



Rep. William B. Black

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1 AMENDMENT TO SENATE BILL 1906

2 AMENDMENT NO. _____. Amend Senate Bill 1906, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Finance Authority Act is amended
6 by changing Sections 825-65, 825-70, 825-75, and 830-25 as
7 follows:

8 (20 ILCS 3501/825-65)

9 Sec. 825-65. Clean Coal, Coal, and Renewable Energy Project
10 Financing.

11 (a) Findings and declaration of policy.

12 (i) It is hereby found and declared that Illinois has
13 abundant coal resources and, in some areas of Illinois, the
14 demand for power exceeds the generating capacity.
15 Incentives to encourage the construction of coal-fueled
16 ~~coal-fired~~ electric generating plants in Illinois to

1 ensure power generating capacity into the future and to
2 advance clean coal technology and the use of Illinois coal
3 are in the best interests of all of the citizens of
4 Illinois.

5 (ii) It is further found and declared that Illinois has
6 abundant potential and resources to develop renewable
7 energy resource projects. The development of those
8 projects will create jobs and investment as well as
9 decrease environmental impacts and promote energy
10 independence in Illinois. Accordingly, the development of
11 those projects is in the best interests of all of the
12 citizens of Illinois.

13 (iii) The Authority is authorized to issue bonds to
14 help finance Clean Coal, Coal, and Renewable Energy
15 projects pursuant to this Section.

16 (b) Definitions. ~~Definition.~~

17 (i) "Clean Coal Project and Energy projects" means (A)
18 "clean coal facility", as defined in Section 1-10 of the
19 Illinois Power Agency Act; (B) "clean coal SNG facility",
20 as defined in Section 1-10 of the Illinois Power Agency
21 Act; (C) transmission lines and associated equipment that
22 transfer electricity from points of supply to points of
23 delivery for projects described in this subsection (b); (D)
24 pipelines or other methods to transfer carbon dioxide from
25 the point of production to the point of storage or
26 sequestration for projects described in this subsection

1 (b); or (E) projects to provide carbon abatement technology
2 for existing generating facilities.

3 (ii) "Coal Project" means new electric generating
4 facilities or new gasification facilities, as defined in
5 Section 605-332 of the Department of Commerce and Economic
6 Opportunity Law of the Civil Administrative Code of
7 Illinois, which may include mine-mouth power plants,
8 projects that employ the use of clean coal technology,
9 projects to provide scrubber technology for existing
10 energy generating plants, or projects to provide electric
11 transmission facilities or new gasification facilities.

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

1 (c) Creation of reserve funds. The Authority may establish
2 and maintain one or more reserve funds to enhance bonds issued
3 by the Authority for a Clean Coal Project, a Coal Project, or a
4 Renewable and Energy Project projects. There may be one or more
5 accounts in these reserve funds in which there may be
6 deposited:

7 (1) any proceeds of the bonds issued by the Authority
8 required to be deposited therein by the terms of any
9 contract between the Authority and its bondholders or any
10 resolution of the Authority;

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

13 (3) any other moneys or funds made available to the
14 Authority. Subject to the terms of any pledge to the owners
15 of any bonds, moneys in any reserve fund may be held and
16 applied to the payment of principal, premium, if any, and
17 interest of such bonds.

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

19 (1) To issue bonds in one or more series pursuant to
20 one or more resolutions of the Authority for any Clean Coal
21 Project, Coal Project, or Renewable and Energy Project
22 projects authorized under this Section, within the
23 authorization set forth in subsection ~~subsections~~ (e) ~~and~~
24 ~~(f)~~.

25 (2) To provide for the funding of any reserves or other
26 funds or accounts deemed necessary by the Authority in

1 connection with any bonds issued by the Authority.

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

7 (4) To enter into agreements or contracts with third
8 parties, whether public or private, including, without
9 limitation, the United States of America, the State or any
10 department or agency thereof, to obtain any
11 appropriations, grants, loans or guarantees that are
12 deemed necessary or desirable by the Authority. Any such
13 guarantee, agreement or contract may contain terms and
14 provisions necessary or desirable in connection with the
15 program, subject to the requirements established by the
16 Act.

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

19 (e) Clean Coal Project, Coal Project, and Renewable Energy
20 Project bond authorization and financing limits. In addition to
21 any other bonds authorized to be issued under Sections
22 801-40(w), 825-60, 830-25 and 845-5, the Authority may have
23 outstanding, at any time, bonds for the purpose enumerated in
24 this Section 825-65 in an aggregate principal amount that shall
25 not exceed \$3,000,000,000 ~~\$2,700,000,000~~, subject to the
26 following limitations: (i) up to ~~of which no more than~~

1 \$300,000,000 may be issued to finance projects, as described in
2 clause (C) of subsection (b)(i) and clause (C) of subsection
3 (b)(iii) of this Section 825-65; (ii) up to ~~transmission~~
4 ~~facilities, no more than~~ \$500,000,000 may be issued to finance
5 projects, as described in clauses (D) and (E) of subsection
6 (b)(i) of this Section 825-65; (iii) up to \$2,000,000,000
7 ~~scrubbers at existing generating plants, no more than~~
8 ~~\$500,000,000~~ may be issued to finance Clean Coal Projects, as
9 described in clauses (A) and (B) of subsection (b)(i) of this
10 Section 825-65 and Coal Projects, as described in subsection
11 (b)(ii) of this Section 825-65; and (iv) up to \$2,000,000,000
12 may be issued to finance Renewable Energy Projects, as
13 described in clauses (A), (B), and (D) of subsection (b)(iii)
14 of this Section 825-65 ~~alternative energy sources, including~~
15 ~~renewable energy projects and no more than \$1,400,000,000 may~~
16 ~~be issued to finance new electric generating facilities or new~~
17 ~~gasification facilities, as defined in Section 605-332 of the~~
18 ~~Department of Commerce and Economic Opportunity Law of the~~
19 ~~Civil Administrative Code of Illinois.~~ An application for a
20 loan financed from bond proceeds from a borrower or its
21 affiliates for a Clean Coal Project, a Coal Project, or a
22 Renewable and Energy Project ~~project~~ may not be approved by the
23 Authority for an amount in excess of \$450,000,000 for any
24 borrower or its affiliates. These bonds shall not constitute an
25 indebtedness or obligation of the State of Illinois and it
26 shall be plainly stated on the face of each bond that it does

1 not constitute an indebtedness or obligation of the State of
2 Illinois, but is payable solely from the revenues, income or
3 other assets of the Authority pledged therefor.

4 (f) The bonding authority granted under this Section is in
5 addition to and not limited by the provisions of Section 845-5.
6 ~~Additional Clean Coal and Energy bond authorization and~~
7 ~~financing limits. In addition to any other bonds authorized to~~
8 ~~be issued under this Act, the Authority may issue bonds for the~~
9 ~~purpose enumerated in this Section 825-65 in an aggregate~~
10 ~~principal amount that shall not exceed \$300,000,000.~~

11 (Source: P.A. 95-470, eff. 8-27-07.)

12 (20 ILCS 3501/825-70)

13 Sec. 825-70. Criteria for participation in the program.
14 Applications to the Authority for financing of any Clean Coal,
15 Coal, or Renewable and Energy Project project shall be reviewed
16 by the Authority. Upon submission of any such application, the
17 Authority staff shall review the application for its
18 completeness and may, at the discretion of the Authority staff,
19 request such additional information as it deems necessary or
20 advisable to aid in review. If the Authority receives
21 applications for financing for Clean Coal, Coal, or and
22 Renewable Energy Projects projects in excess of the bond
23 authorization available for such financing at any one time, it
24 shall consider applications in the order of priority as it
25 shall determine, in consultation with other State agencies, and

1 consistent with State policy to promote environmentally
2 preferable technology and energy independence.

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

4 (20 ILCS 3501/825-75)

5 Sec. 825-75. Additional Security. In the event that the
6 Authority determines that monies of the Authority will not be
7 sufficient for the payment of the principal of and interest on
8 any bonds issued by the Authority under Sections 825-65 through
9 825-75 of this Act for Clean Coal Projects, Coal Projects, or
10 Renewable Energy Projects ~~new electric generating facilities~~
11 ~~or new gasification facilities~~ during the next State fiscal
12 year, the Chairperson, as soon as practicable, shall certify to
13 the Governor the amount required by the Authority to enable it
14 to pay such principal, premium, if any, and interest on such
15 bonds. The Governor shall submit the amount so certified to the
16 General Assembly as soon as practicable, but no later than the
17 end of the current State fiscal year. This subsection shall
18 apply to any bonds or notes as to which the Authority shall
19 have determined, in the resolution authorizing the issuance of
20 the bonds or notes, that this subsection shall apply. Whenever
21 the Authority makes such a determination, that fact shall be
22 plainly stated on the face of the bonds or notes and that fact
23 should also be reported to the Governor. In the event of a
24 withdrawal of moneys from a reserve fund established with
25 respect to any issue or issues of bonds of the Authority to pay

1 principal, premium, if any, and interest on such bonds, the
2 Chairman of the Authority, as soon as practicable, shall
3 certify to the Governor the amount required to restore the
4 reserve fund to the level required in the resolution or
5 indenture securing those bonds. The Governor shall submit the
6 amount so certified to the General Assembly as soon as
7 practicable, but no later than the end of the current State
8 fiscal year. The Authority shall obtain written approval from
9 the Governor for any bonds and notes to be issued under this
10 Section.

11 (Source: P.A. 95-470, eff. 8-27-07.)

12 (20 ILCS 3501/830-25)

13 Sec. 830-25. Bonded indebtedness limitation. The Authority
14 shall not have outstanding at any one time State Guarantees
15 under Section 830-30 in an aggregate principal amount exceeding
16 \$160,000,000. The Authority shall not have outstanding at any
17 one time State Guarantees under Sections 830-35, 830-45 and
18 830-50 in an aggregate principal amount exceeding \$225,000,000
19 ~~\$75,000,000~~. The Guarantees in this Section may be used to
20 support Renewable Energy Projects as described in clauses (A)
21 and (B) of subsection (b) (iii) of Section 825-65 of this Act.

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