



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1779

Introduced 2/15/2013, by Sen. Donne E. Trotter

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3501/801-5	
20 ILCS 3501/801-10	
20 ILCS 3501/801-55	
20 ILCS 3501/825-12	
20 ILCS 3501/825-65	
20 ILCS 3515/2	from Ch. 127, par. 722
20 ILCS 3515/3	from Ch. 127, par. 723
20 ILCS 3515/7.5 new	

Amends the Illinois Finance Authority Act. Provides that the Illinois Finance Authority may undertake a municipal bond program project. Provides that the Authority may provide financing for other projects located outside of the State if the project is owned, operated, leased, or managed by an entity located within the State or an entity affiliated with an entity located within the State. Makes other changes. Effective immediately.

LRB098 10232 HLH 40391 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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, 801-10, 801-55, 825-12, and 825-65 as  
6 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;

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, entities  
6 ~~institutions~~ located within the State, and by providing for the  
7 issuance of the Authority's bonds and notes to make funds  
8 available at reduced rates and on more favorable terms for  
9 borrowing by units of local government and persons located  
10 within the State and outside the State through the purchase of  
11 the bonds, notes or other obligations of those governmental  
12 units and municipal bond issuers, would promote the economy of  
13 the State for the benefit of the health, welfare, safety,  
14 trade, commerce, industry, and economy of the people of the  
15 State by creating employment opportunities in the State and  
16 lowering the cost of accessing housing, healthcare, private  
17 education, or cultural institutions and undertaking industrial  
18 projects, cultural institution projects, conservation  
19 projects, clean coal projects, coal projects, energy  
20 efficiency projects, agricultural facilities, and  
21 agribusinesses ~~in the State~~ by reducing the cost of financing  
22 or operating those projects.

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

24 (20 ILCS 3501/801-10)

25 Sec. 801-10. Definitions. The following terms, whenever



1 used or referred to in this Act, shall have the following  
2 meanings, except in such instances where the context may  
3 clearly indicate otherwise:

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

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

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

22 (d) The term "industrial project" means the acquisition,  
23 construction, refurbishment, creation, development or  
24 redevelopment of any facility, equipment, machinery, real  
25 property or personal property for use by any instrumentality of  
26 the State or its political subdivisions, for use by any person

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

1 within the State, which the Authority determines will aid,  
2 assist or encourage economic growth, development or  
3 redevelopment within the State or any area thereof, will  
4 promote the expansion, retention or diversification of  
5 employment opportunities within the State or any area thereof  
6 or will aid in stabilizing or developing any industry or  
7 economic sector of the State economy. The term "industrial  
8 project" also means the production of motion pictures.

9 (e) The term "bond" or "bonds" shall include bonds, notes  
10 (including bond, grant or revenue anticipation notes),  
11 certificates and/or other evidences of indebtedness  
12 representing an obligation to pay money, including refunding  
13 bonds.

14 (f) The terms "lease agreement" and "loan agreement" shall  
15 mean: (i) an agreement whereby a project acquired by the  
16 Authority by purchase, gift or lease is leased to any person,  
17 corporation or unit of local government which will use or cause  
18 the project to be used as a project as heretofore defined upon  
19 terms providing for lease rental payments at least sufficient  
20 to pay when due all principal of, interest and premium, if any,  
21 on any bonds of the Authority issued with respect to such  
22 project, providing for the maintenance, insuring and operation  
23 of the project on terms satisfactory to the Authority,  
24 providing for disposition of the project upon termination of  
25 the lease term, including purchase options or abandonment of  
26 the premises, and such other terms as may be deemed desirable

1 by the Authority, or (ii) any agreement pursuant to which the  
2 Authority agrees to loan the proceeds of its bonds issued with  
3 respect to a project or other funds of the Authority to any  
4 person which will use or cause the project to be used as a  
5 project as heretofore defined upon terms providing for loan  
6 repayment installments at least sufficient to pay when due all  
7 principal of, interest and premium, if any, on any bonds of the  
8 Authority, if any, issued with respect to the project, and  
9 providing for maintenance, insurance and other matters as may  
10 be deemed desirable by the Authority.

11 (g) The term "financial aid" means the expenditure of  
12 Authority funds or funds provided by the Authority through the  
13 issuance of its bonds, notes or other evidences of indebtedness  
14 or from other sources for the development, construction,  
15 acquisition or improvement of a project.

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

20 (i) The term "unit of government" means the federal  
21 government, the State or unit of local government, a school  
22 district, or any agency or instrumentality, office, officer,  
23 department, division, bureau, commission, college or  
24 university thereof.

25 (j) The term "health facility" means: (a) any public or  
26 private institution, place, building, or agency required to be

1 licensed under the Hospital Licensing Act; (b) any public or  
2 private institution, place, building, or agency required to be  
3 licensed under the Nursing Home Care Act, the Specialized  
4 Mental Health Rehabilitation Act, or the ID/DD Community Care  
5 Act; (c) any public or licensed private hospital as defined in  
6 the Mental Health and Developmental Disabilities Code; (d) any  
7 such facility exempted from such licensure when the Director of  
8 Public Health attests that such exempted facility meets the  
9 statutory definition of a facility subject to licensure; (e)  
10 any other public or private health service institution, place,  
11 building, or agency which the Director of Public Health attests  
12 is subject to certification by the Secretary, U.S. Department  
13 of Health and Human Services under the Social Security Act, as  
14 now or hereafter amended, or which the Director of Public  
15 Health attests is subject to standard-setting by a recognized  
16 public or voluntary accrediting or standard-setting agency;  
17 (f) any public or private institution, place, building or  
18 agency engaged in providing one or more supporting services to  
19 a health facility; (g) any public or private institution,  
20 place, building or agency engaged in providing training in the  
21 healing arts, including but not limited to schools of medicine,  
22 dentistry, osteopathy, optometry, podiatry, pharmacy or  
23 nursing, schools for the training of x-ray, laboratory or other  
24 health care technicians and schools for the training of  
25 para-professionals in the health care field; (h) any public or  
26 private congregate, life or extended care or elderly housing

1 facility or any public or private home for the aged or infirm,  
2 including, without limitation, any Facility as defined in the  
3 Life Care Facilities Act; (i) any public or private mental,  
4 emotional or physical rehabilitation facility or any public or  
5 private educational, counseling, or rehabilitation facility or  
6 home, for those persons with a developmental disability, those  
7 who are physically ill or disabled, the emotionally disturbed,  
8 those persons with a mental illness or persons with learning or  
9 similar disabilities or problems; (j) any public or private  
10 alcohol, drug or substance abuse diagnosis, counseling  
11 treatment or rehabilitation facility, (k) any public or private  
12 institution, place, building or agency licensed by the  
13 Department of Children and Family Services or which is not so  
14 licensed but which the Director of Children and Family Services  
15 attests provides child care, child welfare or other services of  
16 the type provided by facilities subject to such licensure; (l)  
17 any public or private adoption agency or facility; and (m) any  
18 public or private blood bank or blood center. "Health facility"  
19 also means a public or private structure or structures suitable  
20 primarily for use as a laboratory, laundry, nurses or interns  
21 residence or other housing or hotel facility used in whole or  
22 in part for staff, employees or students and their families,  
23 patients or relatives of patients admitted for treatment or  
24 care in a health facility, or persons conducting business with  
25 a health facility, physician's facility, surgicenter,  
26 administration building, research facility, maintenance,

1 storage or utility facility and all structures or facilities  
2 related to any of the foregoing or required or useful for the  
3 operation of a health facility, including parking or other  
4 facilities or other supporting service structures required or  
5 useful for the orderly conduct of such health facility. "Health  
6 facility" also means, with respect to a project located outside  
7 the State, any public or private institution, place, building,  
8 or agency which provides services similar to those described  
9 above, provided that such project is owned, operated, leased or  
10 managed by a participating health institution located within  
11 the State, or a participating health institution affiliated  
12 with an entity located within the State.

13 (k) The term "participating health institution" means (i) a  
14 private corporation or association or (ii) a public entity of  
15 this State, in either case authorized by the laws of this State  
16 or the applicable state to provide or operate a health facility  
17 as defined in this Act and which, pursuant to the provisions of  
18 this Act, undertakes the financing, construction or  
19 acquisition of a project or undertakes the refunding or  
20 refinancing of obligations, loans, indebtedness or advances as  
21 provided in this Act.

22 (l) The term "health facility project", means a specific  
23 health facility work or improvement to be financed or  
24 refinanced (including without limitation through reimbursement  
25 of prior expenditures), acquired, constructed, enlarged,  
26 remodeled, renovated, improved, furnished, or equipped, with

1 funds provided in whole or in part hereunder, any accounts  
2 receivable, working capital, liability or insurance cost or  
3 operating expense financing or refinancing program of a health  
4 facility with or involving funds provided in whole or in part  
5 hereunder, or any combination thereof.

6 (m) The term "bond resolution" means the resolution or  
7 resolutions authorizing the issuance of, or providing terms and  
8 conditions related to, bonds issued under this Act and  
9 includes, where appropriate, any trust agreement, trust  
10 indenture, indenture of mortgage or deed of trust providing  
11 terms and conditions for such bonds.

12 (n) The term "property" means any real, personal or mixed  
13 property, whether tangible or intangible, or any interest  
14 therein, including, without limitation, any real estate,  
15 leasehold interests, appurtenances, buildings, easements,  
16 equipment, furnishings, furniture, improvements, machinery,  
17 rights of way, structures, accounts, contract rights or any  
18 interest therein.

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

22 (p) The term "higher education project" means, in the case  
23 of a private institution of higher education, an educational  
24 facility to be acquired, constructed, enlarged, remodeled,  
25 renovated, improved, furnished, or equipped, or any  
26 combination thereof.



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

5           (r) The term "educational facility" means any property  
6 located within the State, or any property located outside the  
7 State, provided that, if the property is located outside the  
8 State, it must be owned, operated, leased or managed by an  
9 entity located within the State or an entity affiliated with an  
10 entity located within the State, in each case constructed or  
11 acquired before or after the effective date of this Act, which  
12 is or will be, in whole or in part, suitable for the  
13 instruction, feeding, recreation or housing of students, the  
14 conducting of research or other work of a private institution  
15 of higher education, the use by a private institution of higher  
16 education in connection with any educational, research or  
17 related or incidental activities then being or to be conducted  
18 by it, or any combination of the foregoing, including, without  
19 limitation, any such property suitable for use as or in  
20 connection with any one or more of the following: an academic  
21 facility, administrative facility, agricultural facility,  
22 assembly hall, athletic facility, auditorium, boating  
23 facility, campus, communication facility, computer facility,  
24 continuing education facility, classroom, dining hall,  
25 dormitory, exhibition hall, fire fighting facility, fire  
26 prevention facility, food service and preparation facility,

1 gymnasium, greenhouse, health care facility, hospital,  
2 housing, instructional facility, laboratory, library,  
3 maintenance facility, medical facility, museum, offices,  
4 parking area, physical education facility, recreational  
5 facility, research facility, stadium, storage facility,  
6 student union, study facility, theatre or utility.

7 (s) The term "cultural facility" means any property located  
8 within the State, or any property located outside the State,  
9 provided that, if the property is located outside the State, it  
10 must be owned, operated, leased or managed by an entity located  
11 within the State or an entity affiliated with an entity located  
12 within the State, in each case constructed or acquired before  
13 or after the effective date of this Act, which is or will be,  
14 in whole or in part, suitable for the particular purposes or  
15 needs of a cultural institution, including, without  
16 limitation, any such property suitable for use as or in  
17 connection with any one or more of the following: an  
18 administrative facility, aquarium, assembly hall, auditorium,  
19 botanical garden, exhibition hall, gallery, greenhouse,  
20 library, museum, scientific laboratory, theater or zoological  
21 facility, and shall also include, without limitation, books,  
22 works of art or music, animal, plant or aquatic life or other  
23 items for display, exhibition or performance. The term  
24 "cultural facility" includes buildings on the National  
25 Register of Historic Places which are owned or operated by  
26 nonprofit entities.

1           (t) "Private institution of higher education" means a  
2 not-for-profit educational institution which is not owned by  
3 the State or any political subdivision, agency,  
4 instrumentality, district or municipality thereof, which is  
5 authorized by law to provide a program of education beyond the  
6 high school level and which:

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

10           (2) Provides an educational program for which it awards  
11 a bachelor's degree, or provides an educational program,  
12 admission into which is conditioned upon the prior  
13 attainment of a bachelor's degree or its equivalent, for  
14 which it awards a postgraduate degree, or provides not less  
15 than a 2-year program which is acceptable for full credit  
16 toward such a degree, or offers a 2-year program in  
17 engineering, mathematics, or the physical or biological  
18 sciences which is designed to prepare the student to work  
19 as a technician and at a semiprofessional level in  
20 engineering, scientific, or other technological fields  
21 which require the understanding and application of basic  
22 engineering, scientific, or mathematical principles or  
23 knowledge;

24           (3) Is accredited by a nationally recognized  
25 accrediting agency or association or, if not so accredited,  
26 is an institution whose credits are accepted, on transfer,

1 by not less than 3 institutions which are so accredited,  
2 for credit on the same basis as if transferred from an  
3 institution so accredited, and holds an unrevoked  
4 certificate of approval under the Private College Act from  
5 the Board of Higher Education, or is qualified as a "degree  
6 granting institution" under the Academic Degree Act; and

7 (4) Does not discriminate in the admission of students  
8 on the basis of race or color. "Private institution of  
9 higher education" also includes any "academic  
10 institution".

11 (u) The term "academic institution" means any  
12 not-for-profit institution which is not owned by the State or  
13 any political subdivision, agency, instrumentality, district  
14 or municipality thereof, which institution engages in, or  
15 facilitates academic, scientific, educational or professional  
16 research or learning in a field or fields of study taught at a  
17 private institution of higher education. Academic institutions  
18 include, without limitation, libraries, archives, academic,  
19 scientific, educational or professional societies,  
20 institutions, associations or foundations having such  
21 purposes.

22 (v) The term "cultural 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 the  
26 cultural, intellectual, scientific, educational or artistic

1 enrichment of the people of the State. Cultural institutions  
2 include, without limitation, aquaria, botanical societies,  
3 historical societies, libraries, museums, performing arts  
4 associations or societies, scientific societies and zoological  
5 societies.

6 (w) The term "affiliate" means, with respect to financing  
7 of an agricultural facility or an agribusiness, any lender, any  
8 person, firm or corporation controlled by, or under common  
9 control with, such lender, and any person, firm or corporation  
10 controlling such lender.

11 (x) The term "agricultural facility" means land, any  
12 building or other improvement thereon or thereto, and any  
13 personal properties deemed necessary or suitable for use,  
14 whether or not now in existence, in farming, ranching, the  
15 production of agricultural commodities (including, without  
16 limitation, the products of aquaculture, hydroponics and  
17 silviculture) or the treating, processing or storing of such  
18 agricultural commodities when such activities are customarily  
19 engaged in by farmers as a part of farming and which land,  
20 building, improvement or personal property is located within  
21 the State, or is located outside the State, provided, that if  
22 such property is located outside the State, it must be owned,  
23 operated, leased, or managed by an entity located within the  
24 State or an entity affiliated with an entity located within the  
25 State.

26 (y) The term "lender" with respect to financing of an

1 agricultural facility or an agribusiness, means any federal or  
2 State chartered bank, Federal Land Bank, Production Credit  
3 Association, Bank for Cooperatives, federal or State chartered  
4 savings and loan association or building and loan association,  
5 Small Business Investment Company or any other institution  
6 qualified within this State to originate and service loans,  
7 including, but without limitation to, insurance companies,  
8 credit unions and mortgage loan companies. "Lender" also means  
9 a wholly owned subsidiary of a manufacturer, seller or  
10 distributor of goods or services that makes loans to businesses  
11 or individuals, commonly known as a "captive finance company".

12 (z) The term "agribusiness" means any sole proprietorship,  
13 limited partnership, co-partnership, joint venture,  
14 corporation or cooperative which operates or will operate a  
15 facility located within the State or outside the State,  
16 provided, that if any facility is located outside the State, it  
17 must be owned, operated, leased, or managed by an entity  
18 located within the State or an entity affiliated with an entity  
19 located with the State, ~~of Illinois~~ that is related to the  
20 processing of agricultural commodities (including, without  
21 limitation, the products of aquaculture, hydroponics and  
22 silviculture) or the manufacturing, production or construction  
23 of agricultural buildings, structures, equipment, implements,  
24 and supplies, or any other facilities or processes used in  
25 agricultural production. Agribusiness includes but is not  
26 limited to the following:

1           (1) grain handling and processing, including grain  
2 storage, drying, treatment, conditioning, mailing and  
3 packaging;

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

5           (3) fruit and vegetable processing, including  
6 preparation, canning and packaging;

7           (4) processing of livestock and livestock products,  
8 dairy products, poultry and poultry products, fish or  
9 apiarian products, including slaughter, shearing,  
10 collecting, preparation, canning and packaging;

11          (5) fertilizer and agricultural chemical  
12 manufacturing, processing, application and supplying;

13          (6) farm machinery, equipment and implement  
14 manufacturing and supplying;

15          (7) manufacturing and supplying of agricultural  
16 commodity processing machinery and equipment, including  
17 machinery and equipment used in slaughter, treatment,  
18 handling, collecting, preparation, canning or packaging of  
19 agricultural commodities;

20          (8) farm building and farm structure manufacturing,  
21 construction and supplying;

22          (9) construction, manufacturing, implementation,  
23 supplying or servicing of irrigation, drainage and soil and  
24 water conservation devices or equipment;

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

1           (11) facilities and equipment for processing and  
2 packaging agricultural commodities specifically for  
3 export;

4           (12) facilities and equipment for forestry product  
5 processing and supplying, including sawmilling operations,  
6 wood chip operations, timber harvesting operations, and  
7 manufacturing of prefabricated buildings, paper, furniture  
8 or other goods from forestry products;

9           (13) facilities and equipment for research and  
10 development of products, processes and equipment for the  
11 production, processing, preparation or packaging of  
12 agricultural commodities and byproducts.

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

23           (bb) The term "liability" with respect to financing of any  
24 agricultural facility or any agribusiness shall include, but  
25 not be limited to the following: accounts payable; notes or  
26 other indebtedness owed to any source; taxes; rent; amounts



1 owed on real estate contracts or real estate mortgages;  
2 judgments; accrued interest payable; and any other liability.

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

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

21 (ee) The term "conservation project" means any project  
22 including the acquisition, construction, rehabilitation,  
23 maintenance, operation, or upgrade that is intended to create  
24 or expand open space or to reduce energy usage through  
25 efficiency measures. For the purpose of this definition, "open  
26 space" has the definition set forth under Section 10 of the

1 Illinois Open Land Trust Act.

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

7 (gg) The term "municipal bond issuer" means the State or  
8 any other state or commonwealth of the United States, or any  
9 unit of local government, school district, agency or  
10 instrumentality, office, officer, department, division,  
11 bureau, commission, college or university thereof located in  
12 the State or any other state or commonwealth of the United  
13 States.

14 (hh) The term "municipal bond program project" means the  
15 establishment of a program for the funding of the purchase of  
16 bonds, notes or other obligations issued by or on behalf of a  
17 municipal bond issuer.

18 (Source: P.A. 96-339, eff. 7-1-10; 96-1021, eff. 7-12-10;  
19 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813, eff.  
20 7-13-12.)

21 (20 ILCS 3501/801-55)

22 Sec. 801-55. Required findings for projects located  
23 outside the State. The Authority may approve an application to  
24 finance or refinance a project located outside of the State  
25 other than a municipal bond program project only after it has

1 made the following findings with respect to such financing or  
2 refinancing, all of which shall be deemed conclusive:

3 (a) the entity financing or refinancing a project  
4 located outside the State, or an affiliate thereof, is also  
5 engaged in the financing or refinancing of a project  
6 located within the State or, alternately, the entity  
7 seeking the financing or refinancing, or an affiliate  
8 thereof, maintains a significant presence within the  
9 State;

10 (b) financing or refinancing the out-of-state project  
11 would promote the economy of the State for the benefit of  
12 the health, welfare, safety, trade, commerce, industry and  
13 economy of the people of the State by creating employment  
14 opportunities in the State or lowering the cost of  
15 accessing housing, healthcare, private education, or  
16 cultural institutions or undertaking industrial projects,  
17 housing projects, higher education projects, health  
18 facility projects, cultural institution projects,  
19 conservation projects, clean coal projects, coal projects,  
20 energy efficiency projects, agricultural facilities or  
21 agribusiness in the State by reducing the cost of  
22 financing, refinancing or operating projects; and

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

1       The Authority may approve an application to finance or  
2 refinance a municipal bond program project located outside of  
3 the State only after it has made the following findings with  
4 respect to such financing or refinancing, all of which shall be  
5 deemed conclusive:

6           (1) the municipal bond program project includes the  
7 purchase of bonds, notes, or obligations issued by or on  
8 behalf of the State or any unit of local government, school  
9 district, agency or instrumentality, office, officer,  
10 department, division, bureau, commission, college or  
11 university thereof; and

12           (2) financing or refinancing the municipal bond  
13 program project would promote the economy of the State for  
14 the benefit of the health, welfare, safety, trade,  
15 commerce, industry, and economy of the people of the State  
16 by reducing the cost of borrowing to the State or such unit  
17 of local government, school district, agency or  
18 instrumentality, office, officer, department, division,  
19 bureau, commission, college or university thereof.

20       The Authority shall not provide financing or refinancing  
21 for any project, or portion thereof, located outside the  
22 boundaries of the United States of America.

23       Notwithstanding any other provision of this Act, the  
24 Authority shall not provide financing or refinancing that uses  
25 State volume cap under Section 146 of the Internal Revenue Code  
26 of 1986, as amended, or constitutes an indebtedness or

1 obligation, general or moral, or a pledge of the full faith or  
2 loan of credit of the State for any project, or portion  
3 thereof, that is located outside of the State.

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

5 (20 ILCS 3501/825-12)

6 Sec. 825-12. Conservation projects.

7 (a) The Authority may develop a program to provide  
8 low-interest loans and other financing to individuals,  
9 business entities, private organizations, and units of local  
10 government for conservation projects within ~~in~~ the State of  
11 Illinois provided, that if the Conservation Project is located  
12 outside of the State, it is owned, operated, leased or managed  
13 by an entity located within the State or any entity affiliated  
14 with an entity located within the State.

15 (b) Projects under this Section may include, without  
16 limitation, the acquisition of land for open-space projects,  
17 preservation or recreation measures for open spaces, and energy  
18 conservation or efficiency projects that are intended to reduce  
19 energy usage and costs.

20 (c) The Authority, in cooperation with the Department of  
21 Natural Resources and the Department of Commerce and Economic  
22 Opportunity, may adopt any rules necessary for the  
23 administration of this Section. The Authority must include any  
24 information concerning the program under this Section on its  
25 Internet website.

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

2 (20 ILCS 3501/825-65)

3 Sec. 825-65. Clean Coal, Coal, Energy Efficiency, and  
4 Renewable Energy Project Financing.

5 (a) Findings and declaration of policy.

6 (i) It is hereby found and declared that Illinois has  
7 abundant coal resources and, in some areas of Illinois and  
8 some areas outside of the State, the demand for power  
9 exceeds the generating capacity. Incentives to encourage  
10 the construction of coal-fueled electric generating plants  
11 in Illinois to ensure power generating capacity into the  
12 future and to advance clean coal technology and the use of  
13 Illinois coal are in the best interests of all of the  
14 citizens of Illinois.

15 (ii) It is further found and declared that Illinois has  
16 abundant potential and resources to develop renewable  
17 energy resource projects and that there are many  
18 opportunities to invest in cost-effective energy  
19 efficiency projects throughout the State. The development  
20 of those projects will create jobs and investment as well  
21 as decrease environmental impacts and promote energy  
22 independence in Illinois. Accordingly, the development of  
23 those projects is in the best interests of all of the  
24 citizens of Illinois.

25 (iii) The Authority is authorized to issue bonds to

1 help finance Clean Coal, Coal, Energy Efficiency, and  
2 Renewable Energy projects pursuant to this Section.

3 (b) Definitions.

4 (i) "Clean Coal Project" means (A) "clean coal  
5 facility", as defined in Section 1-10 of the Illinois Power  
6 Agency Act; (B) "clean coal SNG facility", as defined in  
7 Section 1-10 of the Illinois Power Agency Act; (C)  
8 transmission lines and associated equipment that transfer  
9 electricity from points of supply to points of delivery for  
10 projects described in this subsection (b); (D) pipelines or  
11 other methods to transfer carbon dioxide from the point of  
12 production to the point of storage or sequestration for  
13 projects described in this subsection (b); or (E) projects  
14 to provide carbon abatement technology for existing  
15 generating facilities.

16 (ii) "Coal Project" means new electric generating  
17 facilities or new gasification facilities, as defined in  
18 Section 605-332 of the Department of Commerce and Economic  
19 Opportunity Law of the Civil Administrative Code of  
20 Illinois, which may include mine-mouth power plants,  
21 projects that employ the use of clean coal technology,  
22 projects to provide scrubber technology for existing  
23 energy generating plants, or projects to provide electric  
24 transmission facilities or new gasification facilities.

25 (iii) "Energy Efficiency Project" means measures that  
26 reduce the amount of electricity or natural gas required to

1 achieve a given end use, consistent with Section 1-10 of  
2 the Illinois Power Agency Act.

3 (iv) "Renewable Energy Project" means (A) a project  
4 that uses renewable energy resources, as defined in Section  
5 1-10 of the Illinois Power Agency Act; (B) a project that  
6 uses environmentally preferable technologies and practices  
7 that result in improvements to the production of renewable  
8 fuels, including but not limited to, cellulosic  
9 conversion, water and energy conservation, fractionation,  
10 alternative feedstocks, or reduced green house gas  
11 emissions; (C) transmission lines and associated equipment  
12 that transfer electricity from points of supply to points  
13 of delivery for projects described in this subsection (b);  
14 or (D) projects that use technology for the storage of  
15 renewable energy, including, without limitation, the use  
16 of battery or electrochemical storage technology for  
17 mobile or stationary applications.

18 (c) Creation of reserve funds. The Authority may establish  
19 and maintain one or more reserve funds to enhance bonds issued  
20 by the Authority for a Clean Coal Project, a Coal Project, an  
21 Energy Efficiency Project, or a Renewable Energy Project. There  
22 may be one or more accounts in these reserve funds in which  
23 there may be deposited:

24 (1) any proceeds of the bonds issued by the Authority  
25 required to be deposited therein by the terms of any  
26 contract between the Authority and its bondholders or any



1 resolution of the Authority;

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

4 (3) any other moneys or funds made available to the  
5 Authority. Subject to the terms of any pledge to the owners  
6 of any bonds, moneys in any reserve fund may be held and  
7 applied to the payment of principal, premium, if any, and  
8 interest of such bonds.

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

10 (1) To issue bonds in one or more series pursuant to  
11 one or more resolutions of the Authority for any Clean Coal  
12 Project, Coal Project, Energy Efficiency Project, or  
13 Renewable Energy Project authorized under this Section,  
14 within the authorization set forth in subsection (e).

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

18 (3) To pledge any funds of the Authority or funds made  
19 available to the Authority that may be applied to such  
20 purpose as security for any bonds or any guarantees,  
21 letters of credit, insurance contracts or similar credit  
22 support or liquidity instruments securing the bonds.

23 (4) To enter into agreements or contracts with third  
24 parties, whether public or private, including, without  
25 limitation, the United States of America, the State or any  
26 department or agency thereof, to obtain any

1 appropriations, grants, loans or guarantees that are  
2 deemed necessary or desirable by the Authority. Any such  
3 guarantee, agreement or contract may contain terms and  
4 provisions necessary or desirable in connection with the  
5 program, subject to the requirements established by the  
6 Act.

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

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

1 described in subsection (b)(iii) of this Section 825-65 and  
2 Renewable Energy Projects, as described in clauses (A), (B),  
3 and (D) of subsection (b)(iii) of this Section 825-65. An  
4 application for a loan financed from bond proceeds from a  
5 borrower or its affiliates for a Clean Coal Project, a Coal  
6 Project, Energy Efficiency Project, or a Renewable Energy  
7 Project may not be approved by the Authority for an amount in  
8 excess of \$450,000,000 for any borrower or its affiliates. A  
9 Clean Coal Project, a Coal Project or an Energy Efficiency  
10 Project may be located within the State or outside the State,  
11 provided, that if the Clean Coal Project, the Coal Project or  
12 the Energy Efficiency Project is located outside of the State,  
13 it is owned, operated, leased, or managed by an entity located  
14 within the State or any entity affiliated with an entity  
15 located within the State, or utilizes Illinois coal. These  
16 bonds shall not constitute an indebtedness or obligation of the  
17 State of Illinois and it shall be plainly stated on the face of  
18 each bond that it does not constitute an indebtedness or  
19 obligation of the State of Illinois, but is payable solely from  
20 the revenues, income or other assets of the Authority pledged  
21 therefor.

22 (f) The bonding authority granted under this Section is in  
23 addition to and not limited by the provisions of Section 845-5.  
24 (Source: P.A. 95-470, eff. 8-27-07; 96-103, eff. 1-1-10;  
25 96-817, eff. 1-1-10.)

1           Section 10. The Illinois Environmental Facilities  
2 Financing Act is amended by changing Sections 2 and 3 and by  
3 adding Section 7.5 as follows:

4           (20 ILCS 3515/2) (from Ch. 127, par. 722)

5           Sec. 2. Declaration of necessity and purpose - Liberal  
6 construction. (a) The General Assembly finds:

7           (i) that environmental damage seriously endangers the  
8 public health and welfare;

9           (ii) that such environmental damage results from air,  
10 water, and other resource pollution and from public water  
11 supply, solid waste disposal, noise, surface mining and other  
12 environmental problems;

13           (iii) that to reduce, control and prevent such pollution  
14 and problems, quality and land reclamation standards have been  
15 established necessitating the employment of anti-pollution and  
16 reclamation devices, equipment and facilities and stringent  
17 time schedules have been and will be imposed for compliance  
18 with such standards;

19           (iv) that it is desirable to provide additional and  
20 alternative methods of financing the costs of the acquisition  
21 and installation of the devices, equipment and facilities  
22 required to comply with the quality and land reclamation  
23 standards;

24           (v) that the alternative method of financing provided in  
25 this Act is therefore in the public interest and serves a

1 public purpose in protecting and promoting the health and  
2 welfare of the citizens of this state by reducing, controlling  
3 and preventing environmental damage;

4 (vi) that it is desirable to promote the use of Illinois  
5 coal in a manner that is consistent with air quality and land  
6 reclamation standards; ~~and~~

7 (vii) that it is desirable to promote the use of  
8 alternative methods for managing hazardous wastes and to  
9 provide additional and alternative methods of financing the  
10 costs of establishing the recycling, incineration, physical,  
11 chemical and biological treatment, and other facilities  
12 necessary to meet the requirements of the Environmental  
13 Protection Act; and

14 (viii) that the environmental damage and pollution  
15 described in this within the State often occurs from sources in  
16 other states and that (i) providing financing alternatives for  
17 facilities outside the State can reduce, control and prevent  
18 such environmental damages and pollution with the State, and  
19 (ii) providing financing alternatives for environmental  
20 facilities that are located outside the State that are owned,  
21 operated, leased, managed by, or otherwise affiliated with,  
22 institutions located within the State by reducing controlling  
23 and preventing such environmental damage and pollution within  
24 the State.

25 (b) It is the purpose of this Act, as more specifically  
26 described in later sections, to authorize the State authority

1 to acquire, construct, reconstruct, repair, alter, improve,  
2 extend, own, finance, lease, sell and otherwise dispose of  
3 pollution control and surface mined land reclamation  
4 facilities to the end that the State authority may be able to  
5 promote the health and welfare of the people of this State and  
6 to vest such State authority with all powers to enable such  
7 State authority to accomplish such purpose; it is not intended  
8 by this Act that the State authority shall itself be authorized  
9 to operate any such pollution control, hazardous waste  
10 treatment or surface mined land reclamation facilities; nor  
11 shall any such facilities be geographically located outside the  
12 State of Illinois. It is the intent of the General Assembly  
13 that access to the benefits of the financing herein provided  
14 for shall be equally available to all persons.

15 (c) It is the intent of the General Assembly that the State  
16 authority shall give special consideration to small businesses  
17 as defined in paragraph (i) of Section 3 of this Act in  
18 authorizing the issuance of bonds for the financing of  
19 pollution control or hazardous waste treatment facilities in  
20 order to assist small businesses in surviving the economic  
21 burdens imposed by the required financing of such facilities.

22 (d) Notwithstanding paragraph (b) of this Section, it is  
23 the intent of the General Assembly that with respect to  
24 applications involving environmental facilities for new  
25 coal-fired electric steam generating plants and new coal-fired  
26 industrial boilers as defined in paragraph (j) of Section 3 of

1 this Act, the State authority shall only finance such  
2 facilities where Illinois coal will be used as the primary  
3 source of fuel. The Authority shall impose appropriate  
4 financial penalties on any person who receives financing from  
5 the State Authority for environmental facilities based on a  
6 commitment to use Illinois coal as the primary source of fuel  
7 at a new coal-fired electric utility steam generating plant or  
8 new coal-fired industrial boiler and later uses a non-Illinois  
9 coal as the primary source of fuel.

10 (e) It is the intent of the General Assembly that the  
11 Authority give special consideration to projects which involve  
12 a reduction in volume of hazardous waste products generated, or  
13 the recycling, re-use, reclamation, or treatment of hazardous  
14 waste.

15 (f) This Act shall be liberally construed to accomplish  
16 the intentions expressed herein.

17 (Source: P.A. 83-1362; 83-1442.)

18 (20 ILCS 3515/3) (from Ch. 127, par. 723)

19 Sec. 3. Definitions. In this Act, unless the context  
20 otherwise clearly requires, the terms used herein shall have  
21 the meanings ascribed to them as follows:

22 (a) "Bonds" means any bonds, notes, debentures, temporary,  
23 interim or permanent certificates of indebtedness or other  
24 obligations evidencing indebtedness.

25 (b) "Directing body" means the members of the State

1 authority.

2 (c) "Environmental facility" or "facilities" means any  
3 land, interest in land, building, structure, facility, system,  
4 fixture, improvement, appurtenance, machinery, equipment or  
5 any combination thereof, and all real and personal property  
6 deemed necessary therewith, having to do with or the primary  
7 purpose of which is, reducing, controlling or preventing  
8 pollution, or reclaiming surface mined land. Environmental  
9 facilities may be located anywhere in this State and may  
10 include those facilities or processes used to (i) remove  
11 potential pollutants from coal prior to combustion, (ii) reduce  
12 the volume or composition of hazardous waste by changing or  
13 replacing manufacturing equipment or processes, (iii) recycle  
14 hazardous waste, or (iv) recover resources from hazardous  
15 waste. Environmental facilities may also include (i) solar  
16 collectors, solar storage mechanisms and solar energy systems,  
17 as defined in Section 10-5 of the Property Tax Code; (ii)  
18 facilities designed to collect, store, transfer, or  
19 distribute, for residential, commercial or industrial use,  
20 heat energy which is a by-product of industrial or energy  
21 generation processes and which would otherwise be wasted; (iii)  
22 facilities designed to remove pollutants from emissions that  
23 result from the combustion of coal; and (iv) facilities for the  
24 combustion of coal in a fluidized bed boiler. Environmental  
25 facilities may be located outside of the State, provided, that  
26 the environmental facility must be either (i) owned, operated,



1 leased or managed by an entity located within the State or an  
2 entity affiliated with an entity located within the State, or  
3 (ii) substantially reduce, control and prevent the  
4 environmental damage and pollution within the State.

5 Environmental facilities include landfill gas recovery  
6 facilities, as defined in the Illinois Environmental  
7 Protection Act.

8 Environmental facilities do not include any land, interest  
9 in land, buildings, structure, facility, system, fixture,  
10 improvement, appurtenance, machinery, equipment or any  
11 combination thereof, and all real and personal property deemed  
12 necessary therewith, having to do with a hazardous waste  
13 disposal site, except where such land, interest in land,  
14 buildings, structure, facility, system, fixture, improvement,  
15 appurtenance, machinery, equipment, real or personal property  
16 are used for the management or recovery of gas generated by a  
17 hazardous waste disposal site or are used for recycling,  
18 reclamation, tank storage or treatment in tanks which occurs on  
19 the same site as a hazardous waste disposal site.

20 (d) "Finance" or "financing" means the issuing of revenue  
21 bonds pursuant to Section 9 of this Act by the State authority  
22 for the purpose of using the proceeds to pay project costs for  
23 an environmental or hazardous waste treatment facility  
24 including one in or to which title at all times remains in a  
25 person other than the State authority, in which case the bonds  
26 of the Authority are secured by a pledge of one or more notes,

1 debentures, bonds or other obligations, secured or unsecured,  
2 of any person.

3 (e) "Person" means any individual, partnership,  
4 copartnership, firm, company, corporation (including public  
5 utilities), association, joint stock company, trust, estate,  
6 political subdivision, state agency, or any other legal entity,  
7 or their legal representative, agent or assigns.

8 (f) "Pollution" means any form of environmental pollution  
9 including, but not limited to, water pollution, air pollution,  
10 land pollution, solid waste pollution, thermal pollution,  
11 radiation contamination, or noise pollution as determined by  
12 the various standards prescribed by this state or the federal  
13 government and including but not limited to, anything which is  
14 considered as pollution or environmental damage in the  
15 Environmental Protection Act, approved June 29, 1970, as now or  
16 hereafter amended.

17 (g) "Project costs" as applied to environmental or  
18 hazardous waste treatment facilities financed under this Act  
19 means and includes the sum total of all reasonable or necessary  
20 costs incidental to the acquisition, construction,  
21 reconstruction, repair, alteration, improvement and extension  
22 of such environmental or hazardous waste treatment facilities  
23 including without limitation the cost of studies and surveys;  
24 plans, specifications, architectural and engineering services;  
25 legal, organization, marketing or other special services;  
26 financing, acquisition, demolition, construction, equipment

1 and site development of new and rehabilitated buildings;  
2 rehabilitation, reconstruction, repair or remodeling of  
3 existing buildings and all other necessary and incidental  
4 expenses including an initial bond and interest reserve  
5 together with interest on bonds issued to finance such  
6 environmental or hazardous waste treatment facilities to a date  
7 6 months subsequent to the estimated date of completion.

8 (h) "State authority" or "authority" means the Illinois  
9 Finance Authority created by the Illinois Finance Authority  
10 Act.

11 (i) "Small business" or "small businesses" means those  
12 commercial and manufacturing entities which at the time of  
13 their application to the authority meet those criteria, as  
14 interpreted and applied by the State authority, for definition  
15 as a "small business" established for the Small Business  
16 Administration and set forth as Section 121.3-10 of Part 121 of  
17 Title 13 of the Code of Federal Regulations as such Section is  
18 in effect on the effective date of this amendatory Act of 1975.

19 (j) "New coal-fired electric utility steam generating  
20 plants" and "new coal-fired industrial boilers" means those  
21 plants and boilers on which construction begins after the  
22 effective date of this amendatory Act of 1981.

23 (k) "Hazardous waste treatment facility" means any land,  
24 interest in land, building, structure, facility, system,  
25 fixture, improvement, appurtenance, machinery, equipment, or  
26 any combination thereof, and all real and personal property

1 deemed necessary therewith, the primary purpose of which is to  
2 recycle, incinerate, or physically, chemically, biologically  
3 or otherwise treat hazardous wastes, or to reduce the  
4 production of hazardous wastes by changing or replacing  
5 manufacturing equipment or processes, and which meets the  
6 requirements of the Environmental Protection Act and all  
7 regulations adopted thereunder.

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

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

14 (20 ILCS 3515/7.5 new)

15 Sec. 7.5. Required findings for environmental facilities  
16 located outside the State. The Authority may approve an  
17 application to finance or refinance environmental facilities  
18 located outside of the State only after it has made either of  
19 the following findings with respect to such financing or  
20 refinancing, all of which shall be deemed conclusive:

21 (1) (A) the entity financing or refinancing an  
22 environmental facility located outside the State, or an  
23 affiliate thereof, is also engaged in the financing or  
24 refinancing of an environmental facility located within  
25 the State or, alternately, the entity seeking the financing

1 or refinancing, or an affiliate thereof, maintains a  
2 significant presence within the State; and

3 (B) financing or refinancing the out-of-state  
4 environmental facility would promote the interests of the  
5 State for the benefit of the health, welfare, safety,  
6 trade, commerce, industry and economy of the people of the  
7 State by reducing, controlling or preventing environmental  
8 damage and pollution within the State or lowering the cost  
9 of environmental facilities within the State by reducing  
10 the cost of financing or operating projects; or

11 (2) financing or refinancing the out-of-state  
12 environmental facility will substantially reduce, control  
13 or prevent environmental damage within the State.

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

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

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