

# SB1658



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1658

Introduced 2/8/2023, by Sen. Andrew S. Chesney

### SYNOPSIS AS INTRODUCED:

35 ILCS 10/5-25

Amends the Economic Development for a Growing Economy Tax Credit Act. Removes provisions concerning conditions that the Business Investment Committee shall determine exist in order for the Committee to make its recommendation that an Applicant's application for a Credit should or should not be accepted. Effective immediately.

LRB103 27703 HLH 54080 b

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) (Blank).

9 (b) The Department shall determine which projects will  
10 benefit the State. In making its recommendation that an  
11 Applicant's application for Credit should or should not be  
12 accepted, which shall occur within a reasonable time frame as  
13 determined by the nature of the application, the Department  
14 shall determine that all the following conditions exist:

15 (1) The Applicant's project intends, as required by  
16 subsection (b) of Section 5-20 to make the required  
17 investment in the State and intends to hire the required  
18 number of New Employees to work at a project location in  
19 Illinois as a result of that project.

20 (2) The Applicant's project is economically sound and  
21 will benefit the people of the State of Illinois by  
22 increasing opportunities for employment and strengthen the  
23 economy of Illinois.

1           (3) (Blank). ~~That, if not for the Credit, the project~~  
2 ~~would not occur in Illinois, which may be demonstrated by~~  
3 ~~evidence that receipt of the Credit is essential to the~~  
4 ~~Applicant's decision to create new jobs in the State, such~~  
5 ~~as the magnitude of the cost differential between Illinois~~  
6 ~~and a competing State; in addition, if the Applicant is~~  
7 ~~seeking an increase in the maximum amount of the Credit~~  
8 ~~for retained employees, the Applicant must provide~~  
9 ~~evidence the Applicant has multi state location options~~  
10 ~~and could reasonably and efficiently locate outside of the~~  
11 ~~State or demonstrate that at least one other state is~~  
12 ~~being considered for the project.~~

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

20           (5) The political subdivisions affected by the project  
21 have committed local incentives with respect to the  
22 project, considering local ability to assist.

23           (6) Awarding the Credit will result in an overall  
24 positive fiscal impact to the State, as certified by the  
25 Department using the best available data.

26           (7) The Credit is not prohibited by Section 5-35 of

1           this Act.

2           (Source: P.A. 102-330, eff. 1-1-22.)

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