



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2940

by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 105/5.829 new

Creates the Brownfields Redevelopment and Intermodal Promotion Act. Identifies boundaries of the South Suburban Cook County Brownfield Redevelopment Zone. Provides that the incremental income tax attributable to a new employee on property that has been redeveloped within the South Suburban Brownfields Redevelopment Zone pursuant to a South Suburban Cook County Redevelopment Project shall be deposited into the South Suburban Brownfields Redevelopment Fund. Provides that moneys in the South Suburban Brownfields Redevelopment Fund shall be used to cover the costs of acquisition and assembly of brownfield properties and their remediation and re-use as part of a South Suburban Cook County Redevelopment Zone, and for improvements of public infrastructure servicing those properties. Sets forth limits on expenditures from the South Suburban Brownfields Redevelopment Fund. Contains other provisions. Amends the State Finance Act to create the South Suburban Brownfields Redevelopment Fund as a special fund. Effective immediately.

LRB098 08681 OMW 38803 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning brownfields.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Brownfields Redevelopment and Intermodal Promotion Act.

6 Section 5. The General Assembly has determined that it is  
7 in the interest of the State of Illinois to facilitate  
8 remediation and productive re-use of brownfield sites located  
9 within specified areas and communities in Illinois; to  
10 capitalize on current trends in international trade routes by  
11 encouraging the redevelopment of brownfield sites located near  
12 existing freight assets into scattered site logistics parks and  
13 related facilities and businesses; and furthermore that it is  
14 in the interest of the State to encourage the hiring of  
15 minority and other historically disadvantaged individuals in  
16 new businesses or facilities developed with State assistance,  
17 and especially to encourage the hiring of individuals who  
18 reside in high-unemployment communities where such businesses  
19 or facilities are developed.

20 Section 10. Definitions. As used in this Act:

21 "Affected Municipality" means a municipality whose  
22 boundaries are partially or completely within the Brownfields

1 Redevelopment Zone and where an Eligible Project will take  
2 place.

3 "Developer Agreement" means the agreement between an  
4 eligible developer or eligible employer and the Department  
5 under this Act.

6 "Brownfield" means real property, the expansion,  
7 redevelopment, or reuse of which may be complicated by the  
8 presence or potential presence of a hazardous substance,  
9 pollutant, or contaminant; for the purposes of this Act, a  
10 property will be considered a brownfield if a prospective  
11 purchaser seeking financing from a private financial  
12 institution is required by that institution to conduct a Phase  
13 I Environmental Site Assessment (ESA), as defined by ASTM  
14 Standard E-1527-05 ("Standard Practice for Environmental Site  
15 Assessments: Phase 1 Environmental Site Assessment Process").

16 "Department" means the Department of Commerce and Economic  
17 Opportunity.

18 "Director" means the Director of the Department of Commerce  
19 and Economic Opportunity.

20 "Eligible Developer" means an individual, partnership,  
21 corporation, or other entity, currently and actively engaged in  
22 the development of logistics, warehousing, distribution, or  
23 light manufacturing facilities in North America, including the  
24 Managing Partner of the South Suburban Brownfields  
25 Redevelopment Zone, that owns, options, or otherwise directly  
26 controls a parcel of land that is included in a South Suburban

1 Brownfields Redevelopment Zone Project.

2 "Eligible employer" means an individual, partnership,  
3 corporation, or other entity that employs or will employ  
4 full-time employees at finished facilities on property that is  
5 within the South Suburban Brownfields Redevelopment Zone.

6 "Employment goal" means the goal of achieving a minimum  
7 percentage of labor hours to be performed by employees who are  
8 a member of a minority group and who reside in one of the  
9 municipalities containing property that is part of the South  
10 Suburban Brownfields Redevelopment Zone.

11 "Full-time employee" means an individual who is employed  
12 for consideration for at least 35 hours each week or who  
13 renders any other standard of service generally accepted by  
14 industry custom or practice as full-time employment. An  
15 individual for whom a W-2 is issued by a Professional Employer  
16 Organization is a full-time employee if employed in the service  
17 of the eligible employer for consideration for at least 35  
18 hours each week or who renders any other standard of service  
19 generally accepted by industry custom or practice as full-time  
20 employment.

21 "Eligible Project" means those projects described in  
22 Section 35 of this Act.

23 "Incremental income tax" means the total amount withheld  
24 from the compensation of new employees under Article 7 of the  
25 Illinois Income Tax Act arising from employment by an eligible  
26 employer.

1 "Infrastructure" means roads and streets, bridges,  
2 sidewalks, street lights, water and sewer line extensions or  
3 improvements, storm water drainage and retention facilities,  
4 gas and electric utility line extensions or improvements, and  
5 rail improvements including signalization and siding  
6 construction or repair, on publicly owned land or other public  
7 improvements that are essential to the development of a  
8 Redevelopment Zone Project.

9 "Intermodal" means a type of international freight system  
10 that permits transshipping among sea, highway, rail and air  
11 modes of transportation through use of ANSI/International  
12 Organization for Standardization containers, line haul assets,  
13 and handling equipment.

14 "Intermodal terminal" means an integrated facility where  
15 trailers and containers are transferred between intermodal  
16 railcars and highway carriers, including domestic and  
17 international container shipments; or an integrated facility  
18 where dry or liquid bulk and packaged commodities are  
19 transferred between conventional railroad freight cars and  
20 highway carriers.

21 "Managing Partner" means a representative of Cook County  
22 appointed by the President of the Board of Commissioners of  
23 Cook County or a duly created instrumentality of the County  
24 which enters into an agreement with the Department as described  
25 in subsection (c) of Section 30 of this Act regarding the  
26 overall management and use of Increment Funds and which is

1 authorized by the County to undertake, or to enter into  
2 Development agreements with third parties to undertake,  
3 activities necessary for the redevelopment of parcels  
4 designated under this Act as part of a South Suburban  
5 Brownfields Redevelopment Zone.

6 "Minority" means a person who is a citizen or lawful  
7 permanent resident of the United States and who is:

8 (i) African American, meaning a person whose origins  
9 are in any of the Black racial groups of Africa, and who  
10 has historically and consistently identified himself or  
11 herself as being such a person;

12 (ii) Hispanic American or Latino American, meaning a  
13 person whose origins are in Mexico, Central or South  
14 America, or any of the Spanish speaking islands of the  
15 Caribbean (for example Cuba and Puerto Rico), regardless of  
16 race, and who has historically and consistently identified  
17 himself or herself as being such a person;

18 (iii) Asian or Pacific Islander American, meaning a  
19 person whose origins are in any of the original peoples of  
20 the Far East, Southeast Asia, the islands of the Pacific or  
21 the Northern Marianas, or the Indian Subcontinent, and who  
22 has historically and consistently identified himself or  
23 herself as being such a person; or

24 (iv) Native American, meaning a person having origins  
25 in any of the original peoples of North America, and who  
26 maintain tribal affiliation or demonstrate at least

1 one-quarter descent from such groups, and who has  
2 historically and consistently identified himself or  
3 herself as being such a person.

4 "New employee" means a full-time employee first employed by  
5 an eligible employer for a project that is the subject of an  
6 agreement between the Managing Partner and an eligible  
7 developer or eligible employer and who is hired after the  
8 eligible developer enters into the agreement, but does not  
9 include:

10 (1) an employee of the eligible employer who performs a  
11 job that (i) existed for at least 6 months before the  
12 employee was hired and (ii) was previously performed by  
13 another employee;

14 (2) an employee of the eligible employer who was  
15 previously employed in Illinois by a related member of the  
16 eligible employer and whose employment was shifted to the  
17 eligible employer after the eligible employer entered into  
18 the agreement; or

19 (3) a child, grandchild, parent, or spouse, other than  
20 a spouse who is legally separated from the individual, of  
21 any individual who has a direct or an indirect ownership  
22 interest of at least 5% in the profits, capital, or value  
23 of the eligible employer.

24 Notwithstanding item (2) of this definition, an employee  
25 may be considered a new employee under the agreement if the  
26 employee performs a job that was previously performed by an

1 employee who was: (i) treated under the agreement as a new  
2 employee and (ii) promoted by the eligible employer to another  
3 job.

4 "Professional Employer Organization" means an employee  
5 leasing company, as defined in Section 206.1(A)(2) of the  
6 Unemployment Insurance Act.

7 "Related member" means a person or entity that, with  
8 respect to the eligible employer during any portion of the  
9 taxable year, is any one of the following:

10 (1) an individual stockholder, if the stockholder and  
11 the members of the stockholder's family (as defined in  
12 Section 318 of the Internal Revenue Code) own directly,  
13 indirectly, beneficially, or constructively, in the  
14 aggregate, at least 50% of the value of the eligible  
15 employer's outstanding stock;

16 (2) a partnership, estate, or trust and any partner or  
17 beneficiary, if the partnership, estate, or trust, and its  
18 partners or beneficiaries own directly, indirectly,  
19 beneficially, or constructively, in the aggregate, at  
20 least 50% of the profits, capital, stock, or value of the  
21 eligible employer;

22 (3) a corporation, and any party related to the  
23 corporation in a manner that would require an attribution  
24 of stock from the corporation to the party or from the  
25 party to the corporation under the attribution rules of  
26 Section 318 of the Internal Revenue Code, if the taxpayer



1 owns directly, indirectly, beneficially, or constructively  
2 at least 50% of the value of the corporation's outstanding  
3 stock;

4 (4) a corporation and any party related to that  
5 corporation in a manner that would require an attribution  
6 of stock from the corporation to the party or from the  
7 party to the corporation under the attribution rules of  
8 Section 318 of the Internal Revenue Code, if the  
9 corporation and all such related parties own in the  
10 aggregate at least 50% of the profits, capital, stock, or  
11 value of the eligible employer; or

12 (5) a person to or from whom there is attribution of  
13 stock ownership in accordance with Section 1563(e) of the  
14 Internal Revenue Code, except, for purposes of determining  
15 whether a person is a related member under this definition,  
16 20% shall be substituted for 5% wherever 5% appears in  
17 Section 1563(e) of the Internal Revenue Code.

18 "South Suburban Brownfields Advisory Council" or "Advisory  
19 Council" means a body comprised of representatives of Affected  
20 Municipalities, along with experts appointed by the President  
21 of the Cook County Board of Commissioners and the Governor of  
22 Illinois, created to guide development within the South  
23 Suburban Brownfields Redevelopment Zone.

24 "South Suburban Brownfields Redevelopment Zone Project" or  
25 "Project" means an Eligible Project, as described in Section  
26 30, to coordinate the redevelopment and re-use of industrial

1 sites within the South Suburban Brownfields Redevelopment Zone  
2 in southern Cook County.

3 "South Suburban Brownfields Redevelopment Zone",  
4 "Brownfields Redevelopment Zone" or "Zone" means the area fully  
5 encompassing all properties, acreage and structures, including  
6 sites that conform to the Environmental Protection Agency  
7 definition of Brownfield Sites, that are zoned for industrial  
8 uses by the applicable local zoning agency and which are  
9 located within the following South Suburban Cook County  
10 municipalities that surround the Canadian National and Union  
11 Pacific intermodal freight terminals in Harvey and Dolton,  
12 Illinois respectively: Dixmoor, Dolton, East Hazelcrest,  
13 Harvey, Hazelcrest, Homewood, Markham, Phoenix, Posen,  
14 Riverdale, South Holland and Thornton. The South Suburban  
15 Brownfields Advisory Council shall advise the Managing Partner  
16 in regard to the selection of Projects. The composition of the  
17 Advisory Council is determined as set forth in subsection (a)  
18 of Section 30 of this Act.

19 Section 15. South Suburban Brownfields Redevelopment Zone  
20 Fund. The South Suburban Brownfields Redevelopment Zone Fund is  
21 created as a special fund in the State treasury. Upon  
22 certification of the Department of Revenue following review of  
23 the amounts contained in the quarter-annual report required  
24 under paragraph 4 of Section 50 of this Act and subject to the  
25 limits set forth in Section 25 of this Act, the Comptroller

1 shall order transferred and the Treasurer shall transfer from  
2 the General Revenue Fund to the South Suburban Brownfields  
3 Redevelopment Fund an amount equal to the incremental income  
4 tax for the previous month attributable to new employees at  
5 finished facilities on property that was redeveloped as part of  
6 the South Suburban Brownfields Redevelopment Zone. These  
7 revenues may be used to pay the Managing Partner for its  
8 administrative expenses pursuant to Section 45 of this Act or  
9 to reimburse Eligible Developers or Eligible Employers for the  
10 cost of the activities detailed under Section 45 of this Act  
11 for Projects being undertaken within the South Suburban  
12 Brownfields Redevelopment Zone.

13 Section 20. South Suburban Brownfields Redevelopment Fund;  
14 eligible projects. In State fiscal years 2014 through 2026, all  
15 moneys in the South Suburban Brownfields Redevelopment Zone  
16 Fund shall be held solely to fund eligible projects undertaken  
17 pursuant to the provisions of Section 35 of this Act and  
18 performed either directly by the Cook County through a  
19 development agreement with the Department, by an entity  
20 designated by Cook County through a development agreement with  
21 the Department to perform specific tasks, or by an Eligible  
22 Developer or an Eligible Employer through a development  
23 agreement. All Eligible Projects are subject to review and  
24 approval by the Managing Partner and by the Department. The  
25 life span of the Fund may be extended past 2026 by law.

1           Section 25. Limitation on amounts for eligible projects.  
2           The total amount of tax increment to be transferred to the  
3           South Suburban Increment Fund shall not exceed \$6,000,000 in  
4           each State fiscal year. Any increment generated in a given  
5           State fiscal year in excess of \$6,000,000 shall be retained by  
6           the State. Any revenues in the South Suburban Brownfields  
7           Redevelopment Fund not used in a given fiscal year may be  
8           rolled over into subsequent fiscal years. Use of the Fund to  
9           pay or reimburse eligible expenses shall not preclude the  
10          receipt of benefits from any Enterprise Zone, Tax Increment  
11          Finance District, property tax abatement program, or other  
12          business development program of a federal, State, or local  
13          economic development program that may be available to the  
14          project, and any brownfield site included in an agreement with  
15          an eligible developer or eligible employer shall remain fully  
16          eligible for all State and Federal tax incentives and grants  
17          specifically related to brownfield remediation.

18          Section 30. Managing Partner; Advisory Council;  
19          responsibilities.

20          (a) The Managing Partner shall report its recommendations  
21          to the Advisory Council. The Advisory Council consists of two  
22          members appointed by the Governor of the State of Illinois, two  
23          members appointed by the President of the Cook County Board of  
24          Commissioners and five members selected by the Affected

1 Municipalities to represent them. All members shall serve for a  
2 term of 3 years. Upon expiration of each member's term, a  
3 successor shall be appointed for a term of 3 years. Vacancies  
4 on the Advisory Council shall be filled in the same manner as  
5 the original appointments and any members so appointed shall  
6 serve during the remainder of the term for which the vacancy  
7 occurred. The appointments shall be made within 90 days of the  
8 effective date of this Act. Five members shall constitute a  
9 quorum. The Council shall elect a Chairperson amongst its  
10 members by simple majority vote. Members shall serve without  
11 compensation and accurate minutes shall be kept of all meetings  
12 of the Advisory Council. The Advisory Council shall meet no  
13 less frequently than quarterly and a meeting may be called by  
14 the Chairperson or any four members of the Board. The  
15 relationship between the Managing Partner and the Advisory  
16 Council shall be set forth in an agreement among the parties.

17 (b) The Managing Partner is responsible for ensuring that,  
18 in consultation with the Advisory Board, the acreage designated  
19 as part of the Zone is redeveloped to simultaneously maximize  
20 the following:

21 (1) Protection and improvement of the natural  
22 environment and the remediation of brownfield industrial  
23 property within the Brownfield Redevelopment Zone.

24 (2) Restoration of industrially zoned land to its best  
25 and highest use, defined here as the highest possible  
26 number of new jobs in logistics or manufacturing operations

1 and the highest levels of new business revenues.

2 (3) Employment of local low and moderate income  
3 residents of the Zone and minority residents of the Zone  
4 and contracting with local minority-owned firms, to the  
5 extent consistent with Cook County policies and existing  
6 law.

7 (c) In order to fulfill the responsibilities set forth in  
8 subsection (b) of this Section, the Managing Partner has the  
9 following powers and duties, which shall collectively comprise  
10 its program administration tasks:

11 (1) Create, gain approval from the Director for, and  
12 regularly update, a master plan for the redevelopment of  
13 properties and the use of the Fund, for review by the  
14 Advisory Board and the Director, including the following  
15 elements:

16 (A) An explanation of how the features of the  
17 master plan allow the Managing Partner to fulfill the  
18 broad responsibility outlined in this Section.

19 (B) The tasks that the Managing Partner will  
20 undertake, directly or through assistance in the  
21 negotiation of development agreements with eligible  
22 developers or eligible employers, to acquire,  
23 assemble, remediate, prepare for development,  
24 redevelop, or market parcels that are part of the Zone.

25 (C) The criteria by which the Managing Partner will  
26 evaluate and select from among potential eligible

1 projects to carry out its basic responsibilities as  
2 outlined in this Section, including criteria that will  
3 fulfill the following programmatic goals: (i) at least  
4 30% of labor hours must be performed by members of  
5 minority groups who reside in the municipalities where  
6 the Zone operates, and (ii) at least 20% of the dollar  
7 value of contracts and subcontracts must be held by  
8 minority-owned firms that are based in the  
9 municipalities where the Zone operates.

10 (D) Methods the Managing Partner employed to  
11 receive and incorporate input on the master plan from a  
12 broad range of residents and stakeholders within the  
13 municipalities where the Zone operates, and methods it  
14 will employ to publicize the master plan so that it is  
15 constantly available for public review.

16 (E) Documentation of the master plan's consistency  
17 with the applicable metropolitan planning  
18 organization's current regional comprehensive plan and  
19 regional Transportation Improvement Plan (TIP), and  
20 with the current State Transportation Improvement Plan  
21 (STIP).

22 (2) Develop and maintain a current database or set of  
23 databases with detailed information including:

24 (A) All industrially zoned real estate properties  
25 that are part of the Zone, including information  
26 concerning each property's ownership; current or

1 delinquent tax status; proximity to major elements of  
2 freight infrastructure; status as a potential or  
3 designated brownfield; and any other information to  
4 support the marketing and redevelopment of properties  
5 that are part of the Zone.

6 (B) All major elements of infrastructure that  
7 serve the properties that are part of the Zone,  
8 including the capacity and state of repair of rail  
9 lines and spurs, roadways, water, sewage, and power  
10 systems.

11 (C) Names of minority-owned contracting firms that  
12 are based in municipalities containing property that  
13 is included in the Zone and wish to be hired by  
14 eligible developers or eligible employers, including  
15 the qualifications and contact information for these  
16 contractors.

17 (D) Names of individuals who are residents of  
18 municipalities containing property that is part of the  
19 Zone and are members of a minority group, who wish to  
20 be employed by eligible developers or eligible  
21 employers, including the qualifications and contact  
22 information for these residents.

23 (3) Execute its master plan through a series of  
24 eligible activities as outlined in Section 45 of this Act,  
25 governed by agreements.

26 (4) Evaluate project proposals to determine their



1           appropriateness and priority for funding based on the  
2           evaluation criteria defined in the master plan.

3           (5) Negotiate and monitor agreements with Affected  
4           Municipalities, eligible developers and eligible  
5           employers.

6           (6) Maintain records of activities and financial  
7           transactions including regular reports to the Department  
8           and an annual certified public audit.

9           (7) Publish and make publicly available an annual  
10          report detailing local minority hiring and contracting  
11          that has resulted from the use of revenues in the Fund, to  
12          include the following: (A) the total number of labor hours  
13          performed by new employees who work at finished facilities  
14          located on property that is part of the Zone and who (i)  
15          are members of a minority group, and (ii) reside in one of  
16          the municipalities containing property that is part of the  
17          Zone; (B) the total number of labor hours performed by all  
18          new employees who work at finished facilities located on  
19          property that is part of the Zone; (C) the total dollar  
20          value of contracted or subcontracted services reimbursed  
21          with revenues from the Fund and that were performed by  
22          firms that are (i) minority-owned, and (ii) based in one of  
23          the municipalities containing property that is part of the  
24          Zone; (D) the total dollar value of contracted or  
25          subcontracted services reimbursed with revenues from the  
26          Fund; and (E) an explanation of concrete steps that will be

1 taken if these values do not meet the programmatic goals  
2 that (i) at least 30% of labor hours must be performed by  
3 members of local minority groups, and (ii) at least 20% of  
4 the dollar value of contracts and subcontracts must be held  
5 by local minority-owned firms.

6 (8) Report to the Director quarterly on the progress of  
7 executing the master plan and eligible activities.

8 (d) The Department shall manage and allocate all South  
9 Suburban Brownfields Redevelopment Fund revenues subject to  
10 the Director's finding that funds are being used to execute the  
11 master plan for redevelopment of properties that are part of  
12 the Zone.

13 The Managing Partner may, at its discretion, contract with  
14 an entity of its choosing to support these program  
15 administration tasks.

16 Section 35. Eligible projects. Funds may be used only for  
17 projects that are necessary for the establishment of a facility  
18 classified under the current edition of the Urban Land  
19 Institute's "Guide to Classifying Industrial Property" in one  
20 of the following primary categories: warehouse distribution,  
21 manufacturing (light or metal fabrication), or freight  
22 forwarding; where the secondary categories under warehouse  
23 distribution include regional, bulk, and rack-supported  
24 warehouses as well as both heavy and refrigerated distribution  
25 facilities; and where the secondary categories under

1 manufacturing include parts assembly or packaging plants, food  
2 processing plants, and metal working plants that fashion  
3 complete products or components of machinery, transportation  
4 equipment, appliances, or construction elements and where the  
5 secondary category under freight forwarding includes truck  
6 terminals. Projects must adhere to applicable local and  
7 regional zoning regulations. Projects may consist of new  
8 construction or expansion of existing facilities so long as the  
9 expansion results in the creation of new jobs. Projects must  
10 consist of a set of activities undertaken as part of an  
11 agreement to bring back into productive use a brownfield  
12 property that is part of the Zone, including activities defined  
13 as eligible purposes of funds in Section 45 of this Act.

14 Section 40. Prohibited projects. Funds shall not be used to  
15 support projects that create the following types of permanent  
16 facilities and structures:

17 (i) any type or kind of processing, handing, or sorting  
18 facility for any kind of municipal or private liquid or solid  
19 waste;

20 (ii) any type or kind of intermodal or multimodal transfer  
21 station for any kind of municipal or private liquid or solid  
22 waste; or

23 (iii) container storage yards that are not part of a larger  
24 facility whose primary function is the maintenance, repair, and  
25 rebuilding of transportation equipment including intermodal

1 containers and trailers, container chassis, mechanical lift  
2 equipment, hosting tractors, and over-the-road tractors.

3 Temporary or short-term processing or transfer facilities  
4 specifically used as part of an approved environmental  
5 remediation plan for a specific site or parcel under an  
6 agreement are permitted.

7 Section 45. Eligible activities. Funds held in the South  
8 Suburban Brownfields Redevelopment Fund may be expended for the  
9 following purposes:

10 (1) Payment of costs undertaken directly by the  
11 Managing Partner or reimbursement of costs incurred by an  
12 eligible developer or eligible employer as part of the  
13 execution of an agreement, any of which services may be  
14 subcontracted out to third parties for the following  
15 activities:

16 (A) environmental site assessments, site  
17 investigations, remediation action plans, and  
18 remediation of brownfield sites located on property  
19 where any portion of an eligible project is taking  
20 place;

21 (B) land acquisition and site assembly, site  
22 development plans; and demolition of derelict or  
23 outdated structures.

24 (C) recruiting and training of individuals who are  
25 both (i) members of a minority group, and (ii) residing

1 in one of the municipalities containing property that  
2 is part of the Zone, for employment in logistics or  
3 light manufacturing, such as through pre-employment  
4 services, pre-apprenticeship training, apprenticeship  
5 training, and skills training.

6 (2) Payment of the costs of repairing or upgrading  
7 public infrastructure on publicly owned land within the  
8 Zone, including rights of way, provided such  
9 infrastructure is on public property that is either  
10 included within the Brownfields Redevelopment Zone or  
11 which is essential to the development of a Project.

12 In agreements with for-profit eligible developers and  
13 employers governing redevelopment of privately held land,  
14 reimbursements must first and foremost prioritize the  
15 activities described in item (A).

16 (3) Program administration costs. The Managing Partner  
17 may request up to a total of 15% of amounts in the Fund  
18 over the course of the fiscal year to support its  
19 responsibilities in that fiscal year as detailed in Section  
20 30 of this Act. The Managing Partner must find additional  
21 funds for any program administration costs not covered by  
22 the 15%. Subject to the Department's approval, the Managing  
23 Partner may impose a reasonable application processing fee  
24 from eligible developers and eligible employers who submit  
25 proposals, and may use these fees to support program  
26 administration.

1           Section 50. Agreements with Eligible Developers and  
2           Affected Municipalities. Prior to the expenditure of any  
3           amounts from the Fund (except for administration costs of the  
4           Managing Partner which may be requested periodically), the  
5           Department and the Affected Municipality shall enter into an  
6           agreement which has been recommended by the Managing Partner  
7           with an Eligible Developer or Eligible Employer who is seeking  
8           reimbursement under this Act. The agreement must contain all of  
9           the following:

10           (1) A detailed description of the project that is the  
11           subject of the agreement, including the location of the  
12           project, the expected number of jobs to be created by the  
13           project, and a list of the costs incurred or to be incurred  
14           by the eligible developer or employer for eligible  
15           activities, excluding any amounts that are to be funded  
16           through other public sources.

17           (2) A requirement that the eligible developer or  
18           eligible employer maintain operations at the project  
19           location, stated as a minimum number of years not to exceed  
20           10 years.

21           (3) A specific method for determining the number of new  
22           employees attributable to the project.

23           (4) A requirement that the eligible developer or  
24           eligible employer report on a quarterly basis to the  
25           Managing Partner, the Department, and the Department of

1 Revenue the number of new employees and the incremental  
2 income tax withheld in connection with the new employees.

3 (5) A provision authorizing the Department to verify  
4 with the Department of Revenue the amounts reported under  
5 paragraph (4) and to report this information to the  
6 Managing Partner.

7 (6) A provision authorizing the Department of Revenue  
8 to audit the information reported under paragraph (4).

9 (7) A plan for how the eligible developer or eligible  
10 employer will encourage local low and moderate income and  
11 minority hiring and minority contracting, including  
12 specific employment and contracting goals; plans for  
13 recruiting, training, and retaining local minority  
14 employees; plans for identifying and soliciting bids from  
15 local minority-owned firms for contracted or subcontracted  
16 services; a list of two or more community organizations  
17 that it plans to work with to achieve those goals and  
18 plans; and a specific method for determining and reporting  
19 on the fulfillment of local minority and low and moderate  
20 income hiring and minority contracting goals.

21 (8) A commitment from the eligible developer or  
22 eligible employer to work with the City-County Office of  
23 Workforce Employment and to consider referrals of trained  
24 workers from such Office on a timely and non-discriminatory  
25 basis.

26 (9) Documentation that any road improvements that are

1 part of the agreement are consistent with the current  
2 regional Transportation Improvement Plan (TIP) and the  
3 State Transportation Improvement Plan (STIP).

4 (10) Evidence of approval of the Eligible Project by  
5 the Affected Municipality or Municipalities following such  
6 public hearings and public notice as may be required by  
7 Illinois law in regard to such Eligible Projects.

8 Section 55. Rules. The Department and the Department of  
9 Revenue may promulgate rules necessary to implement this Act.

10 Section 60. The State Finance Act is amended by adding  
11 Section 5.829 as follows:

12 (30 ILCS 105/5.829 new)

13 Sec. 5.829. The South Suburban Brownfields Redevelopment  
14 Fund.

15 Section 97. Severability. The provisions of this Act are  
16 severable under Section 1.31 of the Statute on Statutes.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.