

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 Sections 605-456, 605-460, and 605-465 as  
7 follows:

8 (20 ILCS 605/605-456 new)

9 Sec. 605-456. Survey and report on business incentives.

10 (a) The Department shall contact businesses that are  
11 located in the State or have been identified as having left the  
12 State. The Department shall request that the business complete  
13 a survey, developed by the Department, that includes  
14 information regarding (i) why the business left, if applicable,  
15 and the location to which the business relocated and (ii) any  
16 incentives that are needed to keep and attract the business.

17 (b) The Department shall compile the results of the surveys  
18 and any other relevant information provided to the Department.  
19 By each July 1, the Department shall report to the General  
20 Assembly upon its compilation of the previous year's survey  
21 responses and any of the other relevant information. The report  
22 must identify, at a minimum, the most common responses,  
23 categorized by industry and region, regarding (i) why

1 businesses left Illinois, (ii) what incentives would have  
2 influenced businesses to remain in Illinois, and (iii) to which  
3 cities and states the businesses have relocated.

4 (c) For the purposes of this Section, a business is defined  
5 as one that is engaged in interstate or intrastate commerce for  
6 the purpose of manufacturing, processing, assembling,  
7 warehousing, or distributing products, conducting research and  
8 development, providing tourism services, or providing services  
9 in interstate commerce, office industries, or agricultural  
10 processing, but excluding retail, retail food, health, or  
11 professional services.

12 (d) The Department shall adopt rules for the implementation  
13 of this Section.

14 (20 ILCS 605/605-460 new)

15 Sec. 605-460. Engineering excellence program.

16 (a) Coordination between engineering schools and private  
17 business is an important tool in fostering innovation.  
18 Universities have eager students, experienced faculty, and  
19 state-of-the-art research facilities. Businesses have existing  
20 markets, production capital, and evolving needs. The General  
21 Assembly believes that universities and businesses should  
22 share resources to allow students to participate in the  
23 research and development area of innovative design and to allow  
24 businesses to benefit from the developing skills of these  
25 students.

1       (b) In order to facilitate engineering excellence, the  
2 Department shall develop a program to achieve the goals set  
3 forth in subsection (a). Under this program, the Department  
4 must:

5           (1) Annually contact the State's major public and  
6 private universities with engineering schools.

7           (2) Request a one-page written summary of the  
8 internship, externship, or residency programs operated by  
9 the engineering college of each of the contacted  
10 universities.

11           (3) Identify the manufacturing businesses within 50  
12 miles of each university that responded under paragraph (2)  
13 that could benefit from assistance in the area of  
14 innovative design.

15           (4) Send a letter to each manufacturer identified under  
16 paragraph (3), informing it of the university's program and  
17 advising the business to contact the university if it  
18 wishes to participate in the engineering school's program.

19       (c) The Department shall adopt rules for the implementation  
20 of this Section.

21       (20 ILCS 605/605-465 new)

22       Sec. 605-465. Comprehensive website information.

23       (a) The Department's official website must contain a  
24 comprehensive list of State, local, and federal economic  
25 benefits available to businesses in each of the State's

1 counties and municipalities that the Department includes on its  
2 website. In order to do so:

3 (1) The Department annually must request a summary of  
4 available economic benefits from each of the State's  
5 counties and municipalities that are linked to the  
6 Department's website.

7 (2) The information obtained under paragraph (1) must  
8 be published on the related web pages of the Department's  
9 website.

10 (3) The Department's website shall also provide  
11 information regarding available federal economic benefits  
12 to the extent possible.

13 (b) The Department shall adopt rules for the implementation  
14 of this Section.

15 Section 10. The Corporate Accountability for Tax  
16 Expenditures Act is amended by changing Section 25 as follows:

17 (20 ILCS 715/25)

18 Sec. 25. Recapture.

19 (a) All development assistance agreements shall contain,  
20 at a minimum, the following recapture provisions:

21 (1) The recipient must (i) make the level of capital  
22 investment in the economic development project specified  
23 in the development assistance agreement; (ii) create or  
24 retain, or both, the requisite number of jobs, paying not

1 less than specified wages for the created and retained  
2 jobs, within and for the duration of the time period  
3 specified in the legislation authorizing, or the  
4 administrative rules implementing, the development  
5 assistance programs and the development assistance  
6 agreement.

7 (2) If the recipient fails to create or retain the  
8 requisite number of jobs within and for the time period  
9 specified, in the legislation authorizing, or the  
10 administrative rules implementing, the development  
11 assistance programs and the development assistance  
12 agreement, the recipient shall be deemed to no longer  
13 qualify for the State economic assistance and the  
14 applicable recapture provisions shall take effect.

15 (3) If the recipient receives State economic  
16 assistance in the form of a High Impact Business  
17 designation pursuant to Section 5.5 of the Illinois  
18 Enterprise Zone Act and the business receives the benefit  
19 of the exemption authorized under Section 51 of the  
20 Retailers' Occupation Tax Act (for the sale of building  
21 materials incorporated into a High Impact Business  
22 location) and the recipient fails to create or retain the  
23 requisite number of jobs, as determined by the legislation  
24 authorizing the development assistance programs or the  
25 administrative rules implementing such legislation, or  
26 both, within the requisite period of time, the recipient

1 shall be required to pay to the State the full amount of  
2 the State tax exemption that it received as a result of the  
3 High Impact Business designation.

4 (4) If the recipient receives a grant or loan pursuant  
5 to the Large Business Development Program, the Business  
6 Development Public Infrastructure Program, or the  
7 Industrial Training Program and the recipient fails to  
8 create or retain the requisite number of jobs for the  
9 requisite time period, as provided in the legislation  
10 authorizing the development assistance programs or the  
11 administrative rules implementing such legislation, or  
12 both, or in the development assistance agreement, the  
13 recipient shall be required to repay to the State a pro  
14 rata amount of the grant; that amount shall reflect the  
15 percentage of the deficiency between the requisite number  
16 of jobs to be created or retained by the recipient and the  
17 actual number of such jobs in existence as of the date the  
18 Department determines the recipient is in breach of the job  
19 creation or retention covenants contained in the  
20 development assistance agreement. If the recipient of  
21 development assistance under the Large Business  
22 Development Program, the Business Development Public  
23 Infrastructure Program, or the Industrial Training Program  
24 ceases operations at the specific project site, during the  
25 5-year period commencing on the date of assistance, the  
26 recipient shall be required to repay the entire amount of

1 the grant or to accelerate repayment of the loan back to  
2 the State.

3 (5) If the recipient receives a tax credit under the  
4 Economic Development for a Growing Economy tax credit  
5 program, the development assistance agreement must provide  
6 that (i) if the number of new or retained employees falls  
7 below the requisite number set forth in the development  
8 assistance agreement, the allowance of the credit shall be  
9 automatically suspended until the number of new and  
10 retained employees equals or exceeds the requisite number  
11 in the development assistance agreement; (ii) if the  
12 recipient discontinues operations at the specific project  
13 site during the 5-year period after the beginning of the  
14 first tax year for which the Department issues a tax credit  
15 certificate, the recipient shall forfeit all credits taken  
16 by the recipient during such 5-year period; and (iii) in  
17 the event of a revocation or suspension of the credit, the  
18 Department shall contact the Director of Revenue to  
19 initiate proceedings against the recipient to recover  
20 wrongfully exempted Illinois State income taxes and the  
21 recipient shall promptly repay to the Department of Revenue  
22 any wrongfully exempted Illinois State income taxes. The  
23 forfeited amount of credits shall be deemed assessed on the  
24 date the Department contacts the Department of Revenue and  
25 the recipient shall promptly repay to the Department of  
26 Revenue any wrongfully exempted Illinois State income

1 taxes.

2 (b) The Director may elect to waive enforcement of any  
3 contractual provision arising out of the development  
4 assistance agreement required by this Act based on a finding  
5 that the waiver is necessary to avert an imminent and  
6 demonstrable hardship to the recipient that may result in such  
7 recipient's insolvency or discharge of workers. If a waiver is  
8 granted, the recipient must agree to a contractual  
9 modification, including recapture provisions, to the  
10 development assistance agreement. The existence of any waiver  
11 granted pursuant to this subsection (c), the date of the  
12 granting of such waiver, and a brief summary of the reasons  
13 supporting the granting of such waiver shall be disclosed  
14 consistent with the provisions of Section 25 of this Act.

15 (b-5) The Department shall post, on its website, (i) the  
16 identity of each recipient from whom amounts were recaptured  
17 under this Section on or after the effective date of this  
18 amendatory Act of the 97th General Assembly, (ii) the date of  
19 the recapture, (iii) a summary of the reasons supporting the  
20 recapture, and (iv) the amount recaptured from those  
21 recipients.

22 (c) Beginning June 1, 2004, the Department shall annually  
23 compile a report on the outcomes and effectiveness of recapture  
24 provisions by program, including but not limited to: (i) the  
25 total number of companies that receive development assistance  
26 as defined in this Act; (ii) the total number of recipients in



1 violation of development agreements with the Department; (iii)  
2 the total number of completed recapture efforts; (iv) the total  
3 number of recapture efforts initiated; and (v) the number of  
4 waivers granted. This report shall be disclosed consistent with  
5 the provisions of Section 20 of this Act.

6 (d) For the purposes of this Act, recapture provisions do  
7 not include the Illinois Department of Transportation Economic  
8 Development Program, any grants under the Industrial Training  
9 Program that are not given as an incentive to a recipient  
10 business organization, or any successor programs as described  
11 in the term "development assistance" in Section 5 of this Act.  
12 (Source: P.A. 97-2, eff. 5-6-11.)

13 Section 15. The Energy Assistance Act is amended by  
14 changing Section 6 as follows:

15 (305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

16 Sec. 6. Eligibility, Conditions of Participation, and  
17 Energy Assistance.

18 (a) Any person who is a resident of the State of Illinois  
19 and whose household income is not greater than an amount  
20 determined annually by the Department, in consultation with the  
21 Policy Advisory Council, may apply for assistance pursuant to  
22 this Act in accordance with regulations promulgated by the  
23 Department. In setting the annual eligibility level, the  
24 Department shall consider the amount of available funding and

1 may not set a limit higher than 150% of the federal nonfarm  
2 poverty level as established by the federal Office of  
3 Management and Budget; except that for the period ending June  
4 30, 2013, ~~2012~~, or until the expenditure of federal resources  
5 ~~allocated for energy assistance programs by the American~~  
6 ~~Recovery and Reinvestment Act, whichever occurs first~~, the  
7 Department may not establish limits higher than 200% of that  
8 poverty level or the maximum level provided for by federal  
9 guidelines.

10 (b) Applicants who qualify for assistance pursuant to  
11 subsection (a) of this Section shall, subject to appropriation  
12 from the General Assembly and subject to availability of funds  
13 to the Department, receive energy assistance as provided by  
14 this Act. The Department, upon receipt of monies authorized  
15 pursuant to this Act for energy assistance, shall commit funds  
16 for each qualified applicant in an amount determined by the  
17 Department. In determining the amounts of assistance to be  
18 provided to or on behalf of a qualified applicant, the  
19 Department shall ensure that the highest amounts of assistance  
20 go to households with the greatest energy costs in relation to  
21 household income. The Department shall include factors such as  
22 energy costs, household size, household income, and region of  
23 the State when determining individual household benefits. In  
24 setting assistance levels, the Department shall attempt to  
25 provide assistance to approximately the same number of  
26 households who participated in the 1991 Residential Energy

1 Assistance Partnership Program. Such assistance levels shall  
2 be adjusted annually on the basis of funding availability and  
3 energy costs. In promulgating rules for the administration of  
4 this Section the Department shall assure that a minimum of 1/3  
5 of funds available for benefits to eligible households with the  
6 lowest incomes and that elderly and disabled households are  
7 offered a priority application period.

8 (c) If the applicant is not a customer of record of an  
9 energy provider for energy services or an applicant for such  
10 service, such applicant shall receive a direct energy  
11 assistance payment in an amount established by the Department  
12 for all such applicants under this Act; provided, however, that  
13 such an applicant must have rental expenses for housing greater  
14 than 30% of household income.

15 (c-1) This subsection shall apply only in cases where: (1)  
16 the applicant is not a customer of record of an energy provider  
17 because energy services are provided by the owner of the unit  
18 as a portion of the rent; (2) the applicant resides in housing  
19 subsidized or developed with funds provided under the Rental  
20 Housing Support Program Act or under a similar locally funded  
21 rent subsidy program, or is the voucher holder who resides in a  
22 rental unit within the State of Illinois and whose monthly rent  
23 is subsidized by the tenant-based Housing Choice Voucher  
24 Program under Section 8 of the U.S. Housing Act of 1937; and  
25 (3) the rental expenses for housing are no more than 30% of  
26 household income. In such cases, the household may apply for an

1 energy assistance payment under this Act and the owner of the  
2 housing unit shall cooperate with the applicant by providing  
3 documentation of the energy costs for that unit. Any  
4 compensation paid to the energy provider who supplied energy  
5 services to the household shall be paid on behalf of the owner  
6 of the housing unit providing energy services to the household.  
7 The Department shall report annually to the General Assembly on  
8 the number of households receiving energy assistance under this  
9 subsection and the cost of such assistance. The provisions of  
10 this subsection (c-1), other than this sentence, are  
11 inoperative after August 31, 2012.

12 (d) If the applicant is a customer of an energy provider,  
13 such applicant shall receive energy assistance in an amount  
14 established by the Department for all such applicants under  
15 this Act, such amount to be paid by the Department to the  
16 energy provider supplying winter energy service to such  
17 applicant. Such applicant shall:

18 (i) make all reasonable efforts to apply to any other  
19 appropriate source of public energy assistance; and

20 (ii) sign a waiver permitting the Department to receive  
21 income information from any public or private agency  
22 providing income or energy assistance and from any  
23 employer, whether public or private.

24 (e) Any qualified applicant pursuant to this Section may  
25 receive or have paid on such applicant's behalf an emergency  
26 assistance payment to enable such applicant to obtain access to

1 winter energy services. Any such payments shall be made in  
2 accordance with regulations of the Department.

3 (f) The Department may, if sufficient funds are available,  
4 provide additional benefits to certain qualified applicants:

5 (i) for the reduction of past due amounts owed to  
6 energy providers; and

7 (ii) to assist the household in responding to  
8 excessively high summer temperatures or energy costs.  
9 Households containing elderly members, children, a person  
10 with a disability, or a person with a medical need for  
11 conditioned air shall receive priority for receipt of such  
12 benefits.

13 (Source: P.A. 96-154, eff. 1-1-10; 96-157, eff. 9-1-09;  
14 96-1000, eff. 7-2-10.)

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