



Rep. Fred Crespo

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LRB096 21047 AMC 39105 a

1 AMENDMENT TO HOUSE BILL 6419

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 6419 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 School District Intergovernmental Cooperation Renewable Energy  
6 Act.

7 Section 5. Findings. The General Assembly finds that there  
8 is a need to promote the use of renewable energy resources,  
9 including facilities designed to convert wind or solar power to  
10 energy, and to promote employment in the construction and  
11 operation of such facilities, and further finds that a means of  
12 meeting such need is to authorize school districts to join  
13 together to acquire and construct facilities for such purposes.

14 Section 10. Definitions. In this Act:

15 "Agency" means a joint action agency organized and

1 operating under this Act.

2 "Applicable law" means any provision of law, including this  
3 Act, authorizing school districts to issue bonds as that term  
4 is defined in the Local Government Debt Reform Act.

5 "Board" means the board of directors of an agency organized  
6 under this Act.

7 "Bond" means a bond as such term is defined in the Local  
8 Government Debt Reform Act issued by an agency payable from one  
9 or more of the agency's revenue sources and other sources as  
10 the agency may lawfully pledge, which sources may include  
11 school district bonds or proceeds or payments to be made  
12 pursuant to an intergovernmental agreement.

13 "Eligible project" means any land or rights in land, plant,  
14 works, system, facility, machinery, intellectual property, or  
15 other real or personal property of any nature whatsoever,  
16 together with all parts thereof and appurtenances thereto, used  
17 or useful in the generation, production, such distribution or  
18 transmission as may be required in a relevant electric service  
19 agreement, purchase, sale, exchange, or interchange of  
20 electrical energy derived from renewable energy sources  
21 including wind, solar power, and other renewable sources, and  
22 in the acquisition, extraction, conversion, transportation,  
23 storage, or reprocessing of ancillary fuel of any kind for any  
24 of those purposes, or any interest in, or right to the use,  
25 services, output, or capacity of any plant, works, system, or  
26 facilities.

1 "Governing body" means the school board having charge of  
2 the corporate affairs of a school district.

3 "Intergovernmental agreement" means the agreement by which  
4 an agency is formed by school districts pursuant to this Act.

5 "Members" means the school districts joining pursuant to  
6 intergovernmental agreement to organize an agency under this  
7 Act.

8 "Resolution" means a resolution duly adopted by a governing  
9 body.

10 "Revenue source" means any revenue source as such term is  
11 defined in the Local Government Debt Reform Act.

12 "School district" means a combined elementary district, a  
13 combined high school district, a combined unit district, a unit  
14 district, a combined high school unit district, an elementary  
15 district, or an optional elementary unit district organized and  
16 operating under the School Code of the State of Illinois, but  
17 does not include any office, officer, department, division,  
18 bureau, board, commission, or similar agency of the State of  
19 Illinois.

20 "School district bond" means any bond as such term is  
21 defined in the Local Government Debt Reform Act authorized or  
22 issued by or on behalf of a school district under applicable  
23 law.

24 Section 15. Powers supplemental. The provisions of this Act  
25 are intended to be supplemental and, in addition to all other

1 powers or authorities granted to any school district, shall be  
2 construed liberally and shall not be construed as a limitation  
3 of any power or authority otherwise granted.

4 Section 20. Actions by resolution. All actions to be taken  
5 by a school district or an agency pursuant to this Act shall be  
6 fully effective if taken by resolution.

7 Section 25. Agency status. An agency organized under this  
8 Act shall be a unit of local government of the State of  
9 Illinois and a body politic and corporate.

10 Section 30. Organization. Any 2 or more school districts,  
11 whether contiguous or noncontiguous, may form an agency by the  
12 execution of an intergovernmental agreement authorized by  
13 resolution adopted by the governing body of each school  
14 district. The intergovernmental agreement shall state or may  
15 state, as applicable, the following:

16 (1) the name of the agency and the date of its  
17 establishment, which may be by reference to a date or the  
18 dates of the resolutions adopted by the governing bodies,  
19 and the duration of its existence, which may be perpetual;

20 (2) the names of the school districts that have adopted  
21 the intergovernmental agreement and constitute the initial  
22 members;

23 (3) the names and addresses of the persons initially

1 appointed in the resolutions adopting the  
2 intergovernmental agreement to serve as initial directors  
3 on the board and provision for the organizational meeting  
4 of the agency;

5 (4) provision for the terms of office of the directors  
6 and for alternate directors, if so provided, but such  
7 directors and alternate directors shall always be selected  
8 and vacancies in their offices declared and filled by  
9 resolutions adopted by the governing body of the respective  
10 school districts;

11 (5) if so provided, provision for weighted voting among  
12 the school districts or by the directors;

13 (6) the location by city, village, or incorporated town  
14 in the State of Illinois of the principal office of the  
15 agency;

16 (7) provision for amendment of the intergovernmental  
17 agreement;

18 (8) if provided, initial funding for the agency, which  
19 may include binding agreements of the school districts to  
20 provide money or to issue school district bonds for the  
21 benefit of the agency;

22 (9) provisions for the disposition, division, or  
23 distribution of obligations, property, and assets of the  
24 agency upon dissolution; and

25 (10) any other provisions for regulating the business  
26 of the agency or the conduct of its affairs consistent with

1           this Act.

2           Section 35. Officers; board; bylaws.

3           (a) At the organizational meeting of the board, the  
4 directors shall elect from their members a presiding officer to  
5 preside over the meetings of the board and an alternate  
6 presiding officer and may elect an executive board. The board  
7 shall determine and designate in the agency's bylaws the titles  
8 for the presiding officers. The directors shall also elect a  
9 secretary and treasurer, who need not be directors. The board  
10 may select such other officers, employees, and agents as deemed  
11 to be necessary, who need not be directors or residents of any  
12 of the school districts that are members. The board may  
13 designate appropriate titles for all other officers,  
14 employees, and agents. All persons selected by the board shall  
15 hold their respective offices at the pleasure of the board, and  
16 give bond as may be required by the board.

17           (b) The board is the corporate authority of the agency and  
18 shall exercise all the powers and manage and control all of the  
19 affairs and property of the agency. The board shall have full  
20 power to pass all necessary resolutions and rules for the  
21 proper management and conduct of the business of the agency and  
22 for carrying into effect the objects for which the agency was  
23 established. The board shall have not less than one meeting  
24 each year for the election of officers and the transaction of  
25 any other business. Unless otherwise provided by this Act, the

1 intergovernmental agreement, or the bylaws, an act of the  
2 majority of the directors present at a meeting at which a  
3 quorum is present is required for an act of the board.

4 (c) The board shall adopt bylaws that may include without  
5 limitation the following provisions:

6 (1) the rights and obligations of members consistent  
7 with the intergovernmental agreement and this Act;

8 (2) if not governed in the intergovernmental  
9 agreement, then the manner of adding new members and the  
10 rights and obligations of the members;

11 (3) the time, place, and date of the regular meeting or  
12 meetings and the procedures for calling special meetings of  
13 the board;

14 (4) procedural rules:

15 (5) the composition, powers, and responsibilities of  
16 any committee or executive board;

17 (6) the criteria as called for in item (20) of Section  
18 55 of this Act; and

19 (7) other rules or provisions for regulating the  
20 affairs of the agency as the board shall determine to be  
21 advisable.

22 Section 40. Filing. Within 3 months after the  
23 organizational meeting, the board shall cause a certified copy  
24 of the intergovernmental agreement to be filed with the  
25 Secretary of State of Illinois. The Secretary of State shall

1 accept such filing and issue a certificate of approval over his  
2 or her signature and the Great Seal of the State. The Secretary  
3 of State shall make and keep a register of agencies established  
4 under this Act.

5 Section 45. Place of business. Every agency shall maintain  
6 an office in the State of Illinois to be known as its principal  
7 office. When an agency desires to change the location of such  
8 office, it shall file with the Secretary of State a certificate  
9 of change of location, stating the new address and the  
10 effective date of change. Meetings of the board may be held at  
11 any place within the State of Illinois designated by the board  
12 after notice.

13 Section 50. Lawful expense of school district. Each member  
14 shall have full power and authority to appropriate money from  
15 its operation and maintenance fund, by whatever name now or  
16 hereafter known, for the payment of the expenses of the agency  
17 and of its representative in exercising its functions as a  
18 member of the agency, which expenses may include payment of  
19 principal of and interest on bonds of the agency for a period  
20 not greater than 40 years after the dated date of any bonds.  
21 Each member shall have full power and authority, subject to the  
22 provisions of applicable law, to agree to the issuance and  
23 delivery of school district bonds to aid the agency.

1           Section 55. Powers and duties generally. An agency shall  
2 have all the powers and duties enumerated in this Section in  
3 furtherance of the purposes of this Act. In the exercise  
4 thereof it shall be deemed to be performing an essential  
5 governmental function and exercising a part of the sovereign  
6 powers of the State of Illinois, separate and distinct from  
7 member school districts, and shall have the privileges,  
8 immunities, and rights of a public body politic and corporate,  
9 municipal corporation, and unit of local government, but shall  
10 not have taxing power. All powers of the agency shall be  
11 exercised by its board unless otherwise provided by the bylaws.

12           (1) An agency may plan, finance, acquire, construct,  
13 reconstruct, own, lease, operate, maintain, repair,  
14 improve, extend, or otherwise participate in, individually  
15 or jointly with other persons or other entities of any  
16 type, one or more eligible projects, proposed, existing, or  
17 under construction, within or without the State of  
18 Illinois, acquire any interest in or any right to products  
19 and services of an eligible project, purchase, own, sell,  
20 dispose of, or otherwise participate in securities issued  
21 in connection with the financing of an eligible project or  
22 any portion thereof, create such subsidiary entity or  
23 entities of any type as may be necessary or desirable, and  
24 may act as agent, or designate one or more persons, public  
25 agencies, or other entities of any type, whether or not  
26 participating in an eligible project, to act as its agent,

1 in connection with the planning, financing, acquisition,  
2 construction, reconstruction, ownership, lease, operation,  
3 maintenance, repair, extension, or improvement of the  
4 eligible project.

5 (2) An agency may investigate the desirability of and  
6 necessity for additional means of providing electrical  
7 energy from wind sources of any kind for such purpose and  
8 make studies, surveys, and estimates as may be necessary to  
9 determine its feasibility and cost.

10 (3) An agency may cooperate with other persons, public  
11 agencies, or other entities of any type in the development  
12 of means of providing electrical energy from wind sources  
13 of any kind for those purposes and give assistance with  
14 personnel and equipment in any eligible project.

15 (4) An agency may structure the ownership and  
16 investment in an eligible project in such a way as to  
17 maximize the use of any available United States federal  
18 incentives for such projects, including, but not limited  
19 to, New Markets Tax Credits under Section 45D of the  
20 Internal Revenue Code of 1986, as amended, or any successor  
21 provision.

22 (5) An agency may apply for consents, authorizations,  
23 or approvals required for any eligible project within its  
24 powers and take all actions necessary to comply with the  
25 conditions thereof.

26 (6) An agency may perform any act authorized by this

1 Act through, or by means of, its officers, agents, or  
2 employees or by contract with others, including without  
3 limitation the employment of engineers, architects,  
4 attorneys, appraisers, financial advisors, and such other  
5 consultants and employees as may be required in the  
6 judgment of the agency, and fix and pay their compensation  
7 from funds available to the agency.

8 (7) An agency may, individually or jointly with other  
9 persons, public agencies, or other entities of any type,  
10 acquire, hold, use, and dispose of income, revenues, funds,  
11 and money.

12 (8) An agency may, individually or jointly with other  
13 persons, public agencies, or other entities of any type,  
14 acquire, own, hire, use, operate and dispose of personal  
15 property and any interest therein.

16 (9) An agency may, individually or jointly with other  
17 persons, public agencies, or other entities of any type,  
18 acquire, own, use, lease as lessor or lessee, operate, and  
19 dispose of real property and interests in real property,  
20 including eligible projects existing, proposed, or under  
21 construction, and make improvements thereon.

22 (10) An agency may grant the use by franchise, lease,  
23 or otherwise and make charges for the use of any property  
24 or facility owned or controlled by it.

25 (11) An agency may borrow money and issue negotiable  
26 bonds, secured or unsecured, in accordance with this Act.

1           (12) An agency may invest money of the agency not  
2 required for immediate use, including proceeds from the  
3 sale of any bonds, in such obligations, securities, and  
4 other investments as authorized by the provisions of the  
5 Public Funds Investment Act.

6           (13) An agency may exercise the power of eminent domain  
7 in the manner provided in the Eminent Domain Act, provided,  
8 however, that any acquisition by eminent domain under this  
9 subsection is limited in that it shall not be exercised in  
10 the taking of any property, real or personal, of a public  
11 agency or other entity of any type, including an electric  
12 cooperative as defined in Section 3.4 of the Electric  
13 Supplier Act, that owns, operates, or controls any plant or  
14 equipment for the generation, transmission, or  
15 distribution of electric power and energy in connection  
16 with the furnishing thereof for sale or resale.

17           (14) An agency may determine the location and character  
18 of, and all other matters in connection with, any and all  
19 eligible projects it is authorized to acquire, hold,  
20 establish, effectuate, operate, or control.

21           (15) An agency may contract with any persons, public  
22 agencies, or other entities of any type for the planning,  
23 development, construction, or operation of any eligible  
24 project or for the sale, transmission, or distribution of  
25 the products and services of any eligible project, or for  
26 any interest therein or any right to the products and

1 services thereof, on such terms and for such period not in  
2 excess of 50 years of time as its board shall determine.

3 (16) An agency may enter into any contract or agreement  
4 necessary, appropriate, or incidental to the effectuation  
5 of its lawful purposes and the exercise of the powers  
6 granted by this Act for a period not in excess of 50 years  
7 in time, including without limitation contracts or  
8 agreements for the purchase, sale, exchange, interchange,  
9 wheeling, pooling, transmission, distribution, or storage  
10 of electrical energy and fuel of any kind for any such  
11 purposes, within and without the State of Illinois, in such  
12 amounts as it shall determine to be necessary and  
13 appropriate to make the most effective use of its powers  
14 and to meet its responsibilities, on such terms and for  
15 such period of time as its board determines. Any such  
16 contract or agreement may include provisions for  
17 requirements purchases, restraints on resale or other  
18 dealings, exclusive dealing, pricing, territorial  
19 division, and other conduct or arrangements that may have  
20 an anti-competitive effect.

21 (17) An agency may procure insurance against any losses  
22 in connection with its property, operations, or assets in  
23 such amounts and from such insurers as it deems desirable  
24 or may self-insure or enter into pooled insurance  
25 arrangements with other school districts against such  
26 losses.

1           (18) An agency may contract for and accept any gifts or  
2 grants or loans of funds or property or financial or other  
3 aid in any form from any source and may comply, subject to  
4 the provisions of this Act, with the terms and conditions  
5 thereof.

6           (19) An agency may mortgage, pledge, or grant a  
7 security interest in any or all of its real and personal  
8 property to secure the payment of its bonds or contracts.

9           (20) That part of an eligible project owned by an  
10 agency shall be exempt from property taxes.

11           (21) An agency shall not be subject to any taxes of the  
12 State of Illinois based on or measured by income or  
13 receipts or revenue.

14           (22) An agency may adopt a corporate seal and may sue  
15 and be sued.

16           (23) An agency may exercise all other powers not  
17 inconsistent with the Constitution of the State of Illinois  
18 or the United States Constitution, which powers may be  
19 reasonably necessary or appropriate for or incidental to  
20 effectuate its authorized purposes or to the exercise of  
21 any of the powers enumerated in this Act.

22           Section 60. Bonds. An agency may issue bonds pursuant to  
23 applicable law and the following provisions:

24           (1) An agency may from time to time issue its bonds in  
25 such principal amounts as the agency shall deem necessary

1 to provide sufficient funds to carry out any of its  
2 corporate purposes and powers, including without  
3 limitation the acquisition, construction, or termination  
4 of any eligible project to be owned or leased, as lessor or  
5 lessee, by the agency, or the acquisition of any interest  
6 therein or any right to the products or services thereof,  
7 the funding or refunding of the principal of, redemption  
8 premium, if any, and interest on, any bonds issued by it  
9 whether or not such bonds or interest to be funded or  
10 refunded have or have not become due, the payment of  
11 engineering, legal and other expenses, together with  
12 interest for a period of 3 years or to a date one year  
13 subsequent to the estimated date of completion of the  
14 project, whichever period is longer, the establishment or  
15 increase of reserves to secure or to pay such bonds or  
16 interest thereon, the providing of working capital and the  
17 payment of all other costs or expenses of the agency  
18 incident to and necessary or convenient to carry out its  
19 corporate purposes and powers.

20 (2) Every issue of bonds of the agency shall be payable  
21 out of the revenues or funds available to the agency,  
22 subject to any agreements with the holders of particular  
23 bonds pledging any particular revenues or funds. An agency  
24 may issue types of bonds as it may determine, including  
25 bonds as to which the principal and interest are payable  
26 exclusively from the revenues from one or more projects, or

1 from an interest therein or a right to the products and  
2 services thereof, or from one or more revenue producing  
3 contracts made by the agency, or its revenues generally.  
4 Any such bonds may be additionally secured by a pledge of  
5 any grant, subsidy, or contribution from any source or a  
6 pledge of any income or revenues, funds, or moneys of the  
7 agency from any source whatsoever.

8 (3) All bonds of an agency shall have all the qualities  
9 of negotiable instruments under the laws of this State.

10 (4) Bonds of an agency shall be authorized by  
11 resolution of its board and may be issued under such  
12 resolution or under a trust indenture or other security  
13 agreement, in one or more series, and shall bear the date  
14 or dates, mature at a time or times within the estimated  
15 period of usefulness of the project involved and in any  
16 event not more than 40 years after the date thereof, bear  
17 interest at such rate or rates without regard to any  
18 limitation in any other law, be in such denominations, be  
19 in such form, either coupon or registered, carry such  
20 conversion, registration, and exchange privileges, have  
21 such rank or priority, be executed in such manner, be  
22 payable in such medium of payment at such place or places  
23 within or without the State of Illinois, be subject to such  
24 terms of redemption with or without premium, and contain or  
25 be subject to such other terms as the resolution, trust  
26 indenture, or other security agreement may provide, and

1 shall not be restricted by the provisions of any other law  
2 limiting the amounts, maturities, interest rates, or other  
3 terms of obligations of units of local government or  
4 private parties. The bonds shall be sold in a manner and at  
5 such price as the board shall determine at private or  
6 public sale.

7 (5) Bonds of an agency may be issued under the  
8 provisions of this Act without obtaining the consent of any  
9 department, division, commission, board, bureau, or agency  
10 of the State of Illinois or of any member, except as may be  
11 limited in an intergovernmental agreement, and without any  
12 other proceeding or the happening of any other condition or  
13 occurrence except as specifically required by this Act.

14 (6) The resolution, trust indenture, or other security  
15 agreement under which any bonds are issued shall constitute  
16 a contract with the holders of the bonds and may contain  
17 provisions, among others, prescribing:

18 (A) the terms and provisions of the bonds;

19 (B) the mortgage or pledge of and the grant of a  
20 security interest in any real or personal property and  
21 all or any part of the revenue from any project or any  
22 revenue producing contract made by the agency to secure  
23 the payment of bonds, subject to any agreements with  
24 the holders of bonds which might then exist;

25 (C) the custody, collection, securing,  
26 investments, and payment of any revenues, assets,

1 money, funds, or property with respect to which the  
2 agency may have any rights or interest;

3 (D) the rates or charges for the products or  
4 services rendered by the agency, the amount to be  
5 raised by the rates or charges, and the use and  
6 disposition of any or all revenue;

7 (E) the creation of reserves or sinking funds and  
8 the regulation and disposition thereof;

9 (F) the purposes to which the proceeds from the  
10 sale of any bonds then or thereafter to be issued may  
11 be applied, and the pledge of revenues to secure the  
12 payment of the bonds;

13 (G) the limitations on the issuance of any  
14 additional bonds, the terms upon which additional  
15 bonds may be issued and secured, and the refunding of  
16 outstanding bonds;

17 (H) the rank or priority of any bonds with respect  
18 to any lien or security;

19 (I) the creation of special funds or moneys to be  
20 held in trust or otherwise for operational expenses,  
21 payment, or redemption of bonds, reserves or other  
22 purposes, and the use and disposition of moneys held in  
23 such funds;

24 (J) the procedure by which the terms of any  
25 contract with or for the benefit of the holders of  
26 bonds may be amended or revised, the amount of bonds

1           the holders of which must consent thereto, and the  
2           manner in which consent may be given;

3           (K) the definition of the acts or omissions to act  
4           that shall constitute a default in the duties of the  
5           agency to holders of its bonds, and the rights and  
6           remedies of the holders in the event of default,  
7           including, if the agency so determines, the right to  
8           accelerate the due date of the bonds or the right to  
9           appoint a receiver or receivers of the property or  
10          revenues subject to the lien of the resolution, trust  
11          indenture, or other security agreement;

12          (L) any other or additional agreements with or for  
13          the benefit of the holders of bonds or any covenants or  
14          restrictions necessary or desirable to safeguard the  
15          interests of the holders;

16          (M) the custody of its properties or investments,  
17          the safekeeping thereof, the insurance to be carried  
18          thereon, and the use and disposition of insurance  
19          proceeds;

20          (N) the vesting in a trustee or trustees, within or  
21          without the State of Illinois, of such properties,  
22          rights, powers, and duties in trust as the agency may  
23          determine; or the limiting or abrogating of the rights  
24          of the holders of any bonds to appoint a trustee, or  
25          the limiting of the rights, powers, and duties of such  
26          trustee; or

1           (0) the appointment of and the establishment of the  
2           duties and obligations of any paying agent or other  
3           fiduciary within or without the State of Illinois.

4           (7) For the security of bonds issued or to be issued by  
5           an agency, the agency may mortgage or execute deeds of  
6           trust of the whole or any part of its property and  
7           franchises. Any pledge of revenues, securities, contract  
8           rights, or other personal property made by an agency  
9           pursuant to this Act shall be valid and binding from the  
10          date the pledge is made. The revenues, securities, contract  
11          rights, or other personal property so pledged and then held  
12          or thereafter received by the agency or any fiduciary shall  
13          immediately be subject to the lien of the pledge without  
14          any physical delivery thereof or further act, and the lien  
15          of the pledge shall be valid and binding as against all  
16          parties having claims of any kind in tort, contract, or  
17          otherwise against the agency without regard to whether the  
18          parties have notice. The resolution, trust indenture,  
19          security agreement, or other instrument by which a pledge  
20          is created shall be recorded in the county in which the  
21          principal office is located in the manner provided by law.

22          (8) Neither the officials, the directors, nor the  
23          members of an agency nor any person executing bonds shall  
24          be liable personally on the bonds or be subject to any  
25          personal liability or accountability by reason of the  
26          issuance thereof. An agency shall have power to indemnify

1 and to purchase and maintain insurance on behalf of any  
2 director, officer, employee, or agent of the agency, in  
3 connection with any threatened, pending, or completed  
4 action, suit, or proceeding.

5 (9) An agency shall have power to purchase out of any  
6 funds available therefor, bonds, and to hold for  
7 re-issuance, pledge, cancel, or retire the bonds and  
8 coupons prior to maturity, subject to and in accordance  
9 with any agreements with the holders.

10 (10) The principal of and interest upon any bonds  
11 issued by an agency shall be payable solely from the  
12 revenue sources or funds pledged or available for their  
13 payment as authorized in this Act. Each bond shall contain  
14 a statement that it constitutes an obligation of the agency  
15 issuing the bond, that its principal and interest are  
16 payable solely from revenues or funds of the agency and  
17 that neither the State of Illinois nor any political  
18 subdivision thereof, except the issuer, nor any school  
19 district that is a member of the agency, is obligated to  
20 pay the principal or interest on the bonds and that neither  
21 the faith and credit nor the taxing power of the State of  
22 Illinois or any such political subdivision thereof or of  
23 any such school district is pledged to the payment of the  
24 principal of or the interest on the bonds.

25 Section 65. Charges. An agency may establish, levy, and

1 collect or may authorize, by contract, franchise, lease, or  
2 otherwise, the establishment, levying, and collection of  
3 rents, rates, and other charges for the products and services  
4 afforded by the agency or by or in connection with any eligible  
5 project or properties that it may construct, acquire, own,  
6 operate, or control or with respect to which it may have any  
7 interest or any right to the products and services thereof as  
8 it may deem necessary, proper, desirable, or reasonable. Rents,  
9 rates, and other charges shall be established so as to be  
10 sufficient to meet the operation, maintenance, and other  
11 expenses thereof, including reasonable reserves, interest, and  
12 principal payments, including payments into one or more sinking  
13 funds for the retirement of principal. An agency may pledge its  
14 rates, rents, and other revenue, or any part thereof, as  
15 security for the repayment, with interest and premium, if any,  
16 of any moneys borrowed by it or advanced to it for any of its  
17 authorized purposes and as security for the payment of amounts  
18 due and owing by it under any contract.

19 Section 70. School districts may contract.

20 (a) In order to accomplish the purposes of this Act, a  
21 school district may enter into and carry out contracts and  
22 agreements for the sale, lease, or other use of property, real  
23 or personal, cooperative provision of services, such as police  
24 services, or the purchase of power from an agency, or  
25 transmission services, development services, and other

1 services.

2 (b) Any contract and agreement shall be for a period not to  
3 exceed 50 years and shall contain other terms, conditions, and  
4 provisions that are not inconsistent with the provisions of  
5 this Act as the governing body of such school district shall  
6 approve, including without limitation provisions whereby the  
7 school district is obligated to pay for the products and  
8 services of an agency without set-off or counterclaim and  
9 irrespective of whether such products or services are  
10 furnished, made available, or delivered to the school district,  
11 or whether any project contemplated by any such contract and  
12 agreement is completed, operable or operating, and  
13 notwithstanding suspension, interruption, interference,  
14 reduction, or curtailment of the products and services of the  
15 project.

16 (c) Any contract and agreement may be pledged by the agency  
17 to secure its obligations and may provide that if one or more  
18 school districts defaults in the payment of its obligations  
19 under such contract and agreement, the remaining school  
20 districts having such contracts and agreements shall be  
21 required to pay for and shall be entitled proportionately to  
22 use or otherwise dispose of the products and services that were  
23 to be purchased by the defaulting school district.

24 (c) Any contract and agreement providing for payments by a  
25 school district shall be an obligation of the school district  
26 payable from and secured by such lawfully available funds as

1 may be made pursuant to applicable law. Notwithstanding the  
2 sources of funds pledged, any contract between the agency and  
3 its members with respect to an eligible project shall not  
4 constitute an indebtedness of such members within any statutory  
5 limitation.

6 (d) Nothing in this Act shall be construed to preclude a  
7 school district from appropriating and using taxes and other  
8 revenues received in any year to make payments due or to comply  
9 with covenants to be performed during that year under any  
10 contract or agreement for a term of years entered into as  
11 contemplated in this Act, subject to the provisions of  
12 applicable law.

13 (e) Any contract or agreement may include provisions for  
14 requirements purchases, restraints on resale or other  
15 dealings, exclusive dealing, pricing, territorial division,  
16 and other conduct or arrangements that may have an  
17 anti-competitive effect.

18 (f) Notwithstanding the provisions of any other law, in the  
19 making of a contract or agreement between an agency and a  
20 member, the director of the agency who represents such member  
21 must recuse himself or herself from participation in  
22 discussions or voting as director, but may participate and vote  
23 in his or her capacity as an officer of the governing body of  
24 such member, and such participation and voting shall not be a  
25 conflict of interest.

1 Section 90. The Eminent Domain Act is amended by adding  
2 Section 15-5-50 as follows:

3 (735 ILCS 30/15-5-50 new)

4 Sec. 15-5-50. Eminent domain powers in New Acts. The  
5 following provisions of law may include express grants of the  
6 power to acquire property by condemnation or eminent domain:

7 School District Intergovernmental Cooperation Renewable Energy  
8 Act; an agency organized and operating under that Act; for  
9 eligible projects.

10 Section 97. Severability. The provisions of this Act are  
11 severable under Section 1.31 of the Statute on Statutes.

12 Section 999. Effective date. This Act takes effect upon  
13 becoming law."