



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1906

Introduced 2/20/2009, by Sen. James F. Clayborne, Jr.

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3501/801-5  
20 ILCS 3501/801-10  
20 ILCS 3501/801-55 new

Amends the Illinois Finance Authority Act. Provides that the Act applies to certain projects located outside of the State, if the project involves property or facilities that are owned, operated, leased, or managed by an entity located within the State. Sets forth criteria for approving out-of-State projects. Provides that the Authority shall not provide financing for any project, or portion of a project, located outside of the United States. Provides that the Authority shall not provide financing that constitutes an indebtedness of the State for any project, or portion of a project, located outside of the State. Provides that the Illinois Finance Authority may approve an application to finance or refinance a project located outside of the State only if the Authority has the ability to issue at least another \$1,000,000,000 of bonds after giving effect to the financing or refinancing or the out-of-state project. Proposes that the Authority shall not provide financing that uses State volume cap under Section 146 of the Internal Revenue Code of 1986 for a project located outside of the State. Effective immediately.

LRB096 09999 RCE 20163 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Finance Authority Act is amended by  
5 changing Sections 801-5 and 801-10 and by adding Section 801-55  
6 as follows:

7 (20 ILCS 3501/801-5)

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

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

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

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

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

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

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

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

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

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

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

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

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

1 not otherwise able to borrow for those purposes;

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

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

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

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

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

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

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

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

15 (Source: P.A. 93-205, eff. 1-1-04.)

16 (20 ILCS 3501/801-10)

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

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

23 (b) The term "project" means an industrial project,  
24 conservation project, housing project, public purpose project,  
25 higher education project, health facility project, cultural



1 institution project, agricultural facility or agribusiness,  
2 and "project" may include any combination of one or more of the  
3 foregoing undertaken jointly by any person with one or more  
4 other persons.

5 (c) The term "public purpose project" means any project or  
6 facility including without limitation land, buildings,  
7 structures, machinery, equipment and all other real and  
8 personal property, which is authorized or required by law to be  
9 acquired, constructed, improved, rehabilitated, reconstructed,  
10 replaced or maintained by any unit of government or any other  
11 lawful public purpose which is authorized or required by law to  
12 be undertaken by any unit of government.

13 (d) The term "industrial project" means the acquisition,  
14 construction, refurbishment, creation, development or  
15 redevelopment of any facility, equipment, machinery, real  
16 property or personal property for use by any instrumentality of  
17 the State or its political subdivisions, for use by any person  
18 or institution, public or private, for profit or not for  
19 profit, or for use in any trade or business including, but not  
20 limited to, any industrial, manufacturing or commercial  
21 enterprise and which is (1) a capital project including but not  
22 limited to: (i) land and any rights therein, one or more  
23 buildings, structures or other improvements, machinery and  
24 equipment, whether now existing or hereafter acquired, and  
25 whether or not located on the same site or sites; (ii) all  
26 appurtenances and facilities incidental to the foregoing,

1 including, but not limited to utilities, access roads, railroad  
2 sidings, track, docking and similar facilities, parking  
3 facilities, dockage, wharfage, railroad roadbed, track,  
4 trestle, depot, terminal, switching and signaling or related  
5 equipment, site preparation and landscaping; and (iii) all  
6 non-capital costs and expenses relating thereto or (2) any  
7 addition to, renovation, rehabilitation or improvement of a  
8 capital project or (3) any activity or undertaking within or  
9 outside the State, provided that, with respect to a project  
10 involving property located outside the State, the property must  
11 be owned, operated, leased or managed by an entity located  
12 within the State or an entity affiliated with an entity located  
13 within the State, which the Authority determines will aid,  
14 assist or encourage economic growth, development or  
15 redevelopment within the State or any area thereof, will  
16 promote the expansion, retention or diversification of  
17 employment opportunities within the State or any area thereof  
18 or will aid in stabilizing or developing any industry or  
19 economic sector of the State economy. The term "industrial  
20 project" also means the production of motion pictures.

21 (e) The term "bond" or "bonds" shall include bonds, notes  
22 (including bond, grant or revenue anticipation notes),  
23 certificates and/or other evidences of indebtedness  
24 representing an obligation to pay money, including refunding  
25 bonds.

26 (f) The terms "lease agreement" and "loan agreement" shall

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

23 (g) The term "financial aid" means the expenditure of  
24 Authority funds or funds provided by the Authority through the  
25 issuance of its bonds, notes or other evidences of indebtedness  
26 or from other sources for the development, construction,

1 acquisition or improvement of a project.

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

6 (i) The term "unit of government" means the federal  
7 government, the State or unit of local government, a school  
8 district, or any agency or instrumentality, office, officer,  
9 department, division, bureau, commission, college or  
10 university thereof.

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

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

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

24 (k) The term "participating health institution" means (i) a  
25 private corporation or association or (ii) a public entity of  
26 this State, in either case authorized by the laws of this State

1 or the applicable state to provide or operate a health facility  
2 as defined in this Act and which, pursuant to the provisions of  
3 this Act, undertakes the financing, construction or  
4 acquisition of a project or undertakes the refunding or  
5 refinancing of obligations, loans, indebtedness or advances as  
6 provided in this Act.

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

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

23 (n) The term "property" means any real, personal or mixed  
24 property, whether tangible or intangible, or any interest  
25 therein, including, without limitation, any real estate,  
26 leasehold interests, appurtenances, buildings, easements,

1 equipment, furnishings, furniture, improvements, machinery,  
2 rights of way, structures, accounts, contract rights or any  
3 interest therein.

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

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

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

16 (r) The term "educational facility" means any property  
17 located within the State, or any property located outside the  
18 State, provided that, if the property is located outside the  
19 State, it must be owned, operated, leased or managed by an  
20 entity located within the State or an entity affiliated with an  
21 entity located within the State, in each case constructed or  
22 acquired before or after the effective date of this Act, which  
23 is or will be, in whole or in part, suitable for the  
24 instruction, feeding, recreation or housing of students, the  
25 conducting of research or other work of a private institution  
26 of higher education, the use by a private institution of higher



1 education in connection with any educational, research or  
2 related or incidental activities then being or to be conducted  
3 by it, or any combination of the foregoing, including, without  
4 limitation, any such property suitable for use as or in  
5 connection with any one or more of the following: an academic  
6 facility, administrative facility, agricultural facility,  
7 assembly hall, athletic facility, auditorium, boating  
8 facility, campus, communication facility, computer facility,  
9 continuing education facility, classroom, dining hall,  
10 dormitory, exhibition hall, fire fighting facility, fire  
11 prevention facility, food service and preparation facility,  
12 gymnasium, greenhouse, health care facility, hospital,  
13 housing, instructional facility, laboratory, library,  
14 maintenance facility, medical facility, museum, offices,  
15 parking area, physical education facility, recreational  
16 facility, research facility, stadium, storage facility,  
17 student union, study facility, theatre or utility.

18 (s) The term "cultural facility" means any property located  
19 within the State, or any property located outside the State,  
20 provided that, if the property is located outside the State, it  
21 must be owned, operated, leased or managed by an entity located  
22 within the State or an entity affiliated with an entity located  
23 within the State, in each case constructed or acquired before  
24 or after the effective date of this Act, which is or will be,  
25 in whole or in part, suitable for the particular purposes or  
26 needs of a cultural institution, including, without

1 limitation, any such property suitable for use as or in  
2 connection with any one or more of the following: an  
3 administrative facility, aquarium, assembly hall, auditorium,  
4 botanical garden, exhibition hall, gallery, greenhouse,  
5 library, museum, scientific laboratory, theater or zoological  
6 facility, and shall also include, without limitation, books,  
7 works of art or music, animal, plant or aquatic life or other  
8 items for display, exhibition or performance. The term  
9 "cultural facility" includes buildings on the National  
10 Register of Historic Places which are owned or operated by  
11 nonprofit entities.

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

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

21 (2) Provides an educational program for which it awards  
22 a bachelor's degree, or provides an educational program,  
23 admission into which is conditioned upon the prior  
24 attainment of a bachelor's degree or its equivalent, for  
25 which it awards a postgraduate degree, or provides not less  
26 than a 2-year program which is acceptable for full credit

1 toward such a degree, or offers a 2-year program in  
2 engineering, mathematics, or the physical or biological  
3 sciences which is designed to prepare the student to work  
4 as a technician and at a semiprofessional level in  
5 engineering, scientific, or other technological fields  
6 which require the understanding and application of basic  
7 engineering, scientific, or mathematical principles or  
8 knowledge;

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

18 (4) Does not discriminate in the admission of students  
19 on the basis of race or color. "Private institution of  
20 higher education" also includes any "academic  
21 institution".

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

1 research or learning in a field or fields of study taught at a  
2 private institution of higher education. Academic institutions  
3 include, without limitation, libraries, archives, academic,  
4 scientific, educational or professional societies,  
5 institutions, associations or foundations having such  
6 purposes.

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

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

22 (x) The term "agricultural facility" means land, any  
23 building or other improvement thereon or thereto, and any  
24 personal properties deemed necessary or suitable for use,  
25 whether or not now in existence, in farming, ranching, the  
26 production of agricultural commodities (including, without

1 limitation, the products of aquaculture, hydroponics and  
2 silviculture) or the treating, processing or storing of such  
3 agricultural commodities when such activities are customarily  
4 engaged in by farmers as a part of farming and which land,  
5 building, improvement or personal property is located within  
6 the State, or, if located outside the State, is affiliated with  
7 an agricultural facility located within the State.

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

20 (z) The term "agribusiness" means any sole proprietorship,  
21 limited partnership, co-partnership, joint venture,  
22 corporation or cooperative which operates or will operate a  
23 facility located within the State of Illinois or outside the  
24 State of Illinois that is related to the processing of  
25 agricultural commodities (including, without limitation, the  
26 products of aquaculture, hydroponics and silviculture) or the

1 manufacturing, production or construction of agricultural  
2 buildings, structures, equipment, implements, and supplies, or  
3 any other facilities or processes used in agricultural  
4 production. Agribusiness includes but is not limited to the  
5 following:

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

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

10 (3) fruit and vegetable processing, including  
11 preparation, canning and packaging;

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

16 (5) fertilizer and agricultural chemical  
17 manufacturing, processing, application and supplying;

18 (6) farm machinery, equipment and implement  
19 manufacturing and supplying;

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

25 (8) farm building and farm structure manufacturing,  
26 construction and supplying;

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

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

6           (11) facilities and equipment for processing and  
7           packaging agricultural commodities specifically for  
8           export;

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

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

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

1 payments or grants; and any other assets.

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

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

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

25 (ee) The term "conservation project" means any project  
26 including the acquisition, construction, rehabilitation,



1 maintenance, operation, or upgrade that is intended to create  
2 or expand open space or to reduce energy usage through  
3 efficiency measures. For the purpose of this definition, "open  
4 space" has the definition set forth under Section 10 of the  
5 Illinois Open Land Trust Act.

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

11 (Source: P.A. 95-697, eff. 11-6-07.)

12 (20 ILCS 3501/801-55 new)

13 Sec. 801-55. Required findings for projects located  
14 outside the State. The Authority may approve an application to  
15 finance or refinance a project located outside of the State  
16 only after it has made the following findings with respect to  
17 such financing or refinancing, all of which shall be deemed  
18 conclusive:

19 (a) the entity financing or refinancing a project  
20 located outside the State, or an affiliate thereof, is also  
21 engaged in the financing or refinancing of a project  
22 located within the State or, alternately, the entity  
23 seeking the financing or refinancing, or an affiliate  
24 thereof, maintains a significant presence within the  
25 State;

1           (b) financing or refinancing the out-of-state project  
2           would promote the economy of the State for the benefit of  
3           the health, welfare, safety, trade, commerce, industry and  
4           economy of the people of the State by creating employment  
5           opportunities in the State or lowering the cost of  
6           accessing healthcare, private education, or cultural  
7           institutions, of undertaking housing projects, industrial  
8           projects, or agribusiness projects or of operating  
9           agricultural facilities in the State by reducing the cost  
10           of financing or operating projects; and

11           (c) after giving effect to the financing or refinancing  
12           of the out-of-state project, the Authority shall have the  
13           ability to issue at least an additional \$1,000,000,000 of  
14           bonds under Section 845-5(a) of this Act.

15           The Authority shall not provide financing for any project,  
16           or portion thereof, located outside the boundaries of the  
17           United States of America.

18           Notwithstanding any other provision of this Act, the  
19           Authority shall not provide financing that uses State volume  
20           cap under Section 146 of the Internal Revenue Code of 1986, as  
21           amended, or constitutes an indebtedness or obligation, general  
22           or moral, or a pledge of the full faith or loan of credit of the  
23           State for any project, or portion thereof, that is located  
24           outside of the State.

25           Section 99. Effective date. This Act takes effect upon  
26           becoming law.