

1 AN ACT concerning grain.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Grain Code is amended by changing Section
5 20-25 as follows:

6 (240 ILCS 40/20-25)

7 Sec. 20-25. Refusal of licensee to allow liquidation.

8 (a) If, after a failure, the failed licensee does not
9 transfer control of the grain assets to the Trustee, the
10 Director may, in conjunction with the authority granted in
11 this Code and in Section 205-410 of the Department of
12 Agriculture Law (20 ILCS 205/205-410), file a complaint and
13 apply to a court of competent jurisdiction for a temporary
14 restraining order, a preliminary injunction, or a permanent
15 injunction to be entered without bond to carry out the
16 provisions of this Code.

17 (b) If a party seeks relief from a court of competent
18 jurisdiction that would enjoin, restrain, stay, or otherwise
19 resist either (1) an administrative order of the Department
20 that suspends, revokes, or denies renewal of a license under
21 this Code or (2) an action brought by the Department relating
22 to liquidation of a licensee, the court shall require the
23 party requesting the relief to provide a bond as provided for
24 in the Code of Civil Procedure. The bond shall be in an
25 amount adequate to ensure assure that all producers and
26 depositors will be paid while the licensee is operating
27 following suspension, revocation, or denial of renewal of a
28 license under the judicial relief for grain sold to or stored
29 with the licensee. The bond shall be in a minimum amount
30 sufficient to satisfy all existing grain obligations of the
31 licensee for grain purchased, sold, or stored. In setting

1 the amount of the bond, the court shall consider increasing
2 the amount of the bond based upon a consideration of other
3 factors, including, but not limited to, the total dollar
4 amount of grain purchased annually by the licensee and the
5 value of the storage obligations of the licensee.

6 (Source: P.A. 91-239, eff. 1-1-00.)