



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5242

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

20 ILCS 607/3-25
20 ILCS 607/3-30
20 ILCS 607/3-45

Amends the Brownfields Redevelopment and Intermodal Promotion Act. Makes a technical correction concerning the name of a Fund. Provides that certain powers and duties of the Managing Partner are subject to the laws and rules of the State and the government of Cook County. Effective immediately.

LRB100 19858 HLH 35136 b

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 5. The Brownfields Redevelopment and Intermodal
5 Promotion Act is amended by changing Sections 3-25, 3-30, and
6 3-45 as follows:

7 (20 ILCS 607/3-25)

8 Sec. 3-25. Limitation on amounts for eligible projects.
9 The total amount of tax increment to be transferred to the
10 South Suburban Brownfields Redevelopment ~~Increment~~ Fund shall
11 not exceed \$3,000,000 in each State fiscal year. Any increment
12 generated in a given State fiscal year in excess of \$3,000,000
13 shall be retained by the State. Any revenues in the South
14 Suburban Brownfields Redevelopment Fund not used in a given
15 fiscal year may be rolled over into subsequent fiscal years.
16 Use of the Fund to pay or reimburse eligible expenses shall not
17 preclude the receipt of benefits from any Enterprise Zone, Tax
18 Increment Finance District, property tax abatement program, or
19 other business development program of a federal, State, or
20 local economic development program that may be available to the
21 project, and any brownfield site included in an agreement with
22 an eligible developer or eligible employer shall remain fully
23 eligible for all State and Federal tax incentives and grants

1 specifically related to brownfield remediation.

2 (Source: P.A. 98-109, eff. 7-25-13.)

3 (20 ILCS 607/3-30)

4 Sec. 3-30. Managing Partner; Advisory Council;
5 responsibilities.

6 (a) The Managing Partner shall report its recommendations
7 to the Advisory Council. The Advisory Council consists of two
8 members appointed by the Governor of the State of Illinois, two
9 members appointed by the President of the Cook County Board of
10 Commissioners and five members selected by the Affected
11 Municipalities to represent them. All members shall serve for a
12 term of 3 years. Upon expiration of each member's term, a
13 successor shall be appointed for a term of 3 years. Vacancies
14 on the Advisory Council shall be filled in the same manner as
15 the original appointments and any members so appointed shall
16 serve during the remainder of the term for which the vacancy
17 occurred. The appointments shall be made within 90 days of the
18 effective date of this Act. Five members shall constitute a
19 quorum. The Council shall elect a Chairperson amongst its
20 members by simple majority vote. Members shall serve without
21 compensation and accurate minutes shall be kept of all meetings
22 of the Advisory Council. The Advisory Council shall meet no
23 less frequently than quarterly and a meeting may be called by
24 the Chairperson or any four members of the Board. The
25 relationship between the Managing Partner and the Advisory

1 Council shall be set forth in an agreement among the parties.

2 (b) The Managing Partner is responsible for ensuring that,
3 in consultation with the Advisory Board, the acreage designated
4 as part of the Zone is redeveloped to simultaneously maximize
5 the following:

6 (1) Protection and improvement of the natural
7 environment and the remediation of brownfield industrial
8 property within the Brownfield Redevelopment Zone.

9 (2) Restoration of industrially zoned land to its best
10 and highest use, defined here as the highest possible
11 number of new jobs in logistics or manufacturing operations
12 and the highest levels of new business revenues.

13 (3) Employment of local low and moderate income
14 residents of the Zone and minority residents of the Zone
15 and contracting with local minority-owned firms, to the
16 extent consistent with Cook County policies and existing
17 law.

18 (c) In order to fulfill the responsibilities set forth in
19 subsection (b) of this Section, the Managing Partner, subject
20 to the laws and rules of the State and the government of Cook
21 County, has the following powers and duties, which shall
22 collectively comprise its program administration tasks:

23 (1) Create, gain approval from the Director for, and
24 regularly update, a master plan for the redevelopment of
25 properties and the use of the Fund, for review by the
26 Advisory Board and the Director, including the following

1 elements:

2 (A) An explanation of how the features of the
3 master plan allow the Managing Partner to fulfill the
4 broad responsibility outlined in this Section.

5 (B) The tasks that the Managing Partner will
6 undertake, directly or through assistance in the
7 negotiation of development agreements with eligible
8 developers or eligible employers, to acquire,
9 assemble, remediate, prepare for development,
10 redevelop, or market parcels that are part of the Zone.

11 (C) The criteria by which the Managing Partner will
12 evaluate and select from among potential eligible
13 projects to carry out its basic responsibilities as
14 outlined in this Section, including criteria that will
15 fulfill the following programmatic goals: (i) at least
16 30% of labor hours must be performed by members of
17 minority groups who reside in the municipalities where
18 the Zone operates, and (ii) at least 20% of the dollar
19 value of contracts and subcontracts must be held by
20 minority-owned firms that are based in the
21 municipalities where the Zone operates.

22 (D) Methods the Managing Partner employed to
23 receive and incorporate input on the master plan from a
24 broad range of residents and stakeholders within the
25 municipalities where the Zone operates, and methods it
26 will employ to publicize the master plan so that it is

1 constantly available for public review.

2 (E) Documentation of the master plan's consistency
3 with the applicable metropolitan planning
4 organization's current regional comprehensive plan and
5 regional Transportation Improvement Plan (TIP), and
6 with the current State Transportation Improvement Plan
7 (STIP).

8 (2) Develop and maintain a current database or set of
9 databases with detailed information including:

10 (A) All industrially zoned real estate properties
11 that are part of the Zone, including information
12 concerning each property's ownership; current or
13 delinquent tax status; proximity to major elements of
14 freight infrastructure; status as a potential or
15 designated brownfield; and any other information to
16 support the marketing and redevelopment of properties
17 that are part of the Zone.

18 (B) All major elements of infrastructure that
19 serve the properties that are part of the Zone,
20 including the capacity and state of repair of rail
21 lines and spurs, roadways, water, sewage, and power
22 systems.

23 (C) Names of minority-owned contracting firms that
24 are based in municipalities containing property that
25 is included in the Zone and wish to be hired by
26 eligible developers or eligible employers, including

1 the qualifications and contact information for these
2 contractors.

3 (D) Names of individuals who are residents of
4 municipalities containing property that is part of the
5 Zone and are members of a minority group, who wish to
6 be employed by eligible developers or eligible
7 employers, including the qualifications and contact
8 information for these residents.

9 (3) Execute its master plan through a series of
10 eligible activities as outlined in Section 3-45 of this
11 Act, governed by agreements.

12 (4) Evaluate project proposals to determine their
13 appropriateness and priority for funding based on the
14 evaluation criteria defined in the master plan.

15 (5) Negotiate and monitor agreements with Affected
16 Municipalities, eligible developers and eligible
17 employers.

18 (6) Maintain records of activities and financial
19 transactions including regular reports to the Department
20 and an annual certified public audit.

21 (7) Publish and make publicly available an annual
22 report detailing local minority hiring and contracting
23 that has resulted from the use of revenues in the Fund, to
24 include the following: (A) the total number of labor hours
25 performed by new employees who work at finished facilities
26 located on property that is part of the Zone and who (i)

1 are members of a minority group, and (ii) reside in one of
2 the municipalities containing property that is part of the
3 Zone; (B) the total number of labor hours performed by all
4 new employees who work at finished facilities located on
5 property that is part of the Zone; (C) the total dollar
6 value of contracted or subcontracted services reimbursed
7 with revenues from the Fund and that were performed by
8 firms that are (i) minority-owned, and (ii) based in one of
9 the municipalities containing property that is part of the
10 Zone; (D) the total dollar value of contracted or
11 subcontracted services reimbursed with revenues from the
12 Fund; and (E) an explanation of concrete steps that will be
13 taken if these values do not meet the programmatic goals
14 that (i) at least 30% of labor hours must be performed by
15 members of local minority groups, and (ii) at least 20% of
16 the dollar value of contracts and subcontracts must be held
17 by local minority-owned firms.

18 (8) Report to the Director quarterly on the progress of
19 executing the master plan and eligible activities.

20 (d) The Department shall manage and allocate all South
21 Suburban Brownfields Redevelopment Fund revenues subject to
22 the Director's finding that funds are being used to execute the
23 master plan for redevelopment of properties that are part of
24 the Zone.

25 The Managing Partner may, at its discretion, subject to the
26 laws and rules of the State and the government of Cook County,

1 contract with an entity of its choosing to support these
2 program administration tasks.

3 (Source: P.A. 98-109, eff. 7-25-13.)

4 (20 ILCS 607/3-45)

5 Sec. 3-45. Eligible activities. Funds held in the South
6 Suburban Brownfields Redevelopment Fund may be expended for the
7 following purposes:

8 (1) Payment of costs undertaken directly by the
9 Managing Partner or reimbursement of costs incurred by an
10 eligible developer or eligible employer as part of the
11 execution of an agreement, any of which services may be
12 subcontracted out to third parties for the following
13 activities:

14 (A) environmental site assessments, site
15 investigations, remediation action plans, and
16 remediation of brownfield sites located on property
17 where any portion of an eligible project is taking
18 place;

19 (B) land acquisition and site assembly, site
20 development plans, and demolition of derelict or
21 outdated structures.

22 (C) recruiting and training of individuals who are
23 both (i) members of a minority group, and (ii) residing
24 in one of the municipalities containing property that
25 is part of the Zone, for employment in logistics or

1 light manufacturing, such as through pre-employment
2 services, pre-apprenticeship training, apprenticeship
3 training, and skills training; expenditures for these
4 recruiting or training activities shall not exceed 20%
5 of the total dollars transferred to the South Suburban
6 Brownfields Redevelopment ~~Increment~~ Fund in any fiscal
7 year or 15% of the total dollars transferred to this
8 Fund during the entire period of the Fund's existence.

9 (2) Payment of the costs of repairing or upgrading
10 public infrastructure on publicly owned land within the
11 Zone, including rights of way, provided such
12 infrastructure is on public property that is either
13 included within the Brownfields Redevelopment Zone or
14 which is essential to the development of a Project.

15 In agreements with for-profit eligible developers and
16 employers governing redevelopment of privately held land,
17 reimbursements must first and foremost prioritize the
18 activities described in item (A).

19 (3) Program administration costs. The Managing Partner
20 may request up to a total of 15% of amounts in the Fund
21 over the course of the fiscal year to support its
22 responsibilities in that fiscal year or in prior years as
23 detailed in Section 3-30 of this Act. The Managing Partner
24 must find additional funds for any program administration
25 costs not covered by the 15%. Subject to the Department's
26 approval, the Managing Partner may impose a reasonable fee

1 upon eligible developers and eligible employers who submit
2 proposals, for purposes of processing these applications
3 and performing such due diligence as may be necessary to
4 assess overall feasibility of the proposed projects and
5 their consistency with the development objectives of this
6 Act and the Zone Master Plan as discussed in Section 3-30
7 of this Act. Those fees may not exceed 2% of the dollar
8 amount requested from the Fund for the proposed project,
9 and the Managing Partner may use these fees to support
10 program administration. The income to the Managing Partner
11 generated by those fees shall be counted as part of the 15%
12 of total transfers to the Fund permitted for the Managing
13 Partner's compensation.

14 (Source: P.A. 98-109, eff. 7-25-13.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.