

# HB0322



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0322

Introduced 1/22/2007, by Rep. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

35 ILCS 10/5-25

Amends the Economic Development for a Growing Economy Tax Credit Act. Provides that an Applicant for the tax credit under the Act may demonstrate that the project would not occur in Illinois by presenting evidence that the Applicant, currently located in the State, is in competition for production or for a contract to provide goods or services to a vendee who has the option of awarding the production or contract, instead, to a vendor in another state.

LRB095 04456 BDD 24503 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Economic Development for a Growing Economy  
5 Tax Credit Act is amended by changing Section 5-25 as follows:

6 (35 ILCS 10/5-25)

7 Sec. 5-25. Review of Application.

8 (a) In addition to those duties granted under the Illinois  
9 Economic Development Board Act, the Illinois Economic  
10 Development Board shall form a Business Investment Committee  
11 for the purpose of making recommendations for applications. At  
12 the request of the Board, the Director of Commerce and Economic  
13 Opportunity or his or her designee, the Director of the  
14 Governor's Office of Management and Budget or his or her  
15 designee, the Director of Revenue or his or her designee, the  
16 Director of Employment Security or his or her designee, and an  
17 elected official of the affected locality, such as the chair of  
18 the county board or the mayor, may serve as members of the  
19 Committee to assist with its analysis and deliberations.

20 (b) At the Department's request, the Committee shall  
21 convene, make inquiries, and conduct studies in the manner and  
22 by the methods as it deems desirable, review information with  
23 respect to Applicants, and make recommendations for projects to

1 benefit the State. In making its recommendation that an  
2 Applicant's application for Credit should or should not be  
3 accepted, which shall occur within a reasonable time frame as  
4 determined by the nature of the application, the Committee  
5 shall determine that all the following conditions exist:

6 (1) The Applicant's project intends, as required by  
7 subsection (b) of Section 5-20 to make the required  
8 investment in the State and intends to hire the required  
9 number of New Employees in Illinois as a result of that  
10 project.

11 (2) The Applicant's project is economically sound and  
12 will benefit the people of the State of Illinois by  
13 increasing opportunities for employment and strengthen the  
14 economy of Illinois.

15 (3) That, if not for the Credit, the project would not  
16 occur in Illinois, which may be demonstrated by any means  
17 including, but not limited to:~~;~~

18 (A) evidence the Applicant has multi-state  
19 location options and could reasonably and efficiently  
20 locate outside of the State;~~;~~

21 (B) a demonstration that at least one other state  
22 is being considered for the project;~~;~~

23 (C) evidence the receipt of the Credit is a major  
24 factor in the Applicant's decision and that, l without  
25 the Credit, the Applicant likely would not create new  
26 jobs in Illinois;~~;~~

1           (D) evidence that the Applicant, currently located  
2           in the State, is in competition for production or for a  
3           contract to provide goods or services to a vendee who  
4           has the option of awarding the production or contract,  
5           instead, to a vendor in another state; or

6           (E) a demonstration that receiving the Credit is  
7           essential to the Applicant's decision to create or  
8           retain new jobs in the State.

9           (4) A cost differential is identified, using best  
10          available data, in the projected costs for the Applicant's  
11          project compared to the costs in the competing state,  
12          including the impact of the competing state's incentive  
13          programs. The competing state's incentive programs shall  
14          include state, local, private, and federal funds  
15          available.

16          (5) The political subdivisions affected by the project  
17          have committed local incentives with respect to the  
18          project, considering local ability to assist.

19          (6) Awarding the Credit will result in an overall  
20          positive fiscal impact to the State, as certified by the  
21          Committee using the best available data.

22          (7) The Credit is not prohibited by Section 5-35 of  
23          this Act.

24          (Source: P.A. 94-793, eff. 5-19-06.)