



Rep. Barbara Flynn Currie

Filed: 5/31/2018

10000SB2367ham001

LRB100 17935 RJF 41110 a

1 AMENDMENT TO SENATE BILL 2367

2 AMENDMENT NO. _____. Amend Senate Bill 2367 by replacing
3 everything after the enacting clause with the following:

4 "Section 3. The Illinois Administrative Procedure Act is
5 amended by changing Section 5-140 as follows:

6 (5 ILCS 100/5-140) (from Ch. 127, par. 1005-140)

7 Sec. 5-140. Reports to the General Assembly. The Joint
8 Committee shall report its findings, conclusions, and
9 recommendations, including suggested legislation, to the
10 General Assembly by February 1 of each year.

11 The requirement for reporting to the General Assembly shall
12 be satisfied by filing copies of the report with the Speaker,
13 the Minority Leader, and the Clerk of the House of
14 Representatives, the President, the Minority Leader, and the
15 Secretary of the Senate, and the Commission on Government
16 Forecasting and Accountability ~~Legislative Research Unit~~, as

1 required by Section 3.1 of the General Assembly Organization
2 Act, and filing additional copies with the State Government
3 Report Distribution Center for the General Assembly as required
4 under paragraph (t) of Section 7 of the State Library Act.

5 (Source: P.A. 87-823.)

6 Section 5. The State Officials and Employees Ethics Act is
7 amended by changing Sections 1-5, 20-5, 20-10, 20-23, 20-90,
8 and 20-95 and the heading of Article 75 and Sections 75-5 and
9 75-10 as follows:

10 (5 ILCS 430/1-5)

11 Sec. 1-5. Definitions. As used in this Act:

12 "Appointee" means a person appointed to a position in or
13 with a State agency, regardless of whether the position is
14 compensated.

15 "Board members of Regional Transit Boards" means any person
16 appointed to serve on the governing board of a Regional Transit
17 Board.

18 "Board members of Regional Development Authorities" means
19 any person appointed to serve on the governing board of a
20 Regional Development Authority.

21 "Campaign for elective office" means any activity in
22 furtherance of an effort to influence the selection,
23 nomination, election, or appointment of any individual to any
24 federal, State, or local public office or office in a political

1 organization, or the selection, nomination, or election of
2 Presidential or Vice-Presidential electors, but does not
3 include activities (i) relating to the support or opposition of
4 any executive, legislative, or administrative action (as those
5 terms are defined in Section 2 of the Lobbyist Registration
6 Act), (ii) relating to collective bargaining, or (iii) that are
7 otherwise in furtherance of the person's official State duties.

8 "Candidate" means a person who has filed nominating papers
9 or petitions for nomination or election to an elected State
10 office, or who has been appointed to fill a vacancy in
11 nomination, and who remains eligible for placement on the
12 ballot at either a general primary election or general
13 election.

14 "Collective bargaining" has the same meaning as that term
15 is defined in Section 3 of the Illinois Public Labor Relations
16 Act.

17 "Commission" means an ethics commission created by this
18 Act.

19 "Compensated time" means any time worked by or credited to
20 a State employee that counts toward any minimum work time
21 requirement imposed as a condition of employment with a State
22 agency, but does not include any designated State holidays or
23 any period when the employee is on a leave of absence.

24 "Compensatory time off" means authorized time off earned by
25 or awarded to a State employee to compensate in whole or in
26 part for time worked in excess of the minimum work time

1 required of that employee as a condition of employment with a
2 State agency.

3 "Contribution" has the same meaning as that term is defined
4 in Section 9-1.4 of the Election Code.

5 "Employee" means (i) any person employed full-time,
6 part-time, or pursuant to a contract and whose employment
7 duties are subject to the direction and control of an employer
8 with regard to the material details of how the work is to be
9 performed or (ii) any appointed or elected commissioner,
10 trustee, director, or board member of a board of a State
11 agency, including any retirement system or investment board
12 subject to the Illinois Pension Code or (iii) any other
13 appointee.

14 "Employment benefits" include but are not limited to the
15 following: modified compensation or benefit terms; compensated
16 time off; or change of title, job duties, or location of office
17 or employment. An employment benefit may also include favorable
18 treatment in determining whether to bring any disciplinary or
19 similar action or favorable treatment during the course of any
20 disciplinary or similar action or other performance review.

21 "Executive branch constitutional officer" means the
22 Governor, Lieutenant Governor, Attorney General, Secretary of
23 State, Comptroller, and Treasurer.

24 "Gift" means any gratuity, discount, entertainment,
25 hospitality, loan, forbearance, or other tangible or
26 intangible item having monetary value including, but not

1 limited to, cash, food and drink, and honoraria for speaking
2 engagements related to or attributable to government
3 employment or the official position of an employee, member, or
4 officer. The value of a gift may be further defined by rules
5 adopted by the appropriate ethics commission or by the Auditor
6 General for the Auditor General and for employees of the office
7 of the Auditor General.

8 "Governmental entity" means a unit of local government
9 (including a community college district) or a school district
10 but not a State agency, Regional Development Authority, or a
11 Regional Transit Board.

12 "Leave of absence" means any period during which a State
13 employee does not receive (i) compensation for State
14 employment, (ii) service credit towards State pension
15 benefits, and (iii) health insurance benefits paid for by the
16 State.

17 "Legislative branch constitutional officer" means a member
18 of the General Assembly and the Auditor General.

19 "Legislative leader" means the President and Minority
20 Leader of the Senate and the Speaker and Minority Leader of the
21 House of Representatives.

22 "Member" means a member of the General Assembly.

23 "Officer" means an executive branch constitutional officer
24 or a legislative branch constitutional officer.

25 "Political" means any activity in support of or in
26 connection with any campaign for elective office or any

1 political organization, but does not include activities (i)
2 relating to the support or opposition of any executive,
3 legislative, or administrative action (as those terms are
4 defined in Section 2 of the Lobbyist Registration Act), (ii)
5 relating to collective bargaining, or (iii) that are otherwise
6 in furtherance of the person's official State duties or
7 governmental and public service functions.

8 "Political organization" means a party, committee,
9 association, fund, or other organization (whether or not
10 incorporated) that is required to file a statement of
11 organization with the State Board of Elections or a county
12 clerk under Section 9-3 of the Election Code, but only with
13 regard to those activities that require filing with the State
14 Board of Elections or a county clerk.

15 "Prohibited political activity" means:

16 (1) Preparing for, organizing, or participating in any
17 political meeting, political rally, political
18 demonstration, or other political event.

19 (2) Soliciting contributions, including but not
20 limited to the purchase of, selling, distributing, or
21 receiving payment for tickets for any political
22 fundraiser, political meeting, or other political event.

23 (3) Soliciting, planning the solicitation of, or
24 preparing any document or report regarding any thing of
25 value intended as a campaign contribution.

26 (4) Planning, conducting, or participating in a public

1 opinion poll in connection with a campaign for elective
2 office or on behalf of a political organization for
3 political purposes or for or against any referendum
4 question.

5 (5) Surveying or gathering information from potential
6 or actual voters in an election to determine probable vote
7 outcome in connection with a campaign for elective office
8 or on behalf of a political organization for political
9 purposes or for or against any referendum question.

10 (6) Assisting at the polls on election day on behalf of
11 any political organization or candidate for elective
12 office or for or against any referendum question.

13 (7) Soliciting votes on behalf of a candidate for
14 elective office or a political organization or for or
15 against any referendum question or helping in an effort to
16 get voters to the polls.

17 (8) Initiating for circulation, preparing,
18 circulating, reviewing, or filing any petition on behalf of
19 a candidate for elective office or for or against any
20 referendum question.

21 (9) Making contributions on behalf of any candidate for
22 elective office in that capacity or in connection with a
23 campaign for elective office.

24 (10) Preparing or reviewing responses to candidate
25 questionnaires in connection with a campaign for elective
26 office or on behalf of a political organization for

1 political purposes.

2 (11) Distributing, preparing for distribution, or
3 mailing campaign literature, campaign signs, or other
4 campaign material on behalf of any candidate for elective
5 office or for or against any referendum question.

6 (12) Campaigning for any elective office or for or
7 against any referendum question.

8 (13) Managing or working on a campaign for elective
9 office or for or against any referendum question.

10 (14) Serving as a delegate, alternate, or proxy to a
11 political party convention.

12 (15) Participating in any recount or challenge to the
13 outcome of any election, except to the extent that under
14 subsection (d) of Section 6 of Article IV of the Illinois
15 Constitution each house of the General Assembly shall judge
16 the elections, returns, and qualifications of its members.

17 "Prohibited source" means any person or entity who:

18 (1) is seeking official action (i) by the member or
19 officer or (ii) in the case of an employee, by the employee
20 or by the member, officer, State agency, or other employee
21 directing the employee;

22 (2) does business or seeks to do business (i) with the
23 member or officer or (ii) in the case of an employee, with
24 the employee or with the member, officer, State agency, or
25 other employee directing the employee;

26 (3) conducts activities regulated (i) by the member or

1 officer or (ii) in the case of an employee, by the employee
2 or by the member, officer, State agency, or other employee
3 directing the employee;

4 (4) has interests that may be substantially affected by
5 the performance or non-performance of the official duties
6 of the member, officer, or employee;

7 (5) is registered or required to be registered with the
8 Secretary of State under the Lobbyist Registration Act,
9 except that an entity not otherwise a prohibited source
10 does not become a prohibited source merely because a
11 registered lobbyist is one of its members or serves on its
12 board of directors; or

13 (6) is an agent of, a spouse of, or an immediate family
14 member who is living with a "prohibited source".

15 "Regional Development Authorities" mean (i) the Central
16 Illinois Economic Development Authority created by the Central
17 Illinois Economic Development Authority Act, (ii) the Eastern
18 Illinois Economic Development Authority created by the Eastern
19 Illinois Economic Development Authority Act, (iii) the Joliet
20 Arsenal Development Authority created by the Joliet Arsenal
21 Development Authority Act, (iv) the Quad Cities Regional
22 Economic Development Authority created by Quad Cities Regional
23 Economic Development Authority Act, approved September 22,
24 1987, (v) the Riverdale Development Authority created by the
25 Riverdale Development Authority Act, (vi) the Southeastern
26 Illinois Economic Development Authority created by the

1 Southeastern Illinois Economic Development Authority Act,
2 (vii) the Southern Illinois Economic Development Authority
3 created by the Southern Illinois Economic Development
4 Authority Act, (viii) the Southwestern Illinois Development
5 Authority created by the Southwestern Illinois Development
6 Authority Act, (ix) the Tri-County River Valley Development
7 Authority created by the Tri-County River Valley Development
8 Authority Law, (x) the Upper Illinois River Valley Development
9 Authority created by the Upper Illinois River Valley
10 Development Authority Act, (xi) the Illinois Urban Development
11 Authority created by the Illinois Urban Development Authority
12 Act, (xii) the Western Illinois Economic Development Authority
13 created by the Western Illinois Economic Development Authority
14 Act, and (xiii) the Will-Kankakee Regional Development
15 Authority created by the Will-Kankakee Regional Development
16 Authority Law.

17 "Regional Transit Boards" means (i) the Regional
18 Transportation Authority created by the Regional
19 Transportation Authority Act, (ii) the Suburban Bus Division
20 created by the Regional Transportation Authority Act, (iii) the
21 Commuter Rail Division created by the Regional Transportation
22 Authority Act, and (iv) the Chicago Transit Authority created
23 by the Metropolitan Transit Authority Act.

24 "State agency" includes all officers, boards, commissions
25 and agencies created by the Constitution, whether in the
26 executive or legislative branch; all officers, departments,

1 boards, commissions, agencies, institutions, authorities,
2 public institutions of higher learning as defined in Section 2
3 of the Higher Education Cooperation Act (except community
4 colleges), and bodies politic and corporate of the State; and
5 administrative units or corporate outgrowths of the State
6 government which are created by or pursuant to statute, other
7 than units of local government (including community college
8 districts) and their officers, school districts, and boards of
9 election commissioners; and all administrative units and
10 corporate outgrowths of the above and as may be created by
11 executive order of the Governor. "State agency" includes the
12 General Assembly, the Senate, the House of Representatives, the
13 President and Minority Leader of the Senate, the Speaker and
14 Minority Leader of the House of Representatives, the Senate
15 Operations Commission, and the legislative support services
16 agencies. "State agency" includes the Office of the Auditor
17 General. "State agency" does not include the judicial branch.

18 "State employee" means any employee of a State agency.

19 "Ultimate jurisdictional authority" means the following:

20 (1) For members, legislative partisan staff, and
21 legislative secretaries, the appropriate legislative
22 leader: President of the Senate, Minority Leader of the
23 Senate, Speaker of the House of Representatives, or
24 Minority Leader of the House of Representatives.

25 (2) For State employees who are professional staff or
26 employees of the Senate and not covered under item (1), the

1 Senate Operations Commission.

2 (3) For State employees who are professional staff or
3 employees of the House of Representatives and not covered
4 under item (1), the Speaker of the House of
5 Representatives.

6 (4) For State employees who are employees of the
7 legislative support services agencies, the Joint Committee
8 on Legislative Support Services.

9 (5) For State employees of the Auditor General, the
10 Auditor General.

11 (6) For State employees of public institutions of
12 higher learning as defined in Section 2 of the Higher
13 Education Cooperation Act (except community colleges), the
14 board of trustees of the appropriate public institution of
15 higher learning.

16 (7) For State employees of an executive branch
17 constitutional officer other than those described in
18 paragraph (6), the appropriate executive branch
19 constitutional officer.

20 (8) For State employees not under the jurisdiction of
21 paragraph (1), (2), (3), (4), (5), (6), or (7), the
22 Governor.

23 (9) For employees of Regional Transit Boards, the
24 appropriate Regional Transit Board.

25 (10) For board members of Regional Transit Boards, the
26 Governor.

1 (11) For employees of Regional Development
2 Authorities, the appropriate Regional Development
3 Authority.

4 (12) For board members of Regional Development
5 Authorities, the Governor.

6 (Source: P.A. 96-6, eff. 4-3-09; 96-555, eff. 8-18-09; 96-1528,
7 eff. 7-1-11; 96-1533, eff. 3-4-11; 97-813, eff. 7-13-12.)

8 (5 ILCS 430/20-5)

9 Sec. 20-5. Executive Ethics Commission.

10 (a) The Executive Ethics Commission is created.

11 (b) The Executive Ethics Commission shall consist of 9
12 commissioners. The Governor shall appoint 5 commissioners, and
13 the Attorney General, Secretary of State, Comptroller, and
14 Treasurer shall each appoint one commissioner. Appointments
15 shall be made by and with the advice and consent of the Senate
16 by three-fifths of the elected members concurring by record
17 vote. Any nomination not acted upon by the Senate within 60
18 session days of the receipt thereof shall be deemed to have
19 received the advice and consent of the Senate. If, during a
20 recess of the Senate, there is a vacancy in an office of
21 commissioner, the appointing authority shall make a temporary
22 appointment until the next meeting of the Senate when the
23 appointing authority shall make a nomination to fill that
24 office. No person rejected for an office of commissioner shall,
25 except by the Senate's request, be nominated again for that

1 office at the same session of the Senate or be appointed to
2 that office during a recess of that Senate. No more than 5
3 commissioners may be of the same political party.

4 The terms of the initial commissioners shall commence upon
5 qualification. Four initial appointees of the Governor, as
6 designated by the Governor, shall serve terms running through
7 June 30, 2007. One initial appointee of the Governor, as
8 designated by the Governor, and the initial appointees of the
9 Attorney General, Secretary of State, Comptroller, and
10 Treasurer shall serve terms running through June 30, 2008. The
11 initial appointments shall be made within 60 days after the
12 effective date of this Act.

13 After the initial terms, commissioners shall serve for
14 4-year terms commencing on July 1 of the year of appointment
15 and running through June 30 of the fourth following year.
16 Commissioners may be reappointed to one or more subsequent
17 terms.

18 Vacancies occurring other than at the end of a term shall
19 be filled by the appointing authority only for the balance of
20 the term of the commissioner whose office is vacant.

21 Terms shall run regardless of whether the position is
22 filled.

23 (c) The appointing authorities shall appoint commissioners
24 who have experience holding governmental office or employment
25 and shall appoint commissioners from the general public. A
26 person is not eligible to serve as a commissioner if that

1 person (i) has been convicted of a felony or a crime of
2 dishonesty or moral turpitude, (ii) is, or was within the
3 preceding 12 months, engaged in activities that require
4 registration under the Lobbyist Registration Act, (iii) is
5 related to the appointing authority, or (iv) is a State officer
6 or employee.

7 (d) The Executive Ethics Commission shall have
8 jurisdiction over all officers and employees of State agencies
9 other than the General Assembly, the Senate, the House of
10 Representatives, the President and Minority Leader of the
11 Senate, the Speaker and Minority Leader of the House of
12 Representatives, the Senate Operations Commission, the
13 legislative support services agencies, and the Office of the
14 Auditor General. The Executive Ethics Commission shall have
15 jurisdiction over all board members and employees of Regional
16 Transit Boards and Regional Development Authorities. The
17 jurisdiction of the Commission is limited to matters arising
18 under this Act, except as provided in subsection (d-5).

19 A member or legislative branch State employee serving on an
20 executive branch board or commission remains subject to the
21 jurisdiction of the Legislative Ethics Commission and is not
22 subject to the jurisdiction of the Executive Ethics Commission.

23 (d-5) The Executive Ethics Commission shall have
24 jurisdiction over all chief procurement officers and
25 procurement compliance monitors and their respective staffs.
26 The Executive Ethics Commission shall have jurisdiction over

1 any matters arising under the Illinois Procurement Code if the
2 Commission is given explicit authority in that Code.

3 (d-6) (1) The Executive Ethics Commission shall have
4 jurisdiction over the Illinois Power Agency and its staff. The
5 Director of the Agency shall be appointed by a majority of the
6 commissioners of the Executive Ethics Commission, subject to
7 Senate confirmation, for a term of 2 years. The Director is
8 removable for cause by a majority of the Commission upon a
9 finding of neglect, malfeasance, absence, or incompetence.

10 (2) In case of a vacancy in the office of Director of the
11 Illinois Power Agency during a recess of the Senate, the
12 Executive Ethics Commission may make a temporary appointment
13 until the next meeting of the Senate, at which time the
14 Executive Ethics Commission shall nominate some person to fill
15 the office, and any person so nominated who is confirmed by the
16 Senate shall hold office during the remainder of the term and
17 until his or her successor is appointed and qualified. Nothing
18 in this subsection shall prohibit the Executive Ethics
19 Commission from removing a temporary appointee or from
20 appointing a temporary appointee as the Director of the
21 Illinois Power Agency.

22 (3) Prior to June 1, 2012, the Executive Ethics Commission
23 may, until the Director of the Illinois Power Agency is
24 appointed and qualified or a temporary appointment is made
25 pursuant to paragraph (2) of this subsection, designate some
26 person as an acting Director to execute the powers and

1 discharge the duties vested by law in that Director. An acting
2 Director shall serve no later than 60 calendar days, or upon
3 the making of an appointment pursuant to paragraph (1) or (2)
4 of this subsection, whichever is earlier. Nothing in this
5 subsection shall prohibit the Executive Ethics Commission from
6 removing an acting Director or from appointing an acting
7 Director as the Director of the Illinois Power Agency.

8 (4) No person rejected by the Senate for the office of
9 Director of the Illinois Power Agency shall, except at the
10 Senate's request, be nominated again for that office at the
11 same session or be appointed to that office during a recess of
12 that Senate.

13 (e) The Executive Ethics Commission must meet, either in
14 person or by other technological means, at least monthly and as
15 often as necessary. At the first meeting of the Executive
16 Ethics Commission, the commissioners shall choose from their
17 number a chairperson and other officers that they deem
18 appropriate. The terms of officers shall be for 2 years
19 commencing July 1 and running through June 30 of the second
20 following year. Meetings shall be held at the call of the
21 chairperson or any 3 commissioners. Official action by the
22 Commission shall require the affirmative vote of 5
23 commissioners, and a quorum shall consist of 5 commissioners.
24 Commissioners shall receive compensation in an amount equal to
25 the compensation of members of the State Board of Elections and
26 may be reimbursed for their reasonable expenses actually

1 incurred in the performance of their duties.

2 (f) No commissioner or employee of the Executive Ethics
3 Commission may during his or her term of appointment or
4 employment:

5 (1) become a candidate for any elective office;

6 (2) hold any other elected or appointed public office
7 except for appointments on governmental advisory boards or
8 study commissions or as otherwise expressly authorized by
9 law;

10 (3) be actively involved in the affairs of any
11 political party or political organization; or

12 (4) advocate for the appointment of another person to
13 an appointed or elected office or position or actively
14 participate in any campaign for any elective office.

15 (g) An appointing authority may remove a commissioner only
16 for cause.

17 (h) The Executive Ethics Commission shall appoint an
18 Executive Director. The compensation of the Executive Director
19 shall be as determined by the Commission. The Executive
20 Director of the Executive Ethics Commission may employ and
21 determine the compensation of staff, as appropriations permit.

22 (i) The Executive Ethics Commission shall appoint, by a
23 majority of the members appointed to the Commission, chief
24 procurement officers and may appoint procurement compliance
25 monitors in accordance with the provisions of the Illinois
26 Procurement Code. The compensation of a chief procurement

1 officer and procurement compliance monitor shall be determined
2 by the Commission.

3 (Source: P.A. 100-43, eff. 8-9-17.)

4 (5 ILCS 430/20-10)

5 Sec. 20-10. Offices of Executive Inspectors General.

6 (a) Five independent Offices of the Executive Inspector
7 General are created, one each for the Governor, the Attorney
8 General, the Secretary of State, the Comptroller, and the
9 Treasurer. Each Office shall be under the direction and
10 supervision of an Executive Inspector General and shall be a
11 fully independent office with separate appropriations.

12 (b) The Governor, Attorney General, Secretary of State,
13 Comptroller, and Treasurer shall each appoint an Executive
14 Inspector General, without regard to political affiliation and
15 solely on the basis of integrity and demonstrated ability.
16 Appointments shall be made by and with the advice and consent
17 of the Senate by three-fifths of the elected members concurring
18 by record vote. Any nomination not acted upon by the Senate
19 within 60 session days of the receipt thereof shall be deemed
20 to have received the advice and consent of the Senate. If,
21 during a recess of the Senate, there is a vacancy in an office
22 of Executive Inspector General, the appointing authority shall
23 make a temporary appointment until the next meeting of the
24 Senate when the appointing authority shall make a nomination to
25 fill that office. No person rejected for an office of Executive

1 Inspector General shall, except by the Senate's request, be
2 nominated again for that office at the same session of the
3 Senate or be appointed to that office during a recess of that
4 Senate.

5 Nothing in this Article precludes the appointment by the
6 Governor, Attorney General, Secretary of State, Comptroller,
7 or Treasurer of any other inspector general required or
8 permitted by law. The Governor, Attorney General, Secretary of
9 State, Comptroller, and Treasurer each may appoint an existing
10 inspector general as the Executive Inspector General required
11 by this Article, provided that such an inspector general is not
12 prohibited by law, rule, jurisdiction, qualification, or
13 interest from serving as the Executive Inspector General
14 required by this Article. An appointing authority may not
15 appoint a relative as an Executive Inspector General.

16 Each Executive Inspector General shall have the following
17 qualifications:

18 (1) has not been convicted of any felony under the laws
19 of this State, another State, or the United States;

20 (2) has earned a baccalaureate degree from an
21 institution of higher education; and

22 (3) has 5 or more years of cumulative service (A) with
23 a federal, State, or local law enforcement agency, at least
24 2 years of which have been in a progressive investigatory
25 capacity; (B) as a federal, State, or local prosecutor; (C)
26 as a senior manager or executive of a federal, State, or

1 local agency; (D) as a member, an officer, or a State or
2 federal judge; or (E) representing any combination of (A)
3 through (D).

4 The term of each initial Executive Inspector General shall
5 commence upon qualification and shall run through June 30,
6 2008. The initial appointments shall be made within 60 days
7 after the effective date of this Act.

8 After the initial term, each Executive Inspector General
9 shall serve for 5-year terms commencing on July 1 of the year
10 of appointment and running through June 30 of the fifth
11 following year. An Executive Inspector General may be
12 reappointed to one or more subsequent terms.

13 A vacancy occurring other than at the end of a term shall
14 be filled by the appointing authority only for the balance of
15 the term of the Executive Inspector General whose office is
16 vacant.

17 Terms shall run regardless of whether the position is
18 filled.

19 (c) The Executive Inspector General appointed by the
20 Attorney General shall have jurisdiction over the Attorney
21 General and all officers and employees of, and vendors and
22 others doing business with, State agencies within the
23 jurisdiction of the Attorney General. The Executive Inspector
24 General appointed by the Secretary of State shall have
25 jurisdiction over the Secretary of State and all officers and
26 employees of, and vendors and others doing business with, State

1 agencies within the jurisdiction of the Secretary of State. The
2 Executive Inspector General appointed by the Comptroller shall
3 have jurisdiction over the Comptroller and all officers and
4 employees of, and vendors and others doing business with, State
5 agencies within the jurisdiction of the Comptroller. The
6 Executive Inspector General appointed by the Treasurer shall
7 have jurisdiction over the Treasurer and all officers and
8 employees of, and vendors and others doing business with, State
9 agencies within the jurisdiction of the Treasurer. The
10 Executive Inspector General appointed by the Governor shall
11 have jurisdiction over (i) the Governor, (ii) the Lieutenant
12 Governor, (iii) all officers and employees of, and vendors and
13 others doing business with, executive branch State agencies
14 under the jurisdiction of the Executive Ethics Commission and
15 not within the jurisdiction of the Attorney General, the
16 Secretary of State, the Comptroller, or the Treasurer, ~~and~~ (iv)
17 all board members and employees of the Regional Transit Boards
18 and all vendors and others doing business with the Regional
19 Transit Boards; and (v) all board members and employees of the
20 Regional Development Authorities and all vendors and others
21 doing business with the Regional Development Authorities.

22 The jurisdiction of each Executive Inspector General is to
23 investigate allegations of fraud, waste, abuse, mismanagement,
24 misconduct, nonfeasance, misfeasance, malfeasance, or
25 violations of this Act or violations of other related laws and
26 rules.

1 (d) The compensation for each Executive Inspector General
2 shall be determined by the Executive Ethics Commission and
3 shall be made from appropriations made to the Comptroller for
4 this purpose. Subject to Section 20-45 of this Act, each
5 Executive Inspector General has full authority to organize his
6 or her Office of the Executive Inspector General, including the
7 employment and determination of the compensation of staff, such
8 as deputies, assistants, and other employees, as
9 appropriations permit. A separate appropriation shall be made
10 for each Office of Executive Inspector General.

11 (e) No Executive Inspector General or employee of the
12 Office of the Executive Inspector General may, during his or
13 her term of appointment or employment:

14 (1) become a candidate for any elective office;

15 (2) hold any other elected or appointed public office
16 except for appointments on governmental advisory boards or
17 study commissions or as otherwise expressly authorized by
18 law;

19 (3) be actively involved in the affairs of any
20 political party or political organization; or

21 (4) advocate for the appointment of another person to
22 an appointed or elected office or position or actively
23 participate in any campaign for any elective office.

24 In this subsection an appointed public office means a
25 position authorized by law that is filled by an appointing
26 authority as provided by law and does not include employment by

1 hiring in the ordinary course of business.

2 (e-1) No Executive Inspector General or employee of the
3 Office of the Executive Inspector General may, for one year
4 after the termination of his or her appointment or employment:

5 (1) become a candidate for any elective office;

6 (2) hold any elected public office; or

7 (3) hold any appointed State, county, or local judicial
8 office.

9 (e-2) The requirements of item (3) of subsection (e-1) may
10 be waived by the Executive Ethics Commission.

11 (f) An Executive Inspector General may be removed only for
12 cause and may be removed only by the appointing constitutional
13 officer. At the time of the removal, the appointing
14 constitutional officer must report to the Executive Ethics
15 Commission the justification for the removal.

16 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)

17 (5 ILCS 430/20-23)

18 Sec. 20-23. Ethics Officers. Each officer and the head of
19 each State agency under the jurisdiction of the Executive
20 Ethics Commission shall designate an Ethics Officer for the
21 office or State agency. The board of each Regional Transit
22 Board and Regional Development Authority shall designate an
23 Ethics Officer. Ethics Officers shall:

24 (1) act as liaisons between the State agency, Regional
25 Development Authority, or Regional Transit Board and the

1 appropriate Executive Inspector General and between the
2 State agency, Regional Development Authority, or Regional
3 Transit Board and the Executive Ethics Commission;

4 (2) review statements of economic interest and
5 disclosure forms of officers, senior employees, and
6 contract monitors before they are filed with the Secretary
7 of State; and

8 (3) provide guidance to officers and employees in the
9 interpretation and implementation of this Act, which the
10 officer or employee may in good faith rely upon. Such
11 guidance shall be based, wherever possible, upon legal
12 precedent in court decisions, opinions of the Attorney
13 General, and the findings and opinions of the Executive
14 Ethics Commission.

15 (Source: P.A. 96-1528, eff. 7-1-11.)

16 (5 ILCS 430/20-90)

17 Sec. 20-90. Confidentiality.

18 (a) The identity of any individual providing information or
19 reporting any possible or alleged misconduct to an Executive
20 Inspector General or the Executive Ethics Commission shall be
21 kept confidential and may not be disclosed without the consent
22 of that individual, unless the individual consents to
23 disclosure of his or her name or disclosure of the individual's
24 identity is otherwise required by law. The confidentiality
25 granted by this subsection does not preclude the disclosure of

1 the identity of a person in any capacity other than as the
2 source of an allegation.

3 (b) Subject to the provisions of Section 20-52,
4 commissioners, employees, and agents of the Executive Ethics
5 Commission, the Executive Inspectors General, and employees
6 and agents of each Office of an Executive Inspector General,
7 the Attorney General, and the employees and agents of the
8 office of the Attorney General shall keep confidential and
9 shall not disclose information exempted from disclosure under
10 the Freedom of Information Act or by this Act, provided the
11 identity of any individual providing information or reporting
12 any possible or alleged misconduct to the Executive Inspector
13 General for the Governor may be disclosed to an Inspector
14 General appointed or employed by a Regional Transit Board or a
15 Regional Development Authority in accordance with Section
16 75-10.

17 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)

18 (5 ILCS 430/20-95)
19 Sec. 20-95. Exemptions.

20 (a) Documents generated by an ethics officer under this
21 Act, except Section 5-50, are exempt from the provisions of the
22 Freedom of Information Act.

23 (b) Any allegations and related documents submitted to an
24 Executive Inspector General and any pleadings and related
25 documents brought before the Executive Ethics Commission are

1 exempt from the provisions of the Freedom of Information Act so
2 long as the Executive Ethics Commission does not make a finding
3 of a violation of this Act. If the Executive Ethics Commission
4 finds that a violation has occurred, the entire record of
5 proceedings before the Commission, the decision and
6 recommendation, and the response from the agency head or
7 ultimate jurisdictional authority to the Executive Ethics
8 Commission are not exempt from the provisions of the Freedom of
9 Information Act but information contained therein that is
10 otherwise exempt from the Freedom of Information Act must be
11 redacted before disclosure as provided in the Freedom of
12 Information Act. A summary report released by the Executive
13 Ethics Commission under Section 20-52 is a public record, but
14 information redacted by the Executive Ethics Commission shall
15 not be part of the public record.

16 (c) Meetings of the Commission are exempt from the
17 provisions of the Open Meetings Act.

18 (d) Unless otherwise provided in this Act, all
19 investigatory files and reports of the Office of an Executive
20 Inspector General, other than monthly reports required under
21 Section 20-85, are confidential, are exempt from disclosure
22 under the Freedom of Information Act, and shall not be divulged
23 to any person or agency, except as necessary (i) to a law
24 enforcement authority, (ii) to the ultimate jurisdictional
25 authority, (iii) to the Executive Ethics Commission, (iv) to
26 another Inspector General appointed pursuant to this Act, or

1 (v) to an Inspector General appointed or employed by a Regional
2 Transit Board or a Regional Development Authority in accordance
3 with Section 75-10.

4 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)

5 (5 ILCS 430/Art. 75 heading)

6 ARTICLE 75. REGIONAL TRANSIT BOARDS

7 AND REGIONAL DEVELOPMENT AUTHORITIES

8 (Source: P.A. 96-1528, eff. 7-1-11.)

9 (5 ILCS 430/75-5)

10 Sec. 75-5. Application of the State Officials and Employees
11 Ethics Act to the Regional Transit Boards and Regional
12 Development Authorities.

13 (a) Beginning July 1, 2011 and on the effective date of
14 this amendatory Act of the 100th General Assembly for Regional
15 Development Authorities, the provisions of Articles 1, 5, 10,
16 20, and 50 of this Act, as well as this Article, shall apply to
17 the Regional Transit Boards and Regional Development
18 Authorities. As used in Articles 1, 5, 10, 20, 50, and 75, (i)
19 "appointee" and "officer" include a person appointed to serve
20 on the board of a Regional Transit Board or Regional
21 Development Authority, and (ii) "employee" and "State
22 employee" include a full-time, part-time, or contractual
23 employee of a Regional Transit Board and Regional Development
24 Authorities.

1 (b) The Executive Ethics Commission shall have
2 jurisdiction over all board members and employees of the
3 Regional Transit Boards and Regional Development Authorities.
4 The Executive Inspector General appointed by the Governor shall
5 have jurisdiction over all board members, employees, vendors,
6 and others doing business with the Regional Transit Boards and
7 Regional Development Authorities to investigate allegations of
8 fraud, waste, abuse, mismanagement, misconduct, nonfeasance,
9 misfeasance, malfeasance, or violations of this Act.

10 (Source: P.A. 96-1528, eff. 7-1-11.)

11 (5 ILCS 430/75-10)

12 Sec. 75-10. Coordination between Executive Inspector
13 General and Inspectors General appointed by Regional Transit
14 Boards and Regional Development Authorities.

15 (a) Nothing in this amendatory Act of the 96th General
16 Assembly or this amendatory Act of the 100th General Assembly
17 precludes a Regional Transit Board or Regional Development
18 Authority from appointing or employing an Inspector General to
19 serve under the jurisdiction of a Regional Transit Board or
20 Regional Development Authority to receive complaints and
21 conduct investigations in accordance with an ordinance or
22 resolution adopted by that respective Board, provided he or she
23 is approved by the Executive Ethics Commission. A Regional
24 Transit Board or Regional Development Authority shall notify
25 the Executive Ethics Commission within 10 days after employing

1 or appointing a person to serve as Inspector General, and the
2 Executive Ethics Commission shall approve or reject the
3 appointment or employment of the Inspector General. Any
4 notification not acted upon by the Executive Ethics Commission
5 within 60 days after its receipt shall be deemed to have
6 received the approval of the Executive Ethics Commission.
7 Within 30 days after the effective date of this amendatory Act
8 of the 96th General Assembly, a Regional Transit Board shall
9 notify the Executive Ethics Commission of any person serving on
10 the effective date of this amendatory Act as an Inspector
11 General for the Regional Transit Board, and the Executive
12 Ethics Commission shall approve or reject the appointment or
13 employment within 30 days after receipt of the notification,
14 provided that any notification not acted upon by the Executive
15 Ethics Commission within 30 days shall be deemed to have
16 received approval. Within 30 days after the effective date of
17 this amendatory Act of the 100th General Assembly, a Regional
18 Development Authority shall notify the Executive Ethics
19 Commission of any person serving on the effective date of this
20 amendatory Act of the 100th General Assembly as an Inspector
21 General for the Regional Development Authority, and the
22 Executive Ethics Commission shall approve or reject the
23 appointment or employment within 30 days after receipt of the
24 notification, provided that any notification not acted upon by
25 the Executive Ethics Commission within 30 days shall be deemed
26 to have received approval. No person rejected by the Executive

1 Ethics Commission shall serve as an Inspector General for a
2 Regional Transit Board or Regional Development Authority for a
3 term of 5 years after being rejected by the Commission. For
4 purposes of this subsection (a), any person appointed or
5 employed by a Transit Board or Regional Development Authority
6 to receive complaints and investigate allegations of fraud,
7 waste, abuse, mismanagement, misconduct, nonfeasance,
8 misfeasance, malfeasance, or violations of this Act shall be
9 considered an Inspector General and shall be subject to
10 approval of the Executive Ethics Commission.

11 (b) The Executive Inspector General appointed by the
12 Governor shall have exclusive jurisdiction to investigate
13 complaints or allegations of violations of this Act and, in his
14 or her discretion, may investigate other complaints or
15 allegations. Complaints or allegations of a violation of this
16 Act received by an Inspector General appointed or employed by a
17 Regional Transit Board or Regional Development Authority shall
18 be immediately referred to the Executive Inspector General. The
19 Executive Inspector General shall have authority to assume
20 responsibility and investigate any complaint or allegation
21 received by an Inspector General appointed or employed by a
22 Regional Transit Board or Regional Development Authority. In
23 the event the Executive Inspector General provides written
24 notification of intent to assume investigatory responsibility
25 for a complaint, allegation, or ongoing investigation, the
26 Inspector General appointed or employed by a Regional Transit

1 Board or Regional Development Authority shall cease review of
2 the complaint, allegation, or ongoing investigation and
3 provide all information to the Executive Inspector General. The
4 Executive Inspector General may delegate responsibility for an
5 investigation to the Inspector General appointed or employed by
6 a Regional Transit Board or Regional Development Authority. In
7 the event the Executive Inspector General provides an Inspector
8 General appointed or employed by a Regional Transit Board or
9 Regional Development Authority with written notification of
10 intent to delegate investigatory responsibility for a
11 complaint, allegation, or ongoing investigation, the Executive
12 Inspector General shall provide all information to the
13 Inspector General appointed or employed by a Regional Transit
14 Board or Regional Development Authority.

15 (c) An Inspector General appointed or employed by a
16 Regional Transit Board or Regional Development Authority shall
17 provide a monthly activity report to the Executive Inspector
18 General indicating:

19 (1) the total number of complaints or allegations
20 received since the date of the last report and a
21 description of each complaint;

22 (2) the number of investigations pending as of the
23 reporting date and the status of each investigation;

24 (3) the number of investigations concluded since the
25 date of the last report and the result of each
26 investigation; and

1 (4) the status of any investigation delegated by the
2 Executive Inspector General.

3 An Inspector General appointed or employed by a Regional
4 Transit Board or Regional Development Authority and the
5 Executive Inspector General shall cooperate and share
6 resources or information as necessary to implement the
7 provisions of this Article.

8 (d) Reports filed under this Section are exempt from the
9 Freedom of Information Act and shall be deemed confidential.
10 Investigatory files and reports prepared by the Office of the
11 Executive Inspector General and the Office of an Inspector
12 General appointed or employed by a Regional Transit Board or
13 Regional Development Authority may be disclosed between the
14 Offices as necessary to implement the provisions of this
15 Article.

16 (Source: P.A. 96-1528, eff. 7-1-11.)

17 Section 10. The Election Code is amended by changing
18 Section 1A-8 as follows:

19 (10 ILCS 5/1A-8) (from Ch. 46, par. 1A-8)

20 Sec. 1A-8. The State Board of Elections shall exercise the
21 following powers and perform the following duties in addition
22 to any powers or duties otherwise provided for by law:

23 (1) Assume all duties and responsibilities of the State
24 Electoral Board and the Secretary of State as heretofore

1 provided in this Code Act;

2 (2) Disseminate information to and consult with
3 election authorities concerning the conduct of elections
4 and registration in accordance with the laws of this State
5 and the laws of the United States;

6 (3) Furnish to each election authority prior to each
7 primary and general election and any other election it
8 deems necessary, a manual of uniform instructions
9 consistent with the provisions of this Code Act which shall
10 be used by election authorities in the preparation of the
11 official manual of instruction to be used by the judges of
12 election in any such election. In preparing such manual,
13 the State Board shall consult with representatives of the
14 election authorities throughout the State. The State Board
15 may provide separate portions of the uniform instructions
16 applicable to different election jurisdictions which
17 administer elections under different options provided by
18 law. The State Board may by regulation require particular
19 portions of the uniform instructions to be included in any
20 official manual of instructions published by election
21 authorities. Any manual of instructions published by any
22 election authority shall be identical with the manual of
23 uniform instructions issued by the Board, but may be
24 adapted by the election authority to accommodate special or
25 unusual local election problems, provided that all manuals
26 published by election authorities must be consistent with

1 the provisions of this Code Act in all respects and must
2 receive the approval of the State Board of Elections prior
3 to publication; provided further that if the State Board
4 does not approve or disapprove of a proposed manual within
5 60 days of its submission, the manual shall be deemed
6 approved.

7 (4) Prescribe and require the use of such uniform
8 forms, notices, and other supplies not inconsistent with
9 the provisions of this Code Act as it shall deem advisable
10 which shall be used by election authorities in the conduct
11 of elections and registrations;

12 (5) Prepare and certify the form of ballot for any
13 proposed amendment to the Constitution of the State of
14 Illinois, or any referendum to be submitted to the electors
15 throughout the State or, when required to do so by law, to
16 the voters of any area or unit of local government of the
17 State;

18 (6) Require such statistical reports regarding the
19 conduct of elections and registration from election
20 authorities as may be deemed necessary;

21 (7) Review and inspect procedures and records relating
22 to conduct of elections and registration as may be deemed
23 necessary, and to report violations of election laws to the
24 appropriate State's Attorney or the Attorney General;

25 (8) Recommend to the General Assembly legislation to
26 improve the administration of elections and registration;

1 (9) Adopt, amend or rescind rules and regulations in
2 the performance of its duties provided that all such rules
3 and regulations must be consistent with the provisions of
4 this Article 1A or issued pursuant to authority otherwise
5 provided by law;

6 (10) Determine the validity and sufficiency of
7 petitions filed under Article XIV, Section 3, of the
8 Constitution of the State of Illinois of 1970;

9 (11) Maintain in its principal office a research
10 library that includes, but is not limited to, abstracts of
11 votes by precinct for general primary elections and general
12 elections, current precinct maps and current precinct poll
13 lists from all election jurisdictions within the State. The
14 research library shall be open to the public during regular
15 business hours. Such abstracts, maps and lists shall be
16 preserved as permanent records and shall be available for
17 examination and copying at a reasonable cost;

18 (12) Supervise the administration of the registration
19 and election laws throughout the State;

20 (13) Obtain from the Department of Central Management
21 Services, under Section 405-250 of the Department of
22 Central Management Services Law (20 ILCS 405/405-250),
23 such use of electronic data processing equipment as may be
24 required to perform the duties of the State Board of
25 Elections and to provide election-related information to
26 candidates, public and party officials, interested civic

1 organizations and the general public in a timely and
2 efficient manner;

3 (14) To take such action as may be necessary or
4 required to give effect to directions of the national
5 committee or State central committee of an established
6 political party under Sections 7-8, 7-11, and 7-14.1 or
7 such other provisions as may be applicable pertaining to
8 the selection of delegates and alternate delegates to an
9 established political party's national nominating
10 conventions or, notwithstanding any candidate
11 certification schedule contained within this ~~the Election~~
12 Code, the certification of the Presidential and Vice
13 Presidential candidate selected by the established
14 political party's national nominating convention;

15 (15) To post all early voting sites separated by
16 election authority and hours of operation on its website at
17 least 5 business days before the period for early voting
18 begins; and

19 (16) To post on its website the statewide totals, and
20 totals separated by each election authority, for each of
21 the counts received pursuant to Section 1-9.2.

22 The Board may by regulation delegate any of its duties or
23 functions under this Article, except that final determinations
24 and orders under this Article shall be issued only by the
25 Board.

26 The requirement for reporting to the General Assembly shall

1 be satisfied by filing copies of the report with the Speaker,
2 the Minority Leader, and the Clerk of the House of
3 Representatives, and the President, the Minority Leader, and
4 the Secretary of the Senate, and the Commission on Government
5 Forecasting and Accountability ~~Legislative Research Unit~~, as
6 required by Section 3.1 of the General Assembly Organization
7 Act ~~"An Act to revise the law in relation to the General~~
8 ~~Assembly", approved February 25, 1974, as amended,~~ and filing
9 such additional copies with the State Government Report
10 Distribution Center for the General Assembly as is required
11 under paragraph (t) of Section 7 of the State Library Act.

12 (Source: P.A. 98-1171, eff. 6-1-15; revised 9-21-17.)

13 Section 15. The Executive Reorganization Implementation
14 Act is amended by changing Section 11 as follows:

15 (15 ILCS 15/11) (from Ch. 127, par. 1811)

16 Sec. 11. Every agency created or assigned new functions
17 pursuant to a reorganization shall report to the General
18 Assembly not later than 6 months after the reorganization takes
19 effect and annually thereafter for 3 years. This report shall
20 include data on the economies effected by the reorganization
21 and an analysis of the effect of the reorganization on State
22 government. The report shall also include the agency's
23 recommendations for further legislation relating to
24 reorganization.

1 The requirement for reporting to the General Assembly shall
2 be satisfied by filing copies of the report with the Speaker,
3 the Minority Leader and the Clerk of the House of
4 Representatives and the President, the Minority Leader and the
5 Secretary of the Senate and the Commission on Government
6 Forecasting and Accountability ~~Legislative Research Unit~~, as
7 required by Section 3.1 of the General Assembly Organization
8 Act ~~"An Act to revise the law in relation to the General~~
9 ~~Assembly", approved February 25, 1874, as amended~~, and filing
10 such additional copies with the State Government Report
11 Distribution Center for the General Assembly as is required
12 under paragraph (t) of Section 7 of the State Library Act.
13 (Source: P.A. 84-1438.)

14 Section 20. The Illinois Act on the Aging is amended by
15 changing Sections 4.02 and 7.09 as follows:

16 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

17 Sec. 4.02. Community Care Program. The Department shall
18 establish a program of services to prevent unnecessary
19 institutionalization of persons age 60 and older in need of
20 long term care or who are established as persons who suffer
21 from Alzheimer's disease or a related disorder under the
22 Alzheimer's Disease Assistance Act, thereby enabling them to
23 remain in their own homes or in other living arrangements. Such
24 preventive services, which may be coordinated with other

1 programs for the aged and monitored by area agencies on aging
2 in cooperation with the Department, may include, but are not
3 limited to, any or all of the following:

4 (a) (blank);

5 (b) (blank);

6 (c) home care aide services;

7 (d) personal assistant services;

8 (e) adult day services;

9 (f) home-delivered meals;

10 (g) education in self-care;

11 (h) personal care services;

12 (i) adult day health services;

13 (j) habilitation services;

14 (k) respite care;

15 (k-5) community reintegration services;

16 (k-6) flexible senior services;

17 (k-7) medication management;

18 (k-8) emergency home response;

19 (l) other nonmedical social services that may enable
20 the person to become self-supporting; or

21 (m) clearinghouse for information provided by senior
22 citizen home owners who want to rent rooms to or share
23 living space with other senior citizens.

24 The Department shall establish eligibility standards for
25 such services. In determining the amount and nature of services
26 for which a person may qualify, consideration shall not be

1 given to the value of cash, property or other assets held in
2 the name of the person's spouse pursuant to a written agreement
3 dividing marital property into equal but separate shares or
4 pursuant to a transfer of the person's interest in a home to
5 his spouse, provided that the spouse's share of the marital
6 property is not made available to the person seeking such
7 services.

8 Beginning January 1, 2008, the Department shall require as
9 a condition of eligibility that all new financially eligible
10 applicants apply for and enroll in medical assistance under
11 Article V of the Illinois Public Aid Code in accordance with
12 rules promulgated by the Department.

13 The Department shall, in conjunction with the Department of
14 Public Aid (now Department of Healthcare and Family Services),
15 seek appropriate amendments under Sections 1915 and 1924 of the
16 Social Security Act. The purpose of the amendments shall be to
17 extend eligibility for home and community based services under
18 Sections 1915 and 1924 of the Social Security Act to persons
19 who transfer to or for the benefit of a spouse those amounts of
20 income and resources allowed under Section 1924 of the Social
21 Security Act. Subject to the approval of such amendments, the
22 Department shall extend the provisions of Section 5-4 of the
23 Illinois Public Aid Code to persons who, but for the provision
24 of home or community-based services, would require the level of
25 care provided in an institution, as is provided for in federal
26 law. Those persons no longer found to be eligible for receiving

1 noninstitutional services due to changes in the eligibility
2 criteria shall be given 45 days notice prior to actual
3 termination. Those persons receiving notice of termination may
4 contact the Department and request the determination be
5 appealed at any time during the 45 day notice period. The
6 target population identified for the purposes of this Section
7 are persons age 60 and older with an identified service need.
8 Priority shall be given to those who are at imminent risk of
9 institutionalization. The services shall be provided to
10 eligible persons age 60 and older to the extent that the cost
11 of the services together with the other personal maintenance
12 expenses of the persons are reasonably related to the standards
13 established for care in a group facility appropriate to the
14 person's condition. These non-institutional services, pilot
15 projects or experimental facilities may be provided as part of
16 or in addition to those authorized by federal law or those
17 funded and administered by the Department of Human Services.
18 The Departments of Human Services, Healthcare and Family
19 Services, Public Health, Veterans' Affairs, and Commerce and
20 Economic Opportunity and other appropriate agencies of State,
21 federal and local governments shall cooperate with the
22 Department on Aging in the establishment and development of the
23 non-institutional services. The Department shall require an
24 annual audit from all personal assistant and home care aide
25 vendors contracting with the Department under this Section. The
26 annual audit shall assure that each audited vendor's procedures

1 are in compliance with Department's financial reporting
2 guidelines requiring an administrative and employee wage and
3 benefits cost split as defined in administrative rules. The
4 audit is a public record under the Freedom of Information Act.
5 The Department shall execute, relative to the nursing home
6 prescreening project, written inter-agency agreements with the
7 Department of Human Services and the Department of Healthcare
8 and Family Services, to effect the following: (1) intake
9 procedures and common eligibility criteria for those persons
10 who are receiving non-institutional services; and (2) the
11 establishment and development of non-institutional services in
12 areas of the State where they are not currently available or
13 are undeveloped. On and after July 1, 1996, all nursing home
14 prescreenings for individuals 60 years of age or older shall be
15 conducted by the Department.

16 As part of the Department on Aging's routine training of
17 case managers and case manager supervisors, the Department may
18 include information on family futures planning for persons who
19 are age 60 or older and who are caregivers of their adult
20 children with developmental disabilities. The content of the
21 training shall be at the Department's discretion.

22 The Department is authorized to establish a system of
23 recipient copayment for services provided under this Section,
24 such copayment to be based upon the recipient's ability to pay
25 but in no case to exceed the actual cost of the services
26 provided. Additionally, any portion of a person's income which

1 is equal to or less than the federal poverty standard shall not
2 be considered by the Department in determining the copayment.
3 The level of such copayment shall be adjusted whenever
4 necessary to reflect any change in the officially designated
5 federal poverty standard.

6 The Department, or the Department's authorized
7 representative, may recover the amount of moneys expended for
8 services provided to or in behalf of a person under this
9 Section by a claim against the person's estate or against the
10 estate of the person's surviving spouse, but no recovery may be
11 had until after the death of the surviving spouse, if any, and
12 then only at such time when there is no surviving child who is
13 under age 21 or blind or who has a permanent and total
14 disability. This paragraph, however, shall not bar recovery, at
15 the death of the person, of moneys for services provided to the
16 person or in behalf of the person under this Section to which
17 the person was not entitled; provided that such recovery shall
18 not be enforced against any real estate while it is occupied as
19 a homestead by the surviving spouse or other dependent, if no
20 claims by other creditors have been filed against the estate,
21 or, if such claims have been filed, they remain dormant for
22 failure of prosecution or failure of the claimant to compel
23 administration of the estate for the purpose of payment. This
24 paragraph shall not bar recovery from the estate of a spouse,
25 under Sections 1915 and 1924 of the Social Security Act and
26 Section 5-4 of the Illinois Public Aid Code, who precedes a

1 person receiving services under this Section in death. All
2 moneys for services paid to or in behalf of the person under
3 this Section shall be claimed for recovery from the deceased
4 spouse's estate. "Homestead", as used in this paragraph, means
5 the dwelling house and contiguous real estate occupied by a
6 surviving spouse or relative, as defined by the rules and
7 regulations of the Department of Healthcare and Family
8 Services, regardless of the value of the property.

9 The Department shall increase the effectiveness of the
10 existing Community Care Program by:

11 (1) ensuring that in-home services included in the care
12 plan are available on evenings and weekends;

13 (2) ensuring that care plans contain the services that
14 eligible participants need based on the number of days in a
15 month, not limited to specific blocks of time, as
16 identified by the comprehensive assessment tool selected
17 by the Department for use statewide, not to exceed the
18 total monthly service cost maximum allowed for each
19 service; the Department shall develop administrative rules
20 to implement this item (2);

21 (3) ensuring that the participants have the right to
22 choose the services contained in their care plan and to
23 direct how those services are provided, based on
24 administrative rules established by the Department;

25 (4) ensuring that the determination of need tool is
26 accurate in determining the participants' level of need; to

1 achieve this, the Department, in conjunction with the Older
2 Adult Services Advisory Committee, shall institute a study
3 of the relationship between the Determination of Need
4 scores, level of need, service cost maximums, and the
5 development and utilization of service plans no later than
6 May 1, 2008; findings and recommendations shall be
7 presented to the Governor and the General Assembly no later
8 than January 1, 2009; recommendations shall include all
9 needed changes to the service cost maximums schedule and
10 additional covered services;

11 (5) ensuring that homemakers can provide personal care
12 services that may or may not involve contact with clients,
13 including but not limited to:

- 14 (A) bathing;
- 15 (B) grooming;
- 16 (C) toileting;
- 17 (D) nail care;
- 18 (E) transferring;
- 19 (F) respiratory services;
- 20 (G) exercise; or
- 21 (H) positioning;

22 (6) ensuring that homemaker program vendors are not
23 restricted from hiring homemakers who are family members of
24 clients or recommended by clients; the Department may not,
25 by rule or policy, require homemakers who are family
26 members of clients or recommended by clients to accept

1 assignments in homes other than the client;

2 (7) ensuring that the State may access maximum federal
3 matching funds by seeking approval for the Centers for
4 Medicare and Medicaid Services for modifications to the
5 State's home and community based services waiver and
6 additional waiver opportunities, including applying for
7 enrollment in the Balance Incentive Payment Program by May
8 1, 2013, in order to maximize federal matching funds; this
9 shall include, but not be limited to, modification that
10 reflects all changes in the Community Care Program services
11 and all increases in the services cost maximum;

12 (8) ensuring that the determination of need tool
13 accurately reflects the service needs of individuals with
14 Alzheimer's disease and related dementia disorders;

15 (9) ensuring that services are authorized accurately
16 and consistently for the Community Care Program (CCP); the
17 Department shall implement a Service Authorization policy
18 directive; the purpose shall be to ensure that eligibility
19 and services are authorized accurately and consistently in
20 the CCP program; the policy directive shall clarify service
21 authorization guidelines to Care Coordination Units and
22 Community Care Program providers no later than May 1, 2013;

23 (10) working in conjunction with Care Coordination
24 Units, the Department of Healthcare and Family Services,
25 the Department of Human Services, Community Care Program
26 providers, and other stakeholders to make improvements to

1 the Medicaid claiming processes and the Medicaid
2 enrollment procedures or requirements as needed,
3 including, but not limited to, specific policy changes or
4 rules to improve the up-front enrollment of participants in
5 the Medicaid program and specific policy changes or rules
6 to insure more prompt submission of bills to the federal
7 government to secure maximum federal matching dollars as
8 promptly as possible; the Department on Aging shall have at
9 least 3 meetings with stakeholders by January 1, 2014 in
10 order to address these improvements;

11 (11) requiring home care service providers to comply
12 with the rounding of hours worked provisions under the
13 federal Fair Labor Standards Act (FLSA) and as set forth in
14 29 CFR 785.48(b) by May 1, 2013;

15 (12) implementing any necessary policy changes or
16 promulgating any rules, no later than January 1, 2014, to
17 assist the Department of Healthcare and Family Services in
18 moving as many participants as possible, consistent with
19 federal regulations, into coordinated care plans if a care
20 coordination plan that covers long term care is available
21 in the recipient's area; and

22 (13) maintaining fiscal year 2014 rates at the same
23 level established on January 1, 2013.

24 By January 1, 2009 or as soon after the end of the Cash and
25 Counseling Demonstration Project as is practicable, the
26 Department may, based on its evaluation of the demonstration

1 project, promulgate rules concerning personal assistant
2 services, to include, but need not be limited to,
3 qualifications, employment screening, rights under fair labor
4 standards, training, fiduciary agent, and supervision
5 requirements. All applicants shall be subject to the provisions
6 of the Health Care Worker Background Check Act.

7 The Department shall develop procedures to enhance
8 availability of services on evenings, weekends, and on an
9 emergency basis to meet the respite needs of caregivers.
10 Procedures shall be developed to permit the utilization of
11 services in successive blocks of 24 hours up to the monthly
12 maximum established by the Department. Workers providing these
13 services shall be appropriately trained.

14 Beginning on the effective date of this amendatory Act of
15 1991, no person may perform chore/housekeeping and home care
16 aide services under a program authorized by this Section unless
17 that person has been issued a certificate of pre-service to do
18 so by his or her employing agency. Information gathered to
19 effect such certification shall include (i) the person's name,
20 (ii) the date the person was hired by his or her current
21 employer, and (iii) the training, including dates and levels.
22 Persons engaged in the program authorized by this Section
23 before the effective date of this amendatory Act of 1991 shall
24 be issued a certificate of all pre- and in-service training
25 from his or her employer upon submitting the necessary
26 information. The employing agency shall be required to retain

1 records of all staff pre- and in-service training, and shall
2 provide such records to the Department upon request and upon
3 termination of the employer's contract with the Department. In
4 addition, the employing agency is responsible for the issuance
5 of certifications of in-service training completed to their
6 employees.

7 The Department is required to develop a system to ensure
8 that persons working as home care aides and personal assistants
9 receive increases in their wages when the federal minimum wage
10 is increased by requiring vendors to certify that they are
11 meeting the federal minimum wage statute for home care aides
12 and personal assistants. An employer that cannot ensure that
13 the minimum wage increase is being given to home care aides and
14 personal assistants shall be denied any increase in
15 reimbursement costs.

16 The Community Care Program Advisory Committee is created in
17 the Department on Aging. The Director shall appoint individuals
18 to serve in the Committee, who shall serve at their own
19 expense. Members of the Committee must abide by all applicable
20 ethics laws. The Committee shall advise the Department on
21 issues related to the Department's program of services to
22 prevent unnecessary institutionalization. The Committee shall
23 meet on a bi-monthly basis and shall serve to identify and
24 advise the Department on present and potential issues affecting
25 the service delivery network, the program's clients, and the
26 Department and to recommend solution strategies. Persons

1 appointed to the Committee shall be appointed on, but not
2 limited to, their own and their agency's experience with the
3 program, geographic representation, and willingness to serve.
4 The Director shall appoint members to the Committee to
5 represent provider, advocacy, policy research, and other
6 constituencies committed to the delivery of high quality home
7 and community-based services to older adults. Representatives
8 shall be appointed to ensure representation from community care
9 providers including, but not limited to, adult day service
10 providers, homemaker providers, case coordination and case
11 management units, emergency home response providers, statewide
12 trade or labor unions that represent home care aides and direct
13 care staff, area agencies on aging, adults over age 60,
14 membership organizations representing older adults, and other
15 organizational entities, providers of care, or individuals
16 with demonstrated interest and expertise in the field of home
17 and community care as determined by the Director.

18 Nominations may be presented from any agency or State
19 association with interest in the program. The Director, or his
20 or her designee, shall serve as the permanent co-chair of the
21 advisory committee. One other co-chair shall be nominated and
22 approved by the members of the committee on an annual basis.
23 Committee members' terms of appointment shall be for 4 years
24 with one-quarter of the appointees' terms expiring each year. A
25 member shall continue to serve until his or her replacement is
26 named. The Department shall fill vacancies that have a

1 remaining term of over one year, and this replacement shall
2 occur through the annual replacement of expiring terms. The
3 Director shall designate Department staff to provide technical
4 assistance and staff support to the committee. Department
5 representation shall not constitute membership of the
6 committee. All Committee papers, issues, recommendations,
7 reports, and meeting memoranda are advisory only. The Director,
8 or his or her designee, shall make a written report, as
9 requested by the Committee, regarding issues before the
10 Committee.

11 The Department on Aging and the Department of Human
12 Services shall cooperate in the development and submission of
13 an annual report on programs and services provided under this
14 Section. Such joint report shall be filed with the Governor and
15 the General Assembly on or before September 30 each year.

16 The requirement for reporting to the General Assembly shall
17 be satisfied by filing copies of the report with the Speaker,
18 the Minority Leader and the Clerk of the House of
19 Representatives and the President, the Minority Leader and the
20 Secretary of the Senate and the Commission on Government
21 Forecasting and Accountability ~~Legislative Research Unit~~, as
22 required by Section 3.1 of the General Assembly Organization
23 Act and filing such additional copies with the State Government
24 Report Distribution Center for the General Assembly as is
25 required under paragraph (t) of Section 7 of the State Library
26 Act.

1 Those persons previously found eligible for receiving
2 non-institutional services whose services were discontinued
3 under the Emergency Budget Act of Fiscal Year 1992, and who do
4 not meet the eligibility standards in effect on or after July
5 1, 1992, shall remain ineligible on and after July 1, 1992.
6 Those persons previously not required to cost-share and who
7 were required to cost-share effective March 1, 1992, shall
8 continue to meet cost-share requirements on and after July 1,
9 1992. Beginning July 1, 1992, all clients will be required to
10 meet eligibility, cost-share, and other requirements and will
11 have services discontinued or altered when they fail to meet
12 these requirements.

13 For the purposes of this Section, "flexible senior
14 services" refers to services that require one-time or periodic
15 expenditures including, but not limited to, respite care, home
16 modification, assistive technology, housing assistance, and
17 transportation.

18 The Department shall implement an electronic service
19 verification based on global positioning systems or other
20 cost-effective technology for the Community Care Program no
21 later than January 1, 2014.

22 The Department shall require, as a condition of
23 eligibility, enrollment in the medical assistance program
24 under Article V of the Illinois Public Aid Code (i) beginning
25 August 1, 2013, if the Auditor General has reported that the
26 Department has failed to comply with the reporting requirements

1 of Section 2-27 of the Illinois State Auditing Act; or (ii)
2 beginning June 1, 2014, if the Auditor General has reported
3 that the Department has not undertaken the required actions
4 listed in the report required by subsection (a) of Section 2-27
5 of the Illinois State Auditing Act.

6 The Department shall delay Community Care Program services
7 until an applicant is determined eligible for medical
8 assistance under Article V of the Illinois Public Aid Code (i)
9 beginning August 1, 2013, if the Auditor General has reported
10 that the Department has failed to comply with the reporting
11 requirements of Section 2-27 of the Illinois State Auditing
12 Act; or (ii) beginning June 1, 2014, if the Auditor General has
13 reported that the Department has not undertaken the required
14 actions listed in the report required by subsection (a) of
15 Section 2-27 of the Illinois State Auditing Act.

16 The Department shall implement co-payments for the
17 Community Care Program at the federally allowable maximum level
18 (i) beginning August 1, 2013, if the Auditor General has
19 reported that the Department has failed to comply with the
20 reporting requirements of Section 2-27 of the Illinois State
21 Auditing Act; or (ii) beginning June 1, 2014, if the Auditor
22 General has reported that the Department has not undertaken the
23 required actions listed in the report required by subsection
24 (a) of Section 2-27 of the Illinois State Auditing Act.

25 The Department shall provide a bi-monthly report on the
26 progress of the Community Care Program reforms set forth in

1 this amendatory Act of the 98th General Assembly to the
2 Governor, the Speaker of the House of Representatives, the
3 Minority Leader of the House of Representatives, the President
4 of the Senate, and the Minority Leader of the Senate.

5 The Department shall conduct a quarterly review of Care
6 Coordination Unit performance and adherence to service
7 guidelines. The quarterly review shall be reported to the
8 Speaker of the House of Representatives, the Minority Leader of
9 the House of Representatives, the President of the Senate, and
10 the Minority Leader of the Senate. The Department shall collect
11 and report longitudinal data on the performance of each care
12 coordination unit. Nothing in this paragraph shall be construed
13 to require the Department to identify specific care
14 coordination units.

15 In regard to community care providers, failure to comply
16 with Department on Aging policies shall be cause for
17 disciplinary action, including, but not limited to,
18 disqualification from serving Community Care Program clients.
19 Each provider, upon submission of any bill or invoice to the
20 Department for payment for services rendered, shall include a
21 notarized statement, under penalty of perjury pursuant to
22 Section 1-109 of the Code of Civil Procedure, that the provider
23 has complied with all Department policies.

24 The Director of the Department on Aging shall make
25 information available to the State Board of Elections as may be
26 required by an agreement the State Board of Elections has

1 entered into with a multi-state voter registration list
2 maintenance system.

3 Within 30 days after the effective date of this amendatory
4 Act of the 100th General Assembly, rates shall be increased to
5 \$18.29 per hour, for the purpose of increasing, by at least
6 \$.72 per hour, the wages paid by those vendors to their
7 employees who provide homemaker services. The Department shall
8 pay an enhanced rate under the Community Care Program to those
9 in-home service provider agencies that offer health insurance
10 coverage as a benefit to their direct service worker employees
11 consistent with the mandates of Public Act 95-713. For State
12 fiscal year 2018, the enhanced rate shall be \$1.77 per hour.
13 The rate shall be adjusted using actuarial analysis based on
14 the cost of care, but shall not be set below \$1.77 per hour.
15 The Department shall adopt rules, including emergency rules
16 under subsection (y) of Section 5-45 of the Illinois
17 Administrative Procedure Act, to implement the provisions of
18 this paragraph.

19 (Source: P.A. 99-143, eff. 7-27-15; 100-23, eff. 7-6-17.)

20 (20 ILCS 105/7.09) (from Ch. 23, par. 6107.09)

21 Sec. 7.09. The Council shall have the following powers and
22 duties:

23 (1) review and comment upon reports of the Department to
24 the Governor and the General Assembly;

25 (2) prepare and submit to the Governor, the General

1 Assembly and the Director an annual report evaluating the level
2 and quality of all programs, services and facilities provided
3 to the aging by State agencies;

4 (3) review and comment upon the comprehensive state plan
5 prepared by the Department;

6 (4) review and comment upon disbursements by the Department
7 of public funds to private agencies;

8 (5) recommend candidates to the Governor for appointment as
9 Director of the Department;

10 (6) consult with the Director regarding the operations of
11 the Department.

12 The requirement for reporting to the General Assembly shall
13 be satisfied by filing copies of the report with the Speaker,
14 the Minority Leader and the Clerk of the House of
15 Representatives and the President, the Minority Leader and the
16 Secretary of the Senate and the Commission on Government
17 Forecasting and Accountability ~~Legislative Research Unit~~, as
18 required by Section 3.1 of the General Assembly Organization
19 Act ~~"An Act to revise the law in relation to the General~~
20 ~~Assembly", approved February 25, 1974, as amended, and filing~~
21 such additional copies with the State Government Report
22 Distribution Center for the General Assembly as is required
23 under paragraph (t) of Section 7 of the State Library Act.

24 (Source: P.A. 84-1438.)

25 Section 25. The Department of Central Management Services

1 Law of the Civil Administrative Code of Illinois is amended by
2 changing Section 405-300 as follows:

3 (20 ILCS 405/405-300) (was 20 ILCS 405/67.02)

4 Sec. 405-300. Lease or purchase of facilities; training
5 programs.

6 (a) To lease or purchase office and storage space,
7 buildings, land, and other facilities for all State agencies,
8 authorities, boards, commissions, departments, institutions,
9 and bodies politic and all other administrative units or
10 outgrowths of the executive branch of State government except
11 the Constitutional officers, the State Board of Education and
12 the State colleges and universities and their governing bodies.
13 However, before leasing or purchasing any office or storage
14 space, buildings, land or other facilities in any municipality
15 the Department shall survey the existing State-owned and
16 State-leased property to make a determination of need.

17 The leases shall be for a term not to exceed 5 years,
18 except that the leases may contain a renewal clause subject to
19 acceptance by the State after that date or an option to
20 purchase. The purchases shall be made through contracts that
21 (i) may provide for the title to the property to transfer
22 immediately to the State or a trustee or nominee for the
23 benefit of the State, (ii) shall provide for the consideration
24 to be paid in installments to be made at stated intervals
25 during a certain term not to exceed 30 years from the date of

1 the contract, and (iii) may provide for the payment of interest
2 on the unpaid balance at a rate that does not exceed a rate
3 determined by adding 3 percentage points to the annual yield on
4 United States Treasury obligations of comparable maturity as
5 most recently published in the Wall Street Journal at the time
6 such contract is signed. The leases and purchase contracts
7 shall be and shall recite that they are subject to termination
8 and cancellation in any year for which the General Assembly
9 fails to make an appropriation to pay the rent or purchase
10 installments payable under the terms of the lease or purchase
11 contract. Additionally, the purchase contract shall specify
12 that title to the office and storage space, buildings, land,
13 and other facilities being acquired under the contract shall
14 revert to the Seller in the event of the failure of the General
15 Assembly to appropriate suitable funds. However, this
16 limitation on the term of the leases does not apply to leases
17 to and with the Illinois Building Authority, as provided for in
18 the Building Authority Act. Leases to and with that Authority
19 may be entered into for a term not to exceed 30 years and shall
20 be and shall recite that they are subject to termination and
21 cancellation in any year for which the General Assembly fails
22 to make an appropriation to pay the rent payable under the
23 terms of the lease. These limitations do not apply if the lease
24 or purchase contract contains a provision limiting the
25 liability for the payment of the rentals or installments
26 thereof solely to funds received from the Federal government.

1 (b) To lease from an airport authority office, aircraft
2 hangar, and service buildings constructed upon a public airport
3 under the Airport Authorities Act for the use and occupancy of
4 the State Department of Transportation. The lease may be
5 entered into for a term not to exceed 30 years.

6 (c) To establish training programs for teaching State
7 leasing procedures and practices to new employees of the
8 Department and to keep all employees of the Department informed
9 about current leasing practices and developments in the real
10 estate industry.

11 (d) To enter into an agreement with a municipality or
12 county to construct, remodel, or convert a structure for the
13 purposes of its serving as a correctional institution or
14 facility pursuant to paragraph (c) of Section 3-2-2 of the
15 Unified Code of Corrections.

16 (e) To enter into an agreement with a private individual,
17 trust, partnership, or corporation or a municipality or other
18 unit of local government, when authorized to do so by the
19 Department of Corrections, whereby that individual, trust,
20 partnership, or corporation or municipality or other unit of
21 local government will construct, remodel, or convert a
22 structure for the purposes of its serving as a correctional
23 institution or facility and then lease the structure to the
24 Department for the use of the Department of Corrections. A
25 lease entered into pursuant to the authority granted in this
26 subsection shall be for a term not to exceed 30 years but may

1 grant to the State the option to purchase the structure
2 outright.

3 The leases shall be and shall recite that they are subject
4 to termination and cancellation in any year for which the
5 General Assembly fails to make an appropriation to pay the rent
6 payable under the terms of the lease.

7 (f) On and after September 17, 1983, the powers granted to
8 the Department under this Section shall be exercised
9 exclusively by the Department, and no other State agency may
10 concurrently exercise any such power unless specifically
11 authorized otherwise by a later enacted law. This subsection is
12 not intended to impair any contract existing as of September
13 17, 1983.

14 However, no lease for more than 10,000 square feet of space
15 shall be executed unless the Director, in consultation with the
16 Executive Director of the Capital Development Board, has
17 certified that leasing is in the best interest of the State,
18 considering programmatic requirements, availability of vacant
19 State-owned space, the cost-benefits of purchasing or
20 constructing new space, and other criteria as he or she shall
21 determine. The Director shall not permit multiple leases for
22 less than 10,000 square feet to be executed in order to evade
23 this provision.

24 (g) To develop and implement, in cooperation with the
25 Interagency Energy Conservation Committee, a system for
26 evaluating energy consumption in facilities leased by the

1 Department, and to develop energy consumption standards for use
2 in evaluating prospective lease sites.

3 (h) (1) After June 1, 1998 (the effective date of Public
4 Act 90-520), the Department shall not enter into an
5 agreement for the installment purchase or lease purchase of
6 buildings, land, or facilities unless:

7 (A) the using agency certifies to the Department
8 that the agency reasonably expects that the building,
9 land, or facilities being considered for purchase will
10 meet a permanent space need;

11 (B) the building or facilities will be
12 substantially occupied by State agencies after
13 purchase (or after acceptance in the case of a build to
14 suit);

15 (C) the building or facilities shall be in new or
16 like new condition and have a remaining economic life
17 exceeding the term of the contract;

18 (D) no structural or other major building
19 component or system has a remaining economic life of
20 less than 10 years;

21 (E) the building, land, or facilities:

22 (i) is free of any identifiable environmental
23 hazard or

24 (ii) is subject to a management plan, provided
25 by the seller and acceptable to the State, to
26 address the known environmental hazard;

1 (F) the building, land, or facilities satisfy
2 applicable accessibility and applicable building
3 codes; and

4 (G) the State's cost to lease purchase or
5 installment purchase the building, land, or facilities
6 is less than the cost to lease space of comparable
7 quality, size, and location over the lease purchase or
8 installment purchase term.

9 (2) The Department shall establish the methodology for
10 comparing lease costs to the costs of installment or lease
11 purchases. The cost comparison shall take into account all
12 relevant cost factors, including, but not limited to, debt
13 service, operating and maintenance costs, insurance and
14 risk costs, real estate taxes, reserves for replacement and
15 repairs, security costs, and utilities. The methodology
16 shall also provide:

17 (A) that the comparison will be made using level
18 payment plans; and

19 (B) that a purchase price must not exceed the fair
20 market value of the buildings, land, or facilities and
21 that the purchase price must be substantiated by an
22 appraisal or by a competitive selection process.

23 (3) If the Department intends to enter into an
24 installment purchase or lease purchase agreement for
25 buildings, land, or facilities under circumstances that do
26 not satisfy the conditions specified by this Section, it

1 must issue a notice to the Secretary of the Senate and the
2 Clerk of the House. The notice shall contain (i) specific
3 details of the State's proposed purchase, including the
4 amounts, purposes, and financing terms; (ii) a specific
5 description of how the proposed purchase varies from the
6 procedures set forth in this Section; and (iii) a specific
7 justification, signed by the Director, stating why it is in
8 the State's best interests to proceed with the purchase.
9 The Department may not proceed with such an installment
10 purchase or lease purchase agreement if, within 60 calendar
11 days after delivery of the notice, the General Assembly, by
12 joint resolution, disapproves the transaction. Delivery
13 may take place on a day and at an hour when the Senate and
14 House are not in session so long as the offices of
15 Secretary and Clerk are open to receive the notice. In
16 determining the 60-day period within which the General
17 Assembly must act, the day on which delivery is made to the
18 Senate and House shall not be counted. If delivery of the
19 notice to the 2 houses occurs on different days, the 60-day
20 period shall begin on the day following the later delivery.

21 (4) On or before February 15 of each year, the
22 Department shall submit an annual report to the Director of
23 the Governor's Office of Management and Budget and the
24 General Assembly regarding installment purchases or lease
25 purchases of buildings, land, or facilities that were
26 entered into during the preceding calendar year. The report

1 shall include a summary statement of the aggregate amount
2 of the State's obligations under those purchases; specific
3 details pertaining to each purchase, including the
4 amounts, purposes, and financing terms and payment
5 schedule for each purchase; and any other matter that the
6 Department deems advisable.

7 The requirement for reporting to the General Assembly
8 shall be satisfied by filing copies of the report with the
9 Auditor General, the Speaker, the Minority Leader, and the
10 Clerk of the House of Representatives and the President,
11 the Minority Leader, and the Secretary of the Senate, the
12 Chairs of the Appropriations Committees, and the
13 Commission on Government Forecasting and Accountability
14 ~~Legislative Research Unit~~, as required by Section 3.1 of
15 the General Assembly Organization Act, and filing
16 additional copies with the State Government Report
17 Distribution Center for the General Assembly as is required
18 under paragraph (t) of Section 7 of the State Library Act.

19 (Source: P.A. 99-143, eff. 7-27-15.)

20 Section 30. The Personnel Code is amended by changing
21 Sections 4c and 9 as follows:

22 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

23 Sec. 4c. General exemptions. The following positions in
24 State service shall be exempt from jurisdictions A, B, and C,

1 unless the jurisdictions shall be extended as provided in this
2 Act:

3 (1) All officers elected by the people.

4 (2) All positions under the Lieutenant Governor,
5 Secretary of State, State Treasurer, State Comptroller,
6 State Board of Education, Clerk of the Supreme Court,
7 Attorney General, and State Board of Elections.

8 (3) Judges, and officers and employees of the courts,
9 and notaries public.

10 (4) All officers and employees of the Illinois General
11 Assembly, all employees of legislative commissions, all
12 officers and employees of the Illinois Legislative
13 Reference Bureau, ~~the Legislative Research Unit,~~ and the
14 Legislative Printing Unit.

15 (5) All positions in the Illinois National Guard and
16 Illinois State Guard, paid from federal funds or positions
17 in the State Military Service filled by enlistment and paid
18 from State funds.

19 (6) All employees of the Governor at the executive
20 mansion and on his immediate personal staff.

21 (7) Directors of Departments, the Adjutant General,
22 the Assistant Adjutant General, the Director of the
23 Illinois Emergency Management Agency, members of boards
24 and commissions, and all other positions appointed by the
25 Governor by and with the consent of the Senate.

26 (8) The presidents, other principal administrative

1 officers, and teaching, research and extension faculties
2 of Chicago State University, Eastern Illinois University,
3 Governors State University, Illinois State University,
4 Northeastern Illinois University, Northern Illinois
5 University, Western Illinois University, the Illinois
6 Community College Board, Southern Illinois University,
7 Illinois Board of Higher Education, University of
8 Illinois, State Universities Civil Service System,
9 University Retirement System of Illinois, and the
10 administrative officers and scientific and technical staff
11 of the Illinois State Museum.

12 (9) All other employees except the presidents, other
13 principal administrative officers, and teaching, research
14 and extension faculties of the universities under the
15 jurisdiction of the Board of Regents and the colleges and
16 universities under the jurisdiction of the Board of
17 Governors of State Colleges and Universities, Illinois
18 Community College Board, Southern Illinois University,
19 Illinois Board of Higher Education, Board of Governors of
20 State Colleges and Universities, the Board of Regents,
21 University of Illinois, State Universities Civil Service
22 System, University Retirement System of Illinois, so long
23 as these are subject to the provisions of the State
24 Universities Civil Service Act.

25 (10) The State Police so long as they are subject to
26 the merit provisions of the State Police Act.

1 (11) (Blank).

2 (12) The technical and engineering staffs of the
3 Department of Transportation, the Department of Nuclear
4 Safety, the Pollution Control Board, and the Illinois
5 Commerce Commission, and the technical and engineering
6 staff providing architectural and engineering services in
7 the Department of Central Management Services.

8 (13) All employees of the Illinois State Toll Highway
9 Authority.

10 (14) The Secretary of the Illinois Workers'
11 Compensation Commission.

12 (15) All persons who are appointed or employed by the
13 Director of Insurance under authority of Section 202 of the
14 Illinois Insurance Code to assist the Director of Insurance
15 in discharging his responsibilities relating to the
16 rehabilitation, liquidation, conservation, and dissolution
17 of companies that are subject to the jurisdiction of the
18 Illinois Insurance Code.

19 (16) All employees of the St. Louis Metropolitan Area
20 Airport Authority.

21 (17) All investment officers employed by the Illinois
22 State Board of Investment.

23 (18) Employees of the Illinois Young Adult
24 Conservation Corps program, administered by the Illinois
25 Department of Natural Resources, authorized grantee under
26 Title VIII of the Comprehensive Employment and Training Act

1 of 1973, 29 USC 993.

2 (19) Seasonal employees of the Department of
3 Agriculture for the operation of the Illinois State Fair
4 and the DuQuoin State Fair, no one person receiving more
5 than 29 days of such employment in any calendar year.

6 (20) All "temporary" employees hired under the
7 Department of Natural Resources' Illinois Conservation
8 Service, a youth employment program that hires young people
9 to work in State parks for a period of one year or less.

10 (21) All hearing officers of the Human Rights
11 Commission.

12 (22) All employees of the Illinois Mathematics and
13 Science Academy.

14 (23) All employees of the Kankakee River Valley Area
15 Airport Authority.

16 (24) The commissioners and employees of the Executive
17 Ethics Commission.

18 (25) The Executive Inspectors General, including
19 special Executive Inspectors General, and employees of
20 each Office of an Executive Inspector General.

21 (26) The commissioners and employees of the
22 Legislative Ethics Commission.

23 (27) The Legislative Inspector General, including
24 special Legislative Inspectors General, and employees of
25 the Office of the Legislative Inspector General.

26 (28) The Auditor General's Inspector General and

1 employees of the Office of the Auditor General's Inspector
2 General.

3 (29) All employees of the Illinois Power Agency.

4 (30) Employees having demonstrable, defined advanced
5 skills in accounting, financial reporting, or technical
6 expertise who are employed within executive branch
7 agencies and whose duties are directly related to the
8 submission to the Office of the Comptroller of financial
9 information for the publication of the Comprehensive
10 Annual Financial Report (CAFR).

11 (31) All employees of the Illinois Sentencing Policy
12 Advisory Council.

13 (Source: P.A. 97-618, eff. 10-26-11; 97-1055, eff. 8-23-12;
14 98-65, eff. 7-15-13.)

15 (20 ILCS 415/9) (from Ch. 127, par. 63b109)

16 Sec. 9. Director, powers and duties. The Director, as
17 executive head of the Department, shall direct and supervise
18 all its administrative and technical activities. In addition to
19 the duties imposed upon him elsewhere in this law, it shall be
20 his duty:

21 (1) To apply and carry out this law and the rules
22 adopted thereunder.

23 (2) To attend meetings of the Commission.

24 (3) To establish and maintain a roster of all employees
25 subject to this Act, in which there shall be set forth, as

1 to each employee, the class, title, pay, status, and other
2 pertinent data.

3 (4) To appoint, subject to the provisions of this Act,
4 such employees of the Department and such experts and
5 special assistants as may be necessary to carry out
6 effectively this law.

7 (5) Subject to such exemptions or modifications as may
8 be necessary to assure the continuity of federal
9 contributions in those agencies supported in whole or in
10 part by federal funds, to make appointments to vacancies;
11 to approve all written charges seeking discharge,
12 demotion, or other disciplinary measures provided in this
13 Act and to approve transfers of employees from one
14 geographical area to another in the State, in offices,
15 positions or places of employment covered by this Act,
16 after consultation with the operating unit.

17 (6) To formulate and administer service wide policies
18 and programs for the improvement of employee
19 effectiveness, including training, safety, health,
20 incentive recognition, counseling, welfare and employee
21 relations. The Department shall formulate and administer
22 recruitment plans and testing of potential employees for
23 agencies having direct contact with significant numbers of
24 non-English speaking or otherwise culturally distinct
25 persons. The Department shall require each State agency to
26 annually assess the need for employees with appropriate

1 bilingual capabilities to serve the significant numbers of
2 non-English speaking or culturally distinct persons. The
3 Department shall develop a uniform procedure for assessing
4 an agency's need for employees with appropriate bilingual
5 capabilities. Agencies shall establish occupational titles
6 or designate positions as "bilingual option" for persons
7 having sufficient linguistic ability or cultural knowledge
8 to be able to render effective service to such persons. The
9 Department shall ensure that any such option is exercised
10 according to the agency's needs assessment and the
11 requirements of this Code. The Department shall make annual
12 reports of the needs assessment of each agency and the
13 number of positions calling for non-English linguistic
14 ability to whom vacancy postings were sent, and the number
15 filled by each agency. Such policies and programs shall be
16 subject to approval by the Governor. Such policies, program
17 reports and needs assessment reports shall be filed with
18 the General Assembly by January 1 of each year and shall be
19 available to the public.

20 The Department shall include within the report
21 required above the number of persons receiving the
22 bilingual pay supplement established by Section 8a.2 of
23 this Code. The report shall provide the number of persons
24 receiving the bilingual pay supplement for languages other
25 than English and for signing. The report shall also
26 indicate the number of persons, by the categories of

1 Hispanic and non-Hispanic, who are receiving the bilingual
2 pay supplement for language skills other than signing, in a
3 language other than English.

4 (7) To conduct negotiations affecting pay, hours of
5 work, or other working conditions of employees subject to
6 this Act.

7 (8) To make continuing studies to improve the
8 efficiency of State services to the residents of Illinois,
9 including but not limited to those who are non-English
10 speaking or culturally distinct, and to report his findings
11 and recommendations to the Commission and the Governor.

12 (9) To investigate from time to time the operation and
13 effect of this law and the rules made thereunder and to
14 report his findings and recommendations to the Commission
15 and to the Governor.

16 (10) To make an annual report regarding the work of the
17 Department, and such special reports as he may consider
18 desirable, to the Commission and to the Governor, or as the
19 Governor or Commission may request.

20 (11) (Blank).

21 (12) To prepare and publish a semi-annual statement
22 showing the number of employees exempt and non-exempt from
23 merit selection in each department. This report shall be in
24 addition to other information on merit selection
25 maintained for public information under existing law.

26 (13) To authorize in every department or agency subject

1 to Jurisdiction C the use of flexible hours positions. A
2 flexible hours position is one that does not require an
3 ordinary work schedule as determined by the Department and
4 includes but is not limited to: 1) a part time job of 20
5 hours or more per week, 2) a job which is shared by 2
6 employees or a compressed work week consisting of an
7 ordinary number of working hours performed on fewer than
8 the number of days ordinarily required to perform that job.
9 The Department may define flexible time to include other
10 types of jobs that are defined above.

11 The Director and the director of each department or
12 agency shall together establish goals for flexible hours
13 positions to be available in every department or agency.

14 The Department shall give technical assistance to
15 departments and agencies in achieving their goals, and
16 shall report to the Governor and the General Assembly each
17 year on the progress of each department and agency.

18 When a goal of 10% of the positions in a department or
19 agency being available on a flexible hours basis has been
20 reached, the Department shall evaluate the effectiveness
21 and efficiency of the program and determine whether to
22 expand the number of positions available for flexible hours
23 to 20%.

24 When a goal of 20% of the positions in a department or
25 agency being available on a flexible hours basis has been
26 reached, the Department shall evaluate the effectiveness

1 and efficiency of the program and determine whether to
2 expand the number of positions available for flexible
3 hours.

4 Each department shall develop a plan for
5 implementation of flexible work requirements designed to
6 reduce the need for day care of employees' children outside
7 the home. Each department shall submit a report of its plan
8 to the Department of Central Management Services and the
9 General Assembly. This report shall be submitted
10 biennially by March 1, with the first report due March 1,
11 1993.

12 (14) To perform any other lawful acts which he may
13 consider necessary or desirable to carry out the purposes
14 and provisions of this law.

15 The requirement for reporting to the General Assembly shall
16 be satisfied by filing copies of the report with the Speaker,
17 the Minority Leader and the Clerk of the House of
18 Representatives and the President, the Minority Leader and the
19 Secretary of the Senate and the Commission on Government
20 Forecasting and Accountability ~~Legislative Research Unit~~, as
21 required by Section 3.1 of the General Assembly Organization
22 Act ~~"An Act to revise the law in relation to the General~~
23 ~~Assembly", approved February 25, 1874, as amended~~, and filing
24 such additional copies with the State Government Report
25 Distribution Center for the General Assembly as is required
26 under paragraph (t) of Section 7 of the State Library Act.

1 (Source: P.A. 98-692, eff. 7-1-14.)

2 Section 35. The Children and Family Services Act is amended
3 by changing Section 5.15 as follows:

4 (20 ILCS 505/5.15)

5 Sec. 5.15. Daycare; Department of Human Services.

6 (a) For the purpose of ensuring effective statewide
7 planning, development, and utilization of resources for the day
8 care of children, operated under various auspices, the
9 Department of Human Services is designated to coordinate all
10 day care activities for children of the State and shall develop
11 or continue, and shall update every year, a State comprehensive
12 day-care plan for submission to the Governor that identifies
13 high-priority areas and groups, relating them to available
14 resources and identifying the most effective approaches to the
15 use of existing day care services. The State comprehensive
16 day-care plan shall be made available to the General Assembly
17 following the Governor's approval of the plan.

18 The plan shall include methods and procedures for the
19 development of additional day care resources for children to
20 meet the goal of reducing short-run and long-run dependency and
21 to provide necessary enrichment and stimulation to the
22 education of young children. Recommendations shall be made for
23 State policy on optimum use of private and public, local, State
24 and federal resources, including an estimate of the resources

1 needed for the licensing and regulation of day care facilities.

2 A written report shall be submitted to the Governor and the
3 General Assembly annually on April 15. The report shall include
4 an evaluation of developments over the preceding fiscal year,
5 including cost-benefit analyses of various arrangements.
6 Beginning with the report in 1990 submitted by the Department's
7 predecessor agency and every 2 years thereafter, the report
8 shall also include the following:

9 (1) An assessment of the child care services, needs and
10 available resources throughout the State and an assessment
11 of the adequacy of existing child care services, including,
12 but not limited to, services assisted under this Act and
13 under any other program administered by other State
14 agencies.

15 (2) A survey of day care facilities to determine the
16 number of qualified caregivers, as defined by rule,
17 attracted to vacant positions and any problems encountered
18 by facilities in attracting and retaining capable
19 caregivers. The report shall include an assessment, based
20 on the survey, of improvements in employee benefits that
21 may attract capable caregivers.

22 (3) The average wages and salaries and fringe benefit
23 packages paid to caregivers throughout the State, computed
24 on a regional basis, compared to similarly qualified
25 employees in other but related fields.

26 (4) The qualifications of new caregivers hired at

1 licensed day care facilities during the previous 2-year
2 period.

3 (5) Recommendations for increasing caregiver wages and
4 salaries to ensure quality care for children.

5 (6) Evaluation of the fee structure and income
6 eligibility for child care subsidized by the State.

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

18 (b) The Department of Human Services shall establish
19 policies and procedures for developing and implementing
20 interagency agreements with other agencies of the State
21 providing child care services or reimbursement for such
22 services. The plans shall be annually reviewed and modified for
23 the purpose of addressing issues of applicability and service
24 system barriers.

25 (c) In cooperation with other State agencies, the
26 Department of Human Services shall develop and implement, or

1 shall continue, a resource and referral system for the State of
2 Illinois either within the Department or by contract with local
3 or regional agencies. Funding for implementation of this system
4 may be provided through Department appropriations or other
5 inter-agency funding arrangements. The resource and referral
6 system shall provide at least the following services:

7 (1) Assembling and maintaining a data base on the
8 supply of child care services.

9 (2) Providing information and referrals for parents.

10 (3) Coordinating the development of new child care
11 resources.

12 (4) Providing technical assistance and training to
13 child care service providers.

14 (5) Recording and analyzing the demand for child care
15 services.

16 (d) The Department of Human Services shall conduct day care
17 planning activities with the following priorities:

18 (1) Development of voluntary day care resources
19 wherever possible, with the provision for grants-in-aid
20 only where demonstrated to be useful and necessary as
21 incentives or supports. By January 1, 2002, the Department
22 shall design a plan to create more child care slots as well
23 as goals and timetables to improve quality and
24 accessibility of child care.

25 (2) Emphasis on service to children of recipients of
26 public assistance when such service will allow training or

1 employment of the parent toward achieving the goal of
2 independence.

3 (3) (Blank).

4 (4) Care of children from families in stress and crises
5 whose members potentially may become, or are in danger of
6 becoming, non-productive and dependent.

7 (5) Expansion of family day care facilities wherever
8 possible.

9 (6) Location of centers in economically depressed
10 neighborhoods, preferably in multi-service centers with
11 cooperation of other agencies. The Department shall
12 coordinate the provision of grants, but only to the extent
13 funds are specifically appropriated for this purpose, to
14 encourage the creation and expansion of child care centers
15 in high need communities to be issued by the State,
16 business, and local governments.

17 (7) Use of existing facilities free of charge or for
18 reasonable rental whenever possible in lieu of
19 construction.

20 (8) Development of strategies for assuring a more
21 complete range of day care options, including provision of
22 day care services in homes, in schools, or in centers,
23 which will enable a parent or parents to complete a course
24 of education or obtain or maintain employment and the
25 creation of more child care options for swing shift,
26 evening, and weekend workers and for working women with

1 sick children. The Department shall encourage companies to
2 provide child care in their own offices or in the building
3 in which the corporation is located so that employees of
4 all the building's tenants can benefit from the facility.

5 (9) Development of strategies for subsidizing students
6 pursuing degrees in the child care field.

7 (10) Continuation and expansion of service programs
8 that assist teen parents to continue and complete their
9 education.

10 Emphasis shall be given to support services that will help
11 to ensure such parents' graduation from high school and to
12 services for participants in any programs of job training
13 conducted by the Department.

14 (e) The Department of Human Services shall actively
15 stimulate the development of public and private resources at
16 the local level. It shall also seek the fullest utilization of
17 federal funds directly or indirectly available to the
18 Department.

19 Where appropriate, existing non-governmental agencies or
20 associations shall be involved in planning by the Department.

21 (f) To better accommodate the child care needs of low
22 income working families, especially those who receive
23 Temporary Assistance for Needy Families (TANF) or who are
24 transitioning from TANF to work, or who are at risk of
25 depending on TANF in the absence of child care, the Department
26 shall complete a study using outcome-based assessment

1 measurements to analyze the various types of child care needs,
2 including but not limited to: child care homes; child care
3 facilities; before and after school care; and evening and
4 weekend care. Based upon the findings of the study, the
5 Department shall develop a plan by April 15, 1998, that
6 identifies the various types of child care needs within various
7 geographic locations. The plan shall include, but not be
8 limited to, the special needs of parents and guardians in need
9 of non-traditional child care services such as early mornings,
10 evenings, and weekends; the needs of very low income families
11 and children and how they might be better served; and
12 strategies to assist child care providers to meet the needs and
13 schedules of low income families.

14 (Source: P.A. 92-468, eff. 8-22-01.)

15 Section 40. The Administration of Psychotropic Medications
16 to Children Act is amended by changing Section 15 as follows:

17 (20 ILCS 535/15)

18 Sec. 15. Annual report.

19 (a) No later than December 31 of each year, the Department
20 shall prepare and submit an annual report, covering the
21 previous fiscal year, to the General Assembly concerning the
22 administration of psychotropic medication to persons for whom
23 it is legally responsible. This report shall include, but is
24 not limited to, the following:

1 (1) The number of violations of any rule enacted
2 pursuant to Section 5 of this Act.

3 (2) The number of warnings issued pursuant to
4 subsection (b) of Section 10 of this Act.

5 (3) The number of physicians who have been issued
6 warnings pursuant to subsection (b) of Section 10 of this
7 Act.

8 (4) The number of physicians who have been reported to
9 the Department of Financial and Professional Regulation
10 pursuant to subsection (c) of Section 10 of this Act, and,
11 if available, the results of such reports.

12 (5) The number of facilities that have been reported to
13 the Department of Public Health pursuant to subsection (d)
14 of Section 10 of this Act and, if available, the results of
15 such reports.

16 (6) The number of Department-licensed facilities that
17 have been the subject of licensing complaints pursuant to
18 subsection (f) of Section 10 of this Act, and if available,
19 the results of the complaint investigations.

20 (7) Any recommendations for legislative changes or
21 amendments to any of its rules or procedures established or
22 maintained in compliance with this Act.

23 (b) The requirement for reporting to the General Assembly
24 shall be satisfied by filing copies of the report with the
25 Speaker, the Minority Leader, and the Clerk of the House of
26 Representatives, the President, the Minority Leader, and the

1 Secretary of the Senate, and the Commission on Government
2 Forecasting and Accountability ~~Legislative Research Unit~~, as
3 required by Section 3.1 of the General Assembly Organization
4 Act and by filing additional copies with the State Government
5 Report Distribution Center for the General Assembly as required
6 under paragraph (t) of Section 7 of the State Library Act.

7 (Source: P.A. 97-245, eff. 8-4-11.)

8 Section 45. The Energy Policy and Planning Act is amended
9 by changing Section 4 as follows:

10 (20 ILCS 1120/4) (from Ch. 96 1/2, par. 7804)

11 Sec. 4. Authority. (1) The Department in addition to its
12 preparation of energy contingency plans, shall also analyze,
13 prepare, and recommend a comprehensive energy plan for the
14 State of Illinois.

15 The plan shall identify emerging trends related to energy
16 supply, demand, conservation, public health and safety
17 factors, and should specify the levels of statewide and service
18 area energy needs, past, present, and estimated future demand,
19 as well as the potential social, economic, or environmental
20 effects caused by the continuation of existing trends and by
21 the various alternatives available to the State. The plan shall
22 also conform to the requirements of Section 8-402 of the Public
23 Utilities Act. The Department shall design programs as
24 necessary to achieve the purposes of this Act and the planning

1 objectives of The Public Utilities Act. The Department's energy
2 plan, and any programs designed pursuant to this Section shall
3 be filed with the Commission in accordance with the
4 Commission's planning responsibilities and hearing
5 requirements related thereto. The Department shall
6 periodically review the plan, objectives and programs at least
7 every 2 years, and the results of such review and any resulting
8 changes in the Department's plan or programs shall be filed
9 with the Commission.

10 The Department's plan and programs and any review thereof,
11 shall also be filed with the Governor, the General Assembly,
12 and the Public Counsel, and shall be available to the public
13 upon request.

14 The requirement for reporting to the General Assembly shall
15 be satisfied by filing copies of the report with the Speaker,
16 the Minority Leader and the Clerk of the House of
17 Representatives and the President, the Minority Leader and the
18 Secretary of the Senate and the Commission on Government
19 Forecasting and Accountability ~~Legislative Research Unit~~, as
20 required by Section 3.1 of the General Assembly Organization
21 Act ~~"An Act to revise the law in relation to the General~~
22 ~~Assembly", approved February 25, 1874, as amended~~, and filing
23 such additional copies with the State Government Report
24 Distribution Center for the General Assembly as is required
25 under paragraph (t) of Section 7 of the State Library Act.

26 (Source: P.A. 84-617.)

1 Section 50. The Mental Health and Developmental
2 Disabilities Administrative Act is amended by changing Section
3 73 as follows:

4 (20 ILCS 1705/73)

5 Sec. 73. Report; Williams v. Quinn consent decree.

6 (a) Annual Report.

7 (1) No later than December 31, 2011, and on December
8 31st of each of the following 4 years, the Department of
9 Human Services shall prepare and submit an annual report to
10 the General Assembly concerning the implementation of the
11 Williams v. Quinn consent decree and other efforts to move
12 persons with mental illnesses from institutional settings
13 to community-based settings. This report shall include:

14 (A) The number of persons who have been moved from
15 long-term care facilities to community-based settings
16 during the previous year and the number of persons
17 projected to be moved during the next year.

18 (B) Any implementation or compliance reports
19 prepared by the State for the Court or the
20 court-appointed monitor in Williams v. Quinn.

21 (C) Any reports from the court-appointed monitor
22 or findings by the Court reflecting the Department's
23 compliance or failure to comply with the Williams v.
24 Quinn consent decree and any other order issued during

1 that proceeding.

2 (D) Statistics reflecting the number and types of
3 community-based services provided to persons who have
4 been moved from long-term care facilities to
5 community-based settings.

6 (E) Any additional community-based services which
7 are or will be needed in order to ensure maximum
8 community integration as provided for by the Williams
9 v. Quinn consent decree, and the Department's plan for
10 providing these services.

11 (F) Any and all costs associated with
12 transitioning residents from institutional settings to
13 community-based settings, including, but not limited
14 to, the cost of residential services, the cost of
15 outpatient treatment, and the cost of all community
16 support services facilitating the community-based
17 setting.

18 (2) The requirement for reporting to the General
19 Assembly shall be satisfied by filing copies of the report
20 with the Speaker, Minority Leader, and Clerk of the House
21 of Representatives; the President, Minority Leader, and
22 Secretary of the Senate; and the Commission on Government
23 Forecasting and Accountability ~~Legislative Research Unit~~,
24 as required by Section 3.1 of the General Assembly
25 Organization Act, and by filing additional copies with the
26 State Government Report Distribution Center for the

1 General Assembly as required under paragraph (t) of Section
2 7 of the State Library Act.

3 (b) Department rule. The Department of Human Services shall
4 draft and promulgate a new rule governing community-based
5 residential settings. The new rule for community-based
6 residential settings shall include settings that offer to
7 persons with serious mental illness (i) community-based
8 residential recovery-oriented mental health care, treatment,
9 and services; and (ii) community-based residential mental
10 health and co-occurring substance use disorder care,
11 treatment, and services.

12 Community-based residential settings shall honor a
13 consumer's choice as well as a consumer's right to live in the:

14 (1) Least restrictive environment.

15 (2) Most appropriate integrated setting.

16 (3) Least restrictive environment and most appropriate
17 integrated setting designed to assist the individual in
18 living in a safe, appropriate, and therapeutic
19 environment.

20 (4) Least restrictive environment and most appropriate
21 integrated setting that affords the person the opportunity
22 to live similarly to persons without serious mental
23 illness.

24 The new rule for community-based residential settings
25 shall be drafted in such a manner as to delineate
26 State-supported care, treatment, and services appropriately

1 governed within the new rule, and shall continue eligibility
2 for eligible individuals in programs governed by Title 59, Part
3 132 of the Illinois Administrative Code. The Department shall
4 draft a new rule for community-based residential settings by
5 January 1, 2012. The new rule must include, but shall not be
6 limited to, standards for:

- 7 (i) Administrative requirements.
- 8 (ii) Monitoring, review, and reporting.
- 9 (iii) Certification requirements.
- 10 (iv) Life safety.

11 (c) Study of housing and residential services. By no later
12 than October 1, 2011, the Department shall conduct a statewide
13 study to assess the existing types of community-based housing
14 and residential services currently being provided to
15 individuals with mental illnesses in Illinois. This study shall
16 include State-funded and federally funded housing and
17 residential services. The results of this study shall be used
18 to inform the rulemaking process outlined in subsection (b).

19 (Source: P.A. 97-529, eff. 8-23-11; 97-813, eff. 7-13-12.)

20 Section 55. The Rehabilitation of Persons with
21 Disabilities Act is amended by changing Section 3 as follows:

22 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

23 Sec. 3. Powers and duties. The Department shall have the
24 powers and duties enumerated herein:

1 (a) To co-operate with the federal government in the
2 administration of the provisions of the federal
3 Rehabilitation Act of 1973, as amended, of the Workforce
4 Innovation and Opportunity Act, and of the federal Social
5 Security Act to the extent and in the manner provided in
6 these Acts.

7 (b) To prescribe and supervise such courses of
8 vocational training and provide such other services as may
9 be necessary for the habilitation and rehabilitation of
10 persons with one or more disabilities, including the
11 administrative activities under subsection (e) of this
12 Section, and to co-operate with State and local school
13 authorities and other recognized agencies engaged in
14 habilitation, rehabilitation and comprehensive
15 rehabilitation services; and to cooperate with the
16 Department of Children and Family Services regarding the
17 care and education of children with one or more
18 disabilities.

19 (c) (Blank).

20 (d) To report in writing, to the Governor, annually on
21 or before the first day of December, and at such other
22 times and in such manner and upon such subjects as the
23 Governor may require. The annual report shall contain (1) a
24 statement of the existing condition of comprehensive
25 rehabilitation services, habilitation and rehabilitation
26 in the State; (2) a statement of suggestions and

1 recommendations with reference to the development of
2 comprehensive rehabilitation services, habilitation and
3 rehabilitation in the State; and (3) an itemized statement
4 of the amounts of money received from federal, State and
5 other sources, and of the objects and purposes to which the
6 respective items of these several amounts have been
7 devoted.

8 (e) (Blank).

9 (f) To establish a program of services to prevent the
10 unnecessary institutionalization of persons in need of
11 long term care and who meet the criteria for blindness or
12 disability as defined by the Social Security Act, thereby
13 enabling them to remain in their own homes. Such preventive
14 services include any or all of the following:

- 15 (1) personal assistant services;
- 16 (2) homemaker services;
- 17 (3) home-delivered meals;
- 18 (4) adult day care services;
- 19 (5) respite care;
- 20 (6) home modification or assistive equipment;
- 21 (7) home health services;
- 22 (8) electronic home response;
- 23 (9) brain injury behavioral/cognitive services;
- 24 (10) brain injury habilitation;
- 25 (11) brain injury pre-vocational services; or
- 26 (12) brain injury supported employment.

1 The Department shall establish eligibility standards
2 for such services taking into consideration the unique
3 economic and social needs of the population for whom they
4 are to be provided. Such eligibility standards may be based
5 on the recipient's ability to pay for services; provided,
6 however, that any portion of a person's income that is
7 equal to or less than the "protected income" level shall
8 not be considered by the Department in determining
9 eligibility. The "protected income" level shall be
10 determined by the Department, shall never be less than the
11 federal poverty standard, and shall be adjusted each year
12 to reflect changes in the Consumer Price Index For All
13 Urban Consumers as determined by the United States
14 Department of Labor. The standards must provide that a
15 person may not have more than \$10,000 in assets to be
16 eligible for the services, and the Department may increase
17 or decrease the asset limitation by rule. The Department
18 may not decrease the asset level below \$10,000.

19 The services shall be provided, as established by the
20 Department by rule, to eligible persons to prevent
21 unnecessary or premature institutionalization, to the
22 extent that the cost of the services, together with the
23 other personal maintenance expenses of the persons, are
24 reasonably related to the standards established for care in
25 a group facility appropriate to their condition. These
26 non-institutional services, pilot projects or experimental

1 facilities may be provided as part of or in addition to
2 those authorized by federal law or those funded and
3 administered by the Illinois Department on Aging. The
4 Department shall set rates and fees for services in a fair
5 and equitable manner. Services identical to those offered
6 by the Department on Aging shall be paid at the same rate.

7 Personal assistants shall be paid at a rate negotiated
8 between the State and an exclusive representative of
9 personal assistants under a collective bargaining
10 agreement. In no case shall the Department pay personal
11 assistants an hourly wage that is less than the federal
12 minimum wage. Within 30 days after July 6, 2017 (the
13 effective date of Public Act 100-23) ~~this amendatory Act of~~
14 ~~the 100th General Assembly~~, the hourly wage paid to
15 personal assistants and individual maintenance home health
16 workers shall be increased by \$0.48 per hour.

17 Solely for the purposes of coverage under the Illinois
18 Public Labor Relations Act, personal assistants providing
19 services under the Department's Home Services Program
20 shall be considered to be public employees and the State of
21 Illinois shall be considered to be their employer as of
22 July 16, 2003 (the effective date of Public Act 93-204)
23 ~~this amendatory Act of the 93rd General Assembly~~, but not
24 before. Solely for the purposes of coverage under the
25 Illinois Public Labor Relations Act, home care and home
26 health workers who function as personal assistants and

1 individual maintenance home health workers and who also
2 provide services under the Department's Home Services
3 Program shall be considered to be public employees, no
4 matter whether the State provides such services through
5 direct fee-for-service arrangements, with the assistance
6 of a managed care organization or other intermediary, or
7 otherwise, and the State of Illinois shall be considered to
8 be the employer of those persons as of January 29, 2013
9 (the effective date of Public Act 97-1158), but not before
10 except as otherwise provided under this subsection (f). The
11 State shall engage in collective bargaining with an
12 exclusive representative of home care and home health
13 workers who function as personal assistants and individual
14 maintenance home health workers working under the Home
15 Services Program concerning their terms and conditions of
16 employment that are within the State's control. Nothing in
17 this paragraph shall be understood to limit the right of
18 the persons receiving services defined in this Section to
19 hire and fire home care and home health workers who
20 function as personal assistants and individual maintenance
21 home health workers working under the Home Services Program
22 or to supervise them within the limitations set by the Home
23 Services Program. The State shall not be considered to be
24 the employer of home care and home health workers who
25 function as personal assistants and individual maintenance
26 home health workers working under the Home Services Program

1 for any purposes not specifically provided in Public Act
2 93-204 or Public Act 97-1158, including but not limited to,
3 purposes of vicarious liability in tort and purposes of
4 statutory retirement or health insurance benefits. Home
5 care and home health workers who function as personal
6 assistants and individual maintenance home health workers
7 and who also provide services under the Department's Home
8 Services Program shall not be covered by the State
9 Employees Group Insurance Act of 1971.

10 The Department shall execute, relative to nursing home
11 prescreening, as authorized by Section 4.03 of the Illinois
12 Act on the Aging, written inter-agency agreements with the
13 Department on Aging and the Department of Healthcare and
14 Family Services, to effect the intake procedures and
15 eligibility criteria for those persons who may need long
16 term care. On and after July 1, 1996, all nursing home
17 prescreenings for individuals 18 through 59 years of age
18 shall be conducted by the Department, or a designee of the
19 Department.

20 The Department is authorized to establish a system of
21 recipient cost-sharing for services provided under this
22 Section. The cost-sharing shall be based upon the
23 recipient's ability to pay for services, but in no case
24 shall the recipient's share exceed the actual cost of the
25 services provided. Protected income shall not be
26 considered by the Department in its determination of the

1 recipient's ability to pay a share of the cost of services.
2 The level of cost-sharing shall be adjusted each year to
3 reflect changes in the "protected income" level. The
4 Department shall deduct from the recipient's share of the
5 cost of services any money expended by the recipient for
6 disability-related expenses.

7 To the extent permitted under the federal Social
8 Security Act, the Department, or the Department's
9 authorized representative, may recover the amount of
10 moneys expended for services provided to or in behalf of a
11 person under this Section by a claim against the person's
12 estate or against the estate of the person's surviving
13 spouse, but no recovery may be had until after the death of
14 the surviving spouse, if any, and then only at such time
15 when there is no surviving child who is under age 21 or
16 blind or who has a permanent and total disability. This
17 paragraph, however, shall not bar recovery, at the death of
18 the person, of moneys for services provided to the person
19 or in behalf of the person under this Section to which the
20 person was not entitled; provided that such recovery shall
21 not be enforced against any real estate while it is
22 occupied as a homestead by the surviving spouse or other
23 dependent, if no claims by other creditors have been filed
24 against the estate, or, if such claims have been filed,
25 they remain dormant for failure of prosecution or failure
26 of the claimant to compel administration of the estate for

1 the purpose of payment. This paragraph shall not bar
2 recovery from the estate of a spouse, under Sections 1915
3 and 1924 of the Social Security Act and Section 5-4 of the
4 Illinois Public Aid Code, who precedes a person receiving
5 services under this Section in death. All moneys for
6 services paid to or in behalf of the person under this
7 Section shall be claimed for recovery from the deceased
8 spouse's estate. "Homestead", as used in this paragraph,
9 means the dwelling house and contiguous real estate
10 occupied by a surviving spouse or relative, as defined by
11 the rules and regulations of the Department of Healthcare
12 and Family Services, regardless of the value of the
13 property.

14 The Department shall submit an annual report on
15 programs and services provided under this Section. The
16 report shall be filed with the Governor and the General
17 Assembly on or before March 30 each year.

18 The requirement for reporting to the General Assembly
19 shall be satisfied by filing copies of the report with the
20 Speaker, the Minority Leader and the Clerk of the House of
21 Representatives and the President, the Minority Leader and
22 the Secretary of the Senate and the Commission on
23 Government Forecasting and Accountability ~~Legislative~~
24 ~~Research Unit~~, as required by Section 3.1 of the General
25 Assembly Organization Act, and filing additional copies
26 with the State Government Report Distribution Center for

1 the General Assembly as required under paragraph (t) of
2 Section 7 of the State Library Act.

3 (g) To establish such subdivisions of the Department as
4 shall be desirable and assign to the various subdivisions
5 the responsibilities and duties placed upon the Department
6 by law.

7 (h) To cooperate and enter into any necessary
8 agreements with the Department of Employment Security for
9 the provision of job placement and job referral services to
10 clients of the Department, including job service
11 registration of such clients with Illinois Employment
12 Security offices and making job listings maintained by the
13 Department of Employment Security available to such
14 clients.

15 (i) To possess all powers reasonable and necessary for
16 the exercise and administration of the powers, duties and
17 responsibilities of the Department which are provided for
18 by law.

19 (j) (Blank).

20 (k) (Blank).

21 (l) To establish, operate, and maintain a Statewide
22 Housing Clearinghouse of information on available
23 government subsidized housing accessible to persons with
24 disabilities and available privately owned housing
25 accessible to persons with disabilities. The information
26 shall include, but not be limited to, the location, rental

1 requirements, access features and proximity to public
2 transportation of available housing. The Clearinghouse
3 shall consist of at least a computerized database for the
4 storage and retrieval of information and a separate or
5 shared toll free telephone number for use by those seeking
6 information from the Clearinghouse. Department offices and
7 personnel throughout the State shall also assist in the
8 operation of the Statewide Housing Clearinghouse.
9 Cooperation with local, State, and federal housing
10 managers shall be sought and extended in order to
11 frequently and promptly update the Clearinghouse's
12 information.

13 (m) To assure that the names and case records of
14 persons who received or are receiving services from the
15 Department, including persons receiving vocational
16 rehabilitation, home services, or other services, and
17 those attending one of the Department's schools or other
18 supervised facility shall be confidential and not be open
19 to the general public. Those case records and reports or
20 the information contained in those records and reports
21 shall be disclosed by the Director only to proper law
22 enforcement officials, individuals authorized by a court,
23 the General Assembly or any committee or commission of the
24 General Assembly, and other persons and for reasons as the
25 Director designates by rule. Disclosure by the Director may
26 be only in accordance with other applicable law.

1 (Source: P.A. 99-143, eff. 7-27-15; 100-23, eff. 7-6-17;
2 100-477, eff. 9-8-17; revised 9-27-17.)

3 Section 60. The Department of Transportation Law of the
4 Civil Administrative Code of Illinois is amended by changing
5 Section 2705-205 as follows:

6 (20 ILCS 2705/2705-205) (was 20 ILCS 2705/49.21)

7 Sec. 2705-205. Study of demand for transportation. The
8 Department has the power, in cooperation with State
9 universities and other research oriented institutions, to
10 study the extent and nature of the demand for transportation
11 and to collect and assemble information regarding the most
12 feasible, technical and socio-economic solutions for meeting
13 that demand and the costs thereof. The Department has the power
14 to report to the Governor and the General Assembly, by February
15 15 of each odd-numbered year, the results of the study and
16 recommendations based on the study.

17 The requirement for reporting to the General Assembly shall
18 be satisfied by filing copies of the report with the Speaker,
19 the Minority Leader, and the Clerk of the House of
20 Representatives and the President, the Minority Leader, and the
21 Secretary of the Senate and the Commission on Government
22 Forecasting and Accountability ~~Legislative Research Unit~~, as
23 required by Section 3.1 of the General Assembly Organization
24 Act and by filing additional copies with the State Government

1 Report Distribution Center for the General Assembly as is
2 required under paragraph (t) of Section 7 of the State Library
3 Act.

4 (Source: P.A. 91-239, eff. 1-1-00.)

5 Section 65. The Governor's Office of Management and Budget
6 Act is amended by changing Section 5.1 as follows:

7 (20 ILCS 3005/5.1) (from Ch. 127, par. 415)

8 Sec. 5.1. Under such regulations as the Governor may
9 prescribe, every State agency, other than State colleges and
10 universities, agencies of legislative and judicial branches of
11 State government, and elected State executive officers not
12 including the Governor, shall file with the Commission on
13 Government Forecasting and Accountability ~~Legislative Research~~
14 ~~Unit~~ all applications for federal grants, contracts and
15 agreements. The Commission on Government Forecasting and
16 Accountability ~~Legislative Research Unit~~ shall immediately
17 forward all such materials to the Office for the Office's
18 approval. Any application for federal funds which has not
19 received Office approval shall be considered void and any funds
20 received as a result of such application shall be returned to
21 the federal government before they are spent. Each State agency
22 subject to this Section shall, at least 45 days before
23 submitting its application to the federal agency, report in
24 detail to the Commission on Government Forecasting and

1 Accountability ~~Legislative Research Unit~~ what the grant is
2 intended to accomplish and the specific plans for spending the
3 federal dollars received pursuant to the grant. The Commission
4 on Government Forecasting and Accountability ~~Legislative~~
5 ~~Research Unit~~ shall immediately forward such materials to the
6 Office. The Office may approve the submission of an application
7 to the federal agency in less than 45 days after its receipt by
8 the Office when the Office determines that the circumstances
9 require an expedited application. Such reports of applications
10 and plans of expenditure shall include but shall not be limited
11 to:

12 (1) an estimate of both the direct and indirect costs
13 in non-federal revenues of participation in the federal
14 program;

15 (2) the probable length of duration of the program, a
16 schedule of fund receipts and an estimate of the cost to
17 the State of maintaining the program if and when the
18 federal financial assistance or grant is terminated;

19 (3) a list of State or local agencies utilizing the
20 financial assistance as direct recipients or subgrantees;

21 (4) a description of each program proposed to be funded
22 by the financial assistance or grant; and

23 (5) a description of any financial, program or planning
24 commitment on the part of the State required by the federal
25 government as a requirement for receipt of the financial
26 assistance or grant.

1 All State agencies subject to this Section shall
2 immediately file with the Commission on Government Forecasting
3 and Accountability ~~Legislative Research Unit~~, any awards of
4 federal funds and any and all changes in the programs, in
5 awards, in program duration, in schedule of fund receipts, and
6 in estimated costs to the State of maintaining the program if
7 and when federal assistance is terminated, or in direct and
8 indirect costs, of any grant under which they are or expect to
9 be receiving federal funds. The Commission on Government
10 Forecasting and Accountability ~~Legislative Research Unit~~ shall
11 immediately forward such materials to the Office.

12 The Office in cooperation with the Commission on Government
13 Forecasting and Accountability ~~Legislative Research Unit~~ shall
14 develop standard forms and a system of identifying numbers for
15 the applications and reports required by this Section. Upon
16 receipt from the State agencies of each application and report,
17 the Commission on Government Forecasting and Accountability
18 ~~Legislative Research Unit~~ shall promptly designate the
19 appropriate identifying number therefor and communicate such
20 number to the respective State agency, the Comptroller and the
21 Office.

22 Each State agency subject to this Section shall include in
23 each report to the Comptroller of the receipt of federal funds
24 the identifying number applicable to the grant under which such
25 funds are received.

26 (Source: P.A. 93-25, eff. 6-20-03; 93-632, eff. 2-1-04.)

1 Section 70. The Illinois Environmental Facilities
2 Financing Act is amended by changing Section 7 as follows:

3 (20 ILCS 3515/7) (from Ch. 127, par. 727)

4 Sec. 7. Powers. In addition to the powers otherwise
5 authorized by law, for the purposes of this Act, the State
6 authority shall have the following powers together with all
7 powers incidental thereto or necessary for the performance
8 thereof:

9 (1) to have perpetual succession as a body politic and
10 corporate;

11 (2) to adopt bylaws for the regulation of its affairs
12 and the conduct of its business;

13 (3) to sue and be sued and to prosecute and defend
14 actions in the courts;

15 (4) to have and to use a corporate seal and to alter
16 the same at pleasure;

17 (5) to maintain an office at such place or places as it
18 may designate;

19 (6) to determine the location, pursuant to the
20 Environmental Protection Act, and the manner of
21 construction of any environmental or hazardous waste
22 treatment facility to be financed under this Act and to
23 acquire, construct, reconstruct, repair, alter, improve,
24 extend, own, finance, lease, sell and otherwise dispose of

1 the facility, to enter into contracts for any and all of
2 such purposes, to designate a person as its agent to
3 determine the location and manner of construction of an
4 environmental or hazardous waste treatment facility
5 undertaken by such person under the provisions of this Act
6 and as agent of the authority to acquire, construct,
7 reconstruct, repair, alter, improve, extend, own, lease,
8 sell and otherwise dispose of the facility, and to enter
9 into contracts for any and all of such purposes;

10 (7) to finance and to lease or sell to a person any or
11 all of the environmental or hazardous waste treatment
12 facilities upon such terms and conditions as the directing
13 body considers proper, and to charge and collect rent or
14 other payments therefor and to terminate any such lease or
15 sales agreement or financing agreement upon the failure of
16 the lessee, purchaser or debtor to comply with any of the
17 obligations thereof; and to include in any such lease or
18 other agreement, if desired, provisions that the lessee,
19 purchaser or debtor thereunder shall have options to renew
20 the term of the lease, sales or other agreement for such
21 period or periods and at such rent or other consideration
22 as shall be determined by the directing body or to purchase
23 any or all of the environmental or hazardous waste
24 treatment facilities for a nominal amount or otherwise or
25 that at or prior to the payment of all of the indebtedness
26 incurred by the authority for the financing of such

1 environmental or hazardous waste treatment facilities the
2 authority may convey any or all of the environmental or
3 hazardous waste treatment facilities to the lessee or
4 purchaser thereof with or without consideration;

5 (8) to issue bonds for any of its corporate purposes,
6 including a bond issuance for the purpose of financing a
7 group of projects involving environmental facilities, and
8 to refund those bonds, all as provided for in this Act and
9 subject to Section 13 of this Act;

10 (9) generally to fix and revise from time to time and
11 charge and collect rates, rents, fees and charges for the
12 use of and services furnished or to be furnished by any
13 environmental or hazardous waste treatment facility or any
14 portion thereof and to contract with any person, firm or
15 corporation or other body public or private in respect
16 thereof;

17 (10) to employ consulting engineers, architects,
18 attorneys, accountants, construction and financial
19 experts, superintendents, managers and such other
20 employees and agents as may be necessary in its judgment
21 and to fix their compensation;

22 (11) to receive and accept from any public agency loans
23 or grants for or in aid of the construction of any
24 environmental facility and any portion thereof, or for
25 equipping the facility, and to receive and accept grants,
26 gifts or other contributions from any source;

1 (12) to refund outstanding obligations incurred by any
2 person to finance the cost of an environmental or hazardous
3 waste treatment facility including obligations incurred
4 for environmental or hazardous waste treatment facilities
5 undertaken and completed prior to or after the enactment of
6 this Act when the authority finds that such financing is in
7 the public interest;

8 (13) to prohibit the financing of environmental
9 facilities for new coal-fired electric steam generating
10 plants and new coal-fired industrial boilers which do not
11 use Illinois coal as the primary source of fuel;

12 (14) to set and impose appropriate financial penalties
13 on any person who receives financing from the State
14 authority based on a commitment to use Illinois coal as the
15 primary source of fuel at a new coal-fired electric utility
16 steam generating plant or new coal-fired industrial boiler
17 and later uses non-Illinois coal as the primary source of
18 fuel;

19 (15) to fix, determine, charge and collect any
20 premiums, fees, charges, costs and expenses, including,
21 without limitation, any application fees, program fees,
22 commitment fees, financing charges or publication fees in
23 connection with its activities under this Act; all expenses
24 of the State authority incurred in carrying out this Act
25 are payable solely from funds provided under the authority
26 of this Act and no liability shall be incurred by any

1 authority beyond the extent to which moneys are provided
2 under this Act. All fees and moneys accumulated by the
3 Authority as provided in this Act or the Illinois Finance
4 Authority Act shall be held outside of the State treasury
5 and in the custody of the Treasurer of the Authority; and

6 (16) to do all things necessary and convenient to carry
7 out the purposes of this Act.

8 The State authority may not operate any environmental or
9 hazardous waste treatment facility as a business except for the
10 purpose of protecting or maintaining such facility as security
11 for bonds of the State authority. No environmental or hazardous
12 waste treatment facilities completed prior to January 1, 1970
13 may be financed by the State authority under this Act, but
14 additions and improvements to such environmental or hazardous
15 waste treatment facilities which are commenced subsequent to
16 January 1, 1970 may be financed by the State authority. Any
17 lease, sales agreement or other financing agreement in
18 connection with an environmental or hazardous waste treatment
19 facility entered into pursuant to this Act must be for a term
20 not shorter than the longest maturity of any bonds issued to
21 finance such environmental or hazardous waste treatment
22 facility or a portion thereof and must provide for rentals or
23 other payments adequate to pay the principal of and interest
24 and premiums, if any, on such bonds as the same fall due and to
25 create and maintain such reserves and accounts for
26 depreciation, if any, as the directing body determines to be

1 necessary.

2 The Authority shall give priority to providing financing
3 for the establishment of hazardous waste treatment facilities
4 necessary to achieve the goals of Section 22.6 of the
5 Environmental Protection Act.

6 The Authority shall give special consideration to small
7 businesses in authorizing the issuance of bonds for the
8 financing of environmental facilities pursuant to subsection
9 (c) of Section 2.

10 The Authority shall make a financial report on all projects
11 financed under this Section to the General Assembly, to the
12 Governor, and to the Commission on Government Forecasting and
13 Accountability by April 1 of each year. Such report shall be a
14 public record and open for inspection at the offices of the
15 Authority during normal business hours. The report shall
16 include: (a) all applications for loans and other financial
17 assistance presented to the members of the Authority during
18 such fiscal year, (b) all projects and owners thereof which
19 have received any form of financial assistance from the
20 Authority during such year, (c) the nature and amount of all
21 such assistance, and (d) projected activities of the Authority
22 for the next fiscal year, including projection of the total
23 amount of loans and other financial assistance anticipated and
24 the amount of revenue bonds or other evidences of indebtedness
25 that will be necessary to provide the projected level of
26 assistance during the next fiscal year.

1 The requirement for reporting to the General Assembly shall
2 be satisfied by filing copies of the report with the Speaker,
3 the Minority Leader and the Clerk of the House of
4 Representatives and the President, the Minority Leader and the
5 Secretary of the Senate and the Commission on Government
6 Forecasting and Accountability ~~Legislative Research Unit~~, as
7 required by Section 3.1 of the General Assembly Organization
8 Act ~~"An Act to revise the law in relation to the General~~
9 ~~Assembly", approved February 25, 1874, as amended,~~ and filing
10 such additional copies with the State Government Report
11 Distribution Center for the General Assembly as is required
12 under paragraph (t) of Section 7 of the State Library Act.
13 (Source: P.A. 93-205, eff. 1-1-04; 93-1067, eff. 1-15-05.)

14 Section 75. The Arts Council Act is amended by changing
15 Section 4 as follows:

16 (20 ILCS 3915/4) (from Ch. 127, par. 214.14)

17 Sec. 4. The Council has the power and duty (a) to survey
18 and assess the needs of the arts, both visual and performing,
19 throughout the State; (b) to identify existing legislation,
20 policies and programs which affect the arts and to evaluate
21 their effectiveness; (c) to stimulate public understanding and
22 recognition of the importance of cultural institutions in
23 Illinois; (d) to promote an encouraging atmosphere for creative
24 artists residing in Illinois; (e) to encourage the use of local

1 resources for the development and support of the arts; and (f)
2 to report to the Governor and to the General Assembly
3 biennially, on or about the third Monday in January of each
4 odd-numbered year, the results of and its recommendations based
5 upon its investigations.

6 The requirement for reporting to the General Assembly shall
7 be satisfied by filing copies of the report with the Speaker,
8 the Minority Leader and the Clerk of the House of
9 Representatives and the President, the Minority Leader and the
10 Secretary of the Senate and the Commission on Government
11 Forecasting and Accountability ~~Legislative Research Unit~~, as
12 required by Section 3.1 of the General Assembly Organization
13 Act ~~"An Act to revise the law in relation to the General~~
14 ~~Assembly", approved February 25, 1974, as amended, and filing~~
15 such additional copies with the State Government Report
16 Distribution Center for the General Assembly as is required
17 under paragraph (t) of Section 7 of the State Library Act.

18 (Source: P.A. 84-1438.)

19 Section 80. The Illinois Criminal Justice Information Act
20 is amended by changing Section 7 as follows:

21 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

22 Sec. 7. Powers and duties. The Authority shall have the
23 following powers, duties, and responsibilities:

24 (a) To develop and operate comprehensive information

1 systems for the improvement and coordination of all aspects
2 of law enforcement, prosecution, and corrections;

3 (b) To define, develop, evaluate, and correlate State
4 and local programs and projects associated with the
5 improvement of law enforcement and the administration of
6 criminal justice;

7 (c) To act as a central repository and clearing house
8 for federal, state, and local research studies, plans,
9 projects, proposals, and other information relating to all
10 aspects of criminal justice system improvement and to
11 encourage educational programs for citizen support of
12 State and local efforts to make such improvements;

13 (d) To undertake research studies to aid in
14 accomplishing its purposes;

15 (e) To monitor the operation of existing criminal
16 justice information systems in order to protect the
17 constitutional rights and privacy of individuals about
18 whom criminal history record information has been
19 collected;

20 (f) To provide an effective administrative forum for
21 the protection of the rights of individuals concerning
22 criminal history record information;

23 (g) To issue regulations, guidelines, and procedures
24 which ensure the privacy and security of criminal history
25 record information consistent with State and federal laws;

26 (h) To act as the sole administrative appeal body in

1 the State of Illinois to conduct hearings and make final
2 determinations concerning individual challenges to the
3 completeness and accuracy of criminal history record
4 information;

5 (i) To act as the sole, official, criminal justice body
6 in the State of Illinois to conduct annual and periodic
7 audits of the procedures, policies, and practices of the
8 State central repositories for criminal history record
9 information to verify compliance with federal and state
10 laws and regulations governing such information;

11 (j) To advise the Authority's Statistical Analysis
12 Center;

13 (k) To apply for, receive, establish priorities for,
14 allocate, disburse, and spend grants of funds that are made
15 available by and received on or after January 1, 1983 from
16 private sources or from the United States pursuant to the
17 federal Crime Control Act of 1973, as amended, and similar
18 federal legislation, and to enter into agreements with the
19 United States government to further the purposes of this
20 Act, or as may be required as a condition of obtaining
21 federal funds;

22 (l) To receive, expend, and account for such funds of
23 the State of Illinois as may be made available to further
24 the purposes of this Act;

25 (m) To enter into contracts and to cooperate with units
26 of general local government or combinations of such units,

1 State agencies, and criminal justice system agencies of
2 other states for the purpose of carrying out the duties of
3 the Authority imposed by this Act or by the federal Crime
4 Control Act of 1973, as amended;

5 (n) To enter into contracts and cooperate with units of
6 general local government outside of Illinois, other
7 states' agencies, and private organizations outside of
8 Illinois to provide computer software or design that has
9 been developed for the Illinois criminal justice system, or
10 to participate in the cooperative development or design of
11 new software or systems to be used by the Illinois criminal
12 justice system. Revenues received as a result of such
13 arrangements shall be deposited in the Criminal Justice
14 Information Systems Trust Fund;

15 (o) To establish general policies concerning criminal
16 justice information systems and to promulgate such rules,
17 regulations, and procedures as are necessary to the
18 operation of the Authority and to the uniform consideration
19 of appeals and audits;

20 (p) To advise and to make recommendations to the
21 Governor and the General Assembly on policies relating to
22 criminal justice information systems;

23 (q) To direct all other agencies under the jurisdiction
24 of the Governor to provide whatever assistance and
25 information the Authority may lawfully require to carry out
26 its functions;

1 (r) To exercise any other powers that are reasonable
2 and necessary to fulfill the responsibilities of the
3 Authority under this Act and to comply with the
4 requirements of applicable federal law or regulation;

5 (s) To exercise the rights, powers, and duties which
6 have been vested in the Authority by the Illinois Uniform
7 Conviction Information Act;

8 (t) (Blank);

9 (u) To exercise the rights, powers, and duties vested
10 in the Authority by the Illinois Public Safety Agency
11 Network Act;

12 (v) To provide technical assistance in the form of
13 training to local governmental entities within Illinois
14 requesting such assistance for the purposes of procuring
15 grants for gang intervention and gang prevention programs
16 or other criminal justice programs from the United States
17 Department of Justice;

18 (w) To conduct strategic planning and provide
19 technical assistance to implement comprehensive trauma
20 recovery services for violent crime victims in underserved
21 communities with high levels of violent crime, with the
22 goal of providing a safe, community-based, culturally
23 competent environment in which to access services
24 necessary to facilitate recovery from the effects of
25 chronic and repeat exposure to trauma. Services may
26 include, but are not limited to, behavioral health

1 treatment, financial recovery, family support and
2 relocation assistance, and support in navigating the legal
3 system; and

4 (x) To coordinate statewide violence prevention
5 efforts and assist in the implementation of trauma recovery
6 centers and analyze trauma recovery services. The
7 Authority shall develop, publish, and facilitate the
8 implementation of a 4-year statewide violence prevention
9 plan, which shall incorporate public health, public
10 safety, victim services, and trauma recovery centers and
11 services.

12 The requirement for reporting to the General Assembly shall
13 be satisfied by filing copies of the report with the Speaker,
14 the Minority Leader, and the Clerk of the House of
15 Representatives, the President, the Minority Leader, and the
16 Secretary of the Senate, and the Commission on Government
17 Forecasting and Accountability ~~Legislative Research Unit~~, as
18 required by Section 3.1 of the General Assembly Organization
19 Act, and filing such additional copies with the State
20 Government Report Distribution Center for the General Assembly
21 as is required under paragraph (t) of Section 7 of the State
22 Library Act.

23 (Source: P.A. 99-938, eff. 1-1-18; 100-373, eff. 1-1-18;
24 100-575, eff. 1-8-18.)

25 Section 85. The Guardianship and Advocacy Act is amended by

1 changing Section 5 as follows:

2 (20 ILCS 3955/5) (from Ch. 91 1/2, par. 705)

3 Sec. 5. (a) The Commission shall establish throughout the
4 State such regions as it considers appropriate to effectuate
5 the purposes of the Authority under this Act, taking into
6 account the requirements of State and federal statutes;
7 population; civic, health and social service boundaries; and
8 other pertinent factors.

9 (b) The Commission shall act through its divisions as
10 provided in this Act.

11 (c) The Commission shall establish general policy
12 guidelines for the operation of the Legal Advocacy Service,
13 Human Rights Authority and State Guardian in furtherance of
14 this Act. Any action taken by a regional authority is subject
15 to the review and approval of the Commission. The Commission,
16 acting on a request from the Director, may disapprove any
17 action of a regional authority, in which case the regional
18 authority shall cease such action.

19 (d) The Commission shall hire a Director and staff to carry
20 out the powers and duties of the Commission and its divisions
21 pursuant to this Act and the rules and regulations promulgated
22 by the Commission. All staff other than the Director shall be
23 subject to the Personnel Code.

24 (e) The Commission shall review and evaluate the operations
25 of the divisions.

1 (f) The Commission shall operate subject to the provisions
2 of the Illinois Procurement Code.

3 (g) The Commission shall prepare its budget.

4 (h) The Commission shall prepare an annual report on its
5 operations and submit the report to the Governor and the
6 General Assembly.

7 The requirement for reporting to the General Assembly shall
8 be satisfied by filing copies of the report with the Speaker,
9 the Minority Leader and the Clerk of the House of
10 Representatives and the President, the Minority Leader and the
11 Secretary of the Senate and the Commission on Government
12 Forecasting and Accountability ~~Legislative Research Unit~~, as
13 required by Section 3.1 of the General Assembly Organization
14 Act ~~"An Act to revise the law in relation to the General~~
15 ~~Assembly", approved February 25, 1874,~~ and filing such
16 additional copies with the State Government Report
17 Distribution Center for the General Assembly as is required
18 under paragraph (t) of Section 7 of the State Library Act.

19 (i) The Commission shall establish rules and regulations
20 for the conduct of the work of its divisions, including rules
21 and regulations for the Legal Advocacy Service and the State
22 Guardian in evaluating an eligible person's or ward's financial
23 resources for the purpose of determining whether the eligible
24 person or ward has the ability to pay for legal or guardianship
25 services received. The determination of the eligible person's
26 financial ability to pay for legal services shall be based upon

1 the number of dependents in the eligible person's family unit
2 and the income, liquid assets and necessary expenses, as
3 prescribed by rule of the Commission of: (1) the eligible
4 person; (2) the eligible person's spouse; and (3) the parents
5 of minor eligible persons. The determination of a ward's
6 ability to pay for guardianship services shall be based upon
7 the ward's estate. An eligible person or ward found to have
8 sufficient financial resources shall be required to pay the
9 Commission in accordance with standards established by the
10 Commission. No fees may be charged for legal services given
11 unless the eligible person is given notice at the start of such
12 services that such fees might be charged. No fees may be
13 charged for guardianship services given unless the ward is
14 given notice of the request for fees filed with the probate
15 court and the court approves the amount of fees to be assessed.
16 All fees collected shall be deposited with the State Treasurer
17 and placed in the Guardianship and Advocacy Fund. The
18 Commission shall establish rules and regulations regarding the
19 procedures of appeal for clients prior to termination or
20 suspension of legal services. Such rules and regulations shall
21 include, but not be limited to, client notification procedures
22 prior to the actual termination, the scope of issues subject to
23 appeal, and procedures specifying when a final administrative
24 decision is made.

25 (j) The Commission shall take such actions as it deems
26 necessary and appropriate to receive private, federal and other

1 public funds to help support the divisions and to safeguard the
2 rights of eligible persons. Private funds and property may be
3 accepted, held, maintained, administered and disposed of by the
4 Commission, as trustee, for such purposes for the benefit of
5 the People of the State of Illinois pursuant to the terms of
6 the instrument granting the funds or property to the
7 Commission.

8 (k) The Commission may expend funds under the State's plan
9 to protect and advocate the rights of persons with a
10 developmental disability established under the federal
11 Developmental Disabilities Services and Facilities
12 Construction Act (Public Law 94-103, Title II). If the Governor
13 designates the Commission to be the organization or agency to
14 provide the services called for in the State plan, the
15 Commission shall make these protection and advocacy services
16 available to persons with a developmental disability by
17 referral or by contracting for these services to the extent
18 practicable. If the Commission is unable to so make available
19 such protection and advocacy services, it shall provide them
20 through persons in its own employ.

21 (l) The Commission shall, to the extent funds are
22 available, monitor issues concerning the rights of eligible
23 persons and the care and treatment provided to those persons,
24 including but not limited to the incidence of abuse or neglect
25 of eligible persons. For purposes of that monitoring the
26 Commission shall have access to reports of suspected abuse or

1 neglect and information regarding the disposition of such
2 reports, subject to the provisions of the Mental Health and
3 Developmental Disabilities Confidentiality Act.

4 (Source: P.A. 96-271, eff. 1-1-10.)

5 Section 90. The General Assembly Organization Act is
6 amended by changing Section 3.1 as follows:

7 (25 ILCS 5/3.1) (from Ch. 63, par. 3.1)

8 Sec. 3.1. Notwithstanding any provision of law to the
9 contrary, whenever ~~Whenever~~ any law or resolution requires a
10 report to the General Assembly, that reporting requirement
11 shall be satisfied by filing: with the Clerk of the House of
12 Representatives and the Secretary of the Senate in electronic
13 form only, in the manner that the Clerk and the Secretary shall
14 direct; and with the Commission on Government Forecasting and
15 Accountability, in the manner that the Commission shall direct
16 ~~one copy of the report with each of the following: the Speaker,~~
17 ~~the Minority Leader and the Clerk of the House of~~
18 ~~Representatives and the President, the Minority Leader and the~~
19 ~~Secretary of the Senate and the Legislative Research Unit.~~ In
20 addition, the reporting entity must make a copy of the report
21 available for a reasonable time on its Internet site or on the
22 Internet site of the public entity that hosts the reporting
23 entity's World Wide Web page, if any. Additional copies shall
24 be filed with the State Government Report Distribution Center

1 for the General Assembly as required under paragraph (t) of
2 Section 7 of the State Library Act.

3 (Source: P.A. 94-565, eff. 1-1-06.)

4 Section 95. The Reports to Legislative Research Unit Act is
5 amended by changing Sections 0.01 and 1 as follows:

6 (25 ILCS 110/0.01) (from Ch. 63, par. 1050)

7 Sec. 0.01. Short title. This Act may be cited as the
8 Reports to the Commission on Government Forecasting and
9 Accountability ~~Legislative Research Unit~~ Act.

10 (Source: P.A. 86-1324.)

11 (25 ILCS 110/1) (from Ch. 63, par. 1051)

12 Sec. 1. Reporting Appointments to the Commission on
13 Government Forecasting and Accountability ~~Legislative Research~~
14 ~~Unit~~.

15 (a) As used in this Act, "separate or interagency board or
16 commission" includes any body in the legislative, executive, or
17 judicial branch of State government that contains any members
18 other than those serving in a single State agency, and that is
19 charged with policy-making or licensing functions or with
20 making recommendations regarding such functions to any
21 authority in State government. The term also includes any body,
22 regardless of its level of government, to which any
23 constitutional officer in the executive branch of State

1 government makes an appointment. The term does not include any
2 body whose members are elected by vote of the electors.

3 (b) Within 30 days after the effective date of this Act, or
4 within 30 days after the creation of any separate or
5 interagency board or commission, whichever is later, each
6 appointing authority for that board or commission shall make an
7 initial report in writing to the Commission on Government
8 Forecasting and Accountability ~~Legislative Research Unit~~. Each
9 initial report shall contain the following information:

10 (1) The name of the board or commission, and a complete
11 citation or copy of the statute, order, or other document
12 creating it.

13 (2) An address and telephone number, if any, that can be
14 used to communicate with the board or commission.

15 (3) For each person appointed by that appointing authority
16 to the board or commission whose latest term has not expired:
17 the name, mailing address, residence address, Representative
18 District of residence, date of appointment, and expected
19 expiration of latest term. At the request of the appointee, the
20 report may in lieu of the appointee's residence address list
21 the municipality, if any, and county in which the appointee
22 resides. If an appointment requires confirmation, the report
23 shall state the fact, and the appointing authority shall report
24 the confirmation as a report of change under subsection (c). If
25 the statute, order, or other document creating the board or
26 commission imposes any qualification or background requirement

1 on some but not all members of the board or commission, the
2 report shall state which of such requirements each person
3 appointed fulfills.

4 (c) Each appointing authority for a separate or interagency
5 board or commission, within 15 days after any change in the
6 information required by subsection (b) to be reported that
7 concerns an appointee of that authority, shall report the
8 change in writing to the Commission on Government Forecasting
9 and Accountability ~~Legislative Research Unit~~. Any such report
10 concerning a new appointment shall list the name of the
11 previous appointee, if any, who the new appointee replaces.

12 (d) Beginning on the effective date of this amendatory Act
13 of the 100th General Assembly, all prior powers, duties, and
14 responsibilities of the Legislative Research Unit under this
15 Section shall be assumed by the Commission on Government
16 Forecasting and Accountability.

17 (Source: P.A. 86-591.)

18 Section 100. The Legislative Commission Reorganization Act
19 of 1984 is amended by changing Sections 1-3, 1-4, 1-5, 4-1,
20 4-2, 4-2.1, 4-3, 4-4, 4-7, 4-9, 10-1, 10-2, 10-3, 10-4, 10-5,
21 and 10-6 as follows:

22 (25 ILCS 130/1-3) (from Ch. 63, par. 1001-3)

23 Sec. 1-3. Legislative support services agencies. The Joint
24 Committee on Legislative Support Services is responsible for

1 establishing general policy and coordinating activities among
2 the legislative support services agencies. The legislative
3 support services agencies include the following:

4 (1) Joint Committee on Administrative Rules;

5 (2) Commission on Government Forecasting and
6 Accountability;

7 (3) Legislative Information System;

8 (4) Legislative Reference Bureau;

9 (5) Legislative Audit Commission;

10 (6) Legislative Printing Unit;

11 (7) (Blank); and ~~Legislative Research Unit; and~~

12 (8) Office of the Architect of the Capitol.

13 (Source: P.A. 93-632, eff. 2-1-04; 93-1067, eff. 1-15-05.)

14 (25 ILCS 130/1-4) (from Ch. 63, par. 1001-4)

15 Sec. 1-4. In addition to its general policy making and
16 coordinating responsibilities for the legislative support
17 services agencies, the Joint Committee on Legislative Support
18 Services shall have the following powers and duties with
19 respect to such agencies:

20 (1) To approve the executive director pursuant to Section
21 1-5(e);

22 (2) To establish uniform hiring practices and personnel
23 procedures, including affirmative action, to assure equality
24 of employment opportunity;

25 (3) To establish uniform contract procedures, including

1 affirmative action, to assure equality in the awarding of
2 contracts, and to maintain a list of all contracts entered
3 into;

4 (4) To establish uniform travel regulations and approve all
5 travel outside the State of Illinois;

6 (5) To coordinate all leases and rental of real property;

7 (6) Except as otherwise expressly provided by law, to
8 coordinate and serve as the agency authorized to assign studies
9 to be performed by any legislative support services agency. Any
10 study requested by resolution or joint resolution of either
11 house of the General Assembly shall be subject to the powers of
12 the Joint Committee to allocate resources available to the
13 General Assembly hereunder; provided, however, that nothing
14 herein shall be construed to preclude the participation by
15 public members in such studies or prohibit their reimbursement
16 for reasonable and necessary expenses in connection therewith;

17 (7) To make recommendations to the General Assembly
18 regarding the continuance of the various committees, boards and
19 commissions that are the subject of the statutory provisions
20 repealed March 31, 1985, under Article 11 of this Act;

21 (8) To assist the Auditor General as necessary to assure
22 the orderly and efficient termination of the various
23 committees, boards and commissions that are subject to Article
24 12 of this Act;

25 (9) To consider and make recommendations to the General
26 Assembly regarding further reorganization of the legislative

1 support services agencies, and other legislative committees,
2 boards and commissions, as it may from time to time determine
3 to be necessary;

4 (10) To consider and recommend a comprehensive transition
5 plan for the legislative support services agencies, including
6 but not limited to issues such as the consolidation of the
7 organizational structure, centralization or decentralization
8 of staff, appropriate level of member participation,
9 guidelines for policy development, further reductions which
10 may be necessary, and measures which can be taken to improve
11 efficiency, and ensure accountability. To assist in such
12 recommendations the Joint Committee may appoint an Advisory
13 Group. Recommendations of the Joint Committee shall be reported
14 to the members of the General Assembly no later than November
15 13, 1984. The requirement for reporting to the General Assembly
16 shall be satisfied by filing copies of the report with the
17 Speaker, the Minority Leader and the Clerk of the House of
18 Representatives and the President, the Minority Leader and the
19 Secretary of the Senate and the Commission on Government
20 Forecasting and Accountability ~~Legislative Research Unit~~, as
21 required by Section 3.1 of the General Assembly Organization
22 Act, and filing such additional copies with the State
23 Government Report Distribution Center for the General Assembly
24 as is required under paragraph (t) of Section 7 of the State
25 Library Act;

26 (11) To contract for the establishment of child care

1 services pursuant to the State Agency Employees Child Care
2 Services Act; and

3 (12) To use funds appropriated from the General Assembly
4 Computer Equipment Revolving Fund for the purchase of computer
5 equipment for the General Assembly and for related expenses and
6 for other operational purposes of the General Assembly in
7 accordance with Section 6 of the Legislative Information System
8 Act.

9 (Source: P.A. 91-357, eff. 7-29-99.)

10 (25 ILCS 130/1-5) (from Ch. 63, par. 1001-5)

11 Sec. 1-5. Composition of agencies; directors.

12 (a) The Boards of the Joint Committee on Administrative
13 Rules, the Commission on Government Forecasting and
14 Accountability, and the Legislative Audit Committee, ~~and the~~
15 ~~Legislative Research Unit~~ shall each consist of 12 members of
16 the General Assembly, of whom 3 shall be appointed by the
17 President of the Senate, 3 shall be appointed by the Minority
18 Leader of the Senate, 3 shall be appointed by the Speaker of
19 the House of Representatives, and 3 shall be appointed by the
20 Minority Leader of the House of Representatives. All
21 appointments shall be in writing and filed with the Secretary
22 of State as a public record.

23 Members shall serve a 2-year term, and must be appointed by
24 the Joint Committee during the month of January in each
25 odd-numbered year for terms beginning February 1. Any vacancy

1 in an Agency shall be filled by appointment for the balance of
2 the term in the same manner as the original appointment. A
3 vacancy shall exist when a member no longer holds the elected
4 legislative office held at the time of the appointment or at
5 the termination of the member's legislative service.

6 During the month of February of each odd-numbered year, the
7 Joint Committee on Legislative Support Services shall select
8 from the members of the Board of each Agency 2 co-chairpersons
9 and such other officers as the Joint Committee deems necessary.
10 The co-chairpersons of each Board shall serve for a 2-year
11 term, beginning February 1 of the odd-numbered year, and the 2
12 co-chairpersons shall not be members of or identified with the
13 same house or the same political party.

14 Each Board shall meet twice annually or more often upon the
15 call of the chair or any 9 members. A quorum of the Board shall
16 consist of a majority of the appointed members.

17 (b) The Board of each of the following legislative support
18 agencies shall consist of the Secretary and Assistant Secretary
19 of the Senate and the Clerk and Assistant Clerk of the House of
20 Representatives: the Legislative Information System, the
21 Legislative Printing Unit, the Legislative Reference Bureau,
22 and the Office of the Architect of the Capitol. The
23 co-chairpersons of the Board of the Office of the Architect of
24 the Capitol shall be the Secretary of the Senate and the Clerk
25 of the House of Representatives, each ex officio.

26 The Chairperson of each of the other Boards shall be the

1 member who is affiliated with the same caucus as the then
2 serving Chairperson of the Joint Committee on Legislative
3 Support Services. Each Board shall meet twice annually or more
4 often upon the call of the chair or any 3 members. A quorum of
5 the Board shall consist of a majority of the appointed members.

6 When the Board of the Office of the Architect of the
7 Capitol has cast a tied vote concerning the design,
8 implementation, or construction of a project within the
9 legislative complex, as defined in Section 8A-15, the Architect
10 of the Capitol may cast the tie-breaking vote.

11 (c) (Blank).

12 (d) Members of each Agency shall serve without
13 compensation, but shall be reimbursed for expenses incurred in
14 carrying out the duties of the Agency pursuant to rules and
15 regulations adopted by the Joint Committee on Legislative
16 Support Services.

17 (e) Beginning February 1, 1985, and every 2 years
18 thereafter, the Joint Committee shall select an Executive
19 Director who shall be the chief executive officer and staff
20 director of each Agency. The Executive Director shall receive a
21 salary as fixed by the Joint Committee and shall be authorized
22 to employ and fix the compensation of necessary professional,
23 technical and secretarial staff and prescribe their duties,
24 sign contracts, and issue vouchers for the payment of
25 obligations pursuant to rules and regulations adopted by the
26 Joint Committee on Legislative Support Services. The Executive

1 Director and other employees of the Agency shall not be subject
2 to the Personnel Code.

3 The executive director of the Office of the Architect of
4 the Capitol shall be known as the Architect of the Capitol.

5 (Source: P.A. 98-692, eff. 7-1-14.)

6 (25 ILCS 130/4-1) (from Ch. 63, par. 1004-1)

7 Sec. 4-1. For purposes of the Successor Agency Act and
8 Section 9b of the State Finance Act, the Legislative Research
9 Unit is the successor to the Illinois Commission on
10 Intergovernmental Cooperation. The Legislative Research Unit
11 succeeds to and assumes all powers, duties, rights,
12 responsibilities, personnel, assets, liabilities, and
13 indebtedness of the Illinois Commission on Intergovernmental
14 Cooperation. Any reference in any law, rule, form, or other
15 document to the Illinois Commission on Intergovernmental
16 Cooperation is deemed to be a reference to the Legislative
17 Research Unit.

18 For purposes of the Successor Agency Act and Section 9b of
19 the State Finance Act, on and after the effective date of this
20 amendatory Act of the 100th General Assembly, the Commission on
21 Government Forecasting and Accountability is the successor to
22 the Legislative Research Unit. The Commission on Government
23 Forecasting and Accountability succeeds to and assumes all
24 powers, duties, rights, responsibilities, personnel, assets,
25 liabilities, and indebtedness of the Legislative Research Unit

1 with respect to the provisions of this Article 4.

2 (Source: P.A. 93-632, eff. 2-1-04.)

3 (25 ILCS 130/4-2) (from Ch. 63, par. 1004-2)

4 Sec. 4-2. Intergovernmental functions. It shall be the
5 function of the Commission on Government Forecasting and
6 Accountability ~~Legislative Research Unit~~:

7 (1) To carry forward the participation of this State as
8 a member of the Council of State Governments.

9 (2) To encourage and assist the legislative,
10 executive, administrative and judicial officials and
11 employees of this State to develop and maintain friendly
12 contact by correspondence, by conference, and otherwise,
13 with officials and employees of the other States, of the
14 Federal Government, and of local units of government.

15 (3) To endeavor to advance cooperation between this
16 State and other units of government whenever it seems
17 advisable to do so by formulating proposals for, and by
18 facilitating:

19 (a) The adoption of compacts.

20 (b) The enactment of uniform or reciprocal
21 statutes.

22 (c) The adoption of uniform or reciprocal
23 administrative rules and regulations.

24 (d) The informal cooperation of governmental
25 offices with one another.

1 (e) The personal cooperation of governmental
2 officials and employees with one another individually.

3 (f) The interchange and clearance of research and
4 information.

5 (g) Any other suitable process, and

6 (h) To do all such acts as will enable this State
7 to do its part in forming a more perfect union among
8 the various governments in the United States and in
9 developing the Council of State Governments for that
10 purpose.

11 (Source: P.A. 93-632, eff. 2-1-04.)

12 (25 ILCS 130/4-2.1)

13 Sec. 4-2.1. Federal program functions. The Commission on
14 Government Forecasting and Accountability ~~Legislative Research~~
15 ~~Unit~~ is established as the information center for the General
16 Assembly in the field of federal-state relations and as State
17 Central Information Reception Agency for the purpose of
18 receiving information from federal agencies under the United
19 States Office of Management and Budget circular A-98 and the
20 United States Department of the Treasury Circular TC-1082 or
21 any successor circulars promulgated under authority of the
22 United States Inter-governmental Cooperation Act of 1968. Its
23 powers and duties in this capacity include, but are not limited
24 to:

25 (a) Compiling and maintaining current information on

1 available and pending federal aid programs for the use of
2 the General Assembly and legislative agencies;

3 (b) Analyzing the relationship of federal aid programs
4 with state and locally financed programs, and assessing the
5 impact of federal aid programs on the State generally;

6 (c) Reporting annually to the General Assembly on the
7 adequacy of programs financed by federal aid in the State,
8 the types and nature of federal aid programs in which State
9 agencies or local governments did not participate, and to
10 make recommendations on such matters;

11 (d) Cooperating with the Governor's Office of
12 Management and Budget and with any State of Illinois
13 offices located in Washington, D.C., in obtaining
14 information concerning federal grant-in-aid legislation
15 and proposals having an impact on the State of Illinois;

16 (e) Cooperating with the Governor's Office of
17 Management and Budget in developing forms and identifying
18 number systems for the documentation of applications,
19 awards, receipts and expenditures of federal funds by State
20 agencies;

21 (f) Receiving from every State agency, other than State
22 colleges and universities, agencies of legislative and
23 judicial branches of State government, and elected State
24 executive officers not including the Governor, all
25 applications for federal grants, contracts and agreements
26 and notification of any awards of federal funds and any and

1 all changes in the programs, in awards, in program
2 duration, in schedule of fund receipts, and in estimated
3 costs to the State of maintaining the program if and when
4 federal assistance is terminated, or in direct and indirect
5 costs, of any grant under which they are or expect to be
6 receiving federal funds;

7 (g) Forwarding to the Governor's Office of Management
8 and Budget all documents received under paragraph (f) after
9 assigning an appropriate, State application identifier
10 number to all applications; and

11 (h) Reporting such information as is received under
12 subparagraph (f) to the President and Minority Leader of
13 the Senate and the Speaker and Minority Leader of the House
14 of Representatives and their respective appropriation
15 staffs and to any member of the General Assembly on a
16 monthly basis at the request of the member.

17 The State colleges and universities, the agencies of the
18 legislative and judicial branches of State government, and the
19 elected State executive officers, not including the Governor,
20 shall submit to the Commission on Government Forecasting and
21 Accountability ~~Legislative Research Unit~~, in a manner
22 prescribed by the Commission on Government Forecasting and
23 Accountability ~~Legislative Research Unit~~, summaries of
24 applications for federal funds filed and grants of federal
25 funds awarded.

26 (Source: P.A. 93-632, eff. 2-1-04.)

1 (25 ILCS 130/4-3) (from Ch. 63, par. 1004-3)

2 Sec. 4-3. The Commission on Government Forecasting and
3 Accountability ~~Legislative Research Unit~~ shall establish such
4 committees as it deems advisable, in order that they may confer
5 and formulate proposals concerning effective means to secure
6 intergovernmental harmony, and may perform other functions for
7 the Commission ~~Unit~~ in obedience to its decision. Subject to
8 the approval of the Commission ~~Unit~~, the member or members of
9 each such committee shall be appointed by the co-chairmen of
10 the Commission ~~Unit~~. State officials or employees who are not
11 members of the Commission ~~Unit~~ may be appointed as members of
12 any such committee, but private citizens holding no
13 governmental position in this State shall not be eligible. The
14 Commission ~~Unit~~ may provide such other rules as it considers
15 appropriate concerning the membership and the functioning of
16 any such committee. The Commission ~~Unit~~ may provide for
17 advisory boards for itself and for its various committees, and
18 may authorize private citizens to serve on such boards.

19 (Source: P.A. 93-632, eff. 2-1-04.)

20 (25 ILCS 130/4-4) (from Ch. 63, par. 1004-4)

21 Sec. 4-4. The General Assembly finds that the most
22 efficient and productive use of federal block grant funds can
23 be achieved through the coordinated efforts of the Legislature,
24 the Executive, State and local agencies and private citizens.

1 Such coordination is possible through the creation of an
2 Advisory Committee on Block Grants empowered to review, analyze
3 and make recommendations through the Commission on Government
4 Forecasting and Accountability ~~Legislative Research Unit~~ to
5 the General Assembly and the Governor on the use of federally
6 funded block grants.

7 The Commission on Government Forecasting and
8 Accountability ~~Legislative Research Unit~~ shall establish an
9 Advisory Committee on Block Grants. The primary purpose of the
10 Advisory Committee shall be the oversight of the distribution
11 and use of federal block grant funds.

12 The Advisory Committee shall consist of 4 public members
13 appointed by the Joint Committee on Legislative Support
14 Services and the members of the Commission on Government
15 Forecasting and Accountability ~~Legislative Research Unit~~. A
16 chairperson shall be chosen by the members of the Advisory
17 Committee.

18 (Source: P.A. 93-632, eff. 2-1-04.)

19 (25 ILCS 130/4-7) (from Ch. 63, par. 1004-7)

20 Sec. 4-7. The Commission on Government Forecasting and
21 Accountability ~~Legislative Research Unit~~ shall report to the
22 Governor and to the Legislature within 15 days after the
23 convening of each General Assembly, and at such other time as
24 it deems appropriate. The members of all committees which it
25 establishes shall serve without compensation for such service,

1 but they shall be paid their necessary expenses in carrying out
2 their obligations under this Act. The Commission ~~Unit~~ may by
3 contributions to the Council of State Governments, participate
4 with other states in maintaining the said Council's district
5 and central secretariats, and its other governmental services.

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

14 (Source: P.A. 93-632, eff. 2-1-04.)

15 (25 ILCS 130/4-9) (from Ch. 63, par. 1004-9)

16 Sec. 4-9. Intergovernmental Cooperation Conference Fund.

17 (a) There is hereby created the Intergovernmental
18 Cooperation Conference Fund, hereinafter called the "Fund".
19 The Fund shall be outside the State treasury, but the State
20 Treasurer shall act as ex-officio custodian of the Fund.

21 (b) The Commission on Government Forecasting and
22 Accountability ~~Legislative Research Unit~~ may charge and
23 collect fees from participants at conferences held in
24 connection with the Commission's ~~Unit's~~ exercise of its powers
25 and duties. The fees shall be charged in an amount calculated

1 to cover the cost of the conferences and shall be deposited in
2 the Fund.

3 (c) Monies in the Fund shall be used to pay the costs of
4 the conferences. As soon as may be practicable after the close
5 of business on June 30 of each year, the Commission ~~Unit~~ shall
6 notify the Comptroller of the amount remaining in the Fund
7 which is not necessary to pay the expenses of conferences held
8 during the expiring fiscal year. Such amount shall be
9 transferred by the Comptroller and the Treasurer from the Fund
10 to the General Revenue Fund. If, during any fiscal year, the
11 monies in the Fund are insufficient to pay the costs of
12 conferences held during that fiscal year, the difference shall
13 be paid from other monies which may be available to the
14 Commission.

15 (Source: P.A. 93-632, eff. 2-1-04.)

16 (25 ILCS 130/10-1) (from Ch. 63, par. 1010-1)

17 Sec. 10-1. The Legislative Research Unit is hereby
18 established as a legislative support services agency until the
19 effective date of this amendatory Act of the 100th General
20 Assembly. The Legislative Research Unit is subject to the
21 provisions of this Act, and shall exercise the powers and
22 duties delegated to it herein and such other functions as may
23 be provided by law.

24 For purposes of the Successor Agency Act and Section 9b of
25 the State Finance Act, on and after the effective date of this

1 amendatory Act of the 100th General Assembly, the Commission on
2 Government Forecasting and Accountability is the successor to
3 the Legislative Research Unit. The Commission on Government
4 Forecasting and Accountability succeeds to and assumes all
5 powers, duties, rights, responsibilities, personnel, assets,
6 liabilities, and indebtedness of the Legislative Research Unit
7 with respect to the provisions of this Article 10.

8 (Source: P.A. 83-1257.)

9 (25 ILCS 130/10-2) (from Ch. 63, par. 1010-2)

10 Sec. 10-2. The Commission on Government Forecasting and
11 Accountability ~~Legislative Research Unit~~ shall collect
12 information concerning the government and general welfare of
13 the State, examine the effects of constitutional provisions and
14 previously enacted statutes, consider important issues of
15 public policy and questions of state-wide interest, and perform
16 research and provide information as may be requested by the
17 members of the General Assembly or as the Joint Committee on
18 Legislative Support Services considers necessary or desirable.

19 The Commission on Government Forecasting and
20 Accountability ~~Legislative Research Unit~~ shall maintain an
21 up-to-date computerized record of the information required to
22 be reported to it by Section 1 of "An Act concerning State
23 boards and commissions and amending a named Act", enacted by
24 the 86th General Assembly, which information shall be a public
25 record under The Freedom of Information Act. The Commission on

1 Government Forecasting and Accountability ~~Legislative Research~~
2 ~~Unit~~ may prescribe forms for making initial reports and reports
3 of change under that Section, and may request information to
4 verify compliance with that Section.

5 (Source: P.A. 86-591.)

6 (25 ILCS 130/10-3) (from Ch. 63, par. 1010-3)

7 Sec. 10-3. The Commission on Government Forecasting and
8 Accountability ~~Legislative Research Unit~~ may administer a
9 legislative staff internship program in cooperation with a
10 university in the State designated by the Commission on
11 Government Forecasting and Accountability ~~Legislative Research~~
12 ~~Unit~~.

13 (Source: P.A. 93-632, eff. 2-1-04.)

14 (25 ILCS 130/10-4) (from Ch. 63, par. 1010-4)

15 Sec. 10-4. The Commission on Government Forecasting and
16 Accountability ~~Legislative Research Unit~~, upon the
17 recommendation of the sponsoring committee, shall recruit,
18 select, appoint, fix the stipends of, and assign interns to
19 appropriate officers and agencies of the General Assembly for
20 the pursuit of education, study or research. Such persons shall
21 be appointed for internships not to exceed 12 months.

22 (Source: P.A. 83-1257.)

23 (25 ILCS 130/10-5) (from Ch. 63, par. 1010-5)

1 Sec. 10-5. The Commission on Government Forecasting and
2 Accountability ~~Legislative Research Unit~~ may accept monetary
3 gifts or grants from a charitable foundation or from a
4 professional association or from other reputable sources for
5 the operation of a legislative staff internship program. Such
6 gifts and grants may be held in trust by the Commission on
7 Government Forecasting and Accountability ~~Legislative Research~~
8 ~~Unit~~ and expended for operating the program. Expenses of
9 operating the program may also be paid out of funds
10 appropriated to the Commission on Government Forecasting and
11 Accountability ~~Legislative Research Unit~~ or to the General
12 Assembly, its officers, committees or agencies.

13 (Source: P.A. 83-1257.)

14 (25 ILCS 130/10-6) (from Ch. 63, par. 1010-6)

15 Sec. 10-6. Each quarter of the calendar year the Commission
16 on Government Forecasting and Accountability ~~Legislative~~
17 ~~Research Unit~~ shall prepare and provide to each member of the
18 General Assembly abstracts and indexes of reports filed with it
19 as reports to the General Assembly. With such abstracts and
20 indexes the Commission on Government Forecasting and
21 Accountability ~~Legislative Research Unit~~ shall include a
22 convenient form by which each member of the General Assembly
23 may request, from the State Government Report Distribution
24 Center in the State Library, copies of such reports as the
25 member may wish to receive. For the purpose of receiving

1 reports filed under this Section the Commission on Government
2 Forecasting and Accountability ~~Legislative Research Unit~~ shall
3 succeed to the powers and duties formerly exercised by the
4 Legislative Council.

5 (Source: P.A. 93-632, eff. 2-1-04.)

6 Section 105. The Legislative Reference Bureau Act is
7 amended by changing Section 5.02 as follows:

8 (25 ILCS 135/5.02) (from Ch. 63, par. 29.2)

9 Sec. 5.02. Legislative Synopsis and Digest.

10 (a) The Legislative Reference Bureau shall collect,
11 catalogue, classify, index, completely digest, topically
12 index, and summarize all bills, resolutions, and orders
13 introduced in each branch of the General Assembly, as well as
14 related amendments, conference committee reports, and veto
15 messages, as soon as practicable after they have been printed
16 or otherwise published.

17 (b) The Digest shall be published online each week during
18 the regular and special sessions of the General Assembly when
19 practical. Cumulative editions of the Digest shall be published
20 online and in printed form after the first year, and after
21 adjournment sine die, of each General Assembly.

22 (c) The Legislative Reference Bureau shall furnish the
23 printed cumulative edition of the Digest, without cost, as
24 follows: 2 copies of the Digest to each member of the General

1 Assembly, 1 copy to each elected State officer in the executive
2 department, 40 copies to the Chief Clerk of the House of
3 Representatives and 30 copies to the Secretary of the Senate
4 for the use of the committee clerks and employees of the
5 respective offices, 15 copies to the Commission on Government
6 Forecasting and Accountability ~~Legislative Research Unit~~, and
7 the number of copies requested in writing by the President of
8 the Senate, the Speaker of the House, the Minority Leader of
9 the Senate, and the Minority Leader of the House.

10 (d) The Legislative Reference Bureau shall also furnish to
11 each county clerk, without cost, one copy of the printed
12 cumulative edition of the Digest for each 100,000 inhabitants
13 or fraction thereof in his or her county according to the last
14 preceding federal decennial census.

15 (d-5) Any person to whom a set number of copies of the
16 printed cumulative edition is to be provided under subsection
17 (c) or (d) may receive a lesser number of copies upon request.

18 (e) Upon receipt of an application from any other person,
19 signed by the applicant and accompanied by the payment of a fee
20 of \$55, the Legislative Reference Bureau shall furnish to the
21 applicant a copy of the printed cumulative edition of the
22 Digest for the calendar year issued after receipt of the
23 application.

24 (f) For the calendar year beginning January 1, 2018, and
25 each calendar year thereafter, any person who receives one or
26 more copies of the printed cumulative edition under subsection

1 (c), (d), or (e) may, upon request, receive a set of the
2 printed interim editions for that year. Requests for printed
3 interim editions must be received before January 1 of the year
4 to which the request applies.

5 (Source: P.A. 100-239, eff. 8-18-17.)

6 Section 110. The Legislative Information System Act is
7 amended by changing Sections 5.05, 5.07, and 8 as follows:

8 (25 ILCS 145/5.05) (from Ch. 63, par. 42.15-5)

9 Sec. 5.05. To provide such technical services, computer
10 time, programming and systems, input-output devices and all
11 necessary, related equipment, supplies and services as are
12 required for data processing applications by the Legislative
13 Reference Bureau, the Commission on Government Forecasting and
14 Accountability ~~Legislative Research Unit~~, the Clerk of the
15 House of Representatives and the Secretary of the Senate in
16 performing their respective duties for the General Assembly.

17 (Source: P.A. 84-1438.)

18 (25 ILCS 145/5.07) (from Ch. 63, par. 42.15-7)

19 Sec. 5.07. To make a biennial report to the General
20 Assembly, by April 1 of each odd-numbered year, summarizing its
21 accomplishments in the preceding 2 years and its
22 recommendations, including any proposed legislation it
23 considers necessary or desirable to effectuate the purposes of

1 this Act.

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

13 (Source: P.A. 93-632, eff. 2-1-04.)

14 (25 ILCS 145/8) (from Ch. 63, par. 42.18)

15 Sec. 8. The System may utilize the services of an advisory
16 committee for conceptualization, design and implementation of
17 applications considered or adopted by the System. The advisory
18 committee shall be comprised of (a) 8 legislative staff
19 assistants, 2 to be appointed by the Speaker of the House of
20 Representatives, 2 by the Minority Leader thereof, 2 by the
21 President of the Senate and 2 by the Minority Leader thereof,
22 but at least one of the appointments by each legislative leader
23 must be from the staff of legislative appropriation committees;
24 (b) one professional staff member from the Legislative
25 Reference Bureau, appointed by the Executive Director thereof;

1 and one from the Commission on Government Forecasting and
2 Accountability ~~Legislative Research Unit~~, appointed by the
3 Executive Director thereof; and (c) the Executive Director of
4 the Legislative Information System, who shall serve as
5 temporary chairman of the advisory committee until a permanent
6 chairman is chosen from among its members. Members of the
7 advisory committee shall have no vote on the Joint Committee.

8 (Source: P.A. 93-632, eff. 2-1-04.)

9 Section 115. The Legislative Audit Commission Act is
10 amended by changing Section 3 as follows:

11 (25 ILCS 150/3) (from Ch. 63, par. 106)

12 Sec. 3. The Commission shall receive the reports of the
13 Auditor General and other financial statements and shall
14 determine what remedial measures, if any, are needed, and
15 whether special studies and investigations are necessary. If
16 the Commission shall deem such studies and investigations to be
17 necessary, the Commission may direct the Auditor General to
18 undertake such studies or investigations.

19 When a disagreement between the Audit Commission and an
20 agency under the Governor's jurisdiction arises in the process
21 of the Audit Commission's review of audit reports relating to
22 such agency, the Audit Commission shall promptly advise the
23 Governor of such areas of disagreement. The Governor shall
24 respond to the Audit Commission within a reasonable period of

1 time, and in no event later than 60 days, expressing his views
2 concerning such areas of disagreement and indicating the
3 corrective action taken by his office with reference thereto
4 or, if no action is taken, indicating the reasons therefor.

5 The Audit Commission also promptly shall advise all other
6 responsible officials of the Executive, Judicial and
7 Legislative branches of the State government of areas of
8 disagreement arising in the process of the Commission's review
9 of their respective audit reports. With reference to his
10 particular office, each such responsible official shall
11 respond to the Audit Commission within a reasonable period of
12 time, and in no event later than 60 days, expressing his view
13 concerning such areas of disagreement and indicating the
14 corrective action taken with reference thereto or stating the
15 reasons that no action has been taken.

16 The Commission shall report its activities to the General
17 Assembly including such remedial measures as it deems to be
18 necessary. The report of the Commission shall be made to the
19 General Assembly not less often than annually and not later
20 than March 1 in each year.

21 The requirement for reporting to the General Assembly shall
22 be satisfied by filing copies of the report with the Speaker,
23 the Minority Leader and the Clerk of the House of
24 Representatives and the President, the Minority Leader and the
25 Secretary of the Senate and the Commission on Government
26 Forecasting and Accountability ~~Legislative Research Unit~~, as

1 required by Section 3.1 of the General Assembly Organization
2 Act ~~"An Act to revise the law in relation to the General~~
3 ~~Assembly", approved February 25, 1874, as amended,~~ and filing
4 such additional copies with the State Government Report
5 Distribution Center for the General Assembly as is required
6 under paragraph (t) of Section 7 of the State Library Act.

7 In addition, the Commission has the powers and duties
8 provided for in the "Illinois State Auditing Act", enacted by
9 the 78th General Assembly, and, if the provisions of that Act
10 are conflict with those of this Act, that Act prevails.

11 (Source: P.A. 84-1438.)

12 Section 120. The Commission on Government Forecasting and
13 Accountability Act is amended by changing Sections 3 and 4 and
14 by adding Section 7 as follows:

15 (25 ILCS 155/3) (from Ch. 63, par. 343)

16 Sec. 3. The Commission shall:

17 (1) Study from time to time and report to the General
18 Assembly on economic development and trends in the State.

19 (2) Make such special economic and fiscal studies as it
20 deems appropriate or desirable or as the General Assembly
21 may request.

22 (3) Based on its studies, recommend such State fiscal
23 and economic policies as it deems appropriate or desirable
24 to improve the functioning of State government and the

1 economy of the various regions within the State.

2 (4) Prepare annually a State economic report.

3 (5) Provide information for all appropriate
4 legislative organizations and personnel on economic trends
5 in relation to long range planning and budgeting.

6 (6) Study and make such recommendations as it deems
7 appropriate to the General Assembly on local and regional
8 economic and fiscal policy and on federal fiscal policy as
9 it may affect Illinois.

10 (7) Review capital expenditures, appropriations and
11 authorizations for both the State's general obligation and
12 revenue bonding authorities. At the direction of the
13 Commission, specific reviews may include economic
14 feasibility reviews of existing or proposed revenue bond
15 projects to determine the accuracy of the original estimate
16 of useful life of the projects, maintenance requirements
17 and ability to meet debt service requirements through their
18 operating expenses.

19 (8) Receive and review all executive agency and revenue
20 bonding authority annual and 3 year plans. The Commission
21 shall prepare a consolidated review of these plans, an
22 updated assessment of current State agency capital plans, a
23 report on the outstanding and unissued bond
24 authorizations, an evaluation of the State's ability to
25 market further bond issues and shall submit them as the
26 "Legislative Capital Plan Analysis" to the House and Senate

1 Appropriations Committees at least once a year. The
2 Commission shall annually submit to the General Assembly on
3 the first Wednesday of April a report on the State's
4 long-term capital needs, with particular emphasis upon and
5 detail of the 5-year period in the immediate future.

6 (9) Study and make recommendations it deems
7 appropriate to the General Assembly on State bond
8 financing, bondability guidelines, and debt management. At
9 the direction of the Commission, specific studies and
10 reviews may take into consideration short and long-run
11 implications of State bonding and debt management policy.

12 (10) Comply with the provisions of the "State Debt
13 Impact Note Act" as now or hereafter amended.

14 (11) Comply with the provisions of the Pension Impact
15 Note Act, as now or hereafter amended.

16 (12) By August 1st of each year, the Commission must
17 prepare and cause to be published a summary report of State
18 appropriations for the State fiscal year beginning the
19 previous July 1st. The summary report must discuss major
20 categories of appropriations, the issues the General
21 Assembly faced in allocating appropriations, comparisons
22 with appropriations for previous State fiscal years, and
23 other matters helpful in providing the citizens of Illinois
24 with an overall understanding of appropriations for that
25 fiscal year. The summary report must be written in plain
26 language and designed for readability. Publication must be

1 in newspapers of general circulation in the various areas
2 of the State to ensure distribution statewide. The summary
3 report must also be published on the General Assembly's web
4 site.

5 (13) Comply with the provisions of the State Facilities
6 Closure Act.

7 (14) For fiscal year 2012 and thereafter, develop a
8 3-year budget forecast for the State, including
9 opportunities and threats concerning anticipated revenues
10 and expenditures, with an appropriate level of detail.

11 (15) Perform the powers, duties, rights, and
12 responsibilities of the Legislative Research Unit as
13 transferred to the Commission under Section 7.

14 The requirement for reporting to the General Assembly shall
15 be satisfied by filing copies of the report with the Speaker,
16 the Minority Leader and the Clerk of the House of
17 Representatives and the President, the Minority Leader and the
18 Secretary of the Senate and the Commission ~~Legislative Research~~
19 ~~Unit~~, as required by Section 3.1 of the General Assembly
20 Organization Act, and filing such additional copies with the
21 State Government Report Distribution Center for the General
22 Assembly as is required under paragraph (t) of Section 7 of the
23 State Library Act.

24 (Source: P.A. 96-958, eff. 7-1-10.)

25 (25 ILCS 155/4) (from Ch. 63, par. 344)

1 Sec. 4. (a) The Commission shall publish, at the convening
2 of each regular session of the General Assembly, a report on
3 the estimated income of the State from all applicable revenue
4 sources for the next ensuing fiscal year and of any other funds
5 estimated to be available for such fiscal year. The Commission,
6 in its discretion, may consult with the Governor's Office of
7 Management and Budget in preparing the report. On the third
8 Wednesday in March after the session convenes, the Commission
9 shall issue a revised and updated set of revenue figures
10 reflecting the latest available information. The House and
11 Senate by joint resolution shall adopt or modify such estimates
12 as may be appropriate. The joint resolution shall constitute
13 the General Assembly's estimate, under paragraph (b) of Section
14 2 of Article VIII of the Constitution, of the funds estimated
15 to be available during the next fiscal year.

16 (b) On the third Wednesday in March, the Commission shall
17 issue estimated:

18 (1) pension funding requirements under P.A. 86-273;

19 and

20 (2) liabilities of the State employee group health
21 insurance program.

22 These estimated costs shall be for the fiscal year
23 beginning the following July 1.

24 (c) The requirement for reporting to the General Assembly
25 shall be satisfied by filing copies of the report with the
26 Speaker, the Minority Leader and the Clerk of the House of

1 Representatives and the President, the Minority Leader and the
2 Secretary of the Senate and the Commission on Government
3 Forecasting and Accountability ~~Legislative Research unit~~, as
4 required by Section 3.1 of the General Assembly Organization
5 Act, and filing such additional copies with the State
6 Government Report Distribution Center for the General Assembly
7 as is required under paragraph (t) of Section 7 of the State
8 Library Act.

9 (Source: P.A. 96-958, eff. 7-1-10.)

10 (25 ILCS 155/7 new)

11 Sec. 7. Transfer of Legislative Research Unit functions. On
12 and after the effective date of this amendatory Act of the
13 100th General Assembly:

14 (a) All powers, duties, rights, and responsibilities of the
15 Legislative Research Unit are transferred to the Commission on
16 Government Forecasting and Accountability. Any reference in
17 any law, rule, form, or other document to the Legislative
18 Research Unit is deemed to be a reference to the Commission on
19 Government Forecasting and Accountability.

20 (b) All powers, duties, rights, and responsibilities of the
21 Executive Director of the Legislative Research Unit are
22 transferred to the Executive Director of the Commission on
23 Government Forecasting and Accountability. Any reference in
24 any law, appropriation, rule, form, or other document to the
25 Executive Director of the Legislative Research Unit is deemed

1 to be a reference to the Executive Director of the Commission
2 on Government Forecasting and Accountability for all purposes.

3 (c) All personnel of the Legislative Research Unit are
4 transferred to the Commission on Government Forecasting and
5 Accountability. The status and rights of the transferred
6 personnel under the Personnel Code, the Illinois Public Labor
7 Relations Act, and applicable collective bargaining agreements
8 or under any pension, retirement, or annuity plan shall not be
9 affected by this Section.

10 (d) All books, records, papers, documents, property (real
11 and personal), contracts, causes of action, and pending
12 business of the Legislative Research Unit shall be transferred
13 to the Commission on Government Forecasting and
14 Accountability.

15 (e) All unexpended appropriations and balances and other
16 funds available for use by the Legislative Research Unit shall
17 be transferred for use by the Commission on Government
18 Forecasting and Accountability. Unexpended balances so
19 transferred shall be expended only for the purpose for which
20 the appropriations were originally made.

21 (f) The powers, duties, rights, and responsibilities of the
22 Legislative Research Unit with respect to the personnel
23 transferred under this Section shall be vested in and shall be
24 exercised by the Commission on Government Forecasting and
25 Accountability.

26 (g) Whenever reports or notices are now required to be made

1 or given or papers or documents furnished or served by any
2 person to or upon the Legislative Research Unit, the same shall
3 be made, given, furnished, or served in the same manner to or
4 upon the Commission on Government Forecasting and
5 Accountability.

6 (h) Any rules of the Legislative Research Unit that are in
7 full force on the effective date of this amendatory Act of the
8 100th General Assembly shall become the rules of the Commission
9 on Government Forecasting and Accountability. This Section
10 does not affect the legality of any such rules in the Illinois
11 Administrative Code.

12 (i) Any proposed rules filed with the Secretary of State by
13 the Legislative Research Unit that are pending in the
14 rulemaking process on the effective date of this amendatory Act
15 of the 100th General Assembly, and that pertain to the powers,
16 duties, rights, and responsibilities transferred under this
17 Section, shall be deemed to have been filed by the Commission
18 on Government Forecasting and Accountability. As soon as
19 practicable, the Commission on Government Forecasting and
20 Accountability shall revise and clarify the rules transferred
21 to it under this Section using the procedures for
22 recodification of rules available under the Illinois
23 Administrative Procedure Act, except that existing title,
24 part, and section numbering for the affected rules may be
25 retained. The Commission on Government Forecasting and
26 Accountability may propose and adopt under the Illinois

1 Administrative Procedure Act such other rules of the
2 Legislative Research Unit that will now be administered by the
3 Commission on Government Forecasting and Accountability.

4 Section 125. The Illinois State Auditing Act is amended by
5 changing Section 3-15 as follows:

6 (30 ILCS 5/3-15) (from Ch. 15, par. 303-15)

7 Sec. 3-15. Reports of Auditor General. By March 1, each
8 year, the Auditor General shall submit to the Commission, the
9 General Assembly and the Governor an annual report summarizing
10 all audits, investigations and special studies made under this
11 Act during the last preceding calendar year.

12 Once each 3 months, the Auditor General shall submit to the
13 Commission a quarterly report concerning the operation of his
14 office, including relevant fiscal and personnel matters,
15 details of any contractual services utilized during that
16 period, a summary of audits and studies still in process and
17 such other information as the Commission requires.

18 The Auditor General shall prepare and distribute such other
19 reports as may be required by the Commission.

20 All post audits directed by resolution of the House or
21 Senate shall be reported to the members of the General
22 Assembly, unless the directing resolution specifies otherwise.

23 The requirement for reporting to the General Assembly shall
24 be satisfied by filing copies of the report with the Speaker,

1 the Minority Leader and the Clerk of the House of
2 Representatives and the President, the Minority Leader and the
3 Secretary of the Senate and the Commission on Government
4 Forecasting and Accountability ~~Legislative Research Unit~~, as
5 required by Section 3.1 of the General Assembly Organization
6 Act ~~"An Act to revise the law in relation to the General~~
7 ~~Assembly", approved February 25, 1874, as amended~~, and filing
8 such additional copies with the State Government Report
9 Distribution Center for the General Assembly as is required
10 under paragraph (t) of Section 7 of the State Library Act.

11 (Source: P.A. 84-1438.)

12 Section 130. The Intergovernmental Drug Laws Enforcement
13 Act is amended by changing Section 6 as follows:

14 (30 ILCS 715/6) (from Ch. 56 1/2, par. 1706)

15 Sec. 6. The Director shall report annually, no later than
16 February 1, to the Governor and the General Assembly on the
17 operations of the Metropolitan Enforcement Groups, including a
18 breakdown of the appropriation for the current fiscal year
19 indicating the amount of the State grant each MEG received or
20 will receive.

21 The requirement for reporting to the General Assembly shall
22 be satisfied by filing copies of the report with the Speaker,
23 the Minority Leader and the Clerk of the House of
24 Representatives and the President, the Minority Leader and the

1 Secretary of the Senate and the Commission on Government
2 Forecasting and Accountability ~~Legislative Research Unit~~, as
3 required by Section 3.1 of the General Assembly Organization
4 Act ~~"An Act to revise the law in relation to the General~~
5 ~~Assembly", approved February 25, 1874, as amended~~, and filing
6 such additional copies with the State Government Report
7 Distribution Center for the General Assembly as is required
8 under paragraph (t) of Section 7 of the State Library Act.

9 (Source: P.A. 84-1438.)

10 Section 135. The State Mandates Act is amended by changing
11 Sections 4 and 7 as follows:

12 (30 ILCS 805/4) (from Ch. 85, par. 2204)

13 Sec. 4. Collection and maintenance of information
14 concerning state mandates.

15 (a) The Department of Commerce and Economic Opportunity,
16 hereafter referred to as the Department, shall be responsible
17 for:

18 (1) Collecting and maintaining information on State
19 mandates, including information required for effective
20 implementation of the provisions of this Act.

21 (2) Reviewing local government applications for
22 reimbursement submitted under this Act in cases in which
23 the General Assembly has appropriated funds to reimburse
24 local governments for costs associated with the

1 implementation of a State mandate. In cases in which there
2 is no appropriation for reimbursement, upon a request for
3 determination of a mandate by a unit of local government,
4 or more than one unit of local government filing a single
5 request, other than a school district or a community
6 college district, the Department shall determine whether a
7 Public Act constitutes a mandate and, if so, the Statewide
8 cost of implementation.

9 (3) Hearing complaints or suggestions from local
10 governments and other affected organizations as to
11 existing or proposed State mandates.

12 (4) Reporting each year to the Governor and the General
13 Assembly regarding the administration of provisions of
14 this Act and changes proposed to this Act.

15 The Commission on Government Forecasting and
16 Accountability ~~Legislative Research Unit~~ shall conduct public
17 hearings as needed to review the information collected and the
18 recommendations made by the Department under this subsection
19 (a). The Department shall cooperate fully with the Commission
20 on Government Forecasting and Accountability ~~Legislative~~
21 ~~Research Unit~~, providing any information, supporting
22 documentation and other assistance required by the Commission
23 on Government Forecasting and Accountability ~~Legislative~~
24 ~~Research Unit~~ to facilitate the conduct of the hearing.

25 (b) Within 2 years following the effective date of this
26 Act, the Department shall collect and tabulate relevant

1 information as to the nature and scope of each existing State
2 mandate, including but not necessarily limited to (i) identity
3 of type of local government and local government agency or
4 official to whom the mandate is directed; (ii) whether or not
5 an identifiable local direct cost is necessitated by the
6 mandate and the estimated annual amount; (iii) extent of State
7 financial participation, if any, in meeting identifiable
8 costs; (iv) State agency, if any, charged with supervising the
9 implementation of the mandate; and (v) a brief description of
10 the mandate and a citation of its origin in statute or
11 regulation.

12 (c) The resulting information from subsection (b) shall be
13 published in a catalog available to members of the General
14 Assembly, State and local officials, and interested citizens.
15 As new mandates are enacted they shall be added to the catalog,
16 and each January 31 the Department shall list each new mandate
17 enacted at the preceding session of the General Assembly, and
18 the estimated additional identifiable direct costs, if any
19 imposed upon local governments. A revised version of the
20 catalog shall be published every 2 years beginning with the
21 publication date of the first catalog.

22 (d) Failure of the General Assembly to appropriate adequate
23 funds for reimbursement as required by this Act shall not
24 relieve the Department of Commerce and Economic Opportunity
25 from its obligations under this Section.

26 (Source: P.A. 93-632, eff. 2-1-04.)

1 (30 ILCS 805/7) (from Ch. 85, par. 2207)

2 Sec. 7. Review of existing mandates.

3 (a) Beginning with the 2019 catalog and every other year
4 thereafter, concurrently with, or within 3 months subsequent to
5 the publication of a catalog of State mandates as prescribed in
6 subsection (b) of Section 4, the Department shall submit to the
7 Governor and the General Assembly a review and report on
8 mandates enacted in the previous 2 years and remaining in
9 effect at the time of submittal of the report. The Department
10 may fulfill its responsibilities for compiling the report by
11 entering into a contract for service.

12 Beginning with the 2017 catalog and every 10 years
13 thereafter, concurrently with, or within 3 months subsequent to
14 the publication of a catalog of State mandates as prescribed in
15 subsection (b) of Section 4, the Department shall submit to the
16 Governor and the General Assembly a review and report on all
17 effective mandates at the time of submittal of the reports.

18 (b) The report shall include for each mandate the factual
19 information specified in subsection (b) of Section 4 for the
20 catalog. The report may also include the following: (1) extent
21 to which the enactment of the mandate was requested, supported,
22 encouraged or opposed by local governments or their respective
23 organization; (2) whether the mandate continues to meet a
24 Statewide policy objective or has achieved the initial policy
25 intent in whole or in part; (3) amendments if any are required

1 to make the mandate more effective; (4) whether the mandate
2 should be retained or rescinded; (5) whether State financial
3 participation in helping meet the identifiable increased local
4 costs arising from the mandate should be initiated, and if so,
5 recommended ratios and phasing-in schedules; (6) any other
6 information or recommendations which the Department considers
7 pertinent; (7) any comments about the mandate submitted by
8 affected units of government; and (8) a statewide cost of
9 compliance estimate.

10 (c) The appropriate committee of each house of the General
11 Assembly shall review the report and shall initiate such
12 legislation or other action as it deems necessary.

13 The requirement for reporting to the General Assembly shall
14 be satisfied by filing copies of the report with the Speaker,
15 the Minority Leader and the Clerk of the House of
16 Representatives and the President, the Minority Leader, the
17 Secretary of the Senate, the members of the committees required
18 to review the report under subsection (c) and the Commission on
19 Government Forecasting and Accountability ~~Legislative Research~~
20 ~~Unit~~, as required by Section 3.1 of the General Assembly
21 Organization Act, and filing such additional copies with the
22 State Government Report Distribution Center for the General
23 Assembly as is required under paragraph (t) of Section 7 of the
24 State Library Act.

25 (Source: P.A. 99-789, eff. 8-12-16; 100-201, eff. 8-18-17;
26 100-242, eff. 1-1-18.)

1 Section 140. The Property Tax Code is amended by changing
2 Section 16-190 as follows:

3 (35 ILCS 200/16-190)

4 Sec. 16-190. Record of proceedings and orders.

5 (a) The Property Tax Appeal Board shall keep a record of
6 its proceedings and orders and the record shall be a public
7 record. In all cases where the contesting party is seeking a
8 change of \$100,000 or more in assessed valuation, the
9 contesting party must provide a court reporter at his or her
10 own expense. The original certified transcript of such hearing
11 shall be forwarded to the Springfield office of the Property
12 Tax Appeal Board and shall become part of the Board's official
13 record of the proceeding on appeal. Each year the Property Tax
14 Appeal Board shall publish a volume containing a synopsis of
15 representative cases decided by the Board during that year. The
16 publication shall be organized by or cross-referenced by the
17 issue presented before the Board in each case contained in the
18 publication. The publication shall be available for inspection
19 by the public at the Property Tax Appeal Board offices and
20 copies shall be available for a reasonable cost, except as
21 provided in Section 16-191.

22 (b) The Property Tax Appeal Board shall provide annually,
23 no later than February 1, to the Governor and the General
24 Assembly a report that contains for each county the following:

1 (1) the total number of cases for commercial and
2 industrial property requesting a reduction in assessed
3 value of \$100,000 or more for each of the last 5 years;

4 (2) the total number of cases for commercial and
5 industrial property decided by the Property Tax Appeal
6 Board for each of the last 5 years; and

7 (3) the total change in assessed value based on the
8 Property Tax Appeal Board decisions for commercial
9 property and industrial property for each of the last 5
10 years.

11 (c) The requirement for providing a report to the General
12 Assembly shall be satisfied by filing copies of the report with
13 the following:

14 (1) the Speaker of the House of Representatives;

15 (2) the Minority Leader of the House of
16 Representatives;

17 (3) the Clerk of the House of Representatives;

18 (4) the President of the Senate;

19 (5) the Minority Leader of the Senate;

20 (6) the Secretary of the Senate;

21 (7) the Commission on Government Forecasting and
22 Accountability ~~Legislative Research Unit~~, as required by
23 Section 3.1 of the General Assembly Organization Act; and

24 (8) the State Government Report Distribution Center
25 for the General Assembly, as required by subsection (t) of
26 Section 7 of the State Library Act.

1 (Source: P.A. 95-331, eff. 8-21-07.)

2 Section 145. The Illinois Pension Code is amended by
3 changing Sections 1A-108, 5-226, 6-220, 21-120, and 22A-109 as
4 follows:

5 (40 ILCS 5/1A-108)

6 Sec. 1A-108. Report to the Governor and General Assembly.
7 On or before October 1 following the convening of a regular
8 session of the General Assembly, the Division shall submit a
9 report to the Governor and General Assembly setting forth the
10 latest financial statements on the pension funds operating in
11 the State of Illinois, a summary of the current provisions
12 underlying these funds, and a report on any changes that have
13 occurred in these provisions since the date of the last such
14 report submitted by the Division.

15 The report shall also include the results of examinations
16 made by the Division of any pension fund and any specific
17 recommendations for legislative and administrative correction
18 that the Division deems necessary. The report may embody
19 general recommendations concerning desirable changes in any
20 existing pension, annuity, or retirement laws designed to
21 standardize and establish uniformity in their basic provisions
22 and to bring about an improvement in the financial condition of
23 the pension funds. The purposes of these recommendations and
24 the objectives sought shall be clearly expressed in the report.

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

11 Upon request, the Division shall distribute additional
12 copies of the report at no charge to the secretary of each
13 pension fund established under Article 3 or 4, the treasurer or
14 fiscal officer of each municipality with an established police
15 or firefighter pension fund, the executive director of every
16 other pension fund established under this Code, and to public
17 libraries, State agencies, and police, firefighter, and
18 municipal organizations active in the public pension area.

19 (Source: P.A. 90-507, eff. 8-22-97.)

20 (40 ILCS 5/5-226) (from Ch. 108 1/2, par. 5-226)

21 Sec. 5-226. Examination and report by Director of
22 Insurance. The Director of Insurance biennially shall make a
23 thorough examination of the fund provided for in this Article.
24 He or she shall report the results thereof with such
25 recommendations as he or she deems proper to the Governor for

1 transmittal to the General Assembly, and send a copy to the
2 board and to the city council of the city. The city council
3 shall file such report and recommendations in the official
4 record of its proceedings.

5 The requirement for reporting to the General Assembly shall
6 be satisfied by filing copies of the report with the Speaker,
7 the Minority Leader and the Clerk of the House of
8 Representatives and the President, the Minority Leader and the
9 Secretary of the Senate and the Commission on Government
10 Forecasting and Accountability ~~Legislative Research Unit~~, as
11 required by Section 3.1 of the General Assembly Organization
12 Act ~~"An Act to revise the law in relation to the General~~
13 ~~Assembly", approved February 25, 1874, as amended~~, and filing
14 such additional copies with the State Government Report
15 Distribution Center for the General Assembly as is required
16 under paragraph (t) of Section 7 of the State Library Act.

17 (Source: P.A. 84-1438.)

18 (40 ILCS 5/6-220) (from Ch. 108 1/2, par. 6-220)

19 Sec. 6-220. Examination and report by director of
20 insurance. The Director of Insurance biennially shall make a
21 thorough examination of the fund provided for in this Article.
22 He or she shall report the results thereof with such
23 recommendations as he or she deems proper to the Governor for
24 transmittal to the General Assembly and send a copy to the
25 board and to the city council of the city. The city council

1 shall file such report and recommendations in the official
2 record of its proceedings.

3 The requirement for reporting to the General Assembly shall
4 be satisfied by filing copies of the report with the Speaker,
5 the Minority Leader and the Clerk of the House of
6 Representatives and the President, the Minority Leader and the
7 Secretary of the Senate and the Commission on Government
8 Forecasting and Accountability ~~Legislative Research Unit~~, as
9 required by Section 3.1 of the General Assembly Organization
10 Act ~~"An Act to revise the law in relation to the General~~
11 ~~Assembly", approved February 25, 1874, as amended,~~ and filing
12 such additional copies with the State Government Report
13 Distribution Center for the General Assembly as is required
14 under paragraph (t) of Section 7 of the State Library Act.

15 (Source: P.A. 84-1438.)

16 (40 ILCS 5/21-120) (from Ch. 108 1/2, par. 21-120)

17 Sec. 21-120. Report. The State Agency shall submit a report
18 to the General Assembly at the beginning of each Regular
19 Session, covering the administration and operation of this
20 Article during the preceding biennium, including such
21 recommendations for amendments to this Article as it considers
22 proper.

23 The requirement for reporting to the General Assembly shall
24 be satisfied by filing copies of the report with the Speaker,
25 the Minority Leader and the Clerk of the House of

1 Representatives and the President, the Minority Leader and the
2 Secretary of the Senate and the Commission on Government
3 Forecasting and Accountability ~~Legislative Research Unit~~, as
4 required by Section 3.1 of the General Assembly Organization
5 Act ~~"An Act to revise the law in relation to the General~~
6 ~~Assembly", approved February 25, 1974, as amended, and filing~~
7 such additional copies with the State Government Report
8 Distribution Center for the General Assembly as is required
9 under paragraph (t) of Section 7 of the State Library Act.

10 (Source: P.A. 84-1028.)

11 (40 ILCS 5/22A-109) (from Ch. 108 1/2, par. 22A-109)

12 Sec. 22A-109. Membership of board. The board shall consist
13 of the following members:

14 (1) Five trustees appointed by the Governor with the
15 advice and consent of the Senate who may not hold an
16 elective State office.

17 (2) The Treasurer.

18 (3) The Comptroller, who shall represent the State
19 Employees' Retirement System of Illinois.

20 (4) The Chairperson of the General Assembly Retirement
21 System.

22 (5) The Chairperson of the Judges Retirement System of
23 Illinois.

24 The appointive members shall serve for terms of 4 years except
25 that the terms of office of the original appointive members

1 pursuant to this amendatory Act of the 96th General Assembly
2 shall be as follows: One member for a term of 1 year; 1 member
3 for a term of 2 years; 1 member for a term of 3 years; and 2
4 members for a term of 4 years. Vacancies among the appointive
5 members shall be filled for unexpired terms by appointment in
6 like manner as for original appointments, and appointive
7 members shall continue in office until their successors have
8 been appointed and have qualified.

9 Notwithstanding any provision of this Section to the
10 contrary, the term of office of each trustee of the Board
11 appointed by the Governor who is sitting on the Board on the
12 effective date of this amendatory Act of the 96th General
13 Assembly is terminated on that effective date. A trustee
14 sitting on the board on the effective date of this amendatory
15 Act of the 96th General Assembly may not hold over in office
16 for more than 60 days after the effective date of this
17 amendatory Act of the 96th General Assembly. Nothing in this
18 Section shall prevent the Governor from making a temporary
19 appointment or nominating a trustee holding office on the day
20 before the effective date of this amendatory Act of the 96th
21 General Assembly.

22 Each person appointed to membership shall qualify by taking
23 an oath of office before the Secretary of State stating that he
24 will diligently and honestly administer the affairs of the
25 board and will not violate or knowingly permit the violation of
26 any provisions of this Article.

1 Members of the board shall receive no salary for service on
2 the board but shall be reimbursed for travel expenses incurred
3 while on business for the board according to the standards in
4 effect for members of the Commission on Government Forecasting
5 and Accountability ~~Illinois Legislative Research Unit~~.

6 A majority of the members of the board shall constitute a
7 quorum. The board shall elect from its membership, biennially,
8 a Chairman, Vice Chairman and a Recording Secretary. These
9 officers, together with one other member elected by the board,
10 shall constitute the executive committee. During the interim
11 between regular meetings of the board, the executive committee
12 shall have authority to conduct all business of the board and
13 shall report such business conducted at the next following
14 meeting of the board for ratification.

15 No member of the board shall have any interest in any
16 brokerage fee, commission or other profit or gain arising out
17 of any investment made by the board. This paragraph does not
18 preclude ownership by any member of any minority interest in
19 any common stock or any corporate obligation in which
20 investment is made by the board.

21 The board shall contract for a blanket fidelity bond in the
22 penal sum of not less than \$1,000,000.00 to cover members of
23 the board, the director and all other employees of the board
24 conditioned for the faithful performance of the duties of their
25 respective offices, the premium on which shall be paid by the
26 board.

1 (Source: P.A. 99-708, eff. 7-29-16.)

2 Section 150. The Midwestern Higher Education Compact Act is
3 amended by changing Section 2a as follows:

4 (45 ILCS 155/2a) (from Ch. 144, par. 2803)

5 Sec. 2a. The Commission on Government Forecasting and
6 Accountability ~~Legislative Research Unit~~ in order to ensure the
7 purposes of this Act as determined by Section 1, shall in
8 January of 1993 and each January thereafter report to the
9 Governor and General Assembly. This report shall contain a
10 program evaluation and recommendations as to the advisability
11 of the continued participation of Illinois in the Midwestern
12 Higher Education Compact.

13 (Source: P.A. 93-632, eff. 2-1-04.)

14 Section 155. The Illinois Fire Protection Training Act is
15 amended by changing Section 13 as follows:

16 (50 ILCS 740/13) (from Ch. 85, par. 543)

17 Sec. 13. Additional powers and Duties. In addition to the
18 other powers and duties given to the Office by this Act, the
19 Office:

20 (1) may employ a Director of Personnel Standards and
21 Education and other necessary clerical and technical
22 personnel;

1 (2) may make such reports and recommendations to the
2 Governor and the General Assembly in regard to fire protection
3 personnel, standards, education, and related topics as it deems
4 proper;

5 (3) shall report to the Governor and the General Assembly
6 no later than March 1 of each year the affairs and activities
7 of the Office for the preceding year.

8 The requirement for reporting to the General Assembly shall
9 be satisfied by filing copies of the report with the Speaker,
10 the Minority Leader and the Clerk of the House of
11 Representatives and the President, the Minority Leader and the
12 Secretary of the Senate and the Commission on Government
13 Forecasting and Accountability ~~Legislative Research Unit~~, as
14 required by Section 3.1 of the General Assembly Organization
15 Act ~~"An Act to revise the law in relation to the General~~
16 ~~Assembly", approved February 25, 1974, as amended,~~ and filing
17 such additional copies with the State Government Report
18 Distribution Center for the General Assembly as is required
19 under paragraph (t) of Section 7 of the State Library Act.

20 (Source: P.A. 84-1438.)

21 Section 160. The Illinois Municipal Code is amended by
22 changing Section 11-4-5 as follows:

23 (65 ILCS 5/11-4-5) (from Ch. 24, par. 11-4-5)

24 Sec. 11-4-5. The books of the house of correction shall be

1 kept so as to clearly exhibit the state of the prisoners, the
2 number received and discharged, the number employed as servants
3 or in cultivating or improving the premises, the number
4 employed in each branch of industry carried on, and the
5 receipts from, and expenditures for, and on account of, each
6 department of business, or for improvement of the premises. A
7 quarterly statement shall be made out, which shall specify
8 minutely, all receipts and expenditures, from whom received and
9 to whom paid, and for what purpose, proper vouchers for each,
10 to be audited and certified by the inspectors, and submitted to
11 the comptroller of the city, and by him or her, to the
12 corporate authorities thereof, for examination and approval.
13 The accounts of the house of correction shall be annually
14 closed and balanced on the first day of January of each year,
15 and a full report of the operations of the preceding year shall
16 be made out and submitted to the corporate authorities of the
17 city, and to the Governor of the state, to be transmitted by
18 the Governor to the General Assembly.

19 The requirement for reporting to the General Assembly shall
20 be satisfied by filing copies of the report with the Speaker,
21 the Minority Leader and the Clerk of the House of
22 Representatives and the President, the Minority Leader and the
23 Secretary of the Senate and the Commission on Government
24 Forecasting and Accountability ~~Legislative Research Unit~~, as
25 required by Section 3.1 of the General Assembly Organization
26 Act ~~"An Act to revise the law in relation to the General~~

1 ~~Assembly", approved February 25, 1874, as amended,~~ and filing
2 such additional copies with the State Government Report
3 Distribution Center for the General Assembly as is required
4 under paragraph (t) of Section 7 of the State Library Act.

5 (Source: P.A. 84-1438.)

6 Section 165. The Interstate Airport Authorities Act is
7 amended by changing Section 2 as follows:

8 (70 ILCS 10/2) (from Ch. 15 1/2, par. 252)

9 Sec. 2. (a) Governmental units in each of the party states
10 are hereby authorized to combine in the creation of an airport
11 authority for the purpose of jointly supporting and operating
12 an airport terminal and all properties attached thereto. The
13 number of such governmental units are not limited as to
14 character or size except that membership shall be composed of
15 an equal number of members from each party state, designated or
16 appointed by the legislative body of the participating
17 governmental unit: Provided, That the federal government may be
18 represented by a non-voting agent or representative if
19 authorized by federal law.

20 (b) The authorized airport authority shall come into being
21 upon the passage of resolutions or ordinances containing
22 identical agreement duly and legally enacted by the legislative
23 bodies of the governmental units to be combined into the
24 airport authority. If passage is by resolution, it may be joint

1 or several, however, the resolution, ordinance or enabling
2 legislation of the combining governmental units shall provide
3 for the number of members, the residence requirements of the
4 members, the length of term of the members and shall authorize
5 the appointment of an additional member to be made by the
6 governor of each party state. If the member appointed by the
7 governor shall be selected from the membership or staff of the
8 Department of Aeronautics or its successor agency or
9 aeronautics commission of his state, there shall be no
10 limitation as to place of residence, and the length of tenure
11 of office shall be at the pleasure of the governor.

12 (c) The respective members of the airport authority, except
13 any member representing the federal government, shall each be
14 entitled to one vote. Any action of the membership of the
15 airport authority shall not be official unless taken at a
16 meeting in which a majority of the voting members from each
17 party state are present and unless a majority of those from
18 each state concur: Provided, That any action not binding for
19 such reason may be ratified within thirty days by the
20 concurrence of a majority of the members of each party state.
21 In the absence of any member, his vote may be cast by another
22 representative or member of his state if the representative
23 casting such vote shall have a written proxy in proper form as
24 may be required by the airport authority.

25 (d) The airport authority may sue and be sued, and shall
26 adopt an official seal.

1 (e) The airport authority shall have the power to appoint
2 and remove or discharge personnel as may be necessary for the
3 performance of the airport's functions irrespective of the
4 civil service, personnel or other merit system laws of either
5 of the party states.

6 (f) The airport authority shall elect annually, from its
7 membership, a chairman, a vice-chairman and a treasurer.

8 (g) The airport authority may establish and maintain or
9 participate in programs of employee benefits as may be
10 appropriate to afford employees of the airport authority terms
11 and conditions of employment similar to those enjoyed by the
12 employees of each of the party states.

13 (h) The airport authority may borrow, accept, or contract
14 for the services of personnel from any state or the United
15 States or any subdivision or agency thereof, from any
16 interstate agency, or from any institution, person, firm or
17 corporation.

18 (i) The airport authority may accept for any of its
19 purposes and functions any and all donations and grants of
20 money, equipment, supplies, materials and services,
21 conditional or otherwise, from any state, from the United
22 States, from any subdivision or agency thereof, from any
23 interstate agency, or from any institution, person, firm or
24 corporation; and may receive, utilize and dispose of the same.

25 (j) The airport authority may establish and maintain such
26 facilities as may be necessary for the transaction of its

1 business. The airport authority may acquire, hold and convey
2 real and personal property and any interest therein, and may
3 enter into such contracts for the improvements upon real estate
4 appurtenant to the airport, including farming, extracting
5 minerals, subleasing, subdividing, promoting and developing of
6 such real estate as shall aid and encourage the development and
7 service of the airport. The airport authority may engage
8 contractors to provide airport services, and shall carefully
9 observe all appropriate federal or state regulations in the
10 operation of the air facility.

11 (k) The airport authority may adopt official rules and
12 regulations for the conduct of its business, and may amend or
13 rescind the same when necessary.

14 (l) The airport authority shall annually make a report to
15 the governor of each party state concerning the activities of
16 the airport authority for the preceding year; and shall embody
17 in such report recommendations as may have been adopted by the
18 airport authority. The copies of such report shall be submitted
19 to the legislature or general assembly of each of the party
20 states at any regular session of such legislative body. The
21 airport authority may issue such additional reports as may be
22 deemed necessary.

23 The requirement for reporting to the General Assembly shall
24 be satisfied by filing copies of the report with the Speaker,
25 the Minority Leader and the Clerk of the House of
26 Representatives and the President, the Minority Leader and the

1 Secretary of the Senate and the Commission on Government
2 Forecasting and Accountability ~~Legislative Research Unit~~, as
3 required by Section 3.1 of the General Assembly Organization
4 Act ~~"An Act to revise the law in relation to the General~~
5 ~~Assembly", approved February 25, 1874, as amended~~, and filing
6 such additional copies with the State Government Report
7 Distribution Center for the General Assembly as is required
8 under paragraph (t) of Section 7 of the State Library Act.

9 (Source: P.A. 84-1438.)

10 Section 166. The Central Illinois Economic Development
11 Authority Act is amended by changing Sections 10, 15, 25, and
12 35 and by adding Section 37 as follows:

13 (70 ILCS 504/10)

14 Sec. 10. Definitions. In this Act:

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

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

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

24 "Revenue bond" means any bond issued by the Authority, the

1 principal and interest of which is payable solely from revenues
2 or income derived from any project or activity of the
3 Authority.

4 "Board" means the Board of Directors of the Central
5 Illinois Economic Development Authority.

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

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

9 "Industrial project" means the following:

10 (1) a capital project, including one or more buildings
11 and other structures, improvements, machinery and
12 equipment whether or not on the same site or sites now
13 existing or hereafter acquired, suitable for use by any
14 manufacturing, industrial, research, transportation or
15 commercial enterprise including but not limited to use as a
16 factory, mill, processing plant, assembly plant, packaging
17 plant, fabricating plant, ethanol plant, office building,
18 industrial distribution center, warehouse, repair,
19 overhaul or service facility, freight terminal, research
20 facility, test facility, railroad facility, port facility,
21 solid waste and wastewater treatment and disposal sites and
22 other pollution control facilities, resource or waste
23 reduction, recovery, treatment and disposal facilities,
24 and including also the sites thereof and other rights in
25 land therefore whether improved or unimproved, site
26 preparation and landscaping and all appurtenances and

1 facilities incidental thereto such as utilities, access
2 roads, railroad sidings, truck docking and similar
3 facilities, parking facilities, dockage, wharfage,
4 railroad roadbed, track, trestle, depot, terminal,
5 switching and signaling equipment or related equipment and
6 other improvements necessary or convenient thereto; or

7 (2) any land, buildings, machinery or equipment
8 comprising an addition to or renovation, rehabilitation or
9 improvement of any existing capital project.

10 "Housing project" or "residential project" includes a
11 specific work or improvement undertaken to provide dwelling
12 accommodations, including the acquisition, construction or
13 rehabilitation of lands, buildings and community facilities
14 and in connection therewith to provide nonhousing facilities
15 which are an integral part of a planned large-scale project or
16 new community.

17 "Commercial project" means any project, including, but not
18 limited to, one or more buildings and other structures,
19 improvements, machinery, and equipment, whether or not on the
20 same site or sites now existing or hereafter acquired, suitable
21 for use by any retail or wholesale concern, distributorship, or
22 agency.

23 "Project" means an industrial, housing, residential,
24 commercial, or service project, or any combination thereof,
25 provided that all uses fall within one of the categories
26 described above. Any project automatically includes all site

1 improvements and new construction involving sidewalks, sewers,
2 solid waste and wastewater treatment and disposal sites and
3 other pollution control facilities, resource or waste
4 reduction, recovery, treatment and disposal facilities, parks,
5 open spaces, wildlife sanctuaries, streets, highways, and
6 runways.

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

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

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

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

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

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

18 (2) financing charges;

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

23 (4) engineering and legal expenses; and

24 (5) the costs of plans, specifications, surveys, and
25 estimates of costs and other expenses necessary or incident
26 to determining the feasibility or practicability of any

1 project, together with such other expenses as may be
2 necessary or incident to the financing, insuring,
3 acquisition, and construction of a specific project and the
4 placing of the same in operation.

5 "Local government project" means a project or other
6 undertaking that is authorized or required by law to be
7 acquired, constructed, reconstructed, equipped, improved,
8 rehabilitated, replaced, maintained, or otherwise undertaken
9 in any manner by a local governmental unit.

10 "Local government security" means a bond, note, or other
11 evidence of indebtedness that a local governmental unit is
12 legally authorized to issue for the purpose of financing a
13 public purpose project or to issue for any other lawful public
14 purpose under any provision of the Illinois Constitution or
15 laws of this State, whether the obligation is payable from
16 taxes or revenues, rates, charges, assessments,
17 appropriations, grants, or any other lawful source or
18 combination thereof, and specifically includes, without
19 limitation, obligations under any lease or lease purchase
20 agreement lawfully entered into by the local governmental unit
21 for the acquisition or use of facilities or equipment.

22 "Local governmental unit" means a unit of local government,
23 as defined in Section 1 of Article VII of the Illinois
24 Constitution, and any local public entity as that term is
25 defined in the Local Governmental and Governmental Employees
26 Tort Immunity Act and such unit of local government or local

1 public entity is located within the geographical territory of
2 the Authority.

3 (Source: P.A. 98-750, eff. 1-1-15.)

4 (70 ILCS 504/15)

5 Sec. 15. Creation; organization.

6 (a) There is created a political subdivision, body politic,
7 and municipal corporation named the Central Illinois Economic
8 Development Authority. The territorial jurisdiction of the
9 Authority is that geographic area within the boundaries of the
10 following counties: Macon, Sangamon, Menard, Logan, Christian,
11 DeWitt, Macoupin, Montgomery, Calhoun, Greene, and Jersey and
12 any navigable waters and air space located therein.

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

16 (1) Ex officio members. The Director of Commerce and
17 Economic Opportunity, or a designee of that Department,
18 shall serve as an ex officio member.

19 (2) Public members. Three members shall be appointed by
20 the Governor with the advice and consent of the Senate. The
21 county board chairperson of the following counties shall
22 each appoint one member: Macon, Sangamon, Menard, Logan,
23 Christian, DeWitt, Macoupin, Montgomery, Calhoun, Greene,
24 and Jersey. All public members shall reside within the
25 territorial jurisdiction of the Authority. The public

1 members shall be persons of recognized ability and
2 experience in one or more of the following areas: economic
3 development, finance, banking, industrial development,
4 state or local government, commercial agriculture, small
5 business management, real estate development, community
6 development, venture finance, organized labor, or civic or
7 community organization.

8 (c) 8 members shall constitute a quorum and the Board may
9 not meet or take any action without a quorum present.

10 (d) The chairperson of the Authority shall be elected
11 annually by the Board and must be a public member that resides
12 within the territorial jurisdiction of the Authority.

13 (e) The terms of all initial members of the Authority shall
14 begin 30 days after the effective date of this Act. Of the 3
15 original public members appointed by the Governor, 1 shall
16 serve until the third Monday in January, 2007; 1 shall serve
17 until the third Monday in January, 2008; 1 shall serve until
18 the third Monday in January, 2009. The initial terms of the
19 original public members appointed by the county board
20 chairpersons shall be determined by lot, according to the
21 following schedule: (i) 3 shall serve until the third Monday in
22 January, 2007, (ii) 3 shall serve until the third Monday in
23 January, 2008, (iii) 3 shall serve until the third Monday in
24 January, 2009, and (iv) 2 shall serve until the third Monday in
25 January, 2010. All successors to these original public members
26 shall be appointed by the original appointing authority and all

1 appointments made by the Governor shall be made with the advice
2 and consent of the Senate, pursuant to subsection (b), and
3 shall hold office for a term of 6 years commencing the third
4 Monday in January of the year in which their term commences,
5 except in the case of an appointment to fill a vacancy.
6 Vacancies occurring among the public members shall be filled
7 for the remainder of the term. In case of vacancy in a
8 Governor-appointed membership when the Senate is not in
9 session, the Governor may make a temporary appointment until
10 the next meeting of the Senate when a person shall be nominated
11 to fill the office and, upon confirmation by the Senate, he or
12 she shall hold office during the remainder of the term and
13 until a successor is appointed and qualified. Members of the
14 Authority are not entitled to compensation for their services
15 as members but are entitled to reimbursement for all necessary
16 expenses incurred in connection with the performance of their
17 duties as members.

18 (f) The Governor may remove any public member of the
19 Authority appointed by the Governor or a predecessor Governor
20 in case of incompetence, neglect of duty, or malfeasance in
21 office. The chairperson of a county board may remove any public
22 member appointed by that chairperson or a predecessor county
23 board chairperson in case of incompetence, neglect of duty, or
24 malfeasance in office.

25 (g) The Board shall appoint an Executive Director who shall
26 have a background in finance, including familiarity with the

1 legal and procedural requirements of issuing bonds, real
2 estate, or economic development and administration. The
3 Executive Director may not serve as the executive director or
4 other chief administrative and operational officer of any other
5 regional development authority. The Executive Director must
6 have his or her primary residence in a county in which the
7 Authority is located. The Executive Director shall hold office
8 at the discretion of the Board. The Executive Director shall be
9 the chief administrative and operational officer of the
10 Authority, shall direct and supervise its administrative
11 affairs and general management, perform such other duties as
12 may be prescribed from time to time by the members, and receive
13 compensation fixed by the Authority. The Department of Commerce
14 and Economic Opportunity shall pay the compensation of the
15 Executive Director from appropriations received for that
16 purpose. The Executive Director shall attend all meetings of
17 the Authority. However, no action of the Authority shall be
18 invalid on account of the absence of the Executive Director
19 from a meeting. The Authority may engage the services of the
20 Illinois Finance Authority, attorneys, appraisers, engineers,
21 accountants, credit analysts, and other consultants if the
22 Central Illinois Economic Development Authority deems it
23 advisable.

24 (h) A person with any financial interest or business
25 relationship, formal or informal, in an economic development
26 consulting, lobbying, or advising business may not serve as the

1 Executive Director or on the Board of the Authority.

2 (i) The Authority is subject to the Open Meetings Act and
3 the Freedom of Information Act. Documents subject to the
4 Freedom of Information Act include, but are not limited to,
5 expenses, payroll, origination bonuses, and other financial
6 details of the Authority.

7 (j) A contract or agreement entered into by the Authority
8 must be posted on the Authority's website.

9 (Source: P.A. 94-995, eff. 7-3-06.)

10 (70 ILCS 504/25)

11 Sec. 25. Powers.

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

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

19 (2) to sue and be sued;

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

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

24 (5) to adopt all needful ordinances, resolutions,
25 bylaws, rules, and regulations for the conduct of its

1 business and affairs and for the management and use of the
2 projects developed, constructed, acquired, and improved in
3 furtherance of its purposes;

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

5 (7) to accept and expend appropriations;

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

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

13 (10) to acquire, own, construct, lease, operate, and
14 maintain bridges, terminals, terminal facilities, and port
15 facilities and to fix and collect just, reasonable, and
16 nondiscriminatory charges for the use of such facilities.
17 These charges shall be used to defray the reasonable
18 expenses of the Authority and to pay the principal and
19 interest of any revenue bonds issued by the Authority;

20 (11) subject to any applicable condition imposed by
21 this Act, to locate, establish and maintain a public
22 airport, public airports, and public airport facilities
23 within its corporate limits or within or upon any body of
24 water adjacent thereto and to construct, develop, expand,
25 extend, and improve any such airport or airport facility;

26 and

1 (12) to have and exercise all powers and be subject to
2 all duties usually incident to boards of directors of
3 corporations.

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

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

18 (d) Notice shall be provided to the General Assembly, the
19 Department of Commerce and Economic Opportunity, and the
20 Governor before the Authority enters into a financing
21 agreement. The notice to the General Assembly shall be filed
22 with the Clerk of the House of Representatives and the
23 Secretary of the Senate in electronic form only, in the manner
24 that the Clerk and the Secretary shall direct.

25 (Source: P.A. 94-995, eff. 7-3-06.)

1 (70 ILCS 504/35)

2 Sec. 35. Bonds.

3 (a) The Authority, with the written approval of the
4 Governor, shall have the continuing power to issue bonds,
5 notes, or other evidences of indebtedness in an aggregate
6 amount outstanding not to exceed \$250,000,000 for the following
7 purposes: (i) development, construction, acquisition, or
8 improvement of projects, including those established by
9 business entities locating or expanding property within the
10 territorial jurisdiction of the Authority; (ii) entering into
11 venture capital agreements with businesses locating or
12 expanding within the territorial jurisdiction of the
13 Authority; ~~and~~ (iii) acquisition and improvement of any
14 property necessary and useful in connection therewith; and (iv)
15 any local government projects. With respect to any local
16 government project, the Authority is authorized to purchase
17 from time to time pursuant to negotiated sale or to otherwise
18 acquire from time to time any local government security upon
19 terms and conditions as the Authority may prescribe in
20 connection with the local government security. A local
21 government security purchased or otherwise acquired by the
22 Authority is not a moral obligation of the State or any State
23 agency or political subdivision of the State. For the purpose
24 of evidencing the obligations of the Authority to repay any
25 money borrowed, the Authority may, pursuant to resolution, from
26 time to time, issue and dispose of its interest-bearing revenue

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

23 (b) The holder or holders of any bonds, notes, or other
24 evidences of indebtedness issued by the Authority may bring
25 suits at law or proceedings in equity to compel the performance
26 and observance by any corporation or person or by the Authority

1 or any of its agents or employees of any contract or covenant
2 made with the holders of the bonds, notes, or other evidences
3 of indebtedness, to compel such corporation, person, the
4 Authority, and any of its agents or employees to perform any
5 duties required to be performed for the benefit of the holders
6 of the bonds, notes, or other evidences of indebtedness by the
7 provision of the resolution authorizing their issuance and to
8 enjoin the corporation, person, the Authority, and any of its
9 agents or employees from taking any action in conflict with any
10 contract or covenant.

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

24 (d) Notwithstanding the form and tenor of any bond, note,
25 or other evidence of indebtedness and in the absence of any
26 express recital on its face that it is non-negotiable, all such

1 bonds, notes, and other evidences of indebtedness shall be
2 negotiable instruments. Pending the preparation and execution
3 of any bonds, notes, or other evidences of indebtedness,
4 temporary bonds, notes, or evidences of indebtedness may be
5 issued as provided by ordinance.

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

23 (f) Bonds or notes shall be secured as provided in the
24 authorizing ordinance which may include, notwithstanding any
25 other provision of this Act, in addition to any other security,
26 a specific pledge, assignment of and lien on, or security

1 interest in any or all revenues or money of the Authority, from
2 whatever source, which may, by law, be used for debt service
3 purposes and a specific pledge, or assignment of and lien on,
4 or security interest in any funds or accounts established or
5 provided for by ordinance of the Authority authorizing the
6 issuance of the bonds or notes.

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

26 (h) (Blank).

1 (Source: P.A. 98-750, eff. 1-1-15.)

2 (70 ILCS 504/37 new)

3 Sec. 37. Local government securities. Any local
4 governmental unit which is authorized to issue, sell, and
5 deliver its local government securities under any provision of
6 the Illinois Constitution or laws of this State may issue,
7 sell, and deliver such local government securities to the
8 Authority as provided by this Act, provided that and
9 notwithstanding any other provision of law to the contrary, any
10 such local governmental unit may issue and sell any such local
11 government security at any interest rate, which rate or rates
12 may be established by an index or formula which may be
13 implemented by persons appointed or retained therefor, payable
14 at such time or times and at such price or prices to which the
15 local governmental unit and the Authority may agree. Any local
16 governmental unit may pay any amount charged by the Authority.
17 Any local governmental unit may pay out of the proceeds of its
18 local government securities or out of any other moneys or funds
19 available to it for such purposes any costs, fees, interest
20 deemed necessary, premiums or revenues incurred or required for
21 financing or refinancing this program, including, without
22 limitation, any fees charged by the Authority and its share, as
23 determined by the Authority, of any costs, fees, interest
24 deemed necessary, premiums or revenues incurred or required
25 pursuant to this Act. All local government securities purchased

1 by the Authority pursuant to this Act shall upon delivery to
2 the Authority be accompanied by an approving opinion of bond
3 counsel as to the validity of such securities. The Authority
4 shall have discretion to purchase or otherwise acquire those
5 local government securities as it shall deem to be in the best
6 interest of its financing program for all local governmental
7 units taken as a whole.

8 Section 167. The Eastern Illinois Economic Development
9 Authority Act is amended by changing Sections 10, 15, 20, 25,
10 35, and 45 and by adding Section 37 as follows:

11 (70 ILCS 506/10)

12 Sec. 10. Definitions. In this Act:

13 "Authority" means the Eastern Illinois Economic
14 Development Authority.

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

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

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

1 Authority.

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

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

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

7 "Industrial project" means the following:

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

1 facilities, parking facilities, dockage, wharfage,
2 railroad roadbed, track, trestle, depot, terminal,
3 switching and signaling equipment or related equipment and
4 other improvements necessary or convenient thereto; or

5 (2) any land, buildings, machinery or equipment
6 comprising an addition to or renovation, rehabilitation or
7 improvement of any existing capital project.

8 "Housing project" or "residential project" includes a
9 specific work or improvement undertaken to provide dwelling
10 accommodations, including the acquisition, construction, or
11 rehabilitation of lands, buildings, and community facilities,
12 and to provide non-housing facilities which are an integral
13 part of a planned large-scale project or new community.

14 "Commercial project" means any project, including, but not
15 limited to, one or more buildings and other structures,
16 improvements, machinery, and equipment, whether or not on the
17 same site or sites now existing or hereafter acquired, suitable
18 for use by any retail or wholesale concern, distributorship, or
19 agency.

20 "Project" means an industrial, housing, residential,
21 commercial, or service project, or any combination thereof,
22 provided that all uses fall within one of the categories
23 described above. Any project automatically includes all site
24 improvements and new construction involving sidewalks, sewers,
25 solid waste and wastewater treatment and disposal sites and
26 other pollution control facilities, resource or waste

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

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

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

1 satisfactory to the Authority and providing for other terms
2 deemed advisable by the Authority.

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

8 "Costs incurred in connection with the development,
9 construction, acquisition or improvement of a project" means
10 the following:

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

15 (2) financing charges;

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

20 (4) engineering and legal expenses; and

21 (5) the costs of plans, specifications, surveys, and
22 estimates of costs and other expenses necessary or incident
23 to determining the feasibility or practicability of any
24 project, together with such other expenses as may be
25 necessary or incident to the financing, insuring,
26 acquisition, and construction of a specific project and the

1 placing of the same in operation.

2 "Local government project" means a project or other
3 undertaking that is authorized or required by law to be
4 acquired, constructed, reconstructed, equipped, improved,
5 rehabilitated, replaced, maintained, or otherwise undertaken
6 in any manner by a local governmental unit.

7 "Local government security" means a bond, note, or other
8 evidence of indebtedness that a local governmental unit is
9 legally authorized to issue for the purpose of financing a
10 public purpose project or to issue for any other lawful public
11 purpose under any provision of the Illinois Constitution or
12 laws of this State, whether the obligation is payable from
13 taxes or revenues, rates, charges, assessments,
14 appropriations, grants, or any other lawful source or
15 combination thereof, and specifically includes, without
16 limitation, obligations under any lease or lease purchase
17 agreement lawfully entered into by the local governmental unit
18 for the acquisition or use of facilities or equipment.

19 "Local governmental unit" means a unit of local government,
20 as defined in Section 1 of Article VII of the Illinois
21 Constitution, and any local public entity as that term is
22 defined in the Local Governmental and Governmental Employees
23 Tort Immunity Act and such unit of local government or local
24 public entity is located within the geographical territory of
25 the Authority.

26 (Source: P.A. 98-750, eff. 1-1-15.)

1 (70 ILCS 506/15)

2 Sec. 15. Creation; organization.

3 (a) There is created a political subdivision, body politic,
4 and municipal corporation named the Eastern Illinois Economic
5 Development Authority. The territorial jurisdiction of the
6 Authority is that geographic area within the boundaries of the
7 following counties: Ford, Iroquois, Piatt, Champaign,
8 Vermilion, Douglas, Moultrie, Shelby, Coles, Livingston,
9 McLean, and Edgar and any navigable waters and air space
10 located therein.

11 (b) The governing and administrative powers of the
12 Authority shall be vested in a body consisting of 16 ~~14~~ members
13 as follows:

14 (1) Ex officio members. The Director of Commerce and
15 Economic Opportunity, or a designee of that Department,
16 shall serve as an ex officio member.

17 (2) Public members. Three members shall be appointed by
18 the Governor with the advice and consent of the Senate. The
19 county board chairperson of the following counties shall
20 each appoint one member: Ford, Iroquois, Piatt, Champaign,
21 Vermilion, Douglas, Moultrie, Shelby, Coles, Livingston,
22 McLean, and Edgar. All public members shall reside within
23 the territorial jurisdiction of the Authority. The public
24 members shall be persons of recognized ability and
25 experience in one or more of the following areas: economic

1 development, finance, banking, industrial development,
2 state or local government, commercial agriculture, small
3 business management, real estate development, community
4 development, venture finance, organized labor, or civic or
5 community organization.

6 (c) A majority of the members appointed under item (2) of
7 subsection (b) of this Section shall constitute a quorum and
8 the Board may not meet or take any action without a quorum
9 present.

10 (d) The chairperson of the Authority shall be elected
11 annually by the Board and must be a public member that resides
12 within the territorial jurisdiction of the Authority.

13 (e) The terms of all initial members of the Authority shall
14 begin 30 days after the effective date of this Act. Of the 3
15 original public members appointed by the Governor, 1 shall
16 serve until the third Monday in January, 2006; 1 shall serve
17 until the third Monday in January, 2007; 1 shall serve until
18 the third Monday in January, 2008. The initial terms of the
19 original public members appointed by the county board
20 chairpersons shall be determined by lot, according to the
21 following schedule: (i) 2 shall serve until the third Monday in
22 January, 2006, (ii) 2 shall serve until the third Monday in
23 January, 2007, (iii) 2 shall serve until the third Monday in
24 January, 2008, (iv) 2 shall serve until the third Monday in
25 January, 2009, and (v) 2 shall serve until the third Monday in
26 January, 2010. All successors to these original public members

1 shall be appointed by the original appointing authority and all
2 appointments made by the Governor shall be made with the advice
3 and consent of the Senate, pursuant to subsection (b), and
4 shall hold office for a term of 6 years commencing the third
5 Monday in January of the year in which their term commences,
6 except in the case of an appointment to fill a vacancy.
7 Vacancies occurring among the public members shall be filled
8 for the remainder of the term. In case of vacancy in a
9 Governor-appointed membership when the Senate is not in
10 session, the Governor may make a temporary appointment until
11 the next meeting of the Senate when a person shall be nominated
12 to fill the office and, upon confirmation by the Senate, he or
13 she shall hold office during the remainder of the term and
14 until a successor is appointed and qualified. Members of the
15 Authority are not entitled to compensation for their services
16 as members but are entitled to reimbursement for all necessary
17 expenses incurred in connection with the performance of their
18 duties as members.

19 (f) The Governor or a county board chairperson, as the case
20 may be, may remove any public member of the Authority in case
21 of incompetence, neglect of duty, or malfeasance in office. The
22 chairperson of a county board may remove any public member
23 appointed by that chairperson in the case of incompetence,
24 neglect of duty, or malfeasance in office.

25 (g) The Board shall appoint an Executive Director who shall
26 have a background in finance, including familiarity with the

1 legal and procedural requirements of issuing bonds, real
2 estate, or economic development and administration. The
3 Executive Director may not serve as the executive director or
4 other chief administrative and operational officer of any other
5 regional development authority. The Executive Director must
6 have his or her primary residence in a county in which the
7 Authority is located. The Executive Director shall hold office
8 at the discretion of the Board. The Executive Director shall be
9 the chief administrative and operational officer of the
10 Authority, shall direct and supervise its administrative
11 affairs and general management, perform such other duties as
12 may be prescribed from time to time by the members, and receive
13 compensation fixed by the Authority. ~~The Department of Commerce~~
14 ~~and Economic Opportunity shall pay the compensation of the~~
15 ~~Executive Director from appropriations received for that~~
16 ~~purpose.~~ The Executive Director shall attend all meetings of
17 the Authority. However, no action of the Authority shall be
18 invalid on account of the absence of the Executive Director
19 from a meeting. The Authority may engage the services of the
20 Illinois Finance Authority, attorneys, appraisers, engineers,
21 accountants, credit analysts, and other consultants if the
22 Eastern Illinois Economic Development Authority deems it
23 advisable.

24 (h) A person with any financial interest or business
25 relationship, formal or informal, in an economic development
26 consulting, lobbying, or advising business may not serve as the

1 Executive Director or on the Board of the Authority.

2 (i) The Authority is subject to the Open Meetings Act and
3 the Freedom of Information Act. Documents subject to the
4 Freedom of Information Act include, but are not limited to,
5 expenses, payroll, origination bonuses, and other financial
6 details of the Authority.

7 (j) A contract or agreement entered into by the Authority
8 must be posted on the Authority's website.

9 (Source: P.A. 94-203, eff. 7-13-05; 95-854, eff. 8-18-08.)

10 (70 ILCS 506/20)

11 Sec. 20. Duty. All official acts of the Authority shall
12 require the approval of at least 9 ~~8~~ members. It shall be the
13 duty of the Authority to promote development within the
14 geographic confines of Ford, Iroquois, Piatt, Champaign,
15 Vermilion, Douglas, Moultrie, Shelby, Coles, Livingston,
16 McLean, and Edgar counties. The Authority shall use the powers
17 conferred upon it to assist in the development, construction,
18 and acquisition of industrial, commercial, housing, or
19 residential projects within its territorial jurisdiction.

20 (Source: P.A. 94-203, eff. 7-13-05; 95-854, eff. 8-18-08.)

21 (70 ILCS 506/25)

22 Sec. 25. Powers.

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

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

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

6 (2) to sue and be sued;

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

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

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

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

17 (7) to accept and expend appropriations;

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

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

25 (10) to acquire, own, construct, lease, operate, and
26 maintain bridges, terminals, terminal facilities, and port

1 facilities and to fix and collect just, reasonable, and
2 nondiscriminatory charges for the use of such facilities.
3 These charges shall be used to defray the reasonable
4 expenses of the Authority and to pay the principal and
5 interest of any revenue bonds issued by the Authority;

6 (11) subject to any applicable condition imposed by
7 this Act, to locate, establish and maintain a public
8 airport, public airports and public airport facilities
9 within its corporate limits or within or upon any body of
10 water adjacent thereto and to construct, develop, expand,
11 extend and improve any such airport or airport facility;
12 and

13 (12) to have and exercise all powers and be subject to
14 all duties usually incident to boards of directors of
15 corporations.

16 (b) The Authority shall not issue any bonds relating to the
17 financing of a project located within the planning and
18 subdivision control jurisdiction of any municipality or county
19 unless: (i) notice, including a description of the proposed
20 project and the financing for that project, is submitted to the
21 corporate authorities of the municipality or, in the case of a
22 proposed project in an unincorporated area, to the county board
23 and (ii) the corporate authorities of the municipality do not,
24 or the county board does not, adopt a resolution disapproving
25 the project within 45 days after receipt of the notice.

26 (c) If any of the powers set forth in this Act are

1 exercised within the jurisdictional limits of any
2 municipality, all ordinances of the municipality remain in full
3 force and effect and are controlling.

4 (d) Notice shall be provided to the General Assembly, the
5 Department of Commerce and Economic Opportunity, and the
6 Governor before the Authority enters into a financing
7 agreement. The notice to the General Assembly shall be filed
8 with the Clerk of the House of Representatives and the
9 Secretary of the Senate in electronic form only, in the manner
10 that the Clerk and the Secretary shall direct.

11 (Source: P.A. 94-203, eff. 7-13-05.)

12 (70 ILCS 506/35)

13 Sec. 35. Bonds.

14 (a) The Authority, with the written approval of the
15 Governor, shall have the continuing power to issue bonds,
16 notes, or other evidences of indebtedness in an aggregate
17 amount outstanding not to exceed \$500,000,000 for the following
18 purposes: (i) development, construction, acquisition, or
19 improvement of projects, including those established by
20 business entities locating or expanding property within the
21 territorial jurisdiction of the Authority; (ii) entering into
22 venture capital agreements with businesses locating or
23 expanding within the territorial jurisdiction of the
24 Authority; (iii) acquisition and improvement of any property
25 necessary and useful in connection therewith; ~~and~~ (iv) for the

1 purposes of the Employee Ownership Assistance Act; and (v) any
2 local government projects. With respect to any local government
3 project, the Authority is authorized to purchase from time to
4 time pursuant to negotiated sale or to otherwise acquire from
5 time to time any local government security upon terms and
6 conditions as the Authority may prescribe in connection with
7 the local government security. A local government security
8 purchased or otherwise acquired by the Authority is not a moral
9 obligation of the State or any State agency or political
10 subdivision of the State. For the purpose of evidencing the
11 obligations of the Authority to repay any money borrowed, the
12 Authority may, pursuant to resolution, from time to time, issue
13 and dispose of its interest-bearing revenue bonds, notes, or
14 other evidences of indebtedness and may also from time to time
15 issue and dispose of such bonds, notes, or other evidences of
16 indebtedness to refund, at maturity, at a redemption date or in
17 advance of either, any bonds, notes, or other evidences of
18 indebtedness pursuant to redemption provisions or at any time
19 before maturity. All such bonds, notes, or other evidences of
20 indebtedness shall be payable solely and only from the revenues
21 or income to be derived from loans made with respect to
22 projects, from the leasing or sale of the projects, or from any
23 other funds available to the Authority for such purposes. The
24 bonds, notes, or other evidences of indebtedness may bear such
25 date or dates, may mature at such time or times not exceeding
26 40 years from their respective dates, may bear interest at such

1 rate or rates not exceeding the maximum rate permitted by the
2 Bond Authorization Act, may be in such form, may carry such
3 registration privileges, may be executed in such manner, may be
4 payable at such place or places, may be made subject to
5 redemption in such manner and upon such terms, with or without
6 premium, as is stated on the face thereof, may be authenticated
7 in such manner and may contain such terms and covenants as may
8 be provided by an applicable resolution.

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

23 (c) If the Authority fails to pay the principal of or
24 interest on any of the bonds or premium, if any, as the bond
25 becomes due, a civil action to compel payment may be instituted
26 in the appropriate circuit court by the holder or holders of

1 the bonds on which the default of payment exists or by an
2 indenture trustee acting on behalf of the holders. Delivery of
3 a summons and a copy of the complaint to the chairman of the
4 Board shall constitute sufficient service to give the circuit
5 court jurisdiction over the subject matter of the suit and
6 jurisdiction over the Authority and its officers named as
7 defendants for the purpose of compelling such payment. Any
8 case, controversy, or cause of action concerning the validity
9 of this Act relates to the revenue of the State of Illinois.

10 (d) Notwithstanding the form and tenor of any bond, note,
11 or other evidence of indebtedness and in the absence of any
12 express recital on its face that it is non-negotiable, all such
13 bonds, notes, and other evidences of indebtedness shall be
14 negotiable instruments. Pending the preparation and execution
15 of any bonds, notes, or other evidences of indebtedness,
16 temporary bonds, notes, or evidences of indebtedness may be
17 issued as provided by ordinance.

18 (e) To secure the payment of any or all of such bonds,
19 notes, or other evidences of indebtedness, the revenues to be
20 received by the Authority from a lease agreement or loan
21 agreement shall be pledged, and, for the purpose of setting
22 forth the covenants and undertakings of the Authority in
23 connection with the issuance of the bonds, notes, or other
24 evidences of indebtedness and the issuance of any additional
25 bonds, notes or other evidences of indebtedness payable from
26 such revenues, income, or other funds to be derived from

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

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

19 (g) The State of Illinois pledges to and agrees with the
20 holders of the bonds and notes of the Authority issued pursuant
21 to this Section that the State will not limit or alter the
22 rights and powers vested in the Authority by this Act so as to
23 impair the terms of any contract made by the Authority with the
24 holders of bonds or notes or in any way impair the rights and
25 remedies of those holders until the bonds and notes, together
26 with interest thereon, with interest on any unpaid installments

1 of interest, and all costs and expenses in connection with any
2 action or proceedings by or on behalf of the holders, are fully
3 met and discharged. In addition, the State pledges to and
4 agrees with the holders of the bonds and notes of the Authority
5 issued pursuant to this Section that the State will not limit
6 or alter the basis on which State funds are to be paid to the
7 Authority as provided in this Act, or the use of such funds, so
8 as to impair the terms of any such contract. The Authority is
9 authorized to include these pledges and agreements of the State
10 in any contract with the holders of bonds or notes issued
11 pursuant to this Section.

12 (h) (Blank).

13 (Source: P.A. 100-573, eff. 12-29-17.)

14 (70 ILCS 506/37 new)

15 Sec. 37. Local government securities. Any local
16 governmental unit which is authorized to issue, sell, and
17 deliver its local government securities under any provision of
18 the Illinois Constitution or laws of this State may issue,
19 sell, and deliver such local government securities to the
20 Authority as provided by this Act, provided that and
21 notwithstanding any other provision of law to the contrary, any
22 such local governmental unit may issue and sell any such local
23 government security at any interest rate, which rate or rates
24 may be established by an index or formula which may be
25 implemented by persons appointed or retained therefor, payable

1 at such time or times and at such price or prices to which the
2 local governmental unit and the Authority may agree. Any local
3 governmental unit may pay any amount charged by the Authority.
4 Any local governmental unit may pay out of the proceeds of its
5 local government securities or out of any other moneys or funds
6 available to it for such purposes any costs, fees, interest
7 deemed necessary, premiums or revenues incurred or required for
8 financing or refinancing this program, including, without
9 limitation, any fees charged by the Authority and its share, as
10 determined by the Authority, of any costs, fees, interest
11 deemed necessary, premiums or revenues incurred or required
12 pursuant to this Act. All local government securities purchased
13 by the Authority pursuant to this Act shall upon delivery to
14 the Authority be accompanied by an approving opinion of bond
15 counsel as to the validity of such securities. The Authority
16 shall have discretion to purchase or otherwise acquire those
17 local government securities as it shall deem to be in the best
18 interest of its financing program for all local governmental
19 units taken as a whole.

20 (70 ILCS 506/45)

21 Sec. 45. Acquisition.

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

24 (b) The Authority shall have power to acquire by purchase,
25 lease, gift, or otherwise any property or rights therein from

1 any person or persons, the State of Illinois, any municipal
2 corporation, any local unit of government, the government of
3 the United States and any agency or instrumentality of the
4 United States, any body politic, or any county useful for its
5 purposes, whether improved for the purposes of any prospective
6 project or unimproved. The Authority may also accept any
7 donation of funds for its purposes from any of these sources.

8 (c) The Authority shall have power to develop, construct,
9 and improve, either under its own direction or through
10 collaboration with any approved applicant, or to acquire,
11 through purchase or otherwise, any project, using for this
12 purpose the proceeds derived from its sale of revenue bonds,
13 notes, or other evidences of indebtedness or governmental loans
14 or grants and shall have the power to hold title to those
15 projects in the name of the Authority.

16 (d) The Authority shall have the power to enter into
17 intergovernmental agreements with the State of Illinois, the
18 counties of Ford, Iroquois, Piatt, Champaign, Vermilion,
19 Douglas, Moultrie, Shelby, Coles, Livingston, McLean, or
20 Edgar, the Illinois Development Finance Authority, the
21 Illinois Housing Development Authority, the Illinois Education
22 Facilities Authority, the Illinois Farm Development Authority,
23 the Rural Bond Bank, the United States government and any
24 agency or instrumentality of the United States, any unit of
25 local government located within the territory of the Authority,
26 or any other unit of government to the extent allowed by

1 Article VII, Section 10 of the Illinois Constitution and the
2 Intergovernmental Cooperation Act.

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

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

11 (Source: P.A. 94-203, eff. 7-13-05.)

12 Section 168. The Joliet Arsenal Development Authority Act
13 is amended by changing Sections 15, 20, and 30 as follows:

14 (70 ILCS 508/15)

15 Sec. 15. Creation of Authority; Board members; officers.

16 (a) The Joliet Arsenal Development Authority is created as
17 a political subdivision, body politic, and municipal
18 corporation.

19 (b) The territorial jurisdiction of the Authority shall
20 extend over all of the territory, consisting of 3,000 acres,
21 more or less, that is commonly known and described as the
22 Joliet ammunition plant and arsenal. The legal description of
23 the territory is (1) approximately 1,900 acres located at the
24 Arsenal, the approximate legal description of which includes

1 part of section 30, Jackson Township, T34N R10E, and sections
2 or part of sections 24, 25, 26, 35, and 36, Channahon Township,
3 T34N R9E, Will County, Illinois, as depicted in the Arsenal
4 Land Use Concept; and (2) approximately 1,100 acres, the
5 approximate legal description of which includes part of
6 sections 16, 17, and 18, Florence Township, T33N R10E, Will
7 County, Illinois, as depicted in the Arsenal Land Use Concept.

8 (c) The governing and administrative powers of the
9 Authority shall be vested in its Board of Directors consisting
10 of 10 members, 4 of whom shall be appointed by the Governor
11 from Will County, by and with the advice and consent of the
12 Senate, and 6 of whom shall be appointed by the Will County
13 Executive with the advice and consent of the Will County Board.
14 All members appointed to the Board shall be residents of Will
15 County, but of the 6 members who are appointed by the Will
16 County Executive, with the advice and consent of the Will
17 County Board, one shall be a resident of the City of Joliet,
18 one a resident of the City of Wilmington, one a resident of the
19 Village of Elwood, one a resident of the Village of Manhattan,
20 one a resident of the Village of Symerton, and one an at-large
21 resident of Will County. Each city council or village board
22 shall recommend 3 individuals who are residents of the city or
23 village to the Will County Executive to be members of the Board
24 of Directors. The Will County Executive shall choose one of the
25 recommended individuals from each city and village and shall
26 submit those names to the Will County Board for approval. All

1 persons appointed as members of the Board shall have recognized
2 ability and experience in one or more of the following areas:
3 economic development, finance, banking, industrial
4 development, small business management, real estate
5 development, community development, venture finance, organized
6 labor, units of local government, or civic, community, or
7 neighborhood organization.

8 (d) Within 30 days after the effective date of this
9 amendatory Act of the 96th General Assembly, the Will County
10 Executive, with the advice and consent of the Will County
11 Board, shall appoint the additional member of the Board for an
12 initial term expiring on the third Monday in January, 2013. The
13 member must be an at-large resident of Will County. The Board
14 members holding office on the effective date of this amendatory
15 Act of the 96th General Assembly shall continue to hold office
16 for the remainder of their respective terms. All successors
17 shall be appointed by the original appointing authority and
18 hold office for a term of 4 years commencing the third Monday
19 in January of the year in which their term commences, except in
20 case of an appointment to fill a vacancy. Vacancies shall be
21 filled for the remainder of the term. In case of vacancy in a
22 Governor-appointed membership when the Senate is not in
23 session, the Governor may make a temporary appointment until
24 the next meeting of the Senate when a person shall be nominated
25 to fill that office, and any person so nominated who is
26 confirmed by the Senate shall hold office during the remainder

1 of the term. Each member appointed to the Board shall serve
2 until his or her successor is appointed and qualified.

3 (e) The Chairperson of the Board shall be elected by the
4 Board annually from among the members who are appointed by the
5 Will County Executive.

6 (f) The Governor may remove any member of the Board in case
7 of incompetency, neglect of duty, or malfeasance in office.

8 (g) Members of the Board shall serve without compensation
9 for their services as members but may be reimbursed for all
10 necessary expenses incurred in connection with the performance
11 of their duties as members.

12 (h) The Board may appoint an Executive Director who shall
13 have a background in finance, including familiarity with the
14 legal and procedural requirements of issuing bonds, real estate
15 or economic development, and administration. The Executive
16 Director may not serve as the executive director or other chief
17 administrative and operational officer of any other regional
18 development authority. The Executive Director must have his or
19 her primary residence in a county in which the Authority is
20 located. The Executive Director shall hold office at the
21 discretion of the Board. The Executive Director shall be the
22 chief administrative and operational officer of the Authority,
23 shall direct and supervise its administrative affairs and
24 general management, shall perform such other duties as may be
25 prescribed from time to time by the Board, and shall receive
26 compensation fixed by the Board. The Executive Director shall

1 attend all meetings of the Board; however, no action of the
2 Board or the Authority shall be invalid on account of the
3 absence of the Executive Director from a meeting. The Board may
4 engage the services of such other agents and employees,
5 including attorneys, appraisers, engineers, accountants,
6 credit analysts and other consultants, and may prescribe their
7 duties and fix their compensation.

8 (i) The Board shall meet on the call of its Chairperson or
9 upon written notice of 6 members of the Board.

10 (j) A person with any financial interest or business
11 relationship, formal or informal, in an economic development
12 consulting, lobbying, or advising business may not serve as the
13 Executive Director or on the Board of the Authority.

14 (Source: P.A. 96-1122, eff. 7-20-10.)

15 (70 ILCS 508/20)

16 Sec. 20. Actions of the Authority.

17 (a) 6 members constitutes a quorum of the Board and the
18 Board may not meet or take any action without a quorum present.

19 All official acts of the Authority shall require the
20 affirmative vote of at least 6 members of the Board at a
21 meeting of the Board at which the members casting those
22 affirmative votes are present. It is the duty of the Authority
23 to promote development within its territorial jurisdiction.
24 The Authority shall use the powers conferred on it by this Act
25 to assist in the development, construction, and acquisition of

1 industrial or commercial projects within its territorial
2 jurisdiction.

3 (b) The Authority is subject to the Open Meetings Act and
4 the Freedom of Information Act. Documents subject to the
5 Freedom of Information Act include, but are not limited to,
6 expenses, payroll, origination bonuses, and other financial
7 details of the Authority.

8 (c) A contract or agreement entered into by the Authority
9 must be posted on the Authority's website.

10 (Source: P.A. 89-333, eff. 8-17-95.)

11 (70 ILCS 508/30)

12 Sec. 30. Limitations. If any of the Authority's powers are
13 exercised within the jurisdiction limits of any municipality,
14 all ordinances of that municipality shall remain in full force
15 and effect and shall be controlling.

16 The Authority shall not issue any revenue bonds relating to
17 the financing of a project located within the planning and
18 subdivision control jurisdiction of any municipality or county
19 unless: (1) notice, including a description of the proposed
20 project and the financing therefor, is submitted to the
21 corporate authorities of the municipality or, in the case of a
22 proposed project in an unincorporated area, to the county
23 board; and (2) the corporate authorities do not, or the county
24 board does not, adopt a resolution disapproving the project
25 within 45 days after receipt of the notice.

1 Notice shall be provided to the General Assembly, the
2 Department of Commerce and Economic Opportunity, and the
3 Governor before the Authority enters into a financing
4 agreement. The notice to the General Assembly shall be filed
5 with the Clerk of the House of Representatives and the
6 Secretary of the Senate in electronic form only, in the manner
7 that the Clerk and the Secretary shall direct.

8 (Source: P.A. 89-333, eff. 8-17-95.)

9 Section 169. The Quad Cities Regional Economic Development
10 Authority Act, approved September 22, 1987, is amended by
11 changing Sections 3, 4, 5, 6, 7, 8, 9, and 14 and by adding
12 Section 9.5 as follows:

13 (70 ILCS 510/3) (from Ch. 85, par. 6203)

14 Sec. 3. The following terms, whenever used or referred to
15 in this Act, shall have the following meanings, except in such
16 instances where the context may clearly indicate otherwise:

17 (a) "Authority" means the Quad Cities Regional Economic
18 Development Authority created by this Act.

19 (b) "Governmental agency" means any federal, State or local
20 governmental body, and any agency or instrumentality thereof,
21 corporate or otherwise.

22 (c) "Person" means any natural person, firm, partnership,
23 corporation, both domestic and foreign, company, association
24 or joint stock association and includes any trustee, receiver,

1 assignee or personal representative thereof.

2 (d) "Revenue bond" means any bond issued by the Authority
3 the principal and interest of which is payable solely from
4 revenues or income derived from any project or activity of the
5 Authority.

6 (e) "Board" means the Quad Cities Regional Economic
7 Development Authority Board of Directors.

8 (f) "Governor" means the Governor of the State of Illinois.

9 (g) "City" means any city, village, incorporated town or
10 township within the geographical territory of the Authority.

11 (h) "Industrial project" means (1) a capital project,
12 including one or more buildings and other structures,
13 improvements, machinery and equipment whether or not on the
14 same site or sites now existing or hereafter acquired, suitable
15 for use by any manufacturing, industrial, research,
16 transportation or commercial enterprise including but not
17 limited to use as a factory, mill, processing plant, assembly
18 plant, packaging plant, fabricating plant, office building,
19 industrial distribution center, warehouse, repair, overhaul or
20 service facility, freight terminal, research facility, test
21 facility, railroad facility, solid waste and wastewater
22 treatment and disposal sites and other pollution control
23 facilities, resource or waste reduction, recovery, treatment
24 and disposal facilities, and including also the sites thereof
25 and other rights in land therefor whether improved or
26 unimproved, site preparation and landscaping and all

1 appurtenances and facilities incidental thereto such as
2 utilities, access roads, railroad sidings, truck docking and
3 similar facilities, parking facilities, dockage, wharfage,
4 railroad roadbed, track, trestle, depot, terminal, switching
5 and signaling equipment or related equipment and other
6 improvements necessary or convenient thereto; or (2) any land,
7 buildings, machinery or equipment comprising an addition to or
8 renovation, rehabilitation or improvement of any existing
9 capital project.

10 (i) "Housing project" or "residential project" includes a
11 specific work or improvement undertaken to provide dwelling
12 accommodations, including the acquisition, construction or
13 rehabilitation of lands, buildings and community facilities
14 and in connection therewith to provide nonhousing facilities
15 which are an integral part of a planned large-scale project or
16 new community.

17 (j) "Commercial project" means any project, including but
18 not limited to one or more buildings and other structures,
19 improvements, machinery and equipment whether or not on the
20 same site or sites now existing or hereafter acquired, suitable
21 for use by any retail or wholesale concern, distributorship or
22 agency, any cultural facilities of a for-profit or
23 not-for-profit type including but not limited to educational,
24 theatrical, recreational and entertainment, sports facilities,
25 racetracks, stadiums, convention centers, exhibition halls,
26 arenas, opera houses and theaters, waterfront improvements,

1 swimming pools, boat storage, moorage, docking facilities,
2 restaurants, velodromes, coliseums, sports training
3 facilities, parking facilities, terminals, hotels and motels,
4 gymnasiums, medical facilities and port facilities.

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

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

1 such other terms as may be deemed desirable by the Authority.

2 (m) "Loan agreement" means any agreement pursuant to which
3 the Authority agrees to loan the proceeds of its bonds, notes
4 or other evidences of indebtedness issued with respect to a
5 project to any person or corporation which will use or cause
6 the project to be used as a project as heretofore defined upon
7 terms providing for loan repayment installments at least
8 sufficient to pay when due all principal of and interest and
9 premium, if any, on any bonds, notes or other evidences of
10 indebtedness of the Authority issued with respect to the
11 project, providing for maintenance, insurance and operation of
12 the project on terms satisfactory to the Authority and
13 providing for other matters as may be deemed advisable by the
14 Authority.

15 (n) "Financial aid" means the expenditure of Authority
16 funds or funds provided by the Authority through the issuance
17 of its revenue bonds, notes or other evidences of indebtedness
18 for the development, construction, acquisition or improvement
19 of a project.

20 (o) "Costs incurred in connection with the development,
21 construction, acquisition or improvement of a project" means
22 the following: the cost of purchase and construction of all
23 lands and improvements in connection therewith and equipment
24 and other property, rights, easements and franchises acquired
25 which are deemed necessary for such construction; financing
26 charges; interest costs with respect to bonds, notes and other

1 evidences of indebtedness of the Authority prior to and during
2 construction and for a period of 6 months thereafter;
3 engineering and legal expenses; the costs of plans,
4 specifications, surveys and estimates of costs and other
5 expenses necessary or incident to determining the feasibility
6 or practicability of any project, together with such other
7 expenses as may be necessary or incident to the financing,
8 insuring, acquisition and construction of a specific project
9 and the placing of the same in operation.

10 (p) "Terminal" means a public place, station or depot for
11 receiving and delivering passengers, baggage, mail, freight or
12 express matter and any combination thereof in connection with
13 the transportation of persons and property on water or land or
14 in the air.

15 (q) "Terminal facilities" means all land, buildings,
16 structures, improvements, equipment and appliances useful in
17 the operation of public warehouse, storage and transportation
18 facilities and industrial, manufacturing or commercial
19 activities for the accommodation of or in connection with
20 commerce by water or land or in the air or useful as an aid, or
21 constituting an advantage or convenience to, the safe landing,
22 taking off and navigation of aircraft or the safe and efficient
23 operation or maintenance of a public airport.

24 (r) "Port facilities" means all public structures, except
25 terminal facilities as defined herein, that are in, over, under
26 or adjacent to navigable waters and are necessary for or

1 incident to the furtherance of water commerce and includes the
2 widening and deepening of slips, harbors and navigable waters.

3 (s) "Airport" means any locality, either land or water,
4 which is used or designed for the landing and taking off of
5 aircraft or for the location of runways, landing fields,
6 aerodromes, hangars, buildings, structures, airport roadways
7 and other facilities.

8 (t) "Local government project" means a project or other
9 undertaking that is authorized or required by law to be
10 acquired, constructed, reconstructed, equipped, improved,
11 rehabilitated, replaced, maintained, or otherwise undertaken
12 in any manner by a local governmental unit.

13 (u) "Local government security" means a bond, note, or
14 other evidence of indebtedness that a local governmental unit
15 is legally authorized to issue for the purpose of financing a
16 public purpose project or to issue for any other lawful public
17 purpose under any provision of the Illinois Constitution or
18 laws of this State, whether the obligation is payable from
19 taxes or revenues, rates, charges, assessments,
20 appropriations, grants, or any other lawful source or
21 combination thereof, and specifically includes, without
22 limitation, obligations under any lease or lease purchase
23 agreement lawfully entered into by the local governmental unit
24 for the acquisition or use of facilities or equipment.

25 (v) "Local governmental unit" means a unit of local
26 government, as defined in Section 1 of Article VII of the

1 Illinois Constitution, and any local public entity as that term
2 is defined in the Local Governmental and Governmental Employees
3 Tort Immunity Act and such unit of local government or local
4 public entity is located within the geographical territory of
5 the Authority.

6 (Source: P.A. 85-713.)

7 (70 ILCS 510/4) (from Ch. 85, par. 6204)

8 Sec. 4. (a) There is hereby created a political
9 subdivision, body politic and municipal corporation named the
10 Quad Cities Regional Economic Development Authority. The
11 territorial jurisdiction of the Authority is that geographic
12 area within the boundaries of Jo Daviess, Carroll, Whiteside,
13 Stephenson, Lee, Rock Island, Henry, Knox, Winnebago, Stark,
14 Ogle, and Mercer counties in the State of Illinois and any
15 navigable waters and air space located therein.

16 (b) The governing and administrative powers of the
17 Authority shall be vested in a body consisting of 19 ~~16~~ members
18 including, as an ex officio member, the Director of Commerce
19 and Economic Opportunity, or his or her designee. The other
20 members of the Authority shall be designated "public members",
21 6 of whom shall be appointed by the Governor with the advice
22 and consent of the Senate. Of the 6 members appointed by the
23 Governor, one shall be from a city within the Authority's
24 territory with a population of 25,000 or more and the remainder
25 shall be appointed at large. Of the 6 members appointed by the

1 Governor, 2 members shall have business or finance experience.
2 One member shall be appointed by each of the county board
3 chairmen of Rock Island, Henry, Knox, and Mercer Counties with
4 the advice and consent of the respective county board. Within
5 60 days after the effective date of this amendatory Act of the
6 97th General Assembly, one additional public member shall be
7 appointed by each of the county board chairpersons of Jo
8 Daviess, Carroll, Whiteside, Stephenson, and Lee counties with
9 the advice and consent of the respective county board. Of the
10 public members added by this amendatory Act of the 97th General
11 Assembly, one shall serve for a one-year term, 2 shall serve
12 for 2-year terms, and 2 shall serve for 3-year terms, to be
13 determined by lot. No later than 60 days after the effective
14 date of this amendatory Act of the 100th General Assembly, one
15 additional public member shall be appointed by each of the
16 county board chairpersons of Winnebago, Stark, and Ogle
17 counties with the advice and consent of the respective county
18 board. Of the public members added by this amendatory Act of
19 the 100th General Assembly, one shall serve for a one-year
20 term, one shall serve for a 2-year term, and one shall serve
21 for a 3-year term, to be determined by lot. Their successors
22 shall serve for 3-year terms. All public members shall reside
23 within the territorial jurisdiction of this Act. Ten ~~Nine~~
24 members shall constitute a quorum and the Board may not meet or
25 take any action without a quorum present. The public members
26 shall be persons of recognized ability and experience in one or

1 more of the following areas: economic development, finance,
2 banking, industrial development, small business management,
3 real estate development, community development, venture
4 finance, organized labor or civic, community or neighborhood
5 organization. The Chairman of the Authority shall be a public
6 member elected by the affirmative vote of not fewer than 6
7 members of the Authority, except that any chairperson elected
8 on or after the effective date of this amendatory Act of the
9 100th General Assembly ~~on or after the effective date of this~~
10 ~~amendatory Act of the 97th General Assembly~~ shall be elected by
11 the affirmative vote of not fewer than 10 ~~9~~ members. The term
12 of the Chairman shall be one year.

13 (c) The terms of the initial members of the Authority shall
14 begin 30 days after the effective date of this Act, except (i)
15 the terms of those members added by this amendatory Act of 1989
16 shall begin 30 days after the effective date of this amendatory
17 Act of 1989 and (ii) the terms of those members added by this
18 amendatory Act of the 92nd General Assembly shall begin 30 days
19 after the effective date of this amendatory Act of the 92nd
20 General Assembly. Of the 10 public members appointed pursuant
21 to this Act, 2 (one of whom shall be appointed by the Governor)
22 shall serve until the third Monday in January, 1989, 2 (one of
23 whom shall be appointed by the Governor) shall serve until the
24 third Monday in January, 1990, 2 (one of whom shall be
25 appointed by the Governor) shall serve until the third Monday
26 in January, 1991, 2 (both of whom shall be appointed by the

1 Governor) shall serve until the third Monday in January, 1992,
2 and 2 (one of whom shall be appointed by the Governor and one
3 of whom shall be appointed by the county board chairman of Knox
4 County) shall serve until the third Monday in January, 2004.
5 The initial terms of the members appointed by the county board
6 chairmen (other than the county board chairman of Knox County)
7 shall be determined by lot. All successors shall be appointed
8 by the original appointing authority and hold office for a term
9 of 3 years commencing the third Monday in January of the year
10 in which their term commences, except in case of an appointment
11 to fill a vacancy. Vacancies occurring among the public members
12 shall be filled for the remainder of the term. In case of
13 vacancy in a Governor-appointed membership when the Senate is
14 not in session, the Governor may make a temporary appointment
15 until the next meeting of the Senate when a person shall be
16 nominated to fill such office, and any person so nominated who
17 is confirmed by the Senate shall hold office during the
18 remainder of the term and until a successor shall be appointed
19 and qualified. Members of the Authority shall not be entitled
20 to compensation for their services as members but shall be
21 entitled to reimbursement for all necessary expenses incurred
22 in connection with the performance of their duties as members.

23 (d) The Governor may remove any public member of the
24 Authority appointed by the Governor in case of incompetency,
25 neglect of duty, or malfeasance in office. The Chairman of a
26 county board may remove any public member of the Authority

1 appointed by such Chairman in the case of incompetency, neglect
2 of duty, or malfeasance in office.

3 (e) The Board shall appoint an Executive Director who shall
4 have a background in finance, including familiarity with the
5 legal and procedural requirements of issuing bonds, real estate
6 or economic development and administration. The Executive
7 Director may not serve as the executive director or other chief
8 administrative and operational officer of any other regional
9 development authority. The Executive Director must have his or
10 her primary residence in a county in which the Authority is
11 located. The Executive Director shall hold office at the
12 discretion of the Board. The Executive Director shall be the
13 chief administrative and operational officer of the Authority,
14 shall direct and supervise its administrative affairs and
15 general management, shall perform such other duties as may be
16 prescribed from time to time by the members and shall receive
17 compensation fixed by the Authority. The Authority may engage
18 the services of such other agents and employees, including
19 attorneys, appraisers, engineers, accountants, credit analysts
20 and other consultants, as it may deem advisable and may
21 prescribe their duties and fix their compensation.

22 (f) The Board shall create a task force to study and make
23 recommendations to the Board on the economic development of the
24 territory within the jurisdiction of this Act. The number of
25 members constituting the task force shall be set by the Board
26 and may vary from time to time. The Board may set a specific

1 date by which the task force is to submit its final report and
2 recommendations to the Board.

3 (Source: P.A. 97-278, eff. 8-8-11; 98-463, eff. 8-16-13.)

4 (70 ILCS 510/5) (from Ch. 85, par. 6205)

5 Sec. 5. Conflicts of Interest. Members or employees of
6 authority - conflicting relations or interests - effects.

7 (a) No member of the Authority or officer, agent or
8 employee thereof other than the representatives of a
9 professional sports team shall, in his or her own name or in
10 the name of a nominee, be an officer, director or hold an
11 ownership interest of more than 7-1/2% in any person,
12 association, trust, corporation, partnership or other entity
13 which is, in its own name or in the name of a nominee, a party
14 to a contract or agreement upon which the member or officer,
15 agent or employee may be called upon to act or vote.

16 (b) With respect to any direct or any indirect interest,
17 other than an interest prohibited in subsection (a), in a
18 contract or agreement upon which the member or officer, agent
19 or employee may be called upon to act or vote, a member of the
20 Authority or officer, agent or employee thereof shall disclose
21 the same to the secretary of the Authority prior to the taking
22 of final action by the Authority concerning such contract or
23 agreement and shall so disclose the nature and extent of such
24 interest and his or her acquisition thereof, which disclosures
25 shall be publicly acknowledged by the Authority and entered

1 upon the minutes of the Authority. If a member of the Authority
2 or officer, agent or employee thereof holds such an interest
3 then he or she shall refrain from any further official
4 involvement in regard to such contract or agreement, from
5 voting on any matter pertaining to such contract or agreement,
6 and from communicating with other members of the Authority or
7 its officers, agents and employees concerning said contract or
8 agreement. Notwithstanding any other provision of law, any
9 contract or agreement entered into in conformity with this
10 subsection (b) shall not be void or invalid by reason of the
11 interest described in this subsection, nor shall any person so
12 disclosing the interest and refraining from further official
13 involvement as provided in this subsection be guilty of an
14 offense, be removed from office or be subject to any other
15 penalty on account of such interest.

16 (c) Any contract or agreement made in violation of
17 subsection (a) or (b) of this Section shall be null and void
18 and give rise to no action against the Authority. No real
19 estate to which a member or employee of the Authority holds
20 legal title or in which such person has any beneficial
21 interest, including any interest in a land trust, shall be
22 purchased by the Authority or by a nonprofit corporation or
23 limited-profit entity for a development to be financed under
24 this Act. All members and employees of the Authority shall file
25 annually with the Authority a record of all real estate in this
26 State of which such person holds legal title or in which such

1 person has any beneficial interest, including any interest in a
2 land trust. In the event it is later disclosed that the
3 Authority has purchased real estate in which a member or
4 employee had an interest, such purchase shall be voidable by
5 the Authority and the member or employee involved shall be
6 disqualified from membership in or employment by the Authority.

7 (d) A person with any financial interest or business
8 relationship, formal or informal, in an economic development
9 consulting, lobbying, or advising business may not serve as the
10 Executive Director or on the Board of the Authority.

11 (Source: P.A. 85-713.)

12 (70 ILCS 510/6) (from Ch. 85, par. 6206)

13 Sec. 6. Records and Reports of the Authority. The secretary
14 shall keep a record of the proceedings of the Authority. The
15 treasurer of the Authority shall be custodian of all Authority
16 funds, and shall be bonded in such amount as the other members
17 of the Authority may designate. The accounts and bonds of the
18 Authority shall be set up and maintained in a manner approved
19 by the Auditor General, and the Authority shall file with the
20 Auditor General a certified annual report within 120 days after
21 the close of its fiscal year. The Authority shall also file
22 with the Governor, the Secretary of the Senate, the Clerk of
23 the House of Representatives, and the Commission on Government
24 Forecasting and Accountability ~~Legislative Research Unit~~, by
25 March 1 of each year, a written report covering its activities

1 and any activities of any instrumentality corporation
2 established pursuant to this Act for the previous fiscal year.
3 In its report to be filed by March 1, 1988, the Authority shall
4 present an economic development strategy for the Quad Cities
5 region for the year beginning July 1, 1988 and for the 4 years
6 next ensuing. In each annual report thereafter, the Authority
7 shall make modifications in such economic development strategy
8 for the 4 years beginning on the next ensuing July 1, to
9 reflect changes in economic conditions or other factors,
10 including the policies of the Authority and the State of
11 Illinois. It also shall present an economic development
12 strategy for the fifth year beginning after the next ensuing
13 July 1. The strategy shall recommend specific legislative and
14 administrative action by the State, the Authority, units of
15 local government or other governmental agencies. Such
16 recommendations may include, but are not limited to, new
17 programs, modifications to existing programs, credit
18 enhancements for bonds issued by the Authority, and amendments
19 to this Act. When filed, such report shall be a public record
20 and open for inspection at the offices of the Authority during
21 normal business hours.

22 The Authority is subject to the Open Meetings Act and the
23 Freedom of Information Act. Documents subject to the Freedom of
24 Information Act include, but are not limited to, expenses,
25 payroll, origination bonuses, and other financial details of
26 the Authority.

1 A contract or agreement entered into by the Authority must
2 be posted on the Authority's website.

3 (Source: P.A. 93-632, eff. 2-1-04.)

4 (70 ILCS 510/7) (from Ch. 85, par. 6207)

5 Sec. 7. All official acts of the Authority shall require
6 the approval of at least 10 ~~4~~ members.

7 (Source: P.A. 85-713.)

8 (70 ILCS 510/8) (from Ch. 85, par. 6208)

9 Sec. 8. (a) The Authority possesses all the powers of a
10 body corporate necessary and convenient to accomplish the
11 purposes of this Act, including, without any intended
12 limitation upon the general powers hereby conferred, the
13 following:

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

17 (2) to sue and be sued;

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

20 (4) to have and use a common seal and to alter the same at
21 its discretion;

22 (5) to adopt all needful ordinances, resolutions, by-laws,
23 rules and regulations for the conduct of its business and
24 affairs and for the management and use of the projects

1 developed, constructed, acquired and improved in furtherance
2 of its purposes;

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

4 (7) to accept and expend appropriations;

5 (8) to maintain an office or offices at such place as the
6 Authority may designate;

7 (9) to employ, either as regular employees or as
8 independent contractors, such consultants, engineers,
9 architects, accountants, attorneys, financial experts,
10 construction experts and personnel, superintendents, managers
11 and other professional personnel, personnel, and actors as may
12 be necessary in the judgment of the Authority, and fix their
13 compensation;

14 (10) to acquire, hold, lease, use, encumber, transfer or
15 dispose of real and personal property;

16 (11) to enter into contracts of any kind and execute all
17 instruments necessary or convenient with respect to its
18 carrying out the powers in this Act to accomplish the purposes
19 of the Authority;

20 (12) to fix and revise from time to time and charge and
21 collect rates, rents, fees or other charges for the use of
22 facilities or for services rendered in connection with the
23 facilities;

24 (13) to borrow money from any source for any corporate
25 purpose, including working capital for its operations, reserve
26 funds, or interest, and to mortgage, pledge or otherwise

1 encumber the property or funds of the Authority and to contract
2 with or engage the services of any person in connection with
3 any financing, including financial institutions, issuers of
4 letters of credit, or insurers;

5 (14) to issue bonds or notes under this Act;

6 (15) to receive and accept from any source, private or
7 public, contributions, gifts or grants of money or property;

8 (16) to make loans from proceeds or funds otherwise
9 available to the extent necessary or appropriate to accomplish
10 the purposes of the Authority;

11 (17) to exercise all the corporate powers granted to
12 Illinois corporations under the Business Corporation Act of
13 1983, except to the extent that any such powers are
14 inconsistent with those of a body politic and corporate of the
15 State;

16 (18) to have and exercise all powers and be subject to all
17 duties usually incident to boards of directors of corporations;
18 and

19 (19) to do all things necessary or convenient to carry out
20 the powers granted by this Act.

21 (b) The Authority shall not issue any bonds relating to the
22 financing of a project located within the planning and
23 subdivision control jurisdiction of any municipality or county
24 unless notice, including a description of the proposed project
25 and the financing therefor, is submitted to the corporate
26 authorities of such municipality or, in the case of a proposed

1 project in an unincorporated area, to the county board.

2 (c) If any of the powers set forth in this Act are
3 exercised within the jurisdictional limits of any
4 municipality, all ordinances of such municipality shall remain
5 in full force and effect and shall be controlling.

6 (d) Notice shall be provided to the General Assembly, the
7 Department of Commerce and Economic Opportunity, and the
8 Governor before the Authority enters into a financing
9 agreement. The notice to the General Assembly shall be filed
10 with the Clerk of the House of Representatives and the
11 Secretary of the Senate in electronic form only, in the manner
12 that the Clerk and the Secretary shall direct.

13 (Source: P.A. 85-713.)

14 (70 ILCS 510/9) (from Ch. 85, par. 6209)

15 Sec. 9. Bonds and notes.

16 (a) (1) The Authority may, with the written approval of the
17 Governor, at any time and from time to time, issue bonds and
18 notes for any corporate purpose, including the establishment of
19 reserves, ~~and~~ the payment of interest, and any local government
20 projects. In this Act the term "bonds" includes notes of any
21 kind, interim certificates, refunding bonds or any other
22 evidence of obligation.

23 (2) The bonds of any issue shall be payable solely from the
24 property or receipts of the Authority, including, without
25 limitation:

1 (I) fees, charges or other revenues payable to the
2 Authority;

3 (II) payments by financial institutions, insurance
4 companies, or others pursuant to letters or lines of
5 credit, policies of insurance, or purchase agreements;

6 (III) investment earnings from funds or accounts
7 maintained pursuant to a bond resolution or trust
8 agreement; and

9 (IV) proceeds of refunding bonds.

10 (3) Bonds shall be authorized by a resolution of the
11 Authority and may be secured by a trust agreement by and
12 between the Authority and a corporate trustee or trustees,
13 which may be any trust company or bank having the powers of a
14 trust company within or without the State. Bonds shall:

15 (I) be issued at, above or below par value, for cash or
16 other valuable consideration, and mature at time or times,
17 whether as serial bonds or as term bonds or both, not
18 exceeding 40 years from their respective date of issue;
19 however, the length of the term of the bond should bear a
20 reasonable relationship to the value life of the item
21 financed;

22 (II) bear interest at the fixed or variable rate or
23 rates determined by the method provided in the resolution
24 or trust agreement;

25 (III) be payable at a time or times, in the
26 denominations and form, either coupon or registered or

1 both, and carry the registration and privileges as to
2 conversion and for the replacement of mutilated, lost or
3 destroyed bonds as the resolution or trust agreement may
4 provide;

5 (IV) be payable in lawful money of the United States at
6 a designated place;

7 (V) be subject to the terms of purchase, payment,
8 redemption, refunding or refinancing that the resolution
9 or trust agreement provides;

10 (VI) be executed by the manual or facsimile signatures
11 of the officers of the Authority designated by the
12 Authority, which signatures shall be valid at delivery even
13 for one who has ceased to hold office; and

14 (VII) be sold in the manner and upon the terms
15 determined by the Authority.

16 (b) Any resolution or trust agreement may contain
17 provisions which shall be a part of the contract with the
18 holders of the bonds as to:

19 (1) pledging, assigning or directing the use,
20 investment or disposition of receipts of the Authority or
21 proceeds or benefits of any contract and conveying or
22 otherwise securing any property or property rights;

23 (2) the setting aside of loan funding deposits, debt
24 service reserves, capitalized interest accounts, cost of
25 issuance accounts and sinking funds, and the regulations,
26 investment and disposition thereof;

1 (3) limitations on the purpose to which or the
2 investments in which the proceeds of sale of any issue of
3 bonds may be applied and restrictions to investment of
4 revenues or bond proceeds in government obligations for
5 which principal and interest are unconditionally
6 guaranteed by the United States of America;

7 (4) limitations on the issue of additional bonds, the
8 terms upon which additional bonds may be issued and
9 secured, the terms upon which additional bonds may rank on
10 a parity with, or be subordinate or superior to, other
11 bonds;

12 (5) the refunding or refinancing of outstanding bonds;

13 (6) the procedure, if any, by which the terms of any
14 contract with bondholders may be altered or amended and the
15 amount of bonds and holders of which must consent thereto,
16 and the manner in which consent shall be given;

17 (7) defining the acts or omissions which shall
18 constitute a default in the duties of the Authority to
19 holders of bonds and providing the rights or remedies of
20 such holders in the event of a default which may include
21 provisions restricting individual right of action by
22 bondholders;

23 (8) providing for guarantees, pledges of property,
24 letters of credit, or other security, or insurance for the
25 benefit of bondholders; and

26 (9) any other matter relating to the bonds which the

1 Authority determines appropriate.

2 (c) No member of the Authority nor any person executing the
3 bonds shall be liable personally on the bonds or subject to any
4 personal liability by reason of the issuance of the bonds.

5 (d) The Authority may enter into agreements with agents,
6 banks, insurers or others for the purpose of enhancing the
7 marketability of or as security for its bonds.

8 (e) (1) A pledge by the Authority of revenues as security
9 for an issue of bonds shall be valid and binding from the time
10 when the pledge is made.

11 (2) The revenues pledged shall immediately be subject to
12 the lien of the pledge without any physical delivery or further
13 act, and the lien of any pledge shall be valid and binding
14 against any person having any claim of any kind in tort,
15 contract or otherwise against the Authority, irrespective of
16 whether the person has notice.

17 (3) No resolution, trust agreement or financing statement,
18 continuation statement, or other instrument adopted or entered
19 into by the Authority need be filed or recorded in any public
20 record other than the records of the authority in order to
21 perfect the lien against third persons, regardless of any
22 contrary provision of law.

23 (f) The Authority may issue bonds to refund any of its
24 bonds then outstanding, including the payment of any redemption
25 premium and any interest accrued or to accrue to the earliest
26 or any subsequent date of redemption, purchase or maturity of

1 the bonds. Refunding bonds may be issued for the public
2 purposes of realizing savings in the effective costs of debt
3 service, directly or through a debt restructuring, for
4 alleviating impending or actual default and may be issued in
5 one or more series in an amount in excess of that of the bonds
6 to be refunded.

7 (g) Bonds or notes of the Authority may be sold by the
8 Authority through the process of competitive bid or negotiated
9 sale.

10 (h) At no time shall the total outstanding bonds and notes
11 of the Authority exceed \$250 million.

12 (i) The bonds and notes of the Authority shall not be debts
13 of the State.

14 (j) In no event may proceeds of bonds or notes issued by
15 the Authority be used to finance any structure which is not
16 constructed pursuant to an agreement between the Authority and
17 a party, which provides for the delivery by the party of a
18 completed structure constructed pursuant to a fixed price
19 contract, and which provides for the delivery of such structure
20 at such fixed price to be insured or guaranteed by a third
21 party determined by the Authority to be capable of completing
22 construction of such a structure.

23 (k) With respect to any local government project, the
24 Authority is authorized to purchase from time to time pursuant
25 to negotiated sale or to otherwise acquire from time to time
26 any local government security upon terms and conditions as the

1 Authority may prescribe in connection with the local government
2 security. A local government security purchased or otherwise
3 acquired by the Authority is not a moral obligation of the
4 State or any State agency or political subdivision of the
5 State.

6 (Source: P.A. 96-196, eff. 1-1-10.)

7 (70 ILCS 510/9.5 new)

8 Sec. 9.5. Local government securities. Any local
9 governmental unit which is authorized to issue, sell, and
10 deliver its local government securities under any provision of
11 the Illinois Constitution or laws of this State may issue,
12 sell, and deliver such local government securities to the
13 Authority as provided by this Act, provided that and
14 notwithstanding any other provision of law to the contrary, any
15 such local governmental unit may issue and sell any such local
16 government security at any interest rate, which rate or rates
17 may be established by an index or formula which may be
18 implemented by persons appointed or retained therefor, payable
19 at such time or times and at such price or prices to which the
20 local governmental unit and the Authority may agree. Any local
21 governmental unit may pay any amount charged by the Authority.
22 Any local governmental unit may pay out of the proceeds of its
23 local government securities or out of any other moneys or funds
24 available to it for such purposes any costs, fees, interest
25 deemed necessary, premiums or revenues incurred or required for

1 financing or refinancing this program, including, without
2 limitation, any fees charged by the Authority and its share, as
3 determined by the Authority, of any costs, fees, interest
4 deemed necessary, premiums or revenues incurred or required
5 pursuant to this Act. All local government securities purchased
6 by the Authority pursuant to this Act shall upon delivery to
7 the Authority be accompanied by an approving opinion of bond
8 counsel as to the validity of such securities. The Authority
9 shall have discretion to purchase or otherwise acquire those
10 local government securities as it shall deem to be in the best
11 interest of its financing program for all local governmental
12 units taken as a whole.

13 (70 ILCS 510/14) (from Ch. 85, par. 6214)

14 Sec. 14. Additional powers and duties.

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

17 (b) The Authority shall have the power to enter into
18 intergovernmental agreements with the State of Illinois, the
19 counties of Jo Daviess, Carroll, Whiteside, Stephenson, Lee,
20 Rock Island, Henry, Knox, Winnebago, Stark, Ogle, or Mercer,
21 the State of Iowa or any authority established by the State of
22 Iowa, the Illinois Finance Authority, the Illinois Housing
23 Development Authority, the United States government and any
24 agency or instrumentality of the United States, any unit of
25 local government located within the territory of the Authority

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

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

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

12 (Source: P.A. 93-205, eff. 1-1-04.)

13 Section 170. The Riverdale Development Authority Act is
14 amended by changing Sections 15, 20, and 30 as follows:

15 (70 ILCS 516/15)

16 Sec. 15. Creation of Authority; Board members; officers.

17 (a) The Riverdale Development Authority is created as a
18 political subdivision, body politic, and municipal
19 corporation.

20 (b) The jurisdiction of the Authority shall extend over the
21 approximately 1,200 acres (1.87 sq. miles), more or less, of
22 largely industrial, commercial and residential property
23 located between and adjacent to the CSX's Barr Yard and IHB's
24 Blue Island Yard, exclusive of those yards and other rail lines

1 and utility property, but including: the property generally
2 bounded by I-57 on the west; east along Jackson Street and
3 Indian Boundary Line to Halsted Avenue; south on Halsted to
4 Forestview Avenue continuing east to the Norfolk Southern
5 Railway; north along the Norfolk Southern Railway to the Little
6 Calumet River, east along the River to the northeastern tip of
7 the peninsula crossing the River at the height of 130th Street
8 to the Canadian National-Illinois Central Railroad property
9 line continuing south along the rail line and crossing the
10 River again; east along the River to Indiana Avenue; south to
11 136th Street; west on 136th Street to the Norfolk Southern
12 Railway then northwest to the northern boundary of Mohawk Park
13 at the height of Blue Island-Riverdale Road and thence west on
14 Blue Island-Riverdale Road to the eastern edge of the
15 Commonwealth Edison easement at the height of Stewart Avenue
16 and then south on Stewart Avenue to 142nd Street; west on 142nd
17 Street continuing along the southern boundary of the IHB Blue
18 Island Yard following this boundary line west to I-57.

19 (c) The governing and administrative powers of the
20 Authority shall be vested in its Board of Directors consisting
21 of 5 members, 3 of whom shall be appointed by the Mayor of
22 Riverdale and 2 of whom shall be appointed by the Governor. All
23 persons appointed as members of the Board shall have recognized
24 ability and experience in one or more of the following areas:
25 economic development, finance, banking, industrial
26 development, business management, real estate, community

1 development, organized labor, or civic, community, or
2 neighborhood organization.

3 (d) The terms of the 5 initial appointees to the Authority
4 shall commence 30 days after the effective date of this Act. Of
5 the 5 appointees initially appointed (i) one of Riverdale's
6 appointees and one of the Governor's appointees shall be
7 appointed to serve terms expiring on the third Monday in
8 January, 2009; (ii) one of Riverdale's appointees shall be
9 appointed to serve a term expiring on the third Monday in
10 January, 2010; and (iii) one of Riverdale's appointees and 1 of
11 the Governor's appointees shall be appointed to serve terms
12 expiring on the third Monday in January, 2011. All successors
13 shall be appointed by the original appointing authority and
14 hold office for a term of 4 years commencing the third Monday
15 in January of the year in which their term commences, except in
16 case of an appointment to fill a vacancy. Vacancies shall be
17 filled for the remainder of the term. Each member appointed to
18 the Board shall serve until his or her successor is appointed
19 and qualified.

20 (e) The Chairperson of the Board shall be elected by the
21 Board annually from among its members.

22 (f) The appointing authority may remove any member of the
23 Board in case of incompetency, neglect of duty, or malfeasance
24 in office.

25 (g) Members of the Board shall serve without compensation
26 for their services as members but may be reimbursed for all

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

3 (h) The Board may appoint an Executive Director who shall
4 have a background in administration, planning, real estate,
5 economic development, finance, or law. The Executive Director
6 may not serve as the executive director or other chief
7 administrative and operational officer of any other regional
8 development authority. The Executive Director must have his or
9 her primary residence in a county in which the Authority is
10 located. The Executive Director shall hold office at the
11 discretion of the Board. The Executive Director shall be the
12 chief administrative and operational officer of the Authority,
13 shall direct and supervise its administrative affairs and
14 general management, shall perform such other duties as may be
15 prescribed from time to time by the Board, and shall receive
16 compensation fixed by the Board. The Executive Director shall
17 attend all meetings of the Board; however, no action of the
18 Board or the Authority shall be invalid on account of the
19 absence of the Executive Director from a meeting. The Board may
20 engage the services of such other agents and employees,
21 including planners, attorneys, appraisers, engineers,
22 accountants, credit analysts and other consultants, and may
23 prescribe their duties and fix their compensation.

24 (i) The Board shall meet on the call of its Chairperson or
25 upon written notice of 3 members of the Board.

26 (j) 3 members constitutes a quorum of the Board and the

1 Board may not meet or take any action without a quorum present.

2 All official acts of the Authority shall require the
3 affirmative vote of at least 3 of the members of the Board
4 present and voting at a meeting of the Board.

5 (k) A person with any financial interest or business
6 relationship, formal or informal, in an economic development
7 consulting, lobbying, or advising business may not serve as the
8 Executive Director or on the Board of the Authority.

9 (Source: P.A. 94-1093, eff. 1-26-07.)

10 (70 ILCS 516/20)

11 Sec. 20. Responsibilities of the Authority. It is the duty
12 of the Authority to promote development within its territorial
13 jurisdiction. The Authority shall use the powers conferred on
14 it by this Act to assist in the planning, development,
15 acquisition, construction and marketing of residential,
16 industrial, commercial, or freight-oriented projects within
17 its territorial jurisdiction.

18 (a) The Authority shall have the power to undertake
19 joint planning for property within its territorial
20 jurisdiction that identifies and addresses its
21 development, transportation, transit, zoning, workforce,
22 and environmental priorities and objectives.

23 (b) The Authority shall have the power to assemble and
24 prepare parcels for development.

25 (c) The Authority shall have the power to oversee

1 environmental studies and remediation necessary to
2 identify and remove any hazards or toxins that impede
3 development.

4 (d) The Authority shall have the power to develop,
5 construct, and improve, either under its own direction or
6 through collaboration with any approved applicant, or to
7 acquire through purchase or otherwise any project, using
8 for that purpose the proceeds derived from its sale of
9 revenue bonds, notes, or other evidences of indebtedness or
10 governmental loans or grants, and to hold title in the name
11 of the Authority to those projects.

12 (e) The Authority shall have the power to market the
13 Riverdale Development to prospective developers and
14 businesses.

15 (f) The Authority shall make its best effort to annex
16 parcels of unincorporated property that are subject to the
17 jurisdiction of the Authority to a contiguous municipality
18 named in subsection (c) of Section 15.

19 (g) The Authority shall maintain relations with local
20 residents, industries, businesses, nonprofit
21 organizations, elected and appointed officials, other
22 government and private entities as well as any other
23 interested parties in the course of achieving its
24 objectives and exercising its powers.

25 The Authority is subject to the Open Meetings Act and the
26 Freedom of Information Act. Documents subject to the Freedom of

1 Information Act include, but are not limited to, expenses,
2 payroll, origination bonuses, and other financial details of
3 the Authority.

4 A contract or agreement entered into by the Authority must
5 be posted on the Authority's website.

6 (Source: P.A. 94-1093, eff. 1-26-07.)

7 (70 ILCS 516/30)

8 Sec. 30. Limitations. If any of the Authority's powers are
9 exercised within the jurisdiction limits of any municipality,
10 then all of the ordinances of that municipality remain in full
11 force and effect and are controlling.

12 The Authority shall not issue any revenue bonds relating to
13 the financing of a project located within the planning and
14 subdivision control jurisdiction of any municipality or county
15 unless: (1) notice, including a description of the proposed
16 project and the financing therefor, is submitted to the
17 corporate authorities of the municipality or, in the case of a
18 proposed project in an unincorporated area, to the county
19 board; and (2) the corporate authorities do not or, in the case
20 of an unincorporated area, the county board does not, adopt a
21 resolution disapproving the project within 45 days after
22 receipt of the notice.

23 Notice shall be provided to the General Assembly, the
24 Department of Commerce and Economic Opportunity, and the
25 Governor before the Authority enters into a financing

1 agreement. The notice to the General Assembly shall be filed
2 with the Clerk of the House of Representatives and the
3 Secretary of the Senate in electronic form only, in the manner
4 that the Clerk and the Secretary shall direct.

5 (Source: P.A. 94-1093, eff. 1-26-07.)

6 Section 171. The Southeastern Illinois Economic
7 Development Authority Act is amended by changing Sections 15,
8 20, 30, 35, and 45 and by adding Section 37 as follows:

9 (70 ILCS 518/15)

10 Sec. 15. Definitions. In this Act:

11 "Authority" means the Southeastern Illinois Economic
12 Development Authority.

13 "Governmental agency" means any federal, State, or local
14 governmental body and any agency or instrumentality thereof,
15 corporate or otherwise.

16 "Person" means any natural person, firm, partnership,
17 corporation, both domestic and foreign, company, association
18 or joint stock association and includes any trustee, receiver,
19 assignee or personal representative thereof.

20 "Revenue bond" means any bond issued by the Authority, the
21 principal and interest of which is payable solely from revenues
22 or income derived from any project or activity of the
23 Authority.

24 "Board" means the Board of Directors of the Southeastern

1 Illinois Economic Development Authority.

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

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

5 "Industrial project" means the following:

6 (1) a capital project, including one or more buildings
7 and other structures, improvements, machinery and
8 equipment whether or not on the same site or sites now
9 existing or hereafter acquired, suitable for use by any
10 manufacturing, industrial, research, transportation or
11 commercial enterprise including but not limited to use as a
12 factory, mill, processing plant, assembly plant, packaging
13 plant, fabricating plant, ethanol plant, office building,
14 industrial distribution center, warehouse, repair,
15 overhaul or service facility, freight terminal, research
16 facility, test facility, power generation facility, mining
17 operation, railroad facility, solid waste and wastewater
18 treatment and disposal sites and other pollution control
19 facilities, resource or waste reduction, recovery,
20 treatment and disposal facilities, tourism-related
21 facilities, including hotels, theaters, water parks, and
22 amusement parks, and including also the sites thereof and
23 other rights in land therefore whether improved or
24 unimproved, site preparation and landscaping and all
25 appurtenances and facilities incidental thereto such as
26 utilities, access roads, railroad sidings, truck docking

1 and similar facilities, parking facilities, dockage,
2 wharfage, railroad roadbed, track, trestle, depot,
3 terminal, switching and signaling equipment or related
4 equipment and other improvements necessary or convenient
5 thereto; or

6 (2) any land, buildings, machinery or equipment
7 comprising an addition to or renovation, rehabilitation or
8 improvement of any existing capital project.

9 "Housing project" or "residential project" includes a
10 specific work or improvement undertaken to provide dwelling
11 accommodations, including the acquisition, construction or
12 rehabilitation of lands, buildings and community facilities
13 and in connection therewith to provide nonhousing facilities
14 which are an integral part of a planned large-scale project or
15 new community.

16 "Commercial project" means any project, including, but not
17 limited to, one or more buildings and other structures,
18 improvements, machinery, and equipment, whether or not on the
19 same site or sites now existing or hereafter acquired, suitable
20 for use by any retail or wholesale concern, distributorship, or
21 agency, or health facility or retirement facility.

22 "Project" means an industrial, housing, residential,
23 commercial, or service project, or any combination thereof,
24 provided that all uses fall within one of the categories
25 described above. Any project automatically includes all site
26 improvements and new construction involving sidewalks, sewers,

1 solid waste and wastewater treatment and disposal sites and
2 other pollution control facilities, resource or waste
3 reduction, recovery, treatment and disposal facilities, parks,
4 open spaces, wildlife sanctuaries, streets, highways, and
5 runways.

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

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

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

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

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

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

17 (2) financing charges;

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

22 (4) engineering and legal expenses; and

23 (5) the costs of plans, specifications, surveys, and
24 estimates of costs and other expenses necessary or incident
25 to determining the feasibility or practicability of any
26 project, together with such other expenses as may be

1 necessary or incident to the financing, insuring,
2 acquisition, and construction of a specific project and the
3 placing of the same in operation.

4 "Local government project" means a project or other
5 undertaking that is authorized or required by law to be
6 acquired, constructed, reconstructed, equipped, improved,
7 rehabilitated, replaced, maintained, or otherwise undertaken
8 in any manner by a local governmental unit.

9 "Local government security" means a bond, note, or other
10 evidence of indebtedness that a local governmental unit is
11 legally authorized to issue for the purpose of financing a
12 public purpose project or to issue for any other lawful public
13 purpose under any provision of the Illinois Constitution or
14 laws of this State, whether the obligation is payable from
15 taxes or revenues, rates, charges, assessments,
16 appropriations, grants, or any other lawful source or
17 combination thereof, and specifically includes, without
18 limitation, obligations under any lease or lease purchase
19 agreement lawfully entered into by the local governmental unit
20 for the acquisition or use of facilities or equipment.

21 "Local governmental unit" means a unit of local government,
22 as defined in Section 1 of Article VII of the Illinois
23 Constitution, and any local public entity as that term is
24 defined in the Local Governmental and Governmental Employees
25 Tort Immunity Act and such unit of local government or local
26 public entity is located within the geographical territory of

1 the Authority.

2 (Source: P.A. 98-750, eff. 1-1-15.)

3 (70 ILCS 518/20)

4 Sec. 20. Creation; organization.

5 (a) There is created a political subdivision, body politic,
6 and municipal corporation named the Southeastern Illinois
7 Economic Development Authority. The territorial jurisdiction
8 of the Authority is that geographic area within the boundaries
9 of the following counties: Fayette, Cumberland, Clark,
10 Effingham, Jasper, Crawford, Marion, Clay, Richland, Lawrence,
11 Jefferson, Wayne, Edwards, Wabash, Hamilton, Washington, and
12 ~~White,; Irvington Township in Washington County;~~ and any
13 navigable waters and air space located therein.

14 (b) The governing and administrative powers of the
15 Authority shall be vested in a body consisting of 27 members as
16 follows:

17 (1) Public members. Nine members shall be appointed by
18 the Governor with the advice and consent of the Senate. The
19 county board chairmen of the following counties shall each
20 appoint one member: Clark, Clay, Crawford, Cumberland,
21 Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson,
22 Lawrence, Marion, Richland, Wabash, Washington, Wayne, and
23 White.

24 (2) One member shall be appointed by the Director of
25 Commerce and Economic Opportunity.

1 All public members shall reside within the territorial
2 jurisdiction of the Authority. The public members shall be
3 persons of recognized ability and experience in one or more of
4 the following areas: economic development, finance, banking,
5 industrial development, state or local government, commercial
6 agriculture, small business management, real estate
7 development, community development, venture finance, organized
8 labor, or civic or community organization.

9 (c) Fourteen members shall constitute a quorum and the
10 Board may not meet or take any action without a quorum present.

11 (d) The chairman of the Authority shall be elected annually
12 by the Board.

13 (e) The terms of the initial members of the Authority shall
14 begin 30 days after the effective date of this Act. Of the 10
15 original members appointed by the Governor and the Director of
16 Commerce and Economic Opportunity pursuant to subsection (b),
17 one shall serve until the third Monday in January, 2005; one
18 shall serve until the third Monday in January, 2006; 2 shall
19 serve until the third Monday in January, 2007; 2 shall serve
20 until the third Monday in January, 2008; 2 shall serve until
21 the third Monday in January, 2009; and 2 shall serve until the
22 third Monday in January, 2010. The terms of the initial public
23 members of the Authority appointed by the county board chairmen
24 shall begin 30 days after the effective date of this amendatory
25 Act of the 97th General Assembly. The terms of the initial
26 public members appointed by the county board chairmen shall be

1 determined by lot, according to the following schedule: (i) 4
2 shall serve until the third Monday in January, 2013, (ii) 4
3 shall serve until the third Monday in January, 2014, (iii) 3
4 shall serve until the third Monday in January, 2015, (iv) 3
5 shall serve until the third Monday in January, 2016, and (v) 3
6 shall serve until the third Monday in January, 2017. All
7 successors to these initial members shall be appointed by the
8 original appointing authority pursuant to subsection (b), and
9 shall hold office for a term of 3 years commencing the third
10 Monday in January of the year in which their term commences,
11 except in the case of an appointment to fill a vacancy.
12 Vacancies occurring among the members shall be filled for the
13 remainder of the term. In case of a vacancy in a
14 Governor-appointed membership when the Senate is not in
15 session, the Governor may make a temporary appointment until
16 the next meeting of the Senate when a person shall be nominated
17 to fill the office and, upon confirmation by the Senate, he or
18 she shall hold office during the remainder of the term and
19 until a successor is appointed and qualified. Members of the
20 Authority are not entitled to compensation for their services
21 as members but are entitled to reimbursement for all necessary
22 expenses incurred in connection with the performance of their
23 duties as members. Members of the Board may participate in
24 Board meetings by teleconference or video conference.

25 (f) The Governor may remove any public member of the
26 Authority appointed by the Governor, and the Director of

1 Commerce and Economic Opportunity may remove any member
2 appointed by the Director, in case of incompetence, neglect of
3 duty, or malfeasance in office. The chairman of a county board,
4 with the approval of a majority vote of the county board, may
5 remove any public member appointed by that chairman in the case
6 of incompetence, neglect of duty, or malfeasance in office.

7 (g) The Board shall appoint an Executive Director who shall
8 have a background in finance, including familiarity with the
9 legal and procedural requirements of issuing bonds, real
10 estate, or economic development and administration. The
11 Executive Director may not serve as the executive director or
12 other chief administrative and operational officer of any other
13 regional development authority. The Executive Director must
14 have his or her primary residence in a county in which the
15 Authority is located. The Executive Director shall hold office
16 at the discretion of the Board. The Executive Director shall be
17 the chief administrative and operational officer of the
18 Authority, shall direct and supervise its administrative
19 affairs and general management, perform such other duties as
20 may be prescribed from time to time by the members, and receive
21 compensation fixed by the Authority. The Executive Director
22 shall attend all meetings of the Authority. However, no action
23 of the Authority shall be invalid on account of the absence of
24 the Executive Director from a meeting. The Authority may engage
25 the services of the Illinois Finance Authority, attorneys,
26 appraisers, engineers, accountants, credit analysts, and other

1 consultants, if the Southeastern Illinois Economic Development
2 Authority deems it advisable.

3 (h) A person with any financial interest or business
4 relationship, formal or informal, in an economic development
5 consulting, lobbying, or advising business may not serve as the
6 Executive Director or on the Board of the Authority.

7 (i) The Authority is subject to the Open Meetings Act and
8 the Freedom of Information Act. Documents subject to the
9 Freedom of Information Act include, but are not limited to,
10 expenses, payroll, origination bonuses, and other financial
11 details of the Authority.

12 (j) A contract or agreement entered into by the Authority
13 must be posted on the Authority's website.

14 (Source: P.A. 97-717, eff. 6-29-12.)

15 (70 ILCS 518/30)

16 Sec. 30. Powers.

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

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

24 (2) to sue and be sued;

25 (3) to utilize services of the Illinois Finance

1 Authority;

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

4 (5) to adopt all needful ordinances, resolutions,
5 by-laws, rules, and regulations for the conduct of its
6 business and affairs and for the management and use of the
7 projects developed, constructed, acquired, and improved in
8 furtherance of its purposes;

9 (6) to own or finance communications projects such as
10 telecommunications, fiber optics, and data transfer
11 projects;

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

13 (8) to accept and expend appropriations;

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

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

21 (11) to acquire, own, construct, lease, operate, and
22 maintain bridges, terminals, terminal facilities, and port
23 facilities and to fix and collect just, reasonable, and
24 nondiscriminatory charges for the use of such facilities.
25 These charges shall be used to defray the reasonable
26 expenses of the Authority and to pay the principal and

1 interest of any revenue bonds issued by the Authority;

2 (12) subject to any applicable condition imposed by
3 this Act, to locate, establish and maintain a public
4 airport, public airports and public airport facilities
5 within its corporate limits or within or upon any body of
6 water adjacent thereto and to construct, develop, expand,
7 extend and improve any such airport or airport facility;
8 and

9 (13) to have and exercise all powers and be subject to
10 all duties usually incident to boards of directors of
11 corporations.

12 (b) The Authority shall not issue any bonds relating to the
13 financing of a project located within the planning and
14 subdivision control jurisdiction of any municipality or county
15 unless notice, including a description of the proposed project
16 and the financing for that project, is submitted to the
17 corporate authorities of the municipality or, in the case of a
18 proposed project in an unincorporated area, to the county
19 board.

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

24 (d) Notice shall be provided to the General Assembly, the
25 Department of Commerce and Economic Opportunity, and the
26 Governor before the Authority enters into a financing

1 agreement. The notice to the General Assembly shall be filed
2 with the Clerk of the House of Representatives and the
3 Secretary of the Senate in electronic form only, in the manner
4 that the Clerk and the Secretary shall direct.

5 (Source: P.A. 93-968, eff. 8-20-04.)

6 (70 ILCS 518/35)

7 Sec. 35. Bonds.

8 (a) The Authority, with the written approval of the
9 Governor, shall have the continuing power to issue bonds,
10 notes, or other evidences of indebtedness in an aggregate
11 amount outstanding not to exceed \$250,000,000 for the following
12 purposes: (i) development, construction, acquisition, or
13 improvement of projects, including those established by
14 business entities locating or expanding property within the
15 territorial jurisdiction of the Authority; (ii) entering into
16 venture capital agreements with businesses locating or
17 expanding within the territorial jurisdiction of the
18 Authority; (iii) acquisition and improvement of any property
19 necessary and useful in connection therewith; ~~and~~ (iv) for the
20 purposes of the Employee Ownership Assistance Act; and (v) any
21 local government projects. With respect to any local government
22 project, the Authority is authorized to purchase from time to
23 time pursuant to negotiated sale or to otherwise acquire from
24 time to time any local government security upon terms and
25 conditions as the Authority may prescribe in connection with

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

1 in such manner and may contain such terms and covenants as may
2 be provided by an applicable resolution.

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

17 (c) If the Authority fails to pay the principal of or
18 interest on any of the bonds or premium, if any, as the bond
19 becomes due, a civil action to compel payment may be instituted
20 in the appropriate circuit court by the holder or holders of
21 the bonds on which the default of payment exists or by an
22 indenture trustee acting on behalf of the holders. Delivery of
23 a summons and a copy of the complaint to the chairman of the
24 Board shall constitute sufficient service to give the circuit
25 court jurisdiction over the subject matter of the suit and
26 jurisdiction over the Authority and its officers named as

1 defendants for the purpose of compelling such payment. Any
2 case, controversy, or cause of action concerning the validity
3 of this Act relates to the revenue of the State of Illinois.

4 (d) Notwithstanding the form and tenor of any bond, note,
5 or other evidence of indebtedness and in the absence of any
6 express recital on its face that it is non-negotiable, all such
7 bonds, notes, and other evidences of indebtedness shall be
8 negotiable instruments. Pending the preparation and execution
9 of any bonds, notes, or other evidences of indebtedness,
10 temporary bonds, notes, or evidences of indebtedness may be
11 issued as provided by ordinance.

12 (e) To secure the payment of any or all of such bonds,
13 notes, or other evidences of indebtedness, the revenues to be
14 received by the Authority from a lease agreement or loan
15 agreement shall be pledged, and, for the purpose of setting
16 forth the covenants and undertakings of the Authority in
17 connection with the issuance of the bonds, notes, or other
18 evidences of indebtedness and the issuance of any additional
19 bonds, notes or other evidences of indebtedness payable from
20 such revenues, income, or other funds to be derived from
21 projects, the Authority may execute and deliver a mortgage or
22 trust agreement. A remedy for any breach or default of the
23 terms of any mortgage or trust agreement by the Authority may
24 be by mandamus proceeding in the appropriate circuit court to
25 compel performance and compliance under the terms of the
26 mortgage or trust agreement, but the trust agreement may

1 prescribe by whom or on whose behalf the action may be
2 instituted.

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

13 (g) In the event that the Authority determines that moneys
14 of the Authority will not be sufficient for the payment of the
15 principal of and interest on its bonds during the next State
16 fiscal year, the chairman, as soon as practicable, shall
17 certify to the Governor the amount required by the Authority to
18 enable it to pay the principal of and interest on the bonds.
19 The Governor shall submit the certified amount to the General
20 Assembly as soon as practicable, but no later than the end of
21 the current State fiscal year. This Section shall not apply to
22 any bonds or notes to which the Authority determines, in the
23 resolution authorizing the issuance of the bonds or notes, that
24 this Section shall not apply. Whenever the Authority makes this
25 determination, it shall be plainly stated on the face of the
26 bonds or notes and the determination shall also be reported to

1 the Governor. In the event of a withdrawal of moneys from a
2 reserve fund established with respect to any issue or issues of
3 bonds of the Authority to pay principal or interest on those
4 bonds, the chairman of the Authority, as soon as practicable,
5 shall certify to the Governor the amount required to restore
6 the reserve fund to the level required in the resolution or
7 indenture securing those bonds. The Governor shall submit the
8 certified amount to the General Assembly as soon as
9 practicable, but no later than the end of the current State
10 fiscal year. This subsection (g) shall not apply to any bond
11 issued on or after the effective date of this amendatory Act of
12 the 97th General Assembly.

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

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

6 (Source: P.A. 97-717, eff. 6-29-12; 98-750, eff. 1-1-15.)

7 (70 ILCS 518/37 new)

8 Sec. 37. Local government securities. Any local
9 governmental unit which is authorized to issue, sell, and
10 deliver its local government securities under any provision of
11 the Illinois Constitution or laws of this State may issue,
12 sell, and deliver such local government securities to the
13 Authority as provided by this Act, provided that and
14 notwithstanding any other provision of law to the contrary, any
15 such local governmental unit may issue and sell any such local
16 government security at any interest rate, which rate or rates
17 may be established by an index or formula which may be
18 implemented by persons appointed or retained therefor, payable
19 at such time or times and at such price or prices to which the
20 local governmental unit and the Authority may agree. Any local
21 governmental unit may pay any amount charged by the Authority.
22 Any local governmental unit may pay out of the proceeds of its
23 local government securities or out of any other moneys or funds
24 available to it for such purposes any costs, fees, interest
25 deemed necessary, premiums or revenues incurred or required for

1 financing or refinancing this program, including, without
2 limitation, any fees charged by the Authority and its share, as
3 determined by the Authority, of any costs, fees, interest
4 deemed necessary, premiums or revenues incurred or required
5 pursuant to this Act. All local government securities purchased
6 by the Authority pursuant to this Act shall upon delivery to
7 the Authority be accompanied by an approving opinion of bond
8 counsel as to the validity of such securities. The Authority
9 shall have discretion to purchase or otherwise acquire those
10 local government securities as it shall deem to be in the best
11 interest of its financing program for all local governmental
12 units taken as a whole.

13 (70 ILCS 518/45)

14 Sec. 45. Acquisition.

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

17 (b) The Authority shall have power to acquire by purchase,
18 lease, gift, or otherwise any property or rights therein from
19 any person or persons, the State of Illinois, any municipal
20 corporation, any local unit of government, the government of
21 the United States and any agency or instrumentality of the
22 United States, any body politic, or any county useful for its
23 purposes, whether improved for the purposes of any prospective
24 project or unimproved. The Authority may also accept any
25 donation of funds for its purposes from any of these sources.

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

9 (d) The Authority shall have the power to enter into
10 intergovernmental agreements with the State of Illinois, the
11 counties of Fayette, Cumberland, Clark, Effingham, Jasper,
12 Crawford, Marion, Clay, Richland, Lawrence, Jefferson, Wayne,
13 Edwards, Wabash, Hamilton, Washington, and White, ~~Irvington~~
14 ~~Township in Washington County~~, the Illinois Development
15 Finance Authority, the Illinois Housing Development Authority,
16 the Illinois Education Facilities Authority, the Illinois Farm
17 Development Authority, the Rural Bond Bank, the United States
18 government and any agency or instrumentality of the United
19 States, any unit of local government located within the
20 territory of the Authority, or any other unit of government to
21 the extent allowed by Article VII, Section 10 of the Illinois
22 Constitution and the Intergovernmental Cooperation Act.

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

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

5 (Source: P.A. 93-968, eff. 8-20-04; 94-613, eff. 8-18-05.)

6 Section 172. The Southern Illinois Economic Development
7 Authority Act is amended by changing Sections 5-15, 5-20, 5-30,
8 and 5-40 and by adding Section 5-43 as follows:

9 (70 ILCS 519/5-15)

10 Sec. 5-15. Definitions. In this Act:

11 "Authority" means the Southern Illinois Economic
12 Development Authority.

13 "Governmental agency" means any federal, State, or local
14 governmental body and any agency or instrumentality thereof,
15 corporate or otherwise.

16 "Person" means any natural person, firm, partnership,
17 corporation, both domestic and foreign, company, association
18 or joint stock association and includes any trustee, receiver,
19 assignee or personal representative thereof.

20 "Revenue bond" means any bond issued by the Authority, the
21 principal and interest of which is payable solely from revenues
22 or income derived from any project or activity of the
23 Authority.

24 "Board" means the Board of Directors of the Southern

1 Illinois Economic Development Authority.

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

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

5 "Industrial project" means the following:

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

1 switching and signaling equipment or related equipment and
2 other improvements necessary or convenient thereto; or

3 (2) any land, buildings, machinery or equipment
4 comprising an addition to or renovation, rehabilitation or
5 improvement of any existing capital project.

6 "Housing project" or "residential project" includes a
7 specific work or improvement undertaken to provide dwelling
8 accommodations, including the acquisition, construction or
9 rehabilitation of lands, buildings and community facilities
10 and in connection therewith to provide nonhousing facilities
11 which are an integral part of a planned large-scale project or
12 new community.

13 "Commercial project" means any project, including, but not
14 limited to, one or more buildings and other structures,
15 improvements, machinery, and equipment, whether or not on the
16 same site or sites now existing or hereafter acquired, suitable
17 for use by any retail or wholesale concern, distributorship, or
18 agency.

19 "Project" means an industrial, housing, residential,
20 commercial, or service project, or any combination thereof,
21 provided that all uses fall within one of the categories
22 described above. Any project automatically includes all site
23 improvements and new construction involving sidewalks, sewers,
24 solid waste and wastewater treatment and disposal sites and
25 other pollution control facilities, resource or waste
26 reduction, recovery, treatment and disposal facilities, parks,

1 open spaces, wildlife sanctuaries, streets, highways, and
2 runways.

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

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

1 deemed advisable by the Authority.

2 "Financial aid" means the expenditure of Authority funds or
3 funds provided by the Authority for the development,
4 construction, acquisition or improvement of a project, through
5 the issuance of revenue bonds, notes, or other evidences of
6 indebtedness.

7 "Costs incurred in connection with the development,
8 construction, acquisition or improvement of a project" means
9 the following:

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

14 (2) financing charges;

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

19 (4) engineering and legal expenses; and

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

1 "Local government project" means a project or other
2 undertaking that is authorized or required by law to be
3 acquired, constructed, reconstructed, equipped, improved,
4 rehabilitated, replaced, maintained, or otherwise undertaken
5 in any manner by a local governmental unit.

6 "Local government security" means a bond, note, or other
7 evidence of indebtedness that a local governmental unit is
8 legally authorized to issue for the purpose of financing a
9 public purpose project or to issue for any other lawful public
10 purpose under any provision of the Illinois Constitution or
11 laws of this State, whether the obligation is payable from
12 taxes or revenues, rates, charges, assessments,
13 appropriations, grants, or any other lawful source or
14 combination thereof, and specifically includes, without
15 limitation, obligations under any lease or lease purchase
16 agreement lawfully entered into by the local governmental unit
17 for the acquisition or use of facilities or equipment.

18 "Local governmental unit" means a unit of local government,
19 as defined in Section 1 of Article VII of the Illinois
20 Constitution, and any local public entity as that term is
21 defined in the Local Governmental and Governmental Employees
22 Tort Immunity Act and such unit of local government or local
23 public entity is located within the geographical territory of
24 the Authority.

25 (Source: P.A. 98-750, eff. 1-1-15.)

1 (70 ILCS 519/5-20)

2 Sec. 5-20. Creation; organization.

3 (a) There is created a political subdivision, body politic,
4 and municipal corporation named the Southern Illinois Economic
5 Development Authority. The territorial jurisdiction of the
6 Authority is that geographic area within the boundaries of the
7 following counties: Franklin, Perry, Randolph, Jackson,
8 Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin,
9 Alexander, Pulaski, and Massac and any navigable waters and air
10 space located therein.

11 (b) The governing and administrative powers of the
12 Authority shall be vested in a body consisting of 21 members as
13 follows:

14 (1) Ex officio member. The Director of Commerce and
15 Economic Opportunity, or a designee of that Department,
16 shall serve as an ex officio member.

17 (2) Public members. Six members shall be appointed by
18 the Governor with the advice and consent of the Senate. The
19 county board chairmen of the following counties shall each
20 appoint one member: Franklin, Perry, Randolph, Jackson,
21 Williamson, Saline, Gallatin, Union, Johnson, Pope,
22 Hardin, Alexander, Pulaski, and Massac. All public members
23 shall reside within the territorial jurisdiction of the
24 Authority. The public members shall be persons of
25 recognized ability and experience in one or more of the
26 following areas: economic development, finance, banking,

1 industrial development, state or local government,
2 commercial agriculture, small business management, real
3 estate development, community development, venture
4 finance, organized labor, or civic or community
5 organization.

6 (c) 11 members shall constitute a quorum and the Board may
7 not meet or take any action without a quorum present.

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

11 (e) The terms of all initial members of the Authority shall
12 begin 30 days after the effective date of this Act. Of the 6
13 original public members appointed by the Governor, 2 shall
14 serve until the third Monday in January, 2007; 1 shall serve
15 until the third Monday in January, 2008; 1 shall serve until
16 the third Monday in January, 2009; 1 shall serve until the
17 third Monday in January, 2010; and 1 shall serve until the
18 third Monday in January, 2011. The initial terms of the
19 original public members appointed by the county board chairmen
20 shall be determined by lot, according to the following
21 schedule: (i) 3 shall serve until the third Monday in January,
22 2007, (ii) 3 shall serve until the third Monday in January,
23 2008, (iii) 3 shall serve until the third Monday in January,
24 2009, (iv) 3 shall serve until the third Monday in January,
25 2010, and (v) 2 shall serve until the third Monday in January,
26 2011. All successors to these original public members shall be

1 appointed by the original appointing authority and all
2 appointments made by the Governor shall be made with the advice
3 and consent of the Senate, pursuant to subsection (b), and
4 shall hold office for a term of 6 years commencing the third
5 Monday in January of the year in which their term commences,
6 except in the case of an appointment to fill a vacancy.
7 Vacancies occurring among the public members shall be filled
8 for the remainder of the term. In case of vacancy in a
9 Governor-appointed membership when the Senate is not in
10 session, the Governor may make a temporary appointment until
11 the next meeting of the Senate when a person shall be nominated
12 to fill the office and, upon confirmation by the Senate, he or
13 she shall hold office during the remainder of the term and
14 until a successor is appointed and qualified. Members of the
15 Authority are not entitled to compensation for their services
16 as members but are entitled to reimbursement for all necessary
17 expenses incurred in connection with the performance of their
18 duties as members.

19 (f) The Governor may remove any public member of the
20 Authority in case of incompetence, neglect of duty, or
21 malfeasance in office. The chairman of a county board may
22 remove any public member appointed by that chairman in the case
23 of incompetence, neglect of duty, or malfeasance in office.

24 (g) The Board shall appoint an Executive Director who shall
25 have a background in finance, including familiarity with the
26 legal and procedural requirements of issuing bonds, real

1 estate, or economic development and administration. The
2 Executive Director may not serve as the executive director or
3 other chief administrative and operational officer of any other
4 regional development authority. The Executive Director must
5 have his or her primary residence in a county in which the
6 Authority is located. The Executive Director shall hold office
7 at the discretion of the Board. The Executive Director shall be
8 the chief administrative and operational officer of the
9 Authority, shall direct and supervise its administrative
10 affairs and general management, perform such other duties as
11 may be prescribed from time to time by the members, and receive
12 compensation fixed by the Authority. The Department of Commerce
13 and Community Affairs shall pay the compensation of the
14 Executive Director from appropriations received for that
15 purpose. The Executive Director shall attend all meetings of
16 the Authority. However, no action of the Authority shall be
17 invalid on account of the absence of the Executive Director
18 from a meeting. The Authority may engage the services of the
19 Illinois Finance Authority, attorneys, appraisers, engineers,
20 accountants, credit analysts, and other consultants if the
21 Southern Illinois Economic Development Authority deems it
22 advisable.

23 (h) A person with any financial interest or business
24 relationship, formal or informal, in an economic development
25 consulting, lobbying, or advising business may not serve as the
26 Executive Director or on the Board of the Authority.

1 (i) The Authority is subject to the Open Meetings Act and
2 the Freedom of Information Act. Documents subject to the
3 Freedom of Information Act include, but are not limited to,
4 expenses, payroll, origination bonuses, and other financial
5 details of the Authority.

6 (j) A contract or agreement entered into by the Authority
7 must be posted on the Authority's website.

8 (Source: P.A. 94-1021, eff. 7-12-06.)

9 (70 ILCS 519/5-30)

10 Sec. 5-30. Powers.

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

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

18 (2) to sue and be sued;

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

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

23 (5) to adopt all needful ordinances, resolutions,
24 bylaws, rules, and regulations for the conduct of its
25 business and affairs and for the management and use of the

1 projects developed, constructed, acquired, and improved in
2 furtherance of its purposes;

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

4 (7) to accept and expend appropriations;

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

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

12 (10) to acquire, own, construct, lease, operate, and
13 maintain bridges, terminals, terminal facilities, and port
14 facilities and to fix and collect just, reasonable, and
15 nondiscriminatory charges for the use of such facilities.
16 These charges shall be used to defray the reasonable
17 expenses of the Authority and to pay the principal and
18 interest of any revenue bonds issued by the Authority;

19 (11) subject to any applicable condition imposed by
20 this Act, to locate, establish and maintain a public
21 airport, public airports and public airport facilities
22 within its corporate limits or within or upon any body of
23 water adjacent thereto and to construct, develop, expand,
24 extend and improve any such airport or airport facility;
25 and

26 (12) to have and exercise all powers and be subject to

1 all duties usually incident to boards of directors of
2 corporations.

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

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

17 (d) Notice shall be provided to the General Assembly, the
18 Department of Commerce and Economic Opportunity, and the
19 Governor before the Authority enters into a financing
20 agreement. The notice to the General Assembly shall be filed
21 with the Clerk of the House of Representatives and the
22 Secretary of the Senate in electronic form only, in the manner
23 that the Clerk and the Secretary shall direct.

24 (Source: P.A. 94-1021, eff. 7-12-06.)

25 (70 ILCS 519/5-40)

1 Sec. 5-40. Bonds.

2 (a) The Authority, with the written approval of the
3 Governor, shall have the continuing power to issue bonds,
4 notes, or other evidences of indebtedness in an aggregate
5 amount outstanding not to exceed \$250,000,000 for the following
6 purposes: (i) development, construction, acquisition, or
7 improvement of projects, including those established by
8 business entities locating or expanding property within the
9 territorial jurisdiction of the Authority; (ii) entering into
10 venture capital agreements with businesses locating or
11 expanding within the territorial jurisdiction of the
12 Authority; ~~and~~ (iii) acquisition and improvement of any
13 property necessary and useful in connection therewith; and (iv)
14 any local government projects. With respect to any local
15 government project, the Authority is authorized to purchase
16 from time to time pursuant to negotiated sale or to otherwise
17 acquire from time to time any local government security upon
18 terms and conditions as the Authority may prescribe in
19 connection with the local government security. A local
20 government security purchased or otherwise acquired by the
21 Authority is not a moral obligation of the State or any State
22 agency or political subdivision of the State. For the purpose
23 of evidencing the obligations of the Authority to repay any
24 money borrowed, the Authority may, pursuant to resolution, from
25 time to time, issue and dispose of its interest-bearing revenue
26 bonds, notes, or other evidences of indebtedness and may also

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

22 (b) The holder or holders of any bonds, notes, or other
23 evidences of indebtedness issued by the Authority may bring
24 suits at law or proceedings in equity to compel the performance
25 and observance by any corporation or person or by the Authority
26 or any of its agents or employees of any contract or covenant

1 made with the holders of the bonds, notes, or other evidences
2 of indebtedness, to compel such corporation, person, the
3 Authority, and any of its agents or employees to perform any
4 duties required to be performed for the benefit of the holders
5 of the bonds, notes, or other evidences of indebtedness by the
6 provision of the resolution authorizing their issuance and to
7 enjoin the corporation, person, the Authority, and any of its
8 agents or employees from taking any action in conflict with any
9 contract or covenant.

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

23 (d) Notwithstanding the form and tenor of any bond, note,
24 or other evidence of indebtedness and in the absence of any
25 express recital on its face that it is non-negotiable, all such
26 bonds, notes, and other evidences of indebtedness shall be

1 negotiable instruments. Pending the preparation and execution
2 of any bonds, notes, or other evidences of indebtedness,
3 temporary bonds, notes, or evidences of indebtedness may be
4 issued as provided by ordinance.

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

22 (f) Bonds or notes shall be secured as provided in the
23 authorizing ordinance which may include, notwithstanding any
24 other provision of this Act, in addition to any other security,
25 a specific pledge, assignment of and lien on, or security
26 interest in any or all revenues or money of the Authority, from

1 whatever source, which may, by law, be used for debt service
2 purposes and a specific pledge, or assignment of and lien on,
3 or security interest in any funds or accounts established or
4 provided for by ordinance of the Authority authorizing the
5 issuance of the bonds or notes.

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

25 (h) (Blank).

26 (Source: P.A. 98-750, eff. 1-1-15.)

1 (70 ILCS 519/5-43 new)

2 Sec. 5-43. Local government securities. Any local
3 governmental unit which is authorized to issue, sell, and
4 deliver its local government securities under any provision of
5 the Illinois Constitution or laws of this State may issue,
6 sell, and deliver such local government securities to the
7 Authority as provided by this Act, provided that and
8 notwithstanding any other provision of law to the contrary, any
9 such local governmental unit may issue and sell any such local
10 government security at any interest rate, which rate or rates
11 may be established by an index or formula which may be
12 implemented by persons appointed or retained therefor, payable
13 at such time or times and at such price or prices to which the
14 local governmental unit and the Authority may agree. Any local
15 governmental unit may pay any amount charged by the Authority.
16 Any local governmental unit may pay out of the proceeds of its
17 local government securities or out of any other moneys or funds
18 available to it for such purposes any costs, fees, interest
19 deemed necessary, premiums or revenues incurred or required for
20 financing or refinancing this program, including, without
21 limitation, any fees charged by the Authority and its share, as
22 determined by the Authority, of any costs, fees, interest
23 deemed necessary, premiums or revenues incurred or required
24 pursuant to this Act. All local government securities purchased
25 by the Authority pursuant to this Act shall upon delivery to

1 the Authority be accompanied by an approving opinion of bond
2 counsel as to the validity of such securities. The Authority
3 shall have discretion to purchase or otherwise acquire those
4 local government securities as it shall deem to be in the best
5 interest of its financing program for all local governmental
6 units taken as a whole.

7 Section 173. The Southwestern Illinois Development
8 Authority Act is amended by changing Sections 4, 5, 7, and 8 as
9 follows:

10 (70 ILCS 520/4) (from Ch. 85, par. 6154)

11 Sec. 4. (a) There is hereby created a political
12 subdivision, body politic and municipal corporation named the
13 Southwestern Illinois Development Authority. The territorial
14 jurisdiction of the Authority is that geographic area within
15 the boundaries of Madison, St. Clair, Bond, Monroe, and Clinton
16 counties in the State of Illinois and any navigable waters and
17 air space located therein.

18 (b) The governing and administrative powers of the
19 Authority shall be vested in a body consisting of 15 ~~14~~ members
20 including, as ex officio members, the Director of Commerce and
21 Economic Opportunity, or his or her designee, and the Secretary
22 of Transportation, or his or her designee. The other 13 ~~12~~
23 members of the Authority shall be designated "public members",
24 6 of whom shall be appointed by the Governor with the advice

1 and consent of the Senate, 2 of whom shall be appointed by the
2 county board chairman of Madison County, 2 of whom shall be
3 appointed by the county board chairman of St. Clair County, one
4 of whom shall be appointed by the county board chairman of Bond
5 County, ~~and~~ one of whom shall be appointed by the county board
6 chairman of Clinton County, and one of whom shall be appointed
7 by the county board chairman of Monroe County. All public
8 members shall reside within the territorial jurisdiction of
9 this Act. Eight members shall constitute a quorum and the Board
10 may not meet or take any action without a quorum present. The
11 public members shall be persons of recognized ability and
12 experience in one or more of the following areas: economic
13 development, finance, banking, industrial development, small
14 business management, real estate development, community
15 development, venture finance, organized labor or civic,
16 community or neighborhood organization. The Chairman of the
17 Authority shall be elected by the Board annually from the
18 members appointed by the county board chairmen.

19 (c) The terms of all members of the Authority shall begin
20 30 days after the effective date of this Act. Of the 8 public
21 members appointed pursuant to this Act, 3 shall serve until the
22 third Monday in January, 1988, 3 shall serve until the third
23 Monday in January, 1989, and 2 shall serve until the third
24 Monday in January, 1990. The public members initially appointed
25 under this amendatory Act of the 94th General Assembly shall
26 serve until the third Monday in January, 2008. All successors

1 shall be appointed by the original appointing authority and
2 hold office for a term of 3 years commencing the third Monday
3 in January of the year in which their term commences, except in
4 case of an appointment to fill a vacancy. Vacancies occurring
5 among the public members shall be filled for the remainder of
6 the term. In case of vacancy in a Governor-appointed membership
7 when the Senate is not in session, the Governor may make a
8 temporary appointment until the next meeting of the Senate when
9 a person shall be nominated to fill such office, and any person
10 so nominated who is confirmed by the Senate shall hold office
11 during the remainder of the term and until a successor shall be
12 appointed and qualified. Members of the Authority shall not be
13 entitled to compensation for their services as members but
14 shall be entitled to reimbursement for all necessary expenses
15 incurred in connection with the performance of their duties as
16 members.

17 (d) The Governor may remove any public member of the
18 Authority in case of incompetency, neglect of duty, or
19 malfeasance in office.

20 (e) The Board shall appoint an Executive Director who shall
21 have a background in finance, including familiarity with the
22 legal and procedural requirements of issuing bonds, real estate
23 or economic development and administration. The Executive
24 Director may not serve as the executive director or other chief
25 administrative and operational officer of any other regional
26 development authority. The Executive Director must have his or

1 her primary residence in a county in which the Authority is
2 located. The Executive Director shall hold office at the
3 discretion of the Board. The Executive Director shall be the
4 chief administrative and operational officer of the Authority,
5 shall direct and supervise its administrative affairs and
6 general management, shall perform such other duties as may be
7 prescribed from time to time by the members and shall receive
8 compensation fixed by the Authority. The Executive Director
9 shall attend all meetings of the Authority; however, no action
10 of the Authority shall be invalid on account of the absence of
11 the Executive Director from a meeting. The Authority may engage
12 the services of such other agents and employees, including
13 attorneys, appraisers, engineers, accountants, credit analysts
14 and other consultants, as it may deem advisable and may
15 prescribe their duties and fix their compensation.

16 (f) The Board may, by majority vote, nominate up to 4
17 non-voting members for appointment by the Governor. Non-voting
18 members shall be persons of recognized ability and experience
19 in one or more of the following areas: economic development,
20 finance, banking, industrial development, small business
21 management, real estate development, community development,
22 venture finance, organized labor or civic, community or
23 neighborhood organization. Non-voting members shall serve at
24 the pleasure of the Board. All non-voting members may attend
25 meetings of the Board and shall be reimbursed as provided in
26 subsection (c).

1 (g) The Board shall create a task force to study and make
2 recommendations to the Board on the economic development of the
3 city of East St. Louis and on the economic development of the
4 riverfront within the territorial jurisdiction of this Act. The
5 members of the task force shall reside within the territorial
6 jurisdiction of this Act, shall serve at the pleasure of the
7 Board and shall be persons of recognized ability and experience
8 in one or more of the following areas: economic development,
9 finance, banking, industrial development, small business
10 management, real estate development, community development,
11 venture finance, organized labor or civic, community or
12 neighborhood organization. The number of members constituting
13 the task force shall be set by the Board and may vary from time
14 to time. The Board may set a specific date by which the task
15 force is to submit its final report and recommendations to the
16 Board.

17 (h) A person with any financial interest or business
18 relationship, formal or informal, in an economic development
19 consulting, lobbying, or advising business may not serve as the
20 Executive Director or on the Board of the Authority.

21 (i) The Authority is subject to the Open Meetings Act and
22 the Freedom of Information Act. Documents subject to the
23 Freedom of Information Act include, but are not limited to,
24 expenses, payroll, origination bonuses, and other financial
25 details of the Authority.

26 (j) A contract or agreement entered into by the Authority

1 must be posted on the Authority's website.

2 (Source: P.A. 96-443, eff. 8-14-09.)

3 (70 ILCS 520/5) (from Ch. 85, par. 6155)

4 Sec. 5. All official acts of the Authority shall require
5 the approval of at least 8 members. It shall be the duty of the
6 Authority to promote development within the geographic
7 confines of Madison, Bond, Clinton, Monroe, and St. Clair
8 counties. The Authority shall use the powers herein conferred
9 upon it to assist in the development, construction and
10 acquisition of industrial, commercial, housing or residential
11 projects within Madison, Bond, Clinton, and St. Clair counties.
12 (Source: P.A. 94-1096, eff. 6-1-07.)

13 (70 ILCS 520/7) (from Ch. 85, par. 6157)

14 Sec. 7. (a) The Authority, with the written approval of the
15 Governor, shall have the continuing power to issue bonds,
16 notes, or other evidences of indebtedness for the purpose of
17 developing, constructing, acquiring or improving projects,
18 including without limitation those established by business
19 entities locating or expanding property within the territorial
20 jurisdiction of the Authority, for entering into venture
21 capital agreements with businesses locating or expanding
22 within the territorial jurisdiction of the Authority, for
23 acquiring and improving any property necessary and useful in
24 connection therewith, for the purposes of the Employee

1 Ownership Assistance Act, and any local government projects.
2 With respect to any local government project, the Authority is
3 authorized to purchase from time to time pursuant to negotiated
4 sale or to otherwise acquire from time to time any local
5 government security upon terms and conditions as the Authority
6 may prescribe in connection therewith. A local government
7 security purchased or otherwise acquired by the Authority is
8 not a moral obligation of the State or any State agency or
9 political subdivision of the State. For the purpose of
10 evidencing the obligations of the Authority to repay any money
11 borrowed for any project, the Authority may, pursuant to
12 resolution, from time to time issue and dispose of its interest
13 bearing revenue bonds, notes or other evidences of indebtedness
14 and may also from time to time issue and dispose of such bonds,
15 notes or other evidences of indebtedness to refund, at
16 maturity, at a redemption date or in advance of either, any
17 bonds, notes or other evidences of indebtedness pursuant to
18 redemption provisions or at any time before maturity. All such
19 bonds, notes or other evidences of indebtedness shall be
20 payable solely and only from the revenues or income to be
21 derived from loans made with respect to projects, from the
22 leasing or sale of the projects or from any other funds
23 available to the Authority for such purposes. The bonds, notes
24 or other evidences of indebtedness may bear such date or dates,
25 may mature at such time or times not exceeding 40 years from
26 their respective dates, notwithstanding any other law to the

1 contrary may bear interest at such rate or rates payable
2 annually, semi-annually, quarterly or monthly, may be in such
3 form, may carry such registration privileges, may be executed
4 in such manner, may be payable at such place or places, may be
5 made subject to redemption in such manner and upon such terms,
6 with or without premium as is stated on the face thereof, may
7 be authenticated in such manner and may contain such terms and
8 covenants as may be provided by an applicable resolution.

9 (b) (1) The holder or holders of any bonds, notes or other
10 evidences of indebtedness issued by the Authority may bring
11 suits at law or proceedings in equity to compel the
12 performance and observance by any corporation or person or
13 by the Authority or any of its agents or employees of any
14 contract or covenant made with the holders of such bonds,
15 notes or other evidences of indebtedness, to compel such
16 corporation, person, the Authority and any of its agents or
17 employees to perform any duties required to be performed
18 for the benefit of the holders of any such bonds, notes or
19 other evidences of indebtedness by the provision of the
20 resolution authorizing their issuance and to enjoin such
21 corporation, person, the Authority and any of its agents or
22 employees from taking any action in conflict with any such
23 contract or covenant.

24 (2) If the Authority fails to pay the principal of or
25 interest on any of the bonds or premium, if any, as the
26 same become due, a civil action to compel payment may be

1 instituted in the appropriate circuit court by the holder
2 or holders of the bonds on which such default of payment
3 exists or by an indenture trustee acting on behalf of such
4 holders. Delivery of a summons and a copy of the complaint
5 to the Chairman of the Board shall constitute sufficient
6 service to give the circuit court jurisdiction of the
7 subject matter of such a suit and jurisdiction over the
8 Authority and its officers named as defendants for the
9 purpose of compelling such payment. Any case, controversy
10 or cause of action concerning the validity of this Act
11 relates to the revenue of the State of Illinois.

12 (c) Notwithstanding the form and tenor of any such bonds,
13 notes or other evidences of indebtedness and in the absence of
14 any express recital on the face thereof that it is
15 non-negotiable, all such bonds, notes and other evidences of
16 indebtedness shall be negotiable instruments. Pending the
17 preparation and execution of any such bonds, notes or other
18 evidences of indebtedness, temporary bonds, notes or evidences
19 of indebtedness may be issued as provided by ordinance.

20 (d) To secure the payment of any or all of such bonds,
21 notes or other evidences of indebtedness, the revenues to be
22 received by the Authority from a lease agreement or loan
23 agreement shall be pledged, and, for the purpose of setting
24 forth the covenants and undertakings of the Authority in
25 connection with the issuance thereof and the issuance of any
26 additional bonds, notes or other evidences of indebtedness

1 payable from such revenues, income or other funds to be derived
2 from projects, the Authority may execute and deliver a mortgage
3 or trust agreement. A remedy for any breach or default of the
4 terms of any such mortgage or trust agreement by the Authority
5 may be by mandamus proceedings in the appropriate circuit court
6 to compel the performance and compliance therewith, but the
7 trust agreement may prescribe by whom or on whose behalf such
8 action may be instituted.

9 (e) Such bonds or notes shall be secured as provided in the
10 authorizing ordinance which may, notwithstanding any other
11 provision of this Act, include in addition to any other
12 security a specific pledge or assignment of and lien on or
13 security interest in any or all revenues or money of the
14 Authority from whatever source which may by law be used for
15 debt service purposes and a specific pledge or assignment of
16 and lien on or security interest in any funds or accounts
17 established or provided for by ordinance of the Authority
18 authorizing the issuance of such bonds or notes and, with
19 respect to any local government project, may include without
20 limitation a pledge of any local government securities,
21 including any payments thereon.

22 (f) With respect to bonds or notes issued prior to the
23 effective date of this amendatory Act of the 100th General
24 Assembly, in ~~in~~ the event that the Authority determines that
25 monies of the Authority will not be sufficient for the payment
26 of the principal of and interest on its bonds during the next

1 State fiscal year, the Chairman, as soon as practicable, shall
2 certify to the Governor the amount required by the Authority to
3 enable it to pay such principal of and interest on the bonds.
4 The Governor shall submit the amount so certified to the
5 General Assembly as soon as practicable, but no later than the
6 end of the current State fiscal year. This subsection shall not
7 apply (i) to any bonds or notes as to which the Authority shall
8 have determined, in the resolution authorizing the issuance of
9 the bonds or notes, that this subsection shall not apply, or
10 (ii) bonds or notes issued after the effective date of this
11 amendatory Act of the 100th General Assembly. Whenever the
12 Authority makes such a determination, that fact shall be
13 plainly stated on the face of the bonds or notes, and that fact
14 shall also be reported to the Governor.

15 In the event of a withdrawal of moneys from a reserve fund
16 established with respect to any issue or issues of bonds of the
17 Authority to pay principal or interest on those bonds, the
18 Chairman of the Authority, as soon as practicable, shall
19 certify to the Governor the amount required to restore the
20 reserve fund to the level required in the resolution or
21 indenture securing those bonds. The Governor shall submit the
22 amount so certified to the General Assembly as soon as
23 practicable, but no later than the end of the current State
24 fiscal year.

25 (g) The State of Illinois pledges to and agrees with the
26 holders of the bonds and notes of the Authority issued pursuant

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

18 (Source: P.A. 86-1455; 87-778.)

19 (70 ILCS 520/8) (from Ch. 85, par. 6158)

20 Sec. 8. (a) The Authority may, but need not, acquire title
21 to any project with respect to which it exercises its
22 authority.

23 (b) The Authority shall have power to acquire by purchase,
24 lease, gift or otherwise any property or rights therein from
25 any person or persons, the State of Illinois, any municipal

1 corporation, any local unit of government, the government of
2 the United States and any agency or instrumentality of the
3 United States, any body politic or any county useful for its
4 purposes, whether improved for the purposes of any prospective
5 project or unimproved. The Authority may also accept any
6 donation of funds for its purposes from any such source. The
7 Authority may acquire any real property, or rights therein,
8 upon condemnation. The acquisition by eminent domain of such
9 real property or any interest therein by the Authority shall be
10 in the manner provided by the Eminent Domain Act, including
11 Article 20 thereof (quick-take power).

12 The Authority shall not exercise any quick-take eminent
13 domain powers granted by State law within the corporate limits
14 of a municipality unless the governing authority of the
15 municipality authorizes the Authority to do so. The Authority
16 shall not exercise any quick-take eminent domain powers granted
17 by State law within the unincorporated areas of a county unless
18 the county board authorizes the Authority to do so.

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

1 (d) The Authority shall have the power to enter into
2 intergovernmental agreements with the State of Illinois, the
3 counties of Madison, Bond, Clinton, Monroe, or St. Clair, the
4 Southwest Regional Port District, the Illinois Finance
5 Authority, the Illinois Housing Development Authority, the
6 Metropolitan Pier and Exposition Authority, the United States
7 government and any agency or instrumentality of the United
8 States, the city of East St. Louis, any unit of local
9 government located within the territory of the Authority or any
10 other unit of government to the extent allowed by Article VII,
11 Section 10 of the Illinois Constitution and the
12 Intergovernmental Cooperation Act.

13 (e) The Authority shall have the power to share employees
14 with other units of government, including agencies of the
15 United States, agencies of the State of Illinois and agencies
16 or personnel of any unit of local government.

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

21 (g) Notice shall be provided to the General Assembly, the
22 Department of Commerce and Economic Opportunity, and the
23 Governor before the Authority enters into a financing
24 agreement. The notice to the General Assembly shall be filed
25 with the Clerk of the House of Representatives and the
26 Secretary of the Senate in electronic form only, in the manner

1 that the Clerk and the Secretary shall direct.

2 (Source: P.A. 93-205, eff. 1-1-04; 94-1055, eff. 1-1-07.)

3 Section 174. The Tri-County River Valley Development
4 Authority Law is amended by changing Sections 2003, 2004, 2006,
5 and 2007 and by adding Section 2007.5 as follows:

6 (70 ILCS 525/2003) (from Ch. 85, par. 7503)

7 Sec. 2003. Definitions. The following terms, whenever used
8 or referred to in this Article, shall have the following
9 meanings, except in such instances where the context may
10 clearly indicate otherwise:

11 (a) "Authority" means the Tri-County River Valley
12 Development Authority created by this Article.

13 (b) "Governmental agency" means any federal, State or local
14 governmental body, and any agency or instrumentality thereof,
15 corporate or otherwise.

16 (c) "Person" means any natural person, firm, partnership,
17 corporation, both domestic and foreign, company, association
18 or joint stock association and includes any trustee, receiver,
19 assignee or personal representative thereof.

20 (d) "Revenue bond" means any bond issued by the Authority
21 the principal and interest of which is payable solely from
22 revenues or income derived from any project or activity of the
23 Authority.

24 (e) "Board" means the Tri-County River Valley Development

1 Authority Board of Directors.

2 (f) "Governor" means the Governor of the State of Illinois.

3 (g) "City" means any city, village, incorporated town or
4 township within the geographical territory of the Authority.

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

1 buildings, machinery or equipment comprising an addition to or
2 renovation, rehabilitation or improvement of any existing
3 capital project.

4 (i) "Housing project" or "residential project" includes a
5 specific work or improvement undertaken to provide dwelling
6 accommodations, including the acquisition, construction or
7 rehabilitation of lands, buildings and community facilities
8 and in connection therewith to provide nonhousing facilities
9 which are an integral part of a planned large-scale project or
10 new community.

11 (j) "Commercial project" means any project, including but
12 not limited to one or more buildings and other structures,
13 improvements, machinery and equipment whether or not on the
14 same site or sites now existing or hereafter acquired, suitable
15 for use by any retail or wholesale concern, distributorship or
16 agency, any cultural facilities of a for-profit or
17 not-for-profit type including but not limited to educational,
18 theatrical, recreational and entertainment, sports facilities,
19 racetracks, stadiums, convention centers, exhibition halls,
20 arenas, opera houses and theaters, waterfront improvements,
21 swimming pools, boat storage, moorage, docking facilities,
22 restaurants, velodromes, coliseums, sports training
23 facilities, parking facilities, terminals, hotels and motels,
24 gymnasiums, medical facilities and port facilities.

25 (k) "Project" means an industrial, housing, residential,
26 commercial or service project or any combination thereof

1 provided that all uses shall fall within one of the categories
2 described above. Any project, of any nature whatsoever, shall
3 automatically include all site improvements and new
4 construction involving sidewalks, sewers, solid waste and
5 wastewater treatment and disposal sites and other pollution
6 control facilities, resource or waste reduction, recovery,
7 treatment and disposal facilities, parks, open spaces,
8 wildlife sanctuaries, streets, highways and runways.

9 (l) "Lease agreement" shall mean an agreement whereby a
10 project acquired by the Authority by purchase, gift or lease is
11 leased to any person or corporation which will use or cause the
12 project to be used as a project as heretofore defined upon
13 terms providing for lease rental payments at least sufficient
14 to pay when due all principal of and interest and premium, if
15 any, on any bonds, notes or other evidences of indebtedness of
16 the Authority issued with respect to such project, providing
17 for the maintenance, insurance and operation of the project on
18 terms satisfactory to the Authority and providing for
19 disposition of the project upon termination of the lease term,
20 including purchase options or abandonment of the premises, with
21 such other terms as may be deemed desirable by the Authority.

22 (m) "Loan agreement" means any agreement pursuant to which
23 the Authority agrees to loan the proceeds of its bonds, notes
24 or other evidences of indebtedness issued with respect to a
25 project to any person or corporation which will use or cause
26 the project to be used as a project as heretofore defined upon

1 terms providing for loan repayment installments at least
2 sufficient to pay when due all principal of and interest and
3 premium, if any, on any bonds, notes or other evidences of
4 indebtedness of the Authority issued with respect to the
5 project, providing for maintenance, insurance and operation of
6 the project on terms satisfactory to the Authority and
7 providing for other matters as may be deemed advisable by the
8 Authority.

9 (n) "Financial aid" means the expenditure of Authority
10 funds or funds provided by the Authority through the issuance
11 of its revenue bonds, notes or other evidences of indebtedness
12 for the development, construction, acquisition or improvement
13 of a project.

14 (o) "Costs incurred in connection with the development,
15 construction, acquisition or improvement of a project" means
16 the following: the cost of purchase and construction of all
17 lands and improvements in connection therewith and equipment
18 and other property, rights, easements and franchises acquired
19 which are deemed necessary for such construction; financing
20 charges; interest costs with respect to bonds, notes and other
21 evidences of indebtedness of the Authority prior to and during
22 construction and for a period of 6 months thereafter;
23 engineering and legal expenses; the costs of plans,
24 specifications, surveys and estimates of costs and other
25 expenses necessary or incident to determining the feasibility
26 or practicability of any project, together with such other

1 expenses as may be necessary or incident to the financing,
2 insuring, acquisition and construction of a specific project
3 and the placing of the same in operation.

4 (p) "Terminal" means a public place, station or depot for
5 receiving and delivering passengers, baggage, mail, freight or
6 express matter and any combination thereof in connection with
7 the transportation of persons and property on water or land or
8 in the air.

9 (q) "Terminal facilities" means all land, buildings,
10 structures, improvements, equipment and appliances useful in
11 the operation of public warehouse, storage and transportation
12 facilities and industrial, manufacturing or commercial
13 activities for the accommodation of or in connection with
14 commerce by water or land or in the air or useful as an aid, or
15 constituting an advantage or convenience to, the safe landing,
16 taking off and navigation of aircraft or the safe and efficient
17 operation or maintenance of a public airport.

18 (r) "Port facilities" means all public structures, except
19 terminal facilities as defined herein, that are in, over, under
20 or adjacent to navigable waters and are necessary for or
21 incident to the furtherance of water commerce and includes the
22 widening and deepening of slips, harbors and navigable waters.

23 (s) "Airport" means any locality, either land or water,
24 which is used or designed for the landing and taking off of
25 aircraft or for the location of runways, landing fields,
26 aerodromes, hangars, buildings, structures, airport roadways

1 and other facilities.

2 (t) "Local government project" means a project or other
3 undertaking that is authorized or required by law to be
4 acquired, constructed, reconstructed, equipped, improved,
5 rehabilitated, replaced, maintained, or otherwise undertaken
6 in any manner by a local governmental unit.

7 (u) "Local government security" means a bond, note, or
8 other evidence of indebtedness that a local governmental unit
9 is legally authorized to issue for the purpose of financing a
10 public purpose project or to issue for any other lawful public
11 purpose under any provision of the Illinois Constitution or
12 laws of this State, whether the obligation is payable from
13 taxes or revenues, rates, charges, assessments,
14 appropriations, grants, or any other lawful source or
15 combination thereof, and specifically includes, without
16 limitation, obligations under any lease or lease purchase
17 agreement lawfully entered into by the local governmental unit
18 for the acquisition or use of facilities or equipment.

19 (v) "Local governmental unit" means a unit of local
20 government, as defined in Section 1 of Article VII of the
21 Illinois Constitution, and any local public entity as that term
22 is defined in the Local Governmental and Governmental Employees
23 Tort Immunity Act and such unit of local government or local
24 public entity is located within the geographical territory of
25 the Authority.

26 (Source: P.A. 86-1489.)

1 (70 ILCS 525/2004) (from Ch. 85, par. 7504)

2 Sec. 2004. Establishment; organization.

3 (a) There is hereby created a political subdivision, body
4 politic and municipal corporation named the Tri-County River
5 Valley Development Authority. The territorial jurisdiction of
6 the Authority is that geographic area within the boundaries of
7 Peoria, Tazewell and Woodford counties in the State of Illinois
8 and any navigable waters and air space located therein.

9 (b) The governing and administrative powers of the
10 Authority shall be vested in a body consisting of 11 members
11 including, as ex officio members, the Director of Commerce and
12 Economic Opportunity, or his or her designee, and the Director
13 of Natural Resources, or that Director's designee. The other 9
14 members of the Authority shall be designated "public members",
15 3 of whom shall be appointed by the Governor, 3 of whom shall
16 be appointed one each by the county board chairmen of Peoria,
17 Tazewell and Woodford counties and 3 of whom shall be appointed
18 one each by the city councils of East Peoria, Pekin and Peoria.
19 All public members shall reside within the territorial
20 jurisdiction of this Act. Six members shall constitute a quorum
21 and the Board may not meet or take any action without a quorum
22 present. The public members shall be persons of recognized
23 ability and experience in one or more of the following areas:
24 economic development, finance, banking, industrial
25 development, small business management, real estate

1 development, community development, venture finance, organized
2 labor or civic, community or neighborhood organization. The
3 Chairman of the Authority shall be elected by the Board
4 annually from the 6 members appointed by the county board
5 chairmen and city councils.

6 (c) The terms of all members of the Authority shall begin
7 30 days after the effective date of this Article. Of the 9
8 public members appointed pursuant to this Act, 3 shall serve
9 until the third Monday in January 1992, 3 shall serve until the
10 third Monday in January 1993, and 3 shall serve until the third
11 Monday in January 1994. All successors shall be appointed by
12 the original appointing authority and hold office for a term of
13 3 years commencing the third Monday in January of the year in
14 which their term commences, except in case of an appointment to
15 fill a vacancy. Vacancies occurring among the public members
16 shall be filled for the remainder of the term. In case of
17 vacancy in a Governor-appointed membership when the Senate is
18 not in session, the Governor may make a temporary appointment
19 until the next meeting of the Senate when a person shall be
20 nominated to fill such office, and any person so nominated who
21 is confirmed by the Senate shall hold office during the
22 remainder of the term and until a successor shall be appointed
23 and qualified. Members of the Authority shall not be entitled
24 to compensation for their services as members but may be
25 reimbursed for all necessary expenses incurred in connection
26 with the performance of their duties as members.

1 (d) The Governor may remove any public member of the
2 Authority in case of incompetency, neglect of duty, or
3 malfeasance in office.

4 (e) The Board may appoint an Executive Director who shall
5 have a background in finance, including familiarity with the
6 legal and procedural requirements of issuing bonds, real estate
7 or economic development and administration. The Executive
8 Director may not serve as the executive director or other chief
9 administrative and operational officer of any other regional
10 development authority. The Executive Director must have his or
11 her primary residence in a county in which the Authority is
12 located. The Executive Director shall hold office at the
13 discretion of the Board. The Executive Director shall be the
14 chief administrative and operational officer of the Authority,
15 shall direct and supervise its administrative affairs and
16 general management, shall perform such other duties as may be
17 prescribed from time to time by the members and shall receive
18 compensation fixed by the Authority. The Executive Director
19 shall attend all meetings of the Authority; however, no action
20 of the Authority shall be invalid on account of the absence of
21 the Executive Director from a meeting. The Authority may engage
22 the services of such other agents and employees, including
23 attorneys, appraisers, engineers, accountants, credit analysts
24 and other consultants, as it may deem advisable and may
25 prescribe their duties and fix their compensation.

26 (f) The Board may, by majority vote, nominate up to 4

1 non-voting members for appointment by the Governor. Non-voting
2 members shall be persons of recognized ability and experience
3 in one or more of the following areas: economic development,
4 finance, banking, industrial development, small business
5 management, real estate development, community development,
6 venture finance, organized labor or civic, community or
7 neighborhood organization. Non-voting members shall serve at
8 the pleasure of the Board. All non-voting members may attend
9 meetings of the Board and may be reimbursed as provided in
10 subsection (c).

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

25 (h) A person with any financial interest or business
26 relationship, formal or informal, in an economic development

1 consulting, lobbying, or advising business may not serve as the
2 Executive Director or on the Board of the Authority.

3 (i) The Authority is subject to the Open Meetings Act and
4 the Freedom of Information Act. Documents subject to the
5 Freedom of Information Act include, but are not limited to,
6 expenses, payroll, origination bonuses, and other financial
7 details of the Authority.

8 (j) A contract or agreement entered into by the Authority
9 must be posted on the Authority's website.

10 (Source: P.A. 94-793, eff. 5-19-06.)

11 (70 ILCS 525/2006) (from Ch. 85, par. 7506)
12 Sec. 2006. Powers.

13 (a) The Authority possesses all the powers of a body
14 corporate necessary and convenient to accomplish the purposes
15 of this Article, including, without any intended limitation
16 upon the general powers hereby conferred, the following:

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

20 (2) to sue and be sued;

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

23 (4) to have and use a common seal and to alter the same
24 at its discretion;

25 (5) to adopt all needful ordinances, resolutions,

1 by-laws, rules and regulations for the conduct of its
2 business and affairs and for the management and use of the
3 projects developed, constructed, acquired and improved in
4 furtherance of its purposes;

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

6 (7) to accept and expend appropriations; and

7 (8) to have and exercise all powers and be subject to
8 all duties usually incident to boards of directors of
9 corporations.

10 (b) The Authority shall not issue any bonds relating to the
11 financing of a project located within the planning and
12 subdivision control jurisdiction of any municipality or county
13 unless: (1) notice, including a description of the proposed
14 project and the financing therefor, is submitted to the
15 corporate authorities of such municipality or, in the case of a
16 proposed project in an unincorporated area, to the county
17 board; and (2) such corporate authorities do not, or the county
18 board does not, adopt a resolution disapproving the project
19 within 45 days after receipt of the notice.

20 (c) If any of the powers set forth in this Article are
21 exercised within the jurisdictional limits of any
22 municipality, all ordinances of such municipality shall remain
23 in full force and effect and shall be controlling.

24 (d) The Authority has the power to acquire, own, lease,
25 sell or otherwise dispose of interests in and to real property
26 and improvements situated thereon and in personal property

1 necessary to fulfill the purposes of the Authority.

2 (e) The Authority has the power to engage in any activity
3 or operation which is incidental to and in furtherance of
4 efficient operation to accomplish the Authority's primary
5 purpose.

6 (f) The Authority has the power to acquire, own, construct,
7 lease, operate and maintain bridges, terminals, terminal
8 facilities and port facilities and to fix and collect just,
9 reasonable and nondiscriminatory charges for the use of such
10 facilities. The charges so collected shall be used to defray
11 the reasonable expenses of the Authority and to pay the
12 principal and interest of any revenue bonds issued by the
13 Authority.

14 (g) Subject to any applicable condition imposed by this
15 Article, to locate, establish and maintain a public airport,
16 public airports and public airport facilities within its
17 corporate limits or within or upon any body of water adjacent
18 thereto and to construct, develop, expand, extend and improve
19 any such airport or airport facility.

20 (h) Notice shall be provided to the General Assembly, the
21 Department of Commerce and Economic Opportunity, and the
22 Governor before the Authority enters into a financing
23 agreement. The notice to the General Assembly shall be filed
24 with the Clerk of the House of Representatives and the
25 Secretary of the Senate in electronic form only, in the manner
26 that the Clerk and the Secretary shall direct.

1 (Source: P.A. 86-1489.)

2 (70 ILCS 525/2007) (from Ch. 85, par. 7507)

3 Sec. 2007. Bonds.

4 (a) The Authority, with the written approval of the
5 Governor, shall have the continuing power to issue bonds,
6 notes, or other evidences of indebtedness in an aggregate
7 amount outstanding not to exceed \$250,000,000 for the purpose
8 of developing, constructing, acquiring or improving projects,
9 including those established by business entities locating or
10 expanding property within the territorial jurisdiction of the
11 Authority, for entering into venture capital agreements with
12 businesses locating or expanding within the territorial
13 jurisdiction of the Authority, for acquiring and improving any
14 property necessary and useful in connection therewith, ~~and~~ for
15 the purposes of the Employee Ownership Assistance Act, and any
16 local government projects. With respect to any local government
17 project, the Authority is authorized to purchase from time to
18 time pursuant to negotiated sale or to otherwise acquire from
19 time to time any local government security upon terms and
20 conditions as the Authority may prescribe in connection with
21 the local government security. A local government security
22 purchased or otherwise acquired by the Authority is not a moral
23 obligation of the State or any State agency or political
24 subdivision of the State. For the purpose of evidencing the
25 obligations of the Authority to repay any money borrowed, the

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

24 (b-1) The holder or holders of any bonds, notes or other
25 evidences of indebtedness issued by the Authority may bring
26 suits at law or proceedings in equity to compel the performance

1 and observance by any corporation or person or by the Authority
2 or any of its agents or employees of any contract or covenant
3 made with the holders of such bonds, notes or other evidences
4 of indebtedness, to compel such corporation, person, the
5 Authority and any of its agents or employees to perform any
6 duties required to be performed for the benefit of the holders
7 of any such bonds, notes or other evidences of indebtedness by
8 the provision of the resolution authorizing their issuance and
9 to enjoin such corporation, person, the Authority and any of
10 its agents or employees from taking any action in conflict with
11 any such contract or covenant.

12 (b-2) If the Authority fails to pay the principal of or
13 interest on any of the bonds or premium, if any, as the same
14 become due, a civil action to compel payment may be instituted
15 in the appropriate circuit court by the holder or holders of
16 the bonds on which such default of payment exists or by an
17 indenture trustee acting on behalf of such holders. Delivery of
18 a summons and a copy of the complaint to the Chairman of the
19 Board shall constitute sufficient service to give the circuit
20 court jurisdiction of the subject matter of such a suit and
21 jurisdiction over the Authority and its officers named as
22 defendants for the purpose of compelling such payment. Any
23 case, controversy or cause of action concerning the validity of
24 this Article relates to the revenue of the State of Illinois.

25 (c) Notwithstanding the form and tenor of any such bonds,
26 notes or other evidences of indebtedness and in the absence of

1 any express recital on the face thereof that it is
2 non-negotiable, all such bonds, notes and other evidences of
3 indebtedness shall be negotiable instruments. Pending the
4 preparation and execution of any such bonds, notes or other
5 evidences of indebtedness, temporary bonds, notes or evidences
6 of indebtedness may be issued as provided by ordinance.

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

22 (e) Such bonds or notes shall be secured as provided in the
23 authorizing ordinance which may, notwithstanding any other
24 provision of this Article, include in addition to any other
25 security a specific pledge or assignment of and lien on or
26 security interest in any or all revenues or money of the

1 Authority from whatever source which may by law be used for
2 debt service purposes and a specific pledge or assignment of
3 and lien on or security interest in any funds or accounts
4 established or provided for by ordinance of the Authority
5 authorizing the issuance of such bonds or notes.

6 (f) In the event that the Authority determines that monies
7 of the Authority will not be sufficient for the payment of the
8 principal of and interest on its bonds during the next State
9 fiscal year, the Chairman, as soon as practicable, shall
10 certify to the Governor the amount required by the Authority to
11 enable it to pay such principal of and interest on the bonds.
12 The Governor shall submit the amount so certified to the
13 General Assembly as soon as practicable, but no later than the
14 end of the current State fiscal year. This subsection shall not
15 apply to any bonds or notes as to which the Authority shall
16 have determined, in the resolution authorizing the issuance of
17 the bonds or notes, that this subsection shall not apply.
18 Whenever the Authority makes such a determination, that fact
19 shall be plainly stated on the face of the bonds or notes and
20 that fact shall also be reported to the Governor.

21 In the event of a withdrawal of moneys from a reserve fund
22 established with respect to any issue or issues of bonds of the
23 Authority to pay principal or interest on those bonds, the
24 Chairman of the Authority, as soon as practicable, shall
25 certify to the Governor the amount required to restore the
26 reserve fund to the level required in the resolution or

1 indenture securing those bonds. The Governor shall submit the
2 amount so certified to the General Assembly as soon as
3 practicable, but no later than the end of the current state
4 fiscal year. This subsection (f) shall not apply to any bond
5 issued on or after the effective date of this amendatory Act of
6 the 98th General Assembly.

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

26 (h) (Blank).

1 (Source: P.A. 98-750, eff. 1-1-15.)

2 (70 ILCS 525/2007.5 new)

3 Sec. 2007.5. Local government securities. Any local
4 governmental unit which is authorized to issue, sell, and
5 deliver its local government securities under any provision of
6 the Illinois Constitution or laws of this State may issue,
7 sell, and deliver such local government securities to the
8 Authority as provided by this Act, provided that and
9 notwithstanding any other provision of law to the contrary, any
10 such local governmental unit may issue and sell any such local
11 government security at any interest rate, which rate or rates
12 may be established by an index or formula which may be
13 implemented by persons appointed or retained therefor, payable
14 at such time or times and at such price or prices to which the
15 local governmental unit and the Authority may agree. Any local
16 governmental unit may pay any amount charged by the Authority.
17 Any local governmental unit may pay out of the proceeds of its
18 local government securities or out of any other moneys or funds
19 available to it for such purposes any costs, fees, interest
20 deemed necessary, premiums or revenues incurred or required for
21 financing or refinancing this program, including, without
22 limitation, any fees charged by the Authority and its share, as
23 determined by the Authority, of any costs, fees, interest
24 deemed necessary, premiums or revenues incurred or required
25 pursuant to this Act. All local government securities purchased

1 by the Authority pursuant to this Act shall upon delivery to
2 the Authority be accompanied by an approving opinion of bond
3 counsel as to the validity of such securities. The Authority
4 shall have discretion to purchase or otherwise acquire those
5 local government securities as it shall deem to be in the best
6 interest of its financing program for all local governmental
7 units taken as a whole.

8 Section 175. The Upper Illinois River Valley Development
9 Authority Act is amended by changing Sections 3, 4, 5, 6, 7,
10 and 8 and by adding Section 7.5 as follows:

11 (70 ILCS 530/3) (from Ch. 85, par. 7153)

12 Sec. 3. Definitions. The following terms, whenever used or
13 referred to in this Act, shall have the following meanings,
14 except in such instances where the context may clearly indicate
15 otherwise:

16 (a) "Authority" means the Upper Illinois River Valley
17 Development Authority created by this Act.

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

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

1 (d) "Revenue bond" means any bond issued by the Authority
2 the principal and interest of which is payable solely from
3 revenues or income derived from any project or activity of the
4 Authority.

5 (e) "Board" means the Upper Illinois River Valley
6 Development Authority Board of Directors.

7 (f) "Governor" means the Governor of the State of Illinois.

8 (g) "City" means any city, village, incorporated town or
9 township within the geographical territory of the Authority.

10 (h) "Industrial project" means (1) a capital project,
11 including one or more buildings and other structures,
12 improvements, machinery and equipment whether or not on the
13 same site or sites now existing or hereafter acquired, suitable
14 for use by any manufacturing, industrial, research,
15 transportation or commercial enterprise including but not
16 limited to use as a factory, mill, processing plant, assembly
17 plant, packaging plant, fabricating plant, office building,
18 industrial distribution center, warehouse, repair, overhaul or
19 service facility, freight terminal, research facility, test
20 facility, railroad facility, solid waste and wastewater
21 treatment and disposal sites and other pollution control
22 facilities, resource or waste reduction, recovery, treatment
23 and disposal facilities, and including also the sites thereof
24 and other rights in land therefor whether improved or
25 unimproved, site preparation and landscaping and all
26 appurtenances and facilities incidental thereto such as

1 utilities, access roads, railroad sidings, truck docking and
2 similar facilities, parking facilities, dockage, wharfage,
3 railroad roadbed, track, trestle, depot, terminal, switching
4 and signaling equipment or related equipment and other
5 improvements necessary or convenient thereto; or (2) any land,
6 buildings, machinery or equipment comprising an addition to or
7 renovation, rehabilitation or improvement of any existing
8 capital project.

9 (i) "Housing project" or "residential project" includes a
10 specific work or improvement undertaken to provide dwelling
11 accommodations, including the acquisition, construction or
12 rehabilitation of lands, buildings and community facilities
13 and in connection therewith to provide nonhousing facilities
14 which are an integral part of a planned large-scale project or
15 new community.

16 (j) "Commercial project" means any project, including but
17 not limited to one or more buildings and other structures,
18 improvements, machinery and equipment whether or not on the
19 same site or sites now existing or hereafter acquired, suitable
20 for use by any retail or wholesale concern, distributorship or
21 agency, any cultural facilities of a for-profit or
22 not-for-profit type including but not limited to educational,
23 theatrical, recreational and entertainment, sports facilities,
24 racetracks, stadiums, convention centers, exhibition halls,
25 arenas, opera houses and theaters, waterfront improvements,
26 swimming pools, boat storage, moorage, docking facilities,

1 restaurants, velodromes, coliseums, sports training
2 facilities, parking facilities, terminals, hotels and motels,
3 gymnasiums, medical facilities and port facilities.

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

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

1 (m) "Loan agreement" means any agreement pursuant to which
2 the Authority agrees to loan the proceeds of its bonds, notes
3 or other evidences of indebtedness issued with respect to a
4 project to any person or corporation which will use or cause
5 the project to be used as a project as heretofore defined upon
6 terms providing for loan repayment installments at least
7 sufficient to pay when due all principal of and interest and
8 premium, if any, on any bonds, notes or other evidences of
9 indebtedness of the Authority issued with respect to the
10 project, providing for maintenance, insurance and operation of
11 the project on terms satisfactory to the Authority and
12 providing for other matters as may be deemed advisable by the
13 Authority.

14 (n) "Financial aid" means the expenditure of Authority
15 funds or funds provided by the Authority through the issuance
16 of its revenue bonds, notes or other evidences of indebtedness
17 for the development, construction, acquisition or improvement
18 of a project.

19 (o) "Costs incurred in connection with the development,
20 construction, acquisition or improvement of a project" means
21 the following: the cost of purchase and construction of all
22 lands and improvements in connection therewith and equipment
23 and other property, rights, easements and franchises acquired
24 which are deemed necessary for such construction; financing
25 charges; interest costs with respect to bonds, notes and other
26 evidences of indebtedness of the Authority prior to and during

1 construction and for a period of 6 months thereafter;
2 engineering and legal expenses; the costs of plans,
3 specifications, surveys and estimates of costs and other
4 expenses necessary or incident to determining the feasibility
5 or practicability of any project, together with such other
6 expenses as may be necessary or incident to the financing,
7 insuring, acquisition and construction of a specific project
8 and the placing of the same in operation.

9 (p) "Terminal" means a public place, station or depot for
10 receiving and delivering passengers, baggage, mail, freight or
11 express matter and any combination thereof in connection with
12 the transportation of persons and property on water or land or
13 in the air.

14 (q) "Terminal facilities" means all land, buildings,
15 structures, improvements, equipment and appliances useful in
16 the operation of public warehouse, storage and transportation
17 facilities and industrial, manufacturing or commercial
18 activities for the accommodation of or in connection with
19 commerce by water or land or in the air or useful as an aid, or
20 constituting an advantage or convenience to, the safe landing,
21 taking off and navigation of aircraft or the safe and efficient
22 operation or maintenance of a public airport.

23 (r) "Port facilities" means all public structures, except
24 terminal facilities as defined herein, that are in, over, under
25 or adjacent to navigable waters and are necessary for or
26 incident to the furtherance of water commerce and includes the

1 widening and deepening of slips, harbors and navigable waters.

2 (s) "Airport" means any locality, either land or water,
3 which is used or designed for the landing and taking off of
4 aircraft or for the location of runways, landing fields,
5 aerodromes, hangars, buildings, structures, airport roadways
6 and other facilities.

7 (t) "Local government project" means a project or other
8 undertaking that is authorized or required by law to be
9 acquired, constructed, reconstructed, equipped, improved,
10 rehabilitated, replaced, maintained, or otherwise undertaken
11 in any manner by a local governmental unit.

12 (u) "Local government security" means a bond, note, or
13 other evidence of indebtedness that a local governmental unit
14 is legally authorized to issue for the purpose of financing a
15 public purpose project or to issue for any other lawful public
16 purpose under any provision of the Illinois Constitution or
17 laws of this State, whether the obligation is payable from
18 taxes or revenues, rates, charges, assessments,
19 appropriations, grants, or any other lawful source or
20 combination thereof, and specifically includes, without
21 limitation, obligations under any lease or lease purchase
22 agreement lawfully entered into by the local governmental unit
23 for the acquisition or use of facilities or equipment.

24 (v) "Local governmental unit" means a unit of local
25 government, as defined in Section 1 of Article VII of the
26 Illinois Constitution, and any local public entity as that term

1 is defined in the Local Governmental and Governmental Employees
2 Tort Immunity Act and such unit of local government or local
3 public entity is located within the geographical territory of
4 the Authority.

5 (Source: P.A. 86-1024.)

6 (70 ILCS 530/4) (from Ch. 85, par. 7154)

7 Sec. 4. Establishment; organization.

8 (a) There is hereby created a political subdivision, body
9 politic and municipal corporation named the Upper Illinois
10 River Valley Development Authority. The territorial
11 jurisdiction of the Authority is that geographic area within
12 the boundaries of Grundy, LaSalle, Bureau, Putnam, Kendall,
13 Kane, Lake, McHenry, Boone, DeKalb, and Marshall counties in
14 the State of Illinois and any navigable waters and air space
15 located therein.

16 (b) The governing and administrative powers of the
17 Authority shall be vested in a body consisting of 23 ~~21~~ members
18 including, as ex officio members, the Director of Commerce and
19 Economic Opportunity, or his or her designee, and the Director
20 of the Department of Central Management Services, or his or her
21 designee. The other 21 ~~19~~ members of the Authority shall be
22 designated "public members", 10 of whom shall be appointed by
23 the Governor with the advice and consent of the Senate and 11 ~~9~~
24 of whom shall be appointed one each by the county board
25 chairmen of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane,

1 Lake, McHenry, Boone, DeKalb, and Marshall counties. All public
2 members shall reside within the territorial jurisdiction of
3 this Act. Twelve ~~Eleven~~ members shall constitute a quorum and
4 the Board may not meet or take any action without a quorum
5 present. The public members shall be persons of recognized
6 ability and experience in one or more of the following areas:
7 economic development, finance, banking, industrial
8 development, small business management, real estate
9 development, community development, venture finance, organized
10 labor or civic, community or neighborhood organization. The
11 Chairman of the Authority shall be elected by the Board
12 annually from the 9 members appointed by the county board
13 chairmen.

14 (c) The terms of all initial members of the Authority shall
15 begin 30 days after the effective date of this Act. Of the 14
16 public members appointed pursuant to this Act, 4 appointed by
17 the Governor shall serve until the third Monday in January,
18 1992, 4 appointed by the Governor shall serve until the third
19 Monday in January, 1993, one appointed by the Governor shall
20 serve until the third Monday in January, 1994, one appointed by
21 the Governor shall serve until the third Monday in January
22 1999, the member appointed by the county board chairman of
23 LaSalle County shall serve until the third Monday in January,
24 1992, the members appointed by the county board chairmen of
25 Grundy County, Bureau County, Putnam County, and Marshall
26 County shall serve until the third Monday in January, 1994, and

1 the member appointed by the county board chairman of Kendall
2 County shall serve until the third Monday in January, 1999. The
3 initial members appointed by the chairmen of the county boards
4 of Kane and McHenry counties shall serve until the third Monday
5 in January, 2003. The initial members appointed by the chairman
6 of the county board of Lake County shall serve until the third
7 Monday in January, 2018. The initial members appointed by the
8 chairman of the county boards of Boone and DeKalb counties
9 shall serve until the third Monday in January, 2021. All
10 successors shall be appointed by the original appointing
11 authority and hold office for a term of 3 years commencing the
12 third Monday in January of the year in which their term
13 commences, except in case of an appointment to fill a vacancy.
14 Vacancies occurring among the public members shall be filled
15 for the remainder of the term. In case of vacancy in a
16 Governor-appointed membership when the Senate is not in
17 session, the Governor may make a temporary appointment until
18 the next meeting of the Senate when a person shall be nominated
19 to fill such office, and any person so nominated who is
20 confirmed by the Senate shall hold office during the remainder
21 of the term and until a successor shall be appointed and
22 qualified. Members of the Authority shall not be entitled to
23 compensation for their services as members but shall be
24 entitled to reimbursement for all necessary expenses incurred
25 in connection with the performance of their duties as members.

26 (d) The Governor may remove any public member of the

1 Authority in case of incompetency, neglect of duty, or
2 malfeasance in office.

3 (e) The Board shall appoint an Executive Director who shall
4 have a background in finance, including familiarity with the
5 legal and procedural requirements of issuing bonds, real estate
6 or economic development and administration. The Executive
7 Director may not serve as the executive director or other chief
8 administrative and operational officer of any other regional
9 development authority. The Executive Director must have his or
10 her primary residence in a county in which the Authority is
11 located. The Executive Director shall hold office at the
12 discretion of the Board. The Executive Director shall be the
13 chief administrative and operational officer of the Authority,
14 shall direct and supervise its administrative affairs and
15 general management, shall perform such other duties as may be
16 prescribed from time to time by the members and shall receive
17 compensation fixed by the Authority. The Executive Director
18 shall attend all meetings of the Authority; however, no action
19 of the Authority shall be invalid on account of the absence of
20 the Executive Director from a meeting. The Authority may engage
21 the services of such other agents and employees, including
22 attorneys, appraisers, engineers, accountants, credit analysts
23 and other consultants, as it may deem advisable and may
24 prescribe their duties and fix their compensation.

25 (f) The Board may, by majority vote, nominate up to 4
26 non-voting members for appointment by the Governor. Non-voting

1 members shall be persons of recognized ability and experience
2 in one or more of the following areas: economic development,
3 finance, banking, industrial development, small business
4 management, real estate development, community development,
5 venture finance, organized labor or civic, community or
6 neighborhood organization. Non-voting members shall serve at
7 the pleasure of the Board. All non-voting members may attend
8 meetings of the Board and shall be reimbursed as provided in
9 subsection (c).

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

24 (h) A person with any financial interest or business
25 relationship, formal or informal, in an economic development
26 consulting, lobbying, or advising business may not serve as the

1 Executive Director or on the Board of the Authority.

2 (i) The Authority is subject to the Open Meetings Act and
3 the Freedom of Information Act. Documents subject to the
4 Freedom of Information Act include, but are not limited to,
5 expenses, payroll, origination bonuses, and other financial
6 details of the Authority.

7 (j) A contract or agreement entered into by the Authority
8 must be posted on the Authority's website.

9 (Source: P.A. 99-499, eff. 1-29-16.)

10 (70 ILCS 530/5) (from Ch. 85, par. 7155)

11 Sec. 5. Duty. All official acts of the Authority shall
12 require the approval of at least 12 ~~9~~ members. It shall be the
13 duty of the Authority to promote development within the
14 geographic confines of Grundy, LaSalle, Bureau, Putnam,
15 Kendall, Kane, Lake, McHenry, Boone, DeKalb, and Marshall
16 counties. The Authority shall use the powers herein conferred
17 upon it to assist in the development, construction and
18 acquisition of industrial, commercial, housing or residential
19 projects within those counties.

20 (Source: P.A. 86-1024.)

21 (70 ILCS 530/6) (from Ch. 85, par. 7156)

22 Sec. 6. Powers. (a) The Authority possesses all the powers
23 of a body corporate necessary and convenient to accomplish the
24 purposes of this Act, including, without any intended

1 limitation upon the general powers hereby conferred, the
2 following:

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

6 (2) to sue and be sued;

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

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

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

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

17 (7) to accept and expend appropriations; and

18 (8) to have and exercise all powers and be subject to all
19 duties usually incident to boards of directors of corporations.

20 (b) The Authority shall not issue any bonds relating to the
21 financing of a project located within the planning and
22 subdivision control jurisdiction of any municipality or county
23 unless: (1) notice, including a description of the proposed
24 project and the financing therefor, is submitted to the
25 corporate authorities of such municipality or, in the case of a
26 proposed project in an unincorporated area, to the county

1 board; and (2) such corporate authorities do not, or the county
2 board does not, adopt a resolution disapproving the project
3 within 45 days after receipt of the notice.

4 (c) If any of the powers set forth in this Act are
5 exercised within the jurisdictional limits of any
6 municipality, all ordinances of such municipality shall remain
7 in full force and effect and shall be controlling.

8 (d) To acquire, own, lease, sell or otherwise dispose of
9 interests in and to real property and improvements situated
10 thereon and in personal property necessary to fulfill the
11 purposes of the Authority.

12 (e) To engage in any activity or operation which is
13 incidental to and in furtherance of efficient operation to
14 accomplish the Authority's primary purpose.

15 (f) To acquire, own, construct, lease, operate and maintain
16 bridges, terminals, terminal facilities and port facilities
17 and to fix and collect just, reasonable and nondiscriminatory
18 charges for the use of such facilities. The charges so
19 collected shall be used to defray the reasonable expenses of
20 the Authority and to pay the principal and interest of any
21 revenue bonds issued by the Authority.

22 (g) Subject to any applicable condition imposed by this
23 Act, to locate, establish and maintain a public airport, public
24 airports and public airport facilities within its corporate
25 limits or within or upon any body of water adjacent thereto and
26 to construct, develop, expand, extend and improve any such

1 airport or airport facility.

2 (h) Notice shall be provided to the General Assembly, the
3 Department of Commerce and Economic Opportunity, and the
4 Governor before the Authority enters into a financing
5 agreement. The notice to the General Assembly shall be filed
6 with the Clerk of the House of Representatives and the
7 Secretary of the Senate in electronic form only, in the manner
8 that the Clerk and the Secretary shall direct.

9 (Source: P.A. 86-1024.)

10 (70 ILCS 530/7) (from Ch. 85, par. 7157)

11 Sec. 7. Bonds.

12 (a) The Authority, with the written approval of the
13 Governor, shall have the continuing power to issue bonds,
14 notes, or other evidences of indebtedness in an aggregate
15 amount outstanding not to exceed \$500,000,000 for the purpose
16 of developing, constructing, acquiring or improving projects,
17 including those established by business entities locating or
18 expanding property within the territorial jurisdiction of the
19 Authority, for entering into venture capital agreements with
20 businesses locating or expanding within the territorial
21 jurisdiction of the Authority, for acquiring and improving any
22 property necessary and useful in connection therewith, ~~and~~ for
23 the purposes of the Employee Ownership Assistance Act, and any
24 local government projects. With respect to any local government
25 project, the Authority is authorized to purchase from time to

1 time pursuant to negotiated sale or to otherwise acquire from
2 time to time any local government security upon terms and
3 conditions as the Authority may prescribe in connection with
4 the local government security. A local government security
5 purchased or otherwise acquired by the Authority is not a moral
6 obligation of the State or any State agency or political
7 subdivision of the State. For the purpose of evidencing the
8 obligations of the Authority to repay any money borrowed, the
9 Authority may, pursuant to resolution, from time to time issue
10 and dispose of its interest bearing revenue bonds, notes or
11 other evidences of indebtedness and may also from time to time
12 issue and dispose of such bonds, notes or other evidences of
13 indebtedness to refund, at maturity, at a redemption date or in
14 advance of either, any bonds, notes or other evidences of
15 indebtedness pursuant to redemption provisions or at any time
16 before maturity. All such bonds, notes or other evidences of
17 indebtedness shall be payable solely and only from the revenues
18 or income to be derived from loans made with respect to
19 projects, from the leasing or sale of the projects or from any
20 other funds available to the Authority for such purposes. The
21 bonds, notes or other evidences of indebtedness may bear such
22 date or dates, may mature at such time or times not exceeding
23 40 years from their respective dates, may bear interest at such
24 rate or rates not exceeding the maximum rate permitted by "An
25 Act to authorize public corporations to issue bonds, other
26 evidences of indebtedness and tax anticipation warrants

1 subject to interest rate limitations set forth therein",
2 approved May 26, 1970, as amended, may be in such form, may
3 carry such registration privileges, may be executed in such
4 manner, may be payable at such place or places, may be made
5 subject to redemption in such manner and upon such terms, with
6 or without premium as is stated on the face thereof, may be
7 authenticated in such manner and may contain such terms and
8 covenants as may be provided by an applicable resolution.

9 (b-1) The holder or holders of any bonds, notes or other
10 evidences of indebtedness issued by the Authority may bring
11 suits at law or proceedings in equity to compel the performance
12 and observance by any corporation or person or by the Authority
13 or any of its agents or employees of any contract or covenant
14 made with the holders of such bonds, notes or other evidences
15 of indebtedness, to compel such corporation, person, the
16 Authority and any of its agents or employees to perform any
17 duties required to be performed for the benefit of the holders
18 of any such bonds, notes or other evidences of indebtedness by
19 the provision of the resolution authorizing their issuance and
20 to enjoin such corporation, person, the Authority and any of
21 its agents or employees from taking any action in conflict with
22 any such contract or covenant.

23 (b-2) If the Authority fails to pay the principal of or
24 interest on any of the bonds or premium, if any, as the same
25 become due, a civil action to compel payment may be instituted
26 in the appropriate circuit court by the holder or holders of

1 the bonds on which such default of payment exists or by an
2 indenture trustee acting on behalf of such holders. Delivery of
3 a summons and a copy of the complaint to the Chairman of the
4 Board shall constitute sufficient service to give the circuit
5 court jurisdiction of the subject matter of such a suit and
6 jurisdiction over the Authority and its officers named as
7 defendants for the purpose of compelling such payment. Any
8 case, controversy or cause of action concerning the validity of
9 this Act relates to the revenue of the State of Illinois.

10 (c) Notwithstanding the form and tenor of any such bonds,
11 notes or other evidences of indebtedness and in the absence of
12 any express recital on the face thereof that it is
13 non-negotiable, all such bonds, notes and other evidences of
14 indebtedness shall be negotiable instruments. Pending the
15 preparation and execution of any such bonds, notes or other
16 evidences of indebtedness, temporary bonds, notes or evidences
17 of indebtedness may be issued as provided by ordinance.

18 (d) To secure the payment of any or all of such bonds,
19 notes or other evidences of indebtedness, the revenues to be
20 received by the Authority from a lease agreement or loan
21 agreement shall be pledged, and, for the purpose of setting
22 forth the covenants and undertakings of the Authority in
23 connection with the issuance thereof and the issuance of any
24 additional bonds, notes or other evidences of indebtedness
25 payable from such revenues, income or other funds to be derived
26 from projects, the Authority may execute and deliver a mortgage

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

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

17 (f) (Blank).

18 (g) The State of Illinois pledges to and agrees with the
19 holders of the bonds and notes of the Authority issued pursuant
20 to this Section that the State will not limit or alter the
21 rights and powers vested in the Authority by this Act so as to
22 impair the terms of any contract made by the Authority with
23 such holders or in any way impair the rights and remedies of
24 such holders until such bonds and notes, together with interest
25 thereon, with interest on any unpaid installments of interest,
26 and all costs and expenses in connection with any action or

1 proceedings by or on behalf of such holders, are fully met and
2 discharged. In addition, the State pledges to and agrees with
3 the holders of the bonds and notes of the Authority issued
4 pursuant to this Section that the State will not limit or alter
5 the basis on which State funds are to be paid to the Authority
6 as provided in this Act, or the use of such funds, so as to
7 impair the terms of any such contract. The Authority is
8 authorized to include these pledges and agreements of the State
9 in any contract with the holders of bonds or notes issued
10 pursuant to this Section.

11 (h) (Blank).

12 (Source: P.A. 98-750, eff. 1-1-15; 99-499, eff. 1-29-16.)

13 (70 ILCS 530/7.5 new)

14 Sec. 7.5. Local government securities. Any local
15 governmental unit which is authorized to issue, sell, and
16 deliver its local government securities under any provision of
17 the Illinois Constitution or laws of this State may issue,
18 sell, and deliver such local government securities to the
19 Authority as provided by this Act, provided that and
20 notwithstanding any other provision of law to the contrary, any
21 such local governmental unit may issue and sell any such local
22 government security at any interest rate, which rate or rates
23 may be established by an index or formula which may be
24 implemented by persons appointed or retained therefor, payable
25 at such time or times and at such price or prices to which the

1 local governmental unit and the Authority may agree. Any local
2 governmental unit may pay any amount charged by the Authority.
3 Any local governmental unit may pay out of the proceeds of its
4 local government securities or out of any other moneys or funds
5 available to it for such purposes any costs, fees, interest
6 deemed necessary, premiums or revenues incurred or required for
7 financing or refinancing this program, including, without
8 limitation, any fees charged by the Authority and its share, as
9 determined by the Authority, of any costs, fees, interest
10 deemed necessary, premiums or revenues incurred or required
11 pursuant to this Act. All local government securities purchased
12 by the Authority pursuant to this Act shall upon delivery to
13 the Authority be accompanied by an approving opinion of bond
14 counsel as to the validity of such securities. The Authority
15 shall have discretion to purchase or otherwise acquire those
16 local government securities as it shall deem to be in the best
17 interest of its financing program for all local governmental
18 units taken as a whole.

19 (70 ILCS 530/8) (from Ch. 85, par. 7158)

20 Sec. 8. Acquisition.

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

23 (b) The Authority shall have power to acquire by purchase,
24 lease, gift or otherwise any property or rights therein from
25 any person or persons, the State of Illinois, any municipal

1 corporation, any local unit of government, the government of
2 the United States and any agency or instrumentality of the
3 United States, any body politic or any county useful for its
4 purposes, whether improved for the purposes of any prospective
5 project or unimproved. The Authority may also accept any
6 donation of funds for its purposes from any such source.

7 (c) The Authority shall have power to develop, construct
8 and improve, either under its own direction or through
9 collaboration with any approved applicant, or to acquire
10 through purchase or otherwise any project, using for such
11 purpose the proceeds derived from its sale of revenue bonds,
12 notes or other evidences of indebtedness or governmental loans
13 or grants and to hold title in the name of the Authority to
14 such projects.

15 (d) The Authority shall have the power to enter into
16 intergovernmental agreements with the State of Illinois, the
17 counties of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane,
18 Lake, McHenry, Boone, DeKalb, or Marshall, the Illinois Finance
19 Authority, the Illinois Housing Development Authority, the
20 Metropolitan Pier and Exposition Authority, the United States
21 government and any agency or instrumentality of the United
22 States, any unit of local government located within the
23 territory of the Authority or any other unit of government to
24 the extent allowed by Article VII, Section 10 of the Illinois
25 Constitution and the Intergovernmental Cooperation Act.

26 (e) The Authority shall have the power to share employees

1 with other units of government, including agencies of the
2 United States, agencies of the State of Illinois and agencies
3 or personnel of any unit of local government.

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

8 (Source: P.A. 93-205, eff. 1-1-04.)

9 Section 176. The Illinois Urban Development Authority Act
10 is amended by changing Sections 4, 5, 6, and 8 as follows:

11 (70 ILCS 531/4)

12 Sec. 4. Illinois Urban Development Authority. There is
13 hereby created a political subdivision, body politic and
14 corporate by the name of Illinois Urban Development Authority.
15 The exercise by the Authority of the powers conferred by law
16 shall be an essential public function. The governing powers of
17 the Authority shall be vested in a body consisting of 11
18 members appointed as follows: one member appointed by the Mayor
19 of the City of Chicago that has expertise, skill, and
20 experience in economic development; one member appointed by the
21 President of the Cook County Board that has expertise, skill,
22 and experience in economic development; 4 members appointed by
23 the Governor who are residents of a municipality, other than a
24 municipality with a population greater than 1,000,000, whose

1 municipal poverty rate is greater than 3% in excess of the
2 statewide average; 2 members appointed by the Governor that
3 have an expertise, skill, and experience in labor relations;
4 and 3 members appointed by the Governor that have an expertise,
5 skill, and experience operating a business that is certified by
6 the State of Illinois as a Disadvantaged Business Enterprise,
7 Minority Business Enterprise, or Women Business Enterprise.

8 Six members shall constitute a quorum and the Board may not
9 meet or take any action without a quorum present. However, when
10 a quorum of members of the Authority is physically present at
11 the meeting site, other Authority members may participate in
12 and act at any meeting through the use of a conference
13 telephone or other communications equipment by means of which
14 all persons participating in the meeting can hear each other.
15 Participation in such meeting shall constitute attendance and
16 presence in person at the meeting of the person or persons so
17 participating. The Chairman of the Authority shall be elected
18 by the Authority. All board members shall be persons of
19 recognized ability and experience in one or more of the
20 following areas: economic development, finance, banking,
21 industrial development, small business management, real estate
22 development, community development, venture finance,
23 construction, and labor relations.

24 The terms of all members of the Authority shall begin 30
25 days after the effective date of this Act. Of the 11 members
26 first appointed pursuant to this Act, 4 shall serve until the

1 third Monday in January 2011, 4 shall serve until the third
2 Monday in January 2012, and 3 shall serve until the third
3 Monday in January 2013. All board members shall hold office for
4 a term of 4 years commencing the third Monday in January of the
5 year in which their term commences, except in case of an
6 appointment to fill a vacancy. In case of vacancy in the office
7 when the Senate is not in session, the Governor may make a
8 temporary appointment until the next meeting of the Senate when
9 he shall nominate such person to fill such office, and any
10 person so nominated who is confirmed by the Senate, shall hold
11 his office during the remainder of the term and until his
12 successor shall be appointed and qualified. If the Senate is
13 not in session, the Governor may make temporary appointments in
14 the case of vacancies.

15 Members of the Authority shall not be entitled to
16 compensation for their services as members but shall be
17 entitled to reimbursement for all necessary expenses incurred
18 in connection with the performance of their duties as members.
19 The Executive Director may not serve as the executive director
20 or other chief administrative and operational officer of any
21 other regional development authority. The Executive Director
22 must have his or her primary residence in a county in which the
23 Authority is located. The Governor may remove any member of the
24 Authority in case of incompetency, neglect of duty, or
25 malfeasance in office, after service on the member of a copy of
26 the written charges against the member and an opportunity to be

1 publicly heard in person or by counsel in the his or her
2 defense upon not less than 10 days' notice.

3 The members of the Authority shall appoint an Executive
4 Director, who must be a person knowledgeable in the areas of
5 financial markets and instruments and the financing of business
6 enterprises, to hold office at the pleasure of the members. The
7 Executive Director shall be the chief administrative and
8 operational officer of the Authority and shall direct and
9 supervise its administrative affairs and general management
10 and perform such other duties as may be prescribed from time to
11 time by the members and shall receive compensation fixed by the
12 Authority. The Executive Director or any committee of the
13 members may carry out any responsibilities of the members as
14 the members by resolution may delegate. The Executive Director
15 shall attend all meetings of the Authority; however, no action
16 of the Authority shall be invalid on account of the absence of
17 the Executive Director from a meeting. The Authority may engage
18 the services of such other agents and employees, including
19 attorneys, appraisers, engineers, accountants, credit
20 analysts, and other consultants, as it may deem advisable and
21 may prescribe their duties and fix their compensation.

22 The Authority shall determine the municipal poverty rate
23 and the statewide average municipal poverty rate annually by
24 using the most recent data released by the United States Census
25 Bureau before the beginning of each calendar year. The
26 Authority shall have the sole and exclusive authority to

1 determine the municipal poverty rate and the statewide average
2 municipal poverty rate and to determine whether a
3 municipality's poverty rate is greater than 3% in excess of the
4 statewide average so long as the determination is based on the
5 most recent data released by the United States Census Bureau.

6 (Source: P.A. 96-234, eff. 1-1-10.)

7 (70 ILCS 531/5)

8 Sec. 5. Conflicts of interest.

9 (a) No member of the Authority or officer, agent, or
10 employee thereof shall, in the member's own name or in the name
11 of a nominee, be an officer, director, or hold an ownership
12 interest in any person, association, trust, corporation,
13 partnership, or other entity which is, in its own name or in
14 the name of a nominee, a party to a contract or agreement upon
15 which the member or officer, agent or employee may be called
16 upon to act or vote.

17 (b) With respect to any direct or any indirect interest,
18 other than an interest prohibited in subsection (a), in a
19 contract or agreement upon which the member or officer, agent
20 or employee may be called upon to act or vote, a member of the
21 Authority or officer, agent, or employee thereof must disclose
22 the interest to the secretary of the Authority prior to the
23 taking of final action by the Authority concerning the contract
24 or agreement and shall disclose the nature and extent of the
25 interest and his or her acquisition thereof, which shall be

1 publicly acknowledged by the Authority and entered upon the
2 minutes of the Authority. If a member of the Authority or
3 officer, agent, or employee thereof holds such an interest then
4 the member shall refrain from any further official involvement
5 in regard to the contract or agreement, from voting on any
6 matter pertaining to the contract or agreement, and from
7 communicating with other members of the Authority or its
8 officers, agents, and employees concerning the contract or
9 agreement. Notwithstanding any other provision of law, any
10 contract or agreement entered into in conformity with this
11 subsection shall not be void or invalid by reason of the
12 interest described in this subsection, nor shall any person
13 disclosing an interest and refraining from further official
14 involvement as provided in this subsection be guilty of an
15 offense, be removed from office, or be subject to any other
16 penalty on account of the interest.

17 (c) Any contract or agreement made in violation of
18 subsections (a) or (b) shall be null and void, whether or not
19 the contract performance has been authorized, and shall give
20 rise to no action against the Authority. No real estate to
21 which a member or employee of the Authority holds legal title
22 or in which a member or employee of the Authority has any
23 beneficial interest, including any interest in a land trust,
24 shall be purchased by the Authority or by a nonprofit
25 corporation or limited-profit entity for a development to be
26 financed under this Act.

1 All members and employees of the Authority shall file
2 annually with the Authority a record of all real estate in this
3 State to which the member or employee holds legal title or in
4 which the member or employee has any beneficial interest,
5 including any interest in a land trust. In the event it is
6 later disclosed that the Authority has purchased real estate in
7 which a member or employee had an interest, that purchase shall
8 be voidable by the Authority and the member or employee
9 involved shall be disqualified from membership in or employment
10 by the Authority.

11 (d) A person with any financial interest or business
12 relationship, formal or informal, in an economic development
13 consulting, lobbying, or advising business may not serve as the
14 Executive Director or on the Board of the Authority.

15 (Source: P.A. 96-234, eff. 1-1-10.)

16 (70 ILCS 531/6)

17 Sec. 6. Records and reports of the Authority. The secretary
18 shall keep a record of the proceedings of the Authority. The
19 treasurer of the Authority shall be custodian of all Authority
20 funds, and shall be bonded in such amount as the other members
21 of the Authority may designate. The accounts and bonds of the
22 Authority shall be set up and maintained in a manner approved
23 by the Auditor General, and the Authority shall file with the
24 Auditor General a certified annual report within 120 days after
25 the close of its fiscal year. The Authority shall also file

1 with the Governor, the Secretary of the Senate, the Clerk of
2 the House of Representatives, and the Commission on Government
3 Forecasting and Accountability ~~Legislative Research Unit~~, by
4 March 1 of each year, a written report covering its activities
5 and any activities of any instrumentality corporation
6 established under this Act for the previous fiscal year. In its
7 report to be filed by March 1, 2010, the Authority shall
8 present an economic development strategy for all
9 municipalities with a municipal poverty rate greater than 3% in
10 excess of the statewide average, the Authority shall make
11 modifications in the economic development strategy for the 4
12 years beginning on the next ensuing July 1, to reflect changes
13 in economic conditions or other factors, including the policies
14 of the Authority and the State of Illinois. It shall also
15 present an economic development strategy for the fifth year
16 beginning after the next ensuing July 1. The strategy shall
17 recommend specific legislative and administrative action by
18 the State, the Authority, units of local government, or other
19 governmental agencies. These recommendations may include, but
20 are not limited to, new programs, modifications to existing
21 programs, credit enhancements for bonds issued by the
22 Authority, and amendments to this Act. When filed, the report
23 shall be a public record and open for inspection at the offices
24 of the Authority during normal business hours.

25 The Authority is subject to the Open Meetings Act and the
26 Freedom of Information Act. Documents subject to the Freedom of

1 Information Act include, but are not limited to, expenses,
2 payroll, origination bonuses, and other financial details of
3 the Authority.

4 A contract or agreement entered into by the Authority must
5 be posted on the Authority's website.

6 (Source: P.A. 96-234, eff. 1-1-10.)

7 (70 ILCS 531/8)

8 Sec. 8. Powers of the Authority.

9 (a) The Authority possesses all the powers of a body
10 corporate necessary and convenient to accomplish the purposes
11 of this Act, including, without limitation, except as defined
12 in Section 9.1 of the Act, the following:

13 (1) To enter into loans, contracts, agreements, and
14 mortgages in any matter connected with any of its corporate
15 purposes and to invest its funds.

16 (2) To sue and be sued.

17 (3) To employ agents and employees necessary to carry
18 out its purposes.

19 (4) To have and use a common seal and to alter the same
20 at its discretion.

21 (5) To adopt all needful ordinances, resolutions,
22 by-laws, rules, and regulations for the conduct of its
23 business and affairs and for the management and use of the
24 projects developed, constructed, acquired, and improved in
25 furtherance of its purposes.

1 (6) To designate the fiscal year for the Authority.

2 (7) To accept and expend appropriations.

3 (8) To maintain an office or offices at such place as
4 the Authority may designate.

5 (9) To employ, either as regular employees or as
6 independent contractors, such consultants, engineers,
7 architects, accountants, attorneys, financial experts,
8 construction experts and personnel, superintendents,
9 managers, and other professional personnel as may be
10 necessary in the judgment of the Authority and to fix their
11 compensation.

12 (10) To acquire, hold, lease, use, encumber, transfer,
13 or dispose of real and personal property.

14 (11) To enter into contracts of any kind and execute
15 all instruments necessary or convenient with respect to its
16 carrying out the powers in this Act to accomplish the
17 purposes of the Authority.

18 (12) To fix and revise from time to time and to charge
19 and collect rates, rents, fees, or other charges for the
20 use of facilities or for services rendered in connection
21 with the facilities.

22 (13) To borrow money from any source for any corporate
23 purpose, including working capital for its operations,
24 reserve funds, or the payment of interest, to mortgage,
25 pledge, or otherwise encumber the property or funds of the
26 Authority, and to contract with or engage the services of

1 any person in connection with any financing, including
2 financial institutions, issuers of letters of credit, or
3 insurers.

4 (14) To borrow money and issue revenue bonds, notes, or
5 other evidences of indebtedness under the supervision of
6 the Illinois Finance Authority, as set forth under Section
7 825-13.5 of the Illinois Finance Authority Act.

8 (15) To receive and accept from any source, private or
9 public, contributions, gifts, or grants of money or
10 property.

11 (16) To make loans from proceeds or funds otherwise
12 available to the extent necessary or appropriate to
13 accomplish the purposes of the Authority.

14 (17) To exercise all the corporate powers granted to
15 Illinois corporations under the Business Corporation Act
16 of 1983, except to the extent that any of these powers are
17 inconsistent with those of a body politic and corporate of
18 the State.

19 (18) To have and exercise all powers and be subject to
20 all duties usually incident to boards of directors of
21 corporations.

22 (19) To enter into intergovernmental agreements with
23 the State of Illinois and the Illinois Finance Authority.

24 (20) To do all things necessary or convenient to carry
25 out the powers granted by this Act.

26 (b) The Authority shall not issue any bonds relating to the

1 financing of a project located within the planning and
2 subdivision control jurisdiction of any municipality or county
3 unless notice, including a description of the proposed project
4 and the financing therefor, is submitted to the corporate
5 authorities of the municipality or, in the case of a proposed
6 project in an unincorporated area, to the county board.

7 (c) If any of the powers set forth in this Act are
8 exercised within the jurisdictional limits of any
9 municipality, all ordinances of the municipality shall remain
10 in full force and effect and shall be controlling.

11 (d) Notice shall be provided to the General Assembly, the
12 Department of Commerce and Economic Opportunity, and the
13 Governor before the Authority enters into a financing
14 agreement. The notice to the General Assembly shall be filed
15 with the Clerk of the House of Representatives and the
16 Secretary of the Senate in electronic form only, in the manner
17 that the Clerk and the Secretary shall direct.

18 (Source: P.A. 96-234, eff. 1-1-10.)

19 Section 177. The Western Illinois Economic Development
20 Authority Act is amended by changing Sections 15, 20, 30, and
21 40 and by adding Section 43 as follows:

22 (70 ILCS 532/15)

23 Sec. 15. Definitions. In this Act:

24 "Authority" means the Western Illinois Economic

1 Development Authority.

2 "Governmental agency" means any federal, State, or local
3 governmental body and any agency or instrumentality thereof,
4 corporate or otherwise.

5 "Person" means any natural person, firm, partnership,
6 corporation, both domestic and foreign, company, association
7 or joint stock association and includes any trustee, receiver,
8 assignee or personal representative thereof.

9 "Revenue bond" means any bond issued by the Authority, the
10 principal and interest of which is payable solely from revenues
11 or income derived from any project or activity of the
12 Authority.

13 "Board" means the Board of Directors of the Western
14 Illinois Economic Development Authority.

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

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

18 "Industrial project" means the following:

19 (1) a capital project, including one or more buildings
20 and other structures, improvements, machinery and
21 equipment whether or not on the same site or sites now
22 existing or hereafter acquired, suitable for use by any
23 manufacturing, industrial, research, transportation or
24 commercial enterprise including but not limited to use as a
25 factory, mill, processing plant, assembly plant, packaging
26 plant, fabricating plant, ethanol plant, office building,

1 industrial distribution center, warehouse, repair,
2 overhaul or service facility, freight terminal, research
3 facility, test facility, railroad facility, port facility,
4 solid waste and wastewater treatment and disposal sites and
5 other pollution control facilities, resource or waste
6 reduction, recovery, treatment and disposal facilities,
7 and including also the sites thereof and other rights in
8 land therefore whether improved or unimproved, site
9 preparation and landscaping and all appurtenances and
10 facilities incidental thereto such as utilities, access
11 roads, railroad sidings, truck docking and similar
12 facilities, parking facilities, dockage, wharfage,
13 railroad roadbed, track, trestle, depot, terminal,
14 switching and signaling equipment or related equipment and
15 other improvements necessary or convenient thereto; or

16 (2) any land, buildings, machinery or equipment
17 comprising an addition to or renovation, rehabilitation or
18 improvement of any existing capital project.

19 "Housing project" or "residential project" includes a
20 specific work or improvement undertaken to provide dwelling
21 accommodations, including the acquisition, construction or
22 rehabilitation of lands, buildings and community facilities
23 and in connection therewith to provide nonhousing facilities
24 which are an integral part of a planned large-scale project or
25 new community.

26 "Commercial project" means any project, including, but not

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

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

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

1 purchase options or abandonment of the premises, with other
2 terms as may be deemed desirable by the Authority.

3 "Loan agreement" means any agreement in which the Authority
4 agrees to loan the proceeds of its bonds, notes, or other
5 evidences of indebtedness, issued with respect to a project, to
6 any person or corporation which will use or cause the project
7 to be used as a project, upon terms providing for loan
8 repayment installments at least sufficient to pay, when due,
9 all principal of and interest and premium, if any, on any
10 bonds, notes, or other evidences of indebtedness of the
11 Authority issued with respect to the project, providing for
12 maintenance, insurance, and operation of the project on terms
13 satisfactory to the Authority and providing for other terms
14 deemed advisable by the Authority.

15 "Financial aid" means the expenditure of Authority funds or
16 funds provided by the Authority for the development,
17 construction, acquisition or improvement of a project, through
18 the issuance of revenue bonds, notes, or other evidences of
19 indebtedness.

20 "Costs incurred in connection with the development,
21 construction, acquisition or improvement of a project" means
22 the following:

- 23 (1) the cost of purchase and construction of all lands
24 and improvements in connection therewith and equipment and
25 other property, rights, easements, and franchises acquired
26 which are deemed necessary for the construction;

1 (2) financing charges;

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

6 (4) engineering and legal expenses; and

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

14 "Local government project" means a project or other
15 undertaking that is authorized or required by law to be
16 acquired, constructed, reconstructed, equipped, improved,
17 rehabilitated, replaced, maintained, or otherwise undertaken
18 in any manner by a local governmental unit.

19 "Local government security" means a bond, note, or other
20 evidence of indebtedness that a local governmental unit is
21 legally authorized to issue for the purpose of financing a
22 public purpose project or to issue for any other lawful public
23 purpose under any provision of the Illinois Constitution or
24 laws of this State, whether the obligation is payable from
25 taxes or revenues, rates, charges, assessments,
26 appropriations, grants, or any other lawful source or

1 combination thereof, and specifically includes, without
2 limitation, obligations under any lease or lease purchase
3 agreement lawfully entered into by the local governmental unit
4 for the acquisition or use of facilities or equipment.

5 "Local governmental unit" means a unit of local government,
6 as defined in Section 1 of Article VII of the Illinois
7 Constitution, and any local public entity as that term is
8 defined in the Local Governmental and Governmental Employees
9 Tort Immunity Act and such unit of local government or local
10 public entity is located within the geographical territory of
11 the Authority.

12 (Source: P.A. 98-750, eff. 1-1-15.)

13 (70 ILCS 532/20)

14 Sec. 20. Creation; organization.

15 (a) There is created a political subdivision, body politic,
16 and municipal corporation named the Western Illinois Economic
17 Development Authority. The territorial jurisdiction of the
18 Authority is that geographic area within the boundaries of the
19 following counties: Warren, Henderson, Hancock, McDonough,
20 Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and
21 Pike and any navigable waters and air space located therein.

22 (b) The governing and administrative powers of the
23 Authority shall be vested in a body consisting of 21 members as
24 follows:

25 (1) Ex officio members. The Director of Commerce and

1 Economic Opportunity, or a designee of that Department, and
2 the Director of Central Management Services, or a designee
3 of that Department, shall serve as ex officio members.

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

18 (c) 11 members shall constitute a quorum and the Board may
19 not meet or take any action without a quorum present.

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

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

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

1 Authority are not entitled to compensation for their services
2 as members but are entitled to reimbursement for all necessary
3 expenses incurred in connection with the performance of their
4 duties as members.

5 (f) The Governor may remove any public member of the
6 Authority in case of incompetence, neglect of duty, or
7 malfeasance in office. The chairman of a county board may
8 remove any public member appointed by that chairman in the case
9 of incompetence, neglect of duty, or malfeasance in office.

10 (g) The Board shall appoint an Executive Director who shall
11 have a background in finance, including familiarity with the
12 legal and procedural requirements of issuing bonds, real
13 estate, or economic development and administration. The
14 Executive Director may not serve as the executive director or
15 other chief administrative and operational officer of any other
16 regional development authority. The Executive Director must
17 have his or her primary residence in a county in which the
18 Authority is located. The Executive Director shall hold office
19 at the discretion of the Board. The Executive Director shall be
20 the chief administrative and operational officer of the
21 Authority, shall direct and supervise its administrative
22 affairs and general management, perform such other duties as
23 may be prescribed from time to time by the members, and receive
24 compensation fixed by the Authority. The Department of Commerce
25 and Community Affairs shall pay the compensation of the
26 Executive Director from appropriations received for that

1 purpose. The Executive Director shall attend all meetings of
2 the Authority. However, no action of the Authority shall be
3 invalid on account of the absence of the Executive Director
4 from a meeting. The Authority may engage the services of the
5 Illinois Finance Authority, attorneys, appraisers, engineers,
6 accountants, credit analysts, and other consultants if the
7 Western Illinois Economic Development Authority deems it
8 advisable.

9 (h) A person with any financial interest or business
10 relationship, formal or informal, in an economic development
11 consulting, lobbying, or advising business may not serve as the
12 Executive Director or on the Board of the Authority.

13 (i) The Authority is subject to the Open Meetings Act and
14 the Freedom of Information Act. Documents subject to the
15 Freedom of Information Act include, but are not limited to,
16 expenses, payroll, origination bonuses, and other financial
17 details of the Authority.

18 (j) A contract or agreement entered into by the Authority
19 must be posted on the Authority's website.

20 (Source: P.A. 93-874, eff. 8-6-04.)

21 (70 ILCS 532/30)

22 Sec. 30. Powers.

23 (a) The Authority possesses all the powers of a body
24 corporate necessary and convenient to accomplish the purposes
25 of this Act, including, without any intended limitation upon

1 the general powers hereby conferred, the following powers:

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

5 (2) to sue and be sued;

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

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

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

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

16 (7) to accept and expend appropriations;

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

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

24 (10) to acquire, own, construct, lease, operate, and
25 maintain bridges, terminals, terminal facilities, and port
26 facilities and to fix and collect just, reasonable, and

1 nondiscriminatory charges for the use of such facilities.
2 These charges shall be used to defray the reasonable
3 expenses of the Authority and to pay the principal and
4 interest of any revenue bonds issued by the Authority;

5 (11) subject to any applicable condition imposed by
6 this Act, to locate, establish and maintain a public
7 airport, public airports and public airport facilities
8 within its corporate limits or within or upon any body of
9 water adjacent thereto and to construct, develop, expand,
10 extend and improve any such airport or airport facility;
11 and

12 (12) to have and exercise all powers and be subject to
13 all duties usually incident to boards of directors of
14 corporations.

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

25 (c) If any of the powers set forth in this Act are
26 exercised within the jurisdictional limits of any

1 municipality, all ordinances of the municipality remain in full
2 force and effect and are controlling.

3 (d) Notice shall be provided to the General Assembly, the
4 Department of Commerce and Economic Opportunity, and the
5 Governor before the Authority enters into a financing
6 agreement. The notice to the General Assembly shall be filed
7 with the Clerk of the House of Representatives and the
8 Secretary of the Senate in electronic form only, in the manner
9 that the Clerk and the Secretary shall direct.

10 (Source: P.A. 93-874, eff. 8-6-04.)

11 (70 ILCS 532/40)

12 Sec. 40. Bonds.

13 (a) The Authority, with the written approval of the
14 Governor, shall have the continuing power to issue bonds,
15 notes, or other evidences of indebtedness in an aggregate
16 amount outstanding not to exceed \$250,000,000 for the following
17 purposes: (i) development, construction, acquisition, or
18 improvement of projects, including those established by
19 business entities locating or expanding property within the
20 territorial jurisdiction of the Authority; (ii) entering into
21 venture capital agreements with businesses locating or
22 expanding within the territorial jurisdiction of the
23 Authority; (iii) acquisition and improvement of any property
24 necessary and useful in connection therewith; ~~and~~ (iv) for the
25 purposes of the Employee Ownership Assistance Act; and (v) any

1 local government projects. With respect to any local government
2 project, the Authority is authorized to purchase from time to
3 time pursuant to negotiated sale or to otherwise acquire from
4 time to time any local government security upon terms and
5 conditions as the Authority may prescribe in connection with
6 the local government security. A local government security
7 purchased or otherwise acquired by the Authority is not a moral
8 obligation of the State or any State agency or political
9 subdivision of the State. For the purpose of evidencing the
10 obligations of the Authority to repay any money borrowed, the
11 Authority may, pursuant to resolution, from time to time, issue
12 and dispose of its interest-bearing revenue bonds, notes, or
13 other evidences of indebtedness and may also from time to time
14 issue and dispose of such bonds, notes, or other evidences of
15 indebtedness to refund, at maturity, at a redemption date or in
16 advance of either, any bonds, notes, or other evidences of
17 indebtedness pursuant to redemption provisions or at any time
18 before maturity. All such bonds, notes, or other evidences of
19 indebtedness shall be payable solely and only from the revenues
20 or income to be derived from loans made with respect to
21 projects, from the leasing or sale of the projects, or from any
22 other funds available to the Authority for such purposes. The
23 bonds, notes, or other evidences of indebtedness may bear such
24 date or dates, may mature at such time or times not exceeding
25 40 years from their respective dates, may bear interest at such
26 rate or rates not exceeding the maximum rate permitted by the

1 Bond Authorization Act, may be in such form, may carry such
2 registration privileges, may be executed in such manner, may be
3 payable at such place or places, may be made subject to
4 redemption in such manner and upon such terms, with or without
5 premium, as is stated on the face thereof, may be authenticated
6 in such manner and may contain such terms and covenants as may
7 be provided by an applicable resolution.

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

22 (c) If the Authority fails to pay the principal of or
23 interest on any of the bonds or premium, if any, as the bond
24 becomes due, a civil action to compel payment may be instituted
25 in the appropriate circuit court by the holder or holders of
26 the bonds on which the default of payment exists or by an

1 indenture trustee acting on behalf of the holders. Delivery of
2 a summons and a copy of the complaint to the chairman of the
3 Board shall constitute sufficient service to give the circuit
4 court jurisdiction over the subject matter of the suit and
5 jurisdiction over the Authority and its officers named as
6 defendants for the purpose of compelling such payment. Any
7 case, controversy, or cause of action concerning the validity
8 of this Act relates to the revenue of the State of Illinois.

9 (d) Notwithstanding the form and tenor of any bond, note,
10 or other evidence of indebtedness and in the absence of any
11 express recital on its face that it is non-negotiable, all such
12 bonds, notes, and other evidences of indebtedness shall be
13 negotiable instruments. Pending the preparation and execution
14 of any bonds, notes, or other evidences of indebtedness,
15 temporary bonds, notes, or evidences of indebtedness may be
16 issued as provided by ordinance.

17 (e) To secure the payment of any or all of such bonds,
18 notes, or other evidences of indebtedness, the revenues to be
19 received by the Authority from a lease agreement or loan
20 agreement shall be pledged, and, for the purpose of setting
21 forth the covenants and undertakings of the Authority in
22 connection with the issuance of the bonds, notes, or other
23 evidences of indebtedness and the issuance of any additional
24 bonds, notes or other evidences of indebtedness payable from
25 such revenues, income, or other funds to be derived from
26 projects, the Authority may execute and deliver a mortgage or

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

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

18 (g) In the event that the Authority determines that moneys
19 of the Authority will not be sufficient for the payment of the
20 principal of and interest on its bonds during the next State
21 fiscal year, the chairman, as soon as practicable, shall
22 certify to the Governor the amount required by the Authority to
23 enable it to pay the principal of and interest on the bonds.
24 The Governor shall submit the certified amount to the General
25 Assembly as soon as practicable, but no later than the end of
26 the current State fiscal year. This Section shall not apply to

1 any bonds or notes to which the Authority determines, in the
2 resolution authorizing the issuance of the bonds or notes, that
3 this Section shall not apply. Whenever the Authority makes this
4 determination, it shall be plainly stated on the face of the
5 bonds or notes and the determination shall also be reported to
6 the Governor. In the event of a withdrawal of moneys from a
7 reserve fund established with respect to any issue or issues of
8 bonds of the Authority to pay principal or interest on those
9 bonds, the chairman of the Authority, as soon as practicable,
10 shall certify to the Governor the amount required to restore
11 the reserve fund to the level required in the resolution or
12 indenture securing those bonds. The Governor shall submit the
13 certified amount to the General Assembly as soon as
14 practicable, but no later than the end of the current State
15 fiscal year. This subsection (g) shall not apply to any bond
16 issued on or after the effective date of this amendatory Act of
17 the 98th General Assembly.

18 (h) The State of Illinois pledges to and agrees with the
19 holders of the bonds and notes of the Authority issued pursuant
20 to this Section that the State will not limit or alter the
21 rights and powers vested in the Authority by this Act so as to
22 impair the terms of any contract made by the Authority with the
23 holders of bonds or notes or in any way impair the rights and
24 remedies of those holders until the bonds and notes, together
25 with interest thereon, with interest on any unpaid installments
26 of interest, and all costs and expenses in connection with any

1 action or proceedings by or on behalf of the holders, are fully
2 met and discharged. In addition, the State pledges to and
3 agrees with the holders of the bonds and notes of the Authority
4 issued pursuant to this Section that the State will not limit
5 or alter the basis on which State funds are to be paid to the
6 Authority as provided in this Act, or the use of such funds, so
7 as to impair the terms of any such contract. The Authority is
8 authorized to include these pledges and agreements of the State
9 in any contract with the holders of bonds or notes issued
10 pursuant to this Section.

11 (i) (Blank).

12 (Source: P.A. 98-750, eff. 1-1-15.)

13 (70 ILCS 532/43 new)

14 Sec. 43. Local government securities. Any local
15 governmental unit which is authorized to issue, sell, and
16 deliver its local government securities under any provision of
17 the Illinois Constitution or laws of this State may issue,
18 sell, and deliver such local government securities to the
19 Authority as provided by this Act, provided that and
20 notwithstanding any other provision of law to the contrary, any
21 such local governmental unit may issue and sell any such local
22 government security at any interest rate, which rate or rates
23 may be established by an index or formula which may be
24 implemented by persons appointed or retained therefor, payable
25 at such time or times and at such price or prices to which the

1 local governmental unit and the Authority may agree. Any local
2 governmental unit may pay any amount charged by the Authority.
3 Any local governmental unit may pay out of the proceeds of its
4 local government securities or out of any other moneys or funds
5 available to it for such purposes any costs, fees, interest
6 deemed necessary, premiums or revenues incurred or required for
7 financing or refinancing this program, including, without
8 limitation, any fees charged by the Authority and its share, as
9 determined by the Authority, of any costs, fees, interest
10 deemed necessary, premiums or revenues incurred or required
11 pursuant to this Act. All local government securities purchased
12 by the Authority pursuant to this Act shall upon delivery to
13 the Authority be accompanied by an approving opinion of bond
14 counsel as to the validity of such securities. The Authority
15 shall have discretion to purchase or otherwise acquire those
16 local government securities as it shall deem to be in the best
17 interest of its financing program for all local governmental
18 units taken as a whole.

19 Section 178. The Will-Kankakee Regional Development
20 Authority Law is amended by changing Sections 3, 4, 6, and 7
21 and by adding Section 7.5 as follows:

22 (70 ILCS 535/3) (from Ch. 85, par. 7453)

23 Sec. 3. Definitions. The following terms, whenever used or
24 referred to in this Act, shall have the following meanings,

1 except in such instances where the context may clearly indicate
2 otherwise:

3 (a) "Authority" means the Will-Kankakee Regional
4 Development Authority created by this Act.

5 (b) "Governmental agency" means any federal, State or local
6 governmental body, and any agency or instrumentality thereof,
7 corporate or otherwise.

8 (c) "Person" means any natural person, firm, partnership,
9 corporation, both domestic and foreign, company, association
10 or joint stock association and includes any trustee, receiver,
11 assignee or personal representative thereof.

12 (d) "Revenue bond" means any bond issued by the Authority
13 the principal and interest of which is payable solely from
14 revenues or income derived from any project or activity of the
15 Authority.

16 (e) "Board" means the Will-Kankakee Regional Development
17 Authority Board of Directors.

18 (f) "Governor" means the Governor of the State of Illinois.

19 (g) "City" means any city, village, incorporated town or
20 township within the geographical territory of the Authority.

21 (h) "Industrial project" means (1) a capital project,
22 including one or more buildings and other structures,
23 improvements, machinery and equipment whether or not on the
24 same site or sites now existing or hereafter acquired, suitable
25 for use by any manufacturing, industrial, research,
26 transportation or commercial enterprise including but not

1 limited to use as a factory, mill, processing plant, assembly
2 plant, packaging plant, fabricating plant, office building,
3 industrial distribution center, warehouse, repair, overhaul or
4 service facility, freight terminal, research facility, test
5 facility, railroad facility, solid waste and wastewater
6 treatment and disposal sites and other pollution control
7 facilities, resource or waste reduction, recovery, treatment
8 and disposal facilities, and including also the sites thereof
9 and other rights in land therefor whether improved or
10 unimproved, site preparation and landscaping and all
11 appurtenances and facilities incidental thereto such as
12 utilities, access roads, railroad sidings, truck docking and
13 similar facilities, parking facilities, dockage, wharfage,
14 railroad roadbed, track, trestle, depot, terminal, switching
15 and signaling equipment or related equipment and other
16 improvements necessary or convenient thereto; or (2) any land,
17 buildings, machinery or equipment comprising an addition to or
18 renovation, rehabilitation or improvement of any existing
19 capital project.

20 (h-5) "Housing project" or "residential project" includes
21 a specific work or improvement undertaken to provide dwelling
22 accommodations, including the acquisition, construction or
23 rehabilitation of lands, buildings and community facilities
24 and in connection therewith to provide nonhousing facilities
25 which are an integral part of a planned large-scale project or
26 new community.

1 (i) "Commercial project" means any project, including but
2 not limited to one or more buildings and other structures,
3 improvements, machinery and equipment whether or not on the
4 same site or sites now existing or hereafter acquired, suitable
5 for use by any retail or wholesale concern, distributorship or
6 agency, any cultural facilities of a for-profit or
7 not-for-profit type including but not limited to educational,
8 theatrical, recreational and entertainment, sports facilities,
9 racetracks, stadiums, convention centers, exhibition halls,
10 arenas, opera houses and theaters, waterfront improvements,
11 swimming pools, boat storage, moorage, docking facilities,
12 restaurants, velodromes, coliseums, sports training
13 facilities, parking facilities, terminals, hotels and motels,
14 gymnasiums, medical facilities and port facilities.

15 (j) "Project" means an industrial, commercial or service
16 project or any combination thereof provided that all uses shall
17 fall within one of the categories described above. Any project,
18 of any nature whatsoever, shall automatically include all site
19 improvements and new construction involving sidewalks, sewers,
20 solid waste and wastewater treatment and disposal sites and
21 other pollution control facilities, resource or waste
22 reduction, recovery, treatment and disposal facilities, parks,
23 open spaces, wildlife sanctuaries, streets, highways and
24 runways.

25 (k) "Lease agreement" shall mean an agreement whereby a
26 project acquired by the Authority by purchase, gift or lease is

1 leased to any person or corporation which will use or cause the
2 project to be used as a project as heretofore defined upon
3 terms providing for lease rental payments at least sufficient
4 to pay when due all principal of and interest and premium, if
5 any, on any bonds, notes or other evidences of indebtedness of
6 the Authority issued with respect to such project, providing
7 for the maintenance, insurance and operation of the project on
8 terms satisfactory to the Authority and providing for
9 disposition of the project upon termination of the lease term,
10 including purchase options or abandonment of the premises, with
11 such other terms as may be deemed desirable by the Authority.

12 (l) "Loan agreement" means any agreement pursuant to which
13 the Authority agrees to loan the proceeds of its bonds, notes
14 or other evidences of indebtedness issued with respect to a
15 project to any person or corporation which will use or cause
16 the project to be used as a project as heretofore defined upon
17 terms providing for loan repayment installments at least
18 sufficient to pay when due all principal of and interest and
19 premium, if any, on any bonds, notes or other evidences of
20 indebtedness of the Authority issued with respect to the
21 project, providing for maintenance, insurance and operation of
22 the project on terms satisfactory to the Authority and
23 providing for other matters as may be deemed advisable by the
24 Authority.

25 (m) "Financial aid" means the expenditure of Authority
26 funds or funds provided by the Authority through the issuance

1 of its revenue bonds, notes or other evidences of indebtedness
2 for the development, construction, acquisition or improvement
3 of a project.

4 (n) "Costs incurred in connection with the development,
5 construction, acquisition or improvement of a project" means
6 the following: the cost of purchase and construction of all
7 lands and improvements in connection therewith and equipment
8 and other property, rights, easements and franchises acquired
9 which are deemed necessary for such construction; financing
10 charges; interest costs with respect to bonds, notes and other
11 evidences of indebtedness of the Authority prior to and during
12 construction and for a period of 6 months thereafter;
13 engineering and legal expenses; the costs of plans,
14 specifications, surveys and estimates of costs and other
15 expenses necessary or incident to determining the feasibility
16 or practicability of any project, together with such other
17 expenses as may be necessary or incident to the financing,
18 insuring, acquisition and construction of a specific project
19 and the placing of the same in operation.

20 (o) "Terminal" means a public place, station or depot for
21 receiving and delivering passengers, baggage, mail, freight or
22 express matter and any combination thereof in connection with
23 the transportation of persons and property on water or land or
24 in the air.

25 (p) "Terminal facilities" means all land, buildings,
26 structures, improvements, equipment and appliances useful in

1 the operation of public warehouse, storage and transportation
2 facilities and industrial, manufacturing or commercial
3 activities for the accommodation of or in connection with
4 commerce by water or land or in the air or useful as an aid, or
5 constituting an advantage or convenience to, the safe landing,
6 taking off and navigation of aircraft or the safe and efficient
7 operation or maintenance of a public airport.

8 (q) "Port facilities" means all public structures, except
9 terminal facilities as defined herein, that are in, over, under
10 or adjacent to navigable waters and are necessary for or
11 incident to the furtherance of water commerce and includes the
12 widening and deepening of slips, harbors and navigable waters.

13 (r) "Airport" means any locality, either land or water,
14 which is used or designed for the landing and taking off of
15 aircraft or for the location of runways, landing fields,
16 aerodromes, hangars, buildings, structures, airport roadways
17 and other facilities.

18 (s) "Local government project" means a project or other
19 undertaking that is authorized or required by law to be
20 acquired, constructed, reconstructed, equipped, improved,
21 rehabilitated, replaced, maintained, or otherwise undertaken
22 in any manner by a local governmental unit.

23 (t) "Local government security" means a bond, note, or
24 other evidence of indebtedness that a local governmental unit
25 is legally authorized to issue for the purpose of financing a
26 public purpose project or to issue for any other lawful public

1 purpose under any provision of the Illinois Constitution or
2 laws of this State, whether the obligation is payable from
3 taxes or revenues, rates, charges, assessments,
4 appropriations, grants, or any other lawful source or
5 combination thereof, and specifically includes, without
6 limitation, obligations under any lease or lease purchase
7 agreement lawfully entered into by the local governmental unit
8 for the acquisition or use of facilities or equipment.

9 (u) "Local governmental unit" means a unit of local
10 government, as defined in Section 1 of Article VII of the
11 Illinois Constitution, and any local public entity as that term
12 is defined in the Local Governmental and Governmental Employees
13 Tort Immunity Act and such unit of local government or local
14 public entity is located within the geographical territory of
15 the Authority.

16 (Source: P.A. 98-750, eff. 1-1-15.)

17 (70 ILCS 535/4) (from Ch. 85, par. 7454)

18 Sec. 4. Establishment; organization.

19 (a) There is hereby created a political subdivision, body
20 politic and municipal corporation named the Will-Kankakee
21 Regional Development Authority. The territorial jurisdiction
22 of the Authority is that geographic area within the boundaries
23 of Will and Kankakee counties in the State of Illinois and any
24 navigable waters and air space located therein.

25 (b) The governing and administrative powers of the

1 Authority shall be vested in a body consisting of 10 members
2 including, as an ex officio member, the Director of Commerce
3 and Economic Opportunity, or his or her designee. The other 9
4 members of the Authority shall be designated "public members",
5 3 of whom shall be appointed by the Governor, 3 of whom shall
6 be appointed by the county board chairman of Will County, and 3
7 of whom shall be appointed by the county board chairman of
8 Kankakee County. All public members shall reside within the
9 territorial jurisdiction of this Act. Six members shall
10 constitute a quorum and the Board may not meet or take any
11 action without a quorum present. The public members shall be
12 persons of recognized ability and experience in one or more of
13 the following areas: economic development, finance, banking,
14 industrial development, small business management, real estate
15 development, community development, venture finance, organized
16 labor or civic, community or neighborhood organization. The
17 Chairman of the Authority shall be elected by the Board
18 annually from the 6 members appointed by the county board
19 chairmen.

20 (c) The terms of all members of the Authority shall begin
21 30 days after the effective date of this Act. Of the 9 public
22 members appointed pursuant to this Act, 3 shall serve until the
23 third Monday in January 1992, 3 shall serve until the third
24 Monday in January 1993, and 3 shall serve until the third
25 Monday in January 1994. All successors shall be appointed by
26 the original appointing authority and hold office for a term of

1 3 years commencing the third Monday in January of the year in
2 which their term commences, except in case of an appointment to
3 fill a vacancy. Vacancies occurring among the public members
4 shall be filled for the remainder of the term. In case of
5 vacancy in a Governor-appointed membership when the Senate is
6 not in session, the Governor may make a temporary appointment
7 until the next meeting of the Senate when a person shall be
8 nominated to fill such office, and any person so nominated who
9 is confirmed by the Senate shall hold office during the
10 remainder of the term and until a successor shall be appointed
11 and qualified. Members of the Authority shall not be entitled
12 to compensation for their services as members but may be
13 reimbursed for all necessary expenses incurred in connection
14 with the performance of their duties as members.

15 (d) The Governor may remove any public member of the
16 Authority in case of incompetency, neglect of duty, or
17 malfeasance in office.

18 (e) The Board may appoint an Executive Director who shall
19 have a background in finance, including familiarity with the
20 legal and procedural requirements of issuing bonds, real estate
21 or economic development and administration. The Executive
22 Director may not serve as the executive director or other chief
23 administrative and operational officer of any other regional
24 development authority. The Executive Director must have his or
25 her primary residence in a county in which the Authority is
26 located. The Executive Director shall hold office at the

1 discretion of the Board. The Executive Director shall be the
2 chief administrative and operational officer of the Authority,
3 shall direct and supervise its administrative affairs and
4 general management, shall perform such other duties as may be
5 prescribed from time to time by the members and shall receive
6 compensation fixed by the Authority. The Executive Director
7 shall attend all meetings of the Authority; however, no action
8 of the Authority shall be invalid on account of the absence of
9 the Executive Director from a meeting. The Authority may engage
10 the services of such other agents and employees, including
11 attorneys, appraisers, engineers, accountants, credit analysts
12 and other consultants, as it may deem advisable and may
13 prescribe their duties and fix their compensation.

14 (f) The Board may, by majority vote, nominate up to 4
15 non-voting members for appointment by the Governor. Non-voting
16 members shall be persons of recognized ability and experience
17 in one or more of the following areas: economic development,
18 finance, banking, industrial development, small business
19 management, real estate development, community development,
20 venture finance, organized labor or civic, community or
21 neighborhood organization. Non-voting members shall serve at
22 the pleasure of the Board. All non-voting members may attend
23 meetings of the Board and may be reimbursed as provided in
24 subsection (c).

25 (g) The Board shall create a task force to study and make
26 recommendations to the Board on the economic development of the

1 territory within the jurisdiction of this Act. The members of
2 the task force shall reside within the territorial jurisdiction
3 of this Act, shall serve at the pleasure of the Board and shall
4 be persons of recognized ability and experience in one or more
5 of the following areas: economic development, finance,
6 banking, industrial development, small business management,
7 real estate development, community development, venture
8 finance, organized labor or civic, community or neighborhood
9 organization. The number of members constituting the task force
10 shall be set by the Board and may vary from time to time. The
11 Board may set a specific date by which the task force is to
12 submit its final report and recommendations to the Board.

13 (h) A person with any financial interest or business
14 relationship, formal or informal, in an economic development
15 consulting, lobbying, or advising business may not serve as the
16 Executive Director or on the Board of the Authority.

17 (i) The Authority is subject to the Open Meetings Act and
18 the Freedom of Information Act. Documents subject to the
19 Freedom of Information Act include, but are not limited to,
20 expenses, payroll, origination bonuses, and other financial
21 details of the Authority.

22 (j) A contract or agreement entered into by the Authority
23 must be posted on the Authority's website.

24 (Source: P.A. 94-793, eff. 5-19-06.)

1 Sec. 6. Powers.

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

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

9 (2) to sue and be sued;

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

12 (4) to have and use a common seal and to alter the same
13 at its discretion;

14 (5) to adopt all needful ordinances, resolutions,
15 by-laws, rules and regulations for the conduct of its
16 business and affairs and for the management and use of the
17 projects developed, constructed, acquired and improved in
18 furtherance of its purposes;

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

20 (7) to accept and expend appropriations; and

21 (8) to have and exercise all powers and be subject to
22 all duties usually incident to boards of directors of
23 corporations.

24 (b) The Authority shall not issue any bonds relating to the
25 financing of a project located within the planning and
26 subdivision control jurisdiction of any municipality or county

1 unless: (1) notice, including a description of the proposed
2 project and the financing therefor, is submitted to the
3 corporate authorities of such municipality or, in the case of a
4 proposed project in an unincorporated area, to the county
5 board; and (2) such corporate authorities do not, or the county
6 board does not, adopt a resolution disapproving the project
7 within 45 days after receipt of the notice.

8 (c) If any of the powers set forth in this Act are
9 exercised within the jurisdictional limits of any
10 municipality, all ordinances of such municipality shall remain
11 in full force and effect and shall be controlling.

12 (d) To acquire, own, lease, sell or otherwise dispose of
13 interests in and to real property and improvements situated
14 thereon and in personal property necessary to fulfill the
15 purposes of the Authority.

16 (e) To engage in any activity or operation which is
17 incidental to and in furtherance of efficient operation to
18 accomplish the Authority's primary purpose.

19 (f) To acquire, own, construct, lease, operate and maintain
20 bridges, terminals, terminal facilities and port facilities
21 and to fix and collect just, reasonable and nondiscriminatory
22 charges for the use of such facilities. The charges so
23 collected shall be used to defray the reasonable expenses of
24 the Authority and to pay the principal and interest of any
25 revenue bonds issued by the Authority.

26 (g) Subject to any applicable condition imposed by this

1 Act, to locate, establish and maintain a public airport, public
2 airports and public airport facilities within its corporate
3 limits or within or upon any body of water adjacent thereto and
4 to construct, develop, expand, extend and improve any such
5 airport or airport facility.

6 (h) Notice shall be provided to the General Assembly, the
7 Department of Commerce and Economic Opportunity, and the
8 Governor before the Authority enters into a financing
9 agreement. The notice to the General Assembly shall be filed
10 with the Clerk of the House of Representatives and the
11 Secretary of the Senate in electronic form only, in the manner
12 that the Clerk and the Secretary shall direct.

13 (Source: P.A. 86-1481.)

14 (70 ILCS 535/7) (from Ch. 85, par. 7457)

15 Sec. 7. Bonds.

16 (a) The Authority, with the written approval of the
17 Governor, shall have the continuing power to issue bonds,
18 notes, or other evidences of indebtedness in an aggregate
19 amount outstanding not to exceed \$250,000,000 for the purpose
20 of developing, constructing, acquiring or improving projects,
21 including those established by business entities locating or
22 expanding property within the territorial jurisdiction of the
23 Authority, for entering into venture capital agreements with
24 businesses locating or expanding within the territorial
25 jurisdiction of the Authority, for acquiring and improving any

1 property necessary and useful in connection therewith, ~~and~~ for
2 the purposes of the Employee Ownership Assistance Act, and any
3 local government projects. With respect to any local government
4 project, the Authority is authorized to purchase from time to
5 time pursuant to negotiated sale or to otherwise acquire from
6 time to time any local government security upon terms and
7 conditions as the Authority may prescribe in connection with
8 the local government security. A local government security
9 purchased or otherwise acquired by the Authority is not a moral
10 obligation of the State or any State agency or political
11 subdivision of the State. For the purpose of evidencing the
12 obligations of the Authority to repay any money borrowed, the
13 Authority may, pursuant to resolution, from time to time issue
14 and dispose of its interest bearing revenue bonds, notes or
15 other evidences of indebtedness and may also from time to time
16 issue and dispose of such bonds, notes or other evidences of
17 indebtedness to refund, at maturity, at a redemption date or in
18 advance of either, any bonds, notes or other evidences of
19 indebtedness pursuant to redemption provisions or at any time
20 before maturity. All such bonds, notes or other evidences of
21 indebtedness shall be payable from the revenues or income to be
22 derived from loans made with respect to projects, from the
23 leasing or sale of the projects or from any other funds
24 available to the Authority for such purposes. The bonds, notes
25 or other evidences of indebtedness may bear such date or dates,
26 may mature at such time or times not exceeding 40 years from

1 their respective dates, may bear interest at such rate or rates
2 not exceeding the maximum rate permitted by the Bond
3 Authorization Act, may be in such form, may carry such
4 registration privileges, may be executed in such manner, may be
5 payable at such place or places, may be made subject to
6 redemption in such manner and upon such terms, with or without
7 premium as is stated on the face thereof, may be authenticated
8 in such manner and may contain such terms and covenants as may
9 be provided by an applicable resolution.

10 (b-1) The holder or holders of any bonds, notes or other
11 evidences of indebtedness issued by the Authority may bring
12 suits at law or proceedings in equity to compel the performance
13 and observance by any corporation or person or by the Authority
14 or any of its agents or employees of any contract or covenant
15 made with the holders of such bonds, notes or other evidences
16 of indebtedness, to compel such corporation, person, the
17 Authority and any of its agents or employees to perform any
18 duties required to be performed for the benefit of the holders
19 of any such bonds, notes or other evidences of indebtedness by
20 the provision of the resolution authorizing their issuance and
21 to enjoin such corporation, person, the Authority and any of
22 its agents or employees from taking any action in conflict with
23 any such contract or covenant.

24 (b-2) If the Authority fails to pay the principal of or
25 interest on any of the bonds or premium, if any, as the same
26 become due, a civil action to compel payment may be instituted

1 in the appropriate circuit court by the holder or holders of
2 the bonds on which such default of payment exists or by an
3 indenture trustee acting on behalf of such holders. Delivery of
4 a summons and a copy of the complaint to the Chairman of the
5 Board shall constitute sufficient service to give the circuit
6 court jurisdiction of the subject matter of such a suit and
7 jurisdiction over the Authority and its officers named as
8 defendants for the purpose of compelling such payment. Any
9 case, controversy or cause of action concerning the validity of
10 this Act relates to the revenue of the State of Illinois.

11 (c) Notwithstanding the form and tenor of any such bonds,
12 notes or other evidences of indebtedness and in the absence of
13 any express recital on the face thereof that it is
14 non-negotiable, all such bonds, notes and other evidences of
15 indebtedness shall be negotiable instruments. Pending the
16 preparation and execution of any such bonds, notes or other
17 evidences of indebtedness, temporary bonds, notes or evidences
18 of indebtedness may be issued as provided by ordinance.

19 (d) To secure the payment of any or all of such bonds,
20 notes or other evidences of indebtedness, the revenues to be
21 received by the Authority from a lease agreement or loan
22 agreement shall be pledged, and, for the purpose of setting
23 forth the covenants and undertakings of the Authority in
24 connection with the issuance thereof and the issuance of any
25 additional bonds, notes or other evidences of indebtedness
26 payable from such revenues, income or other funds to be derived

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

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

18 (f) In the event that the Authority determines that monies
19 of the Authority will not be sufficient for the payment of the
20 principal of and interest on its bonds during the next State
21 fiscal year, the Chairman, as soon as practicable, shall
22 certify to the Governor the amount required by the Authority to
23 enable it to pay such principal of and interest on the bonds.
24 The Governor shall submit the amount so certified to the
25 General Assembly as soon as practicable, but no later than the
26 end of the current State fiscal year. This subsection shall not

1 apply to any bonds or notes as to which the Authority shall
2 have determined, in the resolution authorizing the issuance of
3 the bonds or notes, that this subsection shall not apply.
4 Whenever the Authority makes such a determination, that fact
5 shall be plainly stated on the face of the bonds or notes and
6 that fact shall also be reported to the Governor. This
7 subsection (f) shall not apply to any bond issued on or after
8 the effective date of this amendatory Act of the 97th General
9 Assembly.

10 In the event of a withdrawal of moneys from a reserve fund
11 established with respect to any issue or issues of bonds of the
12 Authority to pay principal or interest on those bonds, the
13 Chairman of the Authority, as soon as practicable, shall
14 certify to the Governor the amount required to restore the
15 reserve fund to the level required in the resolution or
16 indenture securing those bonds. The Governor shall submit the
17 amount so certified to the General Assembly as soon as
18 practicable, but no later than the end of the current State
19 fiscal year.

20 (g) The State of Illinois pledges to and agrees with the
21 holders of the bonds and notes of the Authority issued pursuant
22 to this Section that the State will not limit or alter the
23 rights and powers vested in the Authority by this Act so as to
24 impair the terms of any contract made by the Authority with
25 such holders or in any way impair the rights and remedies of
26 such holders until such bonds and notes, together with interest

1 thereon, with interest on any unpaid installments of interest,
2 and all costs and expenses in connection with any action or
3 proceedings by or on behalf of such holders, are fully met and
4 discharged. In addition, the State pledges to and agrees with
5 the holders of the bonds and notes of the Authority issued
6 pursuant to this Section that the State will not limit or alter
7 the basis on which State funds are to be paid to the Authority
8 as provided in this Act, or the use of such funds, so as to
9 impair the terms of any such contract. The Authority is
10 authorized to include these pledges and agreements of the State
11 in any contract with the holders of bonds or notes issued
12 pursuant to this Section.

13 (Source: P.A. 97-790, eff. 7-13-12.)

14 (70 ILCS 535/7.5 new)

15 Sec. 7.5. Local government securities. Any local
16 governmental unit which is authorized to issue, sell, and
17 deliver its local government securities under any provision of
18 the Illinois Constitution or laws of this State may issue,
19 sell, and deliver such local government securities to the
20 Authority as provided by this Act, provided that and
21 notwithstanding any other provision of law to the contrary, any
22 such local governmental unit may issue and sell any such local
23 government security at any interest rate, which rate or rates
24 may be established by an index or formula which may be
25 implemented by persons appointed or retained therefor, payable

1 at such time or times and at such price or prices to which the
2 local governmental unit and the Authority may agree. Any local
3 governmental unit may pay any amount charged by the Authority.
4 Any local governmental unit may pay out of the proceeds of its
5 local government securities or out of any other moneys or funds
6 available to it for such purposes any costs, fees, interest
7 deemed necessary, premiums or revenues incurred or required for
8 financing or refinancing this program, including, without
9 limitation, any fees charged by the Authority and its share, as
10 determined by the Authority, of any costs, fees, interest
11 deemed necessary, premiums or revenues incurred or required
12 pursuant to this Act. All local government securities purchased
13 by the Authority pursuant to this Act shall upon delivery to
14 the Authority be accompanied by an approving opinion of bond
15 counsel as to the validity of such securities. The Authority
16 shall have discretion to purchase or otherwise acquire those
17 local government securities as it shall deem to be in the best
18 interest of its financing program for all local governmental
19 units taken as a whole.

20 Section 180. The Illinois Medical District Act is amended
21 by changing Section 2 as follows:

22 (70 ILCS 915/2) (from Ch. 111 1/2, par. 5002)

23 Sec. 2. Illinois Medical District Commission.

24 (a) There is hereby created a political subdivision, unit

1 of local government, body politic and corporate under the
2 corporate name of Illinois Medical District Commission,
3 hereinafter called the Commission, whose general purpose in
4 addition to and not in limitation of those purposes and powers
5 set forth in other Sections of this Act shall be to:

6 (1) maintain the proper surroundings for a medical
7 center and a related technology center in order to attract,
8 stabilize, and retain therein hospitals, clinics, research
9 facilities, educational facilities, or other facilities
10 permitted under this Act;

11 (2) provide for the orderly creation and expansion of
12 (i) various county, and local governmental facilities as
13 permitted under this Act, including, but not limited to,
14 juvenile detention facilities, (ii) other ancillary or
15 related facilities which the Commission may from time to
16 time determine are established and operated for any aspect
17 of the carrying out of the Commission's purposes as set
18 forth in this Act, or are established and operated for the
19 study, diagnosis, and treatment of human ailments and
20 injuries, whether physical or mental, or to promote
21 medical, surgical, and scientific research and knowledge
22 as permitted under this Act, (iii) medical research and
23 high technology parks, together with the necessary lands,
24 buildings, facilities, equipment, and personal property
25 therefore, and (iv) other facility development to generate
26 and maintain revenue streams sufficient to fund the

1 operations of the Commission and for the District, and to
2 provide for any cash reserves as the Commission shall deem
3 prudent.

4 (b) The Commission shall have perpetual succession, power
5 to contract and be contracted with, to sue and be sued in its
6 corporate name, but judgment shall not in any case be issued
7 against any property of the Commission, to have and use a
8 common seal, and to alter the same at pleasure. All actions
9 sounding in tort against the Commission shall be prosecuted in
10 the Court of Claims. The principal office of the Commission
11 shall be in the city of Chicago, and the Commission may
12 establish such other offices within the state of Illinois at
13 such places as to the Commission shall seem advisable. Such
14 Commission shall consist of 7 members, 4 of whom shall be
15 appointed by the Governor, 2 by the Mayor of Chicago, and one
16 by the President of the County Board of Cook County. All
17 members shall hold office for a term of 5 years and until their
18 successors are appointed as provided in this Act; provided,
19 that as soon as possible after the effective date of this
20 amendatory Act, the Governor shall appoint 4 members for terms
21 expiring, respectively, on June 30, 1952, 1953, 1954 and 1955.
22 The terms of all members heretofore appointed by the Governor
23 shall expire upon the commencement of the terms of the members
24 appointed pursuant to this amendatory Act. Any vacancy in the
25 membership of the Commission occurring by reason of the death,
26 resignation, disqualification, removal or inability or refusal

1 to act of any of the members of the Commission shall be filled
2 by the person who had appointed the particular member, and for
3 the unexpired term of office of that particular member. A
4 vacancy caused by the expiration of the period for which the
5 member was appointed shall be filled by a new appointment for a
6 term of 5 years from the date of such expiration of the prior 5
7 year term notwithstanding when such appointment is actually
8 made. The Commission shall obtain such personnel as to the
9 Commission shall seem advisable to carry out the purposes of
10 this Act and the work of the Commission. The Commission may
11 appoint a General Attorney and define the duties of that
12 General Attorney.

13 The Commission shall hold regular meetings annually for the
14 election of a president, vice-president, secretary, and
15 treasurer and for the adoption of a budget. Special meetings
16 may be called by the President or by any 2 members. Each member
17 shall take an oath of office for the faithful performance of
18 his duties. Four members of the Commission shall constitute a
19 quorum for the transaction of business.

20 The Commission shall submit, to the General Assembly not
21 later than March 1 of each odd-numbered year, a detailed report
22 covering its operations for the 2 preceding calendar years and
23 a statement of its program for the next 2 years.

24 The requirement for reporting to the General Assembly shall
25 be satisfied by filing copies of the report with the Speaker,
26 the Minority Leader and the Clerk of the House of

1 Representatives and the President, the Minority Leader and the
2 Secretary of the Senate and the Commission on Government
3 Forecasting and Accountability ~~Legislative Research Unit~~, as
4 required by Section 3.1 of the General Assembly Organization
5 Act, and filing such additional copies with the State
6 Government Report Distribution Center for the General Assembly
7 as is required under paragraph (t) of Section 7 of the State
8 Library Act.

9 (Source: P.A. 97-825, eff. 7-18-12.)

10 Section 185. The Mid-Illinois Medical District Act is
11 amended by changing Section 10 as follows:

12 (70 ILCS 925/10)

13 Sec. 10. Mid-Illinois Medical District Commission.

14 (a) There is created a body politic and corporate under the
15 corporate name of the Mid-Illinois Medical District Commission
16 whose general purpose, in addition to and not in limitation of
17 those purposes and powers set forth in this Act, is to:

18 (1) maintain the proper surroundings for a medical
19 center and a related technology center in order to attract,
20 stabilize, and retain within the District hospitals,
21 clinics, research facilities, educational facilities, or
22 other facilities permitted under this Act;

23 (2) provide for the orderly creation, maintenance,
24 development, and expansion of (i) health care facilities

1 and other ancillary or related facilities that the
2 Commission may from time to time determine are established
3 and operated (A) for any aspect of the carrying out of the
4 Commission's purposes as set forth in this Act, (B) for the
5 study, diagnosis, and treatment of human ailments and
6 injuries, whether physical or mental, or (C) to promote
7 medical, surgical, and scientific research and knowledge
8 as permitted under this Act; and (ii) medical research and
9 high technology parks, together with the necessary lands,
10 buildings, facilities, equipment, and personal property
11 for those parks; and

12 (3) convene dialogue among leaders in the public and
13 the private sectors on topics and issues associated with
14 training in the delivery of health care services in the
15 District's program area.

16 (b) The Commission has perpetual succession and the power
17 to contract and be contracted with, to sue and be sued except
18 in actions sounding in tort, to plead and be impleaded, to have
19 and use a common seal, and to alter the same at pleasure. All
20 actions sounding in tort against the Commission shall be
21 prosecuted in the Court of Claims. The principal office of the
22 Commission shall be in the City of Springfield.

23 (c) The Commission shall consist of the following members:
24 4 members appointed by the Governor, with the advice and
25 consent of the Senate; 4 members appointed by the Mayor of
26 Springfield, with the advice and consent of the Springfield

1 city council; and one member appointed by the Chairperson of
2 the County Board of Sangamon County. The initial members of the
3 Commission appointed by the Governor shall be appointed for
4 terms ending, respectively on the second, third, fourth, and
5 fifth anniversaries of their appointments. The initial members
6 appointed by the Mayor of Springfield shall be appointed 2 each
7 for terms ending, respectively, on the second and third
8 anniversaries of their appointments. The initial member
9 appointed by the Chairperson of the County Board of Sangamon
10 County shall be appointed for a term ending on the fourth
11 anniversary of the appointment. Thereafter, all the members
12 shall be appointed to hold office for a term of 5 years and
13 until their successors are appointed as provided in this Act.

14 Within 60 days after the effective date of this amendatory
15 Act of the 95th General Assembly, the Governor shall appoint 2
16 additional members to the Commission. One member shall serve
17 for a term of 4 years and one member shall serve for a term of 5
18 years. Their successors shall be appointed for 5-year terms.
19 Those additional members and their successors shall be limited
20 to residents of the following counties in Illinois: Cass,
21 Christian, Logan, Macoupin, Mason, Menard, Montgomery, Morgan,
22 or Scott.

23 (d) Any vacancy in the membership of the Commission
24 occurring by reason of the death, resignation,
25 disqualification, removal, or inability or refusal to act of
26 any of the members of the Commission shall be filled by the

1 authority that had appointed the particular member, and for the
2 unexpired term of office of that particular member. A vacancy
3 caused by the expiration of the period for which the member was
4 appointed shall be filled by a new appointment for a term of 5
5 years from the date of the expiration of the prior 5-year term
6 notwithstanding when the appointment is actually made. The
7 Commission shall obtain, under the provisions of the Personnel
8 Code, such personnel as to the Commission shall deem advisable
9 to carry out the purposes of this Act and the work of the
10 Commission.

11 (e) The Commission shall hold regular meetings annually for
12 the election of a President, Vice-President, Secretary, and
13 Treasurer, for the adoption of a budget, and for such other
14 business as may properly come before it. The Commission shall
15 elect as the President a member of the Commission appointed by
16 the Mayor of Springfield and as the Vice-President a member of
17 the Commission appointed by the Governor. The Commission shall
18 establish the duties and responsibilities of its officers by
19 rule. The President or any 4 members of the Commission may call
20 special meetings of the Commission. Each Commissioner shall
21 take an oath of office for the faithful performance of his or
22 her duties. The Commission may not transact business at a
23 meeting of the Commission unless there is present at the
24 meeting a quorum consisting of at least 6 Commissioners.
25 Meetings may be held by telephone conference or other
26 communications equipment by means of which all persons

1 participating in the meeting can communicate with each other.

2 (f) The Commission shall submit to the General Assembly,
3 not later than March 1 of each odd-numbered year, a detailed
4 report covering its operations for the 2 preceding calendar
5 years and a statement of its program for the next 2 years.

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

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

20 (h) Neither the Commission nor the District have any power
21 to tax.

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

24 (Source: P.A. 95-693, eff. 11-5-07.)

25 Section 190. The Mid-America Medical District Act is

1 amended by changing Section 10 as follows:

2 (70 ILCS 930/10)

3 Sec. 10. Mid-America Medical District Commission.

4 (a) There is created a body politic and corporate under the
5 corporate name of the Mid-America Medical District Commission
6 whose general purpose, in addition to and not in limitation of
7 those purposes and powers set forth in this Act, is to:

8 (1) maintain the proper surroundings for a medical
9 center and a related technology center in order to attract,
10 stabilize, and retain within the District hospitals,
11 clinics, research facilities, educational facilities, or
12 other facilities permitted under this Act;

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

1 (3) convene dialogue among leaders in the public and
2 the private sectors on topics and issues associated with
3 training in the delivery of health care services within the
4 District's program area.

5 (b) The Commission has perpetual succession and the power
6 to contract and be contracted with, to sue and be sued except
7 in actions sounding in tort, to plead and be impleaded, to have
8 and use a common seal, and to alter the same at pleasure. All
9 actions sounding in tort against the Commission shall be
10 prosecuted in the Court of Claims. The principal office of the
11 Commission shall be located within the District. The Commission
12 shall obtain, under the provisions of the Personnel Code, such
13 personnel as the Commission shall deem advisable to carry out
14 the purposes of this Act and the work of the Commission.

15 (c) The Commission shall consist of 15 appointed members
16 and 3 ex-officio members. Three members shall be appointed by
17 the Governor. Three members shall be appointed by the Mayor of
18 East St. Louis, with the consent of the city council. Three
19 members shall be appointed by the Chairman of the County Board
20 of St. Clair County. Three members shall be appointed by the
21 Mayor of the City of Belleville with the advice and consent of
22 the corporate authorities of the City of Belleville. Three
23 members shall be appointed by the Mayor of the City of O'Fallon
24 with the advice and consent of the corporate authorities of the
25 City of O'Fallon. All appointed members shall hold office for a
26 term of 3 years ending on December 31, and until their

1 successors are appointed; except that of the initial appointed
2 members, each appointing authority shall designate one
3 appointee to serve for a term ending December 31, 2007, one
4 appointee to serve for a term ending December 31, 2008, and one
5 appointee to serve for a term ending December 31, 2009. Of the
6 initial members appointed by the Mayor of the City of
7 Belleville, with the advice and consent of the corporate
8 authorities of the City of Belleville, the Mayor shall
9 designate one appointee to serve for a term ending December 31,
10 2011, one appointee to serve for a term ending December 31,
11 2012, and one appointee to serve for a term ending December 31,
12 2013. Of the initial members appointed by the Mayor of the City
13 of O'Fallon, with the advice and consent of the corporate
14 authorities of the City of O'Fallon, the Mayor shall designate
15 one appointee to serve for a term ending December 31, 2011, one
16 appointee to serve for a term ending December 31, 2012, and one
17 appointee to serve for a term ending December 31, 2013.

18 The Director of Commerce and Economic Opportunity or his or
19 her designee, the Director of Public Health or his or her
20 designee, and the Secretary of Human Services or his or her
21 designee shall serve as ex-officio members.

22 (d) Any vacancy in the appointed membership of the
23 Commission occurring by reason of the death, resignation,
24 disqualification, removal, or inability or refusal to act of
25 any of the members of the Commission shall be filled by the
26 authority that had appointed the particular member, and for the

1 unexpired term of office of that particular member.

2 (e) The Commission shall hold regular meetings annually for
3 the election of a President, Vice-President, Secretary, and
4 Treasurer, for the adoption of a budget, and for such other
5 business as may properly come before it. The Commission shall
6 establish the duties and responsibilities of its officers by
7 rule. The President or any 9 members of the Commission may call
8 special meetings of the Commission. Each Commissioner shall
9 take an oath of office for the faithful performance of his or
10 her duties. The Commission may not transact business at a
11 meeting of the Commission unless there is present at the
12 meeting a quorum consisting of at least 7 Commissioners.
13 Meetings may be held by telephone conference or other
14 communications equipment by means of which all persons
15 participating in the meeting can communicate with each other.

16 (f) The Commission shall submit to the General Assembly,
17 not later than March 1 of each odd-numbered year, a detailed
18 report covering its operations for the 2 preceding calendar
19 years and a statement of its program for the next 2 years.

20 The requirement for reporting to the General Assembly shall
21 be satisfied by filing copies of the report with the Speaker,
22 the Minority Leader, and the Clerk of the House of
23 Representatives and the President, the Minority Leader, and the
24 Secretary of the Senate and with the Commission on Government
25 Forecasting and Accountability ~~Legislative Research Unit~~, as
26 required by Section 3.1 of the General Assembly Organization

1 Act, and by filing such additional copies with the State
2 Government Report Distribution Center for the General Assembly
3 as is required under paragraph (t) of Section 7 of the State
4 Library Act.

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

8 (h) Neither the Commission nor the District have any power
9 to tax.

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

12 (Source: P.A. 97-583, eff. 8-26-11.)

13 Section 195. The Roseland Community Medical District Act is
14 amended by changing Section 10 as follows:

15 (70 ILCS 935/10)

16 Sec. 10. The Roseland Community Medical District
17 Commission.

18 (a) There is created a body politic and corporate under the
19 corporate name of the Roseland Community Medical District
20 Commission whose general purpose, in addition to and not in
21 limitation of those purposes and powers set forth in this Act,
22 is to:

23 (1) maintain the proper surroundings for a medical
24 center and a related technology center in order to attract,

1 stabilize, and retain within the District hospitals,
2 clinics, research facilities, educational facilities, or
3 other facilities permitted under this Act; and

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

17 (b) The Commission has perpetual succession and the power
18 to contract and be contracted with, to sue and be sued except
19 in tort actions, to plead and be impleaded, to have and use a
20 common seal, and to alter the same at pleasure. All tort
21 actions against the Commission shall be prosecuted in the Court
22 of Claims. The principal office of the Commission shall be
23 located at the Roseland Community Hospital. The Commission
24 shall obtain any personnel as the Commission deems advisable to
25 carry out the purposes of this Act and the work of the
26 Commission.

1 (c) The Commission shall consist of 9 appointed members and
2 3 ex officio members. Three members shall be appointed by the
3 Governor. Three members shall be appointed by the Mayor of the
4 City of Chicago. Three members shall be appointed by the
5 Chairman of the County Board of Cook County. All appointed
6 members shall hold office for a term of 3 years ending on
7 December 31, and until their successors are appointed and have
8 qualified; except that of the initial appointed members, each
9 appointing authority shall designate one appointee to serve for
10 a term ending December 31, 2011, one appointee to serve for a
11 term ending December 31, 2012, and one appointee to serve for a
12 term ending December 31, 2013. The Director of Commerce and
13 Economic Opportunity or his or her designee, the Director of
14 Public Health or his or her designee, and the Secretary of
15 Human Services or his or her designee shall serve as ex officio
16 members.

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

23 (e) The Commission shall hold regular meetings annually for
24 the election of a President, Vice President, Secretary, and
25 Treasurer, for the adoption of a budget, and for any other
26 business as may properly come before it. The Commission shall

1 establish the duties and responsibilities of its officers by
2 rule. The President or any 3 members of the Commission may call
3 special meetings of the Commission. Each commissioner shall
4 take an oath of office for the faithful performance of his or
5 her duties. The Commission may not transact business at a
6 meeting of the Commission unless there is present at the
7 meeting a quorum consisting of at least 7 commissioners.
8 Meetings may be held by telephone conference or other
9 communications equipment by means of which all persons
10 participating in the meeting can communicate with each other.

11 (f) The Commission shall submit to the General Assembly,
12 not later than March 1 of each odd numbered year, a detailed
13 report covering its operations for the 2 preceding calendar
14 years and a statement of its program for the next 2 years.

15 The requirement for reporting to the General Assembly shall
16 be satisfied by filing copies of the report with the Speaker,
17 the Minority Leader, and the Clerk of the House of
18 Representatives; the President, the Minority Leader, and the
19 Secretary of the Senate; the Commission on Government
20 Forecasting and Accountability ~~Legislative Research Unit~~ as
21 required by Section 3.1 of the General Assembly Organization
22 Act; and the State Government Report Distribution Center for
23 the General Assembly as is required under paragraph (t) of
24 Section 7 of the State Library Act.

25 (g) The Auditor General shall conduct audits of the
26 Commission in the same manner as the Auditor General conducts

1 audits of State agencies under the Illinois State Auditing Act.

2 (h) Neither the Commission nor the District have any power
3 to tax.

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

6 (Source: P.A. 97-259, eff. 8-5-11.)

7 Section 200. The Metropolitan Water Reclamation District
8 Act is amended by changing Section 4b as follows:

9 (70 ILCS 2605/4b) (from Ch. 42, par. 323b)

10 Sec. 4b. The Governor shall appoint, by and with the advice
11 and consent of the Senate, a State Sanitary District Observer.
12 The term of the person first appointed shall expire on the
13 third Monday in January, 1969. If the Senate is not in session
14 when the first appointment is made, the Governor shall make a
15 temporary appointment as in the case of a vacancy. Thereafter
16 the term of office of the State Sanitary District Observer
17 shall be for 2 years commencing on the third Monday in January
18 of 1969 and each odd-numbered year thereafter. Any person
19 appointed to such office shall hold office for the duration of
20 his term and until his successor is appointed and qualified.

21 The State Sanitary District Observer must have a knowledge
22 of the principles of sanitary engineering. He shall be paid
23 from the State Treasury an annual salary of \$15,000 or as set
24 by the Compensation Review Board, whichever is greater, and

1 shall also be reimbursed for necessary expenses incurred in the
2 performance of his duties.

3 The State Sanitary District Observer has the same right as
4 any Trustee or the Executive Director to attend any meeting in
5 connection with the business of The Metropolitan Sanitary
6 District of Greater Chicago. He shall have access to all
7 records and works of the District. He may conduct inquiries and
8 investigations into the efficiency and adequacy of the
9 operations of the District, including the effect of the
10 operations of the District upon areas of the State outside the
11 boundaries of the District.

12 The State Sanitary District Observer shall report to the
13 Governor, the General Assembly, the Department of Natural
14 Resources, and the Environmental Protection Agency annually
15 and more frequently if requested by the Governor.

16 The requirement for reporting to the General Assembly shall
17 be satisfied by filing copies of the report with the Speaker,
18 the Minority Leader and the Clerk of the House of
19 Representatives and the President, the Minority Leader and the
20 Secretary of the Senate and the Commission on Government
21 Forecasting and Accountability ~~Legislative Research Unit~~, as
22 required by Section 3.1 of the General Assembly Organization
23 Act ~~"An Act to revise the law in relation to the General~~
24 ~~Assembly", approved February 25, 1874, as amended~~, and filing
25 such additional copies with the State Government Report
26 Distribution Center for the General Assembly as is required

1 under paragraph (t) of Section 7 of the State Library Act.

2 (Source: P.A. 95-923, eff. 1-1-09.)

3 Section 205. The School Code is amended by changing
4 Sections 2-3.39 and 34A-606 as follows:

5 (105 ILCS 5/2-3.39) (from Ch. 122, par. 2-3.39)

6 Sec. 2-3.39. Department of Transitional Bilingual
7 Education. To establish a Department of Transitional Bilingual
8 Education. In selecting staff for the Department of
9 Transitional Bilingual Education the State Board of Education
10 shall give preference to persons who are natives of foreign
11 countries where languages to be used in transitional bilingual
12 education programs are the predominant languages. The
13 Department of Transitional Bilingual Education has the power
14 and duty to:

15 (1) Administer and enforce the provisions of Article
16 14C of this Code including the power to promulgate any
17 necessary rules and regulations.

18 (2) Study, review, and evaluate all available
19 resources and programs that, in whole or in part, are or
20 could be directed towards meeting the language capability
21 needs of child English learners and adult English learners
22 residing in the State.

23 (3) Gather information about the theory and practice of
24 bilingual education in this State and elsewhere, and

1 encourage experimentation and innovation in the field of
2 bilingual education.

3 (4) Provide for the maximum practical involvement of
4 parents of bilingual children, transitional bilingual
5 education teachers, representatives of community groups,
6 educators, and laymen knowledgeable in the field of
7 bilingual education in the formulation of policy and
8 procedures relating to the administration of Article 14C of
9 this Code.

10 (5) Consult with other public departments and
11 agencies, including but not limited to the Department of
12 Community Affairs, the Department of Public Welfare, the
13 Division of Employment Security, the Commission Against
14 Discrimination, and the United States Department of
15 Health, Education, and Welfare in connection with the
16 administration of Article 14C of this Code.

17 (6) Make recommendations in the areas of preservice and
18 in-service training for transitional bilingual education
19 teachers, curriculum development, testing and testing
20 mechanisms, and the development of materials for
21 transitional bilingual education programs.

22 (7) Undertake any further activities which may assist
23 in the full implementation of Article 14C of this Code and
24 to make an annual report to the General Assembly to include
25 an evaluation of the program, the need for continuing such
26 a program, and recommendations for improvement.

1 The requirement for reporting to the General Assembly
2 shall be satisfied by filing copies of the report with the
3 Speaker, the Minority Leader and the Clerk of the House of
4 Representatives and the President, the Minority Leader and
5 the Secretary of the Senate and the Commission on
6 Government Forecasting and Accountability ~~Legislative~~
7 ~~Research Unit~~, as required by Section 3.1 of the General
8 Assembly Organization Act ~~"An Act to revise the law in~~
9 ~~relation to the General Assembly", approved February 25,~~
10 ~~1874, as amended~~, and filing such additional copies with
11 the State Government Report Distribution Center for the
12 General Assembly as is required under paragraph (t) of
13 Section 7 of the State Library Act.

14 (Source: P.A. 99-30, eff. 7-10-15.)

15 (105 ILCS 5/34A-606) (from Ch. 122, par. 34A-606)

16 Sec. 34A-606. Reports.

17 (a) The Directors, upon taking office and annually
18 thereafter, shall prepare and submit to the Governor, Mayor,
19 General Assembly, and City Council a report which shall include
20 the audited financial statement for the preceding Fiscal Year
21 of the Board, an approved Financial Plan or a statement of
22 reasons for the failure to adopt such a Financial Plan, a
23 statement of the major steps necessary to accomplish the
24 objectives of the Financial Plan, and a request for any
25 legislation necessary to achieve the objectives of the

1 Financial Plan.

2 (b) Annual reports shall be submitted on or before May 1 of
3 each year.

4 (c) The requirement for reporting to the General Assembly
5 shall be satisfied by filing copies of the report with the
6 Board, the Governor, the Mayor and also the Speaker, the
7 Minority Leader and the Clerk of the House of Representatives
8 and the President, the Minority Leader and the Secretary of the
9 Senate and the Commission on Government Forecasting and
10 Accountability ~~Legislative Research Unit~~, as required by
11 Section 3.1 of the General Assembly Organization Act ~~"An Act to~~
12 ~~revise the law in relation to the General Assembly"~~, approved
13 ~~February 25, 1874~~, as amended, and filing such additional
14 copies with the State Government Report Distribution Center for
15 the General Assembly as is required under paragraph (t) of
16 Section 7 of the State Library Act.

17 (d) Each annual report required to be submitted through May
18 1, 1995, shall also include: (i) a description of the
19 activities of the Authority; (ii) an analysis of the
20 educational performance of the Board for the preceding school
21 year; (iii) an Approved System-Wide Educational Reform Goals
22 and Objectives Plan or a statement of reasons for the failure
23 to adopt such an Approved System-Wide Educational Reform Goals
24 and Objectives Plan; (iv) a statement of the major steps
25 necessary to accomplish the goals of the Approved System-Wide
26 Educational Reform Goals and Objectives Plan; (v) a commentary

1 with respect to those Board policies and rules and those
2 provisions of The School Code and collective bargaining
3 agreements between the Board and its employees which, in the
4 opinion of the Authority, are obstacles and a hindrance to
5 fulfillment of any Approved System-Wide Educational Reform
6 Goals and Objectives Plan; and (vi) a request for any
7 legislative action necessary to achieve the goals of the
8 Approved System-Wide Educational Reform Goals and Objectives
9 Plan.

10 (Source: P.A. 85-1418; 86-1477.)

11 Section 210. The P-20 Longitudinal Education Data System
12 Act is amended by changing Section 15 as follows:

13 (105 ILCS 13/15)

14 Sec. 15. Establishment of the longitudinal data system and
15 data warehouse.

16 (a) The State Education Authorities shall jointly
17 establish and maintain a longitudinal data system by entering
18 into one or more agreements that link early learning,
19 elementary, and secondary school student unit records with
20 institution of higher learning student unit records. To the
21 extent authorized by this Section and Section 20 of this Act:

22 (1) the State Board is responsible for collecting and
23 maintaining authoritative enrollment, completion, and
24 student characteristic information on early learning,

1 public school (kindergarten through grade 12), and
2 non-public school (kindergarten through grade 12)
3 students;

4 (2) the Community College Board is responsible for
5 collecting and maintaining authoritative enrollment,
6 completion, and student characteristic information on
7 community college students; and

8 (3) the Board of Higher Education is responsible for
9 collecting and maintaining authoritative enrollment,
10 completion, and student characteristic information on
11 students enrolled in institutions of higher learning,
12 other than community colleges.

13 (b) On or before June 30, 2013, subject to the availability
14 of funding through appropriations made specifically for the
15 purposes of this Act, the State Education Authorities shall
16 improve and expand the longitudinal data system to enable the
17 State Education Authorities to perform or cause to be performed
18 all of the following activities and functions:

19 (1) Reduce, to the maximum extent possible, the data
20 collection burden on school districts and institutions of
21 higher learning by using data submitted to the system for
22 multiple reporting and analysis functions.

23 (2) Provide authorized officials of early learning
24 programs, schools, school districts, and institutions of
25 higher learning with access to their own student-level
26 data, summary reports, and data that can be integrated with

1 additional data maintained outside of the system to inform
2 education decision-making.

3 (3) Link data to instructional management tools that
4 support instruction and assist collaboration among
5 teachers and postsecondary instructors.

6 (4) Enhance and expand existing high
7 school-to-postsecondary reporting systems to inform school
8 and school district officials, education policymakers, and
9 members of the public about public school students'
10 performance in postsecondary education.

11 (5) Provide data reporting, analysis, and planning
12 tools that assist with financial oversight, human resource
13 management, and other education support functions.

14 (6) Improve student access to educational
15 opportunities by linking data to student college and career
16 planning portals, facilitating the submission of
17 electronic transcripts and scholarship and financial aid
18 applications, and enabling the transfer of student records
19 to officials of a school or institution of higher learning
20 where a student enrolls or seeks or intends to enroll.

21 (7) Establish a public Internet web interface that
22 provides non-confidential data reports and permits queries
23 so that parents, the media, and other members of the public
24 can more easily access information pertaining to
25 statewide, district, and school performance.

26 (8) Provide research and reports to the General

1 Assembly that assist with evaluating the effectiveness of
2 specific programs and that enable legislators to analyze
3 educational performance within their legislative
4 districts.

5 (9) Allow the State Education Authorities to
6 efficiently meet federal and State reporting requirements
7 by drawing data for required reports from multiple State
8 systems.

9 (10) Establish a system to evaluate teacher and
10 administrator preparation programs using student academic
11 growth as one component of evaluation.

12 (11) In accordance with a data sharing agreement
13 entered into between the State Education Authorities and
14 the Illinois Student Assistance Commission, establish
15 procedures and systems to evaluate the relationship
16 between need-based financial aid and student enrollment
17 and success in institutions of higher learning.

18 (12) In accordance with data sharing agreements
19 entered into between the State Education Authorities and
20 health and human service agencies, establish procedures
21 and systems to evaluate the relationship between education
22 and other student and family support systems.

23 (13) In accordance with data sharing agreements
24 entered into between the State Education Authorities and
25 employment and workforce development agencies, establish
26 procedures and systems to evaluate the relationship

1 between education programs and outcomes and employment
2 fields, employment locations, and employment outcomes.

3 (c) On or before June 30, 2013, subject to the availability
4 of funding through appropriations made specifically for the
5 purposes of this Act, the State Board shall establish a data
6 warehouse that integrates data from multiple student unit
7 record systems and supports all of the uses and functions of
8 the longitudinal data system set forth in this Act. The data
9 warehouse must be developed in cooperation with the Community
10 College Board and the Board of Higher Education and must have
11 the ability to integrate longitudinal data from early learning
12 through the postsecondary level in accordance with one or more
13 data sharing agreements entered into among the State Education
14 Authorities. The data warehouse, as integrated with the
15 longitudinal data system, must include, but is not limited to,
16 all of the following elements:

17 (1) A unique statewide student identifier that
18 connects student data across key databases across years.
19 The unique statewide student identifier must not be derived
20 from a student's social security number and must be
21 provided to institutions of higher learning to assist with
22 linkages between early learning through secondary and
23 postsecondary data.

24 (2) Student-level enrollment, demographic, and program
25 participation information, including information on
26 participation in dual credit programs.

1 (3) The ability to match individual students'
2 elementary and secondary test records from year to year to
3 measure academic growth.

4 (4) Information on untested students in the elementary
5 and secondary levels, and the reasons they were not tested.

6 (5) A teacher and administrator identifier system with
7 the ability to match students to early learning,
8 elementary, and secondary teachers and elementary and
9 secondary administrators. Information able to be obtained
10 only as a result of the linkage of teacher and student data
11 through the longitudinal data system may not be used by a
12 school district for decisions involving teacher pay or
13 teacher benefits unless the district and the exclusive
14 bargaining representative of the district's teachers, if
15 any, have agreed to this use. Information able to be
16 obtained only as a result of the linkage of teacher and
17 student data through the longitudinal data system may not
18 be used by a school district as part of an evaluation under
19 Article 24A of the School Code unless, in good faith
20 cooperation with the school district's teachers or, where
21 applicable, the exclusive bargaining representative of the
22 school district's teachers, the school district has
23 developed an evaluation plan or substantive change to an
24 evaluation plan that specifically describes the school
25 district's rationale for using this information for
26 evaluations, how this information will be used as part of

1 the evaluation process, and how this information will
2 relate to evaluation standards. However, nothing in this
3 subdivision (5) or elsewhere in this Act limits or
4 restricts (i) a district's use of any local or State data
5 that has been obtained independently from the linkage of
6 teacher and student data through the longitudinal data
7 system or (ii) a charter school's use of any local or State
8 data in connection with teacher pay, benefits, or
9 evaluations.

10 (6) Student-level transcript information, including
11 information on courses completed and grades earned, from
12 middle and high schools. The State Board shall establish a
13 statewide course classification system based upon the
14 federal School Codes for Exchange of Data or a similar
15 course classification system. Each school district and
16 charter school shall map its course descriptions to the
17 statewide course classification system for the purpose of
18 State reporting. School districts and charter schools are
19 not required to change or modify the locally adopted course
20 descriptions used for all other purposes. The State Board
21 shall establish or contract for the establishment of a
22 technical support and training system to assist schools and
23 districts with the implementation of this item (6) and
24 shall, to the extent possible, collect transcript data
25 using a system that permits automated reporting from
26 district student information systems.

1 (7) Student-level college readiness test scores.

2 (8) Student-level graduation and dropout data.

3 (9) The ability to match early learning through
4 secondary student unit records with institution of higher
5 learning student unit record systems.

6 (10) A State data audit system assessing data quality,
7 validity, and reliability.

8 (d) Using data provided to and maintained by the
9 longitudinal data system, the State Education Authorities may,
10 in addition to functions and activities specified elsewhere in
11 this Section, perform and undertake the following:

12 (1) research for or on behalf of early learning
13 programs, schools, school districts, or institutions of
14 higher learning, which may be performed by one or more
15 State Education Authorities or through agreements with
16 research organizations meeting all of the requirements of
17 this Act and privacy protection laws; and

18 (2) audits or evaluations of federal or
19 State-supported education programs and activities to
20 enforce federal or State legal requirements with respect to
21 those programs. Each State Education Authority may assist
22 another State Education Authority with audit, evaluation,
23 or enforcement activities and may disclose education
24 records with each other for those activities relating to
25 any early learning through postsecondary program. The
26 State Education Authorities may disclose student

1 information to authorized officials of a student's former
2 early learning program, school, or school district to
3 assist with the evaluation of federal or State-supported
4 education programs.

5 (e) In establishing, operating, and expanding the
6 longitudinal data system, the State Education Authorities
7 shall convene stakeholders and create opportunities for input
8 and advice in the areas of data ownership, data use, research
9 priorities, data management, confidentiality, data access, and
10 reporting from the system. Such stakeholders include, but are
11 not limited to, public and non-public institutions of higher
12 learning, school districts, charter schools, non-public
13 elementary and secondary schools, early learning programs,
14 teachers, professors, parents, principals and administrators,
15 school research consortiums, education policy and advocacy
16 organizations, news media, the Illinois Student Assistance
17 Commission, the Illinois Education Research Council, the
18 Department of Commerce and Economic Opportunity, the Illinois
19 Early Learning Council, and the Commission on Government
20 Forecasting and Accountability ~~Legislative Research Unit~~.

21 (f) Representatives of the State Education Authorities
22 shall report to and advise the Illinois P-20 Council on the
23 implementation, operation, and expansion of the longitudinal
24 data system.

25 (g) Appropriations made to the State Education Authorities
26 for the purposes of this Act shall be used exclusively for

1 expenses for the development and operation of the longitudinal
2 data system. Authorized expenses of the State Education
3 Authorities may relate to contracts with outside vendors for
4 the development and operation of the system, agreements with
5 other governmental entities or research organizations for
6 authorized uses and functions of the system, technical support
7 and training for entities submitting data to the system, or
8 regular or contractual employees necessary for the system's
9 development or operation.

10 (Source: P.A. 96-107, eff. 7-30-09.)

11 Section 215. The Board of Higher Education Act is amended
12 by changing Section 9.04 as follows:

13 (110 ILCS 205/9.04) (from Ch. 144, par. 189.04)

14 Sec. 9.04. To submit to the Governor and the General
15 Assembly a written report covering the activities engaged in
16 and recommendations made. This report shall be submitted in
17 accordance with the requirements of Section 3 of the State
18 Finance Act.

19 The requirement for reporting to the General Assembly shall
20 be satisfied by filing electronic or paper copies of the report
21 with the Speaker, the Minority Leader and the Clerk of the
22 House of Representatives and the President, the Minority Leader
23 and the Secretary of the Senate and the Commission on
24 Government Forecasting and Accountability ~~Legislative Research~~

1 ~~Unit~~, as required by Section 3.1 of the General Assembly
2 Organization Act, and filing such additional electronic or
3 paper copies with the State Government Report Distribution
4 Center for the General Assembly as is required under paragraph
5 (t) of Section 7 of the State Library Act.

6 (Source: P.A. 100-167, eff. 1-1-18.)

7 Section 220. The Family Practice Residency Act is amended
8 by changing Section 9 as follows:

9 (110 ILCS 935/9) (from Ch. 144, par. 1459)

10 Sec. 9. The Department shall annually report to the General
11 Assembly and the Governor the results and progress of the
12 programs established by this Act on or before March 15th.

13 The annual report to the General Assembly and the Governor
14 shall include the impact of programs established under this Act
15 on the ability of designated shortage areas to attract and
16 retain physicians and other health care personnel. The report
17 shall include recommendations to improve that ability.

18 The requirement for reporting to the General Assembly shall
19 be satisfied by filing copies of the report with the Speaker,
20 the Minority Leader and the Clerk of the House of
21 Representatives and the President, the Minority Leader and the
22 Secretary of the Senate and the Commission on Government
23 Forecasting and Accountability ~~Legislative Research Unit~~, as
24 required by Section 3.1 of the General Assembly Organization

1 Act, and filing such additional copies with the State
2 Government Report Distribution Center for the General Assembly
3 as is required under paragraph (t) of Section 7 of the State
4 Library Act.

5 (Source: P.A. 86-965; 87-430; 87-633; 87-895.)

6 Section 225. The Governor's Scholars Board of Sponsors Act
7 is amended by changing Section 4 as follows:

8 (110 ILCS 940/4) (from Ch. 127, par. 63b134)

9 Sec. 4. The Board of Sponsors shall make a detailed report
10 of its activities and recommendations to the 77th General
11 Assembly and to the Governor not later than February 1, 1971
12 and by February 1 of each odd numbered year thereafter and
13 shall submit recommendations for such legislation as it deems
14 necessary.

15 The requirement for reporting to the General Assembly shall
16 be satisfied by filing copies of the report with the Speaker,
17 the Minority Leader and the Clerk of the House of
18 Representatives and the President, the Minority Leader and the
19 Secretary of the Senate and the Commission on Government
20 Forecasting and Accountability ~~Legislative Research Unit~~, as
21 required by Section 3.1 of the General Assembly Organization
22 Act ~~"An Act to revise the law in relation to the General~~
23 ~~Assembly", approved February 25, 1974, as amended,~~ and filing
24 such additional copies with the State Government Report

1 Distribution Center for the General Assembly as is required
2 under paragraph (t) of Section 7 of the State Library Act.

3 (Source: P.A. 84-1438.)

4 Section 230. The Podiatric Scholarship and Residency Act is
5 amended by changing Section 25 as follows:

6 (110 ILCS 978/25)

7 Sec. 25. Annual reports. The Department shall annually
8 report to the General Assembly and the Governor the results and
9 progress of the programs established by this Act on or before
10 March 15th.

11 The Department shall, no later than July 1, 1994, report to
12 the General Assembly and the Governor concerning the impact of
13 programs established under this Act on the ability of
14 designated shortage areas to attract and retain podiatric
15 physicians and other health care personnel. The report shall
16 include recommendations to improve that ability.

17 The requirement for reporting to the General Assembly shall
18 be satisfied by filing copies of the report with the Speaker,
19 the Minority Leader and the Clerk of the House of
20 Representatives and the President, the Minority Leader and the
21 Secretary of the Senate and the Commission on Government
22 Forecasting and Accountability ~~Legislative Research Unit~~, as
23 required by Section 3.1 of the General Assembly Organization
24 Act, and filing additional copies with the State Government

1 Report Distribution Center for the General Assembly that are
2 required under paragraph (t) of Section 7 of the State Library
3 Act.

4 (Source: P.A. 87-1195.)

5 Section 235. The Coal Mining Act is amended by changing
6 Section 4.18 as follows:

7 (225 ILCS 705/4.18) (from Ch. 96 1/2, par. 418)

8 Sec. 4.18. On the receipt of each State Mine Inspector's
9 report the Mining Board shall compile and summarize the data to
10 be included in the report of the Mining Board, known as the
11 Annual Coal Report, which shall within four months thereafter,
12 be printed, bound, and transmitted to the Governor and General
13 Assembly for the information of the public. The printing and
14 binding of the Annual Coal Reports shall be provided for by the
15 Department of Central Management Services in like manner and
16 numbers, as it provides for the publication of other official
17 reports.

18 The requirement for reporting to the General Assembly shall
19 be satisfied by filing copies of the report with the Speaker,
20 the Minority Leader and the Clerk of the House of
21 Representatives and the President, the Minority Leader and the
22 Secretary of the Senate and the Commission on Government
23 Forecasting and Accountability ~~Legislative Research Unit~~, as
24 required by Section 3.1 of the General Assembly Organization

1 Act ~~"An Act to revise the law in relation to the General~~
2 ~~Assembly", approved February 25, 1874, as amended,~~ and filing
3 such additional copies with the State Government Report
4 Distribution Center for the General Assembly as is required
5 under paragraph (t) of Section 7 of the State Library Act.

6 (Source: P.A. 84-1438.)

7 Section 240. The Illinois Public Aid Code is amended by
8 changing Sections 5-5, 5-5.8, and 12-5 as follows:

9 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

10 Sec. 5-5. Medical services. The Illinois Department, by
11 rule, shall determine the quantity and quality of and the rate
12 of reimbursement for the medical assistance for which payment
13 will be authorized, and the medical services to be provided,
14 which may include all or part of the following: (1) inpatient
15 hospital services; (2) outpatient hospital services; (3) other
16 laboratory and X-ray services; (4) skilled nursing home
17 services; (5) physicians' services whether furnished in the
18 office, the patient's home, a hospital, a skilled nursing home,
19 or elsewhere; (6) medical care, or any other type of remedial
20 care furnished by licensed practitioners; (7) home health care
21 services; (8) private duty nursing service; (9) clinic
22 services; (10) dental services, including prevention and
23 treatment of periodontal disease and dental caries disease for
24 pregnant women, provided by an individual licensed to practice

1 dentistry or dental surgery; for purposes of this item (10),
2 "dental services" means diagnostic, preventive, or corrective
3 procedures provided by or under the supervision of a dentist in
4 the practice of his or her profession; (11) physical therapy
5 and related services; (12) prescribed drugs, dentures, and
6 prosthetic devices; and eyeglasses prescribed by a physician
7 skilled in the diseases of the eye, or by an optometrist,
8 whichever the person may select; (13) other diagnostic,
9 screening, preventive, and rehabilitative services, including
10 to ensure that the individual's need for intervention or
11 treatment of mental disorders or substance use disorders or
12 co-occurring mental health and substance use disorders is
13 determined using a uniform screening, assessment, and
14 evaluation process inclusive of criteria, for children and
15 adults; for purposes of this item (13), a uniform screening,
16 assessment, and evaluation process refers to a process that
17 includes an appropriate evaluation and, as warranted, a
18 referral; "uniform" does not mean the use of a singular
19 instrument, tool, or process that all must utilize; (14)
20 transportation and such other expenses as may be necessary;
21 (15) medical treatment of sexual assault survivors, as defined
22 in Section 1a of the Sexual Assault Survivors Emergency
23 Treatment Act, for injuries sustained as a result of the sexual
24 assault, including examinations and laboratory tests to
25 discover evidence which may be used in criminal proceedings
26 arising from the sexual assault; (16) the diagnosis and

1 treatment of sickle cell anemia; and (17) any other medical
2 care, and any other type of remedial care recognized under the
3 laws of this State. The term "any other type of remedial care"
4 shall include nursing care and nursing home service for persons
5 who rely on treatment by spiritual means alone through prayer
6 for healing.

7 Notwithstanding any other provision of this Section, a
8 comprehensive tobacco use cessation program that includes
9 purchasing prescription drugs or prescription medical devices
10 approved by the Food and Drug Administration shall be covered
11 under the medical assistance program under this Article for
12 persons who are otherwise eligible for assistance under this
13 Article.

14 Notwithstanding any other provision of this Code,
15 reproductive health care that is otherwise legal in Illinois
16 shall be covered under the medical assistance program for
17 persons who are otherwise eligible for medical assistance under
18 this Article.

19 Notwithstanding any other provision of this Code, the
20 Illinois Department may not require, as a condition of payment
21 for any laboratory test authorized under this Article, that a
22 physician's handwritten signature appear on the laboratory
23 test order form. The Illinois Department may, however, impose
24 other appropriate requirements regarding laboratory test order
25 documentation.

26 Upon receipt of federal approval of an amendment to the

1 Illinois Title XIX State Plan for this purpose, the Department
2 shall authorize the Chicago Public Schools (CPS) to procure a
3 vendor or vendors to manufacture eyeglasses for individuals
4 enrolled in a school within the CPS system. CPS shall ensure
5 that its vendor or vendors are enrolled as providers in the
6 medical assistance program and in any capitated Medicaid
7 managed care entity (MCE) serving individuals enrolled in a
8 school within the CPS system. Under any contract procured under
9 this provision, the vendor or vendors must serve only
10 individuals enrolled in a school within the CPS system. Claims
11 for services provided by CPS's vendor or vendors to recipients
12 of benefits in the medical assistance program under this Code,
13 the Children's Health Insurance Program, or the Covering ALL
14 KIDS Health Insurance Program shall be submitted to the
15 Department or the MCE in which the individual is enrolled for
16 payment and shall be reimbursed at the Department's or the
17 MCE's established rates or rate methodologies for eyeglasses.

18 On and after July 1, 2012, the Department of Healthcare and
19 Family Services may provide the following services to persons
20 eligible for assistance under this Article who are
21 participating in education, training or employment programs
22 operated by the Department of Human Services as successor to
23 the Department of Public Aid:

24 (1) dental services provided by or under the
25 supervision of a dentist; and

26 (2) eyeglasses prescribed by a physician skilled in the

1 diseases of the eye, or by an optometrist, whichever the
2 person may select.

3 Notwithstanding any other provision of this Code and
4 subject to federal approval, the Department may adopt rules to
5 allow a dentist who is volunteering his or her service at no
6 cost to render dental services through an enrolled
7 not-for-profit health clinic without the dentist personally
8 enrolling as a participating provider in the medical assistance
9 program. A not-for-profit health clinic shall include a public
10 health clinic or Federally Qualified Health Center or other
11 enrolled provider, as determined by the Department, through
12 which dental services covered under this Section are performed.
13 The Department shall establish a process for payment of claims
14 for reimbursement for covered dental services rendered under
15 this provision.

16 The Illinois Department, by rule, may distinguish and
17 classify the medical services to be provided only in accordance
18 with the classes of persons designated in Section 5-2.

19 The Department of Healthcare and Family Services must
20 provide coverage and reimbursement for amino acid-based
21 elemental formulas, regardless of delivery method, for the
22 diagnosis and treatment of (i) eosinophilic disorders and (ii)
23 short bowel syndrome when the prescribing physician has issued
24 a written order stating that the amino acid-based elemental
25 formula is medically necessary.

26 The Illinois Department shall authorize the provision of,

1 and shall authorize payment for, screening by low-dose
2 mammography for the presence of occult breast cancer for women
3 35 years of age or older who are eligible for medical
4 assistance under this Article, as follows:

5 (A) A baseline mammogram for women 35 to 39 years of
6 age.

7 (B) An annual mammogram for women 40 years of age or
8 older.

9 (C) A mammogram at the age and intervals considered
10 medically necessary by the woman's health care provider for
11 women under 40 years of age and having a family history of
12 breast cancer, prior personal history of breast cancer,
13 positive genetic testing, or other risk factors.

14 (D) A comprehensive ultrasound screening and MRI of an
15 entire breast or breasts if a mammogram demonstrates
16 heterogeneous or dense breast tissue, when medically
17 necessary as determined by a physician licensed to practice
18 medicine in all of its branches.

19 (E) A screening MRI when medically necessary, as
20 determined by a physician licensed to practice medicine in
21 all of its branches.

22 All screenings shall include a physical breast exam,
23 instruction on self-examination and information regarding the
24 frequency of self-examination and its value as a preventative
25 tool. For purposes of this Section, "low-dose mammography"
26 means the x-ray examination of the breast using equipment

1 dedicated specifically for mammography, including the x-ray
2 tube, filter, compression device, and image receptor, with an
3 average radiation exposure delivery of less than one rad per
4 breast for 2 views of an average size breast. The term also
5 includes digital mammography and includes breast
6 tomosynthesis. As used in this Section, the term "breast
7 tomosynthesis" means a radiologic procedure that involves the
8 acquisition of projection images over the stationary breast to
9 produce cross-sectional digital three-dimensional images of
10 the breast. If, at any time, the Secretary of the United States
11 Department of Health and Human Services, or its successor
12 agency, promulgates rules or regulations to be published in the
13 Federal Register or publishes a comment in the Federal Register
14 or issues an opinion, guidance, or other action that would
15 require the State, pursuant to any provision of the Patient
16 Protection and Affordable Care Act (Public Law 111-148),
17 including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any
18 successor provision, to defray the cost of any coverage for
19 breast tomosynthesis outlined in this paragraph, then the
20 requirement that an insurer cover breast tomosynthesis is
21 inoperative other than any such coverage authorized under
22 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and
23 the State shall not assume any obligation for the cost of
24 coverage for breast tomosynthesis set forth in this paragraph.

25 On and after January 1, 2016, the Department shall ensure
26 that all networks of care for adult clients of the Department

1 include access to at least one breast imaging Center of Imaging
2 Excellence as certified by the American College of Radiology.

3 On and after January 1, 2012, providers participating in a
4 quality improvement program approved by the Department shall be
5 reimbursed for screening and diagnostic mammography at the same
6 rate as the Medicare program's rates, including the increased
7 reimbursement for digital mammography.

8 The Department shall convene an expert panel including
9 representatives of hospitals, free-standing mammography
10 facilities, and doctors, including radiologists, to establish
11 quality standards for mammography.

12 On and after January 1, 2017, providers participating in a
13 breast cancer treatment quality improvement program approved
14 by the Department shall be reimbursed for breast cancer
15 treatment at a rate that is no lower than 95% of the Medicare
16 program's rates for the data elements included in the breast
17 cancer treatment quality program.

18 The Department shall convene an expert panel, including
19 representatives of hospitals, free standing breast cancer
20 treatment centers, breast cancer quality organizations, and
21 doctors, including breast surgeons, reconstructive breast
22 surgeons, oncologists, and primary care providers to establish
23 quality standards for breast cancer treatment.

24 Subject to federal approval, the Department shall
25 establish a rate methodology for mammography at federally
26 qualified health centers and other encounter-rate clinics.

1 These clinics or centers may also collaborate with other
2 hospital-based mammography facilities. By January 1, 2016, the
3 Department shall report to the General Assembly on the status
4 of the provision set forth in this paragraph.

5 The Department shall establish a methodology to remind
6 women who are age-appropriate for screening mammography, but
7 who have not received a mammogram within the previous 18
8 months, of the importance and benefit of screening mammography.
9 The Department shall work with experts in breast cancer
10 outreach and patient navigation to optimize these reminders and
11 shall establish a methodology for evaluating their
12 effectiveness and modifying the methodology based on the
13 evaluation.

14 The Department shall establish a performance goal for
15 primary care providers with respect to their female patients
16 over age 40 receiving an annual mammogram. This performance
17 goal shall be used to provide additional reimbursement in the
18 form of a quality performance bonus to primary care providers
19 who meet that goal.

20 The Department shall devise a means of case-managing or
21 patient navigation for beneficiaries diagnosed with breast
22 cancer. This program shall initially operate as a pilot program
23 in areas of the State with the highest incidence of mortality
24 related to breast cancer. At least one pilot program site shall
25 be in the metropolitan Chicago area and at least one site shall
26 be outside the metropolitan Chicago area. On or after July 1,

1 2016, the pilot program shall be expanded to include one site
2 in western Illinois, one site in southern Illinois, one site in
3 central Illinois, and 4 sites within metropolitan Chicago. An
4 evaluation of the pilot program shall be carried out measuring
5 health outcomes and cost of care for those served by the pilot
6 program compared to similarly situated patients who are not
7 served by the pilot program.

8 The Department shall require all networks of care to
9 develop a means either internally or by contract with experts
10 in navigation and community outreach to navigate cancer
11 patients to comprehensive care in a timely fashion. The
12 Department shall require all networks of care to include access
13 for patients diagnosed with cancer to at least one academic
14 commission on cancer-accredited cancer program as an
15 in-network covered benefit.

16 Any medical or health care provider shall immediately
17 recommend, to any pregnant woman who is being provided prenatal
18 services and is suspected of drug abuse or is addicted as
19 defined in the Alcoholism and Other Drug Abuse and Dependency
20 Act, referral to a local substance abuse treatment provider
21 licensed by the Department of Human Services or to a licensed
22 hospital which provides substance abuse treatment services.
23 The Department of Healthcare and Family Services shall assure
24 coverage for the cost of treatment of the drug abuse or
25 addiction for pregnant recipients in accordance with the
26 Illinois Medicaid Program in conjunction with the Department of

1 Human Services.

2 All medical providers providing medical assistance to
3 pregnant women under this Code shall receive information from
4 the Department on the availability of services under the Drug
5 Free Families with a Future or any comparable program providing
6 case management services for addicted women, including
7 information on appropriate referrals for other social services
8 that may be needed by addicted women in addition to treatment
9 for addiction.

10 The Illinois Department, in cooperation with the
11 Departments of Human Services (as successor to the Department
12 of Alcoholism and Substance Abuse) and Public Health, through a
13 public awareness campaign, may provide information concerning
14 treatment for alcoholism and drug abuse and addiction, prenatal
15 health care, and other pertinent programs directed at reducing
16 the number of drug-affected infants born to recipients of
17 medical assistance.

18 Neither the Department of Healthcare and Family Services
19 nor the Department of Human Services shall sanction the
20 recipient solely on the basis of her substance abuse.

21 The Illinois Department shall establish such regulations
22 governing the dispensing of health services under this Article
23 as it shall deem appropriate. The Department should seek the
24 advice of formal professional advisory committees appointed by
25 the Director of the Illinois Department for the purpose of
26 providing regular advice on policy and administrative matters,

1 information dissemination and educational activities for
2 medical and health care providers, and consistency in
3 procedures to the Illinois Department.

4 The Illinois Department may develop and contract with
5 Partnerships of medical providers to arrange medical services
6 for persons eligible under Section 5-2 of this Code.
7 Implementation of this Section may be by demonstration projects
8 in certain geographic areas. The Partnership shall be
9 represented by a sponsor organization. The Department, by rule,
10 shall develop qualifications for sponsors of Partnerships.
11 Nothing in this Section shall be construed to require that the
12 sponsor organization be a medical organization.

13 The sponsor must negotiate formal written contracts with
14 medical providers for physician services, inpatient and
15 outpatient hospital care, home health services, treatment for
16 alcoholism and substance abuse, and other services determined
17 necessary by the Illinois Department by rule for delivery by
18 Partnerships. Physician services must include prenatal and
19 obstetrical care. The Illinois Department shall reimburse
20 medical services delivered by Partnership providers to clients
21 in target areas according to provisions of this Article and the
22 Illinois Health Finance Reform Act, except that:

23 (1) Physicians participating in a Partnership and
24 providing certain services, which shall be determined by
25 the Illinois Department, to persons in areas covered by the
26 Partnership may receive an additional surcharge for such

1 services.

2 (2) The Department may elect to consider and negotiate
3 financial incentives to encourage the development of
4 Partnerships and the efficient delivery of medical care.

5 (3) Persons receiving medical services through
6 Partnerships may receive medical and case management
7 services above the level usually offered through the
8 medical assistance program.

9 Medical providers shall be required to meet certain
10 qualifications to participate in Partnerships to ensure the
11 delivery of high quality medical services. These
12 qualifications shall be determined by rule of the Illinois
13 Department and may be higher than qualifications for
14 participation in the medical assistance program. Partnership
15 sponsors may prescribe reasonable additional qualifications
16 for participation by medical providers, only with the prior
17 written approval of the Illinois Department.

18 Nothing in this Section shall limit the free choice of
19 practitioners, hospitals, and other providers of medical
20 services by clients. In order to ensure patient freedom of
21 choice, the Illinois Department shall immediately promulgate
22 all rules and take all other necessary actions so that provided
23 services may be accessed from therapeutically certified
24 optometrists to the full extent of the Illinois Optometric
25 Practice Act of 1987 without discriminating between service
26 providers.

1 The Department shall apply for a waiver from the United
2 States Health Care Financing Administration to allow for the
3 implementation of Partnerships under this Section.

4 The Illinois Department shall require health care
5 providers to maintain records that document the medical care
6 and services provided to recipients of Medical Assistance under
7 this Article. Such records must be retained for a period of not
8 less than 6 years from the date of service or as provided by
9 applicable State law, whichever period is longer, except that
10 if an audit is initiated within the required retention period
11 then the records must be retained until the audit is completed
12 and every exception is resolved. The Illinois Department shall
13 require health care providers to make available, when
14 authorized by the patient, in writing, the medical records in a
15 timely fashion to other health care providers who are treating
16 or serving persons eligible for Medical Assistance under this
17 Article. All dispensers of medical services shall be required
18 to maintain and retain business and professional records
19 sufficient to fully and accurately document the nature, scope,
20 details and receipt of the health care provided to persons
21 eligible for medical assistance under this Code, in accordance
22 with regulations promulgated by the Illinois Department. The
23 rules and regulations shall require that proof of the receipt
24 of prescription drugs, dentures, prosthetic devices and
25 eyeglasses by eligible persons under this Section accompany
26 each claim for reimbursement submitted by the dispenser of such

1 medical services. No such claims for reimbursement shall be
2 approved for payment by the Illinois Department without such
3 proof of receipt, unless the Illinois Department shall have put
4 into effect and shall be operating a system of post-payment
5 audit and review which shall, on a sampling basis, be deemed
6 adequate by the Illinois Department to assure that such drugs,
7 dentures, prosthetic devices and eyeglasses for which payment
8 is being made are actually being received by eligible
9 recipients. Within 90 days after September 16, 1984 (the
10 effective date of Public Act 83-1439), the Illinois Department
11 shall establish a current list of acquisition costs for all
12 prosthetic devices and any other items recognized as medical
13 equipment and supplies reimbursable under this Article and
14 shall update such list on a quarterly basis, except that the
15 acquisition costs of all prescription drugs shall be updated no
16 less frequently than every 30 days as required by Section
17 5-5.12.

18 Notwithstanding any other law to the contrary, the Illinois
19 Department shall, within 365 days after July 22, 2013 (the
20 effective date of Public Act 98-104), establish procedures to
21 permit skilled care facilities licensed under the Nursing Home
22 Care Act to submit monthly billing claims for reimbursement
23 purposes. Following development of these procedures, the
24 Department shall, by July 1, 2016, test the viability of the
25 new system and implement any necessary operational or
26 structural changes to its information technology platforms in

1 order to allow for the direct acceptance and payment of nursing
2 home claims.

3 Notwithstanding any other law to the contrary, the Illinois
4 Department shall, within 365 days after August 15, 2014 (the
5 effective date of Public Act 98-963), establish procedures to
6 permit ID/DD facilities licensed under the ID/DD Community Care
7 Act and MC/DD facilities licensed under the MC/DD Act to submit
8 monthly billing claims for reimbursement purposes. Following
9 development of these procedures, the Department shall have an
10 additional 365 days to test the viability of the new system and
11 to ensure that any necessary operational or structural changes
12 to its information technology platforms are implemented.

13 The Illinois Department shall require all dispensers of
14 medical services, other than an individual practitioner or
15 group of practitioners, desiring to participate in the Medical
16 Assistance program established under this Article to disclose
17 all financial, beneficial, ownership, equity, surety or other
18 interests in any and all firms, corporations, partnerships,
19 associations, business enterprises, joint ventures, agencies,
20 institutions or other legal entities providing any form of
21 health care services in this State under this Article.

22 The Illinois Department may require that all dispensers of
23 medical services desiring to participate in the medical
24 assistance program established under this Article disclose,
25 under such terms and conditions as the Illinois Department may
26 by rule establish, all inquiries from clients and attorneys

1 regarding medical bills paid by the Illinois Department, which
2 inquiries could indicate potential existence of claims or liens
3 for the Illinois Department.

4 Enrollment of a vendor shall be subject to a provisional
5 period and shall be conditional for one year. During the period
6 of conditional enrollment, the Department may terminate the
7 vendor's eligibility to participate in, or may disenroll the
8 vendor from, the medical assistance program without cause.
9 Unless otherwise specified, such termination of eligibility or
10 disenrollment is not subject to the Department's hearing
11 process. However, a disenrolled vendor may reapply without
12 penalty.

13 The Department has the discretion to limit the conditional
14 enrollment period for vendors based upon category of risk of
15 the vendor.

16 Prior to enrollment and during the conditional enrollment
17 period in the medical assistance program, all vendors shall be
18 subject to enhanced oversight, screening, and review based on
19 the risk of fraud, waste, and abuse that is posed by the
20 category of risk of the vendor. The Illinois Department shall
21 establish the procedures for oversight, screening, and review,
22 which may include, but need not be limited to: criminal and
23 financial background checks; fingerprinting; license,
24 certification, and authorization verifications; unscheduled or
25 unannounced site visits; database checks; prepayment audit
26 reviews; audits; payment caps; payment suspensions; and other

1 screening as required by federal or State law.

2 The Department shall define or specify the following: (i)
3 by provider notice, the "category of risk of the vendor" for
4 each type of vendor, which shall take into account the level of
5 screening applicable to a particular category of vendor under
6 federal law and regulations; (ii) by rule or provider notice,
7 the maximum length of the conditional enrollment period for
8 each category of risk of the vendor; and (iii) by rule, the
9 hearing rights, if any, afforded to a vendor in each category
10 of risk of the vendor that is terminated or disenrolled during
11 the conditional enrollment period.

12 To be eligible for payment consideration, a vendor's
13 payment claim or bill, either as an initial claim or as a
14 resubmitted claim following prior rejection, must be received
15 by the Illinois Department, or its fiscal intermediary, no
16 later than 180 days after the latest date on the claim on which
17 medical goods or services were provided, with the following
18 exceptions:

19 (1) In the case of a provider whose enrollment is in
20 process by the Illinois Department, the 180-day period
21 shall not begin until the date on the written notice from
22 the Illinois Department that the provider enrollment is
23 complete.

24 (2) In the case of errors attributable to the Illinois
25 Department or any of its claims processing intermediaries
26 which result in an inability to receive, process, or

1 adjudicate a claim, the 180-day period shall not begin
2 until the provider has been notified of the error.

3 (3) In the case of a provider for whom the Illinois
4 Department initiates the monthly billing process.

5 (4) In the case of a provider operated by a unit of
6 local government with a population exceeding 3,000,000
7 when local government funds finance federal participation
8 for claims payments.

9 For claims for services rendered during a period for which
10 a recipient received retroactive eligibility, claims must be
11 filed within 180 days after the Department determines the
12 applicant is eligible. For claims for which the Illinois
13 Department is not the primary payer, claims must be submitted
14 to the Illinois Department within 180 days after the final
15 adjudication by the primary payer.

16 In the case of long term care facilities, within 45
17 calendar days of receipt by the facility of required
18 prescreening information, new admissions with associated
19 admission documents shall be submitted through the Medical
20 Electronic Data Interchange (MEDI) or the Recipient
21 Eligibility Verification (REV) System or shall be submitted
22 directly to the Department of Human Services using required
23 admission forms. Effective September 1, 2014, admission
24 documents, including all prescreening information, must be
25 submitted through MEDI or REV. Confirmation numbers assigned to
26 an accepted transaction shall be retained by a facility to

1 verify timely submittal. Once an admission transaction has been
2 completed, all resubmitted claims following prior rejection
3 are subject to receipt no later than 180 days after the
4 admission transaction has been completed.

5 Claims that are not submitted and received in compliance
6 with the foregoing requirements shall not be eligible for
7 payment under the medical assistance program, and the State
8 shall have no liability for payment of those claims.

9 To the extent consistent with applicable information and
10 privacy, security, and disclosure laws, State and federal
11 agencies and departments shall provide the Illinois Department
12 access to confidential and other information and data necessary
13 to perform eligibility and payment verifications and other
14 Illinois Department functions. This includes, but is not
15 limited to: information pertaining to licensure;
16 certification; earnings; immigration status; citizenship; wage
17 reporting; unearned and earned income; pension income;
18 employment; supplemental security income; social security
19 numbers; National Provider Identifier (NPI) numbers; the
20 National Practitioner Data Bank (NPDB); program and agency
21 exclusions; taxpayer identification numbers; tax delinquency;
22 corporate information; and death records.

23 The Illinois Department shall enter into agreements with
24 State agencies and departments, and is authorized to enter into
25 agreements with federal agencies and departments, under which
26 such agencies and departments shall share data necessary for

1 medical assistance program integrity functions and oversight.
2 The Illinois Department shall develop, in cooperation with
3 other State departments and agencies, and in compliance with
4 applicable federal laws and regulations, appropriate and
5 effective methods to share such data. At a minimum, and to the
6 extent necessary to provide data sharing, the Illinois
7 Department shall enter into agreements with State agencies and
8 departments, and is authorized to enter into agreements with
9 federal agencies and departments, including but not limited to:
10 the Secretary of State; the Department of Revenue; the
11 Department of Public Health; the Department of Human Services;
12 and the Department of Financial and Professional Regulation.

13 Beginning in fiscal year 2013, the Illinois Department
14 shall set forth a request for information to identify the
15 benefits of a pre-payment, post-adjudication, and post-edit
16 claims system with the goals of streamlining claims processing
17 and provider reimbursement, reducing the number of pending or
18 rejected claims, and helping to ensure a more transparent
19 adjudication process through the utilization of: (i) provider
20 data verification and provider screening technology; and (ii)
21 clinical code editing; and (iii) pre-pay, pre- or
22 post-adjudicated predictive modeling with an integrated case
23 management system with link analysis. Such a request for
24 information shall not be considered as a request for proposal
25 or as an obligation on the part of the Illinois Department to
26 take any action or acquire any products or services.

1 The Illinois Department shall establish policies,
2 procedures, standards and criteria by rule for the acquisition,
3 repair and replacement of orthotic and prosthetic devices and
4 durable medical equipment. Such rules shall provide, but not be
5 limited to, the following services: (1) immediate repair or
6 replacement of such devices by recipients; and (2) rental,
7 lease, purchase or lease-purchase of durable medical equipment
8 in a cost-effective manner, taking into consideration the
9 recipient's medical prognosis, the extent of the recipient's
10 needs, and the requirements and costs for maintaining such
11 equipment. Subject to prior approval, such rules shall enable a
12 recipient to temporarily acquire and use alternative or
13 substitute devices or equipment pending repairs or
14 replacements of any device or equipment previously authorized
15 for such recipient by the Department. Notwithstanding any
16 provision of Section 5-5f to the contrary, the Department may,
17 by rule, exempt certain replacement wheelchair parts from prior
18 approval and, for wheelchairs, wheelchair parts, wheelchair
19 accessories, and related seating and positioning items,
20 determine the wholesale price by methods other than actual
21 acquisition costs.

22 The Department shall require, by rule, all providers of
23 durable medical equipment to be accredited by an accreditation
24 organization approved by the federal Centers for Medicare and
25 Medicaid Services and recognized by the Department in order to
26 bill the Department for providing durable medical equipment to

1 recipients. No later than 15 months after the effective date of
2 the rule adopted pursuant to this paragraph, all providers must
3 meet the accreditation requirement.

4 The Department shall execute, relative to the nursing home
5 prescreening project, written inter-agency agreements with the
6 Department of Human Services and the Department on Aging, to
7 effect the following: (i) intake procedures and common
8 eligibility criteria for those persons who are receiving
9 non-institutional services; and (ii) the establishment and
10 development of non-institutional services in areas of the State
11 where they are not currently available or are undeveloped; and
12 (iii) notwithstanding any other provision of law, subject to
13 federal approval, on and after July 1, 2012, an increase in the
14 determination of need (DON) scores from 29 to 37 for applicants
15 for institutional and home and community-based long term care;
16 if and only if federal approval is not granted, the Department
17 may, in conjunction with other affected agencies, implement
18 utilization controls or changes in benefit packages to
19 effectuate a similar savings amount for this population; and
20 (iv) no later than July 1, 2013, minimum level of care
21 eligibility criteria for institutional and home and
22 community-based long term care; and (v) no later than October
23 1, 2013, establish procedures to permit long term care
24 providers access to eligibility scores for individuals with an
25 admission date who are seeking or receiving services from the
26 long term care provider. In order to select the minimum level

1 of care eligibility criteria, the Governor shall establish a
2 workgroup that includes affected agency representatives and
3 stakeholders representing the institutional and home and
4 community-based long term care interests. This Section shall
5 not restrict the Department from implementing lower level of
6 care eligibility criteria for community-based services in
7 circumstances where federal approval has been granted.

8 The Illinois Department shall develop and operate, in
9 cooperation with other State Departments and agencies and in
10 compliance with applicable federal laws and regulations,
11 appropriate and effective systems of health care evaluation and
12 programs for monitoring of utilization of health care services
13 and facilities, as it affects persons eligible for medical
14 assistance under this Code.

15 The Illinois Department shall report annually to the
16 General Assembly, no later than the second Friday in April of
17 1979 and each year thereafter, in regard to:

18 (a) actual statistics and trends in utilization of
19 medical services by public aid recipients;

20 (b) actual statistics and trends in the provision of
21 the various medical services by medical vendors;

22 (c) current rate structures and proposed changes in
23 those rate structures for the various medical vendors; and

24 (d) efforts at utilization review and control by the
25 Illinois Department.

26 The period covered by each report shall be the 3 years

1 ending on the June 30 prior to the report. The report shall
2 include suggested legislation for consideration by the General
3 Assembly. The filing of one copy of the report with the
4 Speaker, one copy with the Minority Leader and one copy with
5 the Clerk of the House of Representatives, one copy with the
6 President, one copy with the Minority Leader and one copy with
7 the Secretary of the Senate, one copy with the Commission on
8 Government Forecasting and Accountability ~~Legislative Research~~
9 ~~Unit~~, and such additional copies with the State Government
10 Report Distribution Center for the General Assembly as is
11 required under paragraph (t) of Section 7 of the State Library
12 Act shall be deemed sufficient to comply with this Section.

13 Rulemaking authority to implement Public Act 95-1045, if
14 any, is conditioned on the rules being adopted in accordance
15 with all provisions of the Illinois Administrative Procedure
16 Act and all rules and procedures of the Joint Committee on
17 Administrative Rules; any purported rule not so adopted, for
18 whatever reason, is unauthorized.

19 On and after July 1, 2012, the Department shall reduce any
20 rate of reimbursement for services or other payments or alter
21 any methodologies authorized by this Code to reduce any rate of
22 reimbursement for services or other payments in accordance with
23 Section 5-5e.

24 Because kidney transplantation can be an appropriate, cost
25 effective alternative to renal dialysis when medically
26 necessary and notwithstanding the provisions of Section 1-11 of

1 this Code, beginning October 1, 2014, the Department shall
2 cover kidney transplantation for noncitizens with end-stage
3 renal disease who are not eligible for comprehensive medical
4 benefits, who meet the residency requirements of Section 5-3 of
5 this Code, and who would otherwise meet the financial
6 requirements of the appropriate class of eligible persons under
7 Section 5-2 of this Code. To qualify for coverage of kidney
8 transplantation, such person must be receiving emergency renal
9 dialysis services covered by the Department. Providers under
10 this Section shall be prior approved and certified by the
11 Department to perform kidney transplantation and the services
12 under this Section shall be limited to services associated with
13 kidney transplantation.

14 Notwithstanding any other provision of this Code to the
15 contrary, on or after July 1, 2015, all FDA approved forms of
16 medication assisted treatment prescribed for the treatment of
17 alcohol dependence or treatment of opioid dependence shall be
18 covered under both fee for service and managed care medical
19 assistance programs for persons who are otherwise eligible for
20 medical assistance under this Article and shall not be subject
21 to any (1) utilization control, other than those established
22 under the American Society of Addiction Medicine patient
23 placement criteria, (2) prior authorization mandate, or (3)
24 lifetime restriction limit mandate.

25 On or after July 1, 2015, opioid antagonists prescribed for
26 the treatment of an opioid overdose, including the medication

1 product, administration devices, and any pharmacy fees related
2 to the dispensing and administration of the opioid antagonist,
3 shall be covered under the medical assistance program for
4 persons who are otherwise eligible for medical assistance under
5 this Article. As used in this Section, "opioid antagonist"
6 means a drug that binds to opioid receptors and blocks or
7 inhibits the effect of opioids acting on those receptors,
8 including, but not limited to, naloxone hydrochloride or any
9 other similarly acting drug approved by the U.S. Food and Drug
10 Administration.

11 Upon federal approval, the Department shall provide
12 coverage and reimbursement for all drugs that are approved for
13 marketing by the federal Food and Drug Administration and that
14 are recommended by the federal Public Health Service or the
15 United States Centers for Disease Control and Prevention for
16 pre-exposure prophylaxis and related pre-exposure prophylaxis
17 services, including, but not limited to, HIV and sexually
18 transmitted infection screening, treatment for sexually
19 transmitted infections, medical monitoring, assorted labs, and
20 counseling to reduce the likelihood of HIV infection among
21 individuals who are not infected with HIV but who are at high
22 risk of HIV infection.

23 (Source: P.A. 99-78, eff. 7-20-15; 99-180, eff. 7-29-15;
24 99-236, eff. 8-3-15; 99-407 (see Section 20 of P.A. 99-588 for
25 the effective date of P.A. 99-407); 99-433, eff. 8-21-15;
26 99-480, eff. 9-9-15; 99-588, eff. 7-20-16; 99-642, eff.

1 7-28-16; 99-772, eff. 1-1-17; 99-895, eff. 1-1-17; 100-201,
2 eff. 8-18-17; 100-395, eff. 1-1-18; 100-449, eff. 1-1-18;
3 100-538, eff. 1-1-18; revised 10-26-17.)

4 (305 ILCS 5/5-5.8) (from Ch. 23, par. 5-5.8)

5 Sec. 5-5.8. Report on nursing home reimbursement. The
6 Illinois Department shall report annually to the General
7 Assembly, no later than the first Monday in April of 1982, and
8 each year thereafter, in regard to:

9 (a) the rate structure used by the Illinois Department to
10 reimburse nursing facilities;

11 (b) changes in the rate structure for reimbursing nursing
12 facilities;

13 (c) the administrative and program costs of reimbursing
14 nursing facilities;

15 (d) the availability of beds in nursing facilities for
16 public aid recipients; and

17 (e) the number of closings of nursing facilities, and the
18 reasons for those closings.

19 The requirement for reporting to the General Assembly shall
20 be satisfied by filing copies of the report with the Speaker,
21 the Minority Leader and the Clerk of the House of
22 Representatives and the President, the Minority Leader and the
23 Secretary of the Senate and the Commission on Government
24 Forecasting and Accountability ~~Legislative Research Unit~~, as
25 required by Section 3.1 of the General Assembly Organization

1 Act ~~"An Act to revise the law in relation to the General~~
2 ~~Assembly", approved February 25, 1874, as amended,~~ and filing
3 such additional copies with the State Government Report
4 Distribution Center for the General Assembly as is required
5 under paragraph (t) of Section 7 of the State Library Act.

6 (Source: P.A. 84-1438.)

7 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

8 Sec. 12-5. Appropriations; uses; federal grants; report to
9 General Assembly. From the sums appropriated by the General
10 Assembly, the Illinois Department shall order for payment by
11 warrant from the State Treasury grants for public aid under
12 Articles III, IV, and V, including grants for funeral and
13 burial expenses, and all costs of administration of the
14 Illinois Department and the County Departments relating
15 thereto. Moneys appropriated to the Illinois Department for
16 public aid under Article VI may be used, with the consent of
17 the Governor, to co-operate with federal, State, and local
18 agencies in the development of work projects designed to
19 provide suitable employment for persons receiving public aid
20 under Article VI. The Illinois Department, with the consent of
21 the Governor, may be the agent of the State for the receipt and
22 disbursement of federal funds or commodities for public aid
23 purposes under Article VI and for related purposes in which the
24 co-operation of the Illinois Department is sought by the
25 federal government, and, in connection therewith, may make

1 necessary expenditures from moneys appropriated for public aid
2 under any Article of this Code and for administration. The
3 Illinois Department, with the consent of the Governor, may be
4 the agent of the State for the receipt and disbursement of
5 federal funds pursuant to the Immigration Reform and Control
6 Act of 1986 and may make necessary expenditures from monies
7 appropriated to it for operations, administration, and grants,
8 including payment to the Health Insurance Reserve Fund for
9 group insurance costs at the rate certified by the Department
10 of Central Management Services. All amounts received by the
11 Illinois Department pursuant to the Immigration Reform and
12 Control Act of 1986 shall be deposited in the Immigration
13 Reform and Control Fund. All amounts received into the
14 Immigration Reform and Control Fund as reimbursement for
15 expenditures from the General Revenue Fund shall be transferred
16 to the General Revenue Fund.

17 All grants received by the Illinois Department for programs
18 funded by the Federal Social Services Block Grant shall be
19 deposited in the Social Services Block Grant Fund. All funds
20 received into the Social Services Block Grant Fund as
21 reimbursement for expenditures from the General Revenue Fund
22 shall be transferred to the General Revenue Fund. All funds
23 received into the Social Services Block Grant fund for
24 reimbursement for expenditure out of the Local Initiative Fund
25 shall be transferred into the Local Initiative Fund. Any other
26 federal funds received into the Social Services Block Grant

1 Fund shall be transferred to the DHS Special Purposes Trust
2 Fund. All federal funds received by the Illinois Department as
3 reimbursement for Employment and Training Programs for
4 expenditures made by the Illinois Department from grants,
5 gifts, or legacies as provided in Section 12-4.18 or made by an
6 entity other than the Illinois Department and all federal funds
7 received from the Emergency Contingency Fund for State
8 Temporary Assistance for Needy Families Programs established
9 by the American Recovery and Reinvestment Act of 2009 shall be
10 deposited into the Employment and Training Fund.

11 Eighty percent of the federal financial participation
12 funds received by the Illinois Department under the Title IV-A
13 Emergency Assistance program as reimbursement for expenditures
14 made from the Illinois Department of Children and Family
15 Services appropriations for the costs of providing services in
16 behalf of Department of Children and Family Services clients
17 shall be deposited into the DCFS Children's Services Fund.

18 All federal funds, except those covered by the foregoing 3
19 paragraphs, received as reimbursement for expenditures from
20 the General Revenue Fund shall be deposited in the General
21 Revenue Fund for administrative and distributive expenditures
22 properly chargeable by federal law or regulation to aid
23 programs established under Articles III through XII and Titles
24 IV, XVI, XIX and XX of the Federal Social Security Act. Any
25 other federal funds received by the Illinois Department under
26 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by

1 Section 12-10 of this Code to be paid into the DHS Special
2 Purposes Trust Fund shall be deposited into the DHS Special
3 Purposes Trust Fund. Any other federal funds received by the
4 Illinois Department pursuant to the Child Support Enforcement
5 Program established by Title IV-D of the Social Security Act
6 shall be deposited in the Child Support Enforcement Trust Fund
7 as required under Section 12-10.2 or in the Child Support
8 Administrative Fund as required under Section 12-10.2a of this
9 Code. Any other federal funds received by the Illinois
10 Department for expenditures made under Title XIX of the Social
11 Security Act and Articles V and VI of this Code that are
12 required by Section 15-2 of this Code to be paid into the
13 County Provider Trust Fund shall be deposited into the County
14 Provider Trust Fund. Any other federal funds received by the
15 Illinois Department for hospital inpatient, hospital
16 ambulatory care, and disproportionate share hospital
17 expenditures made under Title XIX of the Social Security Act
18 and Article V of this Code that are required by Section 5A-8 of
19 this Code to be paid into the Hospital Provider Fund shall be
20 deposited into the Hospital Provider Fund. Any other federal
21 funds received by the Illinois Department for medical
22 assistance program expenditures made under Title XIX of the
23 Social Security Act and Article V of this Code that are
24 required by Section 5B-8 of this Code to be paid into the
25 Long-Term Care Provider Fund shall be deposited into the
26 Long-Term Care Provider Fund. Any other federal funds received

1 by the Illinois Department for medical assistance program
2 expenditures made under Title XIX of the Social Security Act
3 and Article V of this Code that are required by Section 5C-7 of
4 this Code to be paid into the Care Provider Fund for Persons
5 with a Developmental Disability shall be deposited into the
6 Care Provider Fund for Persons with a Developmental Disability.
7 Any other federal funds received by the Illinois Department for
8 trauma center adjustment payments that are required by Section
9 5-5.03 of this Code and made under Title XIX of the Social
10 Security Act and Article V of this Code shall be deposited into
11 the Trauma Center Fund. Any other federal funds received by the
12 Illinois Department as reimbursement for expenses for early
13 intervention services paid from the Early Intervention
14 Services Revolving Fund shall be deposited into that Fund.

15 The Illinois Department shall report to the General
16 Assembly at the end of each fiscal quarter the amount of all
17 funds received and paid into the Social Services Block Grant
18 Fund and the Local Initiative Fund and the expenditures and
19 transfers of such funds for services, programs and other
20 purposes authorized by law. Such report shall be filed with the
21 Speaker, Minority Leader and Clerk of the House, with the
22 President, Minority Leader and Secretary of the Senate, with
23 the Chairmen of the House and Senate Appropriations Committees,
24 the House Human Resources Committee and the Senate Public
25 Health, Welfare and Corrections Committee, or the successor
26 standing Committees of each as provided by the rules of the

1 House and Senate, respectively, with the Commission on
2 Government Forecasting and Accountability ~~Legislative Research~~
3 ~~Unit~~ and with the State Government Report Distribution Center
4 for the General Assembly as is required under paragraph (t) of
5 Section 7 of the State Library Act shall be deemed sufficient
6 to comply with this Section.

7 (Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15;
8 99-933, Article 5, Section 5-130, eff. 1-27-17; 99-933, Article
9 15, Section 15-50, eff. 1-27-17; revised 2-15-17.)

10 Section 245. The Interagency Board for Children who are
11 Deaf or Hard-of-Hearing and have an Emotional or Behavioral
12 Disorder Act is amended by changing Section 11 as follows:

13 (325 ILCS 35/11) (from Ch. 23, par. 6711)

14 Sec. 11. Reports. The Board shall make a report of its work
15 annually to the State Superintendent of Education and to the
16 Governor and to each regular session of the General Assembly.

17 The requirement for reporting to the General Assembly shall
18 be satisfied by filing copies of the report with the Speaker,
19 the Minority Leader and the Clerk of the House of
20 Representatives and the President, the Minority Leader and the
21 Secretary of the Senate and the Commission on Government
22 Forecasting and Accountability ~~Legislative Research Unit~~, as
23 required by Section 3.1 of the General Assembly Organization
24 Act and filing such additional copies with the State Government

1 Report Distribution Center for the General Assembly as is
2 required under paragraph (t) of Section 7 of the State Library
3 Act.

4 (Source: P.A. 86-1200; 87-1127.)

5 Section 250. The Psychiatry Practice Incentive Act is
6 amended by changing Section 35 as follows:

7 (405 ILCS 100/35)

8 Sec. 35. Annual report. The Department may annually report
9 to the General Assembly and the Governor the results and
10 progress of all programs established under this Act.

11 The annual report to the General Assembly and the Governor
12 must include the impact of programs established under this Act
13 on the ability of designated shortage areas to attract and
14 retain physicians and other health care personnel. The report
15 shall include recommendations to improve that ability.

16 The requirement for reporting to the General Assembly shall
17 be satisfied by filing copies of the report with the Speaker,
18 the Minority Leader, and the Clerk of the House of
19 Representatives and the President, the Minority Leader and the
20 Secretary of the Senate and the Commission on Government
21 Forecasting and Accountability ~~Legislative Research Unit~~, as
22 required by Section 3.1 of the General Assembly Organization
23 Act, and by filing such additional copies with the State
24 Government Report Distribution Center for the General Assembly

1 as is required under paragraph (t) of Section 7 of the State
2 Library Act.

3 (Source: P.A. 99-933, eff. 1-27-17.)

4 Section 255. The Environmental Protection Act is amended by
5 changing Section 6.1 as follows:

6 (415 ILCS 5/6.1) (from Ch. 111 1/2, par. 1006.1)

7 Sec. 6.1. The Department of Commerce and Community Affairs
8 (now Department of Commerce and Economic Opportunity) shall
9 conduct studies of the effects of all State and federal sulfur
10 dioxide regulations and emission standards on the use of
11 Illinois coal and other fuels, and shall report the results of
12 such studies to the Governor and the General Assembly. The
13 reports shall be made by July 1, 1980 and biennially
14 thereafter.

15 The requirement for reporting to the General Assembly shall
16 be satisfied by filing copies of the report with the Speaker,
17 the Minority Leader and the Clerk of the House of
18 Representatives and the President, the Minority Leader and the
19 Secretary of the Senate and the Commission on Government
20 Forecasting and Accountability ~~Legislative Research Unit~~, as
21 required by Section 3.1 of the General Assembly Organization
22 Act ~~"An Act to revise the law in relation to the General~~
23 ~~Assembly", approved February 25, 1874, as amended,~~ and filing
24 such additional copies with the State Government Report

1 Distribution Center for the General Assembly as is required
2 under paragraph (t) of Section 7 of the State Library Act.

3 (Source: P.A. 94-793, eff. 5-19-06.)

4 Section 260. The Illinois Highway Code is amended by
5 changing Section 4-201.16 as follows:

6 (605 ILCS 5/4-201.16) (from Ch. 121, par. 4-201.16)

7 Sec. 4-201.16. Land acquired for highway purposes,
8 including buildings or improvements upon such property, may be
9 rented between the time of acquisition and the time when the
10 land is needed for highway purposes.

11 The Department shall file an annual report with the General
12 Assembly, by October 1 of each year, which details, by county,
13 the number of rented parcels, the total amount of rent received
14 from these parcels, and the number of parcels which include
15 buildings or improvements.

16 The requirement for reporting to the General Assembly shall
17 be satisfied by filing copies of the report with the Speaker,
18 the Minority Leader and the Clerk of the House of
19 Representatives and the President, the Minority Leader and the
20 Secretary of the Senate and the Commission on Government
21 Forecasting and Accountability ~~Legislative Research Unit~~, as
22 required by Section 3.1 of the General Assembly Organization
23 Act ~~"An Act to revise the law in relation to the General~~
24 ~~Assembly", approved February 25, 1874, as amended, and filing~~

1 such additional copies with the State Government Report
2 Distribution Center for the General Assembly as is required
3 under paragraph (t) of Section 7 of the State Library Act.
4 (Source: P.A. 84-1438.)

5 Section 265. The Rivers, Lakes, and Streams Act is amended
6 by changing Sections 14a, 16, and 20 as follows:

7 (615 ILCS 5/14a) (from Ch. 19, par. 61a)

8 Sec. 14a. It is the express intention of this legislation
9 that close cooperation shall exist between the Pollution
10 Control Board, the Environmental Protection Agency, and the
11 Department of Natural Resources and that every resource of
12 State government shall be applied to the proper preservation
13 and utilization of the waters of Lake Michigan.

14 The Environmental Protection Agency shall work in close
15 cooperation with the City of Chicago and other affected units
16 of government to: (1) terminate discharge of polluttional waste
17 materials to Lake Michigan from vessels in both intra-state and
18 inter-state navigation, and (2) abate domestic, industrial,
19 and other pollution to assure that Lake Michigan beaches in
20 Illinois are suitable for full body contact sports, meeting
21 criteria of the Pollution Control Board.

22 The Environmental Protection Agency shall regularly
23 conduct water quality and lake bed surveys to evaluate the
24 ecology and the quality of water in Lake Michigan. Results of

1 such surveys shall be made available, without charge, to all
2 interested persons and agencies. It shall be the responsibility
3 of the Director of the Environmental Protection Agency to
4 report biennially or at such other times as the Governor shall
5 direct; such report shall provide hydrologic, biologic, and
6 chemical data together with recommendations to the Governor and
7 members of the General Assembly.

8 The requirement for reporting to the General Assembly shall
9 be satisfied by filing copies of the report with the Speaker,
10 the Minority Leader and the Clerk of the House of
11 Representatives and the President, the Minority Leader and the
12 Secretary of the Senate and the Commission on Government
13 Forecasting and Accountability ~~Legislative Research Unit~~, as
14 required by Section 3.1 of the General Assembly Organization
15 Act ~~"An Act to revise the law in relation to the General~~
16 ~~Assembly", approved February 25, 1974, as amended,~~ and filing
17 such additional copies with the State Government Report
18 Distribution Center for the General Assembly as is required
19 under paragraph (t) of Section 7 of the State Library Act.

20 In meeting the requirements of this Act, the Pollution
21 Control Board, Environmental Protection Agency and Department
22 of Natural Resources are authorized to be in direct contact
23 with individuals, municipalities, public and private
24 corporations and other organizations which are or may be
25 contributing to the discharge of pollution to Lake Michigan.

26 (Source: P.A. 98-78, eff. 7-15-13.)

1 (615 ILCS 5/16) (from Ch. 19, par. 63)

2 Sec. 16. The Department of Natural Resources shall plan and
3 devise methods, ways and means for the preservation and
4 beautifying of the public bodies of water of the State, and for
5 making the same more available for the use of the public, and
6 it shall from time to time report its findings and conclusions
7 to the Governor and general assembly, and from time to time
8 submit to the general assembly drafts of such measures as it
9 may deem necessary to be enacted for the accomplishment of such
10 purpose, or for the protection of such bodies of water.

11 The requirement for reporting to the General Assembly shall
12 be satisfied by filing copies of the report with the Speaker,
13 the Minority Leader and the Clerk of the House of
14 Representatives and the President, the Minority Leader and the
15 Secretary of the Senate and the Commission on Government
16 Forecasting and Accountability ~~Legislative Research Unit~~, as
17 required by Section 3.1 of the General Assembly Organization
18 Act ~~"An Act to revise the law in relation to the General~~
19 ~~Assembly", approved February 25, 1874, as amended, and filing~~
20 such additional copies with the State Government Report
21 Distribution Center for the General Assembly as is required
22 under paragraph (t) of Section 7 of the State Library Act.

23 (Source: P.A. 89-445, eff. 2-7-96.)

24 (615 ILCS 5/20) (from Ch. 19, par. 67)

1 Sec. 20. The Department of Natural Resources shall obtain
2 data and information as to the availability of the various
3 streams of Illinois for water power, and preserve all such
4 data, and report to the Governor and the general assembly such
5 facts as to the amount of water power which can be so
6 developed, from time to time, as in its judgment should be
7 communicated, looking to the preservation of the rights of the
8 State of Illinois in the water power and navigation of this
9 State.

10 The requirement for reporting to the General Assembly shall
11 be satisfied by filing copies of the report with the Speaker,
12 the Minority Leader and the Clerk of the House of
13 Representatives and the President, the Minority Leader and the
14 Secretary of the Senate and the Commission on Government
15 Forecasting and Accountability ~~Legislative Research Unit~~, as
16 required by Section 3.1 of the General Assembly Organization
17 Act ~~"An Act to revise the law in relation to the General~~
18 ~~Assembly", approved February 25, 1874, as amended~~, and filing
19 such additional copies with the State Government Report
20 Distribution Center for the General Assembly as is required
21 under paragraph (t) of Section 7 of the State Library Act.

22 (Source: P.A. 89-445, eff. 2-7-96.)

23 Section 270. The Flood Control Act of 1945 is amended by
24 changing Section 5 as follows:

1 (615 ILCS 15/5) (from Ch. 19, par. 126e)

2 Sec. 5. It shall be the duty of the Department of Natural
3 Resources to execute examinations and surveys of the scope
4 necessary and practical under this Act: The Director of Natural
5 Resources may in his discretion or at the direction of the
6 General Assembly cause an examination of any project for the
7 improvement of any of the rivers and waters of Illinois for any
8 improvements authorized under this Act and a report on the
9 improvements shall be submitted to the Governor, the members of
10 the General Assembly of the Legislative Districts in which the
11 improvements are located, and the General Assembly. The
12 requirement for reporting to the General Assembly shall be
13 satisfied by filing copies of the report with the Speaker, the
14 Minority Leader, and the Clerk of the House of Representatives;
15 and the President, the Minority Leader, and the Secretary of
16 the Senate; and the Commission on Government Forecasting and
17 Accountability ~~Legislative Research Unit~~, as required by
18 Section 3.1 of the General Assembly Organization Act, and
19 filing any additional copies with the State Government Report
20 Distribution Center for the General Assembly as required under
21 paragraph (t) of Section 7 of the State Library Act. All
22 reports shall include, as may be practicable, a comprehensive
23 study of the watersheds involved, any other matter required by
24 the Director of Natural Resources, and any or all data as may
25 be pertinent in regard to:

26 (a) the extent and character of the area affected;

1 (b) the hydrography of the area affected, including
2 rainfall and run-off, frequency and severity of floods,
3 frequency and degree of low flows;

4 (c) flood damages to rural property, growing crops,
5 urban property, industrial property, and communications,
6 including highways, railways, and waterways;

7 (d) the probable effect upon any navigable water or
8 waterway;

9 (e) the possible economical development and
10 utilization of water power;

11 (f) the possible economical reclamation and drainage
12 of the bottomland and upland areas;

13 (g) any other allied uses that may be properly related
14 to or coordinated with the project, including but not
15 limited to, any benefits for public water supply uses,
16 public recreational uses, or wild life conservation;

17 (h) the estimated cost of the improvement and a
18 statement of special or local benefit that will accrue to
19 localities affected by the improvement and a statement of
20 general or state wide benefits, with recommendations as to
21 what local cooperation, participation, and cost sharing
22 should be required, if any, on account of the special or
23 local benefit.

24 The heads of the several Departments of the State shall,
25 upon the request of the Director of Natural Resources, detail
26 representatives from their respective Departments to assist

1 the Department of Natural Resources in the study of the
2 watersheds, to the end that duplication of work may be avoided
3 and the various services of the State economically coordinated
4 therein.

5 In the exercise of its duties under this Section, the
6 Department may accept or amend a work plan of the United States
7 government. The federal work plan as accepted by the Department
8 shall be filed as provided for in this Section.

9 (Source: P.A. 88-517; 89-445, eff. 2-7-96.)

10 Section 275. The Illinois Vehicle Code is amended by
11 changing Section 15-203 as follows:

12 (625 ILCS 5/15-203) (from Ch. 95 1/2, par. 15-203)

13 Sec. 15-203. Records of violations. The Department of State
14 Police shall maintain records of the number of violators of
15 such acts apprehended and the number of convictions obtained. A
16 resume of such records shall be included in the Department's
17 annual report to the Governor; and the Department shall also
18 present such resume to each regular session of the General
19 Assembly.

20 The requirement for reporting to the General Assembly shall
21 be satisfied by filing copies of the report with the Speaker,
22 the Minority Leader and the Clerk of the House of
23 Representatives and the President, the Minority Leader and the
24 Secretary of the Senate and the Commission on Government

1 Forecasting and Accountability ~~Legislative Research Unit~~, as
2 required by Section 3.1 of the General Assembly Organization
3 Act ~~"An Act to revise the law in relation to the General~~
4 ~~Assembly", approved February 25, 1974, as amended, and filing~~
5 such additional copies with the State Government Report
6 Distribution Center for the General Assembly as is required
7 under paragraph (t) of Section 7 of the State Library Act.
8 (Source: P.A. 84-1438.)

9 Section 280. The Illinois Abortion Law of 1975 is amended
10 by changing Section 10 as follows:

11 (720 ILCS 510/10) (from Ch. 38, par. 81-30)

12 Sec. 10. A report of each abortion performed shall be made
13 to the Department on forms prescribed by it. Such report forms
14 shall not identify the patient by name, but by an individual
15 number to be noted in the patient's permanent record in the
16 possession of the physician, and shall include information
17 concerning:

18 (1) Identification of the physician who performed the
19 abortion and the facility where the abortion was performed and
20 a patient identification number;

21 (2) State in which the patient resides;

22 (3) Patient's date of birth, race and marital status;

23 (4) Number of prior pregnancies;

24 (5) Date of last menstrual period;

- 1 (6) Type of abortion procedure performed;
- 2 (7) Complications and whether the abortion resulted in a
3 live birth;
- 4 (8) The date the abortion was performed;
- 5 (9) Medical indications for any abortion performed when the
6 fetus was viable;
- 7 (10) The information required by Sections 6(1)(b) and
8 6(4)(b) of this Act, if applicable;
- 9 (11) Basis for any medical judgment that a medical
10 emergency existed when required under Sections 6(2)(a) and 6(6)
11 and when required to be reported in accordance with this
12 Section by any provision of this Law; and
- 13 (12) The pathologist's test results pursuant to Section 12
14 of this Act.

15 Such form shall be completed by the hospital or other
16 licensed facility, signed by the physician who performed the
17 abortion or pregnancy termination, and transmitted to the
18 Department not later than 10 days following the end of the
19 month in which the abortion was performed.

20 In the event that a complication of an abortion occurs or
21 becomes known after submission of such form, a correction using
22 the same patient identification number shall be submitted to
23 the Department within 10 days of its becoming known.

24 The Department may prescribe rules and regulations
25 regarding the administration of this Law and shall prescribe
26 regulations to secure the confidentiality of the woman's

1 identity in the information to be provided under the "Vital
2 Records Act". All reports received by the Department shall be
3 treated as confidential and the Department shall secure the
4 woman's anonymity. Such reports shall be used only for
5 statistical purposes.

6 Upon 30 days public notice, the Department is empowered to
7 require reporting of any additional information which, in the
8 sound discretion of the Department, is necessary to develop
9 statistical data relating to the protection of maternal or
10 fetal life or health, or is necessary to enforce the provisions
11 of this Law, or is necessary to develop useful criteria for
12 medical decisions. The Department shall annually report to the
13 General Assembly all statistical data gathered under this Law
14 and its recommendations to further the purpose of this Law.

15 The requirement for reporting to the General Assembly shall
16 be satisfied by filing copies of the report with the Speaker,
17 the Minority Leader and the Clerk of the House of
18 Representatives and the President, the Minority Leader and the
19 Secretary of the Senate and the Commission on Government
20 Forecasting and Accountability ~~Legislative Research Unit~~, as
21 required by Section 3.1 of the General Assembly Organization
22 Act ~~"An Act to revise the law in relation to the General~~
23 ~~Assembly", approved February 25, 1874, as amended,~~ and filing
24 such additional copies with the State Government Report
25 Distribution Center for the General Assembly as is required
26 under paragraph (t) of Section 7 of the State Library Act.

1 (Source: P.A. 84-1438.)

2 Section 285. The Code of Criminal Procedure of 1963 is
3 amended by changing Sections 108A-11 and 108B-13 as follows:

4 (725 ILCS 5/108A-11) (from Ch. 38, par. 108A-11)

5 Sec. 108A-11. Reports Concerning Use of Eavesdropping
6 Devices. (a) In January of each year the State's Attorney of
7 each county in which eavesdropping devices were used pursuant
8 to the provisions of this Article shall report to the
9 Department of State Police the following with respect to each
10 application for an order authorizing the use of an
11 eavesdropping device, or an extension thereof, made during the
12 preceding calendar year:

13 (1) the fact that such an order, extension, or subsequent
14 approval of an emergency was applied for;

15 (2) the kind of order or extension applied for;

16 (3) a statement as to whether the order or extension was
17 granted as applied for was modified, or was denied;

18 (4) the period authorized by the order or extensions in
19 which an eavesdropping device could be used;

20 (5) the felony specified in the order extension or denied
21 application;

22 (6) the identity of the applying investigative or law
23 enforcement officer and agency making the application and the
24 State's Attorney authorizing the application; and

1 (7) the nature of the facilities from which or the place
2 where the eavesdropping device was to be used.

3 (b) Such report shall also include the following:

4 (1) a general description of the uses of eavesdropping
5 devices actually made under such order to overheard or record
6 conversations, including: (a) the approximate nature and
7 frequency of incriminating conversations overheard, (b) the
8 approximate nature and frequency of other conversations
9 overheard, (c) the approximate number of persons whose
10 conversations were overheard, and (d) the approximate nature,
11 amount, and cost of the manpower and other resources used
12 pursuant to the authorization to use an eavesdropping device;

13 (2) the number of arrests resulting from authorized uses of
14 eavesdropping devices and the offenses for which arrests were
15 made;

16 (3) the number of trials resulting from such uses of
17 eavesdropping devices;

18 (4) the number of motions to suppress made with respect to
19 such uses, and the number granted or denied; and

20 (5) the number of convictions resulting from such uses and
21 the offenses for which the convictions were obtained and a
22 general assessment of the importance of the convictions.

23 (c) In April of each year, the Department of State Police
24 shall transmit to the General Assembly a report including
25 information on the number of applications for orders
26 authorizing the use of eavesdropping devices, the number of

1 orders and extensions granted or denied during the preceding
2 calendar year, and the convictions arising out of such uses.

3 The requirement for reporting to the General Assembly shall
4 be satisfied by filing copies of the report with the Speaker,
5 the Minority Leader and the Clerk of the House of
6 Representatives and the President, the Minority Leader and the
7 Secretary of the Senate and the Commission on Government
8 Forecasting and Accountability ~~Legislative Research Unit~~, as
9 required by Section 3.1 of the General Assembly Organization
10 Act ~~"An Act to revise the law in relation to the General~~
11 ~~Assembly", approved February 25, 1974, as amended~~, and filing
12 such additional copies with the State Government Report
13 Distribution Center for the General Assembly as is required
14 under paragraph (t) of Section 7 of the State Library Act.

15 (Source: P.A. 86-391.)

16 (725 ILCS 5/108B-13) (from Ch. 38, par. 108B-13)

17 Sec. 108B-13. Reports concerning use of eavesdropping
18 devices.

19 (a) Within 30 days after the expiration of an order and
20 each extension thereof authorizing an interception, or within
21 30 days after the denial of an application or disapproval of an
22 application subsequent to any alleged emergency situation, the
23 State's Attorney shall report to the Department of State Police
24 the following:

25 (1) the fact that such an order, extension, or

1 subsequent approval of an emergency was applied for;

2 (2) the kind of order or extension applied for;

3 (3) a statement as to whether the order or extension
4 was granted as applied for was modified, or was denied;

5 (4) the period authorized by the order or extensions in
6 which an eavesdropping device could be used;

7 (5) the offense enumerated in Section 108B-3 which is
8 specified in the order or extension or in the denied
9 application;

10 (6) the identity of the applying electronic criminal
11 surveillance officer and agency making the application and
12 the State's Attorney authorizing the application; and

13 (7) the nature of the facilities from which or the
14 place where the eavesdropping device was to be used.

15 (b) In January of each year the State's Attorney of each
16 county in which an interception occurred pursuant to the
17 provisions of this Article shall report to the Department of
18 State Police the following:

19 (1) a general description of the uses of eavesdropping
20 devices actually made under such order to overhear or
21 record conversations, including: (a) the approximate
22 nature and frequency of incriminating conversations
23 overheard, (b) the approximate nature and frequency of
24 other conversations overheard, (c) the approximate number
25 of persons whose conversations were overheard, and (d) the
26 approximate nature, amount, and cost of the manpower and

1 other resources used pursuant to the authorization to use
2 an eavesdropping device;

3 (2) the number of arrests resulting from authorized
4 uses of eavesdropping devices and the offenses for which
5 arrests were made;

6 (3) the number of trials resulting from such uses of
7 eavesdropping devices;

8 (4) the number of motions to suppress made with respect
9 to such uses, and the number granted or denied; and

10 (5) the number of convictions resulting from such uses
11 and the offenses for which the convictions were obtained
12 and a general assessment of the importance of the
13 convictions.

14 On or before March 1 of each year, the Director of the
15 Department of State Police shall submit to the Governor a
16 report of all intercepts as defined herein conducted pursuant
17 to this Article and terminated during the preceding calendar
18 year. Such report shall include:

19 (1) the reports of State's Attorneys forwarded to the
20 Director as required in this Section;

21 (2) the number of Department personnel authorized to
22 possess, install, or operate electronic, mechanical, or
23 other devices;

24 (3) the number of Department and other law enforcement
25 personnel who participated or engaged in the seizure of
26 intercepts pursuant to this Article during the preceding

1 calendar year;

2 (4) the number of electronic criminal surveillance
3 officers trained by the Department;

4 (5) the total cost to the Department of all activities
5 and procedures relating to the seizure of intercepts during
6 the preceding calendar year, including costs of equipment,
7 manpower, and expenses incurred as compensation for use of
8 facilities or technical assistance provided to or by the
9 Department; and

10 (6) a summary of the use of eavesdropping devices
11 pursuant to orders of interception including (a) the
12 frequency of use in each county, (b) the frequency of use
13 for each crime enumerated in Section 108B-3 of the Code of
14 Criminal Procedure of 1963, as amended, (c) the type and
15 frequency of eavesdropping device use, and (d) the
16 frequency of use by each police department or law
17 enforcement agency of this State.

18 (d) In April of each year, the Director of the Department
19 of State Police and the Governor shall each transmit to the
20 General Assembly reports including information on the number of
21 applications for orders authorizing the use of eavesdropping
22 devices, the number of orders and extensions granted or denied
23 during the preceding calendar year, the convictions arising out
24 of such uses, and a summary of the information required by
25 subsections (a) and (b) of this Section.

26 The requirement for reporting to the General Assembly shall

1 be satisfied by filing copies of the report with the Speaker,
2 the Minority Leader and the Clerk of the House of
3 Representatives and the President, the Minority Leader and the
4 Secretary of the Senate and the Commission on Government
5 Forecasting and Accountability ~~Legislative Research Unit~~, as
6 required by Section 3.1 of the General Assembly Organization
7 Act, and filing such additional copies with the State
8 Government Report Distribution Center for the General Assembly
9 as is required under paragraph (t) of Section 7 of the State
10 Library Act.

11 (Source: P.A. 85-1203; 86-1226; 86-1475.)

12 Section 290. The State Appellate Defender Act is amended by
13 changing Section 10 as follows:

14 (725 ILCS 105/10) (from Ch. 38, par. 208-10)

15 Sec. 10. Powers and duties of State Appellate Defender.

16 (a) The State Appellate Defender shall represent indigent
17 persons on appeal in criminal and delinquent minor proceedings,
18 when appointed to do so by a court under a Supreme Court Rule
19 or law of this State.

20 (b) The State Appellate Defender shall submit a budget for
21 the approval of the State Appellate Defender Commission.

22 (c) The State Appellate Defender may:

23 (1) maintain a panel of private attorneys available to
24 serve as counsel on a case basis;

1 (2) establish programs, alone or in conjunction with
2 law schools, for the purpose of utilizing volunteer law
3 students as legal assistants;

4 (3) cooperate and consult with state agencies,
5 professional associations, and other groups concerning the
6 causes of criminal conduct, the rehabilitation and
7 correction of persons charged with and convicted of crime,
8 the administration of criminal justice, and, in counties of
9 less than 1,000,000 population, study, design, develop and
10 implement model systems for the delivery of trial level
11 defender services, and make an annual report to the General
12 Assembly;

13 (4) hire investigators to provide investigative
14 services to appointed counsel and county public defenders;

15 (5) (blank);

16 (5.5) provide training to county public defenders;

17 (5.7) provide county public defenders with the
18 assistance of expert witnesses and investigators from
19 funds appropriated to the State Appellate Defender
20 specifically for that purpose by the General Assembly. The
21 Office of the State Appellate Defender shall not be
22 appointed to act as trial counsel;

23 (6) develop a Juvenile Defender Resource Center to: (i)
24 study, design, develop, and implement model systems for the
25 delivery of trial level defender services for juveniles in
26 the justice system; (ii) in cases in which a sentence of

1 incarceration or an adult sentence, or both, is an
2 authorized disposition, provide trial counsel with legal
3 advice and the assistance of expert witnesses and
4 investigators from funds appropriated to the Office of the
5 State Appellate Defender by the General Assembly
6 specifically for that purpose; (iii) develop and provide
7 training to public defenders on juvenile justice issues,
8 utilizing resources including the State and local bar
9 associations, the Illinois Public Defender Association,
10 law schools, the Midwest Juvenile Defender Center, and pro
11 bono efforts by law firms; and (iv) make an annual report
12 to the General Assembly.

13 (d) (Blank).

14 (e) The requirement for reporting to the General Assembly
15 shall be satisfied by filing copies of the report with the
16 Speaker, the Minority Leader and the Clerk of the House of
17 Representatives and the President, the Minority Leader and the
18 Secretary of the Senate and the Commission on Government
19 Forecasting and Accountability ~~Legislative Research Unit~~, as
20 required by Section 3.1 of the General Assembly Organization
21 Act and filing such additional copies with the State Government
22 Report Distribution Center for the General Assembly as is
23 required under paragraph (t) of Section 7 of the State Library
24 Act.

25 (Source: P.A. 99-78, eff. 7-20-15.)

1 Section 295. The State's Attorneys Appellate Prosecutor's
2 Act is amended by changing Section 4.06 as follows:

3 (725 ILCS 210/4.06) (from Ch. 14, par. 204.06)

4 Sec. 4.06. The board shall submit an annual report to the
5 General Assembly and Governor regarding the operation of the
6 Office of the State's Attorneys Appellate Prosecutor.

7 The requirement for reporting to the General Assembly shall
8 be satisfied by filing copies of the report with the Speaker,
9 the Minority Leader and the Clerk of the House of
10 Representatives and the President, the Minority Leader and the
11 Secretary of the Senate and the Commission on Government
12 Forecasting and Accountability ~~Legislative Research Unit~~, as
13 required by Section 3.1 of the General Assembly Organization
14 Act ~~"An Act to revise the law in relation to the General~~
15 ~~Assembly", approved February 25, 1974, as amended,~~ and filing
16 such additional copies with the State Government Report
17 Distribution Center for the General Assembly as is required
18 under paragraph (t) of Section 7 of the State Library Act.

19 (Source: P.A. 84-1438.)

20 Section 300. The Commission on Young Adult Employment Act
21 is amended by changing Section 20 as follows:

22 (820 ILCS 85/20)

23 (Section scheduled to be repealed on January 1, 2019)

1 Sec. 20. Findings and recommendations. The Commission
2 shall meet and begin its work no later than 60 days after the
3 appointment of all Commission members. By November 30, 2015,
4 and by November 30 of every year thereafter, the Commission
5 shall submit a report to the General Assembly setting forth its
6 findings and recommendations. The requirement for reporting to
7 the General Assembly shall be satisfied by filing copies of the
8 report with the Speaker, Minority Leader, and Clerk of the
9 House of Representatives, the President, Minority Leader, and
10 Secretary of the Senate, and the Commission on Government
11 Forecasting and Accountability ~~Legislative Research Unit~~ as
12 required under Section 3.1 of the General Assembly Organization
13 Act.

14 (Source: P.A. 99-338, eff. 8-11-15.)

15 Section 305. The Public Safety Employee Benefits Act is
16 amended by changing Section 17 as follows:

17 (820 ILCS 320/17)

18 Sec. 17. Reporting forms.

19 (a) A person who qualified for benefits under subsections
20 (a) and (b) of Section 10 of this Act (hereinafter referred to
21 as "PSEBA recipient") shall be required to file a form with his
22 or her employer as prescribed in this Section. The Commission
23 on Government Forecasting and Accountability (COGFA) shall use
24 the form created in this Act and prescribe the content of the

1 report in cooperation with one statewide labor organization
2 representing police, one statewide law enforcement
3 organization, one statewide labor organization representing
4 firefighters employed by at least 100 municipalities in this
5 State that is affiliated with the Illinois State Federation of
6 Labor, one statewide labor organization representing
7 correctional officers and parole agents that is affiliated with
8 the Illinois State Federation of Labor, one statewide
9 organization representing municipalities, and one regional
10 organization representing municipalities. COGFA may accept
11 comment from any source, but shall not be required to solicit
12 public comment. Within 60 days after the effective date of this
13 amendatory Act of the 98th General Assembly, COGFA shall remit
14 a copy of the form contained in this subsection to all
15 employers subject to this Act and shall make a copy available
16 on its website.

17 "PSEBA RECIPIENT REPORTING FORM:

18 Under Section 17 of the Public Safety Employee Benefits
19 Act (820 ILCS 320/17), the Commission on Government
20 Forecasting and Accountability (COGFA) is charged with
21 creating and submitting a report to the Governor and the
22 General Assembly setting forth information regarding
23 recipients and benefits payable under the Public Safety
24 Employee Benefits Act (Act). The Act requires employers
25 providing PSEBA benefits to distribute this form to any

1 former peace officer, firefighter, or correctional officer
2 currently in receipt of PSEBA benefits.

3 The responses to the questions below will be used by
4 COGFA to compile information regarding the PSEBA benefit
5 for its report. The Act prohibits the release of any
6 personal information concerning the PSEBA recipient and
7 exempts the reported information from the requirements of
8 the Freedom of Information Act (FOIA).

9 The Act requires the PSEBA recipient to complete this
10 form and submit it to the employer providing PSEBA benefits
11 within 60 days of receipt. If the PSEBA recipient fails to
12 submit this form within 60 days of receipt, the employer is
13 required to notify the PSEBA recipient of non-compliance
14 and provide an additional 30 days to submit the required
15 form. Failure to submit the form in a timely manner will
16 result in the PSEBA recipient incurring responsibility for
17 reimbursing the employer for premiums paid during the
18 period the form is due and not filed.

19 (1) PSEBA recipient's name:

20 (2) PSEBA recipient's date of birth:

21 (3) Name of the employer providing PSEBA benefits:

22 (4) Date the PSEBA benefit first became payable:

23 (5) What was the medical diagnosis of the injury
24 that qualified you for the PSEBA benefit?

25 (6) Are you currently employed with compensation?

26 (7) If so, what is the name(s) of your current

1 employer(s)?

2 (8) Are you or your spouse enrolled in a health
3 insurance plan provided by your current employer or
4 another source?

5 (9) Have you or your spouse been offered or
6 provided access to health insurance from your current
7 employer(s)?

8 If you answered yes to question 8 or 9, please provide
9 the name of the employer, the name of the insurance
10 provider(s), and a general description of the type(s) of
11 insurance offered (HMO, PPO, HSA, etc.):

12 (10) Are you or your spouse enrolled in a health
13 insurance plan provided by a current employer of your
14 spouse?

15 (11) Have you or your spouse been offered or
16 provided access to health insurance provided by a
17 current employer of your spouse?

18 If you answered yes to question 10 or 11, please
19 provide the name of the employer, the name of the insurance
20 provider, and a general description of the type of
21 insurance offered (HMO, PPO, HSA, etc.) by an employer of
22 your spouse:"

23 COGFA shall notify an employer of its obligation to notify
24 any PSEBA recipient receiving benefits under this Act of that
25 recipient's obligation to file a report under this Section. A

1 PSEBA recipient receiving benefits under this Act must complete
2 and return this form to the employer within 60 days of receipt
3 of such form. Any PSEBA recipient who has been given notice as
4 provided under this Section and who fails to timely file a
5 report under this Section within 60 days after receipt of this
6 form shall be notified by the employer that he or she has 30
7 days to submit the report or risk incurring the cost of his or
8 her benefits provided under this Act. An employer may seek
9 reimbursement for premium payments for a PSEBA recipient who
10 fails to file this report with the employer 30 days after
11 receiving this notice. The PSEBA recipient is responsible for
12 reimbursing the employer for premiums paid during the period
13 the report is due and not filed. Employers shall return this
14 form to COGFA within 30 days after receiving the form from the
15 PSEBA recipient.

16 Any information collected by the employer under this
17 Section shall be exempt from the requirements of the Freedom of
18 Information Act except for data collected in the aggregate that
19 does not reveal any personal information concerning the PSEBA
20 recipient.

21 By July 1 of every even-numbered year, beginning in 2016,
22 employers subject to this Act must send the form contained in
23 this subsection to all PSEBA recipients eligible for benefits
24 under this Act. The PSEBA recipient must complete and return
25 this form by September 1 of that year. Any PSEBA recipient who
26 has been given notice as provided under this Section and who

1 fails to timely file a completed form under this Section within
2 60 days after receipt of this form shall be notified by the
3 employer that he or she has 30 days to submit the form or risk
4 incurring the costs of his or her benefits provided under this
5 Act. The PSEBA recipient is responsible for reimbursing the
6 employer for premiums paid during the period the report is due
7 and not filed. The employer shall resume premium payments upon
8 receipt of the completed form. Employers shall return this form
9 to COGFA within 30 days after receiving the form from the PSEBA
10 recipient.

11 (b) An employer subject to this Act shall complete and file
12 the form contained in this subsection.

13 "EMPLOYER SUBJECT TO PSEBA REPORTING FORM:

14 Under Section 17 of the Public Safety Employee Benefits
15 Act (820 ILCS 320/17), the Commission on Government
16 Forecasting and Accountability (COGFA) is charged with
17 creating and submitting a report to the Governor and
18 General Assembly setting forth information regarding
19 recipients and benefits payable under the Public Safety
20 Employee Benefits Act (Act).

21 The responses to the questions below will be used by
22 COGFA to compile information regarding the PSEBA benefit
23 for its report.

24 The Act requires all employers subject to the PSEBA Act
25 to submit the following information within 120 days after

1 receipt of this form.

2 (1) Name of the employer:

3 (2) The number of PSEBA benefit applications filed
4 under the Act during the reporting period provided in
5 the aggregate and listed individually by name of
6 applicant and date of application:

7 (3) The number of PSEBA benefits and names of PSEBA
8 recipients receiving benefits awarded under the Act
9 during the reporting period provided in the aggregate
10 and listed individually by name of applicant and date
11 of application:

12 (4) The cost of the health insurance premiums paid
13 due to PSEBA benefits awarded under the Act during the
14 reporting period provided in the aggregate and listed
15 individually by name of PSEBA recipient:

16 (5) The number of PSEBA benefit applications filed
17 under the Act since the inception of the Act provided
18 in the aggregate and listed individually by name of
19 applicant and date of application:

20 (6) The number of PSEBA benefits awarded under the
21 Act since the inception of the Act provided in the
22 aggregate and listed individually by name of applicant
23 and date of application:

24 (7) The cost of health insurance premiums paid due
25 to PSEBA benefits awarded under the Act since the
26 inception of the Act provided in the aggregate and

1 listed individually by name of PSEBA recipient:

2 (8) The current annual cost of health insurance
3 premiums paid for PSEBA benefits awarded under the Act
4 provided in the aggregate and listed individually by
5 name of PSEBA recipient:

6 (9) The annual cost of health insurance premiums
7 paid for PSEBA benefits awarded under the Act listed by
8 year since the inception of the Act provided in annual
9 aggregate amounts and listed individually by name of
10 PSEBA recipient:

11 (10) A description of health insurance benefit
12 levels currently provided by the employer to the PSEBA
13 recipient:

14 (11) The total cost of the monthly health insurance
15 premium currently provided to the PSEBA recipient:

16 (12) The other costs of the health insurance
17 benefit currently provided to the PSEBA recipient
18 including, but not limited to:

19 (i) the co-pay requirements of the health
20 insurance policy provided to the PSEBA recipient;

21 (ii) the out-of-pocket deductibles of the
22 health insurance policy provided to the PSEBA
23 recipient;

24 (iii) any pharmaceutical benefits and co-pays
25 provided in the insurance policy; and

26 (iv) any policy limits of the health insurance

1 policy provided to the PSEBA recipient."

2 An employer covered under this Act shall file copies of the
3 PSEBA Recipient Reporting Form and the Employer Subject to the
4 PSEBA Act Reporting Form with COGFA within 120 days after
5 receipt of the Employer Subject to the PSEBA Act Reporting
6 Form.

7 The first form filed with COGFA under this Section shall
8 contain all information required by this Section. All forms
9 filed by the employer thereafter shall set forth the required
10 information for the 24-month period ending on June 30 preceding
11 the deadline date for filing the report.

12 Whenever possible, communication between COGFA and
13 employers as required by this Act shall be through electronic
14 means.

15 (c) For the purpose of creating the report required under
16 subsection (d), upon receipt of each PSEBA Benefit Recipient
17 Form, or as soon as reasonably practicable, COGFA shall make a
18 determination of whether the PSEBA benefit recipient or the
19 PSEBA benefit recipient's spouse meets one of the following
20 criteria:

21 (1) the PSEBA benefit recipient or the PSEBA benefit
22 recipient's spouse is receiving health insurance from a
23 current employer, a current employer of his or her spouse,
24 or another source;

25 (2) the PSEBA benefit recipient or the PSEBA benefit

1 recipient's spouse has been offered or provided access to
2 health insurance from a current employer or employers.

3 If one or both of the criteria are met, COGFA shall make
4 the following determinations of the associated costs and
5 benefit levels of health insurance provided or offered to the
6 PSEBA benefit recipient or the PSEBA benefit recipient's
7 spouse:

8 (A) a description of health insurance benefit levels
9 offered to or received by the PSEBA benefit recipient or
10 the PSEBA benefit recipient's spouse from a current
11 employer or a current employer of the PSEBA benefit
12 recipient's spouse;

13 (B) the monthly premium cost of health insurance
14 benefits offered to or received by the PSEBA benefit
15 recipient or the PSEBA benefit recipient's spouse from a
16 current employer or a current employer of the PSEBA benefit
17 recipient's spouse including, but not limited to:

18 (i) the total monthly cost of the health insurance
19 premium;

20 (ii) the monthly amount of the health insurance
21 premium to be paid by the employer;

22 (iii) the monthly amount of the health insurance
23 premium to be paid by the PSEBA benefit recipient or
24 the PSEBA benefit recipient's spouse;

25 (iv) the co-pay requirements of the health
26 insurance policy;

1 (v) the out-of-pocket deductibles of the health
2 insurance policy;

3 (vi) any pharmaceutical benefits and co-pays
4 provided in the insurance policy;

5 (vii) any policy limits of the health insurance
6 policy.

7 COGFA shall summarize the related costs and benefit levels
8 of health insurance provided or available to the PSEBA benefit
9 recipient or the PSEBA benefit recipient's spouse and contrast
10 the results to the cost and benefit levels of health insurance
11 currently provided by the employer subject to this Act. This
12 information shall be included in the report required in
13 subsection (d).

14 (d) By June 1, 2014, and by January 1 of every odd-numbered
15 year thereafter beginning in 2017, COGFA shall submit a report
16 to the Governor and the General Assembly setting forth the
17 information received under subsections (a) and (b). The report
18 shall aggregate data in such a way as to not reveal the
19 identity of any single beneficiary. The requirement for
20 reporting to the General Assembly shall be satisfied by filing
21 copies of the report with the Speaker, Minority Leader, and
22 Clerk of the House of Representatives, the President, Minority
23 Leader, and Secretary of the Senate, the Commission on
24 Government Forecasting and Accountability ~~Legislative Research~~
25 ~~Unit~~ as required under Section 3.1 of the General Assembly
26 Organization Act, and the State Government Report Distribution

1 Center for the General Assembly as required under paragraph (t)
2 of Section 7 of the State Library Act. COGFA shall make this
3 report available electronically on a publicly accessible
4 website.

5 (Source: P.A. 98-561, eff. 8-27-13; 99-239, eff. 8-3-15.)

6 Section 999. Effective date. This Act takes effect upon
7 becoming law."