

1 AMENDMENT TO SENATE BILL 1264

2 AMENDMENT NO. _____. Amend Senate Bill 1264 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Illinois Large Business Operational Assistance Act.

6 Section 5. Definitions. Unless the context clearly
7 requires otherwise:

8 "Business" means a for-profit, legal entity in Illinois
9 including, but not limited to, any sole proprietorship,
10 partnership, corporation, joint venture, association, or
11 cooperative.

12 "Department" means the Illinois Department of Commerce
13 and Community Affairs.

14 "Director" means the Director of Commerce and Community
15 Affairs.

16 "Loan" means an agreement or contract to provide a loan
17 or other financial aid to a business.

18 Section 10. Powers. The Department has the power to:

19 (a) Provide loans from the Fund for Illinois' Future,
20 that may be already appropriated to the Department for
21 another purpose, to a business experiencing a short term cash

1 shortfall.

2 (b) Establish application, notification, contract, and
3 other procedures, rules, or regulations deemed necessary and
4 appropriate.

5 (c) Subject to the provisions of any contract with
6 another person and consent to the modification or
7 restructuring of any loan agreement to which the Department
8 is a party.

9 (d) Take any actions that are necessary or appropriate
10 to protect the State's interest in the event of bankruptcy,
11 default, foreclosure, or noncompliance with the terms and
12 conditions of financial assistance or participation provided
13 under this Act, including the power to sell, dispose of,
14 lease, or rent, upon terms and conditions determined by the
15 Director to be appropriate, real or personal property that
16 the Department may receive as a result thereof.

17 (e) Exercise such other powers as are necessary or
18 incidental to the powers listed in this Section.

19 Section 15. Loans.

20 (a) Loans made under this Act shall be approved for
21 amounts from the Fund for Illinois' Future not to exceed
22 \$10,000,000 for any single project.

23 (b) Loans made under this Act shall be repaid in no more
24 than 5 years.

25 (c) Loans made under this Act shall be protected by
26 adequate security satisfactory to the Department to secure
27 payment of the loan agreement.

28 (d) Loans made under this Act shall include provisions
29 to call the loan agreement as due and payable in the event of
30 bankruptcy, default, foreclosure, or noncompliance with the
31 terms and conditions of the loan.

32 (e) Loans made under this Act shall be made only after
33 the Department has determined that the business is

1 experiencing a short term cash shortfall and will downsize,
2 close, or file for bankruptcy if an infusion of operating
3 cash in the form of a short term loan is not secured.

4 (f) All receipts, including principal payments,
5 royalties, or other payments, paid to the Department as a
6 result of this Act, including proceeds from the sale,
7 disposal, lease, or rental of real or personal property that
8 the Department may receive as a result of a default or
9 delinquency, shall be deposited into the Fund for Illinois'
10 Future.

11 (g) Loans made under this Act shall be no-interest
12 loans.

13 Section 20. Loan applications. Applications for loans
14 shall be submitted to the Department on forms prescribed by
15 the Department. The Department shall conduct such
16 investigation and obtain such information concerning the
17 business as is necessary and diligent to complete a loan
18 agreement. The Department's investigation shall include facts
19 about the company's history, job opportunities, stability of
20 employment, past and present condition and structure, actual
21 and pro-forma income statements, present and future market
22 prospects and management qualifications, and any other
23 aspects material to the financing request.

24 After consideration of such data and after such other
25 action as is deemed appropriate, the Department shall approve
26 or deny the application. If the Department approves the
27 application, its approval shall specify the amount of funds
28 to be provided and the loan agreement provisions. The
29 business shall be promptly notified of such action by the
30 Department.

31 Section 90. The State Finance Act is amended by changing
32 Section 6z-47 as follows:

1 (30 ILCS 105/6z-47)

2 Sec. 6z-47. Fund for Illinois' Future.

3 (a) The Fund for Illinois' Future is hereby created as a
4 special fund in the State Treasury.

5 (b) Upon the effective date of this amendatory Act of
6 the 91st General Assembly, or as soon as possible thereafter,
7 the Comptroller shall order transferred and the Treasurer
8 shall transfer \$260,000,000 from the General Revenue Fund to
9 the Fund for Illinois' Future.

10 On July 15, 2000, or as soon as possible thereafter, the
11 Comptroller shall order transferred and the Treasurer shall
12 transfer \$260,000,000 from the General Revenue Fund to the
13 Fund for Illinois' Future.

14 Revenues in the Fund for Illinois' Future shall include
15 any other funds appropriated or transferred into the Fund.

16 (c) Moneys in the Fund for Illinois' Future may be
17 appropriated for the making of grants and expenditures for
18 planning, engineering, acquisition, construction,
19 reconstruction, development, improvement, and extension of
20 public infrastructure in the State of Illinois, including
21 grants to local governments for public infrastructure, grants
22 to public elementary and secondary school districts for
23 public infrastructure, grants to universities, colleges,
24 community colleges, and non-profit corporations for public
25 infrastructure, and expenditures for public infrastructure of
26 the State and other related purposes, including but not
27 limited to expenditures for equipment, vehicles, community
28 programs, and recreational facilities.

29 Any amounts appropriated from the Fund for Illinois'
30 Future also may be used for loans under the Illinois Large
31 Business Operational Assistance Act.

32 (Source: P.A. 91-38, eff. 6-15-99.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.".