

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 801-10, 801-25, and 845-5 as follows:

6 (20 ILCS 3501/801-10)

7 Sec. 801-10. Definitions. The following terms, whenever
8 used or referred to in this Act, shall have the following
9 meanings, except in such instances where the context may
10 clearly indicate otherwise:

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

13 (b) The term "project" means an industrial project, housing
14 project, public purpose project, higher education project,
15 health facility project, cultural institution project,
16 agricultural facility or agribusiness, and "project" may
17 include any combination of one or more of the foregoing
18 undertaken jointly by any person with one or more other
19 persons, ~~but "project" shall not include any facility used or~~
20 ~~to be used for sectarian instruction or as a place of religious~~
21 ~~worship nor any facility which is used or to be used primarily~~
22 ~~in connection with any part of the program of a school or~~
23 ~~department of divinity for any religious denomination or the~~
24 ~~training of ministers, priests, rabbis or other professional~~
25 ~~persons in the field of religion.~~

26 (c) The term "public purpose project" means any project or
27 facility including without limitation land, buildings,
28 structures, machinery, equipment and all other real and
29 personal property, which is authorized or required by law to be
30 acquired, constructed, improved, rehabilitated, reconstructed,
31 replaced or maintained by any unit of government or any other
32 lawful public purpose which is authorized or required by law to

1 be undertaken by any unit of government.

2 (d) The term "industrial project" means the acquisition,
3 construction, refurbishment, creation, development or
4 redevelopment of any facility, equipment, machinery, real
5 property or personal property for use by any instrumentality of
6 the State or its political subdivisions, for use by any person
7 or institution, public or private, for profit or not for
8 profit, or for use in any trade or business including, but not
9 limited to, any industrial, manufacturing or commercial
10 enterprise and which is (1) a capital project including but not
11 limited to: (i) land and any rights therein, one or more
12 buildings, structures or other improvements, machinery and
13 equipment, whether now existing or hereafter acquired, and
14 whether or not located on the same site or sites; (ii) all
15 appurtenances and facilities incidental to the foregoing,
16 including, but not limited to utilities, access roads, railroad
17 sidings, track, docking and similar facilities, parking
18 facilities, dockage, wharfage, railroad roadbed, track,
19 trestle, depot, terminal, switching and signaling or related
20 equipment, site preparation and landscaping; and (iii) all
21 non-capital costs and expenses relating thereto or (2) any
22 addition to, renovation, rehabilitation or improvement of a
23 capital project or (3) any activity or undertaking which the
24 Authority determines will aid, assist or encourage economic
25 growth, development or redevelopment within the State or any
26 area thereof, will promote the expansion, retention or
27 diversification of employment opportunities within the State
28 or any area thereof or will aid in stabilizing or developing
29 any industry or economic sector of the State economy. The term
30 "industrial project" also means the production of motion
31 pictures.

32 (e) The term "bond" or "bonds" shall include bonds, notes
33 (including bond, grant or revenue anticipation notes),
34 certificates and/or other evidences of indebtedness
35 representing an obligation to pay money, including refunding
36 bonds.

1 (f) The terms "lease agreement" and "loan agreement" shall
2 mean: (i) an agreement whereby a project acquired by the
3 Authority by purchase, gift or lease is leased to any person,
4 corporation or unit of local government which will use or cause
5 the project to be used as a project as heretofore defined upon
6 terms providing for lease rental payments at least sufficient
7 to pay when due all principal of, interest and premium, if any,
8 on any bonds of the Authority issued with respect to such
9 project, providing for the maintenance, insuring and operation
10 of the project on terms satisfactory to the Authority,
11 providing for disposition of the project upon termination of
12 the lease term, including purchase options or abandonment of
13 the premises, and such other terms as may be deemed desirable
14 by the Authority, or (ii) any agreement pursuant to which the
15 Authority agrees to loan the proceeds of its bonds issued with
16 respect to a project or other funds of the Authority to any
17 person which will use or cause the project to be used as a
18 project as heretofore defined upon terms providing for loan
19 repayment installments at least sufficient to pay when due all
20 principal of, interest and premium, if any, on any bonds of the
21 Authority, if any, issued with respect to the project, and
22 providing for maintenance, insurance and other matters as may
23 be deemed desirable by the Authority.

24 (g) The term "financial aid" means the expenditure of
25 Authority funds or funds provided by the Authority through the
26 issuance of its bonds, notes or other evidences of indebtedness
27 or from other sources for the development, construction,
28 acquisition or improvement of a project.

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

33 (i) The term "unit of government" means the federal
34 government, the State or unit of local government, a school
35 district, or any agency or instrumentality, office, officer,
36 department, division, bureau, commission, college or

1 university thereof.

2 (j) The term "health facility" means: (a) any public or
3 private institution, place, building, or agency required to be
4 licensed under the Hospital Licensing Act; (b) any public or
5 private institution, place, building, or agency required to be
6 licensed under the Nursing Home Care Act; (c) any public or
7 licensed private hospital as defined in the Mental Health and
8 Developmental Disabilities Code; (d) any such facility
9 exempted from such licensure when the Director of Public Health
10 attests that such exempted facility meets the statutory
11 definition of a facility subject to licensure; (e) any other
12 public or private health service institution, place, building,
13 or agency which the Director of Public Health attests is
14 subject to certification by the Secretary, U.S. Department of
15 Health and Human Services under the Social Security Act, as now
16 or hereafter amended, or which the Director of Public Health
17 attests is subject to standard-setting by a recognized public
18 or voluntary accrediting or standard-setting agency; (f) any
19 public or private institution, place, building or agency
20 engaged in providing one or more supporting services to a
21 health facility; (g) any public or private institution, place,
22 building or agency engaged in providing training in the healing
23 arts, including but not limited to schools of medicine,
24 dentistry, osteopathy, optometry, podiatry, pharmacy or
25 nursing, schools for the training of x-ray, laboratory or other
26 health care technicians and schools for the training of
27 para-professionals in the health care field; (h) any public or
28 private congregate, life or extended care or elderly housing
29 facility or any public or private home for the aged or infirm,
30 including, without limitation, any Facility as defined in the
31 Life Care Facilities Act; (i) any public or private mental,
32 emotional or physical rehabilitation facility or any public or
33 private educational, counseling, or rehabilitation facility or
34 home, for those persons with a developmental disability, those
35 who are physically ill or disabled, the emotionally disturbed,
36 those persons with a mental illness or persons with learning or

1 similar disabilities or problems; (j) any public or private
2 alcohol, drug or substance abuse diagnosis, counseling
3 treatment or rehabilitation facility, (k) any public or private
4 institution, place, building or agency licensed by the
5 Department of Children and Family Services or which is not so
6 licensed but which the Director of Children and Family Services
7 attests provides child care, child welfare or other services of
8 the type provided by facilities subject to such licensure; (l)
9 any public or private adoption agency or facility; and (m) any
10 public or private blood bank or blood center. "Health facility"
11 also means a public or private structure or structures suitable
12 primarily for use as a laboratory, laundry, nurses or interns
13 residence or other housing or hotel facility used in whole or
14 in part for staff, employees or students and their families,
15 patients or relatives of patients admitted for treatment or
16 care in a health facility, or persons conducting business with
17 a health facility, physician's facility, surgicenter,
18 administration building, research facility, maintenance,
19 storage or utility facility and all structures or facilities
20 related to any of the foregoing or required or useful for the
21 operation of a health facility, including parking or other
22 facilities or other supporting service structures required or
23 useful for the orderly conduct of such health facility.

24 (k) The term "participating health institution" means a
25 private corporation or association or public entity of this
26 State, authorized by the laws of this State to provide or
27 operate a health facility as defined in this Act and which,
28 pursuant to the provisions of this Act, undertakes the
29 financing, construction or acquisition of a project or
30 undertakes the refunding or refinancing of obligations, loans,
31 indebtedness or advances as provided in this Act.

32 (l) The term "health facility project", means a specific
33 health facility work or improvement to be financed or
34 refinanced (including without limitation through reimbursement
35 of prior expenditures), acquired, constructed, enlarged,
36 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.

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

31 (r) The term "educational facility" means any property
32 located within the State constructed or acquired before or
33 after the effective date of this Act, which is or will be, in
34 whole or in part, suitable for the instruction, feeding,
35 recreation or housing of students, the conducting of research
36 or other work of a private institution of higher education, the

1 use by a private institution of higher education in connection
2 with any educational, research or related or incidental
3 activities then being or to be conducted by it, or any
4 combination of the foregoing, including, without limitation,
5 any such property suitable for use as or in connection with any
6 one or more of the following: an academic facility,
7 administrative facility, agricultural facility, assembly hall,
8 athletic facility, auditorium, boating facility, campus,
9 communication facility, computer facility, continuing
10 education facility, classroom, dining hall, dormitory,
11 exhibition hall, fire fighting facility, fire prevention
12 facility, food service and preparation facility, gymnasium,
13 greenhouse, health care facility, hospital, housing,
14 instructional facility, laboratory, library, maintenance
15 facility, medical facility, museum, offices, parking area,
16 physical education facility, recreational facility, research
17 facility, stadium, storage facility, student union, study
18 facility, theatre or utility. ~~An educational facility shall not
19 include any property used or to be used for sectarian
20 instruction or study or as a place for devotional activities or
21 religious worship nor any property which is used or to be used
22 primarily in connection with any part of the program of a
23 school or department of divinity for any religious
24 denomination.~~

25 (s) The term "cultural facility" means any property located
26 within the State constructed or acquired before or after the
27 effective date of this Act, which is or will be, in whole or in
28 part, suitable for the particular purposes or needs of a
29 cultural institution, including, without limitation, any such
30 property suitable for use as or in connection with any one or
31 more of the following: an administrative facility, aquarium,
32 assembly hall, auditorium, botanical garden, exhibition hall,
33 gallery, greenhouse, library, museum, scientific laboratory,
34 theater or zoological facility, and shall also include, without
35 limitation, books, works of art or music, animal, plant or
36 aquatic life or other items for display, exhibition or

1 performance. The term "cultural facility" includes buildings
2 on the National Register of Historic Places which are owned or
3 operated by nonprofit entities. ~~A cultural facility shall not
4 include any property used or to be used for sectarian
5 instruction or study or as a place for devotional activities or
6 religious worship nor any property which is used or to be used
7 primarily in connection with any part of the program of a
8 school or department of divinity for any religious
9 denomination.~~

10 (t) "Private institution of higher education" means a
11 not-for-profit educational institution which is not owned by
12 the State or any political subdivision, agency,
13 instrumentality, district or municipality thereof, which is
14 authorized by law to provide a program of education beyond the
15 high school level and which:

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

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

33 (3) Is accredited by a nationally recognized
34 accrediting agency or association or, if not so accredited,
35 is an institution whose credits are accepted, on transfer,
36 by not less than 3 institutions which are so accredited,

1 for credit on the same basis as if transferred from an
2 institution so accredited, and holds an unrevoked
3 certificate of approval under the Private College Act from
4 the Board of Higher Education, or is qualified as a "degree
5 granting institution" under the Academic Degree Act; and

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

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

23 (v) The term "cultural institution" means any
24 not-for-profit institution which is not owned by the State or
25 any political subdivision, agency, instrumentality, district
26 or municipality thereof, which institution engages in the
27 cultural, intellectual, scientific, educational or artistic
28 enrichment of the people of the State. Cultural institutions
29 include, without limitation, aquaria, botanical societies,
30 historical societies, libraries, museums, performing arts
31 associations or societies, scientific societies and zoological
32 societies. ~~Cultural institution does not include any~~
33 ~~institution primarily engaged in religious or sectarian~~
34 ~~activities.~~

35 (w) The term "affiliate" means, with respect to financing
36 of an agricultural facility or an agribusiness, any lender, any

1 person, firm or corporation controlled by, or under common
2 control with, such lender, and any person, firm or corporation
3 controlling such lender.

4 (x) The term "agricultural facility" means land, any
5 building or other improvement thereon or thereto, and any
6 personal properties deemed necessary or suitable for use,
7 whether or not now in existence, in farming, ranching, the
8 production of agricultural commodities (including, without
9 limitation, the products of aquaculture, hydroponics and
10 silviculture) or the treating, processing or storing of such
11 agricultural commodities when such activities are customarily
12 engaged in by farmers as a part of farming.

13 (y) The term "lender" with respect to financing of an
14 agricultural facility or an agribusiness, means any federal or
15 State chartered bank, Federal Land Bank, Production Credit
16 Association, Bank for Cooperatives, federal or State chartered
17 savings and loan association or building and loan association,
18 Small Business Investment Company or any other institution
19 qualified within this State to originate and service loans,
20 including, but without limitation to, insurance companies,
21 credit unions and mortgage loan companies. "Lender" also means
22 a wholly owned subsidiary of a manufacturer, seller or
23 distributor of goods or services that makes loans to businesses
24 or individuals, commonly known as a "captive finance company".

25 (z) The term "agribusiness" means any sole proprietorship,
26 limited partnership, co-partnership, joint venture,
27 corporation or cooperative which operates or will operate a
28 facility located within the State of Illinois that is related
29 to the processing of agricultural commodities (including,
30 without limitation, the products of aquaculture, hydroponics
31 and silviculture) or the manufacturing, production or
32 construction of agricultural buildings, structures, equipment,
33 implements, and supplies, or any other facilities or processes
34 used in agricultural production. Agribusiness includes but is
35 not limited to the following:

36 (1) grain handling and processing, including grain

1 storage, drying, treatment, conditioning, mailing and
2 packaging;

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

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

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

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

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

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

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

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

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

26 (11) facilities and equipment for processing and
27 packaging agricultural commodities specifically for
28 export;

29 (12) facilities and equipment for forestry product
30 processing and supplying, including sawmilling operations,
31 wood chip operations, timber harvesting operations, and
32 manufacturing of prefabricated buildings, paper, furniture
33 or other goods from forestry products;

34 (13) facilities and equipment for research and
35 development of products, processes and equipment for the
36 production, processing, preparation or packaging of

1 agricultural commodities and byproducts.

2 (aa) The term "asset" with respect to financing of any
3 agricultural facility or any agribusiness, means, but is not
4 limited to the following: cash crops or feed on hand; livestock
5 held for sale; breeding stock; marketable bonds and securities;
6 securities not readily marketable; accounts receivable; notes
7 receivable; cash invested in growing crops; net cash value of
8 life insurance; machinery and equipment; cars and trucks; farm
9 and other real estate including life estates and personal
10 residence; value of beneficial interests in trusts; government
11 payments or grants; and any other assets.

12 (bb) The term "liability" with respect to financing of any
13 agricultural facility or any agribusiness shall include, but
14 not be limited to the following: accounts payable; notes or
15 other indebtedness owed to any source; taxes; rent; amounts
16 owed on real estate contracts or real estate mortgages;
17 judgments; accrued interest payable; and any other liability.

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

20 (dd) The term "housing project" means a specific work or
21 improvement undertaken to provide residential dwelling
22 accommodations, including the acquisition, construction or
23 rehabilitation of lands, buildings and community facilities
24 and in connection therewith to provide nonhousing facilities
25 which are part of the housing project, including land,
26 buildings, improvements, equipment and all ancillary
27 facilities for use for offices, stores, retirement homes,
28 hotels, financial institutions, service, health care,
29 education, recreation or research establishments, or any other
30 commercial purpose which are or are to be related to a housing
31 development.

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

33 (20 ILCS 3501/801-25)

34 Sec. 801-25. All official acts of the Authority shall
35 require the approval of at least 8 members. All meetings of the

1 Authority and the Advisory Councils shall be conducted in
2 accordance with the Open Meetings Act. Eight members of the
3 Authority shall constitute a quorum. All meetings shall be
4 conducted at a single location within this State with a quorum
5 of members physically present at this location. Other members
6 who are not physically present at this location may participate
7 in the meeting and vote on all matters by means of a video or
8 audio conference ~~among members physically present at this~~
9 ~~location.~~ The Auditor General shall conduct financial audits
10 and program audits of the Authority, in accordance with the
11 Illinois State Auditing Act.

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

13 (20 ILCS 3501/845-5)

14 Sec. 845-5. The Authority may not have outstanding at any
15 one time bonds for any of its corporate purposes in an
16 aggregate principal amount exceeding \$24,000,000,000
17 ~~\$23,000,000,000~~, excluding bonds issued to refund the bonds of
18 the Authority or bonds of the Predecessor Authorities.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.