



Rep. Rita Mayfield

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LRB099 11056 AWJ 35857 a

1 AMENDMENT TO SENATE BILL 1854

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1854, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 2, on page 1, by replacing line 5 with "Authority Act is  
5 amended by changing Sections 4 and 7 as follows:"; and

6 on page 5, immediately after line 24, by inserting the  
7 following:

8 "(70 ILCS 530/7) (from Ch. 85, par. 7157)  
9 Sec. 7. Bonds.

10 (a) The Authority, with the written approval of the  
11 Governor, shall have the continuing power to issue bonds,  
12 notes, or other evidences of indebtedness in an aggregate  
13 amount outstanding not to exceed \$500,000,000 for the purpose  
14 of developing, constructing, acquiring or improving projects,  
15 including those established by business entities locating or  
16 expanding property within the territorial jurisdiction of the

1 Authority, for entering into venture capital agreements with  
2 businesses locating or expanding within the territorial  
3 jurisdiction of the Authority, for acquiring and improving any  
4 property necessary and useful in connection therewith and for  
5 the purposes of the Employee Ownership Assistance Act. For the  
6 purpose of evidencing the obligations of the Authority to repay  
7 any money borrowed, the Authority may, pursuant to resolution,  
8 from time to time issue and dispose of its interest bearing  
9 revenue bonds, notes or other evidences of indebtedness and may  
10 also from time to time issue and dispose of such bonds, notes  
11 or other evidences of indebtedness to refund, at maturity, at a  
12 redemption date or in advance of either, any bonds, notes or  
13 other evidences of indebtedness pursuant to redemption  
14 provisions or at any time before maturity. All such bonds,  
15 notes or other evidences of indebtedness shall be payable  
16 solely and only from the revenues or income to be derived from  
17 loans made with respect to projects, from the leasing or sale  
18 of the projects or from any other funds available to the  
19 Authority for such purposes. The bonds, notes or other  
20 evidences of indebtedness may bear such date or dates, may  
21 mature at such time or times not exceeding 40 years from their  
22 respective dates, may bear interest at such rate or rates not  
23 exceeding the maximum rate permitted by "An Act to authorize  
24 public corporations to issue bonds, other evidences of  
25 indebtedness and tax anticipation warrants subject to interest  
26 rate limitations set forth therein", approved May 26, 1970, as

1 amended, may be in such form, may carry such registration  
2 privileges, may be executed in such manner, may be payable at  
3 such place or places, may be made subject to redemption in such  
4 manner and upon such terms, with or without premium as is  
5 stated on the face thereof, may be authenticated in such manner  
6 and may contain such terms and covenants as may be provided by  
7 an applicable resolution.

8 (b-1) The holder or holders of any bonds, notes or other  
9 evidences of indebtedness issued by the Authority may bring  
10 suits at law or proceedings in equity to compel the performance  
11 and observance by any corporation or person or by the Authority  
12 or any of its agents or employees of any contract or covenant  
13 made with the holders of such bonds, notes or other evidences  
14 of indebtedness, to compel such corporation, person, the  
15 Authority and any of its agents or employees to perform any  
16 duties required to be performed for the benefit of the holders  
17 of any such bonds, notes or other evidences of indebtedness by  
18 the provision of the resolution authorizing their issuance and  
19 to enjoin such corporation, person, the Authority and any of  
20 its agents or employees from taking any action in conflict with  
21 any such contract or covenant.

22 (b-2) If the Authority fails to pay the principal of or  
23 interest on any of the bonds or premium, if any, as the same  
24 become due, a civil action to compel payment may be instituted  
25 in the appropriate circuit court by the holder or holders of  
26 the bonds on which such default of payment exists or by an

1 indenture trustee acting on behalf of such holders. Delivery of  
2 a summons and a copy of the complaint to the Chairman of the  
3 Board shall constitute sufficient service to give the circuit  
4 court jurisdiction of the subject matter of such a suit and  
5 jurisdiction over the Authority and its officers named as  
6 defendants for the purpose of compelling such payment. Any  
7 case, controversy or cause of action concerning the validity of  
8 this Act relates to the revenue of the State of Illinois.

9 (c) Notwithstanding the form and tenor of any such bonds,  
10 notes or other evidences of indebtedness and in the absence of  
11 any express recital on the face thereof that it is  
12 non-negotiable, all such bonds, notes and other evidences of  
13 indebtedness shall be negotiable instruments. Pending the  
14 preparation and execution of any such bonds, notes or other  
15 evidences of indebtedness, temporary bonds, notes or evidences  
16 of indebtedness may be issued as provided by ordinance.

17 (d) To secure the payment of any or all of such bonds,  
18 notes or other evidences of indebtedness, the revenues to be  
19 received by the Authority from a lease agreement or loan  
20 agreement shall be pledged, and, for the purpose of setting  
21 forth the covenants and undertakings of the Authority in  
22 connection with the issuance thereof and the issuance of any  
23 additional bonds, notes or other evidences of indebtedness  
24 payable from such revenues, income or other funds to be derived  
25 from projects, the Authority may execute and deliver a mortgage  
26 or trust agreement. A remedy for any breach or default of the

1 terms of any such mortgage or trust agreement by the Authority  
2 may be by mandamus proceedings in the appropriate circuit court  
3 to compel the performance and compliance therewith, but the  
4 trust agreement may prescribe by whom or on whose behalf such  
5 action may be instituted.

6 (e) Such bonds or notes shall be secured as provided in the  
7 authorizing ordinance which may, notwithstanding any other  
8 provision of this Act, include in addition to any other  
9 security a specific pledge or assignment of and lien on or  
10 security interest in any or all revenues or money of the  
11 Authority from whatever source which may by law be used for  
12 debt service purposes and a specific pledge or assignment of  
13 and lien on or security interest in any funds or accounts  
14 established or provided for by ordinance of the Authority  
15 authorizing the issuance of such bonds or notes.

16 (f) (Blank). ~~In the event that the Authority determines~~  
17 ~~that monies of the Authority will not be sufficient for the~~  
18 ~~payment of the principal of and interest on its bonds during~~  
19 ~~the next State fiscal year, the Chairman, as soon as~~  
20 ~~practicable, shall certify to the Governor the amount required~~  
21 ~~by the Authority to enable it to pay such principal of and~~  
22 ~~interest on the bonds. The Governor shall submit the amount so~~  
23 ~~certified to the General Assembly as soon as practicable, but~~  
24 ~~no later than the end of the current State fiscal year. This~~  
25 ~~Section shall not apply to any bonds or notes as to which the~~  
26 ~~Authority shall have determined, in the resolution authorizing~~

1 ~~the issuance of the bonds or notes, that this Section shall not~~  
2 ~~apply. Whenever the Authority makes such a determination, that~~  
3 ~~fact shall be plainly stated on the face of the bonds or notes~~  
4 ~~and that fact shall also be reported to the Governor.~~

5 ~~In the event of a withdrawal of moneys from a reserve fund~~  
6 ~~established with respect to any issue or issues of bonds of the~~  
7 ~~Authority to pay principal or interest on those bonds, the~~  
8 ~~Chairman of the Authority, as soon as practicable, shall~~  
9 ~~certify to the Governor the amount required to restore the~~  
10 ~~reserve fund to the level required in the resolution or~~  
11 ~~indenture securing those bonds. The Governor shall submit the~~  
12 ~~amount so certified to the General Assembly as soon as~~  
13 ~~practicable, but no later than the end of the current State~~  
14 ~~fiscal year. This subsection (f) shall not apply to any bond~~  
15 ~~issued on or after the effective date of this amendatory Act of~~  
16 ~~the 97th General Assembly.~~

17 (g) The State of Illinois pledges to and agrees with the  
18 holders of the bonds and notes of the Authority issued pursuant  
19 to this Section that the State will not limit or alter the  
20 rights and powers vested in the Authority by this Act so as to  
21 impair the terms of any contract made by the Authority with  
22 such holders or in any way impair the rights and remedies of  
23 such holders until such bonds and notes, together with interest  
24 thereon, with interest on any unpaid installments of interest,  
25 and all costs and expenses in connection with any action or  
26 proceedings by or on behalf of such holders, are fully met and

1 discharged. In addition, the State pledges to and agrees with  
2 the holders of the bonds and notes of the Authority issued  
3 pursuant to this Section that the State will not limit or alter  
4 the basis on which State funds are to be paid to the Authority  
5 as provided in this Act, or the use of such funds, so as to  
6 impair the terms of any such contract. The Authority is  
7 authorized to include these pledges and agreements of the State  
8 in any contract with the holders of bonds or notes issued  
9 pursuant to this Section.

10 (h) (Blank).

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