

1 AN ACT in relation to economic development.

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

4 Section 5. Short title. This Act may be cited as the
5 Western Illinois Economic Development Authority Act.

6 Section 10. Findings. The General Assembly determines and
7 declares the following:

8 (1) that labor surplus areas currently exist in western
9 Illinois;

10 (2) that the economic burdens resulting from involuntary
11 unemployment fall, in part, upon the State in the form of
12 increased need for public assistance and reduced tax revenues
13 and, in the event that the unemployed worker and his or her
14 family migrate elsewhere to find work, the burden may also fall
15 upon the municipalities and other taxing districts within the
16 areas of unemployment in the form of reduced tax revenues,
17 thereby endangering their financial ability to support
18 necessary governmental services for their remaining
19 inhabitants;

20 (3) that the State has a responsibility to help create a
21 favorable climate for new and improved job opportunities for
22 its citizens by encouraging the development of commercial and
23 service businesses and industrial and manufacturing plants
24 within the western region of Illinois;

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

30 (5) that decent, affordable housing is a necessary
31 ingredient of life affording each citizen basic human dignity,
32 a sense of self-worth, confidence, and a firm foundation upon

1 which to build a family and educate children;

2 (6) that in order to foster civic and neighborhood pride,
3 citizens require access to educational institutions,
4 recreation, parks and open spaces, entertainment, sports, a
5 reliable transportation network, cultural facilities, and
6 theaters; and

7 (7) that the main purpose of this Act is to promote
8 industrial, commercial, residential, service, transportation,
9 and recreational activities and facilities, thereby reducing
10 the evils attendant upon unemployment and enhancing the public
11 health, safety, morals, happiness, and general welfare of the
12 State.

13 Section 15. Definitions. In this Act:

14 "Authority" means the Western Illinois Economic
15 Development Authority.

16 "Governmental agency" means any federal, State, or local
17 governmental body and any agency or instrumentality thereof,
18 corporate or otherwise.

19 "Person" means any natural person, firm, partnership,
20 corporation, both domestic and foreign, company, association
21 or joint stock association and includes any trustee, receiver,
22 assignee or personal representative thereof.

23 "Revenue bond" means any bond issued by the Authority, the
24 principal and interest of which is payable solely from revenues
25 or income derived from any project or activity of the
26 Authority.

27 "Board" means the Board of Directors of the Western
28 Illinois Economic Development Authority.

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

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

32 "Industrial project" means the following:

33 (1) a capital project, including one or more buildings and
34 other structures, improvements, machinery and equipment
35 whether or not on the same site or sites now existing or

1 hereafter acquired, suitable for use by any manufacturing,
2 industrial, research, transportation or commercial enterprise
3 including but not limited to use as a factory, mill, processing
4 plant, assembly plant, packaging plant, fabricating plant,
5 ethanol plant, office building, industrial distribution
6 center, warehouse, repair, overhaul or service facility,
7 freight terminal, research facility, test facility, railroad
8 facility, port facility, solid waste and wastewater treatment
9 and disposal sites and other pollution control facilities,
10 resource or waste reduction, recovery, treatment and disposal
11 facilities, and including also the sites thereof and other
12 rights in land therefore whether improved or unimproved, site
13 preparation and landscaping and all appurtenances and
14 facilities incidental thereto such as utilities, access roads,
15 railroad sidings, truck docking and similar facilities,
16 parking facilities, dockage, wharfage, railroad roadbed,
17 track, trestle, depot, terminal, switching and signaling
18 equipment or related equipment and other improvements
19 necessary or convenient thereto; or

20 (2) any land, buildings, machinery or equipment comprising
21 an addition to or renovation, rehabilitation or improvement of
22 any existing capital project.

23 "Commercial project" means any project, including, but not
24 limited to, one or more buildings and other structures,
25 improvements, machinery, and equipment, whether or not on the
26 same site or sites now existing or hereafter acquired, suitable
27 for use by any retail or wholesale concern, distributorship, or
28 agency.

29 "Project" means an industrial, housing, residential,
30 commercial, or service project, or any combination thereof,
31 provided that all uses fall within one of the categories
32 described above. Any project automatically includes all site
33 improvements and new construction involving sidewalks, sewers,
34 solid waste and wastewater treatment and disposal sites and
35 other pollution control facilities, resource or waste
36 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
27 deemed advisable by the Authority.

28 "Financial aid" means the expenditure of Authority funds or
29 funds provided by the Authority for the development,
30 construction, acquisition or improvement of a project, through
31 the issuance of revenue bonds, notes, or other evidences of
32 indebtedness.

33 "Costs incurred in connection with the development,
34 construction, acquisition or improvement of a project" means
35 the following:

36 (1) the cost of purchase and construction of all lands and

1 improvements in connection therewith and equipment and other
2 property, rights, easements, and franchises acquired which are
3 deemed necessary for the construction;

4 (2) financing charges;

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

8 (4) engineering and legal expenses; and

9 (5) the costs of plans, specifications, surveys, and
10 estimates of costs and other expenses necessary or incident to
11 determining the feasibility or practicability of any project,
12 together with such other expenses as may be necessary or
13 incident to the financing, insuring, acquisition, and
14 construction of a specific project and the placing of the same
15 in operation.

16 Section 20. Creation.

17 (a) There is created a political subdivision, body politic,
18 and municipal corporation named the Western Illinois Economic
19 Development Authority. The territorial jurisdiction of the
20 Authority is that geographic area within the boundaries of the
21 following counties: Warren, Henderson, Hancock, McDonough,
22 Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and
23 Pike and any navigable waters and air space located therein.

24 (b) The governing and administrative powers of the
25 Authority shall be vested in a body consisting of 21 members as
26 follows:

27 (1) Ex officio members. The Director of Commerce and
28 Economic Opportunity, or a designee of that Department, and
29 the Director of Central Management Services, or a designee
30 of that Department, shall serve as ex officio members.

31 (2) Public members. Six members shall be appointed by
32 the Governor with the advice and consent of the Senate. The
33 county board chairmen of the following counties shall each
34 appoint one member: Warren, Henderson, Hancock, McDonough,
35 Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott,

1 Morgan, and Pike. All public members shall reside within
2 the territorial jurisdiction of the Authority. The public
3 members shall be persons of recognized ability and
4 experience in one or more of the following areas: economic
5 development, finance, banking, industrial development,
6 state or local government, commercial agriculture, small
7 business management, real estate development, community
8 development, venture finance, organized labor, or civic or
9 community organization.

10 (c) 11 members shall constitute a quorum.

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

14 (e) The terms of all initial members of the Authority shall
15 begin 30 days after the effective date of this Act. Of the 6
16 original public members appointed by the Governor, 2 shall
17 serve until the third Monday in January, 2005; 1 shall serve
18 until the third Monday in January, 2006; 1 shall serve until
19 the third Monday in January, 2007; 1 shall serve until the
20 third Monday in January, 2008; and 1 shall serve until the
21 third Monday in January, 2009. The initial terms of the
22 original public members appointed by the county board chairmen
23 shall be determined by lot, according to the following
24 schedule: (i) 3 shall serve until the third Monday in January,
25 2005, (ii) 3 shall serve until the third Monday in January,
26 2006, (iii) 3 shall serve until the third Monday in January,
27 2007, (iv) 2 shall serve until the third Monday in January,
28 2008, and (v) 2 shall serve until the third Monday in January,
29 2009. All successors to these original public members shall be
30 appointed by the original appointing authority and all
31 appointments made by the Governor shall be made with the advice
32 and consent of the Senate, pursuant to subsection (b), and
33 shall hold office for a term of 6 years commencing the third
34 Monday in January of the year in which their term commences,
35 except in the case of an appointment to fill a vacancy.
36 Vacancies occurring among the public members shall be filled

1 for the remainder of the term. In case of vacancy in a
2 Governor-appointed membership when the Senate is not in
3 session, the Governor may make a temporary appointment until
4 the next meeting of the Senate when a person shall be nominated
5 to fill the office and, upon confirmation by the Senate, he or
6 she shall hold office during the remainder of the term and
7 until a successor is appointed and qualified. Members of the
8 Authority are not entitled to compensation for their services
9 as members but are entitled to reimbursement for all necessary
10 expenses incurred in connection with the performance of their
11 duties as members.

12 (f) The Governor may remove any public member of the
13 Authority in case of incompetence, neglect of duty, or
14 malfeasance in office. The chairman of a county board may
15 remove any public member appointed by that chairman in the case
16 of incompetence, neglect of duty, or malfeasance in office.

17 (g) The Board shall appoint an Executive Director who shall
18 have a background in finance, including familiarity with the
19 legal and procedural requirements of issuing bonds, real
20 estate, or economic development and administration. The
21 Executive Director shall hold office at the discretion of the
22 Board. The Executive Director shall be the chief administrative
23 and operational officer of the Authority, shall direct and
24 supervise its administrative affairs and general management,
25 perform such other duties as may be prescribed from time to
26 time by the members, and receive compensation fixed by the
27 Authority. The Department of Commerce and Community Affairs
28 shall pay the compensation of the Executive Director from
29 appropriations received for that purpose. The Executive
30 Director shall attend all meetings of the Authority. However,
31 no action of the Authority shall be invalid on account of the
32 absence of the Executive Director from a meeting. The Authority
33 may engage the services of the Illinois Finance Authority,
34 attorneys, appraisers, engineers, accountants, credit
35 analysts, and other consultants if the Western Illinois
36 Economic Development Authority deems it advisable.

1 Section 25. Duty. All official acts of the Authority shall
2 require the approval of at least 11 members. It shall be the
3 duty of the Authority to promote development within the
4 geographic confines of Warren, Henderson, Hancock, McDonough,
5 Fulton, Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, and
6 Pike counties. The Authority shall use the powers conferred
7 upon it to assist in the development, construction, and
8 acquisition of industrial, commercial, housing, or residential
9 projects within those counties.

10 Section 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
26 projects developed, constructed, acquired, and improved in
27 furtherance of its purposes;

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

29 (7) to accept and expend appropriations;

30 (8) to acquire, own, lease, sell, or otherwise dispose
31 of interests in and to real property and improvements
32 situated on that real property and in personal property
33 necessary to fulfill the purposes of the Authority;

34 (9) to engage in any activity or operation which is

1 incidental to and in furtherance of efficient operation to
2 accomplish the Authority's primary purpose;

3 (10) to acquire, own, construct, lease, operate, and
4 maintain bridges, terminals, terminal facilities, and port
5 facilities and to fix and collect just, reasonable, and
6 nondiscriminatory charges for the use of such facilities.
7 These charges shall be used to defray the reasonable
8 expenses of the Authority and to pay the principal and
9 interest of any revenue bonds issued by the Authority;

10 (11) subject to any applicable condition imposed by
11 this Act, to locate, establish and maintain a public
12 airport, public airports and public airport facilities
13 within its corporate limits or within or upon any body of
14 water adjacent thereto and to construct, develop, expand,
15 extend and improve any such airport or airport facility;
16 and

17 (12) to have and exercise all powers and be subject to
18 all duties usually incident to boards of directors of
19 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: (i) notice, including a description of the proposed
24 project and the financing for that project, is submitted to the
25 corporate authorities of the municipality or, in the case of a
26 proposed project in an unincorporated area, to the county board
27 and (ii) the corporate authorities of the municipality do not,
28 or the county board does not, adopt a resolution disapproving
29 the project within 45 days after receipt of the notice.

30 (c) If any of the powers set forth in this Act are
31 exercised within the jurisdictional limits of any
32 municipality, all ordinances of the municipality remain in full
33 force and effect and are controlling.

34 Section 35. Tax avoidance. Notwithstanding any other
35 provision of law, the Authority shall not enter into any

1 agreement providing for the purchase and lease of tangible
2 personal property which results in the avoidance of taxation
3 under the Retailers' Occupation Tax Act, the Use Tax Act, the
4 Service Use Tax Act, or the Service Occupation Tax Act, without
5 the prior written consent of the Governor.

6 Section 40. Bonds.

7 (a) The Authority, with the written approval of the
8 Governor, shall have the continuing power to issue bonds,
9 notes, or other evidences of indebtedness in an aggregate
10 amount not to exceed \$250,000,000 for the following purposes:
11 (i) development, construction, acquisition, or improvement of
12 projects, including those established by business entities
13 locating or expanding property within the territorial
14 jurisdiction of the Authority; (ii) entering into venture
15 capital agreements with businesses locating or expanding
16 within the territorial jurisdiction of the Authority; (iii)
17 acquisition and improvement of any property necessary and
18 useful in connection therewith; and (iv) for the purposes of
19 the Employee Ownership Assistance Act. For the purpose of
20 evidencing the obligations of the Authority to repay any money
21 borrowed, the Authority may, pursuant to resolution, from time
22 to time, issue and dispose of its interest-bearing revenue
23 bonds, notes, or other evidences of indebtedness and may also
24 from time to time issue and dispose of such bonds, notes, or
25 other evidences of indebtedness to refund, at maturity, at a
26 redemption date or in advance of either, any bonds, notes, or
27 other evidences of indebtedness pursuant to redemption
28 provisions or at any time before maturity. All such bonds,
29 notes, or other evidences of indebtedness shall be payable
30 solely and only from the revenues or income to be derived from
31 loans made with respect to projects, from the leasing or sale
32 of the projects, or from any other funds available to the
33 Authority for such purposes. The bonds, notes, or other
34 evidences of indebtedness may bear such date or dates, may
35 mature at such time or times not exceeding 40 years from their

1 respective dates, may bear interest at such rate or rates not
2 exceeding the maximum rate permitted by the Bond Authorization
3 Act, may be in such form, may carry such registration
4 privileges, may be executed in such manner, may be payable at
5 such place or places, may be made subject to redemption in such
6 manner and upon such terms, with or without premium, as is
7 stated on the face thereof, may be authenticated in such manner
8 and may contain such terms and covenants as may be provided by
9 an applicable resolution.

10 (b) 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 the 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 the bonds, notes, or other evidences of indebtedness by the
20 provision of the resolution authorizing their issuance and to
21 enjoin the corporation, person, the Authority, and any of its
22 agents or employees from taking any action in conflict with any
23 contract or covenant.

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

1 (d) Notwithstanding the form and tenor of any bond, note,
2 or other evidence of indebtedness and in the absence of any
3 express recital on its face that it is non-negotiable, all such
4 bonds, notes, and other evidences of indebtedness shall be
5 negotiable instruments. Pending the preparation and execution
6 of any bonds, notes, or other evidences of indebtedness,
7 temporary bonds, notes, or evidences of indebtedness may be
8 issued as provided by ordinance.

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

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

36 (g) In the event that the Authority determines that moneys

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

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

1 or alter the basis on which State funds are to be paid to the
2 Authority as provided in this Act, or the use of such funds, so
3 as to impair the terms of any such contract. The Authority is
4 authorized to include these pledges and agreements of the State
5 in any contract with the holders of bonds or notes issued
6 pursuant to this Section.

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

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

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

5 Section 50. Acquisition.

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

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

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

25 (d) The Authority shall have the power to enter into
26 intergovernmental agreements with the State of Illinois, the
27 counties of Warren, Henderson, Hancock, McDonough, Fulton,
28 Mason, Cass, Schuyler, Brown, Adams, Scott, Morgan, or Pike,
29 the Illinois Development Finance Authority, the Illinois
30 Housing Development Authority, the Illinois Education
31 Facilities Authority, the Illinois Farm Development Authority,
32 the Rural Bond Bank, the United States government and any
33 agency or instrumentality of the United States, any unit of
34 local government located within the territory of the Authority,
35 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 Section 55. Enterprise zones. The Authority may by
12 ordinance designate a portion of the territorial jurisdiction
13 of the Authority for certification as an Enterprise Zone under
14 the Illinois Enterprise Zone Act in addition to any other
15 enterprise zones which may be created under that Act, which
16 area shall have all the privileges and rights of an Enterprise
17 Zone pursuant to the Illinois Enterprise Zone Act, but which
18 shall not be counted in determining the number of Enterprise
19 Zones to be created in any year pursuant to that Act.

20 Section 60. Designation of depository. The Authority shall
21 biennially designate a national or State bank or banks as
22 depositories of its money. Such depositories shall be
23 designated only within the State and upon condition that bonds
24 approved as to form and surety by the Authority and at least
25 equal in amount to the maximum sum expected to be on deposit at
26 any one time shall be first given by such depositories to the
27 Authority, such bonds to be conditioned for the safe keeping
28 and prompt repayment of such deposits. When any of the funds of
29 the Authority shall be deposited by the treasurer in any such
30 depository, the treasurer and the sureties on his official bond
31 shall, to such extent, be exempt from liability for the loss of
32 any such deposited funds by reason of the failure, bankruptcy,
33 or any other act or default of such depository; provided that
34 the Authority may accept assignments of collateral by any

1 depository of its funds to secure such deposits to the same
2 extent and conditioned in the same manner as assignments of
3 collateral are permitted by law to secure deposits of the funds
4 of any city.

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

11 Section 70. Fees. The Authority may collect fees and
12 charges in connection with its loans, commitments, and
13 servicing and may provide technical assistance in the
14 development of the region.

15 Section 75. Reports. The Authority shall annually submit a
16 report of its finances to the Auditor General. The Authority
17 shall annually submit a report of its activities to the
18 Governor and to the General Assembly.

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

21 (70 ILCS 1860/4) (from Ch. 19, par. 287)

22 Sec. 4. The Port District has the following rights and
23 powers:

24 1. To issue permits: for the construction of all wharves,
25 piers, dolphins, booms, weirs, breakwaters, bulkheads,
26 jetties, bridges or other structures of any kind, over, under,
27 in, or within 40 feet of any navigable waters within the Port
28 District; for the deposit of rock, earth, sand or other
29 material, or any matter of any kind or description in such
30 waters; except that nothing contained in this paragraph 1 shall
31 be construed so that it will be deemed necessary to obtain a

1 permit from the District for the erection, operation or
2 maintenance of any bridge crossing a waterway which serves as a
3 boundary between the State of Illinois and any other State,
4 when such erection, operation or maintenance is performed by
5 any city within the District;

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

8 3. To locate and establish dock lines and shore or harbor
9 lines;

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

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

27 6. To acquire, erect, construct, reconstruct, improve,
28 maintain, operate and lease in whole or part for any period not
29 exceeding 99 years, central office or administrative
30 facilities for use by the Port District, any tenant, occupant
31 or user of the District facilities, or anyone engaged in
32 commerce in the District.

33 7. To sell, assign, pledge or hypothecate in whole or in
34 part any contract, lease, income, charges, tolls, rentals or
35 fees of the District to provide short term interim financing
36 pending the issuance of revenue bonds by the District, provided

1 that when such revenue bonds are issued, such contracts,
2 leases, income, charges, tolls, rentals or fees shall be used
3 to defray the reasonable expenses of the Port District and pay
4 the principal of and income on any revenue bonds issued by the
5 District;

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

24 9. To create, establish, maintain and operate a public
25 incinerator for waste disposal by incineration by any means or
26 method, for use by municipalities for the disposal of municipal
27 wastes and by industries for the disposal of industrial waste;
28 and to lease land and said incineration facilities for the
29 operation of an incinerator for a term not exceeding 99 years
30 and to fix and collect just, reasonable and non-discriminatory
31 charges for the use of such incinerating facilities, and to use
32 the charges or lease proceeds to defray the reasonable expenses
33 of the Port District, and to pay the principal of and interest
34 on any revenue bonds issued by the Port District.

35 10. To locate, establish and maintain a public airport,
36 public airports and public airport facilities within its

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

4 11. To operate, maintain, manage, lease or sublease for any
5 period not exceeding 99 years, and to make and enter into
6 contracts for the use, operation or management of, and to
7 provide rules and regulations for, the operation, management or
8 use of, any public airport or public airport facility;

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

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

26 14. To restrict the height of any object of natural growth
27 or structure or structures within the vicinity of any airport
28 or within the lines of an approach to any airport and, when
29 necessary, for the reduction in the height of any such existing
30 object or structure, to enter into an agreement for such
31 reduction or to accomplish same by condemnation;

32 15. To agree with the state or federal governments or with
33 any public agency in respect to the removal and relocation of
34 any object of natural growth, airport hazard or any structure
35 or building within the vicinity of any airport or within an
36 approach and which is owned or within the control of such

1 government or agency and to pay all or an agreed portion of the
2 cost of such removal or relocation;

3 16. For the prevention of accidents, for the furtherance
4 and protection of public health, safety and convenience in
5 respect to aeronautics, for the protection of property and
6 persons within the District from any hazard or nuisance
7 resulting from the flight of aircraft, for the prevention of
8 interference between, or collision of, aircraft while in flight
9 or upon the ground, for the prevention or abatement of
10 nuisances in the air or upon the ground or for the extension or
11 increase in the usefulness or safety of any public airport or
12 public airport facility owned by the District, the District may
13 regulate and restrict the flight of aircraft while within or
14 above the incorporated territory of the District;

15 17. To police its physical property only and all waterways
16 and to exercise police powers in respect thereto or in respect
17 to the enforcement of any rule or regulation provided by the
18 ordinances of the District and to employ and commission police
19 officers and other qualified persons to enforce the same. The
20 use of any such public airport or public airport facility of
21 the District shall be subject to the reasonable regulation and
22 control of the District and upon such reasonable terms and
23 conditions as shall be established by its Board. A regulatory
24 ordinance of the District adopted under any provision of this
25 Section may provide for a suspension or revocation of any
26 rights or privileges within the control of the District for a
27 violation of any such regulatory ordinance. Nothing in this
28 Section or in other provisions of this Act shall be construed
29 to authorize such Board to establish or enforce any regulation
30 or rule in respect to aviation, or the operation or maintenance
31 of any airport facility within its jurisdiction, which is in
32 conflict with any federal or state law or regulation applicable
33 to the same subject matter;

34 18. To enter into agreements with the corporate authorities
35 or governing body of any other municipal corporation or any
36 political subdivision of this State to pay the reasonable

1 expense of services furnished by such municipal corporation or
2 political subdivision for or on account of income producing
3 properties of the District;

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

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

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

11 22. To engage in any activity or operation which is
12 incidental to and in furtherance of efficient operation to
13 accomplish the District's primary purpose;~~i-~~

14 23. To apply to proper authorities of the United States of
15 America pursuant to appropriated Federal Law for the right to
16 establish, operate, maintain and lease foreign trade zones and
17 sub-zones within the limits of the Tri-City Regional Port
18 District or within the jurisdiction of the United States
19 Customs Service Office of the St. Louis Port of Entry and to
20 establish, operate, maintain and lease such foreign trade zones
21 and the sub-zones;~~i-~~

22 24. To operate, maintain, manage, lease, or sublease for
23 any period not exceeding 99 years any former military base
24 owned or leased by the District and within its jurisdictional
25 boundaries, to make and enter into any contract for the use,
26 operation, or management of any former military base owned or
27 leased by the District and located within its jurisdictional
28 boundaries, and to provide rules and regulations for the
29 development, redevelopment, and expansion of any former
30 military base owned or leased by the District and located
31 within its jurisdictional boundaries;

32 25. To locate, establish, re-establish, expand or renew,
33 construct or reconstruct, operate, and maintain any facility,
34 building, structure, or improvement for a use or a purpose
35 consistent with any use or purpose of any former military base
36 owned or leased by the District and located within its

1 jurisdictional boundaries;

2 26. To acquire, own, sell, convey, construct, lease for any
3 period not exceeding 99 years, manage, operate, expand,
4 develop, and maintain any telephone system, including, but not
5 limited to, all equipment, materials, and facilities necessary
6 or incidental to that telephone system, for use, at the option
7 of the District and upon payment of a reasonable fee set by the
8 District, of any tenant or occupant situated on any former
9 military base owned or leased by the District and located
10 within its jurisdictional boundaries;

11 27. To cause to be incorporated one or more subsidiary
12 business corporations, wholly owned by the District, to own,
13 operate, maintain, and manage facilities and services related
14 to any telephone system, pursuant to paragraph 26. A subsidiary
15 corporation formed pursuant to this paragraph shall (i) be
16 deemed a telecommunications carrier, as that term is defined in
17 Section 13-202 of the Public Utilities Act, (ii) have the right
18 to apply to the Illinois Commerce Commission for a Certificate
19 of Service Authority or a Certificate of Interexchange Service
20 Authority, and (iii) have the powers necessary to carry out
21 lawful orders of the Illinois Commerce Commission;

22 28. To improve, develop, or redevelop any former military
23 base situated within the boundaries of the District, in Madison
24 County, Illinois, and acquired by the District from the federal
25 government, acting by and through the United States Maritime
26 Administration, pursuant to any plan for redevelopment,
27 development, or improvement of that military base by the
28 District that is approved by the United States Maritime
29 Administration under the terms and conditions of conveyance of
30 the former military base to the District by the federal
31 government.

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

33 Section 999. Effective date. This Act takes effect upon
34 becoming law.