



Rep. John E. Bradley

Filed: 4/11/2013

09800HB2496ham002

LRB098 10739 HLH 44391 a

1 AMENDMENT TO HOUSE BILL 2496

2 AMENDMENT NO. _____. Amend House Bill 2496, AS AMENDED,
3 immediately above the enacting clause, by inserting the
4 following:

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

12 WHEREAS, The Illinois International Port District is a very
13 significant driver of freight movement and economic activity
14 throughout the State of Illinois, including the downstate
15 waterways and especially the Mississippi River and the Illinois
16 River; and

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

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

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

18 WHEREAS, In the over 30 years since that payment from the
19 Capital Development Board, the Illinois International Port
20 District has never been required to make a single payment to
21 the Capital Development Board because it has never reached the
22 levels of revenues and profits that would require such payment;

1 and

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

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

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

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

21 WHEREAS, Official forgiveness of the obligation from the

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

5 by inserting Section 7 in its proper numeric sequence as
6 following:

7 "Section 7. The Capital Development Board Act is amended by
8 changing Section 13 as follows:

9 (20 ILCS 3105/13) (from Ch. 127, par. 783)

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

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

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

25 (Source: P.A. 84-781.)".