



Rep. William B. Black

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1 AMENDMENT TO SENATE BILL 1906

2 AMENDMENT NO. _____. Amend Senate Bill 1906 on page 1, by
3 replacing lines 4 through 6 with the following:

4 "Section 5. The Illinois Finance Authority Act is amended
5 by changing Sections 801-5, 801-10, 825-65, 825-70, 825-75, and
6 830-25 and by adding Section 801-55 as follows:"; and

7 on page 25, immediately below line 24, by inserting the
8 following:

9 "(20 ILCS 3501/825-65)

10 Sec. 825-65. Clean Coal and Renewable Energy Project
11 Financing.

12 (a) Findings and declaration of policy.

13 (i) It is hereby found and declared that Illinois has
14 abundant coal resources and, in some areas of Illinois, the
15 demand for power exceeds the generating capacity.

1 Incentives to encourage the construction of coal-fired
2 electric generating plants in Illinois to ensure power
3 generating capacity into the future and to advance clean
4 coal technology and the use of Illinois coal are in the
5 best interests of all of the citizens of Illinois.

6 (ii) It is further found and declared that Illinois has
7 abundant potential and resources to develop renewable
8 energy resource projects. The development of those
9 projects will create jobs and investment as well as
10 decrease environmental impacts and promote energy
11 independence in Illinois. Accordingly, the development of
12 those projects is in the best interests of all of the
13 citizens of Illinois.

14 (iii) The Authority is authorized to issue bonds to
15 help finance Clean Coal and Renewable Energy projects
16 pursuant to this Section.

17 (b) Definitions. ~~Definition.~~

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

1 sequestration for projects described in this subsection
2 (b); or (E) projects to provide carbon abatement technology
3 for existing generating facilities ~~new electric generating~~
4 ~~facilities or new gasification facilities, as defined in~~
5 ~~Section 605-332 of the Department of Commerce and Economic~~
6 ~~Opportunity Law of the Civil Administrative Code of~~
7 ~~Illinois, which may include mine mouth power plants,~~
8 ~~projects that employ the use of clean coal technology,~~
9 ~~projects to provide scrubber technology for existing~~
10 ~~energy generating plants, or projects to provide electric~~
11 ~~transmission facilities or new gasification facilities.~~

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

1 (c) Creation of reserve funds. The Authority may establish
2 and maintain one or more reserve funds to enhance bonds issued
3 by the Authority for a Clean Coal Project or a Renewable ~~and~~
4 Energy Project ~~projects~~. There may be one or more accounts in
5 these reserve funds in which there may be deposited:

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

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

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

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

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

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

26 (3) To pledge any funds of the Authority or funds made

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

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

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

17 (e) Clean Coal Project and Renewable Energy Project bond
18 authorization and financing limits. In addition to any other
19 bonds authorized to be issued under Sections 801-40(w), 825-60,
20 830-25 and 845-5, the Authority may have outstanding, at any
21 time, bonds for the purpose enumerated in this Section 825-65
22 in an aggregate principal amount that shall not exceed
23 \$3,000,000,000 ~~\$2,700,000,000~~, subject to the following
24 limitations: (i) up to ~~of which no more than~~ \$300,000,000 may
25 be issued to finance projects, as described in clause (C) of
26 subsection (b) (i) and clause (C) of subsection (b) (ii) of this

1 Section 825-65; (ii) up to ~~transmission facilities, no more~~
2 ~~than~~ \$500,000,000 may be issued to finance projects, as
3 described in clauses (D) and (E) of subsection (b)(i) of this
4 Section 825-65; (iii) up to \$2,000,000,000 ~~scrubbers at~~
5 ~~existing generating plants, no more than \$500,000,000~~ may be
6 issued to finance Clean Coal Projects, as described in clauses
7 (A) and (B) of subsection (b)(i) of this Section 825-65; and
8 (iv) up to \$2,000,000,000 may be issued to finance Renewable
9 Energy Projects, as described in clauses (A), (B), and (D) of
10 subsection (b)(ii) of this Section 825-65 ~~alternative energy~~
11 ~~sources, including renewable energy projects and no more than~~
12 ~~\$1,400,000,000 may be issued to finance new electric generating~~
13 ~~facilities or new gasification facilities, as defined in~~
14 ~~Section 605 332 of the Department of Commerce and Economic~~
15 ~~Opportunity Law of the Civil Administrative Code of Illinois.~~
16 An application for a loan financed from bond proceeds from a
17 borrower or its affiliates for a Clean Coal and Energy project
18 may not be approved by the Authority for an amount in excess of
19 \$450,000,000 for any borrower or its affiliates. These bonds
20 shall not constitute an indebtedness or obligation of the State
21 of Illinois and it shall be plainly stated on the face of each
22 bond that it does not constitute an indebtedness or obligation
23 of the State of Illinois, but is payable solely from the
24 revenues, income or other assets of the Authority pledged
25 therefor.

26 (f) The bonding authority granted under this Section is in

1 addition to and not limited by the provisions of Section 845-5.
2 ~~Additional Clean Coal and Energy bond authorization and~~
3 ~~financing limits. In addition to any other bonds authorized to~~
4 ~~be issued under this Act, the Authority may issue bonds for the~~
5 ~~purpose enumerated in this Section 825-65 in an aggregate~~
6 ~~principal amount that shall not exceed \$300,000,000.~~

7 (Source: P.A. 95-470, eff. 8-27-07.)

8 (20 ILCS 3501/825-70)

9 Sec. 825-70. Criteria for participation in the program.
10 Applications to the Authority for financing of any Clean Coal
11 or Renewable ~~and~~ Energy Project ~~project~~ shall be reviewed by
12 the Authority. Upon submission of any such application, the
13 Authority staff shall review the application for its
14 completeness and may, at the discretion of the Authority staff,
15 request such additional information as it deems necessary or
16 advisable to aid in review. If the Authority receives
17 applications for financing for Clean Coal and Renewable Energy
18 Projects ~~projects~~ in excess of the bond authorization available
19 for such financing at any one time, it shall consider
20 applications in the order of priority as it shall determine, in
21 consultation with other State agencies.

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

23 (20 ILCS 3501/825-75)

24 Sec. 825-75. Additional Security. In the event that the

1 Authority determines that monies of the Authority will not be
2 sufficient for the payment of the principal of and interest on
3 any bonds issued by the Authority under Sections 825-65 through
4 825-75 of this Act for Clean Coal Projects or Renewable Energy
5 Projects ~~new electric generating facilities or new~~
6 ~~gasification facilities~~ during the next State fiscal year, the
7 Chairperson, as soon as practicable, shall certify to the
8 Governor the amount required by the Authority to enable it to
9 pay such principal, premium, if any, and interest on such
10 bonds. The Governor shall submit the amount so certified to the
11 General Assembly as soon as practicable, but no later than the
12 end of the current State fiscal year. This subsection shall
13 apply to any bonds or notes as to which the Authority shall
14 have determined, in the resolution authorizing the issuance of
15 the bonds or notes, that this subsection shall apply. Whenever
16 the Authority makes such a determination, that fact shall be
17 plainly stated on the face of the bonds or notes and that fact
18 should also be reported to the Governor. In the event of a
19 withdrawal of moneys from a reserve fund established with
20 respect to any issue or issues of bonds of the Authority to pay
21 principal, premium, if any, and interest on such bonds, the
22 Chairman of the Authority, as soon as practicable, shall
23 certify to the Governor the amount required to restore the
24 reserve fund to the level required in the resolution or
25 indenture securing those bonds. The Governor shall submit the
26 amount so certified to the General Assembly as soon as

1 practicable, but no later than the end of the current State
2 fiscal year. The Authority shall obtain written approval from
3 the Governor for any bonds and notes to be issued under this
4 Section.

5 (Source: P.A. 95-470, eff. 8-27-07.)

6 (20 ILCS 3501/830-25)

7 Sec. 830-25. Bonded indebtedness limitation. The Authority
8 shall not have outstanding at any one time State Guarantees
9 under Section 830-30 in an aggregate principal amount exceeding
10 \$160,000,000. The Authority shall not have outstanding at any
11 one time State Guarantees under Sections 830-35, 830-45 and
12 830-50 in an aggregate principal amount exceeding \$225,000,000
13 ~~\$75,000,000~~. The Guarantees in this Section may be used to
14 support Renewable Energy Projects as described in clauses (A)
15 and (B) of subsection (b) (ii) of Section 825-65 of this Act.

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