



Sen. Matt Murphy

Filed: 4/21/2010

09600HB5230sam001

LRB096 17698 HLH 40265 a

1 AMENDMENT TO HOUSE BILL 5230

2 AMENDMENT NO. _____. Amend House Bill 5230 by replacing
3 everything after the enacting clause with the following:

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) For each development assistance agreement for which the
13 date of assistance has occurred in the prior calendar year,
14 each recipient shall submit to the Department a progress
15 report. A recipient of multiple development assistance
16 agreements in the same award year and for a single project site

1 may file a consolidated progress report if the applicant's base
2 number of employees and number of jobs to be created and
3 retained as stated in the multiple development assistance
4 agreements or applications are the same. A progress report that
5 shall include, but not be limited to, the following:

6 (1) Each ~~The~~ application tracking number.

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

9 (3) The office mailing address, telephone number,
10 4-digit SIC number or successor number, and the name of the
11 chief officer of the applicant or authorized designee for
12 the specific project site for which the development
13 assistance was approved by the State granting body.

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

17 (5) The applicant's total number of employees at the
18 specific project site on the date that the application was
19 submitted to the State granting body and the applicant's
20 total number of employees at the specific project site on
21 the date of the report, including the number of full-time,
22 permanent jobs, the number of part-time jobs, and the
23 number of temporary jobs, and a computation of the gain or
24 loss of jobs in each category.

25 (6) The number of new employees and retained employees
26 the applicant stated in its development assistance

1 agreement, if any, if not, then in its application, would
2 be created by the development assistance broken down by
3 full-time, permanent, part-time, and temporary.

4 (7) A declaration of whether the recipient is in
5 compliance with each ~~the~~ development assistance agreement.

6 (8) A detailed list of the occupation or job
7 classifications and number of new employees or retained
8 employees to be hired in full-time, permanent jobs, a
9 schedule of anticipated starting dates of the new hires and
10 the actual average wage by occupation or job classification
11 and total payroll to be created as a result of the
12 development assistance.

13 (9) A narrative, if necessary, describing how the
14 recipient's use of the development assistance during the
15 reporting year has reduced employment at any site in
16 Illinois.

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

22 (11) Any other information the Department shall deem
23 necessary to ensure compliance with a development
24 assistance program.

25 (c) The State granting body, or a successor agency, shall
26 have full authority to verify information contained in the

1 recipient's progress report, including the authority to
2 inspect the specific project site and inspect the records of
3 the recipient that are subject to the development assistance
4 agreement.

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

8 (e) If a recipient of development assistance fails to
9 comply with subsection (b) of this Section, the Department
10 shall, within 20 working days after the reporting submittal
11 deadlines set forth in (i) the legislation authorizing, (ii)
12 the administrative rules implementing, or (iii) specific
13 provisions in development assistance agreements pertaining to
14 the development assistance programs, suspend within 33 working
15 days any current development assistance to the recipient under
16 its control, and shall be prohibited from completing any
17 current or providing any future development assistance until it
18 receives proof that the recipient has come into compliance with
19 the requirements of subsection (b) of this Section.

20 (f) The Department shall have the discretion to modify the
21 information required in the progress report required under
22 subsection (b) consistent with the disclosure purpose of this
23 Section for any grants under the Industrial Training Program
24 that are not given as an incentive to a recipient business
25 organization.

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

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

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

4 Sec. 10-3. Powers and Duties. The Department has the power
5 to:

6 (a) Provide loans from the Build Illinois Bond Fund, the
7 Fund for Illinois' Future, or the Large Business Attraction
8 Fund to a business undertaking a project and accept mortgages
9 or other evidences of indebtedness or security of such
10 business.

11 (b) Provide grants from the Build Illinois Bond Fund, the
12 Fund for Illinois' Future, or the Large Business Attraction
13 Fund to or for the direct benefit of a business undertaking a
14 project. Any such grant shall (i) be made and used only for the
15 purpose of assisting the financing of the business for the
16 project in order to reduce the cost of financing to the
17 business, (ii) be made only if a participating lender, or other
18 funding source including the applicant, also provides a portion
19 of the financing with respect to the project, and only if the
20 Department determines, on the basis of all the information
21 available to it, that the project would not be undertaken in
22 Illinois unless the grant is provided, (iii) provide no more
23 than 25% of the total dollar amount of any single project cost
24 and be approved for amounts from the Fund not to exceed

1 \$500,000 for any single project, unless waived by the Director
2 upon a finding that such waiver is appropriate to accomplish
3 the purpose of this Article, (iv) be made only after the
4 Department has determined that the grant will cause a project
5 to be undertaken which has the potential to create substantial
6 employment in relation to the amount of the grant, and (v) be
7 made with a business that has certified the project is a new
8 plant start-up or expansion and is not a relocation of an
9 existing business from another site in Illinois unless that
10 relocation results in substantial employment growth.

11 (c) Enter into agreements, accept funds or grants and
12 cooperate with agencies of the federal government, local units
13 of government and local regional economic development
14 corporations or organizations for the purposes of carrying out
15 this Article.

16 (d) Enter into contracts, letters of credit or any other
17 agreements or contracts with financial institutions necessary
18 or desirable to carry out the purposes of this Article. Any
19 such agreement or contract may include, without limitation,
20 terms and provisions relating to a specific project such as
21 loan documentation, review and approval procedures,
22 organization and servicing rights, default conditions and
23 other program aspects.

24 (e) Fix, determine, charge and collect any premiums, fees,
25 charges, costs and expenses, including application fees,
26 commitment fees, program fees, financing charges or

1 publication fees in connection with its activities under this
2 Article.

3 (f) Establish application, notification, contract and
4 other procedures, rules or regulations deemed necessary and
5 appropriate.

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

9 (h) Take any actions which are necessary or appropriate to
10 protect the State's interest in the event of bankruptcy,
11 default, foreclosure or noncompliance with the terms and
12 conditions of financial assistance or participation provided
13 under this Article, including the power to sell, dispose, lease
14 or rent, upon terms and conditions determined by the Director
15 to be appropriate, real or personal property which the
16 Department may receive as a result thereof.

17 (i) Acquire and accept by gift, grant, purchase or
18 otherwise, but not by condemnation, fee simple title, or such
19 lesser interest as may be desired, in land, and to improve or
20 arrange for the improvement of such land for industrial or
21 commercial site development purposes, and to lease or convey
22 such land, or interest in land, so acquired and so improved,
23 including sale and conveyance subject to a mortgage, for such
24 price, upon such terms and at such time as the Department may
25 determine, provided that prior to exercising its authority
26 under this subsection, the Director shall find that other means

1 of financing and developing any such project are not reasonably
2 available and that such action is consistent with the purposes
3 and policies of this Article.

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

10 (1) the owner of property on which the abandoned building is
11 situated has entered into a contract to sell such property; (2)
12 the Department has determined that the grant will be used to
13 cause a project to be undertaken which will result in the
14 creation of employment; (3) the business which has entered into
15 a contract to purchase the property has certified that it will
16 use the property for a project which is a new plant start-up or
17 expansion or a new venture opportunity and is not a relocation
18 of an existing business from another site within the State
19 unless that relocation results in substantial employment
20 growth. If a municipality or county receives grants under this
21 paragraph, it shall file a notice of lien against the owner or
22 owners of such demolished buildings to recover the costs and
23 expenses incurred in the demolition of such buildings pursuant
24 to Section 11-31-1 of the Illinois Municipal Code or Section
25 5-1080 of the Counties Code. All such costs and expenses
26 recovered by the county or municipality shall be paid to the

1 Department for deposit in the Build Illinois Purposes Account.
2 Priority shall be given to enterprise zones or those areas with
3 high unemployment whose tax base is adversely impacted by the
4 closing of existing factories.

5 (j-5) A business accepting a grant or loan under this
6 Article shall provide the Department with quarterly reports
7 detailing financial and performance information as requested
8 by the Department during the term of the grant of loan
9 agreement.

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

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