

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 5-50 as follows:

6 (35 ILCS 10/5-50)

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

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

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

16 (3) The Credit amount that will be allowed for each  
17 taxable year.

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

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

23 (6) A requirement that the Taxpayer shall annually

1 report to the Department the number of New Employees, the  
2 Incremental Income Tax withheld in connection with the New  
3 Employees, and any other information the Director needs to  
4 perform the Director's duties under this Act.

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

10 (8) A requirement that the Taxpayer shall provide  
11 written notification to the Director not more than 30 days  
12 after the Taxpayer makes or receives a proposal that would  
13 transfer the Taxpayer's State tax liability obligations to  
14 a successor Taxpayer.

15 (9) A detailed description of the number of New  
16 Employees to be hired, and the occupation and payroll of  
17 the full-time jobs to be created or retained as a result of  
18 the project.

19 (10) The minimum investment the business enterprise  
20 will make in capital improvements, the time period for  
21 placing the property in service, and the designated  
22 location in Illinois for the investment.

23 (11) A requirement that the Taxpayer shall provide  
24 written notification to the Director and the Committee not  
25 more than 30 days after the Taxpayer determines that the  
26 minimum job creation or retention, employment payroll, or

1 investment no longer is being or will be achieved or  
2 maintained as set forth in the terms and conditions of the  
3 Agreement.

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

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

11 (13.5) A provision that, if the Taxpayer never meets  
12 either the investment or job creation and retention  
13 requirements specified in the Agreement during the entire  
14 5-year period beginning on the first day of the first  
15 taxable year in which the Agreement is executed and ending  
16 on the last day of the fifth taxable year after the  
17 Agreement is executed, then the Agreement is automatically  
18 terminated on the last day of the fifth taxable year after  
19 the Agreement is executed and the Taxpayer is not entitled  
20 to the award of any credits for any of that 5-year period.

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

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

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

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.