



Sen. Jennifer Bertino-Tarrant

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1 AMENDMENT TO SENATE BILL 43

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 43 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Finance Authority Act is amended  
5 by 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

1 one finance authority;

2 (b) that involuntary unemployment affects the health,  
3 safety, morals and general welfare of the people of the State  
4 of Illinois;

5 (c) that the economic burdens resulting from involuntary  
6 unemployment fall in part upon the State in the form of public  
7 assistance and reduced tax revenues, and in the event the  
8 unemployed worker and his family migrate elsewhere to find  
9 work, may also fall upon the municipalities and other taxing  
10 districts within the areas of unemployment in the form of  
11 reduced tax revenues, thereby endangering their financial  
12 ability to support necessary governmental services for their  
13 remaining inhabitants;

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

16 (e) that protection against involuntary unemployment, its  
17 economic burdens and the spread of economic stagnation can best  
18 be provided by promoting, attracting, stimulating and  
19 revitalizing industry, manufacturing and commerce in the  
20 State;

21 (f) that the State has a responsibility to help create a  
22 favorable climate for new and improved job opportunities for  
23 its citizens by encouraging the development of commercial  
24 businesses and industrial and manufacturing plants within the  
25 State;

26 (g) that increased availability of funds for construction

1 of new facilities and the expansion and improvement of existing  
2 facilities for industrial, commercial and manufacturing  
3 facilities will provide for new and continued employment in the  
4 construction industry and alleviate the burden of  
5 unemployment;

6 (h) that in the absence of direct governmental subsidies  
7 the unaided operations of private enterprise do not provide  
8 sufficient resources for residential construction,  
9 rehabilitation, rental or purchase, and that support from  
10 housing related commercial facilities is one means of  
11 stimulating residential construction, rehabilitation, rental  
12 and purchase;

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

22 (j) that it is in the public interest and the policy of  
23 this State to the extent possible, to reduce the costs of  
24 indebtedness to taxpayers and residents of this State and to  
25 encourage continued investor interest in the purchase of bonds  
26 or notes of governmental units as sound and preferred

1 securities for investment; and to encourage governmental units  
2 to continue their independent undertakings of public  
3 improvements and other governmental purposes and the financing  
4 thereof, and to assist them in those activities by making funds  
5 available at reduced interest costs for orderly financing of  
6 those purposes, especially during periods of restricted credit  
7 or money supply, and particularly for those governmental units  
8 not otherwise able to borrow for those purposes;

9 (k) that in this State the following conditions exist: (i)  
10 an inadequate supply of funds at interest rates sufficiently  
11 low to enable persons engaged in agriculture in this State to  
12 pursue agricultural operations at present levels; (ii) that  
13 such inability to pursue agricultural operations lessens the  
14 supply of agricultural commodities available to fulfill the  
15 needs of the citizens of this State; (iii) that such inability  
16 to continue operations decreases available employment in the  
17 agricultural sector of the State and results in unemployment  
18 and its attendant problems; (iv) that such conditions prevent  
19 the acquisition of an adequate capital stock of farm equipment  
20 and machinery, much of which is manufactured in this State,  
21 therefore impairing the productivity of agricultural land and,  
22 further, causing unemployment or lack of appropriate increase  
23 in employment in such manufacturing; (v) that such conditions  
24 are conducive to consolidation of acreage of agricultural land  
25 with fewer individuals living and farming on the traditional  
26 family farm; (vi) that these conditions result in a loss in

1 population, unemployment and movement of persons from rural to  
2 urban areas accompanied by added costs to communities for  
3 creation of new public facilities and services; (vii) that  
4 there have been recurrent shortages of funds for agricultural  
5 purposes from private market sources at reasonable rates of  
6 interest; (viii) that these shortages have made the sale and  
7 purchase of agricultural land to family farmers a virtual  
8 impossibility in many parts of the State; (ix) that the  
9 ordinary operations of private enterprise have not in the past  
10 corrected these conditions; and (x) that a stable supply of  
11 adequate funds for agricultural financing is required to  
12 encourage family farmers in an orderly and sustained manner and  
13 to reduce the problems described above;

14 (1) that for the benefit of the people of the State of  
15 Illinois, the conduct and increase of their commerce, the  
16 protection and enhancement of their welfare, the development of  
17 continued prosperity and the improvement of their health and  
18 living conditions it is essential that all the people of the  
19 State be given the fullest opportunity to learn and to develop  
20 their intellectual and mental capacities and skills; that to  
21 achieve these ends it is of the utmost importance that private  
22 institutions of higher education within the State be provided  
23 with appropriate additional means to assist the people of the  
24 State in achieving the required levels of learning and  
25 development of their intellectual and mental capacities and  
26 skills and that cultural institutions within the State be

1 provided with appropriate additional means to expand the  
2 services and resources which they offer for the cultural,  
3 intellectual, scientific, educational and artistic enrichment  
4 of the people of the State;

5 (m) that in order to foster civic and neighborhood pride,  
6 citizens require access to facilities such as educational  
7 institutions, recreation, parks and open spaces, entertainment  
8 and sports, a reliable transportation network, cultural  
9 facilities and theaters and other facilities as authorized by  
10 this Act, and that it is in the best interests of the State to  
11 lower the costs of all such facilities by providing financing  
12 through the State;

13 (n) that to preserve and protect the health of the citizens  
14 of the State, and lower the costs of health care, that  
15 financing for health facilities should be provided through the  
16 State; and it is hereby declared to be the policy of the State,  
17 in the interest of promoting the health, safety, morals and  
18 general welfare of all the people of the State, to address the  
19 conditions noted above, to increase job opportunities and to  
20 retain existing jobs in the State, by making available through  
21 the Illinois Finance Authority, hereinafter created, funds for  
22 the development, improvement and creation of industrial,  
23 housing, local government, educational, health, public purpose  
24 and other projects; to issue its bonds and notes to make funds  
25 at reduced rates and on more favorable terms for borrowing by  
26 local governmental units through the purchase of the bonds or

1 notes of the governmental units; and to make or acquire loans  
2 for the acquisition and development of agricultural  
3 facilities; to provide financing for private institutions of  
4 higher education, cultural institutions, health facilities and  
5 other facilities and projects as authorized by this Act; and to  
6 grant broad powers to the Illinois Finance Authority to  
7 accomplish and to carry out these policies of the State which  
8 are in the public interest of the State and of its taxpayers  
9 and residents; ~~and~~

10 (o) that providing financing alternatives for projects  
11 that are located outside the State that are owned, operated,  
12 leased, managed by, or otherwise affiliated with, institutions  
13 located within the State would promote the economy of the State  
14 for the benefit of the health, welfare, safety, trade,  
15 commerce, industry, and economy of the people of the State by  
16 creating employment opportunities in the State and lowering the  
17 cost of accessing healthcare, private education, or cultural  
18 institutions in the State by reducing the cost of financing or  
19 operating those projects; ~~and.~~

20 (p) that the realization of the objectives of the Authority  
21 identified in this Act including, without limitation, those  
22 designed (1) to assist and enable veterans, minorities, women  
23 and disabled individuals to own and operate small businesses;  
24 (2) to assist in the delivery of agricultural assistance; and  
25 (3) to aid, assist, and encourage economic growth and  
26 development within this State, will be enhanced by empowering

1 the Authority to purchase loan participations from  
2 participating lenders.

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

4 (20 ILCS 3501/801-10)

5 Sec. 801-10. Definitions. The following terms, whenever  
6 used or referred to in this Act, shall have the following  
7 meanings, except in such instances where the context may  
8 clearly indicate otherwise:

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

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

19 (c) The term "public purpose project" means any project or  
20 facility, including without limitation land, buildings,  
21 structures, machinery, equipment and all other real and  
22 personal property, which is authorized or required by law to be  
23 acquired, constructed, improved, rehabilitated, reconstructed,  
24 replaced or maintained by any unit of government or any other  
25 lawful public purpose which is authorized or required by law to



1 be undertaken by any unit of government.

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

1 addition to, renovation, rehabilitation or improvement of a  
2 capital project or (3) any activity or undertaking within or  
3 outside the State, provided that, with respect to a project  
4 involving property located outside the State, the property must  
5 be owned, operated, leased or managed by an entity located  
6 within the State or an entity affiliated with an entity located  
7 within the State, which the Authority determines will aid,  
8 assist or encourage economic growth, development or  
9 redevelopment within the State or any area thereof, will  
10 promote the expansion, retention or diversification of  
11 employment opportunities within the State or any area thereof  
12 or will aid in stabilizing or developing any industry or  
13 economic sector of the State economy. The term "industrial  
14 project" also means the production of motion pictures.

15 (e) The term "bond" or "bonds" shall include bonds, notes  
16 (including bond, grant or revenue anticipation notes),  
17 certificates and/or other evidences of indebtedness  
18 representing an obligation to pay money, including refunding  
19 bonds.

20 (f) The terms "lease agreement" and "loan agreement" shall  
21 mean: (i) an agreement whereby a project acquired by the  
22 Authority by purchase, gift or lease is leased to any person,  
23 corporation or unit of local government which will use or cause  
24 the project to be used as a project as heretofore defined upon  
25 terms providing for lease rental payments at least sufficient  
26 to pay when due all principal of, interest and premium, if any,

1 on any bonds of the Authority issued with respect to such  
2 project, providing for the maintenance, insuring and operation  
3 of the project on terms satisfactory to the Authority,  
4 providing for disposition of the project upon termination of  
5 the lease term, including purchase options or abandonment of  
6 the premises, and such other terms as may be deemed desirable  
7 by the Authority, or (ii) any agreement pursuant to which the  
8 Authority agrees to loan the proceeds of its bonds issued with  
9 respect to a project or other funds of the Authority to any  
10 person which will use or cause the project to be used as a  
11 project as heretofore defined upon terms providing for loan  
12 repayment installments at least sufficient to pay when due all  
13 principal of, interest and premium, if any, on any bonds of the  
14 Authority, if any, issued with respect to the project, and  
15 providing for maintenance, insurance and other matters as may  
16 be deemed desirable by the Authority.

17 (g) The term "financial aid" means the expenditure of  
18 Authority funds or funds provided by the Authority through the  
19 issuance of its bonds, notes or other evidences of indebtedness  
20 or from other sources for the development, construction,  
21 acquisition or improvement of a project.

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

26 (i) The term "unit of government" means the federal

1 government, the State or unit of local government, a school  
2 district, or any agency or instrumentality, office, officer,  
3 department, division, bureau, commission, college or  
4 university thereof.

5 (j) The term "health facility" means: (a) any public or  
6 private institution, place, building, or agency required to be  
7 licensed under the Hospital Licensing Act; (b) any public or  
8 private institution, place, building, or agency required to be  
9 licensed under the Nursing Home Care Act, the Specialized  
10 Mental Health Rehabilitation Act of 2013, the ID/DD Community  
11 Care Act, or the MC/DD Act; (c) any public or licensed private  
12 hospital as defined in the Mental Health and Developmental  
13 Disabilities Code; (d) any such facility exempted from such  
14 licensure when the Director of Public Health attests that such  
15 exempted facility meets the statutory definition of a facility  
16 subject to licensure; (e) any other public or private health  
17 service institution, place, building, or agency which the  
18 Director of Public Health attests is subject to certification  
19 by the Secretary, U.S. Department of Health and Human Services  
20 under the Social Security Act, as now or hereafter amended, or  
21 which the Director of Public Health attests is subject to  
22 standard-setting by a recognized public or voluntary  
23 accrediting or standard-setting agency; (f) any public or  
24 private institution, place, building or agency engaged in  
25 providing one or more supporting services to a health facility;  
26 (g) any public or private institution, place, building or

1 agency engaged in providing training in the healing arts,  
2 including, but not limited to, schools of medicine, dentistry,  
3 osteopathy, optometry, podiatry, pharmacy or nursing, schools  
4 for the training of x-ray, laboratory or other health care  
5 technicians and schools for the training of para-professionals  
6 in the health care field; (h) any public or private congregate,  
7 life or extended care or elderly housing facility or any public  
8 or private home for the aged or infirm, including, without  
9 limitation, any Facility as defined in the Life Care Facilities  
10 Act; (i) any public or private mental, emotional or physical  
11 rehabilitation facility or any public or private educational,  
12 counseling, or rehabilitation facility or home, for those  
13 persons with a developmental disability, those who are  
14 physically ill or disabled, the emotionally disturbed, those  
15 persons with a mental illness or persons with learning or  
16 similar disabilities or problems; (j) any public or private  
17 alcohol, drug or substance abuse diagnosis, counseling  
18 treatment or rehabilitation facility, (k) any public or private  
19 institution, place, building or agency licensed by the  
20 Department of Children and Family Services or which is not so  
21 licensed but which the Director of Children and Family Services  
22 attests provides child care, child welfare or other services of  
23 the type provided by facilities subject to such licensure; (l)  
24 any public or private adoption agency or facility; and (m) any  
25 public or private blood bank or blood center. "Health facility"  
26 also means a public or private structure or structures suitable

1 primarily for use as a laboratory, laundry, nurses or interns  
2 residence or other housing or hotel facility used in whole or  
3 in part for staff, employees or students and their families,  
4 patients or relatives of patients admitted for treatment or  
5 care in a health facility, or persons conducting business with  
6 a health facility, physician's facility, surgicenter,  
7 administration building, research facility, maintenance,  
8 storage or utility facility and all structures or facilities  
9 related to any of the foregoing or required or useful for the  
10 operation of a health facility, including parking or other  
11 facilities or other supporting service structures required or  
12 useful for the orderly conduct of such health facility. "Health  
13 facility" also means, with respect to a project located outside  
14 the State, any public or private institution, place, building,  
15 or agency which provides services similar to those described  
16 above, provided that such project is owned, operated, leased or  
17 managed by a participating health institution located within  
18 the State, or a participating health institution affiliated  
19 with an entity located within the State.

20 (k) The term "participating health institution" means (i) a  
21 private corporation or association or (ii) a public entity of  
22 this State, in either case authorized by the laws of this State  
23 or the applicable state to provide or operate a health facility  
24 as defined in this Act and which, pursuant to the provisions of  
25 this Act, undertakes the financing, construction or  
26 acquisition of a project or undertakes the refunding or

1 refinancing of obligations, loans, indebtedness or advances as  
2 provided in this Act.

3 (l) The term "health facility project", means a specific  
4 health facility work or improvement to be financed or  
5 refinanced (including without limitation through reimbursement  
6 of prior expenditures), acquired, constructed, enlarged,  
7 remodeled, renovated, improved, furnished, or equipped, with  
8 funds provided in whole or in part hereunder, any accounts  
9 receivable, working capital, liability or insurance cost or  
10 operating expense financing or refinancing program of a health  
11 facility with or involving funds provided in whole or in part  
12 hereunder, or any combination thereof.

13 (m) The term "bond resolution" means the resolution or  
14 resolutions authorizing the issuance of, or providing terms and  
15 conditions related to, bonds issued under this Act and  
16 includes, where appropriate, any trust agreement, trust  
17 indenture, indenture of mortgage or deed of trust providing  
18 terms and conditions for such bonds.

19 (n) The term "property" means any real, personal or mixed  
20 property, whether tangible or intangible, or any interest  
21 therein, including, without limitation, any real estate,  
22 leasehold interests, appurtenances, buildings, easements,  
23 equipment, furnishings, furniture, improvements, machinery,  
24 rights of way, structures, accounts, contract rights or any  
25 interest therein.

26 (o) The term "revenues" means, with respect to any project,

1 the rents, fees, charges, interest, principal repayments,  
2 collections and other income or profit derived therefrom.

3 (p) The term "higher education project" means, in the case  
4 of a private institution of higher education, an educational  
5 facility to be acquired, constructed, enlarged, remodeled,  
6 renovated, improved, furnished, or equipped, or any  
7 combination thereof.

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

12 (r) The term "educational facility" means any property  
13 located within the State, or any property located outside the  
14 State, provided that, if the property is located outside the  
15 State, it must be owned, operated, leased or managed by an  
16 entity located within the State or an entity affiliated with an  
17 entity located within the State, in each case constructed or  
18 acquired before or after the effective date of this Act, which  
19 is or will be, in whole or in part, suitable for the  
20 instruction, feeding, recreation or housing of students, the  
21 conducting of research or other work of a private institution  
22 of higher education, the use by a private institution of higher  
23 education in connection with any educational, research or  
24 related or incidental activities then being or to be conducted  
25 by it, or any combination of the foregoing, including, without  
26 limitation, any such property suitable for use as or in



1 connection with any one or more of the following: an academic  
2 facility, administrative facility, agricultural facility,  
3 assembly hall, athletic facility, auditorium, boating  
4 facility, campus, communication facility, computer facility,  
5 continuing education facility, classroom, dining hall,  
6 dormitory, exhibition hall, fire fighting facility, fire  
7 prevention facility, food service and preparation facility,  
8 gymnasium, greenhouse, health care facility, hospital,  
9 housing, instructional facility, laboratory, library,  
10 maintenance facility, medical facility, museum, offices,  
11 parking area, physical education facility, recreational  
12 facility, research facility, stadium, storage facility,  
13 student union, study facility, theatre or utility.

14 (s) The term "cultural facility" means any property located  
15 within the State, or any property located outside the State,  
16 provided that, if the property is located outside the State, it  
17 must be owned, operated, leased or managed by an entity located  
18 within the State or an entity affiliated with an entity located  
19 within the State, in each case constructed or acquired before  
20 or after the effective date of this Act, which is or will be,  
21 in whole or in part, suitable for the particular purposes or  
22 needs of a cultural institution, including, without  
23 limitation, any such property suitable for use as or in  
24 connection with any one or more of the following: an  
25 administrative facility, aquarium, assembly hall, auditorium,  
26 botanical garden, exhibition hall, gallery, greenhouse,

1 library, museum, scientific laboratory, theater or zoological  
2 facility, and shall also include, without limitation, books,  
3 works of art or music, animal, plant or aquatic life or other  
4 items for display, exhibition or performance. The term  
5 "cultural facility" includes buildings on the National  
6 Register of Historic Places which are owned or operated by  
7 nonprofit entities.

8 (t) "Private institution of higher education" means a  
9 not-for-profit educational institution which is not owned by  
10 the State or any political subdivision, agency,  
11 instrumentality, district or municipality thereof, which is  
12 authorized by law to provide a program of education beyond the  
13 high school level and which:

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

17 (2) Provides an educational program for which it awards  
18 a bachelor's degree, or provides an educational program,  
19 admission into which is conditioned upon the prior  
20 attainment of a bachelor's degree or its equivalent, for  
21 which it awards a postgraduate degree, or provides not less  
22 than a 2-year program which is acceptable for full credit  
23 toward such a degree, or offers a 2-year program in  
24 engineering, mathematics, or the physical or biological  
25 sciences which is designed to prepare the student to work  
26 as a technician and at a semiprofessional level in

1 engineering, scientific, or other technological fields  
2 which require the understanding and application of basic  
3 engineering, scientific, or mathematical principles or  
4 knowledge;

5 (3) Is accredited by a nationally recognized  
6 accrediting agency or association or, if not so accredited,  
7 is an institution whose credits are accepted, on transfer,  
8 by not less than 3 institutions which are so accredited,  
9 for credit on the same basis as if transferred from an  
10 institution so accredited, and holds an unrevoked  
11 certificate of approval under the Private College Act from  
12 the Board of Higher Education, or is qualified as a "degree  
13 granting institution" under the Academic Degree Act; and

14 (4) Does not discriminate in the admission of students  
15 on the basis of race or color. "Private institution of  
16 higher education" also includes any "academic  
17 institution".

18 (u) The term "academic institution" means any  
19 not-for-profit institution which is not owned by the State or  
20 any political subdivision, agency, instrumentality, district  
21 or municipality thereof, which institution engages in, or  
22 facilitates academic, scientific, educational or professional  
23 research or learning in a field or fields of study taught at a  
24 private institution of higher education. Academic institutions  
25 include, without limitation, libraries, archives, academic,  
26 scientific, educational or professional societies,

1 institutions, associations or foundations having such  
2 purposes.

3 (v) The term "cultural institution" means any  
4 not-for-profit institution which is not owned by the State or  
5 any political subdivision, agency, instrumentality, district  
6 or municipality thereof, which institution engages in the  
7 cultural, intellectual, scientific, educational or artistic  
8 enrichment of the people of the State. Cultural institutions  
9 include, without limitation, aquaria, botanical societies,  
10 historical societies, libraries, museums, performing arts  
11 associations or societies, scientific societies and zoological  
12 societies.

13 (w) The term "affiliate" means, with respect to financing  
14 of an agricultural facility or an agribusiness, any lender, any  
15 person, firm or corporation controlled by, or under common  
16 control with, such lender, and any person, firm or corporation  
17 controlling such lender.

18 (x) The term "agricultural facility" means land, any  
19 building or other improvement thereon or thereto, and any  
20 personal properties deemed necessary or suitable for use,  
21 whether or not now in existence, in farming, ranching, the  
22 production of agricultural commodities (including, without  
23 limitation, the products of aquaculture, hydroponics and  
24 silviculture) or the treating, processing or storing of such  
25 agricultural commodities when such activities are customarily  
26 engaged in by farmers as a part of farming and which land,

1 building, improvement or personal property is located within  
2 the State, or is located outside the State, provided that, if  
3 such property is located outside the State, it must be owned,  
4 operated, leased, or managed by an entity located within the  
5 State or an entity affiliated with an entity located within the  
6 State.

7 (y) The term "lender" with respect to financing of an  
8 agricultural facility or an agribusiness, means any federal or  
9 State chartered bank, Federal Land Bank, Production Credit  
10 Association, Bank for Cooperatives, federal or State chartered  
11 savings and loan association or building and loan association,  
12 Small Business Investment Company or any other institution  
13 qualified within this State to originate and service loans,  
14 including, but without limitation to, insurance companies,  
15 credit unions and mortgage loan companies. "Lender" also means  
16 a wholly owned subsidiary of a manufacturer, seller or  
17 distributor of goods or services that makes loans to businesses  
18 or individuals, commonly known as a "captive finance company".

19 (z) The term "agribusiness" means any sole proprietorship,  
20 limited partnership, co-partnership, joint venture,  
21 corporation or cooperative which operates or will operate a  
22 facility located within the State or outside the State,  
23 provided that, if any facility is located outside the State, it  
24 must be owned, operated, leased, or managed by an entity  
25 located within the State or an entity affiliated with an entity  
26 located within the State, that is related to the processing of

1 agricultural commodities (including, without limitation, the  
2 products of aquaculture, hydroponics and silviculture) or the  
3 manufacturing, production or construction of agricultural  
4 buildings, structures, equipment, implements, and supplies, or  
5 any other facilities or processes used in agricultural  
6 production. Agribusiness includes but is not limited to the  
7 following:

8 (1) grain handling and processing, including grain  
9 storage, drying, treatment, conditioning, mailing and  
10 packaging;

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

12 (3) fruit and vegetable processing, including  
13 preparation, canning and packaging;

14 (4) processing of livestock and livestock products,  
15 dairy products, poultry and poultry products, fish or  
16 apiarian products, including slaughter, shearing,  
17 collecting, preparation, canning and packaging;

18 (5) fertilizer and agricultural chemical  
19 manufacturing, processing, application and supplying;

20 (6) farm machinery, equipment and implement  
21 manufacturing and supplying;

22 (7) manufacturing and supplying of agricultural  
23 commodity processing machinery and equipment, including  
24 machinery and equipment used in slaughter, treatment,  
25 handling, collecting, preparation, canning or packaging of  
26 agricultural commodities;

1 (8) farm building and farm structure manufacturing,  
2 construction and supplying;

3 (9) construction, manufacturing, implementation,  
4 supplying or servicing of irrigation, drainage and soil and  
5 water conservation devices or equipment;

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

8 (11) facilities and equipment for processing and  
9 packaging agricultural commodities specifically for  
10 export;

11 (12) facilities and equipment for forestry product  
12 processing and supplying, including sawmilling operations,  
13 wood chip operations, timber harvesting operations, and  
14 manufacturing of prefabricated buildings, paper, furniture  
15 or other goods from forestry products;

16 (13) facilities and equipment for research and  
17 development of products, processes and equipment for the  
18 production, processing, preparation or packaging of  
19 agricultural commodities and byproducts.

20 (aa) The term "asset" with respect to financing of any  
21 agricultural facility or any agribusiness, means, but is not  
22 limited to the following: cash crops or feed on hand; livestock  
23 held for sale; breeding stock; marketable bonds and securities;  
24 securities not readily marketable; accounts receivable; notes  
25 receivable; cash invested in growing crops; net cash value of  
26 life insurance; machinery and equipment; cars and trucks; farm

1 and other real estate including life estates and personal  
2 residence; value of beneficial interests in trusts; government  
3 payments or grants; and any other assets.

4 (bb) The term "liability" with respect to financing of any  
5 agricultural facility or any agribusiness shall include, but  
6 not be limited to the following: accounts payable; notes or  
7 other indebtedness owed to any source; taxes; rent; amounts  
8 owed on real estate contracts or real estate mortgages;  
9 judgments; accrued interest payable; and any other liability.

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

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

2 (ee) The term "conservation project" means any project  
3 including the acquisition, construction, rehabilitation,  
4 maintenance, operation, or upgrade that is intended to create  
5 or expand open space or to reduce energy usage through  
6 efficiency measures. For the purpose of this definition, "open  
7 space" has the definition set forth under Section 10 of the  
8 Illinois Open Land Trust Act.

9 (ff) The term "significant presence" means the existence  
10 within the State of the national or regional headquarters of an  
11 entity or group or such other facility of an entity or group of  
12 entities where a significant amount of the business functions  
13 are performed for such entity or group of entities.

14 (gg) The term "municipal bond issuer" means the State or  
15 any other state or commonwealth of the United States, or any  
16 unit of local government, school district, agency or  
17 instrumentality, office, department, division, bureau,  
18 commission, college or university thereof located in the State  
19 or any other state or commonwealth of the United States.

20 (hh) The term "municipal bond program project" means a  
21 program for the funding of the purchase of bonds, notes or  
22 other obligations issued by or on behalf of a municipal bond  
23 issuer.

24 (ii) The term "participating lender" means any trust  
25 company, bank, savings bank, credit union, merchant bank,  
26 investment bank, broker, investment trust, pension fund,

1 building and loan association, savings and loan association,  
2 insurance company, venture capital company, or other  
3 institution approved by the Authority which provides a portion  
4 of the financing for a project.

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

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

10 (Source: P.A. 98-90, eff. 7-15-13; 98-104, eff. 7-22-13;  
11 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

12 (20 ILCS 3501/801-40)

13 Sec. 801-40. In addition to the powers otherwise authorized  
14 by law and in addition to the foregoing general corporate  
15 powers, the Authority shall also have the following additional  
16 specific powers to be exercised in furtherance of the purposes  
17 of this Act.

18 (a) The Authority shall have power (i) to accept grants,  
19 loans or appropriations from the federal government or the  
20 State, or any agency or instrumentality thereof, to be used for  
21 the operating expenses of the Authority, or for any purposes of  
22 the Authority, including the making of direct loans of such  
23 funds with respect to projects, and (ii) to enter into any  
24 agreement with the federal government or the State, or any  
25 agency or instrumentality thereof, in relationship to such

1 grants, loans or appropriations.

2 (b) The Authority shall have power to procure and enter  
3 into contracts for any type of insurance and indemnity  
4 agreements covering loss or damage to property from any cause,  
5 including loss of use and occupancy, or covering any other  
6 insurable risk.

7 (c) The Authority shall have the continuing power to issue  
8 bonds for its corporate purposes. Bonds may be issued by the  
9 Authority in one or more series and may provide for the payment  
10 of any interest deemed necessary on such bonds, of the costs of  
11 issuance of such bonds, of any premium on any insurance, or of  
12 the cost of any guarantees, letters of credit or other similar  
13 documents, may provide for the funding of the reserves deemed  
14 necessary in connection with such bonds, and may provide for  
15 the refunding or advance refunding of any bonds or for accounts  
16 deemed necessary in connection with any purpose of the  
17 Authority. The bonds may bear interest payable at any time or  
18 times and at any rate or rates, notwithstanding any other  
19 provision of law to the contrary, and such rate or rates may be  
20 established by an index or formula which may be implemented or  
21 established by persons appointed or retained therefor by the  
22 Authority, or may bear no interest or may bear interest payable  
23 at maturity or upon redemption prior to maturity, may bear such  
24 date or dates, may be payable at such time or times and at such  
25 place or places, may mature at any time or times not later than  
26 40 years from the date of issuance, may be sold at public or

1 private sale at such time or times and at such price or prices,  
2 may be secured by such pledges, reserves, guarantees, letters  
3 of credit, insurance contracts or other similar credit support  
4 or liquidity instruments, may be executed in such manner, may  
5 be subject to redemption prior to maturity, may provide for the  
6 registration of the bonds, and may be subject to such other  
7 terms and conditions all as may be provided by the resolution  
8 or indenture authorizing the issuance of such bonds. The holder  
9 or holders of any bonds issued by the Authority may bring suits  
10 at law or proceedings in equity to compel the performance and  
11 observance by any person or by the Authority or any of its  
12 agents or employees of any contract or covenant made with the  
13 holders of such bonds and to compel such person or the  
14 Authority and any of its agents or employees to perform any  
15 duties required to be performed for the benefit of the holders  
16 of any such bonds by the provision of the resolution  
17 authorizing their issuance, and to enjoin such person or the  
18 Authority and any of its agents or employees from taking any  
19 action in conflict with any such contract or covenant.  
20 Notwithstanding the form and tenor of any such bonds and in the  
21 absence of any express recital on the face thereof that it is  
22 non-negotiable, all such bonds shall be negotiable  
23 instruments. Pending the preparation and execution of any such  
24 bonds, temporary bonds may be issued as provided by the  
25 resolution. The bonds shall be sold by the Authority in such  
26 manner as it shall determine. The bonds may be secured as

1 provided in the authorizing resolution by the receipts,  
2 revenues, income and other available funds of the Authority and  
3 by any amounts derived by the Authority from the loan agreement  
4 or lease agreement with respect to the project or projects; and  
5 bonds may be issued as general obligations of the Authority  
6 payable from such revenues, funds and obligations of the  
7 Authority as the bond resolution shall provide, or may be  
8 issued as limited obligations with a claim for payment solely  
9 from such revenues, funds and obligations as the bond  
10 resolution shall provide. The Authority may grant a specific  
11 pledge or assignment of and lien on or security interest in  
12 such rights, revenues, income, or amounts and may grant a  
13 specific pledge or assignment of and lien on or security  
14 interest in any reserves, funds or accounts established in the  
15 resolution authorizing the issuance of bonds. Any such pledge,  
16 assignment, lien or security interest for the benefit of the  
17 holders of the Authority's bonds shall be valid and binding  
18 from the time the bonds are issued without any physical  
19 delivery or further act, and shall be valid and binding as  
20 against and prior to the claims of all other parties having  
21 claims against the Authority or any other person irrespective  
22 of whether the other parties have notice of the pledge,  
23 assignment, lien or security interest. As evidence of such  
24 pledge, assignment, lien and security interest, the Authority  
25 may execute and deliver a mortgage, trust agreement, indenture  
26 or security agreement or an assignment thereof. A remedy for

1 any breach or default of the terms of any such agreement by the  
2 Authority may be by mandamus proceedings in any court of  
3 competent jurisdiction to compel the performance and  
4 compliance therewith, but the agreement may prescribe by whom  
5 or on whose behalf such action may be instituted. It is  
6 expressly understood that the Authority may, but need not,  
7 acquire title to any project with respect to which it exercises  
8 its authority.

9 (d) With respect to the powers granted by this Act, the  
10 Authority may adopt rules and regulations prescribing the  
11 procedures by which persons may apply for assistance under this  
12 Act. Nothing herein shall be deemed to preclude the Authority,  
13 prior to the filing of any formal application, from conducting  
14 preliminary discussions and investigations with respect to the  
15 subject matter of any prospective application.

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

26 (f) The Authority shall have power to develop, construct

1 and improve either under its own direction, or through  
2 collaboration with any approved applicant, or to acquire  
3 through purchase or otherwise, any project, using for such  
4 purpose the proceeds derived from the sale of its bonds or from  
5 governmental loans or grants, and to hold title in the name of  
6 the Authority to such projects.

7 (g) The Authority shall have power to lease pursuant to a  
8 lease agreement any project so developed and constructed or  
9 acquired to the approved tenant on such terms and conditions as  
10 may be appropriate to further the purposes of this Act and to  
11 maintain the credit of the Authority. Any such lease may  
12 provide for either the Authority or the approved tenant to  
13 assume initially, in whole or in part, the costs of  
14 maintenance, repair and improvements during the leasehold  
15 period. In no case, however, shall the total rentals from any  
16 project during any initial leasehold period or the total loan  
17 repayments to be made pursuant to any loan agreement, be less  
18 than an amount necessary to return over such lease or loan  
19 period (1) all costs incurred in connection with the  
20 development, construction, acquisition or improvement of the  
21 project and for repair, maintenance and improvements thereto  
22 during the period of the lease or loan; provided, however, that  
23 the rentals or loan repayments need not include costs met  
24 through the use of funds other than those obtained by the  
25 Authority through the issuance of its bonds or governmental  
26 loans; (2) a reasonable percentage additive to be agreed upon

1 by the Authority and the borrower or tenant to cover a properly  
2 allocable portion of the Authority's general expenses,  
3 including, but not limited to, administrative expenses,  
4 salaries and general insurance, and (3) an amount sufficient to  
5 pay when due all principal of, interest and premium, if any on,  
6 any bonds issued by the Authority with respect to the project.  
7 The portion of total rentals payable under clause (3) of this  
8 subsection (g) shall be deposited in such special accounts,  
9 including all sinking funds, acquisition or construction  
10 funds, debt service and other funds as provided by any  
11 resolution, mortgage or trust agreement of the Authority  
12 pursuant to which any bond is issued.

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



1 treated in the same manner as the proceeds from sales or the  
2 revenues or income from leases subsequent to the termination of  
3 any initial leasehold period.

4 (i) The Authority shall have the power to make loans, or to  
5 purchase loan participations in loans made, to persons to  
6 finance a project, to enter into loan agreements or agreements  
7 with participating lenders with respect thereto, and to accept  
8 guarantees from persons of its loans or the resultant evidences  
9 of obligations of the Authority.

10 (j) The Authority may fix, determine, charge and collect  
11 any premiums, fees, charges, costs and expenses, including,  
12 without limitation, any application fees, commitment fees,  
13 program fees, financing charges or publication fees from any  
14 person in connection with its activities under this Act.

15 (k) In addition to the funds established as provided  
16 herein, the Authority shall have the power to create and  
17 establish such reserve funds and accounts as may be necessary  
18 or desirable to accomplish its purposes under this Act and to  
19 deposit its available monies into the funds and accounts.

20 (l) At the request of the governing body of any unit of  
21 local government, the Authority is authorized to market such  
22 local government's revenue bond offerings by preparing bond  
23 issues for sale, advertising for sealed bids, receiving bids at  
24 its offices, making the award to the bidder that offers the  
25 most favorable terms or arranging for negotiated placements or  
26 underwritings of such securities. The Authority may, at its

1 discretion, offer for concurrent sale the revenue bonds of  
2 several local governments. Sales by the Authority of revenue  
3 bonds under this Section shall in no way imply State guarantee  
4 of such debt issue. The Authority may require such financial  
5 information from participating local governments as it deems  
6 necessary in order to carry out the purposes of this subsection  
7 (1).

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

15 (n) The Authority may establish an urban development action  
16 grant program for the purpose of assisting municipalities in  
17 Illinois which are experiencing severe economic distress to  
18 help stimulate economic development activities needed to aid in  
19 economic recovery. The Authority shall determine the types of  
20 activities and projects for which the urban development action  
21 grants may be used, provided that such projects and activities  
22 are broadly defined to include all reasonable projects and  
23 activities the primary objectives of which are the development  
24 of viable urban communities, including decent housing and a  
25 suitable living environment, and expansion of economic  
26 opportunity, principally for persons of low and moderate

1 incomes. The Authority shall enter into grant agreements from  
2 monies appropriated for such purposes from the Build Illinois  
3 Bond Fund. The Authority shall monitor the use of the grants,  
4 and shall provide for audits of the funds as well as recovery  
5 by the Authority of any funds determined to have been spent in  
6 violation of this subsection (n) or any rule or regulation  
7 promulgated hereunder. The Authority shall provide technical  
8 assistance with regard to the effective use of the urban  
9 development action grants. The Authority shall file an annual  
10 report to the General Assembly concerning the progress of the  
11 grant program.

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

1 containing 4 or more dwelling units. The terms of any loan made  
2 by the municipality under this subsection shall require  
3 repayment of the loan to the municipality upon any sale or  
4 other transfer of the project.

5 (p) The Authority may award grants to universities and  
6 research institutions, research consortiums and other  
7 not-for-profit entities for the purposes of: remodeling or  
8 otherwise physically altering existing laboratory or research  
9 facilities, expansion or physical additions to existing  
10 laboratory or research facilities, construction of new  
11 laboratory or research facilities or acquisition of modern  
12 equipment to support laboratory or research operations  
13 provided that such grants (i) be used solely in support of  
14 project and equipment acquisitions which enhance technology  
15 transfer, and (ii) not constitute more than 60 percent of the  
16 total project or acquisition cost.

17 (q) Grants may be awarded by the Authority to units of  
18 local government for the purpose of developing the appropriate  
19 infrastructure or defraying other costs to the local government  
20 in support of laboratory or research facilities provided that  
21 such grants may not exceed 40% of the cost to the unit of local  
22 government.

23 (r) In addition to the powers granted to the Authority  
24 under subsection (i), and in all cases supplemental to it, the  
25 The Authority may establish a direct loan program ~~Direct Loan~~  
26 Program to make loans to, or may purchase participations in

1 loans made by participating lenders to, individuals,  
2 partnerships, ~~or~~ corporations, or other business entities for  
3 the purpose of financing an industrial project, as defined in  
4 Section 801-10 of this Act. For the purposes of such program  
5 and not by way of limitation on any other program of the  
6 Authority, including, without limitation, programs established  
7 under subsection (i), the Authority shall have the power to  
8 issue bonds, notes, or other evidences of indebtedness  
9 including commercial paper for purposes of providing a fund of  
10 capital from which it may make such loans. The Authority shall  
11 have the power to use any appropriations from the State made  
12 especially for the Authority's direct loan program, or moneys  
13 at any time held by the Authority under this Act outside the  
14 State treasury in the custody of either the Treasurer of the  
15 Authority or a trustee or depository appointed by the  
16 Authority, ~~Direct Loan Program~~ for additional capital to make  
17 such loans or purchase such loan participations, or for the  
18 purposes of reserve funds or pledged funds which secure the  
19 Authority's obligations of repayment of any bond, note or other  
20 form of indebtedness established for the purpose of providing  
21 capital for which it intends to make such loans or purchase  
22 such loan participations ~~under the Direct Loan Program~~. For the  
23 purpose of obtaining such capital, the Authority may also enter  
24 into agreements with financial institutions, participating  
25 lenders, and other persons for the purpose of administering a  
26 loan participation program, selling loans or ~~and~~ developing a

1 secondary market for such loans or loan participations. Loans  
2 made under the direct loan program specifically established  
3 under this subsection (r), including loans under such program  
4 made by participating lenders in which the Authority purchases  
5 a participation, ~~Direct Loan Program~~ may be in an amount not to  
6 exceed \$600,000 ~~\$300,000~~ and shall be made for a portion of an  
7 industrial project which does not exceed 50% of the total  
8 project. No loan may be made by the Authority unless approved  
9 by the affirmative vote of at least 8 members of the board. The  
10 Authority shall establish procedures and publish rules which  
11 shall provide for the submission, review, and analysis of each  
12 direct loan and loan participation application and which shall  
13 preserve the ability of each board member and the Executive  
14 Director, as applicable, to reach an individual business  
15 judgment regarding the propriety of ~~making~~ each direct loan or  
16 loan participation. The collective discretion of the board to  
17 approve or disapprove each loan shall be unencumbered. The  
18 Authority may establish and collect such fees and charges,  
19 determine and enforce such terms and conditions, and charge  
20 such interest rates as it determines to be necessary and  
21 appropriate to the successful administration of the direct loan  
22 program, including purchasing loan participations ~~Direct Loan~~  
23 ~~Program~~. The Authority may require such interests in collateral  
24 and such guarantees as it determines are necessary to protect  
25 ~~project~~ the Authority's interest in the repayment of the  
26 principal and interest of each loan and loan participation made

1 under the direct loan program ~~Direct Loan Program~~. The  
2 restrictions established under this subsection (r) shall not be  
3 applicable to any loan or loan participation made under  
4 subsection (i) or to any loan or loan participation made under  
5 any other Section of this Act.

6 (s) The Authority may guarantee private loans to third  
7 parties up to a specified dollar amount in order to promote  
8 economic development in this State.

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

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

1 have the power, subject to appropriations by the General  
2 Assembly, to subsidize or buy down a portion of the interest on  
3 such loans, up to 4% per annum.

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

6 (w) Moral Obligation. In the event that the Authority  
7 determines that monies of the Authority will not be sufficient  
8 for the payment of the principal of and interest on its bonds  
9 during the next State fiscal year, the Chairperson, as soon as  
10 practicable, shall certify to the Governor the amount required  
11 by the Authority to enable it to pay such principal of and  
12 interest on the bonds. The Governor shall submit the amount so  
13 certified to the General Assembly as soon as practicable, but  
14 no later than the end of the current State fiscal year. This  
15 subsection shall apply only to any bonds or notes as to which  
16 the Authority shall have determined, in the resolution  
17 authorizing the issuance of the bonds or notes, that this  
18 subsection shall apply. Whenever the Authority makes such a  
19 determination, that fact shall be plainly stated on the face of  
20 the bonds or notes and that fact shall also be reported to the  
21 Governor. In the event of a withdrawal of moneys from a reserve  
22 fund established with respect to any issue or issues of bonds  
23 of the Authority to pay principal or interest on those bonds,  
24 the Chairperson of the Authority, as soon as practicable, shall  
25 certify to the Governor the amount required to restore the  
26 reserve fund to the level required in the resolution or



1 indenture securing those bonds. The Governor shall submit the  
2 amount so certified to the General Assembly as soon as  
3 practicable, but no later than the end of the current State  
4 fiscal year. The Authority shall obtain written approval from  
5 the Governor for any bonds and notes to be issued under this  
6 Section. In addition to any other bonds authorized to be issued  
7 under Sections 825-60, 825-65(e), 830-25 and 845-5, the  
8 principal amount of Authority bonds outstanding issued under  
9 this Section 801-40(w) or under 20 ILCS 3850/1-80 or 30 ILCS  
10 360/2-6(c), which have been assumed by the Authority, shall not  
11 exceed \$150,000,000. This subsection (w) shall in no way be  
12 applied to any bonds issued by the Authority on behalf of the  
13 Illinois Power Agency under Section 825-90 of this Act.

14 (x) The Authority may enter into agreements or contracts  
15 with any person necessary or appropriate to place the payment  
16 obligations of the Authority under any of its bonds in whole or  
17 in part on any interest rate basis, cash flow basis, or other  
18 basis desired by the Authority, including without limitation  
19 agreements or contracts commonly known as "interest rate swap  
20 agreements", "forward payment conversion agreements", and  
21 "futures", or agreements or contracts to exchange cash flows or  
22 a series of payments, or agreements or contracts, including  
23 without limitation agreements or contracts commonly known as  
24 "options", "puts", or "calls", to hedge payment, rate spread,  
25 or similar exposure; provided that any such agreement or  
26 contract shall not constitute an obligation for borrowed money

1 and shall not be taken into account under Section 845-5 of this  
2 Act or any other debt limit of the Authority or the State of  
3 Illinois.

4 (y) The Authority shall publish summaries of projects and  
5 actions approved by the members of the Authority on its  
6 website. These summaries shall include, but not be limited to,  
7 information regarding the:

8 (1) project;

9 (2) Board's action or actions;

10 (3) purpose of the project;

11 (4) Authority's program and contribution;

12 (5) volume cap;

13 (6) jobs retained;

14 (7) projected new jobs;

15 (8) construction jobs created;

16 (9) estimated sources and uses of funds;

17 (10) financing summary;

18 (11) project summary;

19 (12) business summary;

20 (13) ownership or economic disclosure statement;

21 (14) professional and financial information;

22 (15) service area; and

23 (16) legislative district.

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

26 (Source: P.A. 95-470, eff. 8-27-07; 95-481, eff. 8-28-07;

1 95-876, eff. 8-21-08; 96-795, eff. 7-1-10 (see Section 5 of  
2 P.A. 96-793 for the effective date of changes made by P.A.  
3 96-795).)

4 (20 ILCS 3501/805-5)

5 Sec. 805-5. Findings and Declaration of Policy. It is  
6 hereby found and declared that a continuing need exists to  
7 maintain and develop the State's economy; that there are  
8 significant barriers in the capital markets inhibiting the  
9 issuance by the Authority of industrial revenue bonds, loans,  
10 and State Guarantees to assist in financing industrial  
11 projects, PACE Projects, farmers, and agribusiness in the  
12 State, particularly for smaller firms; and that the  
13 establishment of the Industrial Revenue Bond Insurance Fund and  
14 the exercise by the Authority of the powers granted in this  
15 Article will promote economic development by widening the  
16 market for the Authority's revenue bonds, loans, PACE Projects,  
17 and State Guarantees.

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

19 (20 ILCS 3501/805-15)

20 Sec. 805-15. Industrial Project Insurance Fund. There is  
21 created the Industrial Project Insurance Fund, hereafter  
22 referred to in Sections 805-15 through 805-50 of this Act as  
23 the "Fund". The Treasurer shall have custody of the Fund, which  
24 shall be held outside of the State treasury, except that

1 custody may be transferred to and held by any bank, trust  
2 company or other fiduciary with whom the Authority executes a  
3 trust agreement as authorized by paragraph (h) of Section  
4 805-20 of this Act. Any portion of the Fund against which a  
5 charge has been made, shall be held for the benefit of the  
6 holders of the loans or bonds insured under Section 805-20 of  
7 this Act or the holders of State Guarantees under Article 830  
8 of this Act. There shall be deposited in the Fund such amounts,  
9 including but not limited to:

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

11 (b) All proceeds of assets of whatever nature received by  
12 the Authority as a result of default or delinquency with  
13 respect to insured loans or bonds or State Guarantees with  
14 respect to which payments from the Fund have been made,  
15 including proceeds from the sale, disposal, lease or rental of  
16 real or personal property which the Authority may receive under  
17 the provisions of this Article but excluding the proceeds of  
18 insurance hereunder;

19 (c) All receipts from any applicable contract or agreement  
20 entered into by the Authority under paragraph (b) of Section  
21 805-20 of this Act;

22 (d) Any State appropriations, transfers of appropriations,  
23 or transfers of general obligation bond proceeds or other  
24 monies made available to the Fund. Amounts in the Fund shall be  
25 used in accordance with the provisions of this Article to  
26 satisfy any valid insurance claim payable therefrom and may be

1 used for any other purpose determined by the Authority in  
2 accordance with insurance contract or contracts with financial  
3 institutions entered into pursuant to this Act, including  
4 without limitation protecting the interest of the Authority in  
5 industrial projects during periods of loan delinquency or upon  
6 loan default through the purchase of industrial projects in  
7 foreclosure proceedings or in lieu of foreclosure or through  
8 any other means. Such amounts may also be used to pay  
9 administrative costs and expenses reasonably allocable to the  
10 activities in connection with the Fund and to pay taxes,  
11 maintenance, insurance, security and any other costs and  
12 expenses of bidding for, acquiring, owning, carrying and  
13 disposing of industrial projects or PACE Projects, which were  
14 financed with the proceeds of loans or insured bonds ~~or loans~~,  
15 including loans or loan participations made under subsections  
16 (i) or (r) of Section 801-40. In the case of a default in  
17 payment with respect to any loan, mortgage or other agreement  
18 so insured or otherwise representing possible loss to the  
19 Authority, the amount of the default shall immediately, and at  
20 all times during the continuance of such default, and to the  
21 extent provided in any applicable agreement, constitute a  
22 charge on the Fund. Any amounts in the Fund not currently  
23 needed to meet the obligations of the Fund may be invested as  
24 provided by law in obligations designated by the Authority, or  
25 used to make direct loans or purchase loan participations under  
26 subsections (i) or (r) of Section 801-40. All ~~and all~~ income

1 from such investments shall become part of the Fund. All income  
2 from direct loans or loan participations made under subsections  
3 (i) or (r) of Section 801-40 shall become funds of the  
4 Authority. In making such investments, the Authority shall act  
5 with the care, skill, diligence and prudence under the  
6 circumstances of a prudent person acting in a like capacity in  
7 the conduct of an enterprise of like character and with like  
8 aims. It shall diversify such investments of the Authority so  
9 as to minimize the risk of large losses, unless under the  
10 circumstances it is clearly not prudent to do so. Amounts in  
11 the Fund may also be used to satisfy State Guarantees under  
12 Article 830 of this Act.

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

14 (20 ILCS 3501/825-65)

15 Sec. 825-65. Clean Coal, Coal, Energy Efficiency, PACE, and  
16 Renewable Energy Project Financing.

17 (a) Findings and declaration of policy.

18 (i) It is hereby found and declared that Illinois has  
19 abundant coal resources and, in some areas of Illinois, the  
20 demand for power exceeds the generating capacity.  
21 Incentives to encourage the construction of coal-fueled  
22 electric generating plants in Illinois to ensure power  
23 generating capacity into the future and to advance clean  
24 coal technology and the use of Illinois coal are in the  
25 best interests of all of the citizens of Illinois.

1           (ii) It is further found and declared that Illinois has  
2 abundant potential and resources to develop renewable  
3 energy resource projects and that there are many  
4 opportunities to invest in cost-effective energy  
5 efficiency projects throughout the State. The development  
6 of those projects will create jobs and investment as well  
7 as decrease environmental impacts and promote energy  
8 independence in Illinois. Accordingly, the development of  
9 those projects is in the best interests of all of the  
10 citizens of Illinois.

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

14           (b) Definitions.

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

1           (ii) "Coal Project" means new electric generating  
2 facilities or new gasification facilities, as defined in  
3 Section 605-332 of the Department of Commerce and Economic  
4 Opportunity Law of the Civil Administrative Code of  
5 Illinois, which may include mine-mouth power plants,  
6 projects that employ the use of clean coal technology,  
7 projects to provide scrubber technology for existing  
8 energy generating plants, or projects to provide electric  
9 transmission facilities or new gasification facilities.

10           (iii) "Energy Efficiency Project" means measures that  
11 reduce the amount of electricity or natural gas required to  
12 achieve a given end use, consistent with Section 1-10 of  
13 the Illinois Power Agency Act. "Energy Efficiency Project"  
14 also includes measures that reduce the total Btus of  
15 electricity and natural gas needed to meet the end use or  
16 uses consistent with Section 1-10 of the Illinois Power  
17 Agency Act.

18           (iv) "Renewable Energy Project" means (A) a project  
19 that uses renewable energy resources, as defined in Section  
20 1-10 of the Illinois Power Agency Act; (B) a project that  
21 uses environmentally preferable technologies and practices  
22 that result in improvements to the production of renewable  
23 fuels, including but not limited to, cellulosic  
24 conversion, water and energy conservation, fractionation,  
25 alternative feedstocks, or reduced greenhouse gas  
26 emissions; (C) transmission lines and associated equipment



1 that transfer electricity from points of supply to points  
2 of delivery for projects described in this subsection (b);  
3 or (D) projects that use technology for the storage of  
4 renewable energy, including, without limitation, the use  
5 of battery or electrochemical storage technology for  
6 mobile or stationary applications.

7 (c) Creation of reserve funds. The Authority may establish  
8 and maintain one or more reserve funds to enhance bonds issued  
9 by the Authority for a Clean Coal Project, a Coal Project, an  
10 Energy Efficiency Project, a PACE Project, or a Renewable  
11 Energy Project. There may be one or more accounts in these  
12 reserve funds in which there may be deposited:

13 (1) any proceeds of the bonds issued by the Authority  
14 required to be deposited therein by the terms of any  
15 contract between the Authority and its bondholders or any  
16 resolution of the Authority;

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

19 (3) any other moneys or funds made available to the  
20 Authority. Subject to the terms of any pledge to the owners  
21 of any bonds, moneys in any reserve fund may be held and  
22 applied to the payment of principal, premium, if any, and  
23 interest of such bonds.

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

25 (1) To issue bonds in one or more series pursuant to  
26 one or more resolutions of the Authority for any Clean Coal

1 Project, Coal Project, Energy Efficiency Project, PACE  
2 Project, or Renewable Energy Project authorized under this  
3 Section, within the authorization set forth in subsection  
4 (e).

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

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

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

23 (4.5) To make loans under subsection (i) of Section  
24 801-40 to finance loans for PACE Projects.

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

1 (e) Clean Coal Project, Coal Project, Energy Efficiency  
2 Project, PACE Project, and Renewable Energy Project bond  
3 authorization and financing limits. In addition to any other  
4 bonds authorized to be issued under Sections 801-40(w), 825-60,  
5 830-25 and 845-5, the Authority may have outstanding, at any  
6 time, bonds for the purpose enumerated in this Section 825-65  
7 in an aggregate principal amount that shall not exceed  
8 \$3,000,000,000, subject to the following limitations: (i) up to  
9 \$300,000,000 may be issued to finance projects, as described in  
10 clause (C) of subsection (b)(i) and clause (C) of subsection  
11 (b)(iv) of this Section 825-65; (ii) up to \$500,000,000 may be  
12 issued to finance projects, as described in clauses (D) and (E)  
13 of subsection (b)(i) of this Section 825-65; (iii) up to  
14 \$2,000,000,000 may be issued to finance Clean Coal Projects, as  
15 described in clauses (A) and (B) of subsection (b)(i) of this  
16 Section 825-65 and Coal Projects, as described in subsection  
17 (b)(ii) of this Section 825-65; and (iv) up to \$2,000,000,000  
18 may be issued to finance Energy Efficiency Projects, as  
19 described in subsection (b)(iii) of this Section 825-65, ~~and~~  
20 Renewable Energy Projects, as described in clauses (A), (B),  
21 and (D) of subsection (b) (iv) ~~(iii)~~ of this Section 825-65, and  
22 PACE Projects. An application for a loan financed from bond  
23 proceeds from a borrower or its affiliates for a Clean Coal  
24 Project, a Coal Project, Energy Efficiency Project, PACE  
25 Project, or a Renewable Energy Project may not be approved by  
26 the Authority for an amount in excess of \$450,000,000 for any

1 borrower or its affiliates. A Clean Coal Project, ~~or~~ Coal  
2 Project, or PACE Project must be located within the State. An  
3 Energy Efficiency Project may be located within the State or  
4 outside the State, provided that, if the Energy Efficiency  
5 Project is located outside of the State, it must be owned,  
6 operated, leased, or managed by an entity located within the  
7 State or any entity affiliated with an entity located within  
8 the State. These bonds shall not constitute an indebtedness or  
9 obligation of the State of Illinois and it shall be plainly  
10 stated on the face of each bond that it does not constitute an  
11 indebtedness or obligation of the State of Illinois, but is  
12 payable solely from the revenues, income or other assets of the  
13 Authority pledged therefor.

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

17 (20 ILCS 3501/830-30)

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

19 (a) The Authority is authorized to issue State Guarantees  
20 for farmers' existing debts held by a lender. For the purposes  
21 of this Section, a farmer shall be a resident of Illinois, who  
22 is a principal operator of a farm or land, at least 50% of  
23 whose annual gross income is derived from farming and whose  
24 debt to asset ratio shall not be less than 40%, except in those  
25 cases where the applicant has previously used the guarantee

1 program there shall be no debt to asset ratio or income  
2 restriction. For the purposes of this Section, debt to asset  
3 ratio shall mean the current outstanding liabilities of the  
4 farmer divided by the current outstanding assets of the farmer.  
5 The Authority shall establish the maximum permissible debt to  
6 asset ratio based on criteria established by the Authority.  
7 Lenders shall apply for the State Guarantees on forms provided  
8 by the Authority and certify that the application and any other  
9 documents submitted are true and correct. The lender or  
10 borrower, or both in combination, shall pay an administrative  
11 fee as determined by the Authority. The applicant shall be  
12 responsible for paying any fees or charges involved in  
13 recording mortgages, releases, financing statements, insurance  
14 for secondary market issues and any other similar fees or  
15 charges as the Authority may require. The application shall at  
16 a minimum contain the farmer's name, address, present credit  
17 and financial information, including cash flow statements,  
18 financial statements, balance sheets, and any other  
19 information pertinent to the application, and the collateral to  
20 be used to secure the State Guarantee. In addition, the lender  
21 must agree to bring the farmer's debt to a current status at  
22 the time the State Guarantee is provided and must also agree to  
23 charge a fixed or adjustable interest rate which the Authority  
24 determines to be below the market rate of interest generally  
25 available to the borrower. If both the lender and applicant  
26 agree, the interest rate on the State Guarantee Loan can be

1 converted to a fixed interest rate at any time during the term  
2 of the loan. Any State Guarantees provided under this Section  
3 (i) shall not exceed \$500,000 per farmer, (ii) shall be set up  
4 on a payment schedule not to exceed 30 years, and shall be no  
5 longer than 30 years in duration, and (iii) shall be subject to  
6 an annual review and renewal by the lender and the Authority;  
7 provided that only one such State Guarantee shall be  
8 outstanding per farmer at any one time. No State Guarantee  
9 shall be revoked by the Authority without a 90-day notice, in  
10 writing, to all parties. In those cases where the borrower has  
11 not previously used the guarantee program, the lender shall not  
12 call due any loan during the first 3 years for any reason  
13 except for lack of performance or insufficient collateral. The  
14 lender can review and withdraw or continue with the State  
15 Guarantee on an annual basis after the first 3 years of the  
16 loan, provided a 90-day notice, in writing, to all parties has  
17 been given.

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

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

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

25 (iii) The lender assumes all responsibility and costs  
26 for pursuing legal action on collecting any loan that is

1 delinquent or in default.

2 (iv) The lender is responsible for the first 15% of the  
3 outstanding principal of the note for which the State  
4 Guarantee has been applied.

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

1 Project Insurance Fund created under Article 805 of this Act  
2 may be paid by the Authority directly to satisfy claims and  
3 need not be deposited first into the Illinois Agricultural Loan  
4 Guarantee Fund. If for any reason the General Assembly fails to  
5 make an appropriation sufficient to meet these obligations,  
6 this Act shall constitute an irrevocable and continuing  
7 appropriation of an amount necessary to secure guarantees as  
8 defaults occur and the irrevocable and continuing authority  
9 for, and direction to, the State Treasurer and the Comptroller  
10 to make the necessary transfers to the Illinois Agricultural  
11 Loan Guarantee Fund, as directed by the Governor, out of the  
12 General Revenue Fund. Within 30 days after November 15, 1985,  
13 the Authority may transfer up to \$7,000,000 from available  
14 appropriations into the Illinois Agricultural Loan Guarantee  
15 Fund for the purposes of this Act. Thereafter, the Authority  
16 may transfer additional amounts into the Illinois Agricultural  
17 Loan Guarantee Fund to secure guarantees for defaults as  
18 defaults occur. In the event of default by the farmer, the  
19 lender shall be entitled to, and the Authority shall direct  
20 payment on, the State Guarantee after 90 days of delinquency.  
21 All payments by the Authority to satisfy claims against the  
22 State Guarantee shall be made, in whole or in part, from any of  
23 the following funds in such order and in such amounts as the  
24 Authority shall determine: (1) the Industrial Project  
25 Insurance Fund created under Article 805 of this Act (if the  
26 Authority exercises its discretion under subsection (j) of



1 Section 805-20); (2) the Illinois Agricultural Loan Guarantee  
2 Fund; or (3) the Illinois Farmer and Agribusiness Loan  
3 Guarantee Fund. The Illinois Agricultural Loan Guarantee Fund  
4 shall guarantee receipt of payment of the 85% of the principal  
5 and interest owed on the State Guarantee Loan by the farmer to  
6 the guarantee holder, provided that payments by the Authority  
7 to satisfy claims against the State Guarantee shall be made in  
8 accordance with the preceding sentence. It shall be the  
9 responsibility of the lender to proceed with the collecting and  
10 disposing of collateral on the State Guarantee under this  
11 Section, Section 830-35, Section 830-45, Section 830-50,  
12 Section 830-55, or Article 835 within 14 months of the time the  
13 State Guarantee is declared delinquent; provided, however,  
14 that the lender shall not collect or dispose of collateral on  
15 the State Guarantee without the express written prior approval  
16 of the Authority. If the lender does not dispose of the  
17 collateral within 14 months, the lender shall be liable to  
18 repay to the State interest on the State Guarantee equal to the  
19 same rate which the lender charges on the State Guarantee;  
20 provided, however, that the Authority may extend the 14-month  
21 period for a lender in the case of bankruptcy or extenuating  
22 circumstances. The Fund from which a payment is made shall be  
23 reimbursed for any amounts paid from that Fund under this  
24 Section, Section 830-35, Section 830-45, Section 830-50,  
25 Section 830-55, or Article 835 upon liquidation of the  
26 collateral. The Authority, by resolution of the Board, may

1 borrow sums from the Fund and provide for repayment as soon as  
2 may be practical upon receipt of payments of principal and  
3 interest by a farmer. Money may be borrowed from the Fund by  
4 the Authority for the sole purpose of paying certain interest  
5 costs for farmers associated with selling a loan subject to a  
6 State Guarantee in a secondary market as may be deemed  
7 reasonable and necessary by the Authority.

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

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

18 (20 ILCS 3501/830-35)

19 Sec. 830-35. State Guarantees for loans to farmers and  
20 agribusiness; eligibility.

21 (a) The Authority is authorized to issue State Guarantees  
22 to lenders for loans to eligible farmers and agribusinesses for  
23 purposes set forth in this Section. For purposes of this  
24 Section, an eligible farmer shall be a resident of Illinois (i)  
25 who is principal operator of a farm or land, at least 50% of

1 whose annual gross income is derived from farming, (ii) whose  
2 annual total sales of agricultural products, commodities, or  
3 livestock exceeds \$20,000, and (iii) whose net worth does not  
4 exceed \$500,000. An eligible agribusiness shall be that as  
5 defined in Section 801-10 of this Act. The Authority may  
6 approve applications by farmers and agribusinesses that  
7 promote diversification of the farm economy of this State  
8 through the growth and development of new crops or livestock  
9 not customarily grown or produced in this State or that  
10 emphasize a vertical integration of grain or livestock produced  
11 or raised in this State into a finished agricultural product  
12 for consumption or use. "New crops or livestock not customarily  
13 grown or produced in this State" shall not include corn,  
14 soybeans, wheat, swine, or beef or dairy cattle. "Vertical  
15 integration of grain or livestock produced or raised in this  
16 State" shall include any new or existing grain or livestock  
17 grown or produced in this State. Lenders shall apply for the  
18 State Guarantees on forms provided by the Authority, certify  
19 that the application and any other documents submitted are true  
20 and correct, and pay an administrative fee as determined by the  
21 Authority. The applicant shall be responsible for paying any  
22 fees or charges involved in recording mortgages, releases,  
23 financing statements, insurance for secondary market issues  
24 and any other similar fees or charges as the Authority may  
25 require. The application shall at a minimum contain the  
26 farmer's or agribusiness' name, address, present credit and

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

1 vary. A lender shall not withdraw a State Guarantee if the loan  
2 contract provides for an interest rate that may vary, except  
3 for reasons set forth herein.

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

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

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

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

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

17 (c) There is hereby created outside of the State treasury a  
18 special fund to be known as the Illinois Farmer and  
19 Agribusiness Loan Guarantee Fund. The State Treasurer shall be  
20 custodian of this Fund. Any amounts in the Fund not currently  
21 needed to meet the obligations of the Fund shall be invested as  
22 provided by law, or used by the Authority to make direct loans  
23 or originate or purchase loan participations under subsections  
24 (i) or (r) of Section 801-40. All ~~and all~~ interest earned from  
25 these investments shall be deposited into the Fund until the  
26 Fund reaches the maximum amounts authorized in this Act;

1 thereafter, interest earned shall be deposited into the General  
2 Revenue Fund. After September 1, 1989, annual investment  
3 earnings equal to 1.5% of the Fund shall remain in the Fund to  
4 be used for the purposes established in Section 830-40 of this  
5 Act. All earnings on direct loans or loan participations made  
6 by the Authority under subsections (i) or (r) of Section 801-40  
7 with amounts in this Fund shall become funds of the Authority.

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

1 default by the borrower on State Guarantee Loans under this  
2 Section, Section 830-45, Section 830-50, or Section 830-55, the  
3 lender shall be entitled to, and the Authority shall direct  
4 payment on, the State Guarantee after 90 days of delinquency.  
5 All payments by the Authority to satisfy claims against the  
6 State Guarantee shall be made, in whole or in part, from any of  
7 the following funds in such order and in such amounts as the  
8 Authority shall determine: (1) the Industrial Project  
9 Insurance Fund created under Article 805 of this Act (if the  
10 Authority exercises its discretion under subsection (j) of  
11 Section 805-20); (2) the Illinois Farmer and Agribusiness Loan  
12 Guarantee Fund; or (3) the Illinois Farmer and Agribusiness  
13 Loan Guarantee Fund. It shall be the responsibility of the  
14 lender to proceed with the collecting and disposing of  
15 collateral on the State Guarantee under this Section, Section  
16 830-45, Section 830-50, or Section 830-55 within 14 months of  
17 the time the State Guarantee is declared delinquent. If the  
18 lender does not dispose of the collateral within 14 months, the  
19 lender shall be liable to repay to the State interest on the  
20 State Guarantee equal to the same rate that the lender charges  
21 on the State Guarantee, provided that the Authority shall have  
22 the authority to extend the 14-month period for a lender in the  
23 case of bankruptcy or extenuating circumstances. The Fund shall  
24 be reimbursed for any amounts paid under this Section, Section  
25 830-30, Section 830-45, Section 830-50, Section 830-55, or  
26 Article 835 upon liquidation of the collateral. The Authority,

1 by resolution of the Board, may borrow sums from the Fund and  
2 provide for repayment as soon as may be practical upon receipt  
3 of payments of principal and interest by a borrower on State  
4 Guarantee Loans under this Section, Section 830-30, Section  
5 830-45, Section 830-50, Section 830-55, or Article 835. Money  
6 may be borrowed from the Fund by the Authority for the sole  
7 purpose of paying certain interest costs for borrowers  
8 associated with selling a loan subject to a State Guarantee  
9 under this Section, Section 830-30, Section 830-45, Section  
10 830-50, Section 830-55, or Article 835 in a secondary market as  
11 may be deemed reasonable and necessary by the Authority.

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

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

23 (20 ILCS 3501/830-55)

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

25 (a) The Authority is authorized to issue State Guarantees



1 to lenders for loans to finance needed input costs related to  
2 and in connection with planting and raising agricultural crops  
3 and commodities in Illinois. Eligible input costs include, but  
4 are not limited to, fertilizer, chemicals, feed, seed, fuel,  
5 parts, and repairs. At the discretion of the Authority, the  
6 farmer, producer, or agribusiness must be able to provide the  
7 originating lender with a first lien on the proposed crop or  
8 commodity to be raised and an assignment of Federal Crop  
9 Insurance sufficient to secure the Working Capital Loan.  
10 Additional collateral may be required as deemed necessary by  
11 the lender and the Authority.

12 For the purposes of this Section, an eligible farmer,  
13 producer, or agribusiness is a resident of Illinois who is at  
14 least 18 years of age and who is a principal operator of a farm  
15 or land, who derives at least 50% of annual gross income from  
16 farming, and whose debt to asset ratio is not less than 40%.  
17 For the purposes of this Section, debt to asset ratio means  
18 current outstanding liabilities, including any debt to be  
19 financed or refinanced under this Section 830-55, divided by  
20 current outstanding assets. The Authority shall establish the  
21 maximum permissible debt to asset ratio based on criteria  
22 established by the Authority. Lenders shall apply for the State  
23 Guarantees on forms provided by the Authority and certify that  
24 the application and any other documents submitted are true and  
25 correct. The lender or borrower, or both in combination, shall  
26 pay an administrative fee as determined by the Authority. The

1 applicant shall be responsible for paying any fee or charge  
2 involved in recording mortgages, releases, financing  
3 statements, insurance for secondary market issues, and any  
4 other similar fee or charge that the Authority may require. The  
5 application shall at a minimum contain the borrower's name,  
6 address, present credit and financial information, including  
7 cash flow statements, financial statements, balance sheets,  
8 and any other information pertinent to the application, and the  
9 collateral to be used to secure the State Guarantee. In  
10 addition, the borrower must certify to the Authority that, at  
11 the time the State Guarantee is provided, the borrower will not  
12 be delinquent in the repayment of any debt. The lender must  
13 agree to charge a fixed or adjustable interest rate that the  
14 Authority determines to be below the market rate of interest  
15 generally available to the borrower. If both the lender and  
16 applicant agree, the interest rate on the State guaranteed loan  
17 can be converted to a fixed interest rate at any time during  
18 the term of the loan. State Guarantees provided under this  
19 Section (i) shall not exceed \$250,000 per borrower, (ii) shall  
20 be repaid annually, and (iii) shall be subject to an annual  
21 review and renewal by the lender and the Authority. The State  
22 Guarantee may be renewed annually, for a period not to exceed 3  
23 total years per State Guarantee, if the borrower meets  
24 financial criteria and other conditions, as established by the  
25 Authority. A farmer or agribusiness may use this program more  
26 than once provided the aggregate principal amount of State

1 Guarantees under this Section to that farmer or agribusiness  
2 does not exceed \$250,000 annually. No State Guarantee shall be  
3 revoked by the Authority without a 90-day notice, in writing,  
4 to all parties.

5 (b) The Authority shall provide a State Guarantee to a  
6 lender if:

7 (i) The borrower pays to the Authority a fee equal to  
8 100 basis points on the loan.

9 (ii) The application provides collateral acceptable to  
10 the Authority that is at least equal to the State  
11 Guarantee.

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

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

18 (c) The Illinois Agricultural Loan Guarantee Fund, the  
19 Illinois Farmer and Agribusiness Loan Guarantee Fund, and the  
20 Industrial Project Insurance Fund may be used to secure State  
21 Guarantees issued under this Section as provided in Section  
22 830-30, Section 830-35, and subsection (j) of Section 805-20,  
23 respectively, or to make direct loans or purchase loan  
24 participations under subsections (i) or (r) of Section 801-40.

25 If the Authority exercises its discretion under subsection (j)  
26 of Section 805-20 to secure a State Guarantee with the

1 Industrial Project Insurance Fund and also exercises its  
2 discretion under this subsection to secure the same State  
3 Guarantee with the Illinois Agricultural Loan Guarantee Fund,  
4 the Illinois Farmer and Agribusiness Loan Guarantee Fund, or  
5 both, all payments by the Authority to satisfy claims against  
6 the State Guarantee shall be made from the Industrial Project  
7 Insurance Fund, the Illinois Agricultural Loan Guarantee Fund,  
8 or the Illinois Farmer and Agribusiness Loan Guarantee Fund, as  
9 applicable, in such order and in such amounts as the Authority  
10 shall determine.

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

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

21 (20 ILCS 3501/845-75)

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

24 (a) The Illinois Finance Authority created by the Illinois  
25 Finance Authority Act shall succeed to, assume and exercise all

1 rights, powers, duties and responsibilities formerly exercised  
2 by the following Authorities and entities (herein called the  
3 "Predecessor Authorities") prior to the abolition of the  
4 Predecessor Authorities by this Act:

5 The Illinois Development Finance Authority

6 The Illinois Farm Development Authority

7 The Illinois Health Facilities Authority

8 The Illinois Educational Facilities Authority

9 The Illinois Community Development Finance Corporation

10 The Illinois Rural Bond Bank

11 The Illinois Research Park Authority

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

1 rules, regulations, standards, criteria and guidelines shall  
2 become those of the Illinois Finance Authority until such time  
3 as they are amended or repealed by the Illinois Finance  
4 Authority.

5 (c) The Illinois Finance Authority may exercise all of the  
6 rights, powers, duties, and responsibilities that were  
7 provided for the Illinois Research Park Authority under the  
8 provisions of the Illinois Research Park Authority Act, as the  
9 text of that Act existed on December 31, 2003, notwithstanding  
10 the fact that Public Act 88-669, which created the Illinois  
11 Research Park Authority Act, has been held to be  
12 unconstitutional as a violation of the single subject clause of  
13 the Illinois Constitution in *People v. Olender*, Docket No.  
14 98932, opinion filed December 15, 2005.

15 (d) The enactment of this amendatory Act of the 100th  
16 General Assembly shall not affect any right accrued or  
17 liability incurred prior to its enactment, including the  
18 validity or enforceability of any prior action taken by the  
19 Illinois Finance Authority with respect to loans made, or loan  
20 participations purchased, by the Authority under subsections  
21 (i) or (r) of Section 801-40.

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

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."