



Sen. John M. Sullivan

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1 AMENDMENT TO HOUSE BILL 2313

2 AMENDMENT NO. _____. Amend House Bill 2313 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 801-15, 825-80, and 840-5 as follows:

6 (20 ILCS 3501/801-15)

7 Sec. 801-15. There is hereby created a body politic and
8 corporate to be known as the Illinois Finance Authority. The
9 exercise of the powers conferred by law shall be an essential
10 public function. The Authority shall consist of 15 members, who
11 shall be appointed by the Governor, with the advice and consent
12 of the Senate. Upon the appointment of the Board and every 2
13 years thereafter, the chairperson of the Authority shall be
14 selected by the Governor to serve as chairperson for two years.
15 Appointments to the Authority shall be persons of recognized
16 ability and experience in one or more of the following areas:

1 economic development, finance, banking, industrial
2 development, small business management, real estate
3 development, housing, health facilities financing, local
4 government financing, community development, venture finance,
5 construction, ~~and~~ labor relations, agribusiness, and
6 production agriculture. At the time of appointment, the
7 Governor shall designate 5 members to serve until the third
8 Monday in July 2005, 5 members to serve until the third Monday
9 in July 2006 and 5 members to serve until the third Monday in
10 July 2007. Thereafter, appointments shall be for 3-year terms.
11 On or after the effective date of this amendatory Act of the
12 97th General Assembly, no fewer than 2 members or 2
13 appointments to the Authority, or a combination thereof, shall
14 be persons of recognized ability and experience in agribusiness
15 or production agriculture; except that if a member of
16 recognized ability and experience in agribusiness or
17 production agriculture resigns, becomes incapacitated, or is
18 otherwise unable to discharge his or her duties as a member of
19 the Authority, that vacancy or inability to serve does not
20 otherwise adversely affect the requirements for a quorum, nor
21 prohibit the Authority from exercising its powers conferred by
22 law during the time of the vacancy or inability to act. A
23 member shall serve until his or her successor shall be
24 appointed and have qualified for office by filing the oath and
25 bond. Members of the Authority shall not be entitled to
26 compensation for their services as members, but shall be

1 entitled to reimbursement for all necessary expenses incurred
2 in connection with the performance of their duties as members.
3 The Governor may remove any member of the Authority in case of
4 incompetence, neglect of duty, or malfeasance in office, after
5 service on him of a copy of the written charges against him and
6 an opportunity to be publicly heard in person or by counsel in
7 his own defense upon not less than 10 days' notice. From
8 nominations received from the Governor, the members of the
9 Authority shall appoint an Executive Director who shall be a
10 person knowledgeable in the areas of financial markets and
11 instruments, to hold office for a one-year term. The Executive
12 Director shall be the chief administrative and operational
13 officer of the Authority and shall direct and supervise its
14 administrative affairs and general management and perform such
15 other duties as may be prescribed from time to time by the
16 members and shall receive compensation fixed by the Authority.
17 The Executive Director or any committee of the members may
18 carry out such responsibilities of the members as the members
19 by resolution may delegate. The Executive Director shall attend
20 all meetings of the Authority; however, no action of the
21 Authority shall be invalid on account of the absence of the
22 Executive Director from a meeting. The Authority may engage the
23 services of such other agents and employees, including
24 attorneys, appraisers, engineers, accountants, credit analysts
25 and other consultants, as it may deem advisable and may
26 prescribe their duties and fix their compensation. The

1 Authority may appoint Advisory Councils to (1) assist in the
2 formulation of policy goals and objectives, (2) assist in the
3 coordination of the delivery of services, (3) assist in
4 establishment of funding priorities for the various activities
5 of the Authority, and (4) target the activities of the
6 Authority to specific geographic regions. There may be an
7 Advisory Council on Economic Development. The Advisory Council
8 shall consist of no more than 12 members, who shall serve at
9 the pleasure of the Authority. Members of the Advisory Council
10 shall receive no compensation for their services, but may be
11 reimbursed for expenses incurred with their service on the
12 Advisory Council.

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

14 (20 ILCS 3501/825-80)

15 Sec. 825-80. Fire truck revolving loan program.

16 (a) This Section is a continuation and re-enactment of the
17 fire truck revolving loan program enacted as Section 3-27 of
18 the Rural Bond Bank Act by Public Act 93-35, effective June 24,
19 2003, and repealed by Public Act 93-205, effective January 1,
20 2004. Under the Rural Bond Bank Act, the program was
21 administered by the Rural Bond Bank and the State Fire Marshal.

22 (a-5) For purposes of this Section, "brush truck" means a
23 pickup chassis with or equipped with a flatbed or a pickup box.
24 The truck must be rated by the manufacturer as between
25 three-fourths of a ton and one ton and outfitted with a fire or

1 rescue apparatus.

2 (b) The Authority and the State Fire Marshal shall jointly
3 administer a fire truck revolving loan program. The program
4 shall provide zero-interest loans for the purchase of fire
5 trucks by a fire department, a fire protection district, or a
6 township fire department. For the purchase of brush trucks by a
7 fire department, a fire protection district, or a township fire
8 department, the program shall provide loans at a 2% rate of
9 simple interest per year for a brush truck if both the chassis
10 and the apparatus are built outside of Illinois, a 1% rate of
11 simple interest per year for a brush truck if either the
12 chassis or the apparatus is built in Illinois, or a 0% rate of
13 interest for a brush truck if both the chassis and the
14 apparatus are built in Illinois. The Authority shall make loans
15 based on need, as determined by the State Fire Marshal.

16 (c) The loan funds, subject to appropriation, shall be paid
17 out of the Fire Truck Revolving Loan Fund, a special fund in
18 the State Treasury. The Fund shall consist of any moneys
19 transferred or appropriated into the Fund, as well as all
20 repayments of loans made under the program and any balance
21 existing in the Fund on the effective date of this Section. The
22 Fund shall be used for loans to fire departments and fire
23 protection districts to purchase fire trucks and brush trucks
24 and for no other purpose. All interest earned on moneys in the
25 Fund shall be deposited into the Fund.

26 (d) A loan for the purchase of fire trucks or brush trucks

1 may not exceed \$250,000 to any fire department or fire
2 protection district. A loan for the purchase of brush trucks
3 may not exceed \$100,000 per truck. The repayment period for the
4 loan may not exceed 20 years. The fire department or fire
5 protection district shall repay each year at least 5% of the
6 principal amount borrowed or the remaining balance of the loan,
7 whichever is less. All repayments of loans shall be deposited
8 into the Fire Truck Revolving Loan Fund.

9 (e) The Authority and the State Fire Marshal may ~~shall~~
10 adopt rules to administer the program.

11 (f) Notwithstanding the repeal of Section 3-27 of the Rural
12 Bond Bank Act, all otherwise lawful actions taken on or after
13 January 1, 2004 and before the effective date of this Section
14 by any person under the authority originally granted by that
15 Section 3-27, including without limitation the granting,
16 acceptance, and repayment of loans for the purchase of fire
17 trucks, are hereby validated, and the rights and obligations of
18 all parties to any such loan are hereby acknowledged and
19 confirmed.

20 (Source: P.A. 94-221, eff. 7-14-05.)

21 (20 ILCS 3501/840-5)

22 Sec. 840-5. The Authority shall have the following powers:

23 (a) To fix and revise from time to time and charge and
24 collect rates, rents, fees and charges for the use of and for
25 the services furnished or to be furnished by a project or other

1 health facilities owned, financed or refinanced by the
2 Authority or any portion thereof and to contract with any
3 person, partnership, association or corporation or other body,
4 public or private, in respect thereto; to coordinate its
5 policies and procedures and cooperate with recognized health
6 facility rate setting mechanisms which may now or hereafter be
7 established.

8 (b) To establish rules and regulations for the use of a
9 project or other health facilities owned, financed or
10 refinanced by the Authority or any portion thereof and to
11 designate a participating health institution as its agent to
12 establish rules and regulations for the use of a project or
13 other health facilities owned by the Authority undertaken for
14 that participating health institution.

15 (c) To establish or contract with others to carry out on
16 its behalf a health facility project cost estimating service
17 and to make this service available on all projects to provide
18 expert cost estimates and guidance to the participating health
19 institution and to the Authority. In order to implement this
20 service and, through it, to contribute to cost containment, the
21 Authority shall have the power to require such reasonable
22 reports and documents from health facility projects as may be
23 required for this service and for the development of cost
24 reports and guidelines. The Authority may appoint a Technical
25 Committee on Health Facility Project Costs and Cost
26 Containment.

1 (d) To make mortgage or other secured or unsecured loans to
2 or for the benefit of any participating health institution for
3 the cost of a project in accordance with an agreement between
4 the Authority and the participating health institution;
5 provided that no such loan shall exceed the total cost of the
6 project as determined by the participating health institution
7 and approved by the Authority; provided further that such loans
8 may be made to any entity affiliated with a participating
9 health institution if the proceeds of such loan are made
10 available to or applied for the benefit of such participating
11 health institution.

12 (e) To make mortgage or other secured or unsecured loans to
13 or for the benefit of a participating health institution in
14 accordance with an agreement between the Authority and the
15 participating health institution to refund outstanding
16 obligations, loans, indebtedness or advances issued, made,
17 given or incurred by such participating health institution for
18 the cost of a project; including the function to issue bonds
19 and make loans to or for the benefit of a participating health
20 institution to refinance indebtedness incurred by such
21 participating health institution in projects undertaken and
22 completed or for other health facilities acquired prior to or
23 after the enactment of this Act when the Authority finds that
24 such refinancing is in the public interest, and either
25 alleviates a financial hardship of such participating health
26 institution, or is in connection with other financing by the

1 Authority for such participating health institution or may be
2 expected to result in a lessened cost of patient care and a
3 saving to third parties, including government, and to others
4 who must pay for care, or any combination thereof; provided
5 further that such loans may be made to any entity affiliated
6 with a participating health institution if the proceeds of such
7 loan are made available to or applied for the benefit of such
8 participating health institution.

9 (f) To mortgage all or any portion of a project or other
10 health facilities and the property on which any such project or
11 other health facilities are located whether owned or thereafter
12 acquired, and to assign or pledge mortgages, deeds of trust,
13 indentures of mortgage or trust or similar instruments, notes,
14 and other securities of participating health institutions to
15 which or for the benefit of which the Authority has made loans
16 or of entities affiliated with such institutions and the
17 revenues therefrom, including payments or income from any
18 thereof owned or held by the Authority, for the benefit of the
19 holders of bonds issued to finance such project or health
20 facilities or issued to refund or refinance outstanding
21 obligations, loans, indebtedness or advances of participating
22 health institutions as permitted by this Act.

23 (g) To lease to a participating health institution the
24 project being financed or refinanced or other health facilities
25 conveyed to the Authority in connection with such financing or
26 refinancing, upon such terms and conditions as the Authority

1 shall deem proper, and to charge and collect rents therefor and
2 to terminate any such lease upon the failure of the lessee to
3 comply with any of the obligations thereof; and to include in
4 any such lease, if desired, provisions that the lessee thereof
5 shall have options to renew the lease for such period or
6 periods and at such rent as shall be determined by the
7 Authority or to purchase any or all of the health facilities or
8 that upon payment of all of the indebtedness incurred by the
9 Authority for the financing of such project or health
10 facilities or for refunding outstanding obligations, loans,
11 indebtedness or advances of a participating health
12 institution, then the Authority may convey any or all of the
13 project or such other health facilities to the lessee or
14 lessees thereof with or without consideration.

15 (h) To make studies of needed health facilities that could
16 not sustain a loan were it made under this Act and to recommend
17 remedial action to the General Assembly; to do the same with
18 regard to any laws or regulations that prevent health
19 facilities from benefiting from this Act.

20 (i) To assist the Department of Commerce and Economic
21 Opportunity to establish and implement a program to assist
22 health facilities to identify and arrange financing for energy
23 conservation projects in buildings and facilities owned or
24 leased by health facilities.

25 (j) To assist the Department of Human Services in
26 establishing a low interest loan program to help child care

1 centers and family day care homes serving children of low
2 income families under Section 22.4 of the Children and Family
3 Services Act. The Authority, on or after the effective date of
4 this amendatory Act of the 97th General Assembly, is authorized
5 to convert existing agreements for financial aid in accordance
6 with Section 840-5(j) to permanent capital to leverage
7 additional private capital and establish a revolving loan fund
8 for nonprofit corporations providing human services under
9 contract to the State.

10 (k) To assist the Department of Public Health and nursing
11 homes in undertaking nursing home conversion projects in
12 accordance with the Older Adult Services Act.

13 (Source: P.A. 93-205, eff. 1-1-04; 93-1031, eff. 8-27-04.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."