

# HB3335



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3335

Introduced 2/22/2021, by Rep. Jeff Keicher

### SYNOPSIS AS INTRODUCED:

20 ILCS 605/605-1055 new  
35 ILCS 10/5-20  
35 ILCS 10/5-21 new

Amends the Economic Development for a Growing Economy Tax Credit Act. Provides that the credit is transferable. Amends the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois. Provides that the Department of Commerce and Economic Opportunity shall conduct a study on the advantages, disadvantages, and feasibility of making each tax credit in the State transferable and shall report its findings to the Governor and the General Assembly no later than December 31, 2022. Effective immediately.

LRB102 14975 HLH 20330 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 Department of Commerce and Economic  
5 Opportunity Law of the Civil Administrative Code of Illinois  
6 is amended by adding Section 605-1055 as follows:

7 (20 ILCS 605/605-1055 new)

8 Sec. 605-1055. Study of tax credit transferability. The  
9 Department shall conduct a study on the advantages,  
10 disadvantages, and feasibility of making each tax credit in  
11 the State transferable and shall report its findings to the  
12 Governor and the General Assembly no later than December 31,  
13 2022. The Department of Revenue shall cooperate with DCEO in  
14 the preparation of this study.

15 This Section is repealed on January 1, 2024.

16 Section 10. The Economic Development for a Growing Economy  
17 Tax Credit Act is amended by changing Section 5-20 and by  
18 adding Section 5-21 follows:

19 (35 ILCS 10/5-20)

20 Sec. 5-20. Application for a project to create and retain  
21 new jobs.

1           (a) Any Taxpayer proposing a project located or planned to  
2 be located in Illinois may request consideration for  
3 designation of its project, by formal written letter of  
4 request or by formal application to the Department, in which  
5 the Applicant states its intent to make at least a specified  
6 level of investment and intends to hire or retain a specified  
7 number of full-time employees at a designated location in  
8 Illinois. As circumstances require, the Department may require  
9 a formal application from an Applicant and a formal letter of  
10 request for assistance.

11           (b) In order to qualify for Credits under this Act, an  
12 Applicant's project must:

13                 (1) if the Applicant has more than 100 employees,  
14 involve an investment of at least \$2,500,000 in capital  
15 improvements to be placed in service within the State as a  
16 direct result of the project; if the Applicant has 100 or  
17 fewer employees, then there is no capital investment  
18 requirement;

19                 (1.5) if the Applicant has more than 100 employees,  
20 employ a number of new employees in the State equal to the  
21 lesser of (A) 10% of the number of full-time employees  
22 employed by the applicant world-wide on the date the  
23 application is filed with the Department or (B) 50 New  
24 Employees; and, if the Applicant has 100 or fewer  
25 employees, employ a number of new employees in the State  
26 equal to the lesser of (A) 5% of the number of full-time

1 employees employed by the applicant world-wide on the date  
2 the application is filed with the Department or (B) 50 New  
3 Employees;

4 (2) (blank);

5 (3) (blank); and

6 (4) include an annual sexual harassment policy report  
7 as provided under Section 5-58.

8 (c) After receipt of an application, the Department may  
9 enter into an Agreement with the Applicant if the application  
10 is accepted in accordance with Section 5-25.

11 (d) Upon satisfactory review of the application, the  
12 Department shall issue a Tax Credit Certificate stating the  
13 amount of the tax credit to which the applicant is entitled.

14 (Source: P.A. 100-511, eff. 9-18-17; 100-698, eff. 1-1-19;  
15 101-81, eff. 7-12-19.)

16 (35 ILCS 10/5-21 new)

17 Sec. 5-21. Transfer of credits. A transfer of a Credit  
18 awarded under this Act may be made by the taxpayer earning the  
19 credit within one year after the Credit is awarded in  
20 accordance with rules adopted by the Department of Commerce  
21 and Economic Opportunity.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.