



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4012

Introduced 2/26/2009, by Rep. Mark L. Walker

SYNOPSIS AS INTRODUCED:

20 ILCS 715/20

30 ILCS 750/10-3

from Ch. 127, par. 2710-3

Amends the Corporate Accountability for Tax Expenditures Act. Provides that each recipient of development assistance shall file an annual consolidated progress report (instead of a progress report for each development assistance agreement). Provides that the progress report may include other information the Department deems necessary to ensure compliance with a development assistance program. Amends the Build Illinois Bond Act. Provides that businesses that receive certain grants or loans must notify the Department if the business fails to meet the agreed employment or investment conditions of the grant or loan.

LRB096 11696 HLH 22379 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 Corporate Accountability for Tax
5 Expenditures Act is amended by changing Section 20 as follows:

6 (20 ILCS 715/20)

7 Sec. 20. State development assistance disclosure.

8 (a) Beginning February 1, 2005 and each year thereafter,
9 every State granting body shall submit to the Department copies
10 of all development assistance agreements that it approved in
11 the prior calendar year.

12 (b) Each recipient of development assistance shall file an
13 annual consolidated ~~For each development assistance agreement~~
14 ~~for which the date of assistance has occurred in the prior~~
15 ~~calendar year, each recipient shall submit to the Department a~~
16 progress report that shall include, but not be limited to, the
17 following:

18 (1) The application tracking number of each
19 development agreement in which the recipient participated.

20 (2) The office mailing address, telephone number, and
21 the name of the chief officer of the granting body.

22 (3) The office mailing address, telephone number,
23 4-digit SIC number or successor number, and the name of the

1 chief officer of the applicant or authorized designee for
2 the specific project site for which the development
3 assistance was approved by the State granting body.

4 (4) The type of development assistance program and
5 value of assistance that was approved by the State granting
6 body.

7 (5) The applicant's total number of employees at the
8 specific project site on the date that the application was
9 submitted to the State granting body and the applicant's
10 total number of employees at the specific project site on
11 the date of the report, including the number of full-time,
12 permanent jobs, the number of part-time jobs, and the
13 number of temporary jobs, and a computation of the gain or
14 loss of jobs in each category.

15 (6) The number of new employees and retained employees
16 the applicant stated in its development assistance
17 agreement, if any, if not, then in its application, would
18 be created by the development assistance broken down by
19 full-time, permanent, part-time, and temporary.

20 (7) A declaration of whether the recipient is in
21 compliance with each of the development assistance
22 agreements in which the recipient participates ~~agreement.~~

23 (8) A detailed list of the occupation or job
24 classifications and number of new employees or retained
25 employees to be hired in full-time, permanent jobs, a
26 schedule of anticipated starting dates of the new hires and

1 the actual average wage by occupation or job classification
2 and total payroll to be created as a result of the
3 development assistance.

4 (9) A narrative, if necessary, describing how the
5 recipient's use of the development assistance during the
6 reporting year has reduced employment at any site in
7 Illinois.

8 (10) A certification by the chief officer of the
9 applicant or his or her authorized designee that the
10 information in the progress report contains no knowing
11 misrepresentation of material facts upon which eligibility
12 for development assistance is based.

13 (11) Any other information the Department shall deem
14 necessary to ensure compliance with a development
15 assistance program.

16 (c) The State granting body, or a successor agency, shall
17 have full authority to verify information contained in the
18 recipient's progress report, including the authority to
19 inspect the specific project site and inspect the records of
20 the recipient that are subject to the development assistance
21 agreement.

22 (d) By June 1, 2005 and by June 1 of each year thereafter,
23 the Department shall compile and publish all data in all of the
24 progress reports in both written and electronic form.

25 (e) If a recipient of development assistance fails to
26 comply with subsection (b) of this Section, the Department

1 shall, within 20 working days after the reporting submittal
2 deadlines set forth in (i) the legislation authorizing, (ii)
3 the administrative rules implementing, or (iii) specific
4 provisions in development assistance agreements pertaining to
5 the development assistance programs, suspend within 33 working
6 days any current development assistance to the recipient under
7 its control, and shall be prohibited from completing any
8 current or providing any future development assistance until it
9 receives proof that the recipient has come into compliance with
10 the requirements of subsection (b) of this Section.

11 (f) The Department shall have the discretion to modify the
12 information required in the progress report required under
13 subsection (b) consistent with the disclosure purpose of this
14 Section for any grants under the Industrial Training Program
15 that are not given as an incentive to a recipient business
16 organization.

17 (Source: P.A. 93-552, eff. 8-20-03.)

18 Section 10. The Build Illinois Act is amended by changing
19 Section 10-3 as follows:

20 (30 ILCS 750/10-3) (from Ch. 127, par. 2710-3)

21 Sec. 10-3. Powers and Duties. The Department has the power
22 to:

23 (a) Provide loans from the Build Illinois Bond Fund, the
24 Fund for Illinois' Future, or the Large Business Attraction

1 Fund to a business undertaking a project and accept mortgages
2 or other evidences of indebtedness or security of such
3 business.

4 (b) Provide grants from the Build Illinois Bond Fund, the
5 Fund for Illinois' Future, or the Large Business Attraction
6 Fund to or for the direct benefit of a business undertaking a
7 project. Any such grant shall (i) be made and used only for the
8 purpose of assisting the financing of the business for the
9 project in order to reduce the cost of financing to the
10 business, (ii) be made only if a participating lender, or other
11 funding source including the applicant, also provides a portion
12 of the financing with respect to the project, and only if the
13 Department determines, on the basis of all the information
14 available to it, that the project would not be undertaken in
15 Illinois unless the grant is provided, (iii) provide no more
16 than 25% of the total dollar amount of any single project cost
17 and be approved for amounts from the Fund not to exceed
18 \$500,000 for any single project, unless waived by the Director
19 upon a finding that such waiver is appropriate to accomplish
20 the purpose of this Article, (iv) be made only after the
21 Department has determined that the grant will cause a project
22 to be undertaken which has the potential to create substantial
23 employment in relation to the amount of the grant, and (v) be
24 made with a business that has certified the project is a new
25 plant start-up or expansion and is not a relocation of an
26 existing business from another site in Illinois unless that

1 relocation results in substantial employment growth.

2 (c) Enter into agreements, accept funds or grants and
3 cooperate with agencies of the federal government, local units
4 of government and local regional economic development
5 corporations or organizations for the purposes of carrying out
6 this Article.

7 (d) Enter into contracts, letters of credit or any other
8 agreements or contracts with financial institutions necessary
9 or desirable to carry out the purposes of this Article. Any
10 such agreement or contract may include, without limitation,
11 terms and provisions relating to a specific project such as
12 loan documentation, review and approval procedures,
13 organization and servicing rights, default conditions and
14 other program aspects.

15 (e) Fix, determine, charge and collect any premiums, fees,
16 charges, costs and expenses, including application fees,
17 commitment fees, program fees, financing charges or
18 publication fees in connection with its activities under this
19 Article.

20 (f) Establish application, notification, contract and
21 other procedures, rules or regulations deemed necessary and
22 appropriate.

23 (g) Subject to the provisions of any contract with another
24 person and consent to the modification or restructuring of any
25 loan agreement to which the Department is a party.

26 (h) Take any actions which are necessary or appropriate to

1 protect the State's interest in the event of bankruptcy,
2 default, foreclosure or noncompliance with the terms and
3 conditions of financial assistance or participation provided
4 under this Article, including the power to sell, dispose, lease
5 or rent, upon terms and conditions determined by the Director
6 to be appropriate, real or personal property which the
7 Department may receive as a result thereof.

8 (i) Acquire and accept by gift, grant, purchase or
9 otherwise, but not by condemnation, fee simple title, or such
10 lesser interest as may be desired, in land, and to improve or
11 arrange for the improvement of such land for industrial or
12 commercial site development purposes, and to lease or convey
13 such land, or interest in land, so acquired and so improved,
14 including sale and conveyance subject to a mortgage, for such
15 price, upon such terms and at such time as the Department may
16 determine, provided that prior to exercising its authority
17 under this subsection, the Director shall find that other means
18 of financing and developing any such project are not reasonably
19 available and that such action is consistent with the purposes
20 and policies of this Article.

21 (j) Provide grants from the Build Illinois Bond Fund to
22 municipalities and counties to demolish abandoned buildings
23 pursuant to Section 11-31-1 of the Illinois Municipal Code or
24 Section 5-1080 of the Counties Code, for the purpose of making
25 unimproved land available for purchase by businesses for
26 economic development. Such grants shall be provided only when:

1 (1) the owner of property on which the abandoned building is
2 situated has entered into a contract to sell such property; (2)
3 the Department has determined that the grant will be used to
4 cause a project to be undertaken which will result in the
5 creation of employment; (3) the business which has entered into
6 a contract to purchase the property has certified that it will
7 use the property for a project which is a new plant start-up or
8 expansion or a new venture opportunity and is not a relocation
9 of an existing business from another site within the State
10 unless that relocation results in substantial employment
11 growth. If a municipality or county receives grants under this
12 paragraph, it shall file a notice of lien against the owner or
13 owners of such demolished buildings to recover the costs and
14 expenses incurred in the demolition of such buildings pursuant
15 to Section 11-31-1 of the Illinois Municipal Code or Section
16 5-1080 of the Counties Code. All such costs and expenses
17 recovered by the county or municipality shall be paid to the
18 Department for deposit in the Build Illinois Purposes Account.
19 Priority shall be given to enterprise zones or those areas with
20 high unemployment whose tax base is adversely impacted by the
21 closing of existing factories.

22 (j-5) Establish by regulation, in lieu of quarterly
23 information returns, a notification procedure that provides
24 that any business accepting a grant or loan under this Article
25 must notify the Department within 30 days if at any time during
26 the period of the agreement the business fails to meet the

1 agreed employment or investment conditions of the grant or
2 loan.

3 (k) Exercise such other powers as are necessary or
4 incidental to the foregoing.

5 (Source: P.A. 94-91, eff. 7-1-05.)