
16 attributable to retained employees at the applicant's project;
17 provided that, in order to receive the increase for retained
18 employees, the applicant must meet or exceed the statewide
19 baseline. REV Illinois Credits awarded may include credit
20 earned for incremental income tax withheld and training costs
21 incurred by the taxpayer beginning on or after January 1,
22 2022. Credits so earned and certified by the Department may be
23 applied against the tax imposed by subsections (a) and (b) of
24 Section 201 of the Illinois Income Tax Act for taxable years
25 beginning on or after January 1, 2025.

26 (c) REV Construction Jobs Credit. For construction wages

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

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

14 (d) The Department shall certify to the Department of
15 Revenue: (1) the identity of Taxpayers that are eligible for
16 the REV Illinois Credit and REV Construction Jobs Credit; (2)
17 the amount of the REV Illinois Credits and REV Construction
18 Jobs Credits awarded in each calendar year; and (3) the amount
19 of the REV Illinois Credit and REV Construction Jobs Credit
20 claimed in each calendar year. REV Illinois Credits awarded
21 may include credit earned for Incremental Income Tax withheld
22 and Training Costs incurred by the Taxpayer beginning on or
23 after January 1, 2022. Credits so earned and certified by the
24 Department may be applied against the tax imposed by Section
25 201(a) and (b) of the Illinois Income Tax Act for taxable years
26 beginning on or after January 1, 2025.

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

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

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

26 (h) With respect to any portion of a REV Illinois Credit

1 that is based on the incremental income tax attributable to
2 new employees or retained employees, in lieu of the Credit
3 allowed under this Act against the taxes imposed pursuant to
4 subsections (a) and (b) of Section 201 of the Illinois Income
5 Tax Act, a taxpayer that otherwise meets the criteria set
6 forth in this Section, the taxpayer may elect to claim the
7 credit, on or after January 1, 2025, against its obligation to
8 pay over withholding under Section 704A of the Illinois Income
9 Tax Act. The election shall be made in the manner prescribed by
10 the Department of Revenue and once made shall be irrevocable.

11 (Source: P.A. 102-669, eff. 11-16-21; 102-1112, eff. 12-21-22;
12 102-1125, eff. 2-3-23; revised 4-5-23.)

13 (20 ILCS 686/40)

14 Sec. 40. Amount and duration of the credits; limitation to
15 amount of costs of specified items. The Department shall
16 determine the amount and duration of the REV Illinois Credit
17 awarded under this Act, subject to the limitations set forth
18 in this Act. For a project that qualified under paragraph (1),
19 (2), (4), ~~or~~ (4.1), or (5) of subsection (c) of Section 20, the
20 duration of the credit may not exceed 15 taxable years, with an
21 option to renew the agreement for no more than one term not to
22 exceed an additional 15 taxable years. For a project that
23 qualified under paragraph (3) or (3.1) of subsection (c) of
24 Section 20, the duration of the credit may not exceed 10
25 taxable years, with an option to renew the agreement for no

1 more than one term not to exceed an additional 10 taxable
2 years. The credit may be stated as a percentage of the
3 incremental income tax and training costs attributable to the
4 applicant's project and may include a fixed dollar limitation.

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

14 (Source: P.A. 102-669, eff. 11-16-21; 102-1112, eff. 12-21-22;
15 102-1125, eff. 2-3-23; revised 4-5-23.)

16 (20 ILCS 686/45)

17 Sec. 45. Contents of agreements with applicants.

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

21 (1) A detailed description of the project that is the
22 subject of the agreement, including the location and
23 amount of the investment and jobs created or retained.

24 (2) The duration of the credit, the first taxable year
25 for which the credit may be awarded, and the first taxable

1 year in which the credit may be used by the taxpayer.

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

4 (4) For a project qualified under paragraphs (1), (2),
5 ~~or~~ (4), or (5) of subsection (c) of Section 20, a
6 requirement that the taxpayer shall maintain operations at
7 the project location a minimum number of years not to
8 exceed 15. For a project qualified under paragraph (3) of
9 subsection (c) of Section 20, a requirement that the
10 taxpayer shall maintain operations at the project location
11 a minimum number of years not to exceed 10.

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

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

21 (7) A requirement that the Director is authorized to
22 verify with the appropriate State agencies the amounts
23 reported under paragraph (6), and after doing so shall
24 issue a certificate to the taxpayer stating that the
25 amounts have been verified.

26 (8) A requirement that the taxpayer shall provide

1 written notification to the Director not more than 30 days
2 after the taxpayer makes or receives a proposal that would
3 transfer the taxpayer's State tax liability obligations to
4 a successor taxpayer.

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

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

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

25 (12) If applicable, a provision that, if the total
26 number of new employees falls below a specified level, the

1 allowance of credit shall be suspended until the number of
2 new employees equals or exceeds the agreement amount.

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

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

15 (15) If the agreement is entered into before the
16 effective date of this amendatory Act of the 103rd General
17 Assembly, a ~~A~~ provision stating that if the taxpayer fails
18 to meet either the investment or job creation and
19 retention requirements specified in the agreement during
20 the entire 5-year period beginning on the first day of the
21 first taxable year in which the agreement is executed and
22 ending 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. If the agreement is entered into on or after the
2 effective date of this amendatory Act of the 103rd General
3 Assembly, a provision stating that if the taxpayer fails
4 to meet either the investment or job creation and
5 retention requirements specified in the agreement during
6 the entire 10-year period beginning on the effective date
7 of the agreement and ending 10 years after the effective
8 date of the agreement, then the agreement is automatically
9 terminated, and the taxpayer is not entitled to the award
10 of any credits for any of that 10-year period.

11 (16) A provision stating that if the taxpayer ceases
12 principal operations with the intent to permanently shut
13 down the project in the State during the term of the
14 Agreement, then the entire credit amount awarded to the
15 taxpayer prior to the date the taxpayer ceases principal
16 operations shall be returned to the Department and shall
17 be reallocated to the local workforce investment area in
18 which the project was located.

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

22 (18) A provision requiring the taxpayer to report
23 annually its contractual obligations or otherwise with a
24 recycling facility for its operations.

25 (19) Any other performance conditions or contract
26 provisions the Department determines are necessary or

1 appropriate.

2 (20) Each taxpayer under paragraph (1) of subsection
3 (c) of Section 20 above shall maintain labor neutrality
4 toward any union organizing campaign for any employees of
5 the taxpayer assigned to work on the premises of the REV
6 Illinois Project Site. This paragraph shall not apply to
7 an electric vehicle manufacturer, electric vehicle
8 component part manufacturer, electric vehicle power supply
9 manufacturer, or renewable energy manufacturer, or any
10 joint venture including an electric vehicle manufacturer,
11 electric vehicle component part manufacturer, electric
12 vehicle power supply manufacturer, or renewable energy
13 manufacturer, who is subject to collective bargaining
14 agreement entered into prior to the taxpayer filing an
15 application pursuant to this Act.

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

20 (1) the name of the taxpayer;

21 (2) the location of the project;

22 (3) the estimated value of the credit;

23 (4) the number of new employee jobs and, if
24 applicable, number of retained employee jobs at the
25 project; and

26 (5) whether or not the project is in an underserved

1 area or energy transition area.

2 (Source: P.A. 102-669, eff. 11-16-21; 102-1125, eff. 2-3-23;
3 revised 4-5-23.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.