

1 AMENDMENT TO HOUSE BILL 439

2 AMENDMENT NO. _____. Amend House Bill 439 by replacing
3 the title with the following:

4 "AN ACT concerning the environment."; and

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

7 "Section 5. The State Finance Act is amended by adding
8 Section 5.545 as follows:

9 (30 ILCS 105/5.545 new)

10 Sec. 5.545. The Distressed Communities and Industries
11 Grant Fund. Subsections (b) and (c) of Section 5 of this Act
12 do not apply to this Fund.

13 Section 10. The Environmental Protection Act is amended
14 by adding Section 58.13a as follows:

15 (415 ILCS 5/58.13a new)

16 Sec. 58.13a. Distressed Communities and Industries Grant
17 Fund.

18 (a) The Director of the Agency or his or her designee,
19 subject to other applicable provisions of this Title XVII,

1 may issue a grant to any entity for the purpose of paying the
2 allowable costs needed to cause an eligible project to occur,
3 including, but not limited to, demolition, remediation, site
4 preparation remediation, or site investigation costs, subject
5 to the following conditions:

6 (1) The project otherwise qualifies as an eligible
7 project in accordance with Section 58.14 and is
8 economically sound.

9 (2) Twenty-five percent of all grant funds will be
10 made available to counties with populations over
11 2,000,000 and the remaining grant funds will be disbursed
12 throughout the State.

13 (3) The proposed recipient of the grant given under
14 this Section is unable to finance the entire cost of the
15 project through ordinary financial channels.

16 (4) When completed, the eligible project is
17 projected to involve an investment of at least an amount
18 (to be expressly specified by the Agency) in capital
19 improvements to be placed in service and will employ at
20 least an amount (to be expressly specified by the Agency)
21 of new employees within the State, provided that the
22 Agency has determined that the project will provide a
23 substantial economic benefit to the State. This
24 projection shall be made by the proposed recipient and
25 confirmed by the Agency.

26 (5) The amount to be issued in a grant shall not
27 exceed \$1,000,000 or 100% of the allowable cost,
28 whichever is less. In no event, however, may the total
29 financial assistance provided under this Section, Section
30 58.14, and Section 201 of the Illinois Income Tax Act
31 exceed the allowable cost.

32 (6) Priority for grants issued under this Section
33 shall be given to areas with high levels of poverty,
34 where the unemployment rate exceeds the State average,

1 where an enterprise zone exists, or where the area is
2 otherwise economically depressed as determined by the
3 Department of Commerce and Community Affairs.

4 (b) The determinations of the Agency under this Section
5 shall be conclusive for purposes of the validity of a grant
6 agreement signed by the Director of the Agency.

7 (c) Grants issued under this Section shall be such as
8 the Agency determines to be appropriate and in furtherance of
9 the purpose for which the grants are made. The moneys used
10 in making the grants shall be disbursed from the Distressed
11 Communities and Industries Grant Fund upon written order of
12 the Agency.

13 (d) The grants issued under this Section shall be used
14 for the purposes approved by the Agency. In no event,
15 however, shall the grant money be used to hire or pay
16 additional employees of the grant recipient.

17 (e) The Agency may fix service charges for the making of
18 a grant to offset its costs of administering the program and
19 processing grant applications. The charges shall be payable
20 at such time and place and in such amounts and manner as may
21 be prescribed by the Agency.

22 (f) In the exercise of the sound discretion of the
23 Agency, the grant described in this Section may be
24 terminated, suspended, or revoked if the grant recipient
25 fails to continue to meet the conditions set forth in this
26 Section. In making such a determination, the Agency shall
27 consider the severity of the condition violation, actions
28 taken to correct the violation, the frequency of any
29 condition violations, and whether the actions exhibit a
30 pattern of conduct by the recipient. The Agency shall also
31 consider changes in general economic conditions affecting the
32 project. In the event the grant recipient fails to repay the
33 grant, the Agency shall refer the matter to the Attorney
34 General to institute collection proceedings as appropriate.

1 In any event, however, the Agency may immediately file a lien
2 on the property that is the subject of the grant in
3 accordance with applicable law.

4 (g) The Distressed Communities and Industries Grant Fund
5 is created as a special fund in the State treasury. The Fund
6 shall be used and administered by the Agency as provided in
7 this Section and the rules adopted under this Section.

8 The State Treasurer, ex officio, shall be the custodian
9 of the Fund, and the Comptroller shall direct payments from
10 the Fund upon vouchers properly certified by the Agency. All
11 interest earned on moneys in the Fund shall be deposited into
12 the Fund. The Agency shall have the authority to accept,
13 receive, and administer on behalf of the State any grants,
14 gifts, loans, reimbursements, or payments for services, or
15 other moneys made available to the State from any source for
16 purposes of the Fund. These moneys shall be deposited into
17 the Fund, unless otherwise required by this Act or by federal
18 law.

19 All moneys deposited into the Fund may, subject to
20 appropriation, be used by the Agency for the purposes set
21 forth in subdivision (a) of this Section and to cover the
22 Agency's costs of program development and administration
23 under this Section.

24 The Agency shall have the power to create and establish
25 such reserve funds and accounts as may be necessary or
26 desirable to accomplish its purposes under this subsection
27 and to allocate its available moneys into those funds and
28 accounts. Investment earnings on moneys held in the
29 Distressed Communities and Industries Grant Fund, including
30 any reserve fund or pledged fund, shall be deposited into the
31 Distressed Communities and Industries Grant Fund.

32 At least annually, the State Treasurer shall certify the
33 amount deposited into the Fund to the Agency.

34 Any portion of the Fund not immediately needed for the

1 purposes authorized shall be invested by the State Treasurer
2 as provided by the constitution and laws of this State. All
3 income from the investments shall be credited to the Fund.

4 (h) Within 6 months after the effective date of this
5 amendatory Act of the 92nd General Assembly, the Agency shall
6 propose rules and adopt prescribing procedures and standards
7 for the administration of this Section.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law."