



Sen. James F. Clayborne Jr.

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1 AMENDMENT TO SENATE BILL 848

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 848 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Mid-America Medical District Act.

6 Section 5. Creation of District. There is created in the  
7 City of East St. Louis a medical center district, the  
8 Mid-America Medical District, whose boundaries are Martin  
9 Luther King Drive on the Northeast, 10th Street up to Trendley  
10 Avenue on the Southeast, Trendley Avenue and the confluence of  
11 I-64, I-70, and I-55 on the Southwest and West, and a line  
12 north of Collinsville, parallel to Collinsville, so as to  
13 include both sides of Collinsville on the Northwest, excluding  
14 any part of the City Hall complex and any property belonging to  
15 the federal government. The District is created to attract and  
16 retain academic centers of excellence, viable health care  
17 facilities, medical research facilities, emerging high  
18 technology enterprises, and other facilities and uses as  
19 permitted by this Act.

20 Section 10. Mid-America Medical District Commission.

21 (a) There is created a body politic and corporate under the  
22 corporate name of the Mid-America Medical District Commission  
23 whose general purpose, in addition to and not in limitation of

1 those purposes and powers set forth in this Act, is to:

2 (1) maintain the proper surroundings for a medical  
3 center and a related technology center in order to attract,  
4 stabilize, and retain within the District hospitals,  
5 clinics, research facilities, educational facilities, or  
6 other facilities permitted under this Act; and

7 (2) provide for the orderly creation, maintenance,  
8 development, and expansion of (i) health care facilities  
9 and other ancillary or related facilities that the  
10 Commission may from time to time determine are established  
11 and operated (A) for any aspect of the carrying out of the  
12 Commission's purposes as set forth in this Act, (B) for the  
13 study, diagnosis, and treatment of human ailments and  
14 injuries, whether physical or mental, or (C) to promote  
15 medical, surgical, and scientific research and knowledge  
16 as permitted under this Act; and (ii) medical research and  
17 high technology parks, together with the necessary lands,  
18 buildings, facilities, equipment, and personal property  
19 for those parks.

20 (b) The Commission has perpetual succession and the power  
21 to contract and be contracted with, to sue and be sued except  
22 in actions sounding in tort, to plead and be impleaded, to have  
23 and use a common seal, and to alter the same at pleasure. All  
24 actions sounding in tort against the Commission shall be  
25 prosecuted in the Court of Claims. The principal office of the  
26 Commission shall be in the City of East St. Louis. The  
27 Commission shall obtain, under the provisions of the Personnel  
28 Code, such personnel as the Commission shall deem advisable to  
29 carry out the purposes of this Act and the work of the  
30 Commission.

31 (c) The Commission shall consist of 9 appointed members and  
32 3 ex-officio members. Three members shall be appointed by the  
33 Governor. Three members shall be appointed by the Mayor of East  
34 St. Louis, with the consent of the city council. Three members

1 shall be appointed by the Chairman of the County Board of St.  
2 Clair County. All appointed members shall hold office for a  
3 term of 3 years ending on December 31, and until their  
4 successors are appointed; except that of the initial appointed  
5 members, each appointing authority shall designate one  
6 appointee to serve for a term ending December 31, 2007, one  
7 appointee to serve for a term ending December 31, 2008, and one  
8 appointee to serve for a term ending December 31, 2009.

9 The Director of Commerce and Economic Opportunity or his or  
10 her designee, the Director of Public Health or his or her  
11 designee, and the Secretary of Human Services or his or her  
12 designee shall serve as ex-officio members.

13 (d) Any vacancy in the appointed membership of the  
14 Commission occurring by reason of the death, resignation,  
15 disqualification, removal, or inability or refusal to act of  
16 any of the members of the Commission shall be filled by the  
17 authority that had appointed the particular member, and for the  
18 unexpired term of office of that particular member.

19 (e) The Commission shall hold regular meetings annually for  
20 the election of a President, Vice-President, Secretary, and  
21 Treasurer, for the adoption of a budget, and for such other  
22 business as may properly come before it. The Commission shall  
23 establish the duties and responsibilities of its officers by  
24 rule. The President or any 3 members of the Commission may call  
25 special meetings of the Commission. Each Commissioner shall  
26 take an oath of office for the faithful performance of his or  
27 her duties. The Commission may not transact business at a  
28 meeting of the Commission unless there is present at the  
29 meeting a quorum consisting of at least 7 Commissioners.  
30 Meetings may be held by telephone conference or other  
31 communications equipment by means of which all persons  
32 participating in the meeting can communicate with each other.

33 (f) The Commission shall submit to the General Assembly,  
34 not later than March 1 of each odd-numbered year, a detailed

1 report covering its operations for the 2 preceding calendar  
2 years and a statement of its program for the next 2 years.

3 The requirement for reporting to the General Assembly shall  
4 be satisfied by filing copies of the report with the Speaker,  
5 the Minority Leader, and the Clerk of the House of  
6 Representatives and the President, the Minority Leader, and the  
7 Secretary of the Senate and with the Legislative Research Unit,  
8 as required by Section 3.1 of the General Assembly Organization  
9 Act, and by filing such additional copies with the State  
10 Government Report Distribution Center for the General Assembly  
11 as is required under paragraph (t) of Section 7 of the State  
12 Library Act.

13 (g) The Auditor General shall conduct audits of the  
14 Commission in the same manner as the Auditor General conducts  
15 audits of State agencies under the Illinois State Auditing Act.

16 (h) Neither the Commission nor the District have any power  
17 to tax.

18 (i) The Commission is a public body and subject to the Open  
19 Meetings Act and the Freedom of Information Act.

20 Section 15. Grants; loans; contracts. The Commission may  
21 apply for and accept grants, loans, or appropriations from the  
22 State of Illinois, the federal government, any State or federal  
23 agency or instrumentality, any unit of local government, or any  
24 other person or entity to be used for any of the purposes of  
25 the District. The Commission may enter into any agreement with  
26 the State of Illinois, the federal government, any State or  
27 federal instrumentality, any unit of local government, or any  
28 other person or entity in relation to the grants, matching  
29 grants, loans, or appropriations. The Commission also may, by  
30 contractual agreement, accept and collect assessments or fees  
31 from entities who enter into such a contractual agreement for  
32 District enhancement and improvements, common area shared  
33 services, shared facilities, or other activities or

1 expenditures in furtherance of the purposes of this Act. The  
2 Commission may make grants to neighborhood organizations  
3 within the District for the purpose of benefitting the  
4 community.

5 Section 20. Property; acquisition. The Commission is  
6 authorized to acquire the fee simple title to real property  
7 lying within the District and personal property required for  
8 its purposes, by gift, purchase, or otherwise. Title shall be  
9 taken in the corporate name of the Commission. The Commission  
10 may acquire by lease any real property located within the  
11 District and personal property found by the Commission to be  
12 necessary for its purposes and to which the Commission finds  
13 that it need not acquire the fee simple title for carrying out  
14 of those purposes. All real and personal property within the  
15 District, except that owned and used for purposes authorized  
16 under this Act by medical institutions or allied educational  
17 institutions, hospitals, dispensaries, clinics, dormitories or  
18 homes for the nurses, doctors, students, instructors, or other  
19 officers or employees of those institutions located in the  
20 District, or any real property that is used for offices or for  
21 recreational purposes in connection with those institutions,  
22 or any improved residential property within a currently  
23 effective historical district properly designated under a  
24 federal statute or a State or local statute that has been  
25 certified by the Secretary of the Interior to the Secretary of  
26 the Treasury as containing criteria that will substantially  
27 achieve the purpose of preserving and rehabilitating buildings  
28 of historical significance to the district, may be acquired by  
29 the Commission in its corporate name under the provisions for  
30 the exercise of the right of eminent domain under Article VII  
31 of the Code of Civil Procedure. The Commission has no  
32 quick-take powers, no zoning powers, and no power to establish  
33 or enforce building codes. The Commission may not acquire any

1 property pursuant to this Section before a comprehensive master  
2 plan has been approved under Section 65.

3 Section 25. Construction. The Commission may, in its  
4 corporate capacity, construct or cause to be constructed within  
5 the District hospitals, sanitariums, clinics, laboratories, or  
6 any other institution, building, or structure or other  
7 ancillary or related facilities that the Commission may, from  
8 time to time, determine are established and operated (i) for  
9 the carrying out of any aspect of the Commission's purposes as  
10 set forth in this Act, for the study, diagnosis, and treatment  
11 of human ailments and injuries, whether physical or mental, or  
12 to promote medical, surgical, and scientific research and  
13 knowledge, for any uses the Commission shall determine will  
14 support and nurture facilities and uses permitted by this Act,  
15 or for such nursing, extended care, or other facilities as the  
16 Commission shall find useful in the study of, research in, or  
17 treatment of illnesses or infirmities peculiar to aged people,  
18 after a public hearing to be held by any Commissioner or other  
19 person authorized by the Commission to conduct the hearing,  
20 which Commissioner or other person has the power to administer  
21 oaths and affirmations and take the testimony of witnesses and  
22 receive such documentary evidence as shall be pertinent, the  
23 record of which hearing he or she shall certify to the  
24 Commission, which record shall become part of the records of  
25 the Commission, notice of the time, place, and purpose of the  
26 hearings to be given by a single publication notice in a  
27 secular newspaper of general circulation in St. Clair County at  
28 least 10 days before the date of the hearing, or (ii) for such  
29 institutions as shall engage in the training, education, or  
30 rehabilitation of persons who by reason of illness or physical  
31 infirmity are wholly or partially deprived of their powers of  
32 vision or hearing or of the use of such other part or parts of  
33 their bodies as prevent them from pursuing normal activities of

1 life, for office buildings for physicians or dealers in medical  
2 accessories, for dormitories, homes, or residences for the  
3 medical profession, including interns, nurses, students, or  
4 other officers or employees of the institutions within the  
5 District, for the use of relatives of patients in the hospitals  
6 or other institutions within the District, for the  
7 rehabilitation or establishment of residential structures  
8 within a historic district properly designated under a federal  
9 statute or a State or local statute that has been certified by  
10 the Secretary of the Interior to the Secretary of the Treasury  
11 as containing criteria that will substantially achieve the  
12 purpose of preserving and rehabilitating buildings of historic  
13 significance to the district, or such other areas of the  
14 District as the Commission shall designate, for research,  
15 development, and resultant production in any of the fields of  
16 medicine, chemistry, pharmaceuticals, physics, and genetically  
17 engineered products, for biotechnology, information  
18 technology, medical technology, or environmental technology,  
19 for the research and development of engineering, or for  
20 computer technology related to any of the purposes for which  
21 the Commission may construct structures and improvements  
22 within the District. All such structures and improvements shall  
23 be erected and constructed in accordance with the provisions of  
24 the Illinois Procurement Code that apply to State agencies. No  
25 construction may be undertaken pursuant to this Section before  
26 a comprehensive master plan has been approved under Section 65.

27 Section 30. Relocation assistance. The Commission shall  
28 provide relocation assistance to persons and entities  
29 displaced by the Commission's acquisition of property and  
30 improvement of the District. Relocation assistance shall not be  
31 less than provided under the federal Uniform Relocation  
32 Assistance and Real Property Acquisition Policies Act of 1970  
33 and the regulations under that Act, including the eligibility

1 criteria. Relocation assistance may include assistance with  
2 the moving of a residential unit to a new location. The  
3 Commission shall establish a single point of contact for all  
4 relocation assistance under this Section.

5 Section 35. Power to sell or lease. The Commission may  
6 sell, convey, transfer, or lease, all at fair market value, any  
7 title or interest in real property owned by it to any person or  
8 persons, to be used, subject to the restrictions of this Act,  
9 for the purposes stated in Section 25, or for the purpose of  
10 serving persons using the facilities offered within the  
11 District or for carrying out of any aspect of the Commission's  
12 purposes as set forth in Section 10 of this Act, subject to  
13 such restrictions as to the use of the real property as the  
14 Commission shall determine will carry out the purpose of this  
15 Act. To assure that the use of the real property so sold or  
16 leased is in accordance with the provisions of this Act, the  
17 Commission shall inquire into and satisfy itself concerning the  
18 financial ability of the purchaser to complete the project for  
19 which the real property is sold or leased in accordance with a  
20 plan to be presented by the purchaser or lessee, which plan  
21 shall be submitted, in writing, to the Commission. Under the  
22 plan, the purchaser or lessee shall undertake (1) to use the  
23 land for the purposes designated in the plan so presented; (2)  
24 to commence and complete the construction of the buildings or  
25 other structures to be included in the project within such  
26 periods of time as the Commission fixes as reasonable; and (3)  
27 to comply with such other conditions as the Commission shall  
28 determine are necessary to carry out the project. All  
29 conveyances and leases authorized in this Section shall be on  
30 condition that, in the event of use for other than the purposes  
31 prescribed in this Act, or of nonuse for a period of one year,  
32 title to the property shall revert to the Commission. All  
33 conveyances and leases made by the Commission to any



1 corporation or person for the use of serving the residents or  
2 any person using the facilities offered within the District  
3 shall be on condition that in the event of violation of any of  
4 the restrictions as to the use of the property as the  
5 Commission shall have determined will carry out the purposes of  
6 this Act, that title to the property shall revert to the  
7 Commission. If, however, the Commission finds that financing  
8 necessary for the acquisition or lease of any real estate or  
9 for the construction of any building or improvement to be used  
10 for purposes prescribed in this Act cannot be obtained if title  
11 to the land or building or improvement is subject to such a  
12 reverter provision, which finding shall be made by the  
13 Commission after public hearing held pursuant to a single  
14 publication notice given in a secular newspaper of general  
15 circulation in St. Clair County at least 10 days before the  
16 date of the hearing, the notice to specify the time, place, and  
17 purpose for the hearing, and upon that finding being made, the  
18 Commission may cause the real property to be conveyed free of a  
19 reverter provision, provided that at least 7 members of the  
20 Commission vote in favor thereof. The Commission may also  
21 provide in the conveyances, leases, or other documentation  
22 provisions for notice of such violations or default and the  
23 cure thereof for the benefit of any lender or mortgagee as the  
24 Commission shall determine are appropriate. If, at a regularly  
25 scheduled meeting, the Commission resolves that a parcel of  
26 real estate leased by it, or in which it has sold the fee  
27 simple title or any lesser estate, is not being used for the  
28 purposes prescribed in this Act or has been in nonuse for a  
29 period of one year, the Commission may file a lawsuit in the  
30 circuit court of St. Clair County to enforce the terms of the  
31 sale or lease. If a reverter of title to any property is  
32 ordered by the court under the terms of this Act, the interest  
33 of the Commission shall be subject to any then existing valid  
34 mortgage or trust deed in the nature of a mortgage, but if the

1 title is acquired through foreclosure of that mortgage or trust  
2 deed or by deed in lieu of foreclosure of that mortgage or  
3 trust deed, then the title to the property shall not revert,  
4 but shall be subject to the restrictions as to use, but not any  
5 penalty for nonuse, contained in this Act with respect to any  
6 mortgagee in possession or its successor or assigns.

7 No conveyance of real property shall be executed by the  
8 Commission without the prior written approval of the Governor.  
9 The Commission may not sell, convey, transfer, or lease any  
10 property pursuant to this Section before a comprehensive master  
11 plan has been approved under Section 65.

12 Section 40. Notice. Before holding any public hearing  
13 prescribed in Section 35 of this Act, or any meeting regarding  
14 the passage of any resolution to file a lawsuit, the Commission  
15 shall give notice to the grantee or lessee, or his or her legal  
16 representatives, successors, or assigns, of the time and place  
17 of the proceeding. The notice shall be accompanied by a  
18 statement signed by the Secretary of the Commission, or by any  
19 person authorized by the Commission to sign the same, setting  
20 forth any act or things done or omitted to be done in  
21 violation, or claimed to be in violation, of any restriction as  
22 to the use of the property, whether the restriction be  
23 prescribed in any of the terms of this Act or by any  
24 restriction as to the use of the property determined by the  
25 Commission under the terms of this Act. The notice of the time  
26 and place fixed for the proceeding shall also be given to such  
27 person or persons as the Commission shall deem necessary. The  
28 notice may be given by registered mail, addressed to the  
29 grantee, lessee, or legal representatives, successors, or  
30 assigns, at the last known address of the grantee, lessee, or  
31 legal representatives, successors, or assigns.

32 Section 45. Rules. The Commission may adopt reasonable and

1 proper rules, in accordance with the Illinois Administrative  
2 Procedure Act, relative to the exercise of its powers, and  
3 proper rules to govern its proceedings, to regulate the mode  
4 and manner of all hearings held by it or at its direction, and  
5 to alter and amend those rules.

6 Section 50. Official documents. Copies of all official  
7 documents, findings, and orders of the Commission, certified by  
8 a Commissioner or by the Secretary of the Commission to be true  
9 copies of the originals, under the official seal of the  
10 Commission, shall be evidence in like manner as the originals.

11 Section 55. Judicial review. Any party may obtain a  
12 judicial review of a final order or decision of the Commission  
13 in the circuit court of St. Clair County only under and in  
14 accordance with the provisions of the Administrative Review Law  
15 and the rules adopted under that Law. The circuit court shall  
16 take judicial notice of all the rules of practice and procedure  
17 of the Commission.

18 Section 60. Parks. The Commission may set apart any part of  
19 the District as a park, except those areas owned, operated, or  
20 used for purposes authorized under this Act by organizations or  
21 institutions engaged in the delivery or conduct of health care  
22 services, education, or research, and may construct, control,  
23 and maintain the same or may provide by contract with the East  
24 St. Louis Park District or the City of East St. Louis for the  
25 construction, control, and maintenance of any area within the  
26 District set apart as a park.

27 Section 65. Master plan; improvement and management of  
28 District. The Commission shall prepare and approve a  
29 comprehensive master plan for the orderly development and  
30 management of all property within the District. The master

1 plan, and any amendment to the master plan, shall not take  
2 effect, however, until it has been approved by the advisory  
3 council and the East St. Louis city council. The Commission  
4 shall take the actions permitted to be taken by it under this  
5 Act as it may determine are appropriate to provide conditions  
6 most favorable for the special care and treatment of the sick  
7 and injured and for the study of disease and for any other  
8 purpose in Section 25 of this Act. In the master plan, the  
9 Commission may provide for shared services and facilities  
10 within the District for the accredited schools of medicine and  
11 the licensed non-profit acute care hospitals within the  
12 District.

13 Section 70. Advisory Council. The Commission must  
14 establish an advisory council consisting of 2 representatives,  
15 appointed for one-year terms by the Mayor of East St. Louis, of  
16 each recognized neighborhood organization that the Mayor  
17 determines has a legitimate interest in the development and  
18 improvement of the District. There is no limit on the number of  
19 terms to which a person may be appointed as a member. The  
20 advisory council shall review and make recommendations to the  
21 Commission with respect to the comprehensive master plan to be  
22 adopted by the Commission. The advisory council may fulfill  
23 such other responsibilities as the Commission may request in  
24 furtherance of the purposes of this Act. The advisory council  
25 shall meet at the call of the President of the Commission and  
26 shall conduct its affairs in accordance with the rules that the  
27 Commission may adopt from time to time for the governance and  
28 operation of the advisory council.

29 Section 75. Public hearing. The Commission shall conduct a  
30 public hearing prior to either acquiring through eminent domain  
31 under Section 20 of this Act real or personal property within  
32 the District or approving under Section 70 of this Act a

1 comprehensive master plan. The Commission shall also conduct a  
2 public hearing whenever it is otherwise required by law to do  
3 so, and may conduct a public hearing whenever it may elect to  
4 do so.

5 The Commission shall conduct the public hearing called by  
6 it in accordance with the requirements of the law mandating it,  
7 if any, or in accordance with the provisions of this Section if  
8 either the law mandating it is silent as to the procedures for  
9 its holding or if the Commission elects to hold a public  
10 hearing in the absence of any law mandating it.

11 In the absence of any law, or of any procedures in any law,  
12 mandating the holding of a public hearing, the Commission may  
13 authorize a Commissioner or other person of legal age to  
14 conduct a hearing. The Commissioner or other authorized person  
15 has the power to administer oaths and affirmations, take the  
16 testimony of witnesses, take and receive the production of  
17 papers, books, records, accounts, and documents, receive  
18 pertinent evidence, and certify the record of the hearing. The  
19 record of the hearing shall become part of the Commission's  
20 record. Notice of the time, place, and purpose of the hearing  
21 shall be given by a single publication notice in a secular  
22 newspaper of general circulation in St. Clair County at least  
23 10 days before the date of the hearing.

24 Section 80. Jurisdiction. This Act shall not be construed  
25 to limit the jurisdiction of the City of East St. Louis to  
26 territory outside the limits of the District nor to impair any  
27 power now possessed by or hereafter granted to the City of East  
28 St. Louis or to cities generally. Property owned by and  
29 exclusively used by the Commission shall be exempt from  
30 taxation and shall be subject to condemnation by the State and  
31 any municipal corporation or agency of the State for any State  
32 or municipal purpose under the provisions for the exercise of  
33 the right of eminent domain under Article VII of the Code of

1 Civil Procedure.

2 Section 85. Disposition of money; income fund. All money  
3 received by the Commission from the sale or lease of any  
4 property, in excess of the amount expended by the Commission  
5 for authorized purposes under this Act shall be paid into the  
6 State treasury for deposit into the Mid-America Medical  
7 District Income Fund. The Commission is authorized to use all  
8 money received as rentals for the purposes of planning,  
9 acquisition, and development of property within the District,  
10 for the operation, maintenance, and improvement of property of  
11 the Commission, and for all purposes and powers set forth in  
12 this Act. All moneys held pursuant to this Section shall be  
13 maintained in a depository approved by the State Treasurer. The  
14 Auditor General shall, at least biennially, audit or cause to  
15 be audited all records and accounts of the Commission  
16 pertaining to the operation of the District.

17 Section 90. Attorney General. The Attorney General of the  
18 State of Illinois is the legal advisor to the Commission and  
19 shall prosecute or defend, as the case may be, all actions  
20 brought by or against the Commission.

21 Section 905. The State Finance Act is amended by adding  
22 Section 5.663 as follows:

23 (30 ILCS 105/5.663 new)

24 Sec. 5.663. The Mid-America Medical District Income  
25 Fund."