



Sen. James F. Clayborne, Jr.

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09600SB3772sam001

LRB096 20541 HLH 37536 a

1 AMENDMENT TO SENATE BILL 3772

2 AMENDMENT NO. _____. Amend Senate Bill 3772 by replacing
3 everything after the enacting clause with the following:

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

1 elected official of the affected locality, such as the chair of
2 the county board or the mayor, may serve as members of the
3 Committee to assist with its analysis and deliberations.

4 (b) At the Department's request, the Committee shall
5 convene, make inquiries, and conduct studies in the manner and
6 by the methods as it deems desirable, review information with
7 respect to Applicants, and make recommendations for projects to
8 benefit the State. In making its recommendation that an
9 Applicant's application for Credit should or should not be
10 accepted, which shall occur within a reasonable time frame as
11 determined by the nature of the application, the Committee
12 shall determine that all the following conditions exist:

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

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

22 (3) (Blank). ~~That, if not for the Credit, the project~~
23 ~~would not occur in Illinois, which may be demonstrated by~~
24 ~~any means including, but not limited to, evidence the~~
25 ~~Applicant has multi state location options and could~~
26 ~~reasonably and efficiently locate outside of the State, or~~

1 ~~demonstration that at least one other state is being~~
2 ~~considered for the project, or evidence the receipt of the~~
3 ~~Credit is a major factor in the Applicant's decision and~~
4 ~~that without the Credit, the Applicant likely would not~~
5 ~~create new jobs in Illinois, or demonstration that~~
6 ~~receiving the Credit is essential to the Applicant's~~
7 ~~decision to create or retain new jobs in the State.~~

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

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

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

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

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."