

# HB0838



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB0838

by Rep. Michael Halpin

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Keep Illinois Business Act. Provides that any recipient business that chooses to move all or part of its business operations and the jobs created by its business out-of-State shall be deemed to no longer qualify for State economic development assistance, and shall be required to pay to the relevant State granting agency the full amount of any economic development assistance it received. Provides for procedures for the recovery of economic development assistance, including required notice to the recipient business and an opportunity for a hearing. Defines terms.

LRB101 04837 RJF 49846 b

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Keep  
5 Illinois Business Act.

6 Section 5. Purpose. The purpose of this Act is to encourage  
7 businesses with primary business operations in the State of  
8 Illinois to remain in this State by removing and recouping any  
9 economic development assistance or benefit provided to those  
10 businesses by the State should those businesses decide to  
11 relocate jobs out-of-State.

12 Section 10. Definitions. As used in this Act:

13 "Economic development assistance" means (1) tax credits  
14 and tax exemptions given as an incentive to a recipient  
15 business organization under an initial certification or an  
16 initial designation made by the Department of Commerce and  
17 Economic Opportunity under the Economic Development for a  
18 Growing Economy Tax Credit Act, River Edge Redevelopment Zone  
19 Act, and the Illinois Enterprise Zone Act, including the High  
20 Impact Business program; (2) grants or loans given to a  
21 recipient as an incentive to a business organization under the  
22 River Edge Redevelopment Zone Act, Large Business Development

1 Program, the Business Development Public Infrastructure  
2 Program, or the Industrial Training Program; (3) the State  
3 Treasurer's Economic Program Loans; (4) the Illinois  
4 Department of Transportation Economic Development Program; (5)  
5 all successor and subsequent programs and tax credits designed  
6 to promote business relocations and expansions; (6) any  
7 assistance provided by the Illinois Emergency Employment  
8 Program under the Illinois Emergency Development Act; and (7)  
9 any other economic incentive, benefit, assistance, credit,  
10 loan, or grant provided by a State granting agency to a  
11 recipient business with primary business operations in this  
12 State.

13 "Recipient business" means any corporation, limited  
14 liability company, partnership, joint venture, association,  
15 sole proprietorship, or other legally recognized entity with  
16 primary business operations in this State that receives  
17 economic development assistance.

18 "State agency" has the meaning provided in Section 1-7 of  
19 the Illinois State Auditing Act.

20 "State granting agency" means any State department or State  
21 agency that provides economic development assistance to a  
22 recipient business.

23 Section 15. Recovery of economic development assistance.

24 (a) Subject to the procedures outlined in this Section, any  
25 recipient business that chooses to move all or part of its

1 business operations and the jobs created by its business  
2 out-of-State shall be deemed to no longer qualify for State  
3 economic development assistance, and shall be required to pay  
4 to the relevant State granting agency the full amount of any  
5 economic development assistance it received.

6 (b) Whenever a State granting agency believes that the  
7 economic development assistance it provided to a recipient  
8 business is subject to recovery, the State granting agency  
9 shall provide the recipient business the opportunity for at  
10 least one informal hearing to determine the facts and issues,  
11 and to resolve any conflicts as amicably as possible before  
12 taking any formal recovery actions.

13 (c) If a State granting agency determines that economic  
14 development assistance is to be recovered, then, prior to  
15 taking any action to recover, the State granting agency shall  
16 provide the recipient business with a written notice of the  
17 intended recovery. This notice shall identify the funds and the  
18 amount to be recovered and the specific facts which permit  
19 recovery.

20 (d) A recipient business shall have 35 days from the  
21 receipt of the notice required in subsection (c) to request a  
22 hearing to show why recovery is not justified or proper. If a  
23 recipient business requests a hearing under this subsection  
24 (d), then:

25 (1) the State granting agency shall hold a hearing  
26 before the Director of that agency, or his or her designee,

1 at which a representative of the recipient business may  
2 present an argument for why recovery should not be  
3 permitted; and

4 (2) after the conclusion of the hearing, the Director  
5 of the State granting agency, or his or her designee, shall  
6 issue a written final recovery order and send a copy of the  
7 order to the recipient business.

8 (e) A recipient business may seek judicial review of any  
9 final recovery order under the provisions of the Administrative  
10 Review Law.

11 (f) If a recipient business requests a hearing under  
12 subsection (d), then the State granting agency may not take any  
13 action of recovery until at least 35 days after the State  
14 granting agency has issued a final recovery order under the  
15 requirements of subsection (d). If a recipient business does  
16 not request a hearing as permitted in subsection (d), then the  
17 State granting agency may proceed with recovery of the economic  
18 development assistance amount specified in the notice issued  
19 under the requirements of subsection (c), at any time after the  
20 expiration of the 35-day request period established in  
21 subsection (d).

22 (g) Any notice or mailing required or permitted by this  
23 Section shall be deemed received 5 days after the notice or  
24 mailing is deposited in the United States mail, properly  
25 addressed with the current business address of the recipient  
26 business and with sufficient U.S. postage affixed.