



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by William J. Grunloh

SYNOPSIS AS INTRODUCED:

New Act

Creates the Southern Illinois Economic Development Authority Act. Creates the Southern Illinois Economic Development Authority in certain counties in order to promote economic development within those counties. Contains provisions concerning the powers and duties of the Authority. Allows the Authority to acquire, own, sell, lease, or otherwise dispose of interests in real property and to issue bonds, notes, or other evidences of indebtedness for certain purposes in an aggregate amount not to exceed \$250,000,000. Provides that the Authority shall be governed by a 15-member board. Contains other provisions. Effective immediately.

LRB093 21166 MKM 47240 b

FISCAL NOTE ACT
MAY APPLY

STATE DEBT
IMPACT NOTE ACT
MAY APPLY

1 AN ACT creating the Southern Illinois Economic Development
2 Authority.

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

5 Section 5. Short title. This Act may be cited as the
6 Southern Illinois Economic Development Authority Act.

7 Section 10. Findings. The General Assembly determines and
8 declares the following:

9 (1) that labor surplus areas currently exist in southern
10 Illinois;

11 (2) that the economic burdens resulting from involuntary
12 unemployment fall, in part, upon the State in the form of
13 increased need for public assistance and reduced tax revenues
14 and, in the event that the unemployed worker and his or her
15 family migrate elsewhere to find work, the burden may also fall
16 upon the municipalities and other taxing districts within the
17 areas of unemployment in the form of reduced tax revenues,
18 thereby endangering their financial ability to support
19 necessary governmental services for their remaining
20 inhabitants;

21 (3) that the State has a responsibility to help create a
22 favorable climate for new and improved job opportunities for
23 its citizens by encouraging the development of commercial and
24 service businesses and industrial and manufacturing plants
25 within the southern region of Illinois;

26 (4) that a lack of decent housing contributes to urban
27 blight, crime, anti-social behavior, disease, a higher need for
28 public assistance, reduced tax revenues, and the migration of
29 workers and their families away from areas which fail to offer
30 adequate, decent, and affordable housing;

31 (5) that decent, affordable housing is a necessary
32 ingredient of life affording each citizen basic human dignity,

1 a sense of self-worth, confidence, and a firm foundation upon
2 which to build a family and educate children;

3 (6) that in order to foster civic and neighborhood pride,
4 citizens require access to educational institutions,
5 recreation, parks and open spaces, entertainment, sports, a
6 reliable transportation network, cultural facilities, and
7 theaters; and

8 (7) that the main purpose of this Act is to promote
9 industrial, commercial, residential, service, transportation,
10 and recreational activities and facilities, thereby reducing
11 the evils attendant upon unemployment and enhancing the public
12 health, safety, morals, happiness, and general welfare of the
13 State.

14 Section 15. Definitions. In this Act:

15 "Authority" means the Southern Illinois Economic
16 Development Authority.

17 "Governmental agency" means any federal, State, or local
18 governmental body and any agency or instrumentality thereof,
19 corporate or otherwise.

20 "Person" means any natural person, firm, partnership,
21 corporation, both domestic and foreign, company, association
22 or joint stock association and includes any trustee, receiver,
23 assignee, or personal representative thereof.

24 "Revenue bond" means any bond issued by the Authority, the
25 principal and interest of which is payable solely from revenues
26 or income derived from any project or activity of the
27 Authority.

28 "Board" means the Board of Directors of the Southern
29 Illinois Economic Development Authority.

30 "Governor" means the Governor of the State of Illinois.

31 "City" means any city, village, incorporated town, or
32 township within the geographical territory of the Authority.

33 "Industrial project" means the following:

34 (1) a capital project, including one or more buildings and
35 other structures, improvements, machinery, and equipment,

1 whether or not on the same site or sites now existing or
2 hereafter acquired, suitable for use by any manufacturing,
3 industrial, research, transportation, or commercial enterprise
4 including but not limited to use as a factory, mill, processing
5 plant, assembly plant, packaging plant, fabricating plant,
6 ethanol plant, office building, industrial distribution
7 center, warehouse, repair, overhaul, or service facility,
8 freight terminal, research facility, test facility, railroad
9 facility, solid waste and wastewater treatment and disposal
10 sites and other pollution control facilities, resource or waste
11 reduction, recovery, treatment, and disposal facilities, and
12 including also the sites thereof and other rights in land
13 therefore whether improved or unimproved, site preparation and
14 landscaping and all appurtenances and facilities incidental
15 thereto such as utilities, access roads, railroad sidings,
16 truck docking and similar facilities, parking facilities,
17 dockage, wharfage, railroad roadbed, track, trestle, depot,
18 terminal, switching and signaling equipment or related
19 equipment and other improvements necessary or convenient
20 thereto; or

21 (2) any land, buildings, machinery, or equipment
22 comprising an addition to or renovation, rehabilitation, or
23 improvement of any existing capital project.

24 "Commercial project" means any project, including, but not
25 limited to, one or more buildings and other structures,
26 improvements, machinery, and equipment, whether or not on the
27 same site or sites now existing or hereafter acquired, suitable
28 for use by any retail or wholesale concern, distributorship, or
29 agency.

30 "Project" means an industrial, housing, residential,
31 commercial, or service project, or any combination thereof,
32 provided that all uses fall within one of the categories
33 described above. Any project automatically includes all site
34 improvements and new construction involving sidewalks, sewers,
35 solid waste and wastewater treatment and disposal sites and
36 other pollution control facilities, resource or waste

1 reduction, recovery, treatment, and disposal facilities,
2 parks, open spaces, wildlife sanctuaries, streets, highways,
3 and runways.

4 "Lease agreement" means an agreement in which a project
5 acquired by the Authority by purchase, gift, or lease is leased
6 to any person or corporation that will use, or cause the
7 project to be used, as a project, upon terms providing for
8 lease rental payments at least sufficient to pay, when due, all
9 principal of and interest and premium, if any, on any bonds,
10 notes, or other evidences of indebtedness of the Authority,
11 issued with respect to the project, providing for the
12 maintenance, insurance, and operation of the project on terms
13 satisfactory to the Authority and providing for disposition of
14 the project upon termination of the lease term, including
15 purchase options or abandonment of the premises, with other
16 terms as may be deemed desirable by the Authority.

17 "Loan agreement" means any agreement in which the Authority
18 agrees to loan the proceeds of its bonds, notes, or other
19 evidences of indebtedness, issued with respect to a project, to
20 any person or corporation that will use or cause the project to
21 be used as a project, upon terms providing for loan repayment
22 installments at least sufficient to pay, when due, all
23 principal of and interest and premium, if any, on any bonds,
24 notes, or other evidences of indebtedness of the Authority
25 issued with respect to the project, providing for maintenance,
26 insurance, and operation of the project on terms satisfactory
27 to the Authority and providing for other terms deemed advisable
28 by the Authority.

29 "Financial aid" means the expenditure of Authority funds or
30 funds provided by the Authority for the development,
31 construction, acquisition, or improvement of a project,
32 through the issuance of revenue bonds, notes, or other
33 evidences of indebtedness.

34 "Costs incurred in connection with the development,
35 construction, acquisition, or improvement of a project" means
36 the following:

1 (1) the cost of purchase and construction of all lands and
2 improvements in connection therewith and equipment and other
3 property, rights, easements, and franchises acquired which are
4 deemed necessary for the construction;

5 (2) financing charges;

6 (3) interest costs with respect to bonds, notes, and other
7 evidences of indebtedness of the Authority prior to and during
8 construction and for a period of 6 months thereafter;

9 (4) engineering and legal expenses; and

10 (5) the costs of plans, specifications, surveys, and
11 estimates of costs and other expenses necessary or incident to
12 determining the feasibility or practicability of any project,
13 together with such other expenses as may be necessary or
14 incident to the financing, insuring, acquisition, and
15 construction of a specific project and the placing of the same
16 in operation.

17 Section 20. Creation.

18 (a) There is created a political subdivision, body politic,
19 and municipal corporation named the Southern Illinois Economic
20 Development Authority. The territorial jurisdiction of the
21 Authority is that geographic area within the boundaries of the
22 following counties: Clinton, Marion, Clay, Jasper, Crawford,
23 Monroe, Washington, Jefferson, Wayne, Richland, Lawrence,
24 Jefferson, Edwards, Wabash, Randolph, Perry, Franklin,
25 Hamilton, White, Jackson, Franklin, Hamilton, White, Saline,
26 Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski,
27 Effingham, Fayette, Bond, Cumberland, Clark, and Massac and any
28 navigable waters and air space located therein.

29 (b) The governing and administrative powers of the
30 Authority shall be vested in a body consisting of 15 members as
31 follows:

32 (1) Ex officio members. The Director of Commerce and
33 Economic Opportunity, or a designee of that Department, and
34 the Director of Central Management Services, or a designee
35 of that Department, shall serve as ex officio members.

1 (2) Public members. Five members shall be appointed by
2 the Governor with the advice and consent of the Senate. One
3 member shall be appointed to represent each representative
4 district within the territorial jurisdiction of the
5 Authority. The county board chairmen of all counties within
6 the representative district shall approve and appoint, by
7 majority vote, one member to represent that representative
8 district. If a county lies within 2 or more representative
9 districts, the county board chairman of that county shall
10 vote with the district that includes the greatest
11 population of county residents. All public members shall
12 reside within the territorial jurisdiction of the
13 Authority. The public members shall be persons of
14 recognized ability and experience in one or more of the
15 following areas: economic development, finance, banking,
16 industrial development, state or local government,
17 commercial agriculture, small business management, real
18 estate development, community development, venture
19 finance, organized labor, or civic or community
20 organization.

21 (c) Eight members shall constitute a quorum.

22 (d) The chairman of the Authority shall be elected annually
23 by the Board from among the 8 members appointed by the county
24 board chairmen.

25 (e) The terms of all initial members of the Authority shall
26 begin 30 days after the effective date of this Act. Vacancies
27 occurring among the public members shall be filled for the
28 remainder of the term. In case of vacancy in a
29 Governor-appointed membership when the Senate is not in
30 session, the Governor may make a temporary appointment until
31 the next meeting of the Senate when a person shall be nominated
32 to fill the office and, upon confirmation by the Senate, he or
33 she shall hold office during the remainder of the term and
34 until a successor is appointed and qualified. Members of the
35 Authority are not entitled to compensation for their services
36 as members but are entitled to reimbursement for all necessary

1 expenses incurred in connection with the performance of their
2 duties as members.

3 (f) The Governor may remove any public member of the
4 Authority in case of incompetence, neglect of duty, or
5 malfeasance in office. Any member appointed to represent a
6 representative district may, in the case of incompetence,
7 neglect of duty, or malfeasance in office, be removed by
8 majority vote of the county board chairmen who appointed that
9 member.

10 (g) The Board shall appoint an Executive Director who shall
11 have a background in finance, including familiarity with the
12 legal and procedural requirements of issuing bonds, real
13 estate, or economic development and administration. The
14 Executive Director shall hold office at the discretion of the
15 Board. The Executive Director shall be the chief administrative
16 and operational officer of the Authority, shall direct and
17 supervise its administrative affairs and general management,
18 perform such other duties as may be prescribed from time to
19 time by the members, and receive compensation fixed by the
20 Authority. The Department of Commerce and Economic Opportunity
21 shall pay the compensation of the Executive Director from
22 appropriations received for that purpose. The Executive
23 Director shall attend all meetings of the Authority. However,
24 no action of the Authority shall be invalid on account of the
25 absence of the Executive Director from a meeting. The Authority
26 may engage the services of other agents and employees,
27 including attorneys, appraisers, engineers, accountants,
28 credit analysts, and other consultants, if the Authority deems
29 it advisable, and may prescribe their duties and fix their
30 compensation.

31 (h) The Board may, by majority vote, nominate up to 4
32 non-voting members for appointment by the Governor. Non-voting
33 members shall be persons of recognized ability and experience
34 in one or more of the following areas: economic development,
35 finance, banking, industrial development, small business
36 management, real estate development, community development,

1 venture finance, organized labor, or civic, community, or
2 neighborhood organization. Non-voting members shall serve at
3 the pleasure of the Board. All non-voting members may attend
4 meetings of the Board and shall be reimbursed as provided in
5 subsection (e).

6 (i) The Board shall create a task force to study and make
7 recommendations to the Board on the economic development of the
8 territory within the jurisdiction of the Authority. The members
9 of the task force shall reside within the territorial
10 jurisdiction of the Authority, shall serve at the pleasure of
11 the Board, and shall be persons of recognized ability and
12 experience in one or more of the following areas: economic
13 development, finance, banking, industrial development, small
14 business management, real estate development, commercial
15 agriculture, community development, venture finance, organized
16 labor, or civic or community organization. The number of
17 members constituting the task force shall be set by the Board
18 and may vary from time to time. The Board may set a specific
19 date by which the task force is to submit its final report and
20 recommendations to the Board.

21 Section 25. Duty. All official acts of the Authority shall
22 require the approval of at least 8 members. It shall be the
23 duty of the Authority to promote development within the
24 territorial jurisdiction of the Authority. The Authority shall
25 use the powers conferred upon it to assist in the development,
26 construction, and acquisition of industrial, commercial,
27 housing, or residential projects within those counties.

28 Section 30. Powers.

29 (a) The Authority possesses all the powers of a body
30 corporate necessary and convenient to accomplish the purposes
31 of this Act, including, without any intended limitation upon
32 the general powers hereby conferred, the following powers:

33 (1) to enter into loans, contracts, agreements, and
34 mortgages in any matter connected with any of its corporate

1 purposes and to invest its funds;

2 (2) to sue and be sued;

3 (3) to employ agents and employees necessary to carry
4 out its purposes;

5 (4) to have and use a common seal and to alter the seal
6 at its discretion;

7 (5) to adopt all needful ordinances, resolutions,
8 bylaws, rules, and regulations for the conduct of its
9 business and affairs and for the management and use of the
10 projects developed, constructed, acquired, and improved in
11 furtherance of its purposes;

12 (6) to designate the fiscal year for the Authority;

13 (7) to accept and expend appropriations;

14 (8) to acquire, own, lease, sell, or otherwise dispose
15 of interests in and to real property and improvements
16 situated on that real property and in personal property
17 necessary to fulfill the purposes of the Authority;

18 (9) to engage in any activity or operation which is
19 incidental to and in furtherance of efficient operation to
20 accomplish the Authority's primary purpose;

21 (10) to acquire, own, construct, lease, operate, and
22 maintain bridges, terminals, terminal facilities, and port
23 facilities and to fix and collect just, reasonable, and
24 nondiscriminatory charges for the use of those facilities.
25 These charges shall be used to defray the reasonable
26 expenses of the Authority and to pay the principal and
27 interest of any revenue bonds issued by the Authority;

28 (11) subject to any applicable condition imposed by
29 this Act, to locate, establish, and maintain public
30 airports and public airport facilities within its
31 corporate limits or within or upon any body of water
32 adjacent thereto and to construct, develop, expand,
33 extend, and improve any such airport or airport facility;
34 and

35 (12) to have and exercise all powers and be subject to
36 all duties usually incident to boards of directors of

1 corporations.

2 (b) The Authority shall not issue any bonds relating to the
3 financing of a project located within the planning and
4 subdivision control jurisdiction of any municipality or county
5 unless: (i) notice, including a description of the proposed
6 project and the financing for that project, is submitted to the
7 corporate authorities of the municipality or, in the case of a
8 proposed project in an unincorporated area, to the county board
9 and (ii) the corporate authorities of the municipality do not,
10 or the county board does not, adopt a resolution disapproving
11 the project within 45 days after receipt of the notice.

12 (c) If any of the powers set forth in this Act are
13 exercised within the jurisdictional limits of any
14 municipality, all ordinances of the municipality remain in full
15 force and effect and are controlling.

16 Section 35. Tax avoidance. Notwithstanding any other
17 provision of law, the Authority shall not enter into any
18 agreement providing for the purchase and lease of tangible
19 personal property which results in the avoidance of taxation
20 under the Retailers' Occupation Tax Act, the Use Tax Act, the
21 Service Use Tax Act, or the Service Occupation Tax Act, without
22 the prior written consent of the Governor.

23 Section 40. Bonds.

24 (a) The Authority, with the written approval of the
25 Governor, shall have the continuing power to issue bonds,
26 notes, or other evidences of indebtedness in an aggregate
27 amount not to exceed \$250,000,000 for the following purposes:
28 (i) development, construction, acquisition, or improvement of
29 projects, including those established by business entities
30 locating or expanding property within the territorial
31 jurisdiction of the Authority; (ii) entering into venture
32 capital agreements with businesses locating or expanding
33 within the territorial jurisdiction of the Authority; (iii)
34 acquisition and improvement of any property necessary and

1 useful in connection therewith; and (iv) for the purposes of
2 the Employee Ownership Assistance Act. For the purpose of
3 evidencing the obligations of the Authority to repay any money
4 borrowed, the Authority may, pursuant to resolution, from time
5 to time, issue and dispose of its interest-bearing revenue
6 bonds, notes, or other evidences of indebtedness and may also
7 from time to time issue and dispose of such bonds, notes, or
8 other evidences of indebtedness to refund, at maturity, at a
9 redemption date or in advance of either, any bonds, notes, or
10 other evidences of indebtedness pursuant to redemption
11 provisions or at any time before maturity. All such bonds,
12 notes, or other evidences of indebtedness shall be payable
13 solely and only from the revenues or income to be derived from
14 loans made with respect to projects, from the leasing or sale
15 of the projects, or from any other funds available to the
16 Authority for such purposes. The bonds, notes, or other
17 evidences of indebtedness may bear such date or dates, may
18 mature at such time or times not exceeding 40 years from their
19 respective dates, may bear interest at such rate or rates not
20 exceeding the maximum rate permitted by the Bond Authorization
21 Act, may be in such form, may carry such registration
22 privileges, may be executed in such manner, may be payable at
23 such place or places, may be made subject to redemption in such
24 manner and upon such terms, with or without premium, as is
25 stated on the face thereof, may be authenticated in such manner
26 and may contain such terms and covenants as may be provided by
27 an applicable resolution.

28 (b) The holder or holders of any bonds, notes, or other
29 evidences of indebtedness issued by the Authority may bring
30 suits at law or proceedings in equity to compel the performance
31 and observance by any corporation or person or by the Authority
32 or any of its agents or employees of any contract or covenant
33 made with the holders of the bonds, notes, or other evidences
34 of indebtedness, to compel such corporation, person, the
35 Authority, and any of its agents or employees to perform any
36 duties required to be performed for the benefit of the holders

1 of the bonds, notes, or other evidences of indebtedness by the
2 provision of the resolution authorizing their issuance and to
3 enjoin the corporation, person, the Authority, and any of its
4 agents or employees from taking any action in conflict with any
5 contract or covenant.

6 (c) If the Authority fails to pay the principal of or
7 interest on any of the bonds or premium, if any, as the bond
8 becomes due, a civil action to compel payment may be instituted
9 in the appropriate circuit court by the holder or holders of
10 the bonds on which the default of payment exists or by an
11 indenture trustee acting on behalf of the holders. Delivery of
12 a summons and a copy of the complaint to the chairman of the
13 Board shall constitute sufficient service to give the circuit
14 court jurisdiction over the subject matter of the suit and
15 jurisdiction over the Authority and its officers named as
16 defendants for the purpose of compelling such payment. Any
17 case, controversy, or cause of action concerning the validity
18 of this Act relates to the revenue of the State of Illinois.

19 (d) Notwithstanding the form and tenor of any bond, note,
20 or other evidence of indebtedness and in the absence of any
21 express recital on its face that it is non-negotiable, all such
22 bonds, notes, and other evidences of indebtedness shall be
23 negotiable instruments. Pending the preparation and execution
24 of any bonds, notes, or other evidences of indebtedness,
25 temporary bonds, notes, or evidences of indebtedness may be
26 issued as provided by ordinance.

27 (e) To secure the payment of any or all of such bonds,
28 notes, or other evidences of indebtedness, the revenues to be
29 received by the Authority from a lease agreement or loan
30 agreement shall be pledged, and, for the purpose of setting
31 forth the covenants and undertakings of the Authority in
32 connection with the issuance of the bonds, notes, or other
33 evidences of indebtedness and the issuance of any additional
34 bonds, notes or other evidences of indebtedness payable from
35 such revenues, income, or other funds to be derived from
36 projects, the Authority may execute and deliver a mortgage or

1 trust agreement. A remedy for any breach or default of the
2 terms of any mortgage or trust agreement by the Authority may
3 be by mandamus proceeding in the appropriate circuit court to
4 compel performance and compliance under the terms of the
5 mortgage or trust agreement, but the trust agreement may
6 prescribe by whom or on whose behalf the action may be
7 instituted.

8 (f) Bonds or notes shall be secured as provided in the
9 authorizing ordinance which may include, notwithstanding any
10 other provision of this Act, in addition to any other security,
11 a specific pledge, assignment of and lien on, or security
12 interest in any or all revenues or money of the Authority, from
13 whatever source, which may, by law, be used for debt service
14 purposes and a specific pledge, or assignment of and lien on,
15 or security interest in any funds or accounts established or
16 provided for by ordinance of the Authority authorizing the
17 issuance of the bonds or notes.

18 (g) In the event that the Authority determines that moneys
19 of the Authority will not be sufficient for the payment of the
20 principal of and interest on its bonds during the next State
21 fiscal year, the chairman, as soon as practicable, shall
22 certify to the Governor the amount required by the Authority to
23 enable it to pay the principal of and interest on the bonds.
24 The Governor shall submit the certified amount to the General
25 Assembly as soon as practicable, but no later than the end of
26 the current State fiscal year. This Section shall not apply to
27 any bonds or notes to which the Authority determines, in the
28 resolution authorizing the issuance of the bonds or notes, that
29 this Section shall not apply. Whenever the Authority makes this
30 determination, it shall be plainly stated on the face of the
31 bonds or notes and the determination shall also be reported to
32 the Governor. In the event of a withdrawal of moneys from a
33 reserve fund established with respect to any issue or issues of
34 bonds of the Authority to pay principal or interest on those
35 bonds, the chairman of the Authority, as soon as practicable,
36 shall certify to the Governor the amount required to restore

1 the reserve fund to the level required in the resolution or
2 indenture securing those bonds. The Governor shall submit the
3 certified amount to the General Assembly as soon as
4 practicable, but no later than the end of the current State
5 fiscal year.

6 (h) The State of Illinois pledges to and agrees with the
7 holders of the bonds and notes of the Authority issued pursuant
8 to this Section that the State will not limit or alter the
9 rights and powers vested in the Authority by this Act so as to
10 impair the terms of any contract made by the Authority with the
11 holders of bonds or notes or in any way impair the rights and
12 remedies of those holders until the bonds and notes, together
13 with interest thereon, with interest on any unpaid installments
14 of interest, and all costs and expenses in connection with any
15 action or proceedings by or on behalf of the holders, are fully
16 met and discharged. In addition, the State pledges to and
17 agrees with the holders of the bonds and notes of the Authority
18 issued pursuant to this Section that the State will not limit
19 or alter the basis on which State funds are to be paid to the
20 Authority as provided in this Act, or the use of such funds, so
21 as to impair the terms of any such contract. The Authority is
22 authorized to include these pledges and agreements of the State
23 in any contract with the holders of bonds or notes issued
24 pursuant to this Section.

25 (i) Not less than 30 days prior to the commitment to issue
26 bonds, notes, or other evidences of indebtedness for the
27 purpose of developing, constructing, acquiring, or improving
28 housing or residential projects, as defined in this Act, the
29 Authority shall provide notice to the Executive Director of the
30 Illinois Housing Development Authority. Within 30 days after
31 the notice is provided, the Illinois Housing Development
32 Authority shall, in writing, either express interest in
33 financing the project or notify the Authority that it is not
34 interested in providing financing and that the Authority may
35 finance the project or seek alternative financing.

1 Section 45. Bonds and notes; exemption from taxation. The
2 creation of the Authority is in all respects for the benefit of
3 the people of Illinois and for the improvement of their health,
4 safety, welfare, comfort, and security, and its purposes are
5 public purposes. In consideration thereof, the notes and bonds
6 of the Authority issued pursuant to this Act and the income
7 from these notes and bonds may be free from all taxation by the
8 State or its political subdivisions, exempt for estate,
9 transfer, and inheritance taxes. The exemption from taxation
10 provided by the preceding sentence shall apply to the income on
11 any notes or bonds of the Authority only if the Authority in
12 its sole judgment determines that the exemption enhances the
13 marketability of the bonds or notes or reduces the interest
14 rates that would otherwise be borne by the bonds or notes. For
15 purposes of Section 250 of the Illinois Income Tax Act, the
16 exemption of the Authority shall terminate after all of the
17 bonds have been paid. The amount of such income that shall be
18 added and then subtracted on the Illinois income tax return of
19 a taxpayer, subject to Section 203 of the Illinois Income Tax
20 Act, from federal adjusted gross income or federal taxable
21 income in computing Illinois base income shall be the interest
22 net of any bond premium amortization.

23 Section 50. Acquisition.

24 (a) The Authority may, but need not, acquire title to any
25 project with respect to which it exercises its authority.

26 (b) The Authority shall have power to acquire by purchase,
27 lease, gift, or otherwise any property or rights therein from
28 any person or persons, the State of Illinois, any municipal
29 corporation, any local unit of government, the government of
30 the United States and any agency or instrumentality of the
31 United States, any body politic, or any county useful for its
32 purposes, whether improved for the purposes of any prospective
33 project or unimproved. The Authority may also accept any
34 donation of funds for its purposes from any of these sources.

35 (c) The Authority shall have power to develop, construct,

1 and improve, either under its own direction or through
2 collaboration with any approved applicant, or to acquire,
3 through purchase or otherwise, any project, using for this
4 purpose the proceeds derived from its sale of revenue bonds,
5 notes, or other evidences of indebtedness or governmental loans
6 or grants and shall have the power to hold title to those
7 projects in the name of the Authority.

8 (d) The Authority shall have the power to enter into
9 intergovernmental agreements with the State of Illinois, the
10 counties within the territorial jurisdiction of the Authority,
11 the Illinois Development Finance Authority, the Illinois
12 Housing Development Authority, the Illinois Education
13 Facilities Authority, the Illinois Farm Development Authority,
14 the Rural Bond Bank, the United States government and any
15 agency or instrumentality of the United States, any unit of
16 local government located within the territory of the Authority,
17 or any other unit of government to the extent allowed by
18 Article VII, Section 10 of the Illinois Constitution and the
19 Intergovernmental Cooperation Act.

20 (e) The Authority shall have the power to share employees
21 with other units of government, including agencies of the
22 United States, agencies of the State of Illinois, and agencies
23 or personnel of any unit of local government.

24 (f) The Authority shall have the power to exercise powers
25 and issue bonds as if it were a municipality so authorized in
26 Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the
27 Illinois Municipal Code.

28 Section 55. Enterprise zones. The Authority may by
29 ordinance designate a portion of the territorial jurisdiction
30 of the Authority for certification as an Enterprise Zone under
31 the Illinois Enterprise Zone Act in addition to any other
32 enterprise zones which may be created under that Act, which
33 area shall have all the privileges and rights of an Enterprise
34 Zone pursuant to the Illinois Enterprise Zone Act, but which
35 shall not be counted in determining the number of Enterprise

1 Zones to be created in any year pursuant to that Act.

2 Section 60. Designation of depository. The Authority shall
3 biennially designate a national or State bank or banks as
4 depositories of its money. Such depositories shall be
5 designated only within the State and upon condition that bonds
6 approved as to form and surety by the Authority and at least
7 equal in amount to the maximum sum expected to be on deposit at
8 any one time shall be first given by such depositories to the
9 Authority, such bonds to be conditioned for the safe keeping
10 and prompt repayment of such deposits. When any of the funds of
11 the Authority shall be deposited by the treasurer in any such
12 depository, the treasurer and the sureties on his official bond
13 shall, to such extent, be exempt from liability for the loss of
14 any such deposited funds by reason of the failure, bankruptcy,
15 or any other act or default of such depository; provided that
16 the Authority may accept assignments of collateral by any
17 depository of its funds to secure such deposits to the same
18 extent and conditioned in the same manner as assignments of
19 collateral are permitted by law to secure deposits of the funds
20 of any city.

21 Section 65. Taxation prohibited. The Authority shall have
22 no right or authority to levy any tax or special assessment, to
23 pledge the credit of the State or any other subdivision or
24 municipal corporation thereof, or to incur any obligation
25 enforceable upon any property, either within or without the
26 territory of the Authority.

27 Section 70. Fees. The Authority may collect fees and
28 charges in connection with its loans, commitments, and
29 servicing and may provide technical assistance in the
30 development of the region.

31 Section 75. Reports. The Authority shall annually submit a
32 report of its finances to the Auditor General. The Authority

1 shall annually submit a report of its activities to the
2 Governor and to the General Assembly.

3 Section 999. Effective date. This Act takes effect upon
4 becoming law.