

1 AN ACT in relation to State finances.

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

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
22 shortfall.

23 (b) Establish application, notification, contract, and
24 other procedures, rules, or regulations deemed necessary and
25 appropriate.

26 (c) Subject to the provisions of any contract with
27 another person and consent to the modification or
28 restructuring of any loan agreement to which the Department
29 is a party.

30 (d) Take any actions that are necessary or appropriate

1 to protect the State's interest in the event of bankruptcy,
2 default, foreclosure, or noncompliance with the terms and
3 conditions of financial assistance or participation provided
4 under this Act, including the power to sell, dispose of,
5 lease, or rent, upon terms and conditions determined by the
6 Director to be appropriate, real or personal property that
7 the Department may receive as a result thereof.

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

10 Section 15. Loans.

11 (a) Loans made under this Act shall be approved for
12 amounts from the Fund for Illinois' Future not to exceed
13 \$10,000,000 for any single project.

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

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

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

23 (e) Loans made under this Act shall be made only after
24 the Department has determined that the business is
25 experiencing a short term cash shortfall and will downsize,
26 close, or file for bankruptcy if an infusion of operating
27 cash in the form of a short term loan is not secured.

28 (f) All receipts, including principal payments,
29 royalties, or other payments, paid to the Department as a
30 result of this Act, including proceeds from the sale,
31 disposal, lease, or rental of real or personal property that
32 the Department may receive as a result of a default or
33 delinquency, shall be deposited into the Fund for Illinois'

1 Future.

2 (g) Loans made under this Act shall be no-interest
3 loans.

4 Section 20. Loan applications. Applications for loans
5 shall be submitted to the Department within one year after
6 the effective date of this Act on forms prescribed by the
7 Department. The Department shall conduct such investigation
8 and obtain such information concerning the business as is
9 necessary and diligent to complete a loan agreement. The
10 Department's investigation shall include facts about the
11 company's history, job opportunities, stability of
12 employment, past and present condition and structure, actual
13 and pro-forma income statements, present and future market
14 prospects and management qualifications, and any other
15 aspects material to the financing request.

16 After consideration of such data and after such other
17 action as is deemed appropriate, the Department shall approve
18 or deny the application. If the Department approves the
19 application, its approval shall specify the amount of funds
20 to be provided and the loan agreement provisions. The
21 business shall be promptly notified of such action by the
22 Department.

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

25 (30 ILCS 105/6z-47)

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

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

29 (b) Upon the effective date of this amendatory Act of
30 the 91st General Assembly, or as soon as possible thereafter,
31 the Comptroller shall order transferred and the Treasurer

1 shall transfer \$260,000,000 from the General Revenue Fund to
2 the Fund for Illinois' Future.

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

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

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

22 Any amounts appropriated from the Fund for Illinois'
23 Future also may be used for loans under the Illinois Large
24 Business Operational Assistance Act.

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

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.