



Rep. Jack D. Franks

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LRB097 15154 HLH 67155 a

1 AMENDMENT TO HOUSE BILL 3934

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3934, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Economic Development for a Growing Economy  
6 Tax Credit Act is amended by changing Section 5-50 as follows:

7 (35 ILCS 10/5-50)

8 Sec. 5-50. Contents of Agreements with Applicants. The  
9 Department shall enter into an Agreement with an Applicant that  
10 is awarded a Credit under this Act. The Agreement must include  
11 all of the following:

12 (1) A detailed description of the project that is the  
13 subject of the Agreement, including the location and amount  
14 of the investment and jobs created or retained.

15 (2) The duration of the Credit and the first taxable  
16 year for which the Credit may be claimed.

1           (3) The Credit amount that will be allowed for each  
2 taxable year.

3           (4) A requirement that the Taxpayer shall maintain  
4 operations at the project location that shall be stated as  
5 a minimum number of years not to exceed 10.

6           (5) A specific method for determining the number of New  
7 Employees employed during a taxable year.

8           (6) A requirement that the Taxpayer shall annually  
9 report to the Department the number of New Employees, the  
10 Incremental Income Tax withheld in connection with the New  
11 Employees, and any other information the Director needs to  
12 perform the Director's duties under this Act.

13           (7) A requirement that the Director is authorized to  
14 verify with the appropriate State agencies the amounts  
15 reported under paragraph (6), and after doing so shall  
16 issue a certificate to the Taxpayer stating that the  
17 amounts have been verified.

18           (8) A requirement that the Taxpayer shall provide  
19 written notification to the Director not more than 30 days  
20 after the Taxpayer makes or receives a proposal that would  
21 transfer the Taxpayer's State tax liability obligations to  
22 a successor Taxpayer.

23           (9) A detailed description of the number of New  
24 Employees to be hired, and the occupation and payroll of  
25 the full-time jobs to be created or retained as a result of  
26 the project.

1           (10) The minimum investment the business enterprise  
2 will make in capital improvements, the time period for  
3 placing the property in service, and the designated  
4 location in Illinois for the investment.

5           (11) A requirement that the Taxpayer shall provide  
6 written notification to the Director and the Committee not  
7 more than 30 days after the Taxpayer determines that the  
8 minimum job creation or retention, employment payroll, or  
9 investment no longer is being or will be achieved or  
10 maintained as set forth in the terms and conditions of the  
11 Agreement.

12           (12) A provision that, if the total number of New  
13 Employees falls below a specified level, the allowance of  
14 Credit shall be suspended until the number of New Employees  
15 equals or exceeds the Agreement amount.

16           (13) A detailed description of the items for which the  
17 costs incurred by the Taxpayer will be included in the  
18 limitation on the Credit provided in Section 5-30.

19           (13.5) A provision that, if the Taxpayer never meets  
20 either the investment or job creation and retention  
21 requirements specified in the Agreement during the entire  
22 5-year period beginning on the first day of the first  
23 taxable year in which the Agreement is executed and ending  
24 on the last day of the fifth taxable year after the  
25 Agreement is executed, then the Agreement is automatically  
26 terminated on the last day of the fifth taxable year after

1 the Agreement is executed and the Taxpayer is not entitled  
2 to the award of any credits for any of that 5-year period.

3 (14) Any other performance conditions or contract  
4 provisions as the Department determines are appropriate.

5 The Department shall post on its website the terms of each  
6 Agreement entered into under this Act on or after the effective  
7 date of this amendatory Act of the 97th General Assembly.

8 (Source: P.A. 97-2, eff. 5-6-11.)

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