

# HB3491



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB3491**

by Rep. Aaron M. Ortiz

#### SYNOPSIS AS INTRODUCED:

20 ILCS 605/605-1025 new

Amends the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois. Provides that each corporation receiving incentives from the Department of Commerce and Economic Opportunity shall file a disclosure report with the Department of Commerce and Economic Opportunity no later than February 1 of each year. Sets forth penalties for failure to submit the report. Provides that the Department of Commerce and Economic Opportunity shall publish prominently on its website a compilation of the reports both in a searchable database and as a spreadsheet that can be downloaded in its entirety. Effective immediately.

LRB101 10321 HLH 55427 b

FISCAL NOTE ACT  
MAY APPLY

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 5. The Department of Commerce and Economic  
5 Opportunity Law of the Civil Administrative Code of Illinois is  
6 amended by adding Section 605-1025 as follows:

7 (20 ILCS 605/605-1025 new)

8 Sec. 605-1025. Annual corporate reports.

9 (a) Beginning on February 1, 2020, each corporation  
10 receiving incentives from the Department shall file a  
11 disclosure report with the Department no later than February 1  
12 of each year. The shall be filed in the form and manner  
13 required by the Department and include the following  
14 information:

15 (1) the name, street, and mailing addresses, phone  
16 number, and chief operating officer of the recipient  
17 corporation, along with its NAICS industry code and its  
18 DUNS number, if available;

19 (2) the project street address where the subsidized  
20 activity takes place if that address is different from the  
21 address in paragraph (1);

22 (3) a summary of the number of jobs required by the  
23 terms of the subsidy deal and the actual jobs created or

1 lost as of December 31 of the previous year; the summary  
2 shall be broken down by full-time, part-time, and temporary  
3 positions, and by wage groups;

4 (4) whether health insurance coverage is provided to  
5 the employees at the project site, and, if so, the share of  
6 the policy premiums paid by the company;

7 (5) the total employment in the State of the  
8 recipient's corporate parent on the 2 previous dates of  
9 December 31, broken down by full-time, part-time and  
10 temporary positions;

11 (6) a summary of the capital investment required by the  
12 terms of the subsidy deal and the actual capital investment  
13 made as of December 31 of the previous year;

14 (7) a statement as to whether the subsidized project  
15 has, during the previous calendar year, resulted in reduced  
16 employment at any other site controlled by the recipient  
17 corporation or its corporate parent, inside or outside the  
18 State, as a result of automation, merger, acquisition,  
19 corporate restructuring, relocation, or other business  
20 activity;

21 (8) a statement summarizing any instance, during the  
22 previous calendar year, in which the recipient company, or  
23 a parent or subsidiary entity, was determined by a  
24 government agency to have violated any federal, State or  
25 local law or regulation relating to environmental  
26 protection, taxation, labor standards, or employment

1 discrimination; or was notified that an investigation of a  
2 possible violation had been initiated; and

3 (9) a signed certification by the chief officer of the  
4 recipient corporation as to the accuracy of the progress  
5 report.

6 Recipient companies shall file such annual performance  
7 reports for the duration of the subsidy, or not less than every  
8 5 years, whichever period is greater.

9 (b) The Department shall have access at all reasonable  
10 times to the project site and the records of the recipient  
11 corporation in order to monitor the project and verify the  
12 reports in subsection (a). A recipient corporation that fails  
13 to provide the Department with a completed report on time shall  
14 be subject to a fine of not less than \$500 per day to commence  
15 10 working days after the February 1 deadline and not less than  
16 \$1,000 per day to commence 20 days after the deadline. A  
17 recipient corporation that fails to provide the Department  
18 access to the project site at a reasonable time shall be  
19 subject to a fine of \$1,000 per day starting with the day  
20 access is first not provided.

21 (c) The Department shall publish prominently on its website  
22 a compilation of the reports submitted under subsection (a) no  
23 later than April 1 of each year. The report shall contain all  
24 of the data from the reports both in a searchable database and  
25 as a spreadsheet that can be downloaded in its entirety. When a  
26 new report is posted, earlier versions of the data shall remain

1 available on the website. The report shall also contain the  
2 Department's determination of whether the company has yet met  
3 its obligations for job creation, wages, and benefits as  
4 required by the subsidy. If the Department has previously  
5 determined that a company has achieved its obligations, the  
6 report shall contain the Department's determination of whether  
7 the company has maintained its achieved obligations. Along with  
8 the report, the Department should also post PDF copies of key  
9 documents relating to the subsidy award. If the Department  
10 determines that the company has failed to achieve its  
11 obligations for job creation, wages, and benefits, as required  
12 by the subsidy, in the required period of time, or if the  
13 Department determines that the company has failed to maintain  
14 its achieved obligations, the report shall also state what  
15 penalty or penalties the Department has imposed upon the  
16 company. The report shall also include the Department's  
17 verification that the company's corporate parent has  
18 maintained at least 90% of its employment in the State since  
19 December 31 of the year the subsidy was granted. If the  
20 Department determines that the company's corporate parent has  
21 failed to maintain such a level of employment, the report shall  
22 include whatever penalty or penalties the agency has imposed  
23 upon the company.

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.