

# SB3333



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3333

Introduced 2/7/2024, by Sen. John F. Curran

### SYNOPSIS AS INTRODUCED:

30 ILCS 751/30

30 ILCS 751/32

Amends the Invest in Illinois Act. Provides that certain notices under the Act shall also be sent to the Minority Leader of the Senate and the Minority Leader of the House of Representatives. Provides that the Minority Leader of the Senate and the Minority Leader of the House of Representatives may also object to agreements under the Act. Effective immediately.

LRB103 38762 HLH 68899 b

A BILL FOR

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 Invest in Illinois Act is amended by  
5 changing Sections 30 and 32 as follows:

6 (30 ILCS 751/30)

7 Sec. 30. Agreement.

8 (a) Upon approval of an application under this Act, the  
9 Department shall enter into an agreement with the applicant  
10 that shall include, at a minimum, the following:

11 (1) a detailed description of the project that is the  
12 subject of the agreement, as well as the performance  
13 conditions, including the required amount of capital  
14 investment and the number of jobs required to be created  
15 or retained;

16 (2) the performance conditions that must be met to  
17 obtain the award, including, but not limited to, the  
18 number of new jobs created, the average salary, and the  
19 total capital investment;

20 (3) the schedule of payments;

21 (4) a requirement that the applicant maintain  
22 operations at the project location for a minimum number of  
23 years;

1           (5) a specific method for determining the number of  
2 new employees and, if applicable, the number of retained  
3 employees, to be employed during each taxable year covered  
4 by the agreement;

5           (6) a requirement that the taxpayer annually report to  
6 the Department the number of new employees and any other  
7 information the Department deems necessary and appropriate  
8 to perform its duties under this Act;

9           (7) a detailed description of the number of new  
10 employees to be hired and the occupation and payroll of  
11 full-time jobs to be created or retained because of the  
12 project;

13           (8) the minimum capital investment the taxpayer will  
14 make, the time period for placing the property in service,  
15 and the designated location in Illinois for the capital  
16 investment;

17           (9) a requirement that the taxpayer provide written  
18 notice to the Director and the Director's designee not  
19 more than 30 days after the taxpayer determines that the  
20 minimum job creation, job retention, employment payroll,  
21 or capital investment is no longer or will no longer be  
22 achieved or maintained as required in the agreement and  
23 include in that notice the number of layoffs, the date of  
24 the layoffs, and the taxpayer's efforts to provide career  
25 and training counseling to the impacted workers with  
26 industry-related certifications and trainings;

1 (10) a claw-back provision to recapture incentive  
2 amounts for failure to meet the provisions contained in  
3 the agreement; and

4 (11) a provision that the agreement shall not take  
5 effect, nor may any funds be expended or transferred under  
6 the agreement, if the Department fails to comply with the  
7 notification requirements under Section 32 or if the  
8 Speaker of the House of Representatives, ~~or~~ the Senate  
9 President, the Minority Leader of the Senate, or the  
10 Minority Leader of the House of Representatives (or their  
11 designees, if applicable) submit a letter of rejection  
12 under Section 32.

13 (b) Subject to the provisions of Section 32, the  
14 Department may issue the incentive to the applicant within the  
15 time period the Department deems appropriate in order to  
16 ensure that the applicant achieves the performance conditions  
17 set forth in the agreement.

18 (Source: P.A. 102-1125, eff. 2-3-23.)

19 (30 ILCS 751/32)

20 Sec. 32. General Assembly notification. The Department  
21 shall notify the President of the Senate, or his or her  
22 designee, ~~and~~ the Speaker of the House of Representatives, or  
23 his or her designee, the Minority Leader of the Senate, or his  
24 or her designee, and the Minority Leader of the House of  
25 Representatives, or his or her designee, when awards for the

1 purposes of this Act are nearing final negotiation with an  
2 applicant. The notification shall include the prospective  
3 amount of the award and other relevant information related to  
4 the application. The President of the Senate, ~~and~~ the Speaker  
5 of the House, the Minority Leader of the Senate, and the  
6 Minority of Leader of the House, or their designees, if  
7 applicable, shall certify that they have been notified of the  
8 planned awards and that they do not object. If there is no  
9 objection certified from the President of the Senate, ~~and~~ the  
10 Speaker of the House, the Minority Leader of the Senate, or the  
11 Minority Leader of the House, the Department may enter into an  
12 agreement under this Act for the award amount contained in the  
13 notification. If the Department enters into an agreement under  
14 this Act for an award in an amount that is different than the  
15 amount contained in the notification, it shall deliver a copy  
16 of the agreement to ~~both~~ the Speaker of the House of  
17 Representatives, or his or her designee, ~~and~~ the Senate  
18 President, or his or her designee, the Minority Leader of the  
19 Senate, or his or her designee, and the Minority Leader of the  
20 House of Representatives, or his or her designee, within 2  
21 days after the agreement is executed. Notwithstanding any  
22 other provision of this Act, an agreement entered into under  
23 this Act shall not take effect, nor may any funds be expended  
24 or transferred under that agreement, if the Speaker of the  
25 House of Representatives, ~~and~~ the Senate President, the  
26 Minority Leader of the Senate, or the Minority Leader of the

1 House of Representatives, or their designees, if applicable,  
2 submit a letter to the Department noting an objection to the  
3 agreement in writing within 2 days after the notification is  
4 delivered to the Speaker of the House of Representatives, ~~and~~  
5 the Senate President, the Minority Leader of the Senate, and  
6 the Minority Leader of the House of Representatives, or their  
7 designees, if applicable.

8 (Source: P.A. 102-1125, eff. 2-3-23.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.