

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 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
17 may file a consolidated progress report if the applicant's base
18 number of employees and number of jobs to be created and
19 retained as stated in the multiple development assistance
20 agreements or applications are the same. A progress report ~~that~~
21 shall include, but not be limited to, the following:

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

23 (2) The office mailing address, telephone number, and

1 the name of the chief officer of the granting body.

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

7 (4) The type of development assistance program and
8 value of assistance that was approved by the State granting
9 body.

10 (5) The applicant's total number of employees at the
11 specific project site on the date that the application was
12 submitted to the State granting body and the applicant's
13 total number of employees at the specific project site on
14 the date of the report, including the number of full-time,
15 permanent jobs, the number of part-time jobs, and the
16 number of temporary jobs, and a computation of the gain or
17 loss of jobs in each category.

18 (6) The number of new employees and retained employees
19 the applicant stated in its development assistance
20 agreement, if any, if not, then in its application, would
21 be created by the development assistance broken down by
22 full-time, permanent, part-time, and temporary.

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

25 (8) A detailed list of the occupation or job
26 classifications and number of new employees or retained

1 employees to be hired in full-time, permanent jobs, a
2 schedule of anticipated starting dates of the new hires and
3 the actual average wage by occupation or job classification
4 and total payroll to be created as a result of the
5 development assistance.

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

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

15 (11) Any other information the Department shall deem
16 necessary to ensure compliance with a development
17 assistance program.

18 (c) The State granting body, or a successor agency, shall
19 have full authority to verify information contained in the
20 recipient's progress report, including the authority to
21 inspect the specific project site and inspect the records of
22 the recipient that are subject to the development assistance
23 agreement.

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

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

13 (f) The Department shall have the discretion to modify the
14 information required in the progress report required under
15 subsection (b) consistent with the disclosure purpose of this
16 Section for any grants under the Industrial Training Program
17 that are not given as an incentive to a recipient business
18 organization.

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

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

22 (30 ILCS 750/10-3) (from Ch. 127, par. 2710-3)

23 Sec. 10-3. Powers and Duties. The Department has the power
24 to:

1 (a) Provide loans from the Build Illinois Bond Fund, the
2 Fund for Illinois' Future, or the Large Business Attraction
3 Fund to a business undertaking a project and accept mortgages
4 or other evidences of indebtedness or security of such
5 business.

6 (b) Provide grants from the Build Illinois Bond Fund, the
7 Fund for Illinois' Future, or the Large Business Attraction
8 Fund to or for the direct benefit of a business undertaking a
9 project. Any such grant shall (i) be made and used only for the
10 purpose of assisting the financing of the business for the
11 project in order to reduce the cost of financing to the
12 business, (ii) be made only if a participating lender, or other
13 funding source including the applicant, also provides a portion
14 of the financing with respect to the project, and only if the
15 Department determines, on the basis of all the information
16 available to it, that the project would not be undertaken in
17 Illinois unless the grant is provided, (iii) provide no more
18 than 25% of the total dollar amount of any single project cost
19 and be approved for amounts from the Fund not to exceed
20 \$500,000 for any single project, unless waived by the Director
21 upon a finding that such waiver is appropriate to accomplish
22 the purpose of this Article, (iv) be made only after the
23 Department has determined that the grant will cause a project
24 to be undertaken which has the potential to create substantial
25 employment in relation to the amount of the grant, and (v) be
26 made with a business that has certified the project is a new

1 plant start-up or expansion and is not a relocation of an
2 existing business from another site in Illinois unless that
3 relocation results in substantial employment growth.

4 (c) Enter into agreements, accept funds or grants and
5 cooperate with agencies of the federal government, local units
6 of government and local regional economic development
7 corporations or organizations for the purposes of carrying out
8 this Article.

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

17 (e) Fix, determine, charge and collect any premiums, fees,
18 charges, costs and expenses, including application fees,
19 commitment fees, program fees, financing charges or
20 publication fees in connection with its activities under this
21 Article.

22 (f) Establish application, notification, contract and
23 other procedures, rules or regulations deemed necessary and
24 appropriate.

25 (g) Subject to the provisions of any contract with another
26 person and consent to the modification or restructuring of any

1 loan agreement to which the Department is a party.

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

10 (i) Acquire and accept by gift, grant, purchase or
11 otherwise, but not by condemnation, fee simple title, or such
12 lesser interest as may be desired, in land, and to improve or
13 arrange for the improvement of such land for industrial or
14 commercial site development purposes, and to lease or convey
15 such land, or interest in land, so acquired and so improved,
16 including sale and conveyance subject to a mortgage, for such
17 price, upon such terms and at such time as the Department may
18 determine, provided that prior to exercising its authority
19 under this subsection, the Director shall find that other means
20 of financing and developing any such project are not reasonably
21 available and that such action is consistent with the purposes
22 and policies of this Article.

23 (j) Provide grants from the Build Illinois Bond Fund to
24 municipalities and counties to demolish abandoned buildings
25 pursuant to Section 11-31-1 of the Illinois Municipal Code or
26 Section 5-1080 of the Counties Code, for the purpose of making

1 unimproved land available for purchase by businesses for
2 economic development. Such grants shall be provided only when:
3 (1) the owner of property on which the abandoned building is
4 situated has entered into a contract to sell such property; (2)
5 the Department has determined that the grant will be used to
6 cause a project to be undertaken which will result in the
7 creation of employment; (3) the business which has entered into
8 a contract to purchase the property has certified that it will
9 use the property for a project which is a new plant start-up or
10 expansion or a new venture opportunity and is not a relocation
11 of an existing business from another site within the State
12 unless that relocation results in substantial employment
13 growth. If a municipality or county receives grants under this
14 paragraph, it shall file a notice of lien against the owner or
15 owners of such demolished buildings to recover the costs and
16 expenses incurred in the demolition of such buildings pursuant
17 to Section 11-31-1 of the Illinois Municipal Code or Section
18 5-1080 of the Counties Code. All such costs and expenses
19 recovered by the county or municipality shall be paid to the
20 Department for deposit in the Build Illinois Purposes Account.
21 Priority shall be given to enterprise zones or those areas with
22 high unemployment whose tax base is adversely impacted by the
23 closing of existing factories.

24 (j-5) A business accepting a grant or loan under this
25 Article shall provide the Department with quarterly reports
26 detailing financial and performance information as requested

1 by the Department during the grant or loan period.

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

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