



Rep. Rita Mayfield

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LRB099 03635 AWJ 39621 a

1 AMENDMENT TO SENATE BILL 1262

2 AMENDMENT NO. _____. Amend Senate Bill 1262, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Upper Illinois River Valley Development
6 Authority Act is amended by changing Sections 4 and 7 as
7 follows:

8 (70 ILCS 530/4) (from Ch. 85, par. 7154)

9 Sec. 4. Establishment.

10 (a) There is hereby created a political subdivision, body
11 politic and municipal corporation named the Upper Illinois
12 River Valley Development Authority. The territorial
13 jurisdiction of the Authority is that geographic area within
14 the boundaries of Grundy, LaSalle, Bureau, Putnam, Kendall,
15 Kane, Lake, McHenry, and Marshall counties in the State of
16 Illinois and any navigable waters and air space located

1 therein.

2 (b) The governing and administrative powers of the
3 Authority shall be vested in a body consisting of 21 ~~20~~ members
4 including, as ex officio members, the Director of Commerce and
5 Economic Opportunity, or his or her designee, and the Director
6 of the Department of Central Management Services, or his or her
7 designee. The other 19 ~~18~~ members of the Authority shall be
8 designated "public members", 10 of whom shall be appointed by
9 the Governor with the advice and consent of the Senate and 9 ~~8~~
10 of whom shall be appointed one each by the county board
11 chairmen of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane,
12 Lake, McHenry, and Marshall counties. All public members shall
13 reside within the territorial jurisdiction of this Act. Eleven
14 members shall constitute a quorum. The public members shall be
15 persons of recognized ability and experience in one or more of
16 the following areas: economic development, finance, banking,
17 industrial development, small business management, real estate
18 development, community development, venture finance, organized
19 labor or civic, community or neighborhood organization. The
20 Chairman of the Authority shall be elected by the Board
21 annually from the 9 ~~8~~ members appointed by the county board
22 chairmen.

23 (c) The terms of all initial members of the Authority shall
24 begin 30 days after the effective date of this Act. Of the 14
25 public members appointed pursuant to this Act, 4 appointed by
26 the Governor shall serve until the third Monday in January,

1 1992, 4 appointed by the Governor shall serve until the third
2 Monday in January, 1993, one appointed by the Governor shall
3 serve until the third Monday in January, 1994, one appointed by
4 the Governor shall serve until the third Monday in January
5 1999, the member appointed by the county board chairman of
6 LaSalle County shall serve until the third Monday in January,
7 1992, the members appointed by the county board chairmen of
8 Grundy County, Bureau County, Putnam County, and Marshall
9 County shall serve until the third Monday in January, 1994, and
10 the member appointed by the county board chairman of Kendall
11 County shall serve until the third Monday in January, 1999. The
12 initial members appointed by the chairmen of the county boards
13 of Kane and McHenry counties shall serve until the third Monday
14 in January, 2003. The initial members appointed by the chairman
15 of the county board of Lake County shall serve until the third
16 Monday in January, 2018. All successors shall be appointed by
17 the original appointing authority and hold office for a term of
18 3 years commencing the third Monday in January of the year in
19 which their term commences, except in case of an appointment to
20 fill a vacancy. Vacancies occurring among the public members
21 shall be filled for the remainder of the term. In case of
22 vacancy in a Governor-appointed membership when the Senate is
23 not in session, the Governor may make a temporary appointment
24 until the next meeting of the Senate when a person shall be
25 nominated to fill such office, and any person so nominated who
26 is confirmed by the Senate shall hold office during the

1 remainder of the term and until a successor shall be appointed
2 and qualified. Members of the Authority shall not be entitled
3 to compensation for their services as members but shall be
4 entitled to reimbursement for all necessary expenses incurred
5 in connection with the performance of their duties as members.

6 (d) The Governor may remove any public member of the
7 Authority in case of incompetency, neglect of duty, or
8 malfeasance in office.

9 (e) The Board shall appoint an Executive Director who shall
10 have a background in finance, including familiarity with the
11 legal and procedural requirements of issuing bonds, real estate
12 or economic development and administration. The Executive
13 Director shall hold office at the discretion of the Board. The
14 Executive Director shall be the chief administrative and
15 operational officer of the Authority, shall direct and
16 supervise its administrative affairs and general management,
17 shall perform such other duties as may be prescribed from time
18 to time by the members and shall receive compensation fixed by
19 the Authority. The Executive Director shall attend all meetings
20 of the Authority; however, no action of the Authority shall be
21 invalid on account of the absence of the Executive Director
22 from a meeting. The Authority may engage the services of such
23 other agents and employees, including attorneys, appraisers,
24 engineers, accountants, credit analysts and other consultants,
25 as it may deem advisable and may prescribe their duties and fix
26 their compensation.

1 (f) The Board may, by majority vote, nominate up to 4
2 non-voting members for appointment by the Governor. Non-voting
3 members shall be persons of recognized ability and experience
4 in one or more of the following areas: economic development,
5 finance, banking, industrial development, small business
6 management, real estate development, community development,
7 venture finance, organized labor or civic, community or
8 neighborhood organization. Non-voting members shall serve at
9 the pleasure of the Board. All non-voting members may attend
10 meetings of the Board and shall be reimbursed as provided in
11 subsection (c).

12 (g) The Board shall create a task force to study and make
13 recommendations to the Board on the economic development of the
14 territory within the jurisdiction of this Act. The members of
15 the task force shall reside within the territorial jurisdiction
16 of this Act, shall serve at the pleasure of the Board and shall
17 be persons of recognized ability and experience in one or more
18 of the following areas: economic development, finance,
19 banking, industrial development, small business management,
20 real estate development, community development, venture
21 finance, organized labor or civic, community or neighborhood
22 organization. The number of members constituting the task force
23 shall be set by the Board and may vary from time to time. The
24 Board may set a specific date by which the task force is to
25 submit its final report and recommendations to the Board.

26 (Source: P.A. 94-793, eff. 5-19-06.)

1 (70 ILCS 530/7) (from Ch. 85, par. 7157)

2 Sec. 7. Bonds.

3 (a) The Authority, with the written approval of the
4 Governor, shall have the continuing power to issue bonds,
5 notes, or other evidences of indebtedness in an aggregate
6 amount outstanding not to exceed \$500,000,000 for the purpose
7 of developing, constructing, acquiring or improving projects,
8 including those established by business entities locating or
9 expanding property within the territorial jurisdiction of the
10 Authority, for entering into venture capital agreements with
11 businesses locating or expanding within the territorial
12 jurisdiction of the Authority, for acquiring and improving any
13 property necessary and useful in connection therewith and for
14 the purposes of the Employee Ownership Assistance Act. For the
15 purpose of evidencing the obligations of the Authority to repay
16 any money borrowed, the Authority may, pursuant to resolution,
17 from time to time issue and dispose of its interest bearing
18 revenue bonds, notes or other evidences of indebtedness and may
19 also from time to time issue and dispose of such bonds, notes
20 or other evidences of indebtedness to refund, at maturity, at a
21 redemption date or in advance of either, any bonds, notes or
22 other evidences of indebtedness pursuant to redemption
23 provisions or at any time before maturity. All such bonds,
24 notes or other evidences of indebtedness shall be payable
25 solely and only from the revenues or income to be derived from

1 loans made with respect to projects, from the leasing or sale
2 of the projects or from any other funds available to the
3 Authority for such purposes. The bonds, notes or other
4 evidences of indebtedness may bear such date or dates, may
5 mature at such time or times not exceeding 40 years from their
6 respective dates, may bear interest at such rate or rates not
7 exceeding the maximum rate permitted by "An Act to authorize
8 public corporations to issue bonds, other evidences of
9 indebtedness and tax anticipation warrants subject to interest
10 rate limitations set forth therein", approved May 26, 1970, as
11 amended, may be in such form, may carry such registration
12 privileges, may be executed in such manner, may be payable at
13 such place or places, may be made subject to redemption in such
14 manner and upon such terms, with or without premium as is
15 stated on the face thereof, may be authenticated in such manner
16 and may contain such terms and covenants as may be provided by
17 an applicable resolution.

18 (b-1) The holder or holders of any bonds, notes or other
19 evidences of indebtedness issued by the Authority may bring
20 suits at law or proceedings in equity to compel the performance
21 and observance by any corporation or person or by the Authority
22 or any of its agents or employees of any contract or covenant
23 made with the holders of such bonds, notes or other evidences
24 of indebtedness, to compel such corporation, person, the
25 Authority and any of its agents or employees to perform any
26 duties required to be performed for the benefit of the holders

1 of any such bonds, notes or other evidences of indebtedness by
2 the provision of the resolution authorizing their issuance and
3 to enjoin such corporation, person, the Authority and any of
4 its agents or employees from taking any action in conflict with
5 any such contract or covenant.

6 (b-2) If the Authority fails to pay the principal of or
7 interest on any of the bonds or premium, if any, as the same
8 become due, a civil action to compel payment may be instituted
9 in the appropriate circuit court by the holder or holders of
10 the bonds on which such default of payment exists or by an
11 indenture trustee acting on behalf of such holders. Delivery of
12 a summons and a copy of the complaint to the Chairman of the
13 Board shall constitute sufficient service to give the circuit
14 court jurisdiction of the subject matter of such a suit and
15 jurisdiction over the Authority and its officers named as
16 defendants for the purpose of compelling such payment. Any
17 case, controversy or cause of action concerning the validity of
18 this Act relates to the revenue of the State of Illinois.

19 (c) Notwithstanding the form and tenor of any such bonds,
20 notes or other evidences of indebtedness and in the absence of
21 any express recital on the face thereof that it is
22 non-negotiable, all such bonds, notes and other evidences of
23 indebtedness shall be negotiable instruments. Pending the
24 preparation and execution of any such bonds, notes or other
25 evidences of indebtedness, temporary bonds, notes or evidences
26 of indebtedness may be issued as provided by ordinance.

1 (d) To secure the payment of any or all of such bonds,
2 notes or other evidences of indebtedness, the revenues to be
3 received by the Authority from a lease agreement or loan
4 agreement shall be pledged, and, for the purpose of setting
5 forth the covenants and undertakings of the Authority in
6 connection with the issuance thereof and the issuance of any
7 additional bonds, notes or other evidences of indebtedness
8 payable from such revenues, income or other funds to be derived
9 from projects, the Authority may execute and deliver a mortgage
10 or trust agreement. A remedy for any breach or default of the
11 terms of any such mortgage or trust agreement by the Authority
12 may be by mandamus proceedings in the appropriate circuit court
13 to compel the performance and compliance therewith, but the
14 trust agreement may prescribe by whom or on whose behalf such
15 action may be instituted.

16 (e) Such bonds or notes shall be secured as provided in the
17 authorizing ordinance which may, notwithstanding any other
18 provision of this Act, include in addition to any other
19 security a specific pledge or assignment of and lien on or
20 security interest in any or all revenues or money of the
21 Authority from whatever source which may by law be used for
22 debt service purposes and a specific pledge or assignment of
23 and lien on or security interest in any funds or accounts
24 established or provided for by ordinance of the Authority
25 authorizing the issuance of such bonds or notes.

26 (f) (Blank). ~~In the event that the Authority determines~~

1 ~~that monies of the Authority will not be sufficient for the~~
2 ~~payment of the principal of and interest on its bonds during~~
3 ~~the next State fiscal year, the Chairman, as soon as~~
4 ~~practicable, shall certify to the Governor the amount required~~
5 ~~by the Authority to enable it to pay such principal of and~~
6 ~~interest on the bonds. The Governor shall submit the amount so~~
7 ~~certified to the General Assembly as soon as practicable, but~~
8 ~~no later than the end of the current State fiscal year. This~~
9 ~~Section shall not apply to any bonds or notes as to which the~~
10 ~~Authority shall have determined, in the resolution authorizing~~
11 ~~the issuance of the bonds or notes, that this Section shall not~~
12 ~~apply. Whenever the Authority makes such a determination, that~~
13 ~~fact shall be plainly stated on the face of the bonds or notes~~
14 ~~and that fact shall also be reported to the Governor.~~

15 ~~In the event of a withdrawal of moneys from a reserve fund~~
16 ~~established with respect to any issue or issues of bonds of the~~
17 ~~Authority to pay principal or interest on those bonds, the~~
18 ~~Chairman of the Authority, as soon as practicable, shall~~
19 ~~certify to the Governor the amount required to restore the~~
20 ~~reserve fund to the level required in the resolution or~~
21 ~~indenture securing those bonds. The Governor shall submit the~~
22 ~~amount so certified to the General Assembly as soon as~~
23 ~~practicable, but no later than the end of the current State~~
24 ~~fiscal year. This subsection (f) shall not apply to any bond~~
25 ~~issued on or after the effective date of this amendatory Act of~~
26 ~~the 97th General Assembly.~~

1 (g) The State of Illinois pledges to and agrees with the
2 holders of the bonds and notes of the Authority issued pursuant
3 to this Section that the State will not limit or alter the
4 rights and powers vested in the Authority by this Act so as to
5 impair the terms of any contract made by the Authority with
6 such holders or in any way impair the rights and remedies of
7 such holders until such bonds and notes, together with interest
8 thereon, with interest on any unpaid installments of interest,
9 and all costs and expenses in connection with any action or
10 proceedings by or on behalf of such holders, are fully met and
11 discharged. In addition, the State pledges to and agrees with
12 the holders of the bonds and notes of the Authority issued
13 pursuant to this Section that the State will not limit or alter
14 the basis on which State funds are to be paid to the Authority
15 as provided in this Act, or the use of such funds, so as to
16 impair the terms of any such contract. The Authority is
17 authorized to include these pledges and agreements of the State
18 in any contract with the holders of bonds or notes issued
19 pursuant to this Section.

20 (h) (Blank).

21 (Source: P.A. 97-312, eff. 8-11-11; 98-750, eff. 1-1-15.)

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