



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB5518

Introduced 1/27/2006, by Rep. John E. Bradley

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Southern Illinois Economic Development Authority Act. Creates the Southern Illinois Economic Development Authority in Franklin, Perry, Randolph, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties in order to promote economic development within those counties. Contains provisions concerning the powers and duties of the Authority. Allows the Authority to acquire, own, sell, lease, or otherwise dispose of interests in real property and to issue bonds, notes, or other evidences of indebtedness for certain purposes in an aggregate amount not to exceed \$250,000,000. Provides that the Authority shall be governed by a 21-member board. Contains other provisions. Effective immediately.

LRB094 18110 HLH 54305 b

FISCAL NOTE ACT  
MAY APPLY

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 1. Short title. This Act may be cited as the  
5 Southern Illinois Economic Development Authority Act.

6 Section 5. Findings. The General Assembly determines and  
7 declares the following:

8 (1) that labor surplus areas currently exist in Southern  
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 Southern 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 10. Definitions. In this Act:

14 "Authority" means the Southern 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 Southern  
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 15. Creation.

17 (a) There is created a political subdivision, body politic,  
18 and municipal corporation named the Southern Illinois Economic  
19 Development Authority. The territorial jurisdiction of the  
20 Authority is that geographic area within the boundaries of the  
21 following counties: Franklin, Perry, Randolph, Jackson,  
22 Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin,  
23 Alexander, Pulaski, and Massac and any navigable waters and air  
24 space located therein.

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

28 (1) Ex officio member. The Director of Commerce and  
29 Economic Opportunity, or a designee of that Department,  
30 shall serve as an ex officio member.

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 chairperson of the following counties shall  
34 each appoint one member: Franklin, Perry, Randolph,  
35 Jackson, Williamson, Saline, Gallatin, Union, Johnson,

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

11 (c) 11 members shall constitute a quorum.

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

15 (e) The terms of all initial members of the Authority shall  
16 begin 30 days after the effective date of this Act. Of the 6  
17 original public members appointed by the Governor, 2 shall  
18 serve until the third Monday in January, 2008; 2 shall serve  
19 until the third Monday in January, 2009; 2 shall serve until  
20 the third Monday in January, 2010. The initial terms of the  
21 original public members appointed by the county board  
22 chairpersons shall be determined by lot, according to the  
23 following schedule: (i) 3 shall serve until the third Monday in  
24 January, 2008, (ii) 3 shall serve until the third Monday in  
25 January, 2009, (iii) 4 shall serve until the third Monday in  
26 January, 2010, and (iv) 4 shall serve until the third Monday in  
27 January, 2011. All successors to these original public members  
28 shall be appointed by the original appointing authority and all  
29 appointments made by the Governor shall be made with the advice  
30 and consent of the Senate, pursuant to subsection (b), and  
31 shall hold office for a term of 6 years commencing the third  
32 Monday in January of the year in which their term commences,  
33 except in the case of an appointment to fill a vacancy.  
34 Vacancies occurring among the public members shall be filled  
35 for the remainder of the term. In case of vacancy in a  
36 Governor-appointed membership when the Senate is not in

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

10 (f) The Governor may remove any public member of the  
11 Authority appointed by the Governor or a predecessor Governor  
12 in case of incompetence, neglect of duty, or malfeasance in  
13 office. The chairperson of a county board may remove any public  
14 member appointed by that chairperson or a predecessor county  
15 board chairperson in case of incompetence, neglect of duty, or  
16 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 Economic Opportunity  
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 Southern Illinois  
36 Economic Development Authority deems it advisable.



1           Section 20. 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 Franklin, Perry, Randolph, Jackson,  
5 Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin,  
6 Alexander, Pulaski, and Massac counties. The Authority shall  
7 use the powers conferred upon it to assist in the development,  
8 construction, and acquisition of industrial, commercial,  
9 housing, or residential projects within its territorial  
10 jurisdiction.

11           Section 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  
26 business and affairs and for the management and use of the  
27 projects developed, constructed, acquired, and improved in  
28 furtherance of its purposes;

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

30                 (7) to accept and expend appropriations;

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

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

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

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

18 (12) to have and exercise all powers and be subject to  
19 all duties usually incident to boards of directors of  
20 corporations.

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: (i) notice, including a description of the proposed  
25 project and the financing for that project, is submitted to the  
26 corporate authorities of the municipality or, in the case of a  
27 proposed project in an unincorporated area, to the county board  
28 and (ii) the corporate authorities of the municipality do not,  
29 or the county board does not, adopt a resolution disapproving  
30 the project within 45 days after receipt of the notice.

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

35 Section 30. Tax avoidance. Notwithstanding any other

1 provision of law, the Authority shall not enter into any  
2 agreement providing for the purchase and lease of tangible  
3 personal property which results in the avoidance of taxation  
4 under the Retailers' Occupation Tax Act, the Use Tax Act, the  
5 Service Use Tax Act, or the Service Occupation Tax Act, without  
6 the prior written consent of the Governor.

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

1 mature at such time or times not exceeding 40 years from their  
2 respective dates, may bear interest at such rate or rates not  
3 exceeding the maximum rate permitted by the Bond Authorization  
4 Act, may be in such form, may carry such registration  
5 privileges, may be executed in such manner, may be payable at  
6 such place or places, may be made subject to redemption in such  
7 manner and upon such terms, with or without premium, as is  
8 stated on the face thereof, may be authenticated in such manner  
9 and may contain such terms and covenants as may be provided by  
10 an applicable resolution.

11 (b) The holder or holders of any bonds, notes, or other  
12 evidences of indebtedness issued by the Authority may bring  
13 suits at law or proceedings in equity to compel the performance  
14 and observance by any corporation or person or by the Authority  
15 or any of its agents or employees of any contract or covenant  
16 made with the holders of the bonds, notes, or other evidences  
17 of indebtedness, to compel such corporation, person, the  
18 Authority, and any of its agents or employees to perform any  
19 duties required to be performed for the benefit of the holders  
20 of the bonds, notes, or other evidences of indebtedness by the  
21 provision of the resolution authorizing their issuance and to  
22 enjoin the corporation, person, the Authority, and any of its  
23 agents or employees from taking any action in conflict with any  
24 contract or covenant.

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

1 of this Act relates to the revenue of the State of Illinois.

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

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

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

1 (g) The State of Illinois pledges to and agrees with the  
2 holders of the bonds and notes of the Authority issued pursuant  
3 to this Section that the State will not limit or alter the  
4 rights and powers vested in the Authority by this Act so as to  
5 impair the terms of any contract made by the Authority with the  
6 holders of bonds or notes or in any way impair the rights and  
7 remedies of those holders until the bonds and notes, together  
8 with interest thereon, with interest on any unpaid installments  
9 of interest, and all costs and expenses in connection with any  
10 action or proceedings by or on behalf of the holders, are fully  
11 met and discharged. In addition, the State pledges to and  
12 agrees with the holders of the bonds and notes of the Authority  
13 issued pursuant to this Section that the State will not limit  
14 or alter the basis on which State funds are to be paid to the  
15 Authority as provided in this Act, or the use of such funds, so  
16 as to impair the terms of any such contract. The Authority is  
17 authorized to include these pledges and agreements of the State  
18 in any contract with the holders of bonds or notes issued  
19 pursuant to this Section.

20 (h) Not less than 30 days prior to the commitment to issue  
21 bonds, notes, or other evidences of indebtedness for the  
22 purpose of developing, constructing, acquiring, or improving  
23 housing or residential projects, as defined in this Act, the  
24 Authority shall provide notice to the Executive Director of the  
25 Illinois Housing Development Authority. Within 30 days after  
26 the notice is provided, the Illinois Housing Development  
27 Authority shall, in writing, either express interest in  
28 financing the project or notify the Authority that it is not  
29 interested in providing financing and that the Authority may  
30 finance the project or seek alternative financing.

31 Section 40. Bonds and notes; exemption from taxation. The  
32 creation of the Authority is in all respects for the benefit of  
33 the people of Illinois and for the improvement of their health,  
34 safety, welfare, comfort, and security, and its purposes are  
35 public purposes. In consideration thereof, the notes and bonds

1 of the Authority issued pursuant to this Act and the income  
2 from these notes and bonds may be free from all taxation by the  
3 State or its political subdivisions, except from estate,  
4 transfer, and inheritance taxes. The exemption from taxation  
5 provided by the preceding sentence shall apply to the income on  
6 any notes or bonds of the Authority only if the Authority in  
7 its sole judgment determines that the exemption enhances the  
8 marketability of the bonds or notes or reduces the interest  
9 rates that would otherwise be borne by the bonds or notes. For  
10 purposes of Section 250 of the Illinois Income Tax Act, the  
11 exemption of the Authority shall terminate after all of the  
12 bonds have been paid. The amount of such income that shall be  
13 added and then subtracted on the Illinois income tax return of  
14 a taxpayer, subject to Section 203 of the Illinois Income Tax  
15 Act, from federal adjusted gross income or federal taxable  
16 income in computing Illinois base income shall be the interest  
17 net of any bond premium amortization.

18 Section 45. Acquisition.

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

21 (b) The Authority shall have power to acquire by purchase,  
22 lease, gift, or otherwise any property or rights therein from  
23 any person or persons, the State of Illinois, any municipal  
24 corporation, any local unit of government, the government of  
25 the United States and any agency or instrumentality of the  
26 United States, any body politic, or any county useful for its  
27 purposes, whether improved for the purposes of any prospective  
28 project or unimproved. The Authority may also accept any  
29 donation of funds for its purposes from any of these sources.

30 (c) The Authority shall have power to develop, construct,  
31 and improve, either under its own direction or through  
32 collaboration with any approved applicant, or to acquire,  
33 through purchase or otherwise, any project, using for this  
34 purpose the proceeds derived from its sale of revenue bonds,  
35 notes, or other evidences of indebtedness or governmental loans

1 or grants and shall have the power to hold title to those  
2 projects in the name of the Authority.

3 (d) The Authority shall have the power to enter into  
4 intergovernmental agreements with the State of Illinois, the  
5 counties of Macon, Sangamon, Menard, Logan, Christian, Bond,  
6 DeWitt, and Montgomery, the Illinois Development Finance  
7 Authority, the Illinois Housing Development Authority, the  
8 Illinois Education Facilities Authority, the Illinois Farm  
9 Development Authority, the Rural Bond Bank, the United States  
10 government and any agency or instrumentality of the United  
11 States, any unit of local government located within the  
12 territory of the Authority, or any other unit of government to  
13 the extent allowed by Article VII, Section 10 of the Illinois  
14 Constitution and the Intergovernmental Cooperation Act.

15 (e) The Authority shall have the power to share employees  
16 with other units of government, including agencies of the  
17 United States, agencies of the State of Illinois, and agencies  
18 or personnel of any unit of local government.

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

23 Section 55. Designation of depository. The Authority shall  
24 biennially designate a national or State bank or banks as  
25 depositories of its money. Such depositories shall be  
26 designated only within the State and upon condition that bonds  
27 approved as to form and surety by the Authority and at least  
28 equal in amount to the maximum sum expected to be on deposit at  
29 any one time shall be first given by such depositories to the  
30 Authority, such bonds to be conditioned for the safe keeping  
31 and prompt repayment of such deposits. When any of the funds of  
32 the Authority shall be deposited by the treasurer in any such  
33 depository, the treasurer and the sureties on his or her  
34 official bond shall, to such extent, be exempt from liability  
35 for the loss of any such deposited funds by reason of the



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

7 Section 60. Taxation prohibited. The Authority shall have  
8 no right or authority to levy any tax or special assessment, to  
9 pledge the credit of the State or any other subdivision or  
10 municipal corporation thereof, or to incur any obligation  
11 enforceable upon any property, either within or without the  
12 territory of the Authority.

13 Section 65. Fees. The Authority may collect fees and  
14 charges in connection with its loans, commitments, and  
15 servicing and may provide technical assistance in the  
16 development of the region.

17 Section 70. Reports. The Authority shall annually submit a  
18 report of its finances to the Auditor General. The Authority  
19 shall annually submit a report of its activities to the  
20 Governor and to the General Assembly.

21 Section 999. Effective date. This Act takes effect upon  
22 becoming law.