



Rep. John E. Bradley

Filed: 5/22/2012

09700HB4204ham002

LRB097 15182 PJG 69715 a

1 AMENDMENT TO HOUSE BILL 4204

2 AMENDMENT NO. _____. Amend House Bill 4204, AS AMENDED, as
3 follows:

4 immediately above the enacting clause, by inserting the
5 following:

6 "WHEREAS, The State of Illinois has a strategic interest in
7 the operations of the Illinois International Port District and
8 its Board, whose function is to develop the District's port and
9 harbor facilities, issue construction permits, regulate the
10 District's facilities and waterways, establish and operate
11 foreign trade zones, and govern and administer all the District
12 area within Chicago's corporate limits; and

13 WHEREAS, The Illinois International Port District is a very
14 significant driver of freight movement and economic activity
15 throughout the State of Illinois, including the downstate

1 waterways and especially the Mississippi River and the Illinois
2 River; and

3 WHEREAS, In 2010, cargo shipments at the Port of Chicago
4 directly or indirectly supported 6,930 jobs and generated
5 \$425,000,000 in revenue for Illinois firms, according to the
6 Washington D.C.-based American Great Lakes Ports Association;
7 and

8 WHEREAS, The Port of Chicago links rail and trucking lines
9 with barges and ships supplying the Great Lakes and nearby
10 rivers and handles an estimated 26,000,000 cargo tons annually
11 throughout its 1,500 acre complex on the far south side,
12 according to a recent estimate by a consortium of Great Lakes
13 shipping interests; and

14 WHEREAS, In 1978, the Capital Development Board provided
15 funds to the Illinois International Port District as authorized
16 by Section 13 of the Capital Development Board Act, which
17 provides for repayment by the Illinois International Port
18 District using a flexible formula based on specified levels of
19 revenues and profits; and

20 WHEREAS, In the over 30 years since that payment from the
21 Capital Development Board, the Illinois International Port
22 District has never been required to make a single payment to

1 the Capital Development Board because it has never reached the
2 levels of revenues and profits that would require such payment;
3 and

4 WHEREAS, The Capital Development Board annually certifies
5 to the Illinois International Port District that it owes no
6 payment for the year to the Capital Development Board; and

7 WHEREAS, It is virtually impossible that the Illinois
8 International Port District will ever reach the level of
9 revenues and profits that would require it to make a payment to
10 the Capital Development Board; and

11 WHEREAS, In its financial statements for each year since at
12 least 2005, the Capital Development Board has "reserved" the
13 entire amount lent to the Illinois International Port District,
14 indicating that it does not expect any payments under the loan,
15 and that non-payment of the loan would not require any future
16 or present cash outlay by the Capital Development Board or the
17 State; and

18 WHEREAS, For the reasons discussed above, the existence of
19 this debt is of no value whatsoever to the State and serves
20 only to limit the investment in the Port of Chicago and the
21 amount of economic activity throughout Illinois water and rail
22 lines; and

1 WHEREAS, Official forgiveness of the obligation from the
2 Illinois International Port District to the Capital
3 Development Board would benefit the entire State of Illinois by
4 allowing greater investment in the State's waterways and
5 freight facilities; therefore"; and

6 by replacing everything after the enacting clause with the
7 following:

8 "Section 5. The Capital Development Board Act is amended by
9 changing Section 13 as follows:

10 (20 ILCS 3105/13) (from Ch. 127, par. 783)

11 Sec. 13. The Board may provide cargo handling facilities
12 and facilities designed for the movement of cargo to or from
13 cargo handling facilities for the use of regional port
14 districts. Pursuant to appropriations setting forth specific
15 projects and regional port districts, the Board shall contract
16 with the regional port district named in the Act making the
17 appropriation for cargo handling facilities. Such contract
18 shall provide that the regional port district shall remit to
19 the State of Illinois an amount equal to not more than 20% of
20 the gross receipts attributable to those facilities, and not
21 less than 20% of the profit attributable to those facilities,
22 whether collected by the regional port district or through an

1 operator or other intermediary, until the full amount
2 appropriated and expended by the State of Illinois has been
3 remitted to the State. The exact amount of, the manner of, the
4 method of and the time for such remittances shall be agreed
5 upon by the particular port district and the Board acting
6 through its Executive Director, and such agreement may, from
7 time to time, be amended by the parties so as to alter or
8 modify the amount of, manner of, method of and time for the
9 remittance, including, but not limited to, the temporary
10 forgiveness, suspension or delay of the remittances not to
11 exceed 24 months for any single suspension or delay. The
12 payback is subordinate solely to any outstanding public bond
13 agreements existing at the time of the contract and solely for
14 the period of time of the running of those bond agreements. For
15 any contract entered into under this Section, if, for a period
16 of 25 years, a regional port district has not been required to
17 remit any amount because the regional port district has failed
18 to achieve the required level of profit, then the regional port
19 district shall not be required to remit any amount under the
20 contract.

21 This Section shall apply to all regional port district
22 facilities to be constructed by the Board, including projects
23 for which appropriations or reappropriations have been made
24 prior to June 30, 1976, and to all contracts existing prior to
25 the effective date of this amendatory Act of 1985 as well as
26 contracts entered into on or after such date.

1 (Source: P.A. 84-781.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".