



Sen. Elgie R. Sims, Jr.

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10100SB1591sam002

LRB101 08762 HLH 59231 a

1 AMENDMENT TO SENATE BILL 1591

2 AMENDMENT NO. _____. Amend Senate Bill 1591 by replacing
3 everything from line 4 on page 1 through line 24 on page 5 with
4 the following:

5 "Section 3. The Department of Commerce and Economic
6 Opportunity Law of the Civil Administrative Code of Illinois is
7 amended by adding Section 605-1025 as follows:

8 (20 ILCS 605/605-1025 new)

9 Sec. 605-1025. Data center investment.

10 (a) The Department shall issue certificates of exemption
11 from the Retailers' Occupation Tax Act, the Use Tax Act, the
12 Service Use Tax Act, and the Service Occupation Tax Act, all
13 locally-imposed retailers' occupation taxes administered and
14 collected by the Department, the Chicago non-titled Use Tax,
15 and the Electricity Excise Tax Act to qualifying Illinois data
16 centers.

1 (b) For purposes of this Section:

2 "Data center" means a building or a series of buildings
3 that is rehabilitated or constructed to house working
4 servers in one physical location or several sites.

5 "Qualifying Illinois data center" means a new or
6 existing data center that:

7 (1) is located in the State of Illinois;

8 (2) in the case of an existing data center, made a
9 capital investment of at least \$250,000,000
10 collectively by the data center operator and the
11 tenants of all of its data centers over the 60-month
12 period immediately prior to January 1, 2020 or
13 committed to make a capital investment of at least
14 \$250,000,000 over a 60-month period commencing before
15 January 1, 2020 and ending after January 1, 2020; or

16 (3) in the case of a new data center, makes a
17 capital investment of at least \$250,000,000 over a
18 60-month period; and

19 (4) in the case of both existing and new data
20 centers, results in the creation of at least 20
21 full-time or full-time equivalent new jobs over a
22 period of 60 months by the data center operator and the
23 tenants of the data center, collectively, associated
24 with the operation or maintenance of the data center;
25 those jobs must have a total compensation equal to or
26 greater than 120% of the median wage paid to full-time

1 employees in the county where the data center is
2 located, as determined by the U.S. Bureau of Labor
3 Statistics; and

4 (5) is carbon neutral or attains certification
5 under one or more of the following green building
6 standards:

7 (A) BREEAM for New Construction or BREEAM
8 In-Use;

9 (B) ENERGY STAR;

10 (C) Envision;

11 (D) ISO 50001-energy management;

12 (E) LEED for Building Design and Construction
13 or LEED for Operations and Maintenance;

14 (F) Green Globes for New Construction or Green
15 Globes for Existing Buildings;

16 (G) UL 3223; or

17 (H) an equivalent program approved by the
18 Department of Commerce and Economic Opportunity.

19 "Full-time equivalent job" means a job in which the new
20 employee works for the owner, operator, contractor, or
21 tenant of a data center or for a corporation under contract
22 with the owner, operator or tenant of a data center at a
23 rate of at least 35 hours per week. An owner, operator or
24 tenant who employs labor or services at a specific site or
25 facility under contract with another may declare one
26 full-time, permanent job for every 1,820 man hours worked

1 per year under that contract. Vacations, paid holidays, and
2 sick time are included in this computation. Overtime is not
3 considered a part of regular hours.

4 "Qualified tangible personal property" means:
5 electrical systems and equipment; climate control and
6 chilling equipment and systems; mechanical systems and
7 equipment; monitoring and secure systems; emergency
8 generators; hardware; computers; servers; data storage
9 devices; network connectivity equipment; racks; cabinets;
10 telecommunications cabling infrastructure; raised floor
11 systems; peripheral components or systems; software;
12 mechanical, electrical, or plumbing systems; battery
13 systems; cooling systems and towers; temperature control
14 systems; other cabling; and other data center
15 infrastructure equipment and systems necessary to operate
16 qualified tangible personal property, including fixtures;
17 and component parts of any of the foregoing, including
18 installation, maintenance, repair, refurbishment, and
19 replacement of qualified tangible personal property to
20 generate, transform, transmit, distribute, or manage
21 electricity necessary to operate qualified tangible
22 personal property; and all other tangible personal
23 property that is essential to the operations of a computer
24 data center. "Qualified tangible personal property" also
25 includes building materials physically incorporated in to
26 the qualifying data center.

1 To document the exemption allowed under this Section, the
2 retailer must obtain from the purchaser a copy of the
3 certificate of eligibility issued by the Department.

4 (c) New and existing data centers seeking a certificate of
5 exemption for new or existing facilities shall apply to the
6 Department in the manner specified by the Department. The
7 Department and any data center seeking the exemption, including
8 a data center operator on behalf of itself and its tenants,
9 must enter into a memorandum of understanding that at a minimum
10 provides:

11 (1) the details for determining the amount of capital
12 investment to be made;

13 (2) the number of new jobs created;

14 (3) the timeline for achieving the capital investment
15 and new job goals;

16 (4) the repayment obligation should those goals not be
17 achieved and any conditions under which repayment by the
18 qualifying data center or data center tenant claiming the
19 exemption will be required; and

20 (5) other provisions as deemed necessary by the
21 Department.

22 (d) Beginning July 1, 2021, and each year thereafter, the
23 Department shall annually report to the Governor and the
24 General Assembly on the outcomes and effectiveness of this
25 amendatory Act of the 101st General Assembly that shall include
26 the following:

1 (1) the name of each recipient business;

2 (2) the location of the project;

3 (3) the estimated value of the credit;

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

6 (5) whether or not the project is located in an
7 underserved area.

8 (e) New and existing data centers seeking a certificate of
9 exemption related to the rehabilitation or construction of data
10 centers in the State shall require the contractor and all
11 subcontractors to comply with the requirements of Section 30-22
12 of the Illinois Procurement Code as they apply to responsible
13 bidders and to present satisfactory evidence of that compliance
14 to the Department.

15 (f) New and existing data centers seeking a certificate of
16 exemption for the rehabilitation or construction of data
17 centers in the State shall require the contractor to enter into
18 a project labor agreement approved by the Department."; and

19 on page 23, line 16, by replacing "Department" with "Department
20 of Commerce and Economic Opportunity"; and

21 on page 24, line 1, by replacing "Department" with "Department
22 of Commerce and Economic Opportunity"; and

23 on page 24, by replacing lines 3 and 4 with the following:

1 "Section 605-1025 of the Department of Commerce and Economic
2 Opportunity Law of the Civil Administrative Code of Illinois.";
3 and

4 on page 25, line 9, by replacing "Department" with "Department
5 of Commerce and Economic Opportunity"; and

6 on page 40, line 9, by replacing "Department" with "Department
7 of Commerce and Economic Opportunity"; and

8 on page 40, line 20, by replacing "Department" with "Department
9 of Commerce and Economic Opportunity"; and

10 on page 40, by replacing lines 22 and 23 with the following:
11 "Section 605-1025 of the Department of Commerce and Economic
12 Opportunity Law of the Civil Administrative Code of Illinois.";
13 and

14 on page 42, line 2, by replacing "Department" with "Department
15 of Commerce and Economic Opportunity"; and

16 on page 55, line 15, by replacing "Department" with "Department
17 of Commerce and Economic Opportunity"; and

18 on page 55, line 26, by replacing "Department" with "Department
19 of Commerce and Economic Opportunity"; and

1 on page 56, by replacing lines 2 and 3 with the following:

2 "Section 605-1025 of the Department of Commerce and Economic
3 Opportunity Law of the Civil Administrative Code of Illinois.";

4 and

5 on page 57, line 8, by replacing "Department" with "Department
6 of Commerce and Economic Opportunity"; and

7 on page 78, line 17, by replacing "Department" with "Department
8 of Commerce and Economic Opportunity"; and

9 on page 79, line 3, by replacing "Department" with "Department
10 of Commerce and Economic Opportunity"; and

11 on page 79, by replacing lines 5 and 6 with the following:

12 "Section 605-1025 of the Department of Commerce and Economic
13 Opportunity Law of the Civil Administrative Code of Illinois.";

14 and

15 on page 80, line 12, by replacing "Department" with "Department
16 of Commerce and Economic Opportunity".