

1 by the Department under the Economic Development for a
2 Growing Economy Tax Credit Act and the Illinois Enterprise
3 Zone Act, including the High Impact Business program; and (2)
4 grants or loans given as an incentive to a business
5 organization pursuant to the Large Business Development Act
6 (Article 10 of the Build Illinois Act). The term does not
7 include assistance (i) given for the purpose of job training,
8 (ii) for the purpose of road construction or improvements,
9 (iii) provided to units of local government, or (iv) for
10 which the funding source is federal.

11 "Director" means the Director of Commerce and Community
12 Affairs.

13 Section 10. Written agreements containing performance
14 covenants and sanctions.

15 (a) State economic assistance provided by the Department
16 as an incentive to a business organization must be based on
17 the terms of a written incentive agreement between the
18 Department and the business organization.

19 (b) The incentive agreement must identify the specific
20 State economic assistance to be provided to the business
21 organization during the term of the agreement.

22 (c) The incentive agreement must also provide for the
23 following:

24 (1) The business organization is bound to make a
25 specified level of capital investment in a project and
26 cause the creation or retention of a specified level of
27 jobs within a specified time period.

28 (2) If the business organization either fails to
29 make the requisite level of capital investment in the
30 project or fails to create or retain the specified number
31 of jobs within the specified time frame, as provided
32 under the Act authorizing such economic assistance, the
33 business organization shall be deemed to no longer

1 qualify for the State economic assistance.

2 (3) If the business organization receives State
3 economic assistance in the form of a High Impact Business
4 designation pursuant to Section 5.5 of the Illinois
5 Enterprise Zone Act and the business receives the benefit
6 of the exemption authorized under Section 51 of the
7 Retailers' Occupation Tax Act (for the sale of building
8 materials incorporated into a High Impact Business
9 location) and the business organization fails to create
10 or retain the requisite number of jobs, as determined by
11 the Department, within the period of time specified by
12 the Department, the business organization shall be
13 required to pay to the State the full amount of the State
14 tax exemption that it received as a result of the High
15 Impact Business designation.

16 (4) If the business organization receives a grant
17 pursuant to the Large Business Development Act (Article
18 10 of the Build Illinois Act) and the business
19 organization fails to create or retain the requisite
20 number of jobs, as determined by the Department, within
21 the period of time specified by the Department, the
22 business organization shall be required to repay to the
23 Department a pro-rata amount of the grant. That amount
24 shall reflect the percentage of the deficiency between
25 the promised number of jobs to be created or retained by
26 the business organization and the actual number of those
27 jobs in existence as of the date the Department
28 determines the business organization is in breach of the
29 job creation or retention covenants contained in the
30 incentive agreement.

31 (d) The Director may elect to waive enforcement of any
32 contractual right arising out of the incentive agreement
33 required by this Act based on a finding that the waiver will
34 promote the viability of the project, will contribute to an

1 increase in employment associated with the project, or will
2 contribute to the retention of jobs in Illinois associated
3 with the project.

4 Section 15. Applicability. This Act applies to all State
5 economic assistance given by the Department on or after the
6 effective date of this Act.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."