



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB1184

Introduced 2/11/2009, by Rep. Lisa M. Dugan

#### SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 3435/1.75 new

20 ILCS 3440/4.75 new

50 ILCS 40/1

from Ch. 24, par. 1361

50 ILCS 310/1

from Ch. 85, par. 701

65 ILCS 5/11-51-1

from Ch. 24, par. 11-51-1

70 ILCS 805/5e

from Ch. 96 1/2, par. 6308e

410 ILCS 535/21

from Ch. 111 1/2, par. 73-21

735 ILCS 30/10-5-10

was 735 ILCS 5/7-102

775 ILCS 35/30

30 ILCS 805/8.33 new

Creates the South Suburban Airport Authority Act and the South Suburban Airport Authority. Contains provisions concerning governance and finances of the Authority. Provides that the Public Funds Statement Publication Act shall not apply to the Authority. Amends the Archaeological and Paleontological Resources Protection Act, the Human Skeletal Remains Protection Act, the Governmental Account Audit Act, the Illinois Municipal Code, the Downstate Forest Preserve District Act, the Vital Records Act, the Religious Freedom Restoration Act, and the Eminent Domain Act to make conforming changes. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective March 1, 2011.

LRB096 02813 RLJ 14429 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning transportation.

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

4 ARTICLE 1. TITLE AND DEFINITIONS

5 Section 1-1. Short title. This Act may be cited as the  
6 South Suburban Airport Authority Act.

7 Section 1-5. Definitions. As used in this Act:

8 "Airport" means a facility for passenger, cargo, or  
9 military air service, including, without limitation, landing  
10 fields, taxiways, aprons, runways, runway clear areas,  
11 hangars, aircraft service facilities, approaches, navigational  
12 aids, terminals, inspection facilities, parking, internal  
13 transit facilities, fueling facilities, cargo handling  
14 facilities, concessions, rapid transit and roadway access,  
15 land and interests in land, public waters, submerged land under  
16 public waters and reclaimed land located on previously  
17 submerged land under public waters, and all other property and  
18 appurtenances necessary or useful for development, ownership  
19 and operation of any such facilities, all located on the site  
20 of the airport. It further includes commercial or industrial  
21 facilities located on the site of the airport and related to  
22 the functioning of the airport or to providing services to

1 users of the airport.

2 "Airport Boundaries" means the limits of the approved  
3 airport property for the current South Suburban Airport as  
4 shown on an airport layout plan approved by the Federal  
5 Aviation Administration, or any successor agency.

6 "Authority" means the South Suburban Airport Authority  
7 created by this Act.

8 "Board" means the Board of Directors of the Authority.

9 "Bonds" means any instrument evidencing the obligations of  
10 the Authority to pay money authorized or issued by or on behalf  
11 of the Authority, including, without limitation, bonds, notes,  
12 certificates, lines of credit, leases, installment or  
13 conditional purchase agreements, and any other evidence of  
14 indebtedness.

15 "Department" means the Illinois Department of  
16 Transportation.

17 "Executive Director" means the Board-appointed chief  
18 executive officer of the Authority.

19 "Governmental entity" means any political subdivision,  
20 school district, municipal corporation, unit of local  
21 government, or airport authority.

22 "South Suburban Airport" means the airport to be developed  
23 on a site located in Will County and approved by the Federal  
24 Aviation Administration in the Record of Decision for Tier 1:  
25 FAA Site Approval And Land Acquisition By The State Of  
26 Illinois, Proposed South Suburban Airport, Will County,

1 Illinois, dated July 2002. The airport location is reflected in  
2 Figure R-3 of the Record of Decision, and includes all of the  
3 land lying within the ultimate acquisition boundary depicted in  
4 Figure R-3. The ultimate airport boundaries shall be modified  
5 to reflect the ultimate airport boundaries in an airport layout  
6 plan approved by the Federal Aviation Administration, or any  
7 successor agency, and as reflected later in any approved  
8 airport layout plan.

9 ARTICLE 2. PURPOSE AND FINDINGS

10 Section 2-5. Purpose. The purpose of this Act is to create  
11 the Authority as an Illinois political subdivision, municipal  
12 corporation, and unit of local government with the powers set  
13 forth in this Act, including power to take all needed steps for  
14 the ownership, planning, acquisition, design, construction,  
15 development, and operation of the South Suburban Airport.

16 Section 2-10. Findings. It is found and declared by the  
17 General Assembly as follows:

18 (1) Providing facilities for air travel to and from the  
19 South Suburban Airport is essential for the health and  
20 welfare of the people of the State of Illinois and economic  
21 development of the State of Illinois.

22 (2) Airport development has significant regional  
23 impacts with regard to economic development, public

1 infrastructure requirements, traffic, noise, and other  
2 concerns.

3 (3) To provide for the health and welfare of the people  
4 and economy of the South Suburban Airport area and the  
5 State, it is necessary that there be regional control by  
6 the Authority of the ownership, planning, acquisition,  
7 design, construction, development, and operation of the  
8 South Suburban Airport.

9 Section 2-15. Exclusive exercise of State power. To the  
10 extent this Act grants the Authority power to plan, coordinate  
11 development of, make improvements to, zone for airport  
12 operation, safety, efficiency, and compatibility, control and  
13 operate the South Suburban Airport, it constitutes an exclusive  
14 exercise of those powers on behalf of the State in accordance  
15 with subsection (h) of Section 6 of Article VII of the Illinois  
16 Constitution and accordingly is a limitation on the powers of  
17 home rule units to regulate or supervise planning,  
18 construction, development, zoning for airport compatibility or  
19 operation of the South Suburban Airport.

20 ARTICLE 3. ESTABLISHMENT

21 Section 3-5. Creation of the Authority. There is created  
22 the South Suburban Airport Authority, which shall be an  
23 Illinois political subdivision, municipal corporation, and

1 unit of local government.

2 ARTICLE 4. GOVERNANCE

3 Section 4-5. Board of Directors.

4 (a) The governing body of the Authority shall be a Board of  
5 Directors. The Board of Directors shall have 7 directors  
6 appointed as follows:

7 (1) Four directors shall be appointed by the Will  
8 County Executive, with the advice and consent of the Will  
9 County Board; one of these 4 directors shall be a resident  
10 of the 6 township eastern Will County area consisting of  
11 the townships of Crete, Green Garden, Monee, Peotone,  
12 Washington and Will;

13 (2) one director shall be appointed collectively by the  
14 municipalities of Beecher, Crete, Monee, Peotone and  
15 University Park; the selection procedure for this director  
16 shall be as follows: the village president of each  
17 municipality, with the advice and consent of the  
18 municipality's board of trustees, shall submit one  
19 candidate for consideration within 30 days after the  
20 effective date of this Act, and thereafter within 30 days  
21 after any vacancy or expiration of the term of the board  
22 member selected pursuant to this item (2); the  
23 municipalities may, by intergovernmental agreement,  
24 establish an open interview or other public hearing process

1 to review the candidates; the Board of each such  
2 municipality shall vote, within 30 days after receipt of  
3 candidate nominations, for one candidate; candidates  
4 receiving the highest vote total shall be appointed to the  
5 Board; in the event of a tie vote among the candidates  
6 receiving the 2 highest vote totals, within 15 days after  
7 receiving notice of the tie vote, the village presidents of  
8 each municipality shall cast a vote for a single candidate  
9 to break the tie; the failure of a municipality's village  
10 president or board to act within any of the time frames set  
11 forth in this item (2) shall forfeit that municipality's  
12 right to participate further in the selection and  
13 appointment process for the Authority's board position  
14 then under consideration;

15 (3) one director shall be appointed by the Cook County  
16 Township Supervisors whose townships border Will County;  
17 the director must reside in one of the Cook County  
18 Townships that border Will County; the selection procedure  
19 for this director shall be as follows: the township  
20 supervisor of each township, with the advice and consent of  
21 the township's board of trustees, shall submit one  
22 candidate for consideration within 30 days after the  
23 effective date of this Act, and thereafter within 30 days  
24 after any vacancy or expiration of the term of the board  
25 member selected pursuant to this item (3); the townships  
26 may, by intergovernmental agreement, establish an open

1 interview or other public hearing process to review the  
2 candidates; the Board of each such township shall vote,  
3 within 30 days after receipt of candidate nominations, for  
4 one candidate; candidates receiving the highest vote total  
5 shall be appointed to the Board; in the event of a tie vote  
6 among the candidates receiving the 2 highest vote totals,  
7 within 15 days after receiving notice of the tie vote, the  
8 township supervisors of each township shall cast a vote for  
9 a single candidate to break the tie; the failure of a  
10 township's supervisor or board to act within any of the  
11 time frames set forth in this item (3) shall forfeit that  
12 township's right to participate further in the selection  
13 and appointment process for the Authority's board position  
14 then under consideration;

15 (4) one director shall be appointed by the Chairman of  
16 the Kankakee County Board, with the advice and consent of  
17 the Kankakee County Board.

18 (b) One of the directors appointed by the Will County  
19 Executive, with the advice and consent of the Will County  
20 Board, shall be designated and serve as the Board Chair.

21 (c) Each appointment shall be certified by the appointing  
22 officer to the Secretary of State of Illinois and the Secretary  
23 of the Authority.

24 (d) The appointing officers shall make their initial  
25 appointments within 60 days after the effective date of this  
26 Act. The failure of any appointment to be so made shall not



1 affect the establishment of the Authority or the exercise of  
2 its powers.

3 Section 4-10. Terms, vacancies, and removal.

4 (a) Of the initial 7 directors who may be appointed  
5 pursuant to this Act, one appointed by the Will County  
6 Executive shall serve for a term expiring July 1, 2012; one  
7 appointed by the Chairman of the Kankakee County Board and one  
8 appointed by the Will County Executive shall serve for terms  
9 expiring July 1, 2013; one appointed by the municipalities  
10 pursuant to item (2) of subsection (a) of Section 4-5 of this  
11 Act and one appointed by the Will County Executive shall serve  
12 terms expiring July 1, 2014; one appointed by the Governor  
13 shall serve for a term expiring on July 1, 2015; and the Chair  
14 shall serve for a term expiring July 1, 2016. All subsequent  
15 terms thereafter shall be 6 years.

16 (b) Directors shall hold office until their respective  
17 successors have been appointed. Directors may be reappointed  
18 and may serve consecutive terms.

19 (c) A vacancy shall occur upon resignation, death, or  
20 disqualification under the law of the State of Illinois or upon  
21 removal by the appointing official, as provided in subsection  
22 (f) of this Section.

23 (d) A director who no longer meets the residency  
24 requirements of Section 4-5(a)(1) or (3) shall be disqualified  
25 and a vacancy shall exist until a new director is appointed.

1           (e) In the event of a vacancy, the appointing officer who  
2 appointed the director whose position is vacant shall make an  
3 appointment to fill the vacancy to serve the remainder of the  
4 unexpired term in the same manner as provided for appointment  
5 of directors.

6           (f) Any director may be removed from office by the official  
7 or successor who appointed that director for incompetence,  
8 neglect of duty, or malfeasance in office on the part of the  
9 director to be removed.

10           Section 4-15. Meetings; quorum.

11           (a) As soon as practical after the effective date of this  
12 Act, the Board shall organize for the transaction of business.  
13 The Board may organize and conduct business when a majority of  
14 its members have been appointed. The Board shall prescribe the  
15 time and place for meetings, the place of the principal office  
16 of the Authority (which shall be in Will County), the manner in  
17 which special meetings may be called, the notice that must be  
18 given to directors, and the notice that must be given to the  
19 public of meetings of the Board. The Board shall prescribe  
20 bylaws and an official seal of the Authority. A majority of the  
21 total number of directors holding office at any time shall  
22 constitute a quorum for the transaction of business.

23           (b) All substantive action of the Board shall be by  
24 resolution. The concurrence of a majority of the total number  
25 of directors then holding office shall be necessary for the

1 adoption of any resolution. No action shall be taken unless at  
2 least a majority of directors have been appointed and are  
3 holding office.

4 Section 4-20. Compensation. The annual compensation for  
5 directors shall be established by resolution of the Board at an  
6 amount not to exceed \$10,000 per annum. The \$10,000 threshold  
7 shall be revised each July 1 for inflation or deflation using  
8 the percentage change of the value of the Consumer Price Index  
9 for All Urban Consumers as determined by the United States  
10 Department of Labor in the latest known month compared to the  
11 same value in the previous year. The directors also shall be  
12 compensated for all actual expenses incurred in the performance  
13 of official duties.

14 Section 4-25. Chair and other officers. The Chair shall  
15 preside at meetings of the Board and shall be entitled to vote  
16 on all matters. The Board shall select a Vice-Chair (who shall  
17 preside in the Chair's absence), Secretary, and Treasurer and  
18 may provide for other officers of the Authority with such  
19 duties as it shall from time to time determine. The Secretary,  
20 Treasurer, and other officers of the Authority may, but need  
21 not, be directors.

22 Section 4-30. Executive Director. The officers of the  
23 Authority shall include an Executive Director, who shall be the

1 chief executive officer of the Authority, and who shall be  
2 appointed by the Board. The Executive Director must have and  
3 maintain the designation as an Accredited Airport Executive as  
4 defined by the American Association of Airport Executives. The  
5 Executive Director, consistent with the policies and direction  
6 of the Board, (i) shall be responsible for the management of  
7 the properties, business, and employees of the Authority, (ii)  
8 shall direct the enforcement of all resolutions, rules, and  
9 regulation of the Board, and (iii) shall perform such other  
10 duties as may be prescribed from time to time by the Board. The  
11 Board shall provide for the appointment of, and may enter into  
12 contracts for services by, such attorneys, engineers,  
13 consultants, agents, and employees as it may deem necessary or  
14 desirable, and may require bonds of any of them. The Board  
15 shall adopt rules and procedures governing the Authority's  
16 employment, evaluation, promotion, and discharge of employees.  
17 Subject to those rules and procedures and consistent with the  
18 policies and directions of the Board, the Executive Director  
19 shall select and appoint and may discharge employees of the  
20 Authority, or may supervise such selection, appointment or  
21 discharge. The Executive Director shall not be a member of the  
22 Board. All officers (other than officers who are members of the  
23 Board) and all employees of the Authority shall report and be  
24 subordinate to the Executive Director. The compensation of the  
25 Executive Director and all other officers, attorneys,  
26 engineers, consultants, agents, and employees shall be

1 established by the Board.

2 Section 4-35. Conflict of interest.

3 (a) No director shall be an elected official, officer or  
4 employee of federal, State, county, municipal or other local  
5 unit of government.

6 (b) It is unlawful for (i) any person appointed to or  
7 employed in any of the offices or agencies of Will, Cook, or  
8 Kankakee County, or the municipality of Beecher, Crete, Monee,  
9 Peotone, or University Park, who receives compensation for such  
10 employment in excess of the salary of the Will County  
11 Executive, (ii) a director or any person holding an elective  
12 office in Will, Cook, or Kankakee County or in the municipality  
13 of Beecher, Crete, Monee, Peotone, or University Park, or  
14 holding a seat on the board of Will, Cook, or Kankakee County  
15 or the municipality of Beecher, Crete, Monee, Peotone, or  
16 University Park, or (iii) a person who is the spouse or minor  
17 child of any person referenced in item (i) or (ii) of this  
18 subsection to have or acquire any contract, or any direct  
19 pecuniary interest in any contract therein, whether for  
20 stationery, printing, paper, or any services, materials, or  
21 supplies, that will be wholly or partially satisfied by the  
22 payment of funds by the Authority.

23 (c) It is unlawful for any firm, partnership, association,  
24 or corporation, in which any person listed in subsection (b) is  
25 entitled to receive (i) more than 7 1/2% of the total

1 distributable income or (ii) an amount in excess of two times  
2 the salary of the Will County Executive, to have or acquire any  
3 such contract or direct pecuniary interest therein.

4 (d) It is unlawful for any firm, partnership, association,  
5 or corporation, in which any person listed in subsection (b)  
6 together with his or her spouse or minor children is entitled  
7 to receive (i) more than 15%, in the aggregate, of the total  
8 distributable income or (ii) an amount in excess of 4 times the  
9 salary of the Will County Executive, to have or acquire any  
10 such contract or direct pecuniary interest therein.

11 (e) This Section does not affect the validity of any  
12 contract that was in existence before the election or  
13 employment as an officer, member, or employee of the person  
14 listed in subsection (b). The contract is voidable, however, if  
15 it cannot be completed within 365 days after the officer,  
16 member, or employee takes office or is employed.

17 (f) The following are exceptions to the otherwise  
18 applicable prohibitions of this Section:

19 (1) This Section does not apply to a contract for  
20 personal services of a wholly ministerial character,  
21 including but not limited to services as a laborer, clerk,  
22 typist, stenographer, page, bookkeeper, receptionist, or  
23 telephone switchboard operator, made by a spouse or minor  
24 child of the person listed in subsection (b).

25 (2) Contracts with licensed professionals, provided  
26 they are competitively bid or part of a reimbursement

1 program for specific, customary goods and services  
2 associated with the provision of human services, such as  
3 financial or medical assistance for elderly or low income  
4 individuals.

5 (g) With respect to any direct or indirect interest, other  
6 than an interest prohibited in subsection (b), (c) or (d) of  
7 this Section held by a director or officer of the Authority or  
8 the spouse or minor child of a director or officer, in a  
9 contract or the performance of work upon which the director or  
10 officer of the Authority may, apart from subsections (b), (c)  
11 and (d), be called upon to act or vote, a director or officer  
12 of the Authority shall disclose the interest to the Secretary  
13 of the Authority prior to the taking of final action by the  
14 Authority concerning the contract or work and shall so disclose  
15 the nature and extent of the interest and the acquisition of  
16 it. The disclosure shall be publicly acknowledged by the  
17 Authority and entered upon the minutes of the Authority. If a  
18 director or officer or his or her spouse or minor child holds  
19 such an interest, then the director or officer shall refrain  
20 from any further involvement in regard to such contract or  
21 work, from voting on any matter pertaining to the contract or  
22 work, and from communicating with other directors or officers  
23 of the Authority concerning the contract or work.  
24 Notwithstanding any other provision of law, any contract or  
25 work entered into in conformity with this subsection (g) shall  
26 not be void or invalid by reason of the interest described in

1 this subsection (g). Any person violating this subsection (g)  
2 shall be removed from office.

3 (h) Any contract made in violation of subsection (b), (c),  
4 (d) or (g) of this Section shall be voidable at the election of  
5 the Authority.

6 (i) A person convicted of a violation of subsection (b),  
7 (c), (d) or (g) of this Section is guilty of a business offense  
8 and shall be fined not less than \$1,000 nor more than \$5,000.

9 (j) The Authority shall adopt regulations governing  
10 conflicts of interest with regard to its employees.

11 Section 4-40. Exemptions. By majority vote of its Board,  
12 the Authority may exempt named individuals from the  
13 prohibitions of Section 4-35 when, in its judgment, the public  
14 interest in having the individual in the service of the  
15 Authority outweighs the public policy evidenced in that  
16 Section. An exemption is effective only when it is filed with  
17 the Secretary of the Authority and includes a statement  
18 approved by the Board setting forth the name of the individual  
19 and all the pertinent facts that would make that Section  
20 applicable, setting forth the reason for the exemption, and  
21 declaring the individual exempted from that Section. Notice of  
22 each exemption shall be published in the minutes of the meeting  
23 at which the exemption was approved.

24 Section 4-45. Meetings and records. The provisions of the



1 Open Meetings Act and Illinois law concerning availability of  
2 public records shall apply to all meetings and records of the  
3 Authority.

4 ARTICLE 5. INTERIM PLANNING

5 Section 5-5. South Suburban Airport. The Illinois  
6 Department of Transportation and the South Suburban Airport  
7 Authority shall serve as co-sponsors of the South Suburban  
8 Airport until the Federal Aviation Administration issues a  
9 record of decision and an environmental impact statement  
10 concerning the airport layout plan for the South Suburban  
11 Airport or until July 1, 2010, whichever is earlier. Upon the  
12 creation of the Authority, the Authority shall enter into an  
13 agreement with the Department to complete all ongoing projects,  
14 including the Airport Master Plan, and assist the Federal  
15 Aviation Administration in preparing and approving the  
16 Environmental Impact Statement and Record of Decision.  
17 Thereafter, the South Suburban Airport Authority shall serve as  
18 the sponsor of the South Suburban Airport. To the extent  
19 otherwise required by law, the Department shall serve as a  
20 co-sponsor of the South Suburban Airport.

21 ARTICLE 6. POWERS

22 Section 6-5. General airport powers. The Authority has the

1 power to plan, develop, secure permits, licenses, and approvals  
2 for, acquire, develop, construct, equip, own, and operate the  
3 South Suburban Airport. The Authority also has the power to  
4 own, operate, acquire facilities for, construct, improve,  
5 repair, maintain, renovate, and expand the South Suburban  
6 Airport, including any facilities located on the site of the  
7 South Suburban Airport for use by any individual or entity  
8 other than the Authority. The development of the South Suburban  
9 Airport shall also include all land, highways, waterways, mass  
10 transit facilities, and other infrastructure that, in the  
11 determination of the Authority, are necessary or appropriate in  
12 connection with the development or operation of the South  
13 Suburban Airport. The development of the South Suburban Airport  
14 also includes acquisition and development of any land or  
15 facilities (i) for relocation of persons, including providing  
16 replacement housing or facilities for persons and entities  
17 displaced by that development, (ii) for protecting or  
18 reclaiming the environment with respect to the South Suburban  
19 Airport, (iii) for providing substitute or replacement  
20 property or facilities, including without limitation, for  
21 areas of recreation, conservation, open space, and wetlands,  
22 (iv) for providing navigational aids, or (v) for utilities to  
23 serve the airport, whether or not located on the site of the  
24 South Suburban Airport.

25 Section 6-10. Land and public waters. The Authority has the

1 power to acquire all land, interests in land, and all other  
2 property and interests in property as may be necessary to carry  
3 out its powers and functions under this Act and to dispose of  
4 any such lands, interests, and property upon terms it deems  
5 appropriate.

6 Section 6-15. Protection of land for future airport  
7 development.

8 (a) The Authority may elect to protect the land needed for  
9 future development of the South Suburban Airport and to prevent  
10 costly and conflicting development of the land, including any  
11 land lying within the ultimate acquisition boundary of the  
12 South Suburban Airport. If the Authority elects to protect such  
13 land and prevent conflicting development, it shall follow the  
14 procedures specified in this Section. There is no requirement  
15 that the Authority take any of the actions specified in this  
16 Section unless the Authority elects to protect the land needed  
17 for the South Suburban Airport.

18 (b) The Authority shall make a survey and prepare a map  
19 showing the location for the South Suburban Airport. The map  
20 shall show existing highways in the area involved, the property  
21 lines and persons paying the most recent property taxes on land  
22 that will be needed for the future additions, and all other  
23 pertinent information. A copy of the map shall be filed in the  
24 Office of the Recorder for Will County.

25 Public notice of the location of the South Suburban Airport

1 shall be given by publishing in a newspaper of general  
2 circulation in Will County. The notice shall state where the  
3 map has been filed. The notice shall also provide notice of the  
4 time, date, and location of a public hearing to be held by the  
5 Authority in Will County for the purpose of explaining the land  
6 protection procedures available to the Authority under the  
7 terms of this Section. The notice shall be served by registered  
8 mail within 60 days thereafter on all persons shown as having  
9 most recently paid the property taxes on the land.

10 Any material changes in the location of the airport shall  
11 be filed and notice given in the manner provided for an  
12 original map.

13 (c) The public hearing required by this Section shall be  
14 held not less than 15 days and not more than 45 days after the  
15 notice is mailed to all persons shown as having most recently  
16 paid the property taxes on the land. At the hearing, the  
17 Authority shall explain the land protection procedures  
18 available to the Authority under this Section. In addition, any  
19 interested person or his or her representative may be heard at  
20 the hearing. The Authority shall evaluate the testimony given  
21 at the hearing.

22 (d) After the map is filed, notice of its filing has been  
23 given, and a public hearing has been held, as provided in this  
24 Section, no one shall incur development costs or place  
25 improvements in, upon, or under the land involved nor rebuild,  
26 alter, or add to any existing structure without first giving

1 60-days' notice by registered mail to the Authority. This  
2 provision shall not apply to any normal or emergency repairs to  
3 existing structures. The Authority shall have 60 days after  
4 receipt of that notice to inform the owner of its intention to  
5 acquire all or part of the land involved; after which, the  
6 Authority shall have the additional time of 120 days to acquire  
7 all or part of the land by purchase or to initiate action to  
8 acquire the land through the exercise of the power of eminent  
9 domain. When such property is acquired, no damages shall be  
10 allowed for any construction, alteration, or addition in  
11 violation of this Section unless the Authority has failed to  
12 acquire the land by purchase or has abandoned an eminent domain  
13 proceeding initiated pursuant to the provisions of this  
14 Section.

15 Any property needed for the South Suburban Airport may be  
16 acquired at any time by the Authority. The time of  
17 determination of the value of the property to be taken under  
18 this Section shall be the date of the actual taking, if the  
19 property is acquired by purchase, or the date of the filing of  
20 a complaint for condemnation, if the property is acquired  
21 through the exercise of eminent domain, rather than the date  
22 when the map of the proposed location was filed of record.

23 Section 6-20. Relocation. The Authority has the power to  
24 provide for the relocation of all persons and entities  
25 displaced by the development of the South Suburban Airport,

1 including through provision of relocation assistance or the  
2 provision of replacement housing or other facilities. The  
3 Authority, prior to acquiring any land for the South Suburban  
4 Airport that directly results in the displacement of persons or  
5 entities, shall adopt a plan for providing for the relocation  
6 of the displaced persons and entities not less than the  
7 substantial equivalent of that required under federal law for  
8 airport projects with federal funding. The Authority shall,  
9 with respect to the development, acquisition, and construction  
10 of South Suburban Airport, comply with all applicable  
11 requirements of federal law and of Illinois law governing  
12 agencies of the State of Illinois with respect to relocation of  
13 displaced persons and entities from locations in the State of  
14 Illinois.

15 Section 6-25. Contracts. The Authority has the power to  
16 enter into all contracts useful for carrying out its purposes  
17 and powers, including, without limitation, leases of any of its  
18 property or facilities, use agreements with airlines or other  
19 airport users relating to the South Suburban Airport,  
20 agreements with South Suburban Airport concessionaires, and  
21 franchise agreements for use of or access to South Suburban  
22 Airport facilities, all with such duration as the Board shall  
23 determine.

24 Section 6-30. Management agreement. The Authority may

1 enter into agreements by which it may provide for various  
2 functions relating to management or operation of the South  
3 Suburban Airport to be performed on behalf of the Authority by  
4 any other person or entity.

5 Section 6-35. Land and water use controls.

6 (a) The Authority may adopt, administer, and enforce  
7 airport zoning regulations, in the manner provided for  
8 political subdivisions under the Airport Zoning Act, with  
9 respect to any airport hazard or airport hazard area (as  
10 described in that Act) for the South Suburban Airport. The  
11 Authority also may request that the Department, or any  
12 successor agency, develop hazard zoning regulations in  
13 accordance with applicable law. The Authority also may adopt,  
14 administer, and enforce zoning regulations governing land and  
15 improvements within the Airport Boundaries of the South  
16 Suburban Airport for the purpose of ensuring safe and efficient  
17 airport operation, all in a manner consistent with the  
18 procedures and requirements for municipalities under the  
19 Illinois Municipal Code. To ensure that the land usage is  
20 compatible with current and future airport development, the  
21 Authority's zoning powers apply whether such land is in an  
22 unincorporated area or within the boundaries of a municipality  
23 or other unit of local government. To the extent the  
24 Authority's exercise of its zoning powers authorized by this  
25 Act is inconsistent with exercise of any other local unit of

1 government's exercise of zoning powers or laws, the Authority's  
2 zoning authority controls. The Authority may also, with the  
3 consent of the federal and State resource agencies or any  
4 successor agencies as required by law, adopt, administer, and  
5 enforce rules and regulations on the use of waterways and  
6 floodplains within the Airport Boundaries of the South Suburban  
7 Airport as necessary for the development, construction,  
8 acquisition, and operation of the South Suburban Airport.

9 Section 6-40. Eminent Domain.

10 (a) The Authority may take and acquire possession by  
11 eminent domain of any property or interests in property that  
12 the Authority is authorized to acquire under this Act with  
13 respect to the development of the South Suburban Airport or as  
14 needed as provided in Section 6-5 of this Act.

15 (b) The power of eminent domain shall be exercised by the  
16 Authority only as authorized by resolution of the Authority,  
17 and shall extend to all types of interests in property, both  
18 real and personal, (including, without limitation, easements  
19 for access or open space purposes and rights of concurrent  
20 usage of existing or planned facilities) and property held  
21 either for public or for private use, including  
22 (notwithstanding any other law to the contrary) property held  
23 by any governmental entity, including any property, rights, or  
24 easements owned by units of local government, school districts,  
25 or forest preserve districts. The powers given to the Authority



1 under this Section include the power to acquire, by  
2 condemnation or otherwise, any property used for cemetery  
3 purposes within the South Suburban Airport boundaries, and to  
4 require that the cemetery be removed to a different location.  
5 The powers given to the Authority under this Section include  
6 the power to condemn or otherwise acquire (other than by  
7 condemnation by quick-take), and to convey, substitute  
8 property when the Authority reasonably determines that  
9 monetary compensation will not be sufficient or practical just  
10 compensation for property acquired by the Authority in  
11 connection with the development of the South Suburban Airport.  
12 The acquisition of substitute property is declared to be for  
13 public use. The Authority shall exercise the power of eminent  
14 domain granted in this Section with respect to property located  
15 within the State of Illinois in the manner provided for the  
16 exercise of the right of eminent domain under the Eminent  
17 Domain Act.

18 (c) No South Suburban Airport property may be subject to  
19 taking by condemnation or otherwise by any unit of local  
20 government, any other airport authority, or by any agency,  
21 instrumentality or political subdivision of the State.

22 Section 6-45. Employment. No unlawful discrimination, as  
23 defined and prohibited in the Illinois Human Rights Act, shall  
24 be made in any term or aspect of employment with the Authority.

25 The Authority shall be subject to the Illinois Human Rights

1 Act and the remedies and procedures established under that Act.

2 Section 6-50. Employee pensions. The Authority may  
3 establish and maintain systems of pensions and retirement  
4 benefits for such officers and employees of the Authority as  
5 may be designated or described by resolution of the Authority.  
6 Such pension systems shall be financed or funded by such means  
7 and in such manner as may be determined by the Board to be  
8 economically advantageous.

9 Section 6-55. Approvals. The Authority has the power to  
10 apply to the proper authorities of the United States, the State  
11 of Illinois, and other governmental entities, as permitted or  
12 authorized by applicable law, to obtain any licenses,  
13 approvals, or permits reasonably necessary to achieve the  
14 purposes of this Act.

15 Section 6-60. Foreign trade zones. The Authority has the  
16 power to apply to the proper authorities of the United States  
17 pursuant to appropriate law for permission to establish,  
18 operate, maintain, and lease foreign trade zones and sub-zones  
19 within the area of the South Suburban Airport and to establish,  
20 operate, maintain, and lease such foreign trade zones and  
21 sub-zones.

22 Section 6-65. Police and other services. The Authority has

1 the power to police its property within the site of the South  
2 Suburban Airport. The Authority has the power to exercise  
3 police powers in respect to that property and in respect to the  
4 enforcement of any rule or regulation of the Authority,  
5 including the regulation of vehicular traffic, and of the  
6 public health and welfare and the sale of alcoholic beverages,  
7 including the power to license activities and provide for fees  
8 for licenses, and to provide fire protection and emergency  
9 medical services at the South Suburban Airport. The Authority  
10 has the power, by resolution, to provide for the regulation of  
11 the construction and use of buildings and facilities located  
12 within the Airport Boundaries of the South Suburban Airport,  
13 including, without limitation, any building, fire, and other  
14 safety regulation that it may determine to be needed for the  
15 protection of public safety and the efficient operation of the  
16 Airport. The Authority has the power to contract for, employ  
17 and establish, maintain and equip a security force for police,  
18 fire, and emergency medical services on property within the  
19 Airport Boundaries of the South Suburban Airport. The Authority  
20 also has the power to provide or contract for water, sewer,  
21 gas, electricity and other utilities for use in connection with  
22 development or operation of the Airport.

23 Section 6-70. Bonding authority. The Authority has the  
24 authority to issue bonds as provided in Article 7 of this Act.

1 Section 6-75. General powers.

2 (a) Except as otherwise limited by this Act, the Authority  
3 shall also have the powers necessary, convenient, or desirable  
4 to meet its responsibilities and to carry out its purposes and  
5 express powers, including, but not limited to, the following  
6 powers:

7 (1) To sue and be sued.

8 (2) To invest any funds or any moneys not required for  
9 immediate use or disbursement in such manner as the  
10 Authority in its discretion determines.

11 (3) To make, amend, and repeal by action of the Board  
12 bylaws, rules and regulations, and resolutions consistent  
13 with this Act.

14 (4) To hold, sell by installment contract, lease as  
15 lessor, transfer, or dispose of such real or personal  
16 property as it deems appropriate in the exercise of its  
17 powers; to provide for use of such property by any user of  
18 the South Suburban Airport; and to permit the mortgage,  
19 pledge, or other granting of security interests in any  
20 leaseholds granted by the Authority.

21 (5) To enter at reasonable times upon such lands,  
22 waters, or premises as in the judgment of the Authority may  
23 be necessary, convenient, or desirable for the purpose of  
24 making surveys, soundings, borings, and examinations to  
25 accomplish any purpose authorized by this Act after having  
26 given reasonable notice of such proposed entry to the

1 owners and occupants of such lands, waters, or premises,  
2 the Authority being liable only for actual damage caused by  
3 such activity.

4 (6) To require the removal or relocation of any  
5 building, railroad, main, pipe, conduit, wire, pole,  
6 structure, facility, and equipment on the site of the South  
7 Suburban Airport, as may be needed to carry out the powers  
8 of the Authority. The Authority shall compensate any owner  
9 that is required to remove or relocate a building,  
10 railroad, main, pipe, conduit, wire, pole, structure,  
11 facility, or equipment as provided by law, without the  
12 necessity to secure any approval from the Illinois Commerce  
13 Commission for such removal, or for such relocation on the  
14 site of the airport.

15 (7) To make and execute all contracts and other  
16 instruments necessary or convenient to the exercise of its  
17 powers.

18 (8) To enter into collective bargaining agreements and  
19 contracts of group insurance for the benefit of its  
20 employees and to provide for retirement benefits or  
21 pensions and other employee benefit arrangements for its  
22 employees.

23 (9) To provide for the insurance of any property,  
24 directors, officers, employees, or operations of the  
25 Authority against any risk or hazard, to self-insure or  
26 participate in joint self-insurance pools or entities to

1           insure against such risk or hazard, and to provide for the  
2           indemnification of its directors, officers, employees,  
3           contractors, or agents against any and all claims, losses,  
4           and related costs.

5           (10) To pass all resolutions and make all rules and  
6           regulations proper or necessary to regulate the use,  
7           operation, and maintenance of its property and facilities  
8           and, by resolution, to prescribe fines or penalties for  
9           violations of such rules and regulations. Those rules and  
10          regulations may include, without limitation, the  
11          regulation of parking and vehicular traffic. Any  
12          resolution providing for any fine or penalty shall be  
13          published in pamphlet form or in a newspaper of general  
14          circulation in the region. No such resolution shall take  
15          effect until 10 days after its publication.

16          (11) To enter into arbitration arrangements, which may  
17          be final and binding.

18          (b) In each case in which this Act gives the Authority the  
19          power to acquire real or personal property, the Authority has  
20          the power to acquire such property by contract, purchase, gift,  
21          grant, exchange for other property or rights in property, lease  
22          (or sublease), or installment or conditional purchase  
23          contracts, including a settlement of an eminent domain  
24          proceeding, which leases or installment or conditional  
25          purchase contracts may provide for consideration to be paid in  
26          annual installments during a period not exceeding 40 years.

1 Property may be acquired subject to any conditions,  
2 restrictions, liens, or security or other interests of other  
3 parties, and the Authority may acquire a joint leasehold,  
4 easement, license or other partial interest in such property.  
5 Any such acquisition may provide for the assumption of, or  
6 agreement to pay, perform, or discharge outstanding or  
7 continuing duties, obligations or liabilities of the seller,  
8 lessor, donor, or other transferor of, or of the trustee with  
9 regard to, such property. In connection with the acquisition of  
10 any easement or other property interest that is less than fee  
11 simple title, the Authority may indemnify and hold harmless the  
12 owners and occupants of such property or interests in property  
13 for any and all losses, claims, damages, liabilities, or  
14 expenses arising out of use of such property or interests in  
15 property.

16 Section 6-80. Additional powers. The Authority has any  
17 additional powers necessary to implement and perform the powers  
18 and duties assigned the Authority under this Act. Such  
19 additional powers shall not extend to override or abrogate  
20 limitations imposed in this Act on the exercise of the  
21 Authority's power.

22 Section 6-85. Regulations. The Authority may adopt  
23 regulations governing its exercise of authority in this Act.

1

## ARTICLE 7. FINANCE

2           Section 7-5. Supervision of finances. The Board shall  
3 control the finances of the Authority, including adopting  
4 budgets and capital plans, imposing fees and charges, engaging  
5 consultants and professional advisors, entering into contracts  
6 with airport users of the South Suburban Airport, conveying  
7 property, entering into contracts for the acquisition of  
8 property or for goods or services (except such contracts as may  
9 be entered into on behalf of the Authority pursuant to  
10 authorization as delegated by the Board), borrowing money,  
11 issuing bonds, and granting security interests in the  
12 Authority's revenues. The Board shall establish and may, from  
13 time to time, modify the fiscal year of the Authority. The  
14 Board shall annually cause the finances of the Authority to be  
15 audited by a firm of certified public accountants experienced  
16 in auditing public airports.

17           Section 7-10. Federal funds. The Authority may take all  
18 steps consistent with applicable laws to maximize funding for  
19 the costs of the South Suburban Airport from grants by the  
20 Federal Aviation Administration or any successor agency.

21           Section 7-15. Budgets. The Board shall annually adopt a  
22 current expense budget for each fiscal year. The budget may be  
23 modified from time to time in the same manner and upon the same



1 vote as it may be adopted. The budget shall include the  
2 Authority's available funds and estimated revenues and shall  
3 provide for payment of its obligations and estimated  
4 expenditures for the fiscal year, including, without  
5 limitation, expenditures for administration, operation,  
6 maintenance and repairs, debt service and deposits into reserve  
7 and other funds, and capital projects. The total of such  
8 obligations and estimated expenditures shall be balanced by the  
9 Authority's available funds and estimated revenue for each  
10 fiscal year.

11 Section 7-20. Annual report. For each fiscal year, the  
12 Authority shall prepare an annual report setting forth  
13 information concerning its activities in the fiscal year and  
14 the status of the development of the South Suburban Airport.  
15 The annual report shall include the audited financial  
16 statements of the Authority for the fiscal year prepared in  
17 accordance with generally accepted accounting principles for  
18 airports, statistical information relating to traffic and  
19 usage of the Airport, the budget for the succeeding fiscal  
20 year, and the current capital plan as of the date of the  
21 report. Copies of the annual report shall be submitted not  
22 later than 120 days after the end of the Authority's fiscal  
23 year to each appointing official of directors of the Authority.

24 Section 7-25. Purchasing.

1           (a) The Authority shall adopt purchasing regulations.  
2 Those regulations shall provide that construction contracts  
3 and contracts for supplies, material, equipment, and services  
4 or acquisition by the Authority of property (other than real  
5 estate), involving in each case a cost of more than \$25,000,  
6 shall be awarded to the lowest responsive and responsible  
7 bidder upon public notice and with public bidding. Each July 1,  
8 the \$25,000 bid threshold shall be revised for inflation or  
9 deflation using the percentage change in the Consumer Price  
10 Index for all Urban Consumers as determined by the United  
11 States Department of Labor in the latest available month  
12 compared with the same value in the previous year, and rounded  
13 to the nearest \$100.

14           (b) The Board may adopt regulations to make exceptions to  
15 the requirement for public bidding in instances in which it  
16 determines bidding is not appropriate, including, without  
17 limitation, instances in which the property or service can be  
18 obtained only from a single source or for any professional  
19 services, or in which various alternative purchasing  
20 arrangements are preferable, including, without limitation,  
21 prequalification of bidders, negotiation with the lowest  
22 responsive and responsible bidder after opening of bids,  
23 utilization of other competitive selection procedures in which  
24 price is one of the selection criteria, participation in joint  
25 purchasing programs with other units of government, or  
26 procurement by negotiation or agreement with any airline.

1 Except as set forth below, the Local Government Professional  
2 Services Selection Act shall apply to the Authority.

3 (c) Notwithstanding the foregoing, and as an exception  
4 thereto, the Authority may elect to competitively select a  
5 contractor or group of contractors to:

6 (1) allow turnkey design, construction and development  
7 of any or all airport facilities on the basis of  
8 competitive quality, performance, timing, price and other  
9 relevant factors;

10 (2) operate the airport on the basis of competitive  
11 quality, performance, price, and other relevant factors;  
12 or

13 (3) provide a turnkey development of any or all airport  
14 facilities and operate the airport or any part thereof on  
15 the basis of competitive quality, performance, timing,  
16 price, and other relevant factors.

17 (d) To promote quality work, promote labor harmony and  
18 ensure timely completion of its projects, the Authority shall  
19 utilize project labor agreements to accomplish its airport  
20 improvement projects.

21 (e) All contracts entered into by or on behalf of the  
22 Authority for public works shall:

23 (1) Require the contractor and all subcontractors to  
24 pay the general prevailing rate of wages, including hourly  
25 wages and fringe benefits, established in accordance with  
26 the Illinois Prevailing Wage Act; and

1           (2) Require the contractor and all subcontractors to  
2 participate in apprenticeship and training programs  
3 approved by and registered with the United States  
4 Department of Labor's Bureau of Apprenticeship and  
5 Training, or any successor entity, to the extent that such  
6 programs are reasonably available within the contractor's  
7 or subcontractor's employees' trade or trades.

8           (f) The provisions of subsections (d) and (e) shall not  
9 apply to federally funded projects if such application would  
10 jeopardize the receipt or use of federal funds in support of  
11 such a project.

12           (g) The Board shall encourage the use of State businesses  
13 by the Authority.

14           Section 7-30. Revenues.

15           (a) The Authority may impose and levy a passenger facility  
16 charge or any other fee or charge permitted by the Federal  
17 Aviation Administration or United States government or any  
18 agency thereof at the South Suburban Airport. The Authority may  
19 amend any such applications or approved passenger facility  
20 charge program and enter into agreements with the Federal  
21 Aviation Administration or the United States government with  
22 respect to a passenger facility charge or other fee or charge  
23 permitted by the Federal Aviation Administration or the United  
24 States government. The Board may impose upon air carriers using  
25 the South Suburban Airport the obligation to collect any such

1 charge or fee, to the extent permitted by federal laws or  
2 regulations.

3 (b) The Board may set fees and charges for the use of the  
4 South Suburban Airport or any facilities of the South Suburban  
5 Airport or any property owned or leased by the Authority,  
6 including flowage fees on aviation fuel, and may enter into  
7 contracts with users providing for the payment of amounts for  
8 the use of the South Suburban Airport or facilities of that  
9 airport.

10 (c) To the extent not specified in this Section, the  
11 Authority shall by resolution provide for details of and the  
12 method of collecting any fee or charge it imposes under this  
13 Section.

14 (d) In addition to revenues generated by the Authority, the  
15 Authority may accept and spend such funds as are provided in  
16 government grants, by private developers or from other sources.

17 Section 7-35. Borrowing.

18 (a) The Authority has the continuing power to borrow money  
19 and to issue its negotiable bonds as provided in this Section.  
20 Bonds of the Authority may be issued for any purpose of the  
21 Authority, including, without limitation, to plan, develop,  
22 construct, acquire, improve, repair, or expand the South  
23 Suburban Airport, including facilities to be leased to or used  
24 by any individual or entity other than the Authority; to  
25 provide funds for operations of the South Suburban Airport; to

1 pay, refund (at the time of or in advance of any maturity or  
2 redemption), or redeem any bonds or any revenue bonds or notes  
3 issued to finance property for the South Suburban Airport; to  
4 provide or increase a debt service reserve fund or other  
5 reserves with respect to any or all of its bonds; to pay  
6 interest on bonds; or to pay the legal, financial,  
7 administrative, bond insurance, credit enhancement, and other  
8 expenses of the authorization, issuance, sale, or delivery of  
9 bonds.

10 (b) All bonds issued under this Section shall have a claim  
11 for payment solely from one or more funds, revenues, or  
12 receipts of the Authority or property interests of any user of  
13 facilities financed by the Authority as provided in this Act  
14 and from credit enhancement or other security for the bonds,  
15 including but not limited to guarantees, letters of credit, or  
16 other security or insurance, for the benefit of bond holders.  
17 Bonds may be issued in one or more series and may have a claim  
18 for payment and be secured either separately or on a parity  
19 with any other bonds. Bonds shall be secured as provided in the  
20 authorizing resolution, which may include, in addition to any  
21 other security, a specific pledge or assignment of or grant of  
22 a lien on or security interest in any or all funds and revenues  
23 of the Authority and a mortgage or security interest in the  
24 leasehold of a user of facilities financed by the bonds. Any  
25 such pledge, assignment, lien, or security interest on funds  
26 and revenues shall be valid and binding from the times the

1 bonds are issued, without any necessity of physical delivery,  
2 filing, recording, or further act, and shall be valid and  
3 binding as against and prior to the claims of all other parties  
4 having claims of any kind against the Authority or any other  
5 person irrespective of whether such other parties have notice  
6 of the pledge assignment, lien, or security interest. The  
7 Authority may provide for the creation of, deposits in, and  
8 regulation and disposition of sinking fund or reserve accounts  
9 relating to the bonds. The Authority may make provision, as  
10 part of the contract with the owners of the bonds, for the  
11 creation of one or more separate funds to provide for the  
12 payment of principal and interest on the bonds and for the  
13 deposit in the funds from any one or more sources of revenues  
14 of the Authority from whatever source which may by law be  
15 utilized for debt service purposes of amounts to meet the debt  
16 service requirements on the bonds, including principal and  
17 interest and any sinking fund or reserve fund requirements and  
18 all expenses incident to or in connection with the fund and  
19 accounts or the payment of bonds.

20 (c) Subject to the provisions of subsection (f) of this  
21 Section, the authorizing resolution shall set forth or provide  
22 for the terms of the bonds being authorized, including their  
23 maturity (which shall not exceed 40 years from their issuance),  
24 the provisions for interest on those bonds, the security for  
25 those bonds, their redemption provisions, and all covenants or  
26 agreements necessary or desirable with regard to the issuance,

1 sale, and security of those bonds.

2 (d) The authorizing resolution may provide for appointment  
3 of a corporate trustee (which may be any trust company or bank  
4 having the powers of a trust company within or without the  
5 territory of the State of Illinois) with respect to any bonds  
6 being issued. The authorizing resolution shall prescribe the  
7 rights, duties, and powers of any trustee to be exercised for  
8 the benefit of the Authority and the protection of the owners  
9 of the bonds and may provide for terms of a trust indenture for  
10 the bonds. The authorizing resolution may provide for the  
11 trustee to hold in trust, invest, and use amounts in funds and  
12 accounts created as provided by the authorizing resolution.

13 (e) The bonds authorized by any resolution shall be:

14 (1) payable as to principal and interest on such dates,  
15 shall be in the denominations and forms, including book  
16 entry form, and shall have the registration and privileges  
17 as to exchange, transfer, or conversion and the replacement  
18 of mutilated, lost, or destroyed bonds, as the resolution  
19 or trust indenture may provide;

20 (2) payable in lawful money of the United States at a  
21 designated place or places;

22 (3) subject to the terms of purchase, payment,  
23 redemption, remarketing, refunding, or refinancing that  
24 the resolution or trust indenture provides, including  
25 redemption at a premium;

26 (4) executed by the manual, electronic or facsimile



1 signatures of the officers of the Authority designated by  
2 the Board, which signatures shall be valid at delivery even  
3 for one who has ceased to hold office; and

4 (5) sold, at public or private sale, in the manner and  
5 upon the terms determined by the authorizing resolution.

6 (f) By its authorizing resolution for particular bonds, the  
7 Board may provide for specific terms of those bonds, including,  
8 without limitation, the purchase price and terms, interest rate  
9 or rates, redemption terms, and principal amounts maturing in  
10 each year, to be established by one or more directors or  
11 officers of the Authority, all within a specific range of  
12 discretion established by the authorizing resolution. No such  
13 delegation shall be made as to the choice of managing or  
14 co-managing underwriters or other professional advisors for  
15 the Authority.

16 (g) The authorizing resolution or trust indenture may  
17 contain provisions that are a part of the contract with the  
18 owners of the bonds that relate to:

19 (1) limitations on the purposes to which, or the  
20 investments in which, the proceeds of the sale of any issue  
21 of bonds or the Authority's revenues may be applied or  
22 made;

23 (2) limitations on the issuance of additional bonds,  
24 the terms upon which additional bonds may be issued and  
25 secured, and the terms upon which additional bonds may rank  
26 on a parity with, or be subordinate or superior to other

1 bonds;

2 (3) the refunding, advance refunding, or refinancing  
3 of outstanding bonds;

4 (4) the procedure, if any, by which the terms of any  
5 contract with owners of bonds may be altered or amended,  
6 the amount of bonds the owners of which must consent to an  
7 amendment, and the manner in which consent must be given;

8 (5) the acts or omissions that constitute a default in  
9 the duties of the Authority to owners of bonds and the  
10 rights or remedies of owners in the event of a default,  
11 which may include provisions restricting individual rights  
12 of action by bond owners; and

13 (6) any other matter relating to the bonds which the  
14 Board determines appropriate.

15 (h) Any bonds of the Authority issued under this Section  
16 shall constitute a contract between the Authority and the  
17 owners from time to time of the bonds. The Authority may also  
18 covenant that it shall impose and continue to impose fees,  
19 charges, or taxes (as authorized by this Act and in addition as  
20 subsequently authorized by amendment to this Act) sufficient to  
21 pay the principal and interest and to meet other debt service  
22 requirements of the bonds as they become due.

23 (i) The State of Illinois pledges and agrees with the  
24 owners of the bonds that it will not limit or alter the rights  
25 and powers vested in the Authority by this Act so as to impair  
26 the terms of any contract made by the Authority with the owners

1 or in any way impair the rights and remedies of the owners  
2 until the bonds, together with interest on them, and all costs  
3 and expenses in connection with any action or proceedings by or  
4 on behalf of the owners, are fully met and discharged. The  
5 Authority is authorized to include this pledge and agreement in  
6 any contract with the owners of bonds issued under this  
7 Section.

8 Section 7-40. Legal investments. All governmental  
9 entities, all public officers, banks, bankers, trust  
10 companies, savings banks and institutions, building and loan  
11 associations, savings and loan associations, investment  
12 companies and other persons carrying on a banking business,  
13 insurance companies, insurance associations and other persons  
14 carrying on an insurance business, and all executors,  
15 administrators, guardians, trustees, and other fiduciaries may  
16 legally invest any sinking funds, moneys, or other funds  
17 belonging to them or within their control in any bonds issued  
18 under this Act. However, nothing in this Section shall be  
19 construed as relieving any person, firm, or corporation from  
20 any duty of exercising reasonable care in selecting securities  
21 for purchase or investment.

22 Section 7-45. Interest swaps. With respect to all or part  
23 of any issue of its bonds, the Authority may enter into  
24 agreements or contracts with any necessary or appropriate

1 person that will have the benefit of providing to the Authority  
2 an interest rate basis, cash flow basis, or other basis  
3 different from that provided in the bonds for the payment of  
4 interest. Such agreements or contracts may include, without  
5 limitation, agreements or contracts commonly known as  
6 "interest rate swap agreements", "forward payment conversion  
7 agreements", "futures", "options", "puts", or "calls" and  
8 agreements or contracts providing for payments based on levels  
9 of or changes in interest rates, agreements or contracts to  
10 exchange cash flows or a series of payments, or to hedge  
11 payment, rate spread, or similar exposure.

12 Section 7-50. Obligations of other governmental entities.  
13 No bonds or other obligations of the Authority shall be a debt  
14 or obligation of the State of Illinois or other governmental  
15 entity, or treated as indebtedness of the State of Illinois or  
16 other governmental entity, or require the levy, imposition, or  
17 application of any tax by the State of Illinois or other  
18 governmental entity. Amounts appropriated or provided to be  
19 appropriated at any time to the Authority from the State of  
20 Illinois may not be directly or indirectly pledged or assigned  
21 or be subject to a lien or security interest or otherwise  
22 promised to be used to pay debt service on any bonds.

23 Section 7-55. Hiring and contracting practices.

24 (a) The Authority may adopt an affirmative action program

1 as authorized, permitted, or required by law.

2 (b) The Authority may adopt a program for contracting with  
3 minority and female owned businesses as authorized, permitted,  
4 or required by law.

5 ARTICLE 8. ACQUISITION AND TRANSFER OF STATE AIRPORT PROPERTY  
6 AND PAYMENT FOR SUCH PROPERTY

7 Section 8-5. Completion of property acquisition for the  
8 inaugural site. The Department shall continue to acquire the  
9 property lying partially or wholly within the inaugural airport  
10 boundary. The inaugural boundary is depicted in Figure R-3 in  
11 the Federal Aviation Administration's Record of Decision for  
12 Tier 1: FAA Site Approval And Land Acquisition By The State Of  
13 Illinois, Proposed South Suburban Airport, Will County,  
14 Illinois, dated July 2002. The inaugural airport boundary shall  
15 be modified to reflect the inaugural airport boundaries in an  
16 airport layout plan approved by the Federal Aviation  
17 Administration or any other successor agency and as reflected  
18 later in any approved airport layout plan. The Department shall  
19 acquire such property as quickly as possible, including use of  
20 the Department's condemnation powers where it appears  
21 reasonably likely that the Department will not be able to  
22 acquire such property voluntarily. The Department shall  
23 exercise all best efforts to ensure that the property is  
24 purchased at fair market value. Upon the creation of the

1 Authority, the Authority shall enter into an agreement with the  
2 Department setting forth the terms under which the Department  
3 shall complete all ongoing land acquisition.

4 Section 8-10. Transfer of property to the Authority. All  
5 property acquired by the Department for airport purposes either  
6 prior to or after the effective date of this Act that is wholly  
7 or partially within the inaugural airport site shall be  
8 transferred to the South Suburban Airport Authority promptly  
9 via an intergovernmental agreement with the Department.

10 Section 8-15. Payment for transferred property. The  
11 Authority shall pay the Department for the value of property  
12 lying wholly or partially within the inaugural site that is  
13 transferred to the South Suburban Airport Authority. The value  
14 of the property shall be the price paid by the Department or  
15 fair market value, whichever is less. The payments shall be  
16 made out of the proceeds of the first issuance of general  
17 airport revenue or other bonds sold to fund construction of the  
18 South Suburban Airport. In the event no such bonds are sold  
19 within 10 years of the effective date of this Act, title to  
20 property lying wholly or partially within the inaugural site  
21 that previously was transferred to the South Suburban Airport  
22 Authority shall revert to the Department.

23 Section 8-20. Option to purchase property outside the

1 inaugural site but within the ultimate airport site. Upon the  
2 written request of the South Suburban Airport Authority, within  
3 10 years from the effective date of this Act, the Department  
4 shall transfer to the South Suburban Airport Authority any  
5 parcel of property acquired by the Department of Transportation  
6 for airport purposes and lying outside the inaugural airport  
7 site but within the South Suburban Airport boundaries. The  
8 South Suburban Airport Authority shall pay the Department for  
9 the value of property, which value shall be the price paid for  
10 the property by the Department, or fair market value, whichever  
11 is less. For the period of 10 years from the effective date of  
12 this Act, the State of Illinois shall not transfer such  
13 property to any other person or entity without first obtaining  
14 the written approval of the South Suburban Airport Authority.

15 ARTICLE 9. INTERGOVERNMENTAL RELATIONS AND LIMITATIONS

16 Section 9-5. Intergovernmental cooperation. The Authority  
17 may enter into agreements with the United States, the State of  
18 Illinois, Will County, the Eastern Will County Development  
19 District, or any governmental entity, by which powers of the  
20 Authority and the other parties may be jointly exercised or  
21 pursuant to which the parties otherwise may enjoy the benefits  
22 of intergovernmental cooperation.

23 Section 9-10. Tax exemption. The Authority and all of its

1 operations and property used for public purposes shall be  
2 exempt from all taxation of any kind imposed by any  
3 governmental entity. This exemption shall not apply to  
4 property, including leasehold interests, or operations of any  
5 person or entity other than the Authority. Interest on bonds  
6 shall not be exempt from tax under the Illinois Income Tax Act.

7 Section 9-15. Application of laws. The Public Funds  
8 Statement Publication Act shall not apply to the Authority.

9 Section 9-20. Exclusive powers. The Authority is the only  
10 governmental entity that is authorized to develop, construct,  
11 own and operate the South Suburban Airport. Notwithstanding any  
12 other law, no other unit of local government, including but not  
13 limited to municipalities, airport authorities or joint  
14 airport commissions, may develop, construct, own or operate an  
15 airport on the site identified in this Act as the South  
16 Suburban Airport.

17 ARTICLE 10. PROCEDURES AND LIMITATIONS

18 Section 10-5. Hearings and citizen participation.

19 (a) The Authority shall provide for and encourage  
20 participation by the public in the development and review of  
21 major decisions concerning the development and operation of the  
22 South Suburban Airport.



1 (b) The Authority shall hold such public hearings as may be  
2 required by this Act or other law or as it may deem appropriate  
3 to the performance of any of its functions.

4 (c) The Authority shall hold a public hearing prior to the  
5 imposition of any zoning regulation.

6 (d) At least 10 days' notice shall be given of each hearing  
7 under this Article in a newspaper of general circulation in the  
8 region. The Authority may designate one or more directors or  
9 hearing officers to preside over any hearing under this  
10 Section.

11 Section 10-10. Limitation on actions. The Local  
12 Governmental and Governmental Employees Tort Immunity Act  
13 shall apply to the Authority and all its directors, officers,  
14 and employees.

15 ARTICLE 11. AMENDATORY PROVISIONS

16 Section 11-5. The Archaeological and Paleontological  
17 Resources Protection Act is amended by adding Section 1.75 as  
18 follows:

19 (20 ILCS 3435/1.75 new)

20 Sec. 1.75. South Suburban Airport. Nothing in this Act  
21 limits the authority of the South Suburban Airport Authority to  
22 exercise its powers under the South Suburban Airport Authority

1 Act or requires that Authority, or any person acting on its  
2 behalf, to obtain a permit under this Act when acquiring  
3 property or otherwise exercising its powers under the South  
4 Suburban Airport Authority Act.

5 Section 11-10. The Human Skeletal Remains Protection Act is  
6 amended by adding Section 4.75 as follows:

7 (20 ILCS 3440/4.75 new)

8 Sec. 4.75. South Suburban Airport. Nothing in this Act  
9 limits the authority of the South Suburban Airport Authority to  
10 exercise its powers under the South Suburban Airport Authority  
11 Act or requires that Authority, or any person acting on its  
12 behalf, to obtain a permit under this Act when acquiring  
13 property or otherwise exercising its powers under the South  
14 Suburban Airport Authority Act.

15 Section 11-15. The Foreign Trade Zones Act is amended by  
16 changing Section 1 as follows:

17 (50 ILCS 40/1) (from Ch. 24, par. 1361)

18 Sec. 1. Establishing foreign trade zones.

19 (A) Each of the following units of local government and  
20 public or private corporations shall have the power to apply to  
21 proper authorities of the United States of America pursuant to  
22 appropriate law for the right to establish, operate, maintain

1 and lease foreign trade zones and sub-zones within its  
2 corporate limits or within limits established pursuant to  
3 agreement with proper authorities of the United States of  
4 America, as the case may be, and to establish, operate,  
5 maintain and lease such foreign trade zones and sub-zones:

6 (a) The City of East St. Louis.

7 (b) The Bi-State Authority, Lawrenceville - Vincennes  
8 Airport.

9 (c) The Waukegan Port district.

10 (d) The Illinois Valley Regional Port District.

11 (e) The Economic Development Council, Inc. located in  
12 the area of the United States Customs Port of Entry for  
13 Peoria, pursuant to authorization granted by the county  
14 boards in the geographic area served by the proposed  
15 foreign trade zone.

16 (f) The Greater Rockford Airport Authority.

17 (f-5) The South Suburban Airport Authority.

18 (B) ~~(g)~~ After the effective date of this amendatory Act of  
19 1984, any county, city, village or town within the State or a  
20 public or private corporation authorized or licensed to do  
21 business in the State or any combination thereof may apply to  
22 the Foreign Trade Zones Board, United States Department of  
23 Commerce, for the right to establish, operate and maintain a  
24 foreign trade zone and sub-zones. For the purposes of this  
25 Section, such foreign trade zone or sub-zones may be  
26 incorporated outside the corporate boundaries or be made up of

1 areas from adjoining counties or states.

2 (C) ~~(h)~~ No foreign trade zone may be established within 50  
3 miles of an existing zone situated in a county with 3,000,000  
4 or more inhabitants or within 35 miles of an existing zone  
5 situated in a county with less than 3,000,000 inhabitants, such  
6 zones having been created pursuant to this Act without the  
7 permission of the authorities which established the existing  
8 zone.

9 (Source: P.A. 85-471.)

10 Section 11-20. The Governmental Account Audit Act is  
11 amended by changing Section 1 as follows:

12 (50 ILCS 310/1) (from Ch. 85, par. 701)

13 Sec. 1. Definitions. As used in this Act, unless the  
14 context otherwise indicates:

15 "Governmental unit" or "unit" includes all municipal  
16 corporations in and political subdivisions of this State that  
17 appropriate more than \$5,000 for a fiscal year, with the amount  
18 to increase or decrease by the amount of the Consumer Price  
19 Index (CPI) as reported on January 1 of each year, except the  
20 following:

21 (1) School districts.

22 (2) Cities, villages, and incorporated towns subject  
23 to the Municipal Auditing Law, as contained in the Illinois  
24 Municipal Code, and cities that file a report with the

1 Comptroller under Section 3.1-35-115 of the Illinois  
2 Municipal Code.

3 (3) Counties with a population of 1,000,000 or more.

4 (4) Counties subject to the County Auditing Law.

5 (5) Any other municipal corporations in or political  
6 subdivisions of this State, the accounts of which are  
7 required by law to be audited by or under the direction of  
8 the Auditor General.

9 (6) (Blank).

10 (7) A drainage district, established under the  
11 Illinois Drainage Code (70 ILCS 605), that did not receive  
12 or expend any moneys during the immediately preceding  
13 fiscal year or obtains approval for assessments and  
14 expenditures through the circuit court.

15 (8) Public housing authorities that submit financial  
16 reports to the U.S. Department of Housing and Urban  
17 Development.

18 (9) The South Suburban Airport Authority created under  
19 the South Suburban Airport Authority Act.

20 "Governing body" means the board or other body or officers  
21 having authority to levy taxes, make appropriations, authorize  
22 the expenditure of public funds or approve claims for any  
23 governmental unit.

24 "Comptroller" means the Comptroller of the State of  
25 Illinois.

26 "Consumer Price Index" means the Consumer Price Index for

1 All Urban Consumers for all items published by the United  
2 States Department of Labor.

3 "Licensed public accountant" means the holder of a valid  
4 certificate as a public accountant under the Illinois Public  
5 Accounting Act.

6 "Audit report" means the written report of the licensed  
7 public accountant and all appended statements and schedules  
8 relating to that report, presenting or recording the findings  
9 of an examination or audit of the financial transactions,  
10 affairs, or conditions of a governmental unit.

11 "Report" includes both audit reports and reports filed  
12 instead of an audit report by a governmental unit receiving  
13 revenue of less than \$850,000 during any fiscal year to which  
14 the reports relate.

15 (Source: P.A. 92-191, eff. 8-1-01; 92-582, eff. 7-1-02.)

16 Section 11-25. The Illinois Municipal Code is amended by  
17 changing Section 11-51-1 as follows:

18 (65 ILCS 5/11-51-1) (from Ch. 24, par. 11-51-1)

19 Sec. 11-51-1. Cemetery removal. Whenever any cemetery is  
20 embraced within the limits of any city, village, or  
21 incorporated town, the corporate authorities thereof, if, in  
22 their opinion, any good cause exists why such cemetery should  
23 be removed, may cause the remains of all persons interred  
24 therein to be removed to some other suitable place. However,

1 the corporate authorities shall first obtain the assent of the  
2 trustees or other persons having the control or ownership of  
3 such cemetery, or a majority thereof. When such cemetery is  
4 owned by one or more private parties, or private corporation or  
5 chartered society, the corporate authorities of such city may  
6 require the removal of such cemetery to be done at the expense  
7 of such private parties, or private corporation or chartered  
8 society, if such removal be based upon their application.  
9 Nothing in this Section limits the powers of the City of  
10 Chicago to acquire property or otherwise exercise its powers  
11 under Section 15 of the O'Hare Modernization Act. Nothing in  
12 this Section limits the power of the South Suburban Airport  
13 Authority to acquire property or otherwise exercise its powers  
14 under the South Suburban Airport Authority Act.

15 (Source: P.A. 93-450, eff. 8-6-03.)

16 Section 11-30. The Downstate Forest Preserve District Act  
17 is amended by changing Section 5e as follows:

18 (70 ILCS 805/5e) (from Ch. 96 1/2, par. 6308e)

19 Sec. 5e. Property owned by a forest preserve district and  
20 property in which a forest preserve district is the grantee of  
21 a conservation easement or the grantee of a conservation right  
22 as defined in Section 1(a) of the Real Property Conservation  
23 Rights Act shall not be subject to eminent domain or  
24 condemnation proceedings, except as otherwise provided in

1 Section 15 of the O'Hare Modernization Act and Section 6-40 of  
2 the South Suburban Airport Authority Act.

3 (Source: P.A. 95-111, eff. 8-13-07.)

4 Section 11-35. The Vital Records Act is amended by changing  
5 Section 21 as follows:

6 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

7 Sec. 21. (1) The funeral director or person acting as such  
8 who first assumes custody of a dead body or fetus shall make a  
9 written report to the registrar of the district in which death  
10 occurred or in which the body or fetus was found within 24  
11 hours after taking custody of the body or fetus on a form  
12 prescribed and furnished by the State Registrar and in  
13 accordance with the rules promulgated by the State Registrar.  
14 Except as specified in paragraph (2) of this Section, the  
15 written report shall serve as a permit to transport, bury or  
16 entomb the body or fetus within this State, provided that the  
17 funeral director or person acting as such shall certify that  
18 the physician in charge of the patient's care for the illness  
19 or condition which resulted in death has been contacted and has  
20 affirmatively stated that he will sign the medical certificate  
21 of death or the fetal death certificate. If a funeral director  
22 fails to file written reports under this Section in a timely  
23 manner, the local registrar may suspend the funeral director's  
24 privilege of filing written reports by mail. In a county with a



1 population greater than 3,000,000, if a funeral director or  
2 person acting as such inter or entombs a dead body without  
3 having previously certified that the physician in charge of the  
4 patient's care for the illness or condition that resulted in  
5 death has been contacted and has affirmatively stated that he  
6 or she will sign the medical certificate of death, then that  
7 funeral director or person acting as such is responsible for  
8 payment of the specific costs incurred by the county medical  
9 examiner in disinterring and reinterring or reentombing the  
10 dead body.

11 (2) The written report as specified in paragraph (1) of  
12 this Section shall not serve as a permit to:

13 (a) Remove body or fetus from this State;

14 (b) Cremate the body or fetus; or

15 (c) Make disposal of any body or fetus in any manner  
16 when death is subject to the coroner's or medical  
17 examiner's investigation.

18 (3) In accordance with the provisions of paragraph (2) of  
19 this Section the funeral director or person acting as such who  
20 first assumes custody of a dead body or fetus shall obtain a  
21 permit for disposition of such dead human body prior to final  
22 disposition or removal from the State of the body or fetus.  
23 Such permit shall be issued by the registrar of the district  
24 where death occurred or the body or fetus was found. No such  
25 permit shall be issued until a properly completed certificate  
26 of death has been filed with the registrar. The registrar shall

1 insure the issuance of a permit for disposition within an  
2 expedited period of time to accommodate Sunday or holiday  
3 burials of decedents whose time of death and religious tenets  
4 or beliefs necessitate Sunday or holiday burials.

5 (4) A permit which accompanies a dead body or fetus brought  
6 into this State shall be authority for final disposition of the  
7 body or fetus in this State, except in municipalities where  
8 local ordinance requires the issuance of a local permit prior  
9 to disposition.

10 (5) A permit for disposition of a dead human body shall be  
11 required prior to disinterment of a dead body or fetus, and  
12 when the disinterred body is to be shipped by a common carrier.  
13 Such permit shall be issued to a licensed funeral director or  
14 person acting as such, upon proper application, by the local  
15 registrar of the district in which disinterment is to be made.  
16 In the case of disinterment, proper application shall include a  
17 statement providing the name and address of any surviving  
18 spouse of the deceased, or, if none, any surviving children of  
19 the deceased, or if no surviving spouse or children, a parent,  
20 brother, or sister of the deceased. The application shall  
21 indicate whether the applicant is one of these parties and, if  
22 so, whether the applicant is a surviving spouse or a surviving  
23 child. Prior to the issuance of a permit for disinterment, the  
24 local registrar shall, by certified mail, notify the surviving  
25 spouse, unless he or she is the applicant, or if there is no  
26 surviving spouse, all surviving children except for the

1 applicant, of the application for the permit. The person or  
2 persons notified shall have 30 days from the mailing of the  
3 notice to object by obtaining an injunction enjoining the  
4 issuance of the permit. After the 30-day period has expired,  
5 the local registrar shall issue the permit unless he or she has  
6 been enjoined from doing so or there are other statutory  
7 grounds for refusal. The notice to the spouse or surviving  
8 children shall inform the person or persons being notified of  
9 the right to seek an injunction within 30 days. Notwithstanding  
10 any other provision of this subsection (5), a court may order  
11 issuance of a permit for disinterment without notice or prior  
12 to the expiration of the 30-day period where the petition is  
13 made by an agency of any governmental unit and good cause is  
14 shown for disinterment without notice or for the early order.  
15 Nothing in this subsection (5) limits the authority of the City  
16 of Chicago to acquire property or otherwise exercise its powers  
17 under the O'Hare Modernization Act or requires that City, or  
18 any person acting on behalf of that City, to obtain a permit  
19 under this subsection (5) when exercising powers under the  
20 O'Hare Modernization Act. Nothing in this subsection (5) limits  
21 the authority of South Suburban Airport Authority to acquire  
22 property or otherwise exercise its powers under the South  
23 Suburban Airport Authority Act or requires that Authority, or  
24 any person acting on its behalf, to obtain a permit under this  
25 subsection (5) when exercising powers under the South Suburban  
26 Airport Authority Act.

1 (Source: P.A. 93-450, eff. 8-6-03.)

2 Section 11-40. The Eminent Domain Act is amended by  
3 changing Section 10-5-10 as follows:

4 (735 ILCS 30/10-5-10) (was 735 ILCS 5/7-102)

5 Sec. 10-5-10. Parties.

6 (a) When the right (i) to take private property for public  
7 use, without the owner's consent, (ii) to construct or maintain  
8 any public road, railroad, plankroad, turnpike road, canal, or  
9 other public work or improvement, or (iii) to damage property  
10 not actually taken has been or is conferred by general law or  
11 special charter upon any corporate or municipal authority,  
12 public body, officer or agent, person, commissioner, or  
13 corporation and when (i) the compensation to be paid for or in  
14 respect of the property sought to be appropriated or damaged  
15 for the purposes mentioned cannot be agreed upon by the parties  
16 interested, (ii) the owner of the property is incapable of  
17 consenting, (iii) the owner's name or residence is unknown, or  
18 (iv) the owner is a nonresident of the State, then the party  
19 authorized to take or damage the property so required, or to  
20 construct, operate, and maintain any public road, railroad,  
21 plankroad, turnpike road, canal, or other public work or  
22 improvement, may apply to the circuit court of the county where  
23 the property or any part of the property is situated, by filing  
24 with the clerk a complaint. The complaint shall set forth, by

1 reference, (i) the complainant's authority in the premises,  
2 (ii) the purpose for which the property is sought to be taken  
3 or damaged, (iii) a description of the property, and (iv) the  
4 names of all persons interested in the property as owners or  
5 otherwise, as appearing of record, if known, or if not known  
6 stating that fact; and shall pray the court to cause the  
7 compensation to be paid to the owner to be assessed.

8 (b) If it appears that any person not in being, upon coming  
9 into being, is, or may become or may claim to be, entitled to  
10 any interest in the property sought to be appropriated or  
11 damaged, the court shall appoint some competent and  
12 disinterested person as guardian ad litem to appear for and  
13 represent that interest in the proceeding and to defend the  
14 proceeding on behalf of the person not in being. Any judgment  
15 entered in the proceeding shall be as effectual for all  
16 purposes as though the person was in being and was a party to  
17 the proceeding.

18 (c) If the proceeding seeks to affect the property of  
19 persons under guardianship, the guardians shall be made parties  
20 defendant.

21 (d) Any interested persons whose names are unknown may be  
22 made parties defendant by the same descriptions and in the same  
23 manner as provided in other civil cases.

24 (e) When the property to be taken or damaged is a common  
25 element of property subject to a declaration of condominium  
26 ownership, pursuant to the Condominium Property Act, or of a

1 common interest community, the complaint shall name the unit  
2 owners' association in lieu of naming the individual unit  
3 owners and lienholders on individual units. Unit owners,  
4 mortgagees, and other lienholders may intervene as parties  
5 defendant. For the purposes of this Section, "common interest  
6 community" has the same meaning as set forth in subsection (c)  
7 of Section 9-102 of the Code of Civil Procedure. "Unit owners'  
8 association" or "association" shall refer to both the  
9 definition contained in Section 2 of the Condominium Property  
10 Act and subsection (c) of Section 9-102 of the Code of Civil  
11 Procedure.

12 (f) When the property is sought to be taken or damaged by  
13 the State for the purposes of establishing, operating, or  
14 maintaining any State house or State charitable or other  
15 institutions or improvements, the complaint shall be signed by  
16 the Governor, or the Governor's designee, or as otherwise  
17 provided by law.

18 (g) No property, ~~7~~ (except property described in Section 3 of  
19 the Sports Stadium Act, property to be acquired in furtherance  
20 of actions under Article 11, Divisions 124, 126, 128, 130, 135,  
21 136, and 139, of the Illinois Municipal Code, property to be  
22 acquired in furtherance of actions under Section 3.1 of the  
23 Intergovernmental Cooperation Act, property to be acquired  
24 that is a water system or waterworks pursuant to the home rule  
25 powers of a unit of local government, ~~and~~ property described as  
26 Site B in Section 2 of the Metropolitan Pier and Exposition

1 Authority Act, and property that may be taken as provided in  
2 the South Suburban Airport Authority Act) belonging to a  
3 railroad or other public utility subject to the jurisdiction of  
4 the Illinois Commerce Commission may be taken or damaged,  
5 pursuant to the provisions of this Act, without the prior  
6 approval of the Illinois Commerce Commission.

7 (Source: P.A. 94-1055, eff. 1-1-07; incorporates P.A. 94-1007,  
8 eff. 1-1-07; 95-331, eff. 8-21-07.)

9 Section 11-45. The Religious Freedom Restoration Act is  
10 amended by changing Section 30 as follows:

11 (775 ILCS 35/30)

12 Sec. 30. O'Hare Modernization and South Suburban Airport.  
13 Nothing in this Act limits the authority of the City of Chicago  
14 to exercise its powers under the O'Hare Modernization Act, or  
15 the South Suburban Airport Authority to exercise its powers  
16 under the South Suburban Airport Authority Act, for the  
17 purposes of relocation of cemeteries or the graves located  
18 therein.

19 (Source: P.A. 93-450, eff. 8-6-03.)

## 20 ARTICLE 12. SEVERABILITY

21 Section 12-5. Severability. The provisions of this Act are  
22 severable under Section 1.31 of the Statute of Statutes. The

1 provisions of this Act shall be reasonably and liberally  
2 construed to achieve the purposes for the establishment of the  
3 Authority.

4 ARTICLE 13. STATE MANDATES ACT

5 Section 13-5. The State Mandates Act is amended by adding  
6 Section 8.33 as follows:

7 (30 ILCS 805/8.33 new)

8 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
9 of this Act, no reimbursement by the State is required for the  
10 implementation of any mandate created by the South Suburban  
11 Airport Authority Act.

12 ARTICLE 99. EFFECTIVE DATE

13 Section 99-99. Effective date. This Act takes effect March  
14 1, 2011.