

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Finance Authority Act is amended by
5 changing Sections 801-5, 801-10, 801-40, 805-5, 805-15,
6 825-65, 830-30, 830-35, 830-55, and 845-75 as follows:

7 (20 ILCS 3501/801-5)

8 Sec. 801-5. Findings and declaration of policy. The General
9 Assembly hereby finds, determines and declares:

10 (a) that there are a number of existing State authorities
11 authorized to issue bonds to alleviate the conditions and
12 promote the objectives set forth below; and to provide a
13 stronger, better coordinated development effort, it is
14 determined to be in the interest of promoting the health,
15 safety, morals and general welfare of all the people of the
16 State to consolidate certain of such existing authorities into
17 one finance authority;

18 (b) that involuntary unemployment affects the health,
19 safety, morals and general welfare of the people of the State
20 of Illinois;

21 (c) that the economic burdens resulting from involuntary
22 unemployment fall in part upon the State in the form of public
23 assistance and reduced tax revenues, and in the event the

1 unemployed worker and his family migrate elsewhere to find
2 work, may also fall upon the municipalities and other taxing
3 districts within the areas of unemployment in the form of
4 reduced tax revenues, thereby endangering their financial
5 ability to support necessary governmental services for their
6 remaining inhabitants;

7 (d) that a vigorous growing economy is the basic source of
8 job opportunities;

9 (e) that protection against involuntary unemployment, its
10 economic burdens and the spread of economic stagnation can best
11 be provided by promoting, attracting, stimulating and
12 revitalizing industry, manufacturing and commerce in the
13 State;

14 (f) that the State has a responsibility to help create a
15 favorable climate for new and improved job opportunities for
16 its citizens by encouraging the development of commercial
17 businesses and industrial and manufacturing plants within the
18 State;

19 (g) that increased availability of funds for construction
20 of new facilities and the expansion and improvement of existing
21 facilities for industrial, commercial and manufacturing
22 facilities will provide for new and continued employment in the
23 construction industry and alleviate the burden of
24 unemployment;

25 (h) that in the absence of direct governmental subsidies
26 the unaided operations of private enterprise do not provide

1 sufficient resources for residential construction,
2 rehabilitation, rental or purchase, and that support from
3 housing related commercial facilities is one means of
4 stimulating residential construction, rehabilitation, rental
5 and purchase;

6 (i) that it is in the public interest and the policy of
7 this State to foster and promote by all reasonable means the
8 provision of adequate capital markets and facilities for
9 borrowing money by units of local government, and for the
10 financing of their respective public improvements and other
11 governmental purposes within the State from proceeds of bonds
12 or notes issued by those governmental units; and to assist
13 local governmental units in fulfilling their needs for those
14 purposes by use of creation of indebtedness;

15 (j) that it is in the public interest and the policy of
16 this State to the extent possible, to reduce the costs of
17 indebtedness to taxpayers and residents of this State and to
18 encourage continued investor interest in the purchase of bonds
19 or notes of governmental units as sound and preferred
20 securities for investment; and to encourage governmental units
21 to continue their independent undertakings of public
22 improvements and other governmental purposes and the financing
23 thereof, and to assist them in those activities by making funds
24 available at reduced interest costs for orderly financing of
25 those purposes, especially during periods of restricted credit
26 or money supply, and particularly for those governmental units

1 not otherwise able to borrow for those purposes;

2 (k) that in this State the following conditions exist: (i)
3 an inadequate supply of funds at interest rates sufficiently
4 low to enable persons engaged in agriculture in this State to
5 pursue agricultural operations at present levels; (ii) that
6 such inability to pursue agricultural operations lessens the
7 supply of agricultural commodities available to fulfill the
8 needs of the citizens of this State; (iii) that such inability
9 to continue operations decreases available employment in the
10 agricultural sector of the State and results in unemployment
11 and its attendant problems; (iv) that such conditions prevent
12 the acquisition of an adequate capital stock of farm equipment
13 and machinery, much of which is manufactured in this State,
14 therefore impairing the productivity of agricultural land and,
15 further, causing unemployment or lack of appropriate increase
16 in employment in such manufacturing; (v) that such conditions
17 are conducive to consolidation of acreage of agricultural land
18 with fewer individuals living and farming on the traditional
19 family farm; (vi) that these conditions result in a loss in
20 population, unemployment and movement of persons from rural to
21 urban areas accompanied by added costs to communities for
22 creation of new public facilities and services; (vii) that
23 there have been recurrent shortages of funds for agricultural
24 purposes from private market sources at reasonable rates of
25 interest; (viii) that these shortages have made the sale and
26 purchase of agricultural land to family farmers a virtual

1 impossibility in many parts of the State; (ix) that the
2 ordinary operations of private enterprise have not in the past
3 corrected these conditions; and (x) that a stable supply of
4 adequate funds for agricultural financing is required to
5 encourage family farmers in an orderly and sustained manner and
6 to reduce the problems described above;

7 (l) that for the benefit of the people of the State of
8 Illinois, the conduct and increase of their commerce, the
9 protection and enhancement of their welfare, the development of
10 continued prosperity and the improvement of their health and
11 living conditions it is essential that all the people of the
12 State be given the fullest opportunity to learn and to develop
13 their intellectual and mental capacities and skills; that to
14 achieve these ends it is of the utmost importance that private
15 institutions of higher education within the State be provided
16 with appropriate additional means to assist the people of the
17 State in achieving the required levels of learning and
18 development of their intellectual and mental capacities and
19 skills and that cultural institutions within the State be
20 provided with appropriate additional means to expand the
21 services and resources which they offer for the cultural,
22 intellectual, scientific, educational and artistic enrichment
23 of the people of the State;

24 (m) that in order to foster civic and neighborhood pride,
25 citizens require access to facilities such as educational
26 institutions, recreation, parks and open spaces, entertainment

1 and sports, a reliable transportation network, cultural
2 facilities and theaters and other facilities as authorized by
3 this Act, and that it is in the best interests of the State to
4 lower the costs of all such facilities by providing financing
5 through the State;

6 (n) that to preserve and protect the health of the citizens
7 of the State, and lower the costs of health care, that
8 financing for health facilities should be provided through the
9 State; and it is hereby declared to be the policy of the State,
10 in the interest of promoting the health, safety, morals and
11 general welfare of all the people of the State, to address the
12 conditions noted above, to increase job opportunities and to
13 retain existing jobs in the State, by making available through
14 the Illinois Finance Authority, hereinafter created, funds for
15 the development, improvement and creation of industrial,
16 housing, local government, educational, health, public purpose
17 and other projects; to issue its bonds and notes to make funds
18 at reduced rates and on more favorable terms for borrowing by
19 local governmental units through the purchase of the bonds or
20 notes of the governmental units; and to make or acquire loans
21 for the acquisition and development of agricultural
22 facilities; to provide financing for private institutions of
23 higher education, cultural institutions, health facilities and
24 other facilities and projects as authorized by this Act; and to
25 grant broad powers to the Illinois Finance Authority to
26 accomplish and to carry out these policies of the State which

1 are in the public interest of the State and of its taxpayers
2 and residents; ~~and~~

3 (o) that providing financing alternatives for projects
4 that are located outside the State that are owned, operated,
5 leased, managed by, or otherwise affiliated with, institutions
6 located within the State would promote the economy of the State
7 for the benefit of the health, welfare, safety, trade,
8 commerce, industry, and economy of the people of the State by
9 creating employment opportunities in the State and lowering the
10 cost of accessing healthcare, private education, or cultural
11 institutions in the State by reducing the cost of financing or
12 operating those projects; ~~and-~~

13 (p) that the realization of the objectives of the Authority
14 identified in this Act including, without limitation, those
15 designed (1) to assist and enable veterans, minorities, women
16 and disabled individuals to own and operate small businesses;
17 (2) to assist in the delivery of agricultural assistance; and
18 (3) to aid, assist, and encourage economic growth and
19 development within this State, will be enhanced by empowering
20 the Authority to purchase loan participations from
21 participating lenders.

22 (Source: P.A. 96-1021, eff. 7-12-10.)

23 (20 ILCS 3501/801-10)

24 Sec. 801-10. Definitions. The following terms, whenever
25 used or referred to in this Act, shall have the following

1 meanings, except in such instances where the context may
2 clearly indicate otherwise:

3 (a) The term "Authority" means the Illinois Finance
4 Authority created by this Act.

5 (b) The term "project" means an industrial project,
6 conservation project, housing project, public purpose project,
7 higher education project, health facility project, cultural
8 institution project, municipal bond program project, PACE
9 Project, agricultural facility or agribusiness, and "project"
10 may include any combination of one or more of the foregoing
11 undertaken jointly by any person with one or more other
12 persons.

13 (c) The term "public purpose project" means any project or
14 facility, including without limitation land, buildings,
15 structures, machinery, equipment and all other real and
16 personal property, which is authorized or required by law to be
17 acquired, constructed, improved, rehabilitated, reconstructed,
18 replaced or maintained by any unit of government or any other
19 lawful public purpose which is authorized or required by law to
20 be undertaken by any unit of government.

21 (d) The term "industrial project" means the acquisition,
22 construction, refurbishment, creation, development or
23 redevelopment of any facility, equipment, machinery, real
24 property or personal property for use by any instrumentality of
25 the State or its political subdivisions, for use by any person
26 or institution, public or private, for profit or not for

1 profit, or for use in any trade or business, including, but not
2 limited to, any industrial, manufacturing or commercial
3 enterprise that is located within or outside the State,
4 provided that, with respect to a project involving property
5 located outside the State, the property must be owned,
6 operated, leased or managed by an entity located within the
7 State or an entity affiliated with an entity located within the
8 State, and which is (1) a capital project, including, but not
9 limited to: (i) land and any rights therein, one or more
10 buildings, structures or other improvements, machinery and
11 equipment, whether now existing or hereafter acquired, and
12 whether or not located on the same site or sites; (ii) all
13 appurtenances and facilities incidental to the foregoing,
14 including, but not limited to, utilities, access roads,
15 railroad sidings, track, docking and similar facilities,
16 parking facilities, dockage, wharfage, railroad roadbed,
17 track, trestle, depot, terminal, switching and signaling or
18 related equipment, site preparation and landscaping; and (iii)
19 all non-capital costs and expenses relating thereto or (2) any
20 addition to, renovation, rehabilitation or improvement of a
21 capital project or (3) any activity or undertaking within or
22 outside the State, provided that, with respect to a project
23 involving property located outside the State, the property must
24 be owned, operated, leased or managed by an entity located
25 within the State or an entity affiliated with an entity located
26 within the State, which the Authority determines will aid,

1 assist or encourage economic growth, development or
2 redevelopment within the State or any area thereof, will
3 promote the expansion, retention or diversification of
4 employment opportunities within the State or any area thereof
5 or will aid in stabilizing or developing any industry or
6 economic sector of the State economy. The term "industrial
7 project" also means the production of motion pictures.

8 (e) The term "bond" or "bonds" shall include bonds, notes
9 (including bond, grant or revenue anticipation notes),
10 certificates and/or other evidences of indebtedness
11 representing an obligation to pay money, including refunding
12 bonds.

13 (f) The terms "lease agreement" and "loan agreement" shall
14 mean: (i) an agreement whereby a project acquired by the
15 Authority by purchase, gift or lease is leased to any person,
16 corporation or unit of local government which will use or cause
17 the project to be used as a project as heretofore defined upon
18 terms providing for lease rental payments at least sufficient
19 to pay when due all principal of, interest and premium, if any,
20 on any bonds of the Authority issued with respect to such
21 project, providing for the maintenance, insuring and operation
22 of the project on terms satisfactory to the Authority,
23 providing for disposition of the project upon termination of
24 the lease term, including purchase options or abandonment of
25 the premises, and such other terms as may be deemed desirable
26 by the Authority, or (ii) any agreement pursuant to which the

1 Authority agrees to loan the proceeds of its bonds issued with
2 respect to a project or other funds of the Authority to any
3 person which will use or cause the project to be used as a
4 project as heretofore defined upon terms providing for loan
5 repayment installments at least sufficient to pay when due all
6 principal of, interest and premium, if any, on any bonds of the
7 Authority, if any, issued with respect to the project, and
8 providing for maintenance, insurance and other matters as may
9 be deemed desirable by the Authority.

10 (g) The term "financial aid" means the expenditure of
11 Authority funds or funds provided by the Authority through the
12 issuance of its bonds, notes or other evidences of indebtedness
13 or from other sources for the development, construction,
14 acquisition or improvement of a project.

15 (h) The term "person" means an individual, corporation,
16 unit of government, business trust, estate, trust, partnership
17 or association, 2 or more persons having a joint or common
18 interest, or any other legal entity.

19 (i) The term "unit of government" means the federal
20 government, the State or unit of local government, a school
21 district, or any agency or instrumentality, office, officer,
22 department, division, bureau, commission, college or
23 university thereof.

24 (j) The term "health facility" means: (a) any public or
25 private institution, place, building, or agency required to be
26 licensed under the Hospital Licensing Act; (b) any public or

1 private institution, place, building, or agency required to be
2 licensed under the Nursing Home Care Act, the Specialized
3 Mental Health Rehabilitation Act of 2013, the ID/DD Community
4 Care Act, or the MC/DD Act; (c) any public or licensed private
5 hospital as defined in the Mental Health and Developmental
6 Disabilities Code; (d) any such facility exempted from such
7 licensure when the Director of Public Health attests that such
8 exempted facility meets the statutory definition of a facility
9 subject to licensure; (e) any other public or private health
10 service institution, place, building, or agency which the
11 Director of Public Health attests is subject to certification
12 by the Secretary, U.S. Department of Health and Human Services
13 under the Social Security Act, as now or hereafter amended, or
14 which the Director of Public Health attests is subject to
15 standard-setting by a recognized public or voluntary
16 accrediting or standard-setting agency; (f) any public or
17 private institution, place, building or agency engaged in
18 providing one or more supporting services to a health facility;
19 (g) any public or private institution, place, building or
20 agency engaged in providing training in the healing arts,
21 including, but not limited to, schools of medicine, dentistry,
22 osteopathy, optometry, podiatry, pharmacy or nursing, schools
23 for the training of x-ray, laboratory or other health care
24 technicians and schools for the training of para-professionals
25 in the health care field; (h) any public or private congregate,
26 life or extended care or elderly housing facility or any public

1 or private home for the aged or infirm, including, without
2 limitation, any Facility as defined in the Life Care Facilities
3 Act; (i) any public or private mental, emotional or physical
4 rehabilitation facility or any public or private educational,
5 counseling, or rehabilitation facility or home, for those
6 persons with a developmental disability, those who are
7 physically ill or disabled, the emotionally disturbed, those
8 persons with a mental illness or persons with learning or
9 similar disabilities or problems; (j) any public or private
10 alcohol, drug or substance abuse diagnosis, counseling
11 treatment or rehabilitation facility, (k) any public or private
12 institution, place, building or agency licensed by the
13 Department of Children and Family Services or which is not so
14 licensed but which the Director of Children and Family Services
15 attests provides child care, child welfare or other services of
16 the type provided by facilities subject to such licensure; (l)
17 any public or private adoption agency or facility; and (m) any
18 public or private blood bank or blood center. "Health facility"
19 also means a public or private structure or structures suitable
20 primarily for use as a laboratory, laundry, nurses or interns
21 residence or other housing or hotel facility used in whole or
22 in part for staff, employees or students and their families,
23 patients or relatives of patients admitted for treatment or
24 care in a health facility, or persons conducting business with
25 a health facility, physician's facility, surgicenter,
26 administration building, research facility, maintenance,

1 storage or utility facility and all structures or facilities
2 related to any of the foregoing or required or useful for the
3 operation of a health facility, including parking or other
4 facilities or other supporting service structures required or
5 useful for the orderly conduct of such health facility. "Health
6 facility" also means, with respect to a project located outside
7 the State, any public or private institution, place, building,
8 or agency which provides services similar to those described
9 above, provided that such project is owned, operated, leased or
10 managed by a participating health institution located within
11 the State, or a participating health institution affiliated
12 with an entity located within the State.

13 (k) The term "participating health institution" means (i) a
14 private corporation or association or (ii) a public entity of
15 this State, in either case authorized by the laws of this State
16 or the applicable state to provide or operate a health facility
17 as defined in this Act and which, pursuant to the provisions of
18 this Act, undertakes the financing, construction or
19 acquisition of a project or undertakes the refunding or
20 refinancing of obligations, loans, indebtedness or advances as
21 provided in this Act.

22 (l) The term "health facility project", means a specific
23 health facility work or improvement to be financed or
24 refinanced (including without limitation through reimbursement
25 of prior expenditures), acquired, constructed, enlarged,
26 remodeled, renovated, improved, furnished, or equipped, with

1 funds provided in whole or in part hereunder, any accounts
2 receivable, working capital, liability or insurance cost or
3 operating expense financing or refinancing program of a health
4 facility with or involving funds provided in whole or in part
5 hereunder, or any combination thereof.

6 (m) The term "bond resolution" means the resolution or
7 resolutions authorizing the issuance of, or providing terms and
8 conditions related to, bonds issued under this Act and
9 includes, where appropriate, any trust agreement, trust
10 indenture, indenture of mortgage or deed of trust providing
11 terms and conditions for such bonds.

12 (n) The term "property" means any real, personal or mixed
13 property, whether tangible or intangible, or any interest
14 therein, including, without limitation, any real estate,
15 leasehold interests, appurtenances, buildings, easements,
16 equipment, furnishings, furniture, improvements, machinery,
17 rights of way, structures, accounts, contract rights or any
18 interest therein.

19 (o) The term "revenues" means, with respect to any project,
20 the rents, fees, charges, interest, principal repayments,
21 collections and other income or profit derived therefrom.

22 (p) The term "higher education project" means, in the case
23 of a private institution of higher education, an educational
24 facility to be acquired, constructed, enlarged, remodeled,
25 renovated, improved, furnished, or equipped, or any
26 combination thereof.

1 (q) The term "cultural institution project" means, in the
2 case of a cultural institution, a cultural facility to be
3 acquired, constructed, enlarged, remodeled, renovated,
4 improved, furnished, or equipped, or any combination thereof.

5 (r) The term "educational facility" means any property
6 located within the State, or any property located outside the
7 State, provided that, if the property is located outside the
8 State, it must be owned, operated, leased or managed by an
9 entity located within the State or an entity affiliated with an
10 entity located within the State, in each case constructed or
11 acquired before or after the effective date of this Act, which
12 is or will be, in whole or in part, suitable for the
13 instruction, feeding, recreation or housing of students, the
14 conducting of research or other work of a private institution
15 of higher education, the use by a private institution of higher
16 education in connection with any educational, research or
17 related or incidental activities then being or to be conducted
18 by it, or any combination of the foregoing, including, without
19 limitation, any such property suitable for use as or in
20 connection with any one or more of the following: an academic
21 facility, administrative facility, agricultural facility,
22 assembly hall, athletic facility, auditorium, boating
23 facility, campus, communication facility, computer facility,
24 continuing education facility, classroom, dining hall,
25 dormitory, exhibition hall, fire fighting facility, fire
26 prevention facility, food service and preparation facility,

1 gymnasium, greenhouse, health care facility, hospital,
2 housing, instructional facility, laboratory, library,
3 maintenance facility, medical facility, museum, offices,
4 parking area, physical education facility, recreational
5 facility, research facility, stadium, storage facility,
6 student union, study facility, theatre or utility.

7 (s) The term "cultural facility" means any property located
8 within the State, or any property located outside the State,
9 provided that, if the property is located outside the State, it
10 must be owned, operated, leased or managed by an entity located
11 within the State or an entity affiliated with an entity located
12 within the State, in each case constructed or acquired before
13 or after the effective date of this Act, which is or will be,
14 in whole or in part, suitable for the particular purposes or
15 needs of a cultural institution, including, without
16 limitation, any such property suitable for use as or in
17 connection with any one or more of the following: an
18 administrative facility, aquarium, assembly hall, auditorium,
19 botanical garden, exhibition hall, gallery, greenhouse,
20 library, museum, scientific laboratory, theater or zoological
21 facility, and shall also include, without limitation, books,
22 works of art or music, animal, plant or aquatic life or other
23 items for display, exhibition or performance. The term
24 "cultural facility" includes buildings on the National
25 Register of Historic Places which are owned or operated by
26 nonprofit entities.

1 (t) "Private institution of higher education" means a
2 not-for-profit educational institution which is not owned by
3 the State or any political subdivision, agency,
4 instrumentality, district or municipality thereof, which is
5 authorized by law to provide a program of education beyond the
6 high school level and which:

7 (1) Admits as regular students only individuals having
8 a certificate of graduation from a high school, or the
9 recognized equivalent of such a certificate;

10 (2) Provides an educational program for which it awards
11 a bachelor's degree, or provides an educational program,
12 admission into which is conditioned upon the prior
13 attainment of a bachelor's degree or its equivalent, for
14 which it awards a postgraduate degree, or provides not less
15 than a 2-year program which is acceptable for full credit
16 toward such a degree, or offers a 2-year program in
17 engineering, mathematics, or the physical or biological
18 sciences which is designed to prepare the student to work
19 as a technician and at a semiprofessional level in
20 engineering, scientific, or other technological fields
21 which require the understanding and application of basic
22 engineering, scientific, or mathematical principles or
23 knowledge;

24 (3) Is accredited by a nationally recognized
25 accrediting agency or association or, if not so accredited,
26 is an institution whose credits are accepted, on transfer,

1 by not less than 3 institutions which are so accredited,
2 for credit on the same basis as if transferred from an
3 institution so accredited, and holds an unrevoked
4 certificate of approval under the Private College Act from
5 the Board of Higher Education, or is qualified as a "degree
6 granting institution" under the Academic Degree Act; and

7 (4) Does not discriminate in the admission of students
8 on the basis of race or color. "Private institution of
9 higher education" also includes any "academic
10 institution".

11 (u) The term "academic institution" means any
12 not-for-profit institution which is not owned by the State or
13 any political subdivision, agency, instrumentality, district
14 or municipality thereof, which institution engages in, or
15 facilitates academic, scientific, educational or professional
16 research or learning in a field or fields of study taught at a
17 private institution of higher education. Academic institutions
18 include, without limitation, libraries, archives, academic,
19 scientific, educational or professional societies,
20 institutions, associations or foundations having such
21 purposes.

22 (v) The term "cultural institution" means any
23 not-for-profit institution which is not owned by the State or
24 any political subdivision, agency, instrumentality, district
25 or municipality thereof, which institution engages in the
26 cultural, intellectual, scientific, educational or artistic

1 enrichment of the people of the State. Cultural institutions
2 include, without limitation, aquaria, botanical societies,
3 historical societies, libraries, museums, performing arts
4 associations or societies, scientific societies and zoological
5 societies.

6 (w) The term "affiliate" means, with respect to financing
7 of an agricultural facility or an agribusiness, any lender, any
8 person, firm or corporation controlled by, or under common
9 control with, such lender, and any person, firm or corporation
10 controlling such lender.

11 (x) The term "agricultural facility" means land, any
12 building or other improvement thereon or thereto, and any
13 personal properties deemed necessary or suitable for use,
14 whether or not now in existence, in farming, ranching, the
15 production of agricultural commodities (including, without
16 limitation, the products of aquaculture, hydroponics and
17 silviculture) or the treating, processing or storing of such
18 agricultural commodities when such activities are customarily
19 engaged in by farmers as a part of farming and which land,
20 building, improvement or personal property is located within
21 the State, or is located outside the State, provided that, if
22 such property is located outside the State, it must be owned,
23 operated, leased, or managed by an entity located within the
24 State or an entity affiliated with an entity located within the
25 State.

26 (y) The term "lender" with respect to financing of an

1 agricultural facility or an agribusiness, means any federal or
2 State chartered bank, Federal Land Bank, Production Credit
3 Association, Bank for Cooperatives, federal or State chartered
4 savings and loan association or building and loan association,
5 Small Business Investment Company or any other institution
6 qualified within this State to originate and service loans,
7 including, but without limitation to, insurance companies,
8 credit unions and mortgage loan companies. "Lender" also means
9 a wholly owned subsidiary of a manufacturer, seller or
10 distributor of goods or services that makes loans to businesses
11 or individuals, commonly known as a "captive finance company".

12 (z) The term "agribusiness" means any sole proprietorship,
13 limited partnership, co-partnership, joint venture,
14 corporation or cooperative which operates or will operate a
15 facility located within the State or outside the State,
16 provided that, if any facility is located outside the State, it
17 must be owned, operated, leased, or managed by an entity
18 located within the State or an entity affiliated with an entity
19 located within the State, that is related to the processing of
20 agricultural commodities (including, without limitation, the
21 products of aquaculture, hydroponics and silviculture) or the
22 manufacturing, production or construction of agricultural
23 buildings, structures, equipment, implements, and supplies, or
24 any other facilities or processes used in agricultural
25 production. Agribusiness includes but is not limited to the
26 following:

1 (1) grain handling and processing, including grain
2 storage, drying, treatment, conditioning, mailing and
3 packaging;

4 (2) seed and feed grain development and processing;

5 (3) fruit and vegetable processing, including
6 preparation, canning and packaging;

7 (4) processing of livestock and livestock products,
8 dairy products, poultry and poultry products, fish or
9 apiarian products, including slaughter, shearing,
10 collecting, preparation, canning and packaging;

11 (5) fertilizer and agricultural chemical
12 manufacturing, processing, application and supplying;

13 (6) farm machinery, equipment and implement
14 manufacturing and supplying;

15 (7) manufacturing and supplying of agricultural
16 commodity processing machinery and equipment, including
17 machinery and equipment used in slaughter, treatment,
18 handling, collecting, preparation, canning or packaging of
19 agricultural commodities;

20 (8) farm building and farm structure manufacturing,
21 construction and supplying;

22 (9) construction, manufacturing, implementation,
23 supplying or servicing of irrigation, drainage and soil and
24 water conservation devices or equipment;

25 (10) fuel processing and development facilities that
26 produce fuel from agricultural commodities or byproducts;

1 (11) facilities and equipment for processing and
2 packaging agricultural commodities specifically for
3 export;

4 (12) facilities and equipment for forestry product
5 processing and supplying, including sawmilling operations,
6 wood chip operations, timber harvesting operations, and
7 manufacturing of prefabricated buildings, paper, furniture
8 or other goods from forestry products;

9 (13) facilities and equipment for research and
10 development of products, processes and equipment for the
11 production, processing, preparation or packaging of
12 agricultural commodities and byproducts.

13 (aa) The term "asset" with respect to financing of any
14 agricultural facility or any agribusiness, means, but is not
15 limited to the following: cash crops or feed on hand; livestock
16 held for sale; breeding stock; marketable bonds and securities;
17 securities not readily marketable; accounts receivable; notes
18 receivable; cash invested in growing crops; net cash value of
19 life insurance; machinery and equipment; cars and trucks; farm
20 and other real estate including life estates and personal
21 residence; value of beneficial interests in trusts; government
22 payments or grants; and any other assets.

23 (bb) The term "liability" with respect to financing of any
24 agricultural facility or any agribusiness shall include, but
25 not be limited to the following: accounts payable; notes or
26 other indebtedness owed to any source; taxes; rent; amounts

1 owed on real estate contracts or real estate mortgages;
2 judgments; accrued interest payable; and any other liability.

3 (cc) The term "Predecessor Authorities" means those
4 authorities as described in Section 845-75.

5 (dd) The term "housing project" means a specific work or
6 improvement located within the State or outside the State and
7 undertaken to provide residential dwelling accommodations,
8 including the acquisition, construction or rehabilitation of
9 lands, buildings and community facilities and in connection
10 therewith to provide nonhousing facilities which are part of
11 the housing project, including land, buildings, improvements,
12 equipment and all ancillary facilities for use for offices,
13 stores, retirement homes, hotels, financial institutions,
14 service, health care, education, recreation or research
15 establishments, or any other commercial purpose which are or
16 are to be related to a housing development, provided that any
17 work or improvement located outside the State is owned,
18 operated, leased or managed by an entity located within the
19 State, or any entity affiliated with an entity located within
20 the State.

21 (ee) The term "conservation project" means any project
22 including the acquisition, construction, rehabilitation,
23 maintenance, operation, or upgrade that is intended to create
24 or expand open space or to reduce energy usage through
25 efficiency measures. For the purpose of this definition, "open
26 space" has the definition set forth under Section 10 of the

1 Illinois Open Land Trust Act.

2 (ff) The term "significant presence" means the existence
3 within the State of the national or regional headquarters of an
4 entity or group or such other facility of an entity or group of
5 entities where a significant amount of the business functions
6 are performed for such entity or group of entities.

7 (gg) The term "municipal bond issuer" means the State or
8 any other state or commonwealth of the United States, or any
9 unit of local government, school district, agency or
10 instrumentality, office, department, division, bureau,
11 commission, college or university thereof located in the State
12 or any other state or commonwealth of the United States.

13 (hh) The term "municipal bond program project" means a
14 program for the funding of the purchase of bonds, notes or
15 other obligations issued by or on behalf of a municipal bond
16 issuer.

17 (ii) The term "participating lender" means any trust
18 company, bank, savings bank, credit union, merchant bank,
19 investment bank, broker, investment trust, pension fund,
20 building and loan association, savings and loan association,
21 insurance company, venture capital company, or other
22 institution approved by the Authority which provides a portion
23 of the financing for a project.

24 (jj) The term "loan participation" means any loan in which
25 the Authority co-operates with a participating lender to
26 provide all or a portion of the financing for a project.

1 (kk) The term "PACE Project" means an energy project as
2 defined in Section 5 of the Property Assessed Clean Energy Act.

3 (Source: P.A. 98-90, eff. 7-15-13; 98-104, eff. 7-22-13;
4 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

5 (20 ILCS 3501/801-40)

6 Sec. 801-40. In addition to the powers otherwise authorized
7 by law and in addition to the foregoing general corporate
8 powers, the Authority shall also have the following additional
9 specific powers to be exercised in furtherance of the purposes
10 of this Act.

11 (a) The Authority shall have power (i) to accept grants,
12 loans or appropriations from the federal government or the
13 State, or any agency or instrumentality thereof, to be used for
14 the operating expenses of the Authority, or for any purposes of
15 the Authority, including the making of direct loans of such
16 funds with respect to projects, and (ii) to enter into any
17 agreement with the federal government or the State, or any
18 agency or instrumentality thereof, in relationship to such
19 grants, loans or appropriations.

20 (b) The Authority shall have power to procure and enter
21 into contracts for any type of insurance and indemnity
22 agreements covering loss or damage to property from any cause,
23 including loss of use and occupancy, or covering any other
24 insurable risk.

25 (c) The Authority shall have the continuing power to issue

1 bonds for its corporate purposes. Bonds may be issued by the
2 Authority in one or more series and may provide for the payment
3 of any interest deemed necessary on such bonds, of the costs of
4 issuance of such bonds, of any premium on any insurance, or of
5 the cost of any guarantees, letters of credit or other similar
6 documents, may provide for the funding of the reserves deemed
7 necessary in connection with such bonds, and may provide for
8 the refunding or advance refunding of any bonds or for accounts
9 deemed necessary in connection with any purpose of the
10 Authority. The bonds may bear interest payable at any time or
11 times and at any rate or rates, notwithstanding any other
12 provision of law to the contrary, and such rate or rates may be
13 established by an index or formula which may be implemented or
14 established by persons appointed or retained therefor by the
15 Authority, or may bear no interest or may bear interest payable
16 at maturity or upon redemption prior to maturity, may bear such
17 date or dates, may be payable at such time or times and at such
18 place or places, may mature at any time or times not later than
19 40 years from the date of issuance, may be sold at public or
20 private sale at such time or times and at such price or prices,
21 may be secured by such pledges, reserves, guarantees, letters
22 of credit, insurance contracts or other similar credit support
23 or liquidity instruments, may be executed in such manner, may
24 be subject to redemption prior to maturity, may provide for the
25 registration of the bonds, and may be subject to such other
26 terms and conditions all as may be provided by the resolution

1 or indenture authorizing the issuance of such bonds. The holder
2 or holders of any bonds issued by the Authority may bring suits
3 at law or proceedings in equity to compel the performance and
4 observance by any person or by the Authority or any of its
5 agents or employees of any contract or covenant made with the
6 holders of such bonds and to compel such person or the
7 Authority and any of its agents or employees to perform any
8 duties required to be performed for the benefit of the holders
9 of any such bonds by the provision of the resolution
10 authorizing their issuance, and to enjoin such person or the
11 Authority and any of its agents or employees from taking any
12 action in conflict with any such contract or covenant.
13 Notwithstanding the form and tenor of any such bonds and in the
14 absence of any express recital on the face thereof that it is
15 non-negotiable, all such bonds shall be negotiable
16 instruments. Pending the preparation and execution of any such
17 bonds, temporary bonds may be issued as provided by the
18 resolution. The bonds shall be sold by the Authority in such
19 manner as it shall determine. The bonds may be secured as
20 provided in the authorizing resolution by the receipts,
21 revenues, income and other available funds of the Authority and
22 by any amounts derived by the Authority from the loan agreement
23 or lease agreement with respect to the project or projects; and
24 bonds may be issued as general obligations of the Authority
25 payable from such revenues, funds and obligations of the
26 Authority as the bond resolution shall provide, or may be

1 issued as limited obligations with a claim for payment solely
2 from such revenues, funds and obligations as the bond
3 resolution shall provide. The Authority may grant a specific
4 pledge or assignment of and lien on or security interest in
5 such rights, revenues, income, or amounts and may grant a
6 specific pledge or assignment of and lien on or security
7 interest in any reserves, funds or accounts established in the
8 resolution authorizing the issuance of bonds. Any such pledge,
9 assignment, lien or security interest for the benefit of the
10 holders of the Authority's bonds shall be valid and binding
11 from the time the bonds are issued without any physical
12 delivery or further act, and shall be valid and binding as
13 against and prior to the claims of all other parties having
14 claims against the Authority or any other person irrespective
15 of whether the other parties have notice of the pledge,
16 assignment, lien or security interest. As evidence of such
17 pledge, assignment, lien and security interest, the Authority
18 may execute and deliver a mortgage, trust agreement, indenture
19 or security agreement or an assignment thereof. A remedy for
20 any breach or default of the terms of any such agreement by the
21 Authority may be by mandamus proceedings in any court of
22 competent jurisdiction to compel the performance and
23 compliance therewith, but the agreement may prescribe by whom
24 or on whose behalf such action may be instituted. It is
25 expressly understood that the Authority may, but need not,
26 acquire title to any project with respect to which it exercises

1 its authority.

2 (d) With respect to the powers granted by this Act, the
3 Authority may adopt rules and regulations prescribing the
4 procedures by which persons may apply for assistance under this
5 Act. Nothing herein shall be deemed to preclude the Authority,
6 prior to the filing of any formal application, from conducting
7 preliminary discussions and investigations with respect to the
8 subject matter of any prospective application.

9 (e) The Authority shall have power to acquire by purchase,
10 lease, gift or otherwise any property or rights therein from
11 any person useful for its purposes, whether improved for the
12 purposes of any prospective project, or unimproved. The
13 Authority may also accept any donation of funds for its
14 purposes from any such source. The Authority shall have no
15 independent power of condemnation but may acquire any property
16 or rights therein obtained upon condemnation by any other
17 authority, governmental entity or unit of local government with
18 such power.

19 (f) The Authority shall have power to develop, construct
20 and improve either under its own direction, or through
21 collaboration with any approved applicant, or to acquire
22 through purchase or otherwise, any project, using for such
23 purpose the proceeds derived from the sale of its bonds or from
24 governmental loans or grants, and to hold title in the name of
25 the Authority to such projects.

26 (g) The Authority shall have power to lease pursuant to a

1 lease agreement any project so developed and constructed or
2 acquired to the approved tenant on such terms and conditions as
3 may be appropriate to further the purposes of this Act and to
4 maintain the credit of the Authority. Any such lease may
5 provide for either the Authority or the approved tenant to
6 assume initially, in whole or in part, the costs of
7 maintenance, repair and improvements during the leasehold
8 period. In no case, however, shall the total rentals from any
9 project during any initial leasehold period or the total loan
10 repayments to be made pursuant to any loan agreement, be less
11 than an amount necessary to return over such lease or loan
12 period (1) all costs incurred in connection with the
13 development, construction, acquisition or improvement of the
14 project and for repair, maintenance and improvements thereto
15 during the period of the lease or loan; provided, however, that
16 the rentals or loan repayments need not include costs met
17 through the use of funds other than those obtained by the
18 Authority through the issuance of its bonds or governmental
19 loans; (2) a reasonable percentage additive to be agreed upon
20 by the Authority and the borrower or tenant to cover a properly
21 allocable portion of the Authority's general expenses,
22 including, but not limited to, administrative expenses,
23 salaries and general insurance, and (3) an amount sufficient to
24 pay when due all principal of, interest and premium, if any on,
25 any bonds issued by the Authority with respect to the project.
26 The portion of total rentals payable under clause (3) of this

1 subsection (g) shall be deposited in such special accounts,
2 including all sinking funds, acquisition or construction
3 funds, debt service and other funds as provided by any
4 resolution, mortgage or trust agreement of the Authority
5 pursuant to which any bond is issued.

6 (h) The Authority has the power, upon the termination of
7 any leasehold period of any project, to sell or lease for a
8 further term or terms such project on such terms and conditions
9 as the Authority shall deem reasonable and consistent with the
10 purposes of the Act. The net proceeds from all such sales and
11 the revenues or income from such leases shall be used to
12 satisfy any indebtedness of the Authority with respect to such
13 project and any balance may be used to pay any expenses of the
14 Authority or be used for the further development, construction,
15 acquisition or improvement of projects. In the event any
16 project is vacated by a tenant prior to the termination of the
17 initial leasehold period, the Authority shall sell or lease the
18 facilities of the project on the most advantageous terms
19 available. The net proceeds of any such disposition shall be
20 treated in the same manner as the proceeds from sales or the
21 revenues or income from leases subsequent to the termination of
22 any initial leasehold period.

23 (i) The Authority shall have the power to make loans, or to
24 purchase loan participations in loans made, to persons to
25 finance a project, to enter into loan agreements or agreements
26 with participating lenders with respect thereto, and to accept

1 guarantees from persons of its loans or the resultant evidences
2 of obligations of the Authority.

3 (j) The Authority may fix, determine, charge and collect
4 any premiums, fees, charges, costs and expenses, including,
5 without limitation, any application fees, commitment fees,
6 program fees, financing charges or publication fees from any
7 person in connection with its activities under this Act.

8 (k) In addition to the funds established as provided
9 herein, the Authority shall have the power to create and
10 establish such reserve funds and accounts as may be necessary
11 or desirable to accomplish its purposes under this Act and to
12 deposit its available monies into the funds and accounts.

13 (l) At the request of the governing body of any unit of
14 local government, the Authority is authorized to market such
15 local government's revenue bond offerings by preparing bond
16 issues for sale, advertising for sealed bids, receiving bids at
17 its offices, making the award to the bidder that offers the
18 most favorable terms or arranging for negotiated placements or
19 underwritings of such securities. The Authority may, at its
20 discretion, offer for concurrent sale the revenue bonds of
21 several local governments. Sales by the Authority of revenue
22 bonds under this Section shall in no way imply State guarantee
23 of such debt issue. The Authority may require such financial
24 information from participating local governments as it deems
25 necessary in order to carry out the purposes of this subsection
26 (1).

1 (m) The Authority may make grants to any county to which
2 Division 5-37 of the Counties Code is applicable to assist in
3 the financing of capital development, construction and
4 renovation of new or existing facilities for hospitals and
5 health care facilities under that Act. Such grants may only be
6 made from funds appropriated for such purposes from the Build
7 Illinois Bond Fund.

8 (n) The Authority may establish an urban development action
9 grant program for the purpose of assisting municipalities in
10 Illinois which are experiencing severe economic distress to
11 help stimulate economic development activities needed to aid in
12 economic recovery. The Authority shall determine the types of
13 activities and projects for which the urban development action
14 grants may be used, provided that such projects and activities
15 are broadly defined to include all reasonable projects and
16 activities the primary objectives of which are the development
17 of viable urban communities, including decent housing and a
18 suitable living environment, and expansion of economic
19 opportunity, principally for persons of low and moderate
20 incomes. The Authority shall enter into grant agreements from
21 monies appropriated for such purposes from the Build Illinois
22 Bond Fund. The Authority shall monitor the use of the grants,
23 and shall provide for audits of the funds as well as recovery
24 by the Authority of any funds determined to have been spent in
25 violation of this subsection (n) or any rule or regulation
26 promulgated hereunder. The Authority shall provide technical

1 assistance with regard to the effective use of the urban
2 development action grants. The Authority shall file an annual
3 report to the General Assembly concerning the progress of the
4 grant program.

5 (o) The Authority may establish a Housing Partnership
6 Program whereby the Authority provides zero-interest loans to
7 municipalities for the purpose of assisting in the financing of
8 projects for the rehabilitation of affordable multi-family
9 housing for low and moderate income residents. The Authority
10 may provide such loans only upon a municipality's providing
11 evidence that it has obtained private funding for the
12 rehabilitation project. The Authority shall provide 3 State
13 dollars for every 7 dollars obtained by the municipality from
14 sources other than the State of Illinois. The loans shall be
15 made from monies appropriated for such purpose from the Build
16 Illinois Bond Fund. The total amount of loans available under
17 the Housing Partnership Program shall not exceed \$30,000,000.
18 State loan monies under this subsection shall be used only for
19 the acquisition and rehabilitation of existing buildings
20 containing 4 or more dwelling units. The terms of any loan made
21 by the municipality under this subsection shall require
22 repayment of the loan to the municipality upon any sale or
23 other transfer of the project.

24 (p) The Authority may award grants to universities and
25 research institutions, research consortiums and other
26 not-for-profit entities for the purposes of: remodeling or

1 otherwise physically altering existing laboratory or research
2 facilities, expansion or physical additions to existing
3 laboratory or research facilities, construction of new
4 laboratory or research facilities or acquisition of modern
5 equipment to support laboratory or research operations
6 provided that such grants (i) be used solely in support of
7 project and equipment acquisitions which enhance technology
8 transfer, and (ii) not constitute more than 60 percent of the
9 total project or acquisition cost.

10 (q) Grants may be awarded by the Authority to units of
11 local government for the purpose of developing the appropriate
12 infrastructure or defraying other costs to the local government
13 in support of laboratory or research facilities provided that
14 such grants may not exceed 40% of the cost to the unit of local
15 government.

16 (r) In addition to the powers granted to the Authority
17 under subsection (i), and in all cases supplemental to it, the
18 ~~The~~ Authority may establish a direct loan program ~~Direct Loan~~
19 ~~Program~~ to make loans to, or may purchase participations in
20 loans made by participating lenders to, individuals,
21 partnerships, ~~or~~ corporations, or other business entities for
22 the purpose of financing an industrial project, as defined in
23 Section 801-10 of this Act. For the purposes of such program
24 and not by way of limitation on any other program of the
25 Authority, including, without limitation, programs established
26 under subsection (i), the Authority shall have the power to

1 issue bonds, notes, or other evidences of indebtedness
2 including commercial paper for purposes of providing a fund of
3 capital from which it may make such loans. The Authority shall
4 have the power to use any appropriations from the State made
5 especially for the Authority's direct loan program, or moneys
6 at any time held by the Authority under this Act outside the
7 State treasury in the custody of either the Treasurer of the
8 Authority or a trustee or depository appointed by the
9 Authority, ~~Direct Loan Program~~ for additional capital to make
10 such loans or purchase such loan participations, or for the
11 purposes of reserve funds or pledged funds which secure the
12 Authority's obligations of repayment of any bond, note or other
13 form of indebtedness established for the purpose of providing
14 capital for which it intends to make such loans or purchase
15 such loan participations ~~under the Direct Loan Program~~. For the
16 purpose of obtaining such capital, the Authority may also enter
17 into agreements with financial institutions, participating
18 lenders, and other persons for the purpose of administering a
19 loan participation program, selling loans or ~~and~~ developing a
20 secondary market for such loans or loan participations. Loans
21 made under the direct loan program specifically established
22 under this subsection (r), including loans under such program
23 made by participating lenders in which the Authority purchases
24 a participation, ~~Direct Loan Program~~ may be in an amount not to
25 exceed \$600,000 ~~\$300,000~~ and shall be made for a portion of an
26 industrial project which does not exceed 50% of the total

1 project. No loan may be made by the Authority unless approved
2 by the affirmative vote of at least 8 members of the board. The
3 Authority shall establish procedures and publish rules which
4 shall provide for the submission, review, and analysis of each
5 direct loan and loan participation application and which shall
6 preserve the ability of each board member and the Executive
7 Director, as applicable, to reach an individual business
8 judgment regarding the propriety of ~~making~~ each direct loan or
9 loan participation. The collective discretion of the board to
10 approve or disapprove each loan shall be unencumbered. The
11 Authority may establish and collect such fees and charges,
12 determine and enforce such terms and conditions, and charge
13 such interest rates as it determines to be necessary and
14 appropriate to the successful administration of the direct loan
15 program, including purchasing loan participations ~~Direct Loan~~
16 ~~Program~~. The Authority may require such interests in collateral
17 and such guarantees as it determines are necessary to protect
18 ~~project~~ the Authority's interest in the repayment of the
19 principal and interest of each loan and loan participation made
20 under the direct loan program ~~Direct Loan Program~~. The
21 restrictions established under this subsection (r) shall not be
22 applicable to any loan or loan participation made under
23 subsection (i) or to any loan or loan participation made under
24 any other Section of this Act.

25 (s) The Authority may guarantee private loans to third
26 parties up to a specified dollar amount in order to promote

1 economic development in this State.

2 (t) The Authority may adopt rules and regulations as may be
3 necessary or advisable to implement the powers conferred by
4 this Act.

5 (u) The Authority shall have the power to issue bonds,
6 notes or other evidences of indebtedness, which may be used to
7 make loans to units of local government which are authorized to
8 enter into loan agreements and other documents and to issue
9 bonds, notes and other evidences of indebtedness for the
10 purpose of financing the protection of storm sewer outfalls,
11 the construction of adequate storm sewer outfalls, and the
12 provision for flood protection of sanitary sewage treatment
13 plans, in counties that have established a stormwater
14 management planning committee in accordance with Section
15 5-1062 of the Counties Code. Any such loan shall be made by the
16 Authority pursuant to the provisions of Section 820-5 to 820-60
17 of this Act. The unit of local government shall pay back to the
18 Authority the principal amount of the loan, plus annual
19 interest as determined by the Authority. The Authority shall
20 have the power, subject to appropriations by the General
21 Assembly, to subsidize or buy down a portion of the interest on
22 such loans, up to 4% per annum.

23 (v) The Authority may accept security interests as provided
24 in Sections 11-3 and 11-3.3 of the Illinois Public Aid Code.

25 (w) Moral Obligation. In the event that the Authority
26 determines that monies of the Authority will not be sufficient

1 for the payment of the principal of and interest on its bonds
2 during the next State fiscal year, the Chairperson, as soon as
3 practicable, shall certify to the Governor the amount required
4 by the Authority to enable it to pay such principal of and
5 interest on the bonds. The Governor shall submit the amount so
6 certified to the General Assembly as soon as practicable, but
7 no later than the end of the current State fiscal year. This
8 subsection shall apply only to any bonds or notes as to which
9 the Authority shall have determined, in the resolution
10 authorizing the issuance of the bonds or notes, that this
11 subsection shall apply. Whenever the Authority makes such a
12 determination, that fact shall be plainly stated on the face of
13 the bonds or notes and that fact shall also be reported to the
14 Governor. In the event of a withdrawal of moneys from a reserve
15 fund established with respect to any issue or issues of bonds
16 of the Authority to pay principal or interest on those bonds,
17 the Chairperson of the Authority, as soon as practicable, shall
18 certify to the Governor the amount required to restore the
19 reserve fund to the level required in the resolution or
20 indenture securing those bonds. The Governor shall submit the
21 amount so certified to the General Assembly as soon as
22 practicable, but no later than the end of the current State
23 fiscal year. The Authority shall obtain written approval from
24 the Governor for any bonds and notes to be issued under this
25 Section. In addition to any other bonds authorized to be issued
26 under Sections 825-60, 825-65(e), 830-25 and 845-5, the

1 principal amount of Authority bonds outstanding issued under
2 this Section 801-40(w) or under 20 ILCS 3850/1-80 or 30 ILCS
3 360/2-6(c), which have been assumed by the Authority, shall not
4 exceed \$150,000,000. This subsection (w) shall in no way be
5 applied to any bonds issued by the Authority on behalf of the
6 Illinois Power Agency under Section 825-90 of this Act.

7 (x) The Authority may enter into agreements or contracts
8 with any person necessary or appropriate to place the payment
9 obligations of the Authority under any of its bonds in whole or
10 in part on any interest rate basis, cash flow basis, or other
11 basis desired by the Authority, including without limitation
12 agreements or contracts commonly known as "interest rate swap
13 agreements", "forward payment conversion agreements", and
14 "futures", or agreements or contracts to exchange cash flows or
15 a series of payments, or agreements or contracts, including
16 without limitation agreements or contracts commonly known as
17 "options", "puts", or "calls", to hedge payment, rate spread,
18 or similar exposure; provided that any such agreement or
19 contract shall not constitute an obligation for borrowed money
20 and shall not be taken into account under Section 845-5 of this
21 Act or any other debt limit of the Authority or the State of
22 Illinois.

23 (y) The Authority shall publish summaries of projects and
24 actions approved by the members of the Authority on its
25 website. These summaries shall include, but not be limited to,
26 information regarding the:

- 1 (1) project;
- 2 (2) Board's action or actions;
- 3 (3) purpose of the project;
- 4 (4) Authority's program and contribution;
- 5 (5) volume cap;
- 6 (6) jobs retained;
- 7 (7) projected new jobs;
- 8 (8) construction jobs created;
- 9 (9) estimated sources and uses of funds;
- 10 (10) financing summary;
- 11 (11) project summary;
- 12 (12) business summary;
- 13 (13) ownership or economic disclosure statement;
- 14 (14) professional and financial information;
- 15 (15) service area; and
- 16 (16) legislative district.

17 The disclosure of information pursuant to this subsection
18 shall comply with the Freedom of Information Act.

19 (Source: P.A. 95-470, eff. 8-27-07; 95-481, eff. 8-28-07;
20 95-876, eff. 8-21-08; 96-795, eff. 7-1-10 (see Section 5 of
21 P.A. 96-793 for the effective date of changes made by P.A.
22 96-795).)

23 (20 ILCS 3501/805-5)

24 Sec. 805-5. Findings and Declaration of Policy. It is
25 hereby found and declared that a continuing need exists to

1 maintain and develop the State's economy; that there are
2 significant barriers in the capital markets inhibiting the
3 issuance by the Authority of industrial revenue bonds, loans,
4 and State Guarantees to assist in financing industrial
5 projects, PACE Projects, farmers, and agribusiness in the
6 State, particularly for smaller firms; and that the
7 establishment of the Industrial Revenue Bond Insurance Fund and
8 the exercise by the Authority of the powers granted in this
9 Article will promote economic development by widening the
10 market for the Authority's revenue bonds, loans, PACE Projects,
11 and State Guarantees.

12 (Source: P.A. 96-897, eff. 5-24-10.)

13 (20 ILCS 3501/805-15)

14 Sec. 805-15. Industrial Project Insurance Fund. There is
15 created the Industrial Project Insurance Fund, hereafter
16 referred to in Sections 805-15 through 805-50 of this Act as
17 the "Fund". The Treasurer shall have custody of the Fund, which
18 shall be held outside of the State treasury, except that
19 custody may be transferred to and held by any bank, trust
20 company or other fiduciary with whom the Authority executes a
21 trust agreement as authorized by paragraph (h) of Section
22 805-20 of this Act. Any portion of the Fund against which a
23 charge has been made, shall be held for the benefit of the
24 holders of the loans or bonds insured under Section 805-20 of
25 this Act or the holders of State Guarantees under Article 830

1 of this Act. There shall be deposited in the Fund such amounts,
2 including but not limited to:

3 (a) All receipts of bond and loan insurance premiums;

4 (b) All proceeds of assets of whatever nature received by
5 the Authority as a result of default or delinquency with
6 respect to insured loans or bonds or State Guarantees with
7 respect to which payments from the Fund have been made,
8 including proceeds from the sale, disposal, lease or rental of
9 real or personal property which the Authority may receive under
10 the provisions of this Article but excluding the proceeds of
11 insurance hereunder;

12 (c) All receipts from any applicable contract or agreement
13 entered into by the Authority under paragraph (b) of Section
14 805-20 of this Act;

15 (d) Any State appropriations, transfers of appropriations,
16 or transfers of general obligation bond proceeds or other
17 monies made available to the Fund. Amounts in the Fund shall be
18 used in accordance with the provisions of this Article to
19 satisfy any valid insurance claim payable therefrom and may be
20 used for any other purpose determined by the Authority in
21 accordance with insurance contract or contracts with financial
22 institutions entered into pursuant to this Act, including
23 without limitation protecting the interest of the Authority in
24 industrial projects during periods of loan delinquency or upon
25 loan default through the purchase of industrial projects in
26 foreclosure proceedings or in lieu of foreclosure or through

1 any other means. Such amounts may also be used to pay
2 administrative costs and expenses reasonably allocable to the
3 activities in connection with the Fund and to pay taxes,
4 maintenance, insurance, security and any other costs and
5 expenses of bidding for, acquiring, owning, carrying and
6 disposing of industrial projects or PACE Projects, which were
7 financed with the proceeds of loans or insured bonds ~~or loans,~~
8 including loans or loan participations made under subsections
9 (i) or (r) of Section 801-40. In the case of a default in
10 payment with respect to any loan, mortgage or other agreement
11 so insured or otherwise representing possible loss to the
12 Authority, the amount of the default shall immediately, and at
13 all times during the continuance of such default, and to the
14 extent provided in any applicable agreement, constitute a
15 charge on the Fund. Any amounts in the Fund not currently
16 needed to meet the obligations of the Fund may be invested as
17 provided by law in obligations designated by the Authority, or
18 used to make direct loans or purchase loan participations under
19 subsections (i) or (r) of Section 801-40. All ~~and all~~ income
20 from such investments shall become part of the Fund. All income
21 from direct loans or loan participations made under subsections
22 (i) or (r) of Section 801-40 shall become funds of the
23 Authority. In making such investments, the Authority shall act
24 with the care, skill, diligence and prudence under the
25 circumstances of a prudent person acting in a like capacity in
26 the conduct of an enterprise of like character and with like

1 aims. It shall diversify such investments of the Authority so
2 as to minimize the risk of large losses, unless under the
3 circumstances it is clearly not prudent to do so. Amounts in
4 the Fund may also be used to satisfy State Guarantees under
5 Article 830 of this Act.

6 (Source: P.A. 96-897, eff. 5-24-10.)

7 (20 ILCS 3501/825-65)

8 Sec. 825-65. Clean Coal, Coal, Energy Efficiency, PACE, and
9 Renewable Energy Project Financing.

10 (a) Findings and declaration of policy.

11 (i) It is hereby found and declared that Illinois has
12 abundant coal resources and, in some areas of Illinois, the
13 demand for power exceeds the generating capacity.
14 Incentives to encourage the construction of coal-fueled
15 electric generating plants in Illinois to ensure power
16 generating capacity into the future and to advance clean
17 coal technology and the use of Illinois coal are in the
18 best interests of all of the citizens of Illinois.

19 (ii) It is further found and declared that Illinois has
20 abundant potential and resources to develop renewable
21 energy resource projects and that there are many
22 opportunities to invest in cost-effective energy
23 efficiency projects throughout the State. The development
24 of those projects will create jobs and investment as well
25 as decrease environmental impacts and promote energy

1 independence in Illinois. Accordingly, the development of
2 those projects is in the best interests of all of the
3 citizens of Illinois.

4 (iii) The Authority is authorized to issue bonds to
5 help finance Clean Coal, Coal, Energy Efficiency, PACE, and
6 Renewable Energy projects pursuant to this Section.

7 (b) Definitions.

8 (i) "Clean Coal Project" means (A) "clean coal
9 facility", as defined in Section 1-10 of the Illinois Power
10 Agency Act; (B) "clean coal SNG facility", as defined in
11 Section 1-10 of the Illinois Power Agency Act; (C)
12 transmission lines and associated equipment that transfer
13 electricity from points of supply to points of delivery for
14 projects described in this subsection (b); (D) pipelines or
15 other methods to transfer carbon dioxide from the point of
16 production to the point of storage or sequestration for
17 projects described in this subsection (b); or (E) projects
18 to provide carbon abatement technology for existing
19 generating facilities.

20 (ii) "Coal Project" means new electric generating
21 facilities or new gasification facilities, as defined in
22 Section 605-332 of the Department of Commerce and Economic
23 Opportunity Law of the Civil Administrative Code of
24 Illinois, which may include mine-mouth power plants,
25 projects that employ the use of clean coal technology,
26 projects to provide scrubber technology for existing

1 energy generating plants, or projects to provide electric
2 transmission facilities or new gasification facilities.

3 (iii) "Energy Efficiency Project" means measures that
4 reduce the amount of electricity or natural gas required to
5 achieve a given end use, consistent with Section 1-10 of
6 the Illinois Power Agency Act. "Energy Efficiency Project"
7 also includes measures that reduce the total Btus of
8 electricity and natural gas needed to meet the end use or
9 uses consistent with Section 1-10 of the Illinois Power
10 Agency Act.

11 (iv) "Renewable Energy Project" means (A) a project
12 that uses renewable energy resources, as defined in Section
13 1-10 of the Illinois Power Agency Act; (B) a project that
14 uses environmentally preferable technologies and practices
15 that result in improvements to the production of renewable
16 fuels, including but not limited to, cellulosic
17 conversion, water and energy conservation, fractionation,
18 alternative feedstocks, or reduced greenhouse gas
19 emissions; (C) transmission lines and associated equipment
20 that transfer electricity from points of supply to points
21 of delivery for projects described in this subsection (b);
22 or (D) projects that use technology for the storage of
23 renewable energy, including, without limitation, the use
24 of battery or electrochemical storage technology for
25 mobile or stationary applications.

26 (c) Creation of reserve funds. The Authority may establish

1 and maintain one or more reserve funds to enhance bonds issued
2 by the Authority for a Clean Coal Project, a Coal Project, an
3 Energy Efficiency Project, a PACE Project, or a Renewable
4 Energy Project. There may be one or more accounts in these
5 reserve funds in which there may be deposited:

6 (1) any proceeds of the bonds issued by the Authority
7 required to be deposited therein by the terms of any
8 contract between the Authority and its bondholders or any
9 resolution of the Authority;

10 (2) any other moneys or funds of the Authority that it
11 may determine to deposit therein from any other source; and

12 (3) any other moneys or funds made available to the
13 Authority. Subject to the terms of any pledge to the owners
14 of any bonds, moneys in any reserve fund may be held and
15 applied to the payment of principal, premium, if any, and
16 interest of such bonds.

17 (d) Powers and duties. The Authority has the power:

18 (1) To issue bonds in one or more series pursuant to
19 one or more resolutions of the Authority for any Clean Coal
20 Project, Coal Project, Energy Efficiency Project, PACE
21 Project, or Renewable Energy Project authorized under this
22 Section, within the authorization set forth in subsection
23 (e).

24 (2) To provide for the funding of any reserves or other
25 funds or accounts deemed necessary by the Authority in
26 connection with any bonds issued by the Authority.

1 (3) To pledge any funds of the Authority or funds made
2 available to the Authority that may be applied to such
3 purpose as security for any bonds or any guarantees,
4 letters of credit, insurance contracts or similar credit
5 support or liquidity instruments securing the bonds.

6 (4) To enter into agreements or contracts with third
7 parties, whether public or private, including, without
8 limitation, the United States of America, the State or any
9 department or agency thereof, to obtain any
10 appropriations, grants, loans or guarantees that are
11 deemed necessary or desirable by the Authority. Any such
12 guarantee, agreement or contract may contain terms and
13 provisions necessary or desirable in connection with the
14 program, subject to the requirements established by the
15 Act.

16 (4.5) To make loans under subsection (i) of Section
17 801-40 to finance loans for PACE Projects.

18 (5) To exercise such other powers as are necessary or
19 incidental to the foregoing.

20 (e) Clean Coal Project, Coal Project, Energy Efficiency
21 Project, PACE Project, and Renewable Energy Project bond
22 authorization and financing limits. In addition to any other
23 bonds authorized to be issued under Sections 801-40(w), 825-60,
24 830-25 and 845-5, the Authority may have outstanding, at any
25 time, bonds for the purpose enumerated in this Section 825-65
26 in an aggregate principal amount that shall not exceed

1 \$3,000,000,000, subject to the following limitations: (i) up to
2 \$300,000,000 may be issued to finance projects, as described in
3 clause (C) of subsection (b)(i) and clause (C) of subsection
4 (b)(iv) of this Section 825-65; (ii) up to \$500,000,000 may be
5 issued to finance projects, as described in clauses (D) and (E)
6 of subsection (b)(i) of this Section 825-65; (iii) up to
7 \$2,000,000,000 may be issued to finance Clean Coal Projects, as
8 described in clauses (A) and (B) of subsection (b)(i) of this
9 Section 825-65 and Coal Projects, as described in subsection
10 (b)(ii) of this Section 825-65; and (iv) up to \$2,000,000,000
11 may be issued to finance Energy Efficiency Projects, as
12 described in subsection (b)(iii) of this Section 825-65, and
13 Renewable Energy Projects, as described in clauses (A), (B),
14 and (D) of subsection (b) (iv) ~~(iii)~~ of this Section 825-65, and
15 PACE Projects. An application for a loan financed from bond
16 proceeds from a borrower or its affiliates for a Clean Coal
17 Project, a Coal Project, Energy Efficiency Project, PACE
18 Project, or a Renewable Energy Project may not be approved by
19 the Authority for an amount in excess of \$450,000,000 for any
20 borrower or its affiliates. A Clean Coal Project, or ~~or~~ Coal
21 Project, or PACE Project must be located within the State. An
22 Energy Efficiency Project may be located within the State or
23 outside the State, provided that, if the Energy Efficiency
24 Project is located outside of the State, it must be owned,
25 operated, leased, or managed by an entity located within the
26 State or any entity affiliated with an entity located within

1 the State. These bonds shall not constitute an indebtedness or
2 obligation of the State of Illinois and it shall be plainly
3 stated on the face of each bond that it does not constitute an
4 indebtedness or obligation of the State of Illinois, but is
5 payable solely from the revenues, income or other assets of the
6 Authority pledged therefor.

7 (f) The bonding authority granted under this Section is in
8 addition to and not limited by the provisions of Section 845-5.
9 (Source: P.A. 100-201, eff. 8-18-17.)

10 (20 ILCS 3501/830-30)

11 Sec. 830-30. State Guarantees for existing debt.

12 (a) The Authority is authorized to issue State Guarantees
13 for farmers' existing debts held by a lender. For the purposes
14 of this Section, a farmer shall be a resident of Illinois, who
15 is a principal operator of a farm or land, at least 50% of
16 whose annual gross income is derived from farming and whose
17 debt to asset ratio shall not be less than 40%, except in those
18 cases where the applicant has previously used the guarantee
19 program there shall be no debt to asset ratio or income
20 restriction. For the purposes of this Section, debt to asset
21 ratio shall mean the current outstanding liabilities of the
22 farmer divided by the current outstanding assets of the farmer.
23 The Authority shall establish the maximum permissible debt to
24 asset ratio based on criteria established by the Authority.
25 Lenders shall apply for the State Guarantees on forms provided

1 by the Authority and certify that the application and any other
2 documents submitted are true and correct. The lender or
3 borrower, or both in combination, shall pay an administrative
4 fee as determined by the Authority. The applicant shall be
5 responsible for paying any fees or charges involved in
6 recording mortgages, releases, financing statements, insurance
7 for secondary market issues and any other similar fees or
8 charges as the Authority may require. The application shall at
9 a minimum contain the farmer's name, address, present credit
10 and financial information, including cash flow statements,
11 financial statements, balance sheets, and any other
12 information pertinent to the application, and the collateral to
13 be used to secure the State Guarantee. In addition, the lender
14 must agree to bring the farmer's debt to a current status at
15 the time the State Guarantee is provided and must also agree to
16 charge a fixed or adjustable interest rate which the Authority
17 determines to be below the market rate of interest generally
18 available to the borrower. If both the lender and applicant
19 agree, the interest rate on the State Guarantee Loan can be
20 converted to a fixed interest rate at any time during the term
21 of the loan. Any State Guarantees provided under this Section
22 (i) shall not exceed \$500,000 per farmer, (ii) shall be set up
23 on a payment schedule not to exceed 30 years, and shall be no
24 longer than 30 years in duration, and (iii) shall be subject to
25 an annual review and renewal by the lender and the Authority;
26 provided that only one such State Guarantee shall be

1 outstanding per farmer at any one time. No State Guarantee
2 shall be revoked by the Authority without a 90-day notice, in
3 writing, to all parties. In those cases where the borrower has
4 not previously used the guarantee program, the lender shall not
5 call due any loan during the first 3 years for any reason
6 except for lack of performance or insufficient collateral. The
7 lender can review and withdraw or continue with the State
8 Guarantee on an annual basis after the first 3 years of the
9 loan, provided a 90-day notice, in writing, to all parties has
10 been given.

11 (b) The Authority shall provide or renew a State Guarantee
12 to a lender if:

13 (i) A fee equal to 25 basis points on the loan is paid
14 to the Authority on an annual basis by the lender.

15 (ii) The application provides collateral acceptable to
16 the Authority that is at least equal to the State's portion
17 of the Guarantee to be provided.

18 (iii) The lender assumes all responsibility and costs
19 for pursuing legal action on collecting any loan that is
20 delinquent or in default.

21 (iv) The lender is responsible for the first 15% of the
22 outstanding principal of the note for which the State
23 Guarantee has been applied.

24 (c) There is hereby created outside of the State treasury a
25 special fund to be known as the Illinois Agricultural Loan
26 Guarantee Fund. The State Treasurer shall be custodian of this

1 Fund. Any amounts in the Illinois Agricultural Loan Guarantee
2 Fund not currently needed to meet the obligations of the Fund
3 shall be invested as provided by law or used by the Authority
4 to make direct loans or originate or purchase loan
5 participations under subsections (i) or (r) of Section 801-40.
6 All ~~, and all~~ interest earned from these investments shall be
7 deposited into the Fund until the Fund reaches the maximum
8 amount authorized in this Act; thereafter, interest earned
9 shall be deposited into the General Revenue Fund. After
10 September 1, 1989, annual investment earnings equal to 1.5% of
11 the Fund shall remain in the Fund to be used for the purposes
12 established in Section 830-40 of this Act. All earnings on
13 direct loans or loan participations made by the Authority under
14 subsections (i) or (r) of Section 801-40 with amounts in this
15 Fund shall become funds of the Authority. The Authority is
16 authorized to transfer to the Fund such amounts as are
17 necessary to satisfy claims during the duration of the State
18 Guarantee program to secure State Guarantees issued under this
19 Section, provided that amounts to be paid from the Industrial
20 Project Insurance Fund created under Article 805 of this Act
21 may be paid by the Authority directly to satisfy claims and
22 need not be deposited first into the Illinois Agricultural Loan
23 Guarantee Fund. If for any reason the General Assembly fails to
24 make an appropriation sufficient to meet these obligations,
25 this Act shall constitute an irrevocable and continuing
26 appropriation of an amount necessary to secure guarantees as

1 defaults occur and the irrevocable and continuing authority
2 for, and direction to, the State Treasurer and the Comptroller
3 to make the necessary transfers to the Illinois Agricultural
4 Loan Guarantee Fund, as directed by the Governor, out of the
5 General Revenue Fund. Within 30 days after November 15, 1985,
6 the Authority may transfer up to \$7,000,000 from available
7 appropriations into the Illinois Agricultural Loan Guarantee
8 Fund for the purposes of this Act. Thereafter, the Authority
9 may transfer additional amounts into the Illinois Agricultural
10 Loan Guarantee Fund to secure guarantees for defaults as
11 defaults occur. In the event of default by the farmer, the
12 lender shall be entitled to, and the Authority shall direct
13 payment on, the State Guarantee after 90 days of delinquency.
14 All payments by the Authority to satisfy claims against the
15 State Guarantee shall be made, in whole or in part, from any of
16 the following funds in such order and in such amounts as the
17 Authority shall determine: (1) the Industrial Project
18 Insurance Fund created under Article 805 of this Act (if the
19 Authority exercises its discretion under subsection (j) of
20 Section 805-20); (2) the Illinois Agricultural Loan Guarantee
21 Fund; or (3) the Illinois Farmer and Agribusiness Loan
22 Guarantee Fund. The Illinois Agricultural Loan Guarantee Fund
23 shall guarantee receipt of payment of the 85% of the principal
24 and interest owed on the State Guarantee Loan by the farmer to
25 the guarantee holder, provided that payments by the Authority
26 to satisfy claims against the State Guarantee shall be made in

1 accordance with the preceding sentence. It shall be the
2 responsibility of the lender to proceed with the collecting and
3 disposing of collateral on the State Guarantee under this
4 Section, Section 830-35, Section 830-45, Section 830-50,
5 Section 830-55, or Article 835 within 14 months of the time the
6 State Guarantee is declared delinquent; provided, however,
7 that the lender shall not collect or dispose of collateral on
8 the State Guarantee without the express written prior approval
9 of the Authority. If the lender does not dispose of the
10 collateral within 14 months, the lender shall be liable to
11 repay to the State interest on the State Guarantee equal to the
12 same rate which the lender charges on the State Guarantee;
13 provided, however, that the Authority may extend the 14-month
14 period for a lender in the case of bankruptcy or extenuating
15 circumstances. The Fund from which a payment is made shall be
16 reimbursed for any amounts paid from that Fund under this
17 Section, Section 830-35, Section 830-45, Section 830-50,
18 Section 830-55, or Article 835 upon liquidation of the
19 collateral. The Authority, by resolution of the Board, may
20 borrow sums from the Fund and provide for repayment as soon as
21 may be practical upon receipt of payments of principal and
22 interest by a farmer. Money may be borrowed from the Fund by
23 the Authority for the sole purpose of paying certain interest
24 costs for farmers associated with selling a loan subject to a
25 State Guarantee in a secondary market as may be deemed
26 reasonable and necessary by the Authority.

1 (d) Notwithstanding the provisions of this Section 830-30
2 with respect to the farmers and lenders who may obtain State
3 Guarantees, the Authority may promulgate rules establishing
4 the eligibility of farmers and lenders to participate in the
5 State guarantee program and the terms, standards, and
6 procedures that will apply, when the Authority finds that
7 emergency conditions in Illinois agriculture have created the
8 need for State Guarantees pursuant to terms, standards, and
9 procedures other than those specified in this Section.

10 (Source: P.A. 99-509, eff. 6-24-16.)

11 (20 ILCS 3501/830-35)

12 Sec. 830-35. State Guarantees for loans to farmers and
13 agribusiness; eligibility.

14 (a) The Authority is authorized to issue State Guarantees
15 to lenders for loans to eligible farmers and agribusinesses for
16 purposes set forth in this Section. For purposes of this
17 Section, an eligible farmer shall be a resident of Illinois (i)
18 who is principal operator of a farm or land, at least 50% of
19 whose annual gross income is derived from farming, (ii) whose
20 annual total sales of agricultural products, commodities, or
21 livestock exceeds \$20,000, and (iii) whose net worth does not
22 exceed \$500,000. An eligible agribusiness shall be that as
23 defined in Section 801-10 of this Act. The Authority may
24 approve applications by farmers and agribusinesses that
25 promote diversification of the farm economy of this State

1 through the growth and development of new crops or livestock
2 not customarily grown or produced in this State or that
3 emphasize a vertical integration of grain or livestock produced
4 or raised in this State into a finished agricultural product
5 for consumption or use. "New crops or livestock not customarily
6 grown or produced in this State" shall not include corn,
7 soybeans, wheat, swine, or beef or dairy cattle. "Vertical
8 integration of grain or livestock produced or raised in this
9 State" shall include any new or existing grain or livestock
10 grown or produced in this State. Lenders shall apply for the
11 State Guarantees on forms provided by the Authority, certify
12 that the application and any other documents submitted are true
13 and correct, and pay an administrative fee as determined by the
14 Authority. The applicant shall be responsible for paying any
15 fees or charges involved in recording mortgages, releases,
16 financing statements, insurance for secondary market issues
17 and any other similar fees or charges as the Authority may
18 require. The application shall at a minimum contain the
19 farmer's or agribusiness' name, address, present credit and
20 financial information, including cash flow statements,
21 financial statements, balance sheets, and any other
22 information pertinent to the application, and the collateral to
23 be used to secure the State Guarantee. In addition, the lender
24 must agree to charge an interest rate, which may vary, on the
25 loan that the Authority determines to be below the market rate
26 of interest generally available to the borrower. If both the

1 lender and applicant agree, the interest rate on the State
2 Guarantee Loan can be converted to a fixed interest rate at any
3 time during the term of the loan. Any State Guarantees provided
4 under this Section (i) shall not exceed \$500,000 per farmer or
5 an amount as determined by the Authority on a case-by-case
6 basis for an agribusiness, (ii) shall not exceed a term of 15
7 years, and (iii) shall be subject to an annual review and
8 renewal by the lender and the Authority; provided that only one
9 such State Guarantee shall be made per farmer or agribusiness,
10 except that additional State Guarantees may be made for
11 purposes of expansion of projects financed in part by a
12 previously issued State Guarantee. No State Guarantee shall be
13 revoked by the Authority without a 90-day notice, in writing,
14 to all parties. The lender shall not call due any loan for any
15 reason except for lack of performance, insufficient
16 collateral, or maturity. A lender may review and withdraw or
17 continue with a State Guarantee on an annual basis after the
18 first 5 years following closing of the loan application if the
19 loan contract provides for an interest rate that shall not
20 vary. A lender shall not withdraw a State Guarantee if the loan
21 contract provides for an interest rate that may vary, except
22 for reasons set forth herein.

23 (b) The Authority shall provide or renew a State Guarantee
24 to a lender if:

25 (i) A fee equal to 25 basis points on the loan is paid
26 to the Authority on an annual basis by the lender.

1 (ii) The application provides collateral acceptable to
2 the Authority that is at least equal to the State's portion
3 of the Guarantee to be provided.

4 (iii) The lender assumes all responsibility and costs
5 for pursuing legal action on collecting any loan that is
6 delinquent or in default.

7 (iv) The lender is responsible for the first 15% of the
8 outstanding principal of the note for which the State
9 Guarantee has been applied.

10 (c) There is hereby created outside of the State treasury a
11 special fund to be known as the Illinois Farmer and
12 Agribusiness Loan Guarantee Fund. The State Treasurer shall be
13 custodian of this Fund. Any amounts in the Fund not currently
14 needed to meet the obligations of the Fund shall be invested as
15 provided by law, or used by the Authority to make direct loans
16 or originate or purchase loan participations under subsections
17 (i) or (r) of Section 801-40. All ~~and all~~ interest earned from
18 these investments shall be deposited into the Fund until the
19 Fund reaches the maximum amounts authorized in this Act;
20 thereafter, interest earned shall be deposited into the General
21 Revenue Fund. After September 1, 1989, annual investment
22 earnings equal to 1.5% of the Fund shall remain in the Fund to
23 be used for the purposes established in Section 830-40 of this
24 Act. All earnings on direct loans or loan participations made
25 by the Authority under subsections (i) or (r) of Section 801-40
26 with amounts in this Fund shall become funds of the Authority.

1 The Authority is authorized to transfer such amounts as are
2 necessary to satisfy claims from available appropriations and
3 from fund balances of the Farm Emergency Assistance Fund as of
4 June 30 of each year to the Illinois Farmer and Agribusiness
5 Loan Guarantee Fund to secure State Guarantees issued under
6 this Section, Sections 830-30, 830-45, 830-50, and 830-55, and
7 Article 835 of this Act. Amounts to be paid from the Industrial
8 Project Insurance Fund created under Article 805 of this Act
9 may be paid by the Authority directly to satisfy claims and
10 need not be deposited first into the Illinois Farmer and
11 Agribusiness Loan Guarantee Fund. If for any reason the General
12 Assembly fails to make an appropriation sufficient to meet
13 these obligations, this Act shall constitute an irrevocable and
14 continuing appropriation of an amount necessary to secure
15 guarantees as defaults occur and the irrevocable and continuing
16 authority for, and direction to, the State Treasurer and the
17 Comptroller to make the necessary transfers to the Illinois
18 Farmer and Agribusiness Loan Guarantee Fund, as directed by the
19 Governor, out of the General Revenue Fund. In the event of
20 default by the borrower on State Guarantee Loans under this
21 Section, Section 830-45, Section 830-50, or Section 830-55, the
22 lender shall be entitled to, and the Authority shall direct
23 payment on, the State Guarantee after 90 days of delinquency.
24 All payments by the Authority to satisfy claims against the
25 State Guarantee shall be made, in whole or in part, from any of
26 the following funds in such order and in such amounts as the

1 Authority shall determine: (1) the Industrial Project
2 Insurance Fund created under Article 805 of this Act (if the
3 Authority exercises its discretion under subsection (j) of
4 Section 805-20); (2) the Illinois Farmer and Agribusiness Loan
5 Guarantee Fund; or (3) the Illinois Farmer and Agribusiness
6 Loan Guarantee Fund. It shall be the responsibility of the
7 lender to proceed with the collecting and disposing of
8 collateral on the State Guarantee under this Section, Section
9 830-45, Section 830-50, or Section 830-55 within 14 months of
10 the time the State Guarantee is declared delinquent. If the
11 lender does not dispose of the collateral within 14 months, the
12 lender shall be liable to repay to the State interest on the
13 State Guarantee equal to the same rate that the lender charges
14 on the State Guarantee, provided that the Authority shall have
15 the authority to extend the 14-month period for a lender in the
16 case of bankruptcy or extenuating circumstances. The Fund shall
17 be reimbursed for any amounts paid under this Section, Section
18 830-30, Section 830-45, Section 830-50, Section 830-55, or
19 Article 835 upon liquidation of the collateral. The Authority,
20 by resolution of the Board, may borrow sums from the Fund and
21 provide for repayment as soon as may be practical upon receipt
22 of payments of principal and interest by a borrower on State
23 Guarantee Loans under this Section, Section 830-30, Section
24 830-45, Section 830-50, Section 830-55, or Article 835. Money
25 may be borrowed from the Fund by the Authority for the sole
26 purpose of paying certain interest costs for borrowers

1 associated with selling a loan subject to a State Guarantee
2 under this Section, Section 830-30, Section 830-45, Section
3 830-50, Section 830-55, or Article 835 in a secondary market as
4 may be deemed reasonable and necessary by the Authority.

5 (d) Notwithstanding the provisions of this Section 830-35
6 with respect to the farmers, agribusinesses, and lenders who
7 may obtain State Guarantees, the Authority may promulgate rules
8 establishing the eligibility of farmers, agribusinesses, and
9 lenders to participate in the State Guarantee program and the
10 terms, standards, and procedures that will apply, when the
11 Authority finds that emergency conditions in Illinois
12 agriculture have created the need for State Guarantees pursuant
13 to terms, standards, and procedures other than those specified
14 in this Section.

15 (Source: P.A. 99-509, eff. 6-24-16.)

16 (20 ILCS 3501/830-55)

17 Sec. 830-55. Working Capital Loan Guarantee Program.

18 (a) The Authority is authorized to issue State Guarantees
19 to lenders for loans to finance needed input costs related to
20 and in connection with planting and raising agricultural crops
21 and commodities in Illinois. Eligible input costs include, but
22 are not limited to, fertilizer, chemicals, feed, seed, fuel,
23 parts, and repairs. At the discretion of the Authority, the
24 farmer, producer, or agribusiness must be able to provide the
25 originating lender with a first lien on the proposed crop or

1 commodity to be raised and an assignment of Federal Crop
2 Insurance sufficient to secure the Working Capital Loan.
3 Additional collateral may be required as deemed necessary by
4 the lender and the Authority.

5 For the purposes of this Section, an eligible farmer,
6 producer, or agribusiness is a resident of Illinois who is at
7 least 18 years of age and who is a principal operator of a farm
8 or land, who derives at least 50% of annual gross income from
9 farming, and whose debt to asset ratio is not less than 40%.
10 For the purposes of this Section, debt to asset ratio means
11 current outstanding liabilities, including any debt to be
12 financed or refinanced under this Section 830-55, divided by
13 current outstanding assets. The Authority shall establish the
14 maximum permissible debt to asset ratio based on criteria
15 established by the Authority. Lenders shall apply for the State
16 Guarantees on forms provided by the Authority and certify that
17 the application and any other documents submitted are true and
18 correct. The lender or borrower, or both in combination, shall
19 pay an administrative fee as determined by the Authority. The
20 applicant shall be responsible for paying any fee or charge
21 involved in recording mortgages, releases, financing
22 statements, insurance for secondary market issues, and any
23 other similar fee or charge that the Authority may require. The
24 application shall at a minimum contain the borrower's name,
25 address, present credit and financial information, including
26 cash flow statements, financial statements, balance sheets,

1 and any other information pertinent to the application, and the
2 collateral to be used to secure the State Guarantee. In
3 addition, the borrower must certify to the Authority that, at
4 the time the State Guarantee is provided, the borrower will not
5 be delinquent in the repayment of any debt. The lender must
6 agree to charge a fixed or adjustable interest rate that the
7 Authority determines to be below the market rate of interest
8 generally available to the borrower. If both the lender and
9 applicant agree, the interest rate on the State guaranteed loan
10 can be converted to a fixed interest rate at any time during
11 the term of the loan. State Guarantees provided under this
12 Section (i) shall not exceed \$250,000 per borrower, (ii) shall
13 be repaid annually, and (iii) shall be subject to an annual
14 review and renewal by the lender and the Authority. The State
15 Guarantee may be renewed annually, for a period not to exceed 3
16 total years per State Guarantee, if the borrower meets
17 financial criteria and other conditions, as established by the
18 Authority. A farmer or agribusiness may use this program more
19 than once provided the aggregate principal amount of State
20 Guarantees under this Section to that farmer or agribusiness
21 does not exceed \$250,000 annually. No State Guarantee shall be
22 revoked by the Authority without a 90-day notice, in writing,
23 to all parties.

24 (b) The Authority shall provide a State Guarantee to a
25 lender if:

26 (i) The borrower pays to the Authority a fee equal to

1 100 basis points on the loan.

2 (ii) The application provides collateral acceptable to
3 the Authority that is at least equal to the State
4 Guarantee.

5 (iii) The lender assumes all responsibility and costs
6 for pursuing legal action on collecting any loan that is
7 delinquent or in default.

8 (iv) The lender is at risk for the first 15% of the
9 outstanding principal of the note for which the State
10 Guarantee is provided.

11 (c) The Illinois Agricultural Loan Guarantee Fund, the
12 Illinois Farmer and Agribusiness Loan Guarantee Fund, and the
13 Industrial Project Insurance Fund may be used to secure State
14 Guarantees issued under this Section as provided in Section
15 830-30, Section 830-35, and subsection (j) of Section 805-20,
16 respectively, or to make direct loans or purchase loan
17 participations under subsections (i) or (r) of Section 801-40.

18 If the Authority exercises its discretion under subsection (j)
19 of Section 805-20 to secure a State Guarantee with the
20 Industrial Project Insurance Fund and also exercises its
21 discretion under this subsection to secure the same State
22 Guarantee with the Illinois Agricultural Loan Guarantee Fund,
23 the Illinois Farmer and Agribusiness Loan Guarantee Fund, or
24 both, all payments by the Authority to satisfy claims against
25 the State Guarantee shall be made from the Industrial Project
26 Insurance Fund, the Illinois Agricultural Loan Guarantee Fund,

1 or the Illinois Farmer and Agribusiness Loan Guarantee Fund, as
2 applicable, in such order and in such amounts as the Authority
3 shall determine.

4 (d) Notwithstanding the provisions of this Section 830-55
5 with respect to the borrowers and lenders who may obtain State
6 Guarantees, the Authority may promulgate rules establishing
7 the eligibility of borrowers and lenders to participate in the
8 State Guarantee program and the terms, standards, and
9 procedures that will apply, when the Authority finds that
10 emergency conditions in Illinois agriculture have created the
11 need for State Guarantees pursuant to terms, standards, and
12 procedures other than those specified in this Section.

13 (Source: P.A. 99-509, eff. 6-24-16.)

14 (20 ILCS 3501/845-75)

15 Sec. 845-75. Transfer of functions from previously
16 existing authorities to the Illinois Finance Authority.

17 (a) The Illinois Finance Authority created by the Illinois
18 Finance Authority Act shall succeed to, assume and exercise all
19 rights, powers, duties and responsibilities formerly exercised
20 by the following Authorities and entities (herein called the
21 "Predecessor Authorities") prior to the abolition of the
22 Predecessor Authorities by this Act:

23 The Illinois Development Finance Authority

24 The Illinois Farm Development Authority

25 The Illinois Health Facilities Authority

1 The Illinois Educational Facilities Authority
2 The Illinois Community Development Finance Corporation
3 The Illinois Rural Bond Bank
4 The Illinois Research Park Authority

5 (b) All books, records, papers, documents and pending
6 business in any way pertaining to the Predecessor Authorities
7 are transferred to the Illinois Finance Authority, but any
8 rights or obligations of any person under any contract made by,
9 or under any rules, regulations, uniform standards, criteria
10 and guidelines established or approved by, such Predecessor
11 Authorities shall be unaffected thereby. All bonds, notes or
12 other evidences of indebtedness outstanding on the effective
13 date of this Act shall be unaffected by the transfer of
14 functions to the Illinois Finance Authority. No rule,
15 regulation, standard, criteria or guideline promulgated,
16 established or approved by the Predecessor Authorities
17 pursuant to an exercise of any right, power, duty or
18 responsibility assumed by and transferred to the Illinois
19 Finance Authority shall be affected by this Act, and all such
20 rules, regulations, standards, criteria and guidelines shall
21 become those of the Illinois Finance Authority until such time
22 as they are amended or repealed by the Illinois Finance
23 Authority.

24 (c) The Illinois Finance Authority may exercise all of the
25 rights, powers, duties, and responsibilities that were
26 provided for the Illinois Research Park Authority under the

1 provisions of the Illinois Research Park Authority Act, as the
2 text of that Act existed on December 31, 2003, notwithstanding
3 the fact that Public Act 88-669, which created the Illinois
4 Research Park Authority Act, has been held to be
5 unconstitutional as a violation of the single subject clause of
6 the Illinois Constitution in *People v. Olender*, Docket No.
7 98932, opinion filed December 15, 2005.

8 (d) The enactment of this amendatory Act of the 100th
9 General Assembly shall not affect any right accrued or
10 liability incurred prior to its enactment, including the
11 validity or enforceability of any prior action taken by the
12 Illinois Finance Authority with respect to loans made, or loan
13 participations purchased, by the Authority under subsections
14 (i) or (r) of Section 801-40.

15 (Source: P.A. 93-205, eff. 1-1-04; 94-960, eff. 6-27-06.)

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