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1 AMENDMENT TO HOUSE BILL 1882

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1882, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Department of Commerce and Economic  
6 Opportunity Law of the Civil Administrative Code of Illinois is  
7 amended by adding Sections 605-456, 605-460, and 605-465 as  
8 follows:

9 (20 ILCS 605/605-456 new)

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

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

1 incentives that are needed to keep and attract the business.

2 (b) The Department shall compile the results of the surveys  
3 and any other relevant information provided to the Department.

4 By each July 1, the Department shall report to the General  
5 Assembly upon its compilation of the previous year's survey  
6 responses and any of the other relevant information. The report  
7 must identify, at a minimum, the most common responses,  
8 categorized by industry and region, regarding (i) why  
9 businesses left Illinois, (ii) what incentives would have  
10 influenced businesses to remain in Illinois, and (iii) to which  
11 cities and states the businesses have relocated.

12 (c) For the purposes of this Section, a business is defined  
13 as one that is engaged in interstate or intrastate commerce for  
14 the purpose of manufacturing, processing, assembling,  
15 warehousing, or distributing products, conducting research and  
16 development, providing tourism services, or providing services  
17 in interstate commerce, office industries, or agricultural  
18 processing, but excluding retail, retail food, health, or  
19 professional services.

20 (d) The Department shall adopt rules for the implementation  
21 of this Section.

22 (20 ILCS 605/605-460 new)

23 Sec. 605-460. Engineering excellence program.

24 (a) Coordination between engineering schools and private  
25 business is an important tool in fostering innovation.

1 Universities have eager students, experienced faculty, and  
2 state-of-the-art research facilities. Businesses have existing  
3 markets, production capital, and evolving needs. The General  
4 Assembly believes that universities and businesses should  
5 share resources to allow students to participate in the  
6 research and development area of innovative design and to allow  
7 businesses to benefit from the developing skills of these  
8 students.

9 (b) In order to facilitate engineering excellence, the  
10 Department shall develop a program to achieve the goals set  
11 forth in subsection (a). Under this program, the Department  
12 must:

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

15 (2) Request a one-page written summary of the  
16 internship, externship, or residency programs operated by  
17 the engineering college of each of the contacted  
18 universities.

19 (3) Identify the manufacturing businesses within 50  
20 miles of each university that responded under paragraph (2)  
21 that could benefit from assistance in the area of  
22 innovative design.

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

1       (c) The Department shall adopt rules for the implementation  
2 of this Section.

3           (20 ILCS 605/605-465 new)

4       Sec. 605-465. Comprehensive website information.

5       (a) The Department's official website must contain a  
6 comprehensive list of State, local, and federal economic  
7 benefits available to businesses in each of the State's  
8 counties and municipalities that the Department includes on its  
9 website. In order to do so:

10           (1) The Department annually must request a summary of  
11 available economic benefits from each of the State's  
12 counties and municipalities that are linked to the  
13 Department's website.

14           (2) The information obtained under paragraph (1) must  
15 be published on the related web pages of the Department's  
16 website.

17           (3) The Department's website shall also provide  
18 information regarding available federal economic benefits  
19 to the extent possible.

20       (b) The Department shall adopt rules for the implementation  
21 of this Section.

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

1 (20 ILCS 715/25)

2 Sec. 25. Recapture.

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

5 (1) The recipient must (i) make the level of capital  
6 investment in the economic development project specified  
7 in the development assistance agreement; (ii) create or  
8 retain, or both, the requisite number of jobs, paying not  
9 less than specified wages for the created and retained  
10 jobs, within and for the duration of the time period  
11 specified in the legislation authorizing, or the  
12 administrative rules implementing, the development  
13 assistance programs and the development assistance  
14 agreement.

15 (2) If the recipient fails to create or retain the  
16 requisite number of jobs within and for the time period  
17 specified, in the legislation authorizing, or the  
18 administrative rules implementing, the development  
19 assistance programs and the development assistance  
20 agreement, the recipient shall be deemed to no longer  
21 qualify for the State economic assistance and the  
22 applicable recapture provisions shall take effect.

23 (3) If the recipient receives State economic  
24 assistance in the form of a High Impact Business  
25 designation pursuant to Section 5.5 of the Illinois  
26 Enterprise Zone Act and the business receives the benefit

1 of the exemption authorized under Section 51 of the  
2 Retailers' Occupation Tax Act (for the sale of building  
3 materials incorporated into a High Impact Business  
4 location) and the recipient fails to create or retain the  
5 requisite number of jobs, as determined by the legislation  
6 authorizing the development assistance programs or the  
7 administrative rules implementing such legislation, or  
8 both, within the requisite period of time, the recipient  
9 shall be required to pay to the State the full amount of  
10 the State tax exemption that it received as a result of the  
11 High Impact Business designation.

12 (4) If the recipient receives a grant or loan pursuant  
13 to the Large Business Development Program, the Business  
14 Development Public Infrastructure Program, or the  
15 Industrial Training Program and the recipient fails to  
16 create or retain the requisite number of jobs for the  
17 requisite time period, as provided in the legislation  
18 authorizing the development assistance programs or the  
19 administrative rules implementing such legislation, or  
20 both, or in the development assistance agreement, the  
21 recipient shall be required to repay to the State a pro  
22 rata amount of the grant; that amount shall reflect the  
23 percentage of the deficiency between the requisite number  
24 of jobs to be created or retained by the recipient and the  
25 actual number of such jobs in existence as of the date the  
26 Department determines the recipient is in breach of the job

1 creation or retention covenants contained in the  
2 development assistance agreement. If the recipient of  
3 development assistance under the Large Business  
4 Development Program, the Business Development Public  
5 Infrastructure Program, or the Industrial Training Program  
6 ceases operations at the specific project site, during the  
7 5-year period commencing on the date of assistance, the  
8 recipient shall be required to repay the entire amount of  
9 the grant or to accelerate repayment of the loan back to  
10 the State.

11 (5) If the recipient receives a tax credit under the  
12 Economic Development for a Growing Economy tax credit  
13 program, the development assistance agreement must provide  
14 that (i) if the number of new or retained employees falls  
15 below the requisite number set forth in the development  
16 assistance agreement, the allowance of the credit shall be  
17 automatically suspended until the number of new and  
18 retained employees equals or exceeds the requisite number  
19 in the development assistance agreement; (ii) if the  
20 recipient discontinues operations at the specific project  
21 site during the 5-year period after the beginning of the  
22 first tax year for which the Department issues a tax credit  
23 certificate, the recipient shall forfeit all credits taken  
24 by the recipient during such 5-year period; and (iii) in  
25 the event of a revocation or suspension of the credit, the  
26 Department shall contact the Director of Revenue to

1           initiate proceedings against the recipient to recover  
2           wrongfully exempted Illinois State income taxes and the  
3           recipient shall promptly repay to the Department of Revenue  
4           any wrongfully exempted Illinois State income taxes. The  
5           forfeited amount of credits shall be deemed assessed on the  
6           date the Department contacts the Department of Revenue and  
7           the recipient shall promptly repay to the Department of  
8           Revenue any wrongfully exempted Illinois State income  
9           taxes.

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

23          (b-5) The Department shall post, on its website, (i) the  
24          identity of each recipient from whom amounts were recaptured  
25          under this Section on or after the effective date of this  
26          amendatory Act of the 97th General Assembly, (ii) the date of



1 the recapture, (iii) a summary of the reasons supporting the  
2 recapture, and (iv) the amount recaptured from those  
3 recipients.

4 (c) Beginning June 1, 2004, the Department shall annually  
5 compile a report on the outcomes and effectiveness of recapture  
6 provisions by program, including but not limited to: (i) the  
7 total number of companies that receive development assistance  
8 as defined in this Act; (ii) the total number of recipients in  
9 violation of development agreements with the Department; (iii)  
10 the total number of completed recapture efforts; (iv) the total  
11 number of recapture efforts initiated; and (v) the number of  
12 waivers granted. This report shall be disclosed consistent with  
13 the provisions of Section 20 of this Act.

14 (d) For the purposes of this Act, recapture provisions do  
15 not include the Illinois Department of Transportation Economic  
16 Development Program, any grants under the Industrial Training  
17 Program that are not given as an incentive to a recipient  
18 business organization, or any successor programs as described  
19 in the term "development assistance" in Section 5 of this Act.

20 (Source: P.A. 97-2, eff. 5-6-11.)

21 Section 15. The Energy Assistance Act is amended by  
22 changing Section 6 as follows:

23 (305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

24 Sec. 6. Eligibility, Conditions of Participation, and

1 Energy Assistance.

2 (a) Any person who is a resident of the State of Illinois  
3 and whose household income is not greater than an amount  
4 determined annually by the Department, in consultation with the  
5 Policy Advisory Council, may apply for assistance pursuant to  
6 this Act in accordance with regulations promulgated by the  
7 Department. In setting the annual eligibility level, the  
8 Department shall consider the amount of available funding and  
9 may not set a limit higher than 150% of the federal nonfarm  
10 poverty level as established by the federal Office of  
11 Management and Budget; except that for the period ending June  
12 30, 2013, ~~2012~~, ~~or until the expenditure of federal resources~~  
13 ~~allocated for energy assistance programs by the American~~  
14 ~~Recovery and Reinvestment Act, whichever occurs first~~, the  
15 Department may not establish limits higher than 200% of that  
16 poverty level or the maximum level provided for by federal  
17 guidelines.

18 (b) Applicants who qualify for assistance pursuant to  
19 subsection (a) of this Section shall, subject to appropriation  
20 from the General Assembly and subject to availability of funds  
21 to the Department, receive energy assistance as provided by  
22 this Act. The Department, upon receipt of monies authorized  
23 pursuant to this Act for energy assistance, shall commit funds  
24 for each qualified applicant in an amount determined by the  
25 Department. In determining the amounts of assistance to be  
26 provided to or on behalf of a qualified applicant, the

1 Department shall ensure that the highest amounts of assistance  
2 go to households with the greatest energy costs in relation to  
3 household income. The Department shall include factors such as  
4 energy costs, household size, household income, and region of  
5 the State when determining individual household benefits. In  
6 setting assistance levels, the Department shall attempt to  
7 provide assistance to approximately the same number of  
8 households who participated in the 1991 Residential Energy  
9 Assistance Partnership Program. Such assistance levels shall  
10 be adjusted annually on the basis of funding availability and  
11 energy costs. In promulgating rules for the administration of  
12 this Section the Department shall assure that a minimum of 1/3  
13 of funds available for benefits to eligible households with the  
14 lowest incomes and that elderly and disabled households are  
15 offered a priority application period.

16 (c) If the applicant is not a customer of record of an  
17 energy provider for energy services or an applicant for such  
18 service, such applicant shall receive a direct energy  
19 assistance payment in an amount established by the Department  
20 for all such applicants under this Act; provided, however, that  
21 such an applicant must have rental expenses for housing greater  
22 than 30% of household income.

23 (c-1) This subsection shall apply only in cases where: (1)  
24 the applicant is not a customer of record of an energy provider  
25 because energy services are provided by the owner of the unit  
26 as a portion of the rent; (2) the applicant resides in housing

1 subsidized or developed with funds provided under the Rental  
2 Housing Support Program Act or under a similar locally funded  
3 rent subsidy program, or is the voucher holder who resides in a  
4 rental unit within the State of Illinois and whose monthly rent  
5 is subsidized by the tenant-based Housing Choice Voucher  
6 Program under Section 8 of the U.S. Housing Act of 1937; and  
7 (3) the rental expenses for housing are no more than 30% of  
8 household income. In such cases, the household may apply for an  
9 energy assistance payment under this Act and the owner of the  
10 housing unit shall cooperate with the applicant by providing  
11 documentation of the energy costs for that unit. Any  
12 compensation paid to the energy provider who supplied energy  
13 services to the household shall be paid on behalf of the owner  
14 of the housing unit providing energy services to the household.  
15 The Department shall report annually to the General Assembly on  
16 the number of households receiving energy assistance under this  
17 subsection and the cost of such assistance. The provisions of  
18 this subsection (c-1), other than this sentence, are  
19 inoperative after August 31, 2012.

20 (d) If the applicant is a customer of an energy provider,  
21 such applicant shall receive energy assistance in an amount  
22 established by the Department for all such applicants under  
23 this Act, such amount to be paid by the Department to the  
24 energy provider supplying winter energy service to such  
25 applicant. Such applicant shall:

26 (i) make all reasonable efforts to apply to any other

1 appropriate source of public energy assistance; and

2 (ii) sign a waiver permitting the Department to receive  
3 income information from any public or private agency  
4 providing income or energy assistance and from any  
5 employer, whether public or private.

6 (e) Any qualified applicant pursuant to this Section may  
7 receive or have paid on such applicant's behalf an emergency  
8 assistance payment to enable such applicant to obtain access to  
9 winter energy services. Any such payments shall be made in  
10 accordance with regulations of the Department.

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

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

15 (ii) to assist the household in responding to  
16 excessively high summer temperatures or energy costs.  
17 Households containing elderly members, children, a person  
18 with a disability, or a person with a medical need for  
19 conditioned air shall receive priority for receipt of such  
20 benefits.

21 (Source: P.A. 96-154, eff. 1-1-10; 96-157, eff. 9-1-09;  
22 96-1000, eff. 7-2-10.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."