



Rep. Daniel Biss

Filed: 5/24/2012

09700SB3619ham002

LRB097 18931 HLH 69673 a

1 AMENDMENT TO SENATE BILL 3619

2 AMENDMENT NO. _____. Amend Senate Bill 3619, AS AMENDED,
3 on page 9, immediately below line 8, by inserting the
4 following:

5 "Section 10. The Business Location Efficiency Incentive
6 Act is amended by adding Section 21 as follows:

7 (35 ILCS 11/21 new)

8 Sec. 21. Continuation of Act; validation.

9 (a) The General Assembly finds and declares that:

10 (1) Public Act 97-636, which takes effect on June 1,
11 2012, changed the repeal date set for the Business Location
12 Efficiency Incentive Act from December 31, 2011 to December
13 31, 2016.

14 (2) The Statute on Statutes sets forth general rules on
15 the repeal of statutes and the construction of multiple
16 amendments, but Section 1 of that Act also states that

1 these rules will not be observed when the result would be
2 "inconsistent with the manifest intent of the General
3 Assembly or repugnant to the context of the statute".

4 (3) This amendatory Act of the 97th General Assembly
5 manifests the intention of the General Assembly to extend
6 the repeal of the Business Location Efficiency Incentive
7 Act and have the Business Location Efficiency Incentive Act
8 continue in effect until December 31, 2016.

9 (4) The Business Location Efficiency Incentive Act was
10 originally enacted to protect, promote, and preserve the
11 general welfare. Any construction of this Act that results
12 in the repeal of this Act on December 31, 2011 would be
13 inconsistent with the manifest intent of the General
14 Assembly and repugnant to the context of the Business
15 Location Efficiency Incentive Act.

16 (b) It is hereby declared to have been the intent of the
17 General Assembly that the Business Location Efficiency
18 Incentive Act not be subject to repeal on December 31, 2011.

19 (c) The Business Location Efficiency Incentive Act shall be
20 deemed to have been in continuous effect since January 1, 2007
21 (the effective date of Public Act 94-966), and it shall
22 continue to be in effect henceforward until it is otherwise
23 lawfully repealed. All previously enacted amendments to the Act
24 taking effect on or after December 31, 2011, are hereby
25 validated.

26 (d) All actions taken in reliance on or pursuant to the

1 Business Location Efficiency Incentive Act by the Department of
2 Revenue, the Department of Commerce and Economic Opportunity,
3 or any other person or entity are hereby validated.

4 (e) In order to ensure the continuing effectiveness of the
5 Business Location Efficiency Incentive Act, it is set forth in
6 full and re-enacted by this amendatory Act of the 97th General
7 Assembly. This re-enactment is intended as a continuation of
8 the Act. It is not intended to supersede any amendment to the
9 Act that is enacted by the 97th General Assembly.

10 (f) The Business Location Efficiency Incentive Act applies
11 to all claims, civil actions, and proceedings pending on or
12 filed on or before the effective date of this Act.

13 Section 15. The Business Location Efficiency Incentive Act
14 is re-enacted as follows:

15 (35 ILCS 11/Act title)

16 An Act concerning business incentives.

17 (35 ILCS 11/1)

18 (Section scheduled to be repealed on December 31, 2011)

19 Sec. 1. Short title. This Act may be cited as the Business
20 Location Efficiency Incentive Act.

21 (Source: P.A. 94-966, eff. 1-1-07.)

22 (35 ILCS 11/5)

1 (Section scheduled to be repealed on December 31, 2011)

2 Sec. 5. Definitions. In this Act:

3 "Location efficient" means a project that maximizes the use
4 of existing investments in infrastructure, avoids or minimizes
5 additional government expenditures for new infrastructure, and
6 has nearby housing affordable to the permanent workforce of the
7 project or has accessible and affordable mass transit or its
8 equivalent or some combination of both.

9 "Location efficiency report" means a report that is
10 prepared by an applicant for increased State economic
11 development assistance under Section 10 and follows this Act
12 and any related Department guidelines, and that describes the
13 existence of (i) affordable workforce housing or (ii)
14 accessible and affordable mass transit or its equivalent.

15 "Employee housing or transportation remediation plan"
16 means a plan to increase affordable housing or transportation
17 options, or both, for employees earning up to the median annual
18 salary of the workforce at the project. The plan may include,
19 but is not limited to, an employer-financed or assisted housing
20 program that can be supplemented by State or federal grants,
21 shuttle services between the place of employment and existing
22 transit stops or other reasonably accessible places,
23 facilitation of employee carpooling, or similar services.

24 "Accessible and affordable mass transit" means access to
25 transit stops with regular and frequent service within one mile
26 from the project site and pedestrian access to transit stops.

1 "Affordable workforce housing" means owner-occupied or
2 rental housing that costs, based on current census data for the
3 municipality where the project is located or any municipality
4 within 3 miles of the municipality where the project is
5 located, no more than 35% of the median salary at the project
6 site, exclusive of the highest 10% of the site's salaries. If
7 the project is located in an unincorporated area, "affordable
8 workforce housing" means no more than 35% of the median salary
9 at the project site, excluding the highest 10% of the site's
10 salaries, based on the median cost of rental or of
11 owner-occupied housing in the county where the unincorporated
12 area is located.

13 "Department" means the Department of Commerce and Economic
14 Opportunity (DCEO) or its successor agency.

15 "Applicant" means a company or its representative that
16 negotiates or applies for economic development assistance from
17 DCEO.

18 "Economic development assistance" means State tax credits
19 and tax exemptions given as an incentive to an eligible company
20 after certification by DCEO under the Economic Development for
21 a Growing Economy Tax Credit Act (EDGE).

22 "Existence of infrastructure" means the existence within
23 1,500 feet of the proposed site of roads, sewers, sidewalks,
24 and other utilities and a description of the investments or
25 improvements, if any, that an applicant expects State or local
26 government to make to that infrastructure.

1 (Source: P.A. 94-966, eff. 1-1-07.)

2 (35 ILCS 11/10)

3 (Section scheduled to be repealed on December 31, 2011)

4 Sec. 10. Economic development assistance awards.

5 (a) An applicant that also wants to be considered for
6 increased economic development assistance under this Act shall
7 submit a location efficiency report.

8 (b) DCEO may give an applicant an increased tax credit or
9 extension if the applicant's location efficiency report
10 demonstrates that the applicant is seeking assistance for a
11 project to be located in an area that satisfies this Act's
12 standards for affordable workforce housing or affordable and
13 accessible mass transit. If the Department determines from the
14 location efficiency report that the applicant is seeking
15 assistance in an area that is not location efficient, the
16 Department may award an increase in State economic development
17 assistance if an applicant (i) submits, and the Department
18 accepts, an applicant's employee housing and transportation
19 remediation plan or (ii) creates jobs in a labor surplus area
20 as defined by the Department of Employment Security at the end
21 of each calendar year.

22 (c) Applicants locating or expanding at location-efficient
23 sites, with approved location efficiency plans, or creating
24 jobs in labor surplus areas may receive (i) up to 10% more than
25 the maximum allowable tax credits for which they are eligible

1 under the Economic Development for a Growing Economy Tax Credit
2 Act (EDGE), but not to equal or exceed 100% of the applicant's
3 tax liability, or (ii) such other adjustment of those tax
4 credits, including but not limited to extensions, as the
5 Department deems appropriate.

6 (d) The Department may provide technical assistance to
7 employers requesting assistance in developing an appropriate
8 employee housing or transportation plan.

9 (Source: P.A. 94-966, eff. 1-1-07.)

10 (35 ILCS 11/15)

11 (Section scheduled to be repealed on December 31, 2011)

12 Sec. 15. Summaries; progress reports.

13 (a) DCEO shall include summaries of the initial employee
14 housing or transportation plans for each assisted project in
15 the annual compilation and publication of project progress
16 reports required under subsection (d) of Section 20 of the
17 Corporate Accountability for Tax Expenditures Act. Companies
18 that fail to do so or that make inadequate progress shall have
19 their increased tax credit or extension eliminated. Applicants
20 and submitted data are subject to all disclosure, reporting,
21 and recapture provisions set forth in Public Act 93-552.

22 (b) By June 1, 2008 and by June 1 of each year thereafter
23 through 2011, the Department shall include, when appropriate,
24 data on the outcomes or status of approved employee housing or
25 transportation plans in the project progress reports required

1 under the Corporate Accountability for Tax Expenditure Act.

2 (Source: P.A. 94-966, eff. 1-1-07.)

3 (35 ILCS 11/20)

4 (Section scheduled to be repealed on December 31, 2011)

5 Sec. 20. Duration of incentives; report to General
6 Assembly.

7 (a) Any multi-year incentive awarded under this Act shall
8 continue for the time period called for in the agreement with
9 the Department and shall not be altered by the repeal of this
10 Act.

11 (b) By January 1, 2011, the Department shall submit to the
12 Speaker of the House of Representatives and the President of
13 the Senate, for assignment to the appropriate committees, a
14 report on the incentives awarded under this Act and the
15 Department's activities, findings, and recommendations with
16 respect to this Act and its extension, amendment, or repeal.
17 The report, when acted upon by those committees, shall be
18 distributed to each member of the General Assembly.

19 (Source: P.A. 94-966, eff. 1-1-07.)

20 (35 ILCS 11/25)

21 (Section scheduled to be repealed on December 31, 2011)

22 Sec. 25. Repeal. This Act is repealed on December 31, 2016.

23 (Source: P.A. 97-636, eff. 6-1-12.)

1 (35 ILCS 11/99)
2 (Section scheduled to be repealed on December 31, 2011)
3 Sec. 99. Effective date. This Act takes effect January 1,
4 2007.
5 (Source: P.A. 94-966, eff. 1-1-07.)"