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LRB093 05335 MKM 43835 a

1 AMENDMENT TO HOUSE BILL 900

2 AMENDMENT NO. _____. Amend House Bill 900 by replacing
3 everything after the enacting clause with the following:

4
5 "Section 5. Short title. This Act may be cited as the
6 Western 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 western
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 western region of Illinois;

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

6 (5) that decent, affordable housing is a necessary
7 ingredient of life affording each citizen basic human dignity,
8 a sense of self-worth, confidence, and a firm foundation upon
9 which to build a family and educate children;

10 (6) that in order to foster civic and neighborhood pride,
11 citizens require access to educational institutions,
12 recreation, parks and open spaces, entertainment, sports, a
13 reliable transportation network, cultural facilities, and
14 theaters; and

15 (7) that the main purpose of this Act is to promote
16 industrial, commercial, residential, service, transportation,
17 and recreational activities and facilities, thereby reducing
18 the evils attendant upon unemployment and enhancing the public
19 health, safety, morals, happiness, and general welfare of the
20 State.

21 Section 15. Definitions. In this Act:

22 "Authority" means the Western Illinois Economic
23 Development Authority.

24 "Governmental agency" means any federal, State, or local
25 governmental body and any agency or instrumentality thereof,
26 corporate or otherwise.

27 "Person" means any natural person, firm, partnership,
28 corporation, both domestic and foreign, company, association
29 or joint stock association and includes any trustee, receiver,
30 assignee or personal representative thereof.

31 "Revenue bond" means any bond issued by the Authority, the
32 principal and interest of which is payable solely from revenues
33 or income derived from any project or activity of the

1 Authority.

2 "Board" means the Board of Directors of the Western
3 Illinois Economic Development Authority.

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

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

7 "Industrial project" means the following:

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

30 (2) any land, buildings, machinery or equipment comprising
31 an addition to or renovation, rehabilitation or improvement of
32 any existing capital project.

33 "Commercial project" means any project, including, but not
34 limited to, one or more buildings and other structures,

1 improvements, machinery, and equipment, whether or not on the
2 same site or sites now existing or hereafter acquired, suitable
3 for use by any retail or wholesale concern, distributorship, or
4 agency.

5 "Project" means an industrial, housing, residential,
6 commercial, or service project, or any combination thereof,
7 provided that all uses fall within one of the categories
8 described above. Any project automatically includes all site
9 improvements and new construction involving sidewalks, sewers,
10 solid waste and wastewater treatment and disposal sites and
11 other pollution control facilities, resource or waste
12 reduction, recovery, treatment and disposal facilities, parks,
13 open spaces, wildlife sanctuaries, streets, highways, and
14 runways.

15 "Lease agreement" means an agreement in which a project
16 acquired by the Authority by purchase, gift, or lease is leased
17 to any person or corporation that will use, or cause the
18 project to be used, as a project, upon terms providing for
19 lease rental payments at least sufficient to pay, when due, all
20 principal of and interest and premium, if any, on any bonds,
21 notes, or other evidences of indebtedness of the Authority,
22 issued with respect to the project, providing for the
23 maintenance, insurance, and operation of the project on terms
24 satisfactory to the Authority and providing for disposition of
25 the project upon termination of the lease term, including
26 purchase options or abandonment of the premises, with other
27 terms as may be deemed desirable by the Authority.

28 "Loan agreement" means any agreement in which the Authority
29 agrees to loan the proceeds of its bonds, notes, or other
30 evidences of indebtedness, issued with respect to a project, to
31 any person or corporation which will use or cause the project
32 to be used as a project, upon terms providing for loan
33 repayment installments at least sufficient to pay, when due,
34 all principal of and interest and premium, if any, on any

1 bonds, notes, or other evidences of indebtedness of the
2 Authority issued with respect to the project, providing for
3 maintenance, insurance, and operation of the project on terms
4 satisfactory to the Authority and providing for other terms
5 deemed advisable by the Authority.

6 "Financial aid" means the expenditure of Authority funds or
7 funds provided by the Authority for the development,
8 construction, acquisition or improvement of a project, through
9 the issuance of revenue bonds, notes, or other evidences of
10 indebtedness.

11 "Costs incurred in connection with the development,
12 construction, acquisition or improvement of a project" means
13 the following:

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

18 (2) financing charges;

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

22 (4) engineering and legal expenses; and

23 (5) the costs of plans, specifications, surveys, and
24 estimates of costs and other expenses necessary or incident to
25 determining the feasibility or practicability of any project,
26 together with such other expenses as may be necessary or
27 incident to the financing, insuring, acquisition, and
28 construction of a specific project and the placing of the same
29 in operation.

30 Section 20. Creation.

31 (a) There is created a political subdivision, body politic,
32 and municipal corporation named the Western Illinois Economic
33 Development Authority. The territorial jurisdiction of the

1 Authority is that geographic area within the boundaries of the
2 following counties: Warren, Henderson, Hancock, McDonough,
3 Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and
4 Pike and any navigable waters and air space located therein.

5 (b) The governing and administrative powers of the
6 Authority shall be vested in a body consisting of 21 members as
7 follows:

8 (1) Ex officio members. The Director of Commerce and
9 Economic Opportunity, or a designee of that Department, and
10 the Director of Central Management Services, or a designee
11 of that Department, shall serve as ex officio members.

12 (2) Public members. Six members shall be appointed by
13 the Governor with the advice and consent of the Senate. The
14 county board chairmen of the following counties shall each
15 appoint one member: Warren, Henderson, Hancock, McDonough,
16 Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott,
17 Morgan, and Pike. All public members shall reside within
18 the territorial jurisdiction of the Authority. The public
19 members shall be persons of recognized ability and
20 experience in one or more of the following areas: economic
21 development, finance, banking, industrial development,
22 state or local government, commercial agriculture, small
23 business management, real estate development, community
24 development, venture finance, organized labor, or civic or
25 community organization.

26 (c) 11 members shall constitute a quorum.

27 (d) The chairman of the Authority shall be elected annually
28 by the Board and must be a public member that resides within
29 the territorial jurisdiction of the Authority.

30 (e) The terms of all initial members of the Authority shall
31 begin 30 days after the effective date of this Act. Of the 6
32 original public members appointed by the Governor, 2 shall
33 serve until the third Monday in January, 2005; 1 shall serve
34 until the third Monday in January, 2006; 1 shall serve until

1 the third Monday in January, 2007; 1 shall serve until the
2 third Monday in January, 2008; and 1 shall serve until the
3 third Monday in January, 2009. The initial terms of the
4 original public members appointed by the county board chairman
5 shall be determined by lot, according to the following
6 schedule: (i) 3 shall serve until the third Monday in January,
7 2005, (ii) 3 shall serve until the third Monday in January,
8 2006, (iii) 3 shall serve until the third Monday in January,
9 2007, (iv) 2 shall serve until the third Monday in January,
10 2008, and (v) 2 shall serve until the third Monday in January,
11 2009. All successors to these original public members shall be
12 appointed by the original appointing authority and all
13 appointments made by the Governor shall be made with the advice
14 and consent of the Senate, pursuant to subsection (b), and
15 shall hold office for a term of 6 years commencing the third
16 Monday in January of the year in which their term commences,
17 except in the case of an appointment to fill a vacancy.
18 Vacancies occurring among the public members shall be filled
19 for the remainder of the term. In case of vacancy in a
20 Governor-appointed membership when the Senate is not in
21 session, the Governor may make a temporary appointment until
22 the next meeting of the Senate when a person shall be nominated
23 to fill the office and, upon confirmation by the Senate, he or
24 she shall hold office during the remainder of the term and
25 until a successor is appointed and qualified. Members of the
26 Authority are not entitled to compensation for their services
27 as members but are entitled to reimbursement for all necessary
28 expenses incurred in connection with the performance of their
29 duties as members.

30 (f) The Governor may remove any public member of the
31 Authority in case of incompetence, neglect of duty, or
32 malfeasance in office. The chairman of a county board may
33 remove any public member appointed by that chairman in the case
34 of incompetence, neglect of duty, or malfeasance in office.

1 (g) The Board shall appoint an Executive Director who shall
2 have a background in finance, including familiarity with the
3 legal and procedural requirements of issuing bonds, real
4 estate, or economic development and administration. The
5 Executive Director shall hold office at the discretion of the
6 Board. The Executive Director shall be the chief administrative
7 and operational officer of the Authority, shall direct and
8 supervise its administrative affairs and general management,
9 perform such other duties as may be prescribed from time to
10 time by the members, and receive compensation fixed by the
11 Authority. The Department of Commerce and Community Affairs
12 shall pay the compensation of the Executive Director from
13 appropriations received for that purpose. The Executive
14 Director shall attend all meetings of the Authority. However,
15 no action of the Authority shall be invalid on account of the
16 absence of the Executive Director from a meeting. The Authority
17 may engage the services of the Illinois Finance Authority,
18 attorneys, appraisers, engineers, accountants, credit
19 analysts, and other consultants if the Western Illinois
20 Economic Development Authority deems it advisable.

21 Section 25. Duty. All official acts of the Authority shall
22 require the approval of at least 11 members. It shall be the
23 duty of the Authority to promote development within the
24 geographic confines of Warren, Henderson, Hancock, McDonough,
25 Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and
26 Pike counties. The Authority shall use the powers conferred
27 upon it to assist in the development, construction, and
28 acquisition of industrial, commercial, housing, or residential
29 projects within those counties.

30 Section 30. Powers.

31 (a) The Authority possesses all the powers of a body
32 corporate necessary and convenient to accomplish the purposes

1 of this Act, including, without any intended limitation upon
2 the general powers hereby conferred, the following powers:

3 (1) to enter into loans, contracts, agreements, and
4 mortgages in any matter connected with any of its corporate
5 purposes and to invest its funds;

6 (2) to sue and be sued;

7 (3) to utilize services of the Illinois Finance
8 Authority necessary to carry out its purposes;

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

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

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

17 (7) to accept and expend appropriations;

18 (8) to acquire, own, lease, sell, or otherwise dispose
19 of interests in and to real property and improvements
20 situated on that real property and in personal property
21 necessary to fulfill the purposes of the Authority;

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

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

32 (11) subject to any applicable condition imposed by
33 this Act, to locate, establish and maintain a public
34 airport, public airports and public airport facilities

1 within its corporate limits or within or upon any body of
2 water adjacent thereto and to construct, develop, expand,
3 extend and improve any such airport or airport facility;
4 and

5 (12) to have and exercise all powers and be subject to
6 all duties usually incident to boards of directors of
7 corporations.

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

18 (c) If any of the powers set forth in this Act are
19 exercised within the jurisdictional limits of any
20 municipality, all ordinances of the municipality remain in full
21 force and effect and are controlling.

22 Section 35. Tax avoidance. Notwithstanding any other
23 provision of law, the Authority shall not enter into any
24 agreement providing for the purchase and lease of tangible
25 personal property which results in the avoidance of taxation
26 under the Retailers' Occupation Tax Act, the Use Tax Act, the
27 Service Use Tax Act, or the Service Occupation Tax Act, without
28 the prior written consent of the Governor.

29 Section 40. Bonds.

30 (a) The Authority, with the written approval of the
31 Governor, shall have the continuing power to issue bonds,
32 notes, or other evidences of indebtedness in an aggregate

1 amount not to exceed \$250,000,000 for the following purposes:
2 (i) development, construction, acquisition, or improvement of
3 projects, including those established by business entities
4 locating or expanding property within the territorial
5 jurisdiction of the Authority; (ii) entering into venture
6 capital agreements with businesses locating or expanding
7 within the territorial jurisdiction of the Authority; (iii)
8 acquisition and improvement of any property necessary and
9 useful in connection therewith; and (iv) for the purposes of
10 the Employee Ownership Assistance Act. For the purpose of
11 evidencing the obligations of the Authority to repay any money
12 borrowed, the Authority may, pursuant to resolution, from time
13 to time, issue and dispose of its interest-bearing revenue
14 bonds, notes, or other evidences of indebtedness and may also
15 from time to time issue and dispose of such bonds, notes, or
16 other evidences of indebtedness to refund, at maturity, at a
17 redemption date or in advance of either, any bonds, notes, or
18 other evidences of indebtedness pursuant to redemption
19 provisions or at any time before maturity. All such bonds,
20 notes, or other evidences of indebtedness shall be payable
21 solely and only from the revenues or income to be derived from
22 loans made with respect to projects, from the leasing or sale
23 of the projects, or from any other funds available to the
24 Authority for such purposes. The bonds, notes, or other
25 evidences of indebtedness may bear such date or dates, may
26 mature at such time or times not exceeding 40 years from their
27 respective dates, may bear interest at such rate or rates not
28 exceeding the maximum rate permitted by the Bond Authorization
29 Act, may be in such form, may carry such registration
30 privileges, may be executed in such manner, may be payable at
31 such place or places, may be made subject to redemption in such
32 manner and upon such terms, with or without premium, as is
33 stated on the face thereof, may be authenticated in such manner
34 and may contain such terms and covenants as may be provided by

1 an applicable resolution.

2 (b) The holder or holders of any bonds, notes, or other
3 evidences of indebtedness issued by the Authority may bring
4 suits at law or proceedings in equity to compel the performance
5 and observance by any corporation or person or by the Authority
6 or any of its agents or employees of any contract or covenant
7 made with the holders of the bonds, notes, or other evidences
8 of indebtedness, to compel such corporation, person, the
9 Authority, and any of its agents or employees to perform any
10 duties required to be performed for the benefit of the holders
11 of the bonds, notes, or other evidences of indebtedness by the
12 provision of the resolution authorizing their issuance and to
13 enjoin the corporation, person, the Authority, and any of its
14 agents or employees from taking any action in conflict with any
15 contract or covenant.

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

29 (d) Notwithstanding the form and tenor of any bond, note,
30 or other evidence of indebtedness and in the absence of any
31 express recital on its face that it is non-negotiable, all such
32 bonds, notes, and other evidences of indebtedness shall be
33 negotiable instruments. Pending the preparation and execution
34 of any bonds, notes, or other evidences of indebtedness,

1 temporary bonds, notes, or evidences of indebtedness may be
2 issued as provided by ordinance.

3 (e) To secure the payment of any or all of such bonds,
4 notes, or other evidences of indebtedness, the revenues to be
5 received by the Authority from a lease agreement or loan
6 agreement shall be pledged, and, for the purpose of setting
7 forth the covenants and undertakings of the Authority in
8 connection with the issuance of the bonds, notes, or other
9 evidences of indebtedness and the issuance of any additional
10 bonds, notes or other evidences of indebtedness payable from
11 such revenues, income, or other funds to be derived from
12 projects, the Authority may execute and deliver a mortgage or
13 trust agreement. A remedy for any breach or default of the
14 terms of any mortgage or trust agreement by the Authority may
15 be by mandamus proceeding in the appropriate circuit court to
16 compel performance and compliance under the terms of the
17 mortgage or trust agreement, but the trust agreement may
18 prescribe by whom or on whose behalf the action may be
19 instituted.

20 (f) Bonds or notes shall be secured as provided in the
21 authorizing ordinance which may include, notwithstanding any
22 other provision of this Act, in addition to any other security,
23 a specific pledge, assignment of and lien on, or security
24 interest in any or all revenues or money of the Authority, from
25 whatever source, which may, by law, be used for debt service
26 purposes and a specific pledge, or assignment of and lien on,
27 or security interest in any funds or accounts established or
28 provided for by ordinance of the Authority authorizing the
29 issuance of the bonds or notes.

30 (g) In the event that the Authority determines that moneys
31 of the Authority will not be sufficient for the payment of the
32 principal of and interest on its bonds during the next State
33 fiscal year, the chairman, as soon as practicable, shall
34 certify to the Governor the amount required by the Authority to

1 enable it to pay the principal of and interest on the bonds.
2 The Governor shall submit the certified amount to the General
3 Assembly as soon as practicable, but no later than the end of
4 the current State fiscal year. This Section shall not apply to
5 any bonds or notes to which the Authority determines, in the
6 resolution authorizing the issuance of the bonds or notes, that
7 this Section shall not apply. Whenever the Authority makes this
8 determination, it shall be plainly stated on the face of the
9 bonds or notes and the determination shall also be reported to
10 the Governor. In the event of a withdrawal of moneys from a
11 reserve fund established with respect to any issue or issues of
12 bonds of the Authority to pay principal or interest on those
13 bonds, the chairman of the Authority, as soon as practicable,
14 shall certify to the Governor the amount required to restore
15 the reserve fund to the level required in the resolution or
16 indenture securing those bonds. The Governor shall submit the
17 certified amount to the General Assembly as soon as
18 practicable, but no later than the end of the current State
19 fiscal year.

20 (h) The State of Illinois pledges to and agrees with the
21 holders of the bonds and notes of the Authority issued pursuant
22 to this Section that the State will not limit or alter the
23 rights and powers vested in the Authority by this Act so as to
24 impair the terms of any contract made by the Authority with the
25 holders of bonds or notes or in any way impair the rights and
26 remedies of those holders until the bonds and notes, together
27 with interest thereon, with interest on any unpaid installments
28 of interest, and all costs and expenses in connection with any
29 action or proceedings by or on behalf of the holders, are fully
30 met and discharged. In addition, the State pledges to and
31 agrees with the holders of the bonds and notes of the Authority
32 issued pursuant to this Section that the State will not limit
33 or alter the basis on which State funds are to be paid to the
34 Authority as provided in this Act, or the use of such funds, so

1 as to impair the terms of any such contract. The Authority is
2 authorized to include these pledges and agreements of the State
3 in any contract with the holders of bonds or notes issued
4 pursuant to this Section.

5 (i) Not less than 30 days prior to the commitment to issue
6 bonds, notes, or other evidences of indebtedness for the
7 purpose of developing, constructing, acquiring, or improving
8 housing or residential projects, as defined in this Act, the
9 Authority shall provide notice to the Executive Director of the
10 Illinois Housing Development Authority. Within 30 days after
11 the notice is provided, the Illinois Housing Development
12 Authority shall, in writing, either express interest in
13 financing the project or notify the Authority that it is not
14 interested in providing financing and that the Authority may
15 finance the project or seek alternative financing.

16 Section 45. Bonds and notes; exemption from taxation. The
17 creation of the Authority is in all respects for the benefit of
18 the people of Illinois and for the improvement of their health,
19 safety, welfare, comfort, and security, and its purposes are
20 public purposes. In consideration thereof, the notes and bonds
21 of the Authority issued pursuant to this Act and the income
22 from these notes and bonds may be free from all taxation by the
23 State or its political subdivisions, exempt for estate,
24 transfer, and inheritance taxes. The exemption from taxation
25 provided by the preceding sentence shall apply to the income on
26 any notes or bonds of the Authority only if the Authority in
27 its sole judgment determines that the exemption enhances the
28 marketability of the bonds or notes or reduces the interest
29 rates that would otherwise be borne by the bonds or notes. For
30 purposes of Section 250 of the Illinois Income Tax Act, the
31 exemption of the Authority shall terminate after all of the
32 bonds have been paid. The amount of such income that shall be
33 added and then subtracted on the Illinois income tax return of

1 a taxpayer, subject to Section 203 of the Illinois Income Tax
2 Act, from federal adjusted gross income or federal taxable
3 income in computing Illinois base income shall be the interest
4 net of any bond premium amortization.

5 Section 50. Acquisition.

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

8 (b) The Authority shall have power to acquire by purchase,
9 lease, gift, or otherwise any property or rights therein from
10 any person or persons, the State of Illinois, any municipal
11 corporation, any local unit of government, the government of
12 the United States and any agency or instrumentality of the
13 United States, any body politic, or any county useful for its
14 purposes, whether improved for the purposes of any prospective
15 project or unimproved. The Authority may also accept any
16 donation of funds for its purposes from any of these sources.

17 (c) The Authority shall have power to develop, construct,
18 and improve, either under its own direction or through
19 collaboration with any approved applicant, or to acquire,
20 through purchase or otherwise, any project, using for this
21 purpose the proceeds derived from its sale of revenue bonds,
22 notes, or other evidences of indebtedness or governmental loans
23 or grants and shall have the power to hold title to those
24 projects in the name of the Authority.

25 (d) The Authority shall have the power to enter into
26 intergovernmental agreements with the State of Illinois, the
27 counties of Warren, Henderson, Hancock, McDonough, Fulton,
28 Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, or Pike,
29 the Illinois Development Finance Authority, the Illinois
30 Housing Development Authority, the Illinois Education
31 Facilities Authority, the Illinois Farm Development Authority,
32 the Rural Bond Bank, the United States government and any
33 agency or instrumentality of the United States, any unit of

1 local government located within the territory of the Authority,
2 or any other unit of government to the extent allowed by
3 Article VII, Section 10 of the Illinois Constitution and the
4 Intergovernmental Cooperation Act.

5 (e) The Authority shall have the power to share employees
6 with other units of government, including agencies of the
7 United States, agencies of the State of Illinois, and agencies
8 or personnel of any unit of local government.

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

13 Section 55. Enterprise zones. The Authority may by
14 ordinance designate a portion of the territorial jurisdiction
15 of the Authority for certification as an Enterprise Zone under
16 the Illinois Enterprise Zone Act in addition to any other
17 enterprise zones which may be created under that Act, which
18 area shall have all the privileges and rights of an Enterprise
19 Zone pursuant to the Illinois Enterprise Zone Act, but which
20 shall not be counted in determining the number of Enterprise
21 Zones to be created in any year pursuant to that Act.

22 Section 60. Designation of depository. The Authority shall
23 biennially designate a national or State bank or banks as
24 depositories of its money. Such depositories shall be
25 designated only within the State and upon condition that bonds
26 approved as to form and surety by the Authority and at least
27 equal in amount to the maximum sum expected to be on deposit at
28 any one time shall be first given by such depositories to the
29 Authority, such bonds to be conditioned for the safe keeping
30 and prompt repayment of such deposits. When any of the funds of
31 the Authority shall be deposited by the treasurer in any such
32 depository, the treasurer and the sureties on his official bond

1 shall, to such extent, be exempt from liability for the loss of
2 any such deposited funds by reason of the failure, bankruptcy,
3 or any other act or default of such depository; provided that
4 the Authority may accept assignments of collateral by any
5 depository of its funds to secure such deposits to the same
6 extent and conditioned in the same manner as assignments of
7 collateral are permitted by law to secure deposits of the funds
8 of any city.

9 Section 65. Taxation prohibited. The Authority shall have
10 no right or authority to levy any tax or special assessment, to
11 pledge the credit of the State or any other subdivision or
12 municipal corporation thereof, or to incur any obligation
13 enforceable upon any property, either within or without the
14 territory of the Authority.

15 Section 70. Fees. The Authority may collect fees and
16 charges in connection with its loans, commitments, and
17 servicing and may provide technical assistance in the
18 development of the region.

19 Section 75. Reports. The Authority shall annually submit a
20 report of its finances to the Auditor General. The Authority
21 shall annually submit a report of its activities to the
22 Governor and to the General Assembly.

23 Section 95. The Tri-City Regional Port District Act is
24 amended by changing Section 4 as follows:

25 (70 ILCS 1860/4) (from Ch. 19, par. 287)

26 Sec. 4. The Port District has the following rights and
27 powers:

28 1. To issue permits: for the construction of all wharves,
29 piers, dolphins, booms, weirs, breakwaters, bulkheads,

1 jetties, bridges or other structures of any kind, over, under,
2 in, or within 40 feet of any navigable waters within the Port
3 District; for the deposit of rock, earth, sand or other
4 material, or any matter of any kind or description in such
5 waters; except that nothing contained in this paragraph 1 shall
6 be construed so that it will be deemed necessary to obtain a
7 permit from the District for the erection, operation or
8 maintenance of any bridge crossing a waterway which serves as a
9 boundary between the State of Illinois and any other State,
10 when such erection, operation or maintenance is performed by
11 any city within the District;

12 2. To prevent or remove obstructions in navigable waters,
13 including the removal of wrecks;

14 3. To locate and establish dock lines and shore or harbor
15 lines;

16 4. To regulate the anchorage, moorage and speed of water
17 borne vessels and to establish and enforce regulations for the
18 operation of bridges, except nothing contained in this
19 paragraph 4 shall be construed to give the District authority
20 to regulate the operation of any bridge crossing a waterway
21 which serves as a boundary between the State of Illinois and
22 any other State, when such operation is performed or to be
23 performed by any city within the District;

24 5. To acquire, own, construct, lease for any period not
25 exceeding 99 years, operate and maintain terminals, terminal
26 facilities and port facilities, to fix and collect just,
27 reasonable, and nondiscriminatory charges for the use of such
28 facilities, and, except as provided herein for short term
29 financing, to use the charges so collected to defray the
30 reasonable expenses of the Port District and to pay the
31 principal of and interest on any revenue bonds issued by the
32 District;

33 6. To acquire, erect, construct, reconstruct, improve,
34 maintain, operate and lease in whole or part for any period not

1 exceeding 99 years, central office or administrative
2 facilities for use by the Port District, any tenant, occupant
3 or user of the District facilities, or anyone engaged in
4 commerce in the District.

5 7. To sell, assign, pledge or hypothecate in whole or in
6 part any contract, lease, income, charges, tolls, rentals or
7 fees of the District to provide short term interim financing
8 pending the issuance of revenue bonds by the District, provided
9 that when such revenue bonds are issued, such contracts,
10 leases, income, charges, tolls, rentals or fees shall be used
11 to defray the reasonable expenses of the Port District and pay
12 the principal of and income on any revenue bonds issued by the
13 District;

14 8. To acquire, own, construct, lease for any period not
15 exceeding 99 years, operate, develop and maintain Port District
16 water and sewerage systems including but not limited to pipes,
17 mains, lines, sewers, pumping stations, settling tanks,
18 treatment plants, water purification equipment, wells, storage
19 facilities and all other equipment, material and facilities
20 necessary to such systems, for the use upon payment of a
21 reasonable fee as set by the District, of any tenant, occupant
22 or user of the District facilities, or anyone engaged in
23 commerce in the District, provided that the District shall not
24 acquire, own, construct, lease, operate, develop and maintain
25 such water and sewerage systems if such services can be
26 provided by a public utility or municipal corporation upon
27 request of the District, and provided further that if the
28 District develops its own water and sewerage systems such
29 systems may be sold or disposed of at anytime to any public
30 utility or municipal corporation which will continue to service
31 the Port District.

32 9. To create, establish, maintain and operate a public
33 incinerator for waste disposal by incineration by any means or
34 method, for use by municipalities for the disposal of municipal

1 wastes and by industries for the disposal of industrial waste;
2 and to lease land and said incineration facilities for the
3 operation of an incinerator for a term not exceeding 99 years
4 and to fix and collect just, reasonable and non-discriminatory
5 charges for the use of such incinerating facilities, and to use
6 the charges or lease proceeds to defray the reasonable expenses
7 of the Port District, and to pay the principal of and interest
8 on any revenue bonds issued by the Port District.

9 10. To locate, establish and maintain a public airport,
10 public airports and public airport facilities within its
11 corporate limits or within or upon any body of water adjacent
12 thereto, and to construct, develop, expand, extend and improve
13 any such airport or airport facilities;

14 11. To operate, maintain, manage, lease or sublease for any
15 period not exceeding 99 years, and to make and enter into
16 contracts for the use, operation or management of, and to
17 provide rules and regulations for, the operation, management or
18 use of, any public airport or public airport facility;

19 12. To fix, charge and collect reasonable rentals, tolls,
20 fees, and charges for the use of any public airport, or any
21 part thereof, or any public airport facility;

22 13. To establish, maintain, extend and improve roadways and
23 approaches by land, water or air to any such airport and to
24 contract or otherwise provide, by condemnation if necessary,
25 for the removal of any airport hazard or the removal or
26 relocation of all private structures, railways, mains, pipes,
27 conduits, wires, poles, and all other facilities and equipment
28 which may interfere with the location, expansion, development,
29 or improvement of airports or with the safe approach thereto or
30 take-off therefrom by aircraft, and to pay the cost of removal
31 or relocation; and, subject to the "Airport Zoning Act",
32 approved July 17, 1945, as amended, to adopt, administer and
33 enforce airport zoning regulations for territory which is
34 within its corporate limits or which extends not more than 2

1 miles beyond its corporate limits;

2 14. To restrict the height of any object of natural growth
3 or structure or structures within the vicinity of any airport
4 or within the lines of an approach to any airport and, when
5 necessary, for the reduction in the height of any such existing
6 object or structure, to enter into an agreement for such
7 reduction or to accomplish same by condemnation;

8 15. To agree with the state or federal governments or with
9 any public agency in respect to the removal and relocation of
10 any object of natural growth, airport hazard or any structure
11 or building within the vicinity of any airport or within an
12 approach and which is owned or within the control of such
13 government or agency and to pay all or an agreed portion of the
14 cost of such removal or relocation;

15 16. For the prevention of accidents, for the furtherance
16 and protection of public health, safety and convenience in
17 respect to aeronautics, for the protection of property and
18 persons within the District from any hazard or nuisance
19 resulting from the flight of aircraft, for the prevention of
20 interference between, or collision of, aircraft while in flight
21 or upon the ground, for the prevention or abatement of
22 nuisances in the air or upon the ground or for the extension or
23 increase in the usefulness or safety of any public airport or
24 public airport facility owned by the District, the District may
25 regulate and restrict the flight of aircraft while within or
26 above the incorporated territory of the District;

27 17. To police its physical property only and all waterways
28 and to exercise police powers in respect thereto or in respect
29 to the enforcement of any rule or regulation provided by the
30 ordinances of the District and to employ and commission police
31 officers and other qualified persons to enforce the same. The
32 use of any such public airport or public airport facility of
33 the District shall be subject to the reasonable regulation and
34 control of the District and upon such reasonable terms and

1 conditions as shall be established by its Board. A regulatory
2 ordinance of the District adopted under any provision of this
3 Section may provide for a suspension or revocation of any
4 rights or privileges within the control of the District for a
5 violation of any such regulatory ordinance. Nothing in this
6 Section or in other provisions of this Act shall be construed
7 to authorize such Board to establish or enforce any regulation
8 or rule in respect to aviation, or the operation or maintenance
9 of any airport facility within its jurisdiction, which is in
10 conflict with any federal or state law or regulation applicable
11 to the same subject matter;

12 18. To enter into agreements with the corporate authorities
13 or governing body of any other municipal corporation or any
14 political subdivision of this State to pay the reasonable
15 expense of services furnished by such municipal corporation or
16 political subdivision for or on account of income producing
17 properties of the District;

18 19. To enter into contracts dealing in any manner with the
19 objects and purposes of this Act;

20 20. To acquire, own, lease, sell or otherwise dispose of
21 interests in and to real property and improvements situate
22 thereon and in personal property necessary to fulfill the
23 purposes of the District;

24 21. To designate the fiscal year for the District;

25 22. To engage in any activity or operation which is
26 incidental to and in furtherance of efficient operation to
27 accomplish the District's primary purpose ;

28 23. To apply to proper authorities of the United States of
29 America pursuant to appropriated Federal Law for the right to
30 establish, operate, maintain and lease foreign trade zones and
31 sub-zones within the limits of the Tri-City Regional Port
32 District or within the jurisdiction of the United States
33 Customs Service Office of the St. Louis Port of Entry and to
34 establish, operate, maintain and lease such foreign trade zones

1 and the sub-zones i.

2 24. To operate, maintain, manage, lease, or sublease for
3 any period not exceeding 99 years any former military base
4 owned or leased by the District and within its jurisdictional
5 boundaries, to make and enter into any contract for the use,
6 operation, or management of any former military base owned or
7 leased by the District and located within its jurisdictional
8 boundaries, and to provide rules and regulations for the
9 development, redevelopment, and expansion of any former
10 military base owned or leased by the District and located
11 within its jurisdictional boundaries;

12 25. To locate, establish, re-establish, expand or renew,
13 construct or reconstruct, operate, and maintain any facility,
14 building, structure, or improvement for a use or a purpose
15 consistent with any use or purpose of any former military base
16 owned or leased by the District and located within its
17 jurisdictional boundaries;

18 26. To acquire, own, sell, convey, construct, lease for any
19 period not exceeding 99 years, manage, operate, expand,
20 develop, and maintain any electrical or telephone system,
21 including, but not limited to, all equipment, materials, and
22 facilities necessary or incidental to that electrical or
23 telephone system, for use, at the option of the District and
24 upon payment of a reasonable fee set by the District, of any
25 tenant or occupant situated on any former military base owned
26 or leased by the District and located within its jurisdictional
27 boundaries;

28 27. To cause to be incorporated one or more subsidiary
29 business corporations, wholly-owned by the District, to own,
30 operate, maintain, and manage facilities and services related
31 to any telephone system, pursuant to paragraph 26. A subsidiary
32 corporation formed pursuant to this paragraph shall (i) be
33 deemed a telecommunications carrier, as that term is defined in
34 Section 13-202 of the Public Utilities Act, (ii) have the right

1 to apply to the Illinois Commerce Commission for a Certificate
2 of Service Authority or a Certificate of Interexchange Service
3 Authority, and (iii) have the powers necessary to carry out
4 lawful orders of the Illinois Commerce Commission;

5 28. To improve, develop, or redevelop any former military
6 base situated within the boundaries of the District, in Madison
7 County, Illinois, and acquired by the District from the federal
8 government, acting by and through the United States Maritime
9 Administration, pursuant to any plan for redevelopment,
10 development, or improvement of that military base by the
11 District that is approved by the United States Maritime
12 Administration under the terms and conditions of conveyance of
13 the former military base to the District by the federal
14 government.

15 (Source: P.A. 83-690.)

16 Section 999. Effective date. This Act takes effect upon
17 becoming law."