



Sen. Emil Jones Jr.

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1 AMENDMENT TO SENATE BILL 572

2 AMENDMENT NO. _____. Amend Senate Bill 572 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Illinois Intermodal Facilities Development Act.

6 Section 5. Purpose. The purpose of this Act is to protect,
7 promote and improve freight rail systems and their intermodal
8 connections in Illinois and to encourage the efficient
9 development of such facilities and the redevelopment of
10 abandoned or underutilized rail facilities by providing
11 economic incentives designed to:

12 (a) ensure that Illinois retains both its predominant
13 position and the considerable economic and employment
14 benefits associated with rail freight traffic by
15 encouraging the location and relocation of rail facilities
16 within the State;

17 (b) expand rail freight service capacity and the number
18 and size of intermodal facilities within the State;

19 (c) stimulate redevelopment of those facilities no
20 longer capable of efficient use to meet the commercial,
21 industrial and transportation needs throughout the State;

22 (d) stimulate redevelopment in those areas where
23 obsolete railroad facilities contribute to the growth of
24 blight in adjacent and surrounding areas; prevent the

1 restoration and proper development of such areas necessary
2 to promote the safety, health, welfare, comfort and
3 convenience of its inhabitants; depress land values in
4 adjacent and surrounding areas; unnecessarily isolate
5 areas of unused land making it unavailable for any other
6 use; obstruct the continuity of public roads and streets;
7 create traffic congestion upon public roads and streets;
8 cause undue delay and expense in the transportation of
9 persons and property; and retard the proper economic and
10 civic growth and development; and

11 (e) foster public-private partnerships to achieve
12 these goals.

13 Section 10. Definitions. In the Act, words and phrases have
14 the meanings set forth in the following Sections.

15 (a) Authority. "Authority" means any entity created
16 under the terms of this Act for the purposes of developing
17 a new or existing rail or intermodal facility or
18 redeveloping an underutilized or obsolete existing rail
19 facility.

20 (b) Board. "Board" means the Board of Directors of any
21 such Authority created under the terms of this Act.

22 (c) Commercial project. "Commercial project" means any
23 project, including but not limited to one or more buildings
24 and other structures, improvements, machinery, and
25 equipment, whether or not on the same site, suitable for
26 use by any retail or wholesale concern, distributorship, or
27 agency, any cultural facilities of a for-profit or
28 not-for-profit type including but not limited to
29 educational, theatrical, recreational, and entertainment
30 facilities, sports facilities, racetracks, stadiums,
31 convention centers, exhibition halls, arenas, opera
32 houses, theaters, swimming pools, restaurants, velodromes,
33 coliseums, sports training facilities, parking facilities,

1 terminals, hotels and motels, gymnasiums, and medical
2 facilities.

3 (d) Costs incurred in connection with the development,
4 construction, acquisition, or improvement of a project.
5 "Costs incurred in connection with the development,
6 construction, acquisition, or improvement of a project"
7 means the following: the cost of purchase and construction
8 of all lands and related improvements, together with the
9 equipment and other property, rights, easements, and
10 franchises acquired that are deemed necessary for the
11 construction, including costs of environmental
12 remediation; financing charges; interest costs with
13 respect to revenue bonds, notes, and other evidences of
14 indebtedness of the issuing Authority prior to and during
15 construction and for a period of 36 months thereafter;
16 engineering and legal expenses; the costs of plans,
17 specifications, surveys, and estimates of costs and other
18 expenses necessary or incident to determining the
19 feasibility or practicability of any project, together
20 with such other expenses as may be necessary or incident to
21 the financing, insuring, acquisition, and construction of
22 a specific project and the placing of the project in
23 operation.

24 (e) Financial Aid. "Financial aid" means the
25 expenditure of Authority funds or funds provided by the
26 Authority through the issuance of its bonds, notes, or
27 other evidences of indebtedness for the development,
28 construction, acquisition, or improvement of a project.

29 (f) Governmental agency. "Governmental agency" means
30 any federal, State, or local governmental body, and any
31 agency or instrumentality thereof, corporate or otherwise.

32 (g) Industrial project. "Industrial project" means (1)
33 a capital project, including one or more buildings and
34 other structures, improvements, machinery, and equipment,

1 whether or not on the same site, suitable for use by any
2 manufacturing, industrial, research, transportation, or
3 commercial enterprise including but not limited to use as a
4 factory, mill, processing plant, assembly plant, packaging
5 plant, fabricating plant, office building, distribution
6 center, warehouse, repair, overhaul, or service facility,
7 freight terminal, research facility, test facility,
8 railroad facility, solid waste and wastewater treatment
9 and disposal sites and other pollution control facilities,
10 resource or waste reduction, recovery, treatment, and
11 disposal facilities, including the sites and other rights
12 in land therefore, site preparation and landscaping and all
13 appurtenances and facilities incidental thereto such as
14 utilities, access roads, railroad sidings, truck docking,
15 and similar facilities, parking facilities, railroad
16 roadbed, track, trestle, depot, terminal, switching and
17 signaling equipment, or related equipment and other
18 improvements necessary or convenient thereto; or (2) any
19 land, buildings, machinery, or equipment comprising an
20 addition to or renovation, rehabilitation, or improvement
21 of any existing capital project.

22 (h) Intermodal Facilities Development Zone.
23 "Intermodal Facilities Development Zone" means an area
24 designated as an Intermodal Facilities Development Zone
25 pursuant to this Act.

26 (i) Lease agreement. "Lease agreement" means an
27 agreement under which a project acquired by any Authority
28 under this Act, by purchase, gift, or lease is leased to
29 any person or governmental agency that will use or cause
30 the project to be used as a project upon terms providing
31 for lease rental payments at least sufficient to pay when
32 due the lessee's pro rata share of all principal of and
33 interest and premium, if any, on any revenue bonds, notes,
34 or other evidences of indebtedness of the Authority issued

1 with respect to the project, providing for the maintenance,
2 insurance, and operation of the project on terms
3 satisfactory to the Authority, and providing for
4 disposition of the project upon termination of the lease
5 term, including purchase options or abandonment of the
6 premises, with such other terms as may be deemed desirable
7 by the Authority.

8 (j) Loan agreement. "Loan agreement" means any
9 agreement by which the Authority agrees to loan the
10 proceeds of its revenue bonds, notes, or other evidences of
11 indebtedness issued with respect to a project to any person
12 or governmental agency that will use or cause the project
13 to be used as a project upon terms providing for loan
14 repayment installments at least sufficient to pay when due
15 the borrower's pro rata share of all principal of and
16 interest and premium, if any, on any revenue bonds, notes,
17 or other evidences of indebtedness of the Authority issued
18 with respect to the project, providing for maintenance,
19 insurance, and operation of the project on terms
20 satisfactory to the Authority, and providing for other
21 matters as may be deemed advisable by the Authority.

22 (k) Person. "Person" includes without limitation an
23 individual, corporation, partnership, unincorporated
24 association, and any other legal entity, including a
25 trustee, receiver, assignee, or personal representative of
26 the entity.

27 (l) Project. "Project" means an industrial or
28 commercial project or any combination thereof provided
29 that all uses shall fall within one of those categories.
30 Any project shall automatically include all site
31 improvements and new construction involving sidewalks,
32 sewers, solid waste and wastewater treatment and disposal
33 sites and other pollution control facilities, resource or
34 waste reduction, recovery, treatment, and disposal

1 facilities, parks, open spaces, wildlife sanctuaries,
2 streets, highways, and runways.

3 (m) Revenue bond. "Revenue bond" or "bond" means any
4 bond issued by the Authority, the principal and interest of
5 which are payable solely from revenues or income derived
6 from any project or activity of the Authority.

7 (n) Terminal. "Terminal" means a public place,
8 station, or depot for receiving and delivering passengers,
9 baggage, mail, freight, or express matter and any
10 combination thereof in connection with the transportation
11 of persons and property on land.

12 (o) Terminal facilities. "Terminal facilities" means
13 all land, rail trackage, rail switching and servicing
14 facilities, intermodal transfer facilities, buildings,
15 structures, improvements, equipment, and appliances useful
16 in the operation of public warehouse, storage, and
17 transportation facilities and industrial, manufacturing,
18 or commercial activities for the accommodation of or in
19 connection with commerce by land, including Commercial
20 projects and Industrial projects.

21 Section 20. Creation of an Intermodal Facilities
22 Development Authority.

23 (a) A county or municipality may, by resolution adopted by
24 majority of its members, determine that there is a need and
25 that it is in the best interest of the public that an
26 Intermodal Facilities Development Authority be organized in
27 that city or county to exercise the powers and authority
28 prescribed by this Act and it shall therein set forth the name
29 of the Intermodal Facilities Development Authority to be
30 created hereunder, provided, however, that the words
31 "Intermodal Facilities Development Authority" shall form part
32 of its name. Prior to the passage of the resolution, the
33 jurisdiction shall have conducted at least one public hearing

1 on the question of whether to create the Authority; public
2 notice of such hearing shall be published in at least one
3 newspaper of general circulation not more than 20 days nor less
4 than 5 days before the hearing.

5 (b) Within 30 days after the adoption of the resolution, it
6 shall be the duty of the chief officer of the jurisdiction
7 adopting the resolution to file in the office of the recorder
8 in the county in which the jurisdiction adopting the resolution
9 is located a certified copy of such resolution.

10 (c) Upon such filing in the office of the Recorder of Deeds
11 the Intermodal Facilities Development Authority shall be
12 deemed to be organized as a municipal corporation and body
13 politic.

14 (d) Upon the execution of an Intergovernmental Agreement
15 and the approval of the appropriate governing bodies, a
16 municipality may create an Intermodal Facilities Development
17 Authority in conjunction with one other municipality or with
18 the County within which the municipality lies. In such cases
19 the duties described herein lie with each jurisdiction creating
20 the authority, which shall not be recognized until all required
21 acts have been completed by each jurisdiction.

22 Section 25. Board members; officers; administration.

23 (a) The governing and administrative powers of the
24 Authority shall be vested in its Board of Directors. Where only
25 one county or municipal authority has created an Authority, the
26 Board shall consist of 5 members. Where more than one county or
27 municipal authority has created the Authority, the Board shall
28 consist of 7 members, with three selected from each of the
29 corporate authorities. The 2 authorities shall mutually select
30 the seventh member, who shall also serve as Chairperson. All
31 persons appointed as members of the Board shall have recognized
32 ability and experience in one or more of the following areas:
33 economic development, finance, banking, industrial

1 development, small business management, real estate
2 development, community development, venture finance, organized
3 labor, or civic, community, or neighborhood organization.

4 (b) The terms of the initial appointees to each Authority
5 shall commence 30 days after its creation. Each Board Member
6 shall hold office for a term of 4 years. All successors shall
7 be appointed by the original appointing authority and hold
8 office for a term of 4 years commencing on the anniversary of
9 the initial appointments, except in case of an appointment to
10 fill a vacancy. Vacancies shall be filled for the remainder of
11 the term. Each member appointed to the Board shall serve until
12 his or her successor is appointed and qualified.

13 (c) Except as provided in section (a), the Chairperson of
14 the Board shall be elected by the Board annually from among the
15 members.

16 (d) The Governor may remove any member of any Board in case
17 of incompetence, neglect of duty, or malfeasance in office.

18 (e) Members of the Board shall serve without compensation
19 for their services as members but may be reimbursed for all
20 necessary expenses incurred in connection with the performance
21 of their duties as members.

22 (f) The Board may appoint an Executive Director who shall
23 have a background in finance, including familiarity with the
24 legal and procedural requirements of issuing bonds, real estate
25 or economic development, and administration. The Executive
26 Director shall hold office at the discretion of the Board. The
27 Executive Director shall be the chief administrative and
28 operational officer of the Authority, shall direct and
29 supervise its administrative affairs and general management,
30 shall perform such other duties as may be prescribed from time
31 to time by the Board, and shall receive compensation fixed by
32 the Board. The Executive Director shall attend all meetings of
33 the Board; however, no action of the Board or the Authority
34 shall be invalid on account of the absence of the Executive

1 Director from a meeting. The Board may engage the services of
2 such other agents and employees, including attorneys,
3 appraisers, engineers, accountants, credit analysts and other
4 consultants, and may prescribe their duties and fix their
5 compensation.

6 (g) The Board shall meet on the call of its Chairperson or
7 upon written notice of 3 members of that Board.

8 (h) Except as provided in section (i), the government,
9 control and management of the affairs of the Authority shall be
10 vested in the Board of Directors and such Board shall possess
11 and exercise all of the powers granted under this Act and such
12 other powers not inconsistent with this Act, as may be
13 necessary to effectuate the purposes of this Act.

14 (i) Where a single municipal authority operating under the
15 "Home Rule" authority of applicable state statutes creates an
16 Intermodal Facilities Development Authority as set forth
17 above, and the authority in its ordinance creating that
18 Authority so states, the powers, duties and obligations of the
19 Intermodal Facilities Development Authority shall remain
20 vested in the municipal authority.

21 Section 26. Actions of an Intermodal Facilities
22 Development Authority. All official acts of an Authority shall
23 require the affirmative vote of at least a majority of the
24 members of the Board at a meeting of the Board at which the
25 members casting those affirmative votes are present. It is the
26 duty of the Authority to promote the purposes of this Act. The
27 Authority shall use the powers conferred on it by this Act to
28 first create a new Terminal and Terminal Facilities, or, in
29 cases involving underutilized and obsolete terminals and
30 terminal facilities, to first remove or relocate existing
31 terminals and terminal facilities, and thereafter to assist in
32 the development, construction, and acquisition of industrial
33 or commercial projects within its territorial jurisdiction.

1 Section 30. Powers. An Authority possesses all powers of a
2 body corporate necessary and convenient to accomplish the
3 purposes of this Act. An Authority's territorial limits shall
4 include all areas designated as an Intermodal Facilities
5 Development Zone as set forth below. An Authority shall also
6 constitute and receive the designation of a Port District,
7 granting it any and all powers allowable to any Port District
8 under State or Federal law. Such powers shall include without
9 limitation the following:

10 (1) to enter into loans, contracts, agreements, leases
11 and mortgages in any matter connected with any of its
12 corporate purposes and to invest its funds;

13 (2) to sue and be sued;

14 (3) to employ agents and employees necessary to carry
15 out its purposes;

16 (4) to have, use, and alter a common seal;

17 (5) to adopt all needful ordinances, resolutions,
18 by-laws, rules, and regulations for the conduct of its
19 business and affairs and for the management and use of the
20 projects developed, constructed, acquired, and improved in
21 furtherance of its purposes;

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

23 (7) to accept and expend appropriations;

24 (8) to have and exercise all powers and be subject to
25 all duties usually incident to boards of directors of
26 corporations;

27 (9) to acquire, own, lease, sell, or otherwise dispose
28 of any interests in and to real property and improvements
29 situated within its territorial limits and in personal
30 property necessary to fulfill the purposes of the
31 Authority;

32 (10) to engage in any activity or operation that is
33 incidental to and in furtherance of efficient operation to

1 accomplish the Authority's primary purpose, including the
2 power to clear, demolish or remove existing structures and
3 to install, repair, construct or reconstruct streets,
4 utilities and site improvements essential to the
5 preparation of an Intermodal Facilities Development Zone
6 for redevelopment;

7 (11) to acquire, own, construct, lease, operate, and
8 maintain within its territorial limits terminals and
9 terminal facilities and to fix and collect just,
10 reasonable, and nondiscriminatory charges for the use of
11 those facilities;

12 (12) to collect fees and charges in connection with its
13 loans, commitments, and services;

14 (13) to use the charges and fees collected as
15 authorized under paragraphs (11) and (12) of this Section
16 to defray the reasonable expenses of the Authority and to
17 pay the principal and interest of any bonds issued by the
18 Authority;

19 (14) to share employees with other units of government,
20 including agencies of the United States, agencies of the
21 State of Illinois, and agencies or personnel of any unit of
22 local government;

23 (15) whenever (1) three-fourths of the railroad
24 companies owning, and (2) three-fourths of the railroad
25 companies operating or using Terminals within any
26 Intermodal Facilities Development Zone as established by
27 this Act have agreed with the Authority to occupy and use
28 the new railroad terminal, the Authority shall have power
29 to require if deemed necessary or desirable to promote the
30 public safety and welfare, any other railroad company or
31 railroad companies entering or hereafter entering an
32 Intermodal Facilities Development Zone under which the
33 Authority is organized to use such new Terminal, Terminal
34 Facilities and approaches thereto, owned and operated by

1 the Authority, on such terms and conditions as may be
2 prescribed by the Authority which shall be fair and
3 reasonable, and in this connection, to require any such
4 railroad company or railroad companies to relocate and re
5 arrange its or their tracks to the extent deemed necessary.
6 The power of the Authority to require such railroad company
7 or railroad companies to so remove or relocate its or their
8 tracks shall be exercised only upon such terms and
9 conditions as the Authority and such railroad company or
10 railroad companies may agree upon, or in default of such an
11 agreement, upon such terms and conditions as the Authority
12 may prescribe which shall be fair and reasonable;

13 (16) to operate or enter into contracts and leases for
14 the operation of any restaurant, store or other enterprise
15 of any sort associated with a terminal;

16 (17) to make provisions for off-street parking
17 facilities;

18 (18) to rent such space as from time to time may not be
19 needed for railroad purposes for such other purposes as the
20 Board of Directors may determine and to execute leases
21 evidencing such rental agreements;

22 (19) to convey real property acquired pursuant to this
23 Act and not required in the operation and maintenance of
24 the terminal, Terminal Facilities and approaches thereto,
25 for use in accordance with a redevelopment plan;

26 (20) to seek and accept donations, contributions,
27 capital grants or gifts from any individuals,
28 associations, municipal and private corporations, the
29 State of Illinois or any agency thereof, and the United
30 States of America, or any agency or instrumentality
31 thereof, for or in aid of any of the purposes of this Act
32 and to enter into agreements in connection therewith;

33 (21) subject to Section 35 of this Act, the Authority
34 shall have the power to issue revenue bonds as if it were a

1 municipality so authorized in Divisions 12.1, 74, 74.1,
2 74.3, and 74.5 of Article 11 of the Illinois Municipal Code
3 in such amount or amounts as the Board of Directors may
4 determine, to provide funds for the acquisition of areas
5 within an Intermodal Facilities Development Zone, the
6 demolition and removal of buildings and other structures
7 thereon, and for constructing, reconstructing, improving,
8 operating and maintaining Terminals, Terminal Facilities,
9 and approaches thereto, and to pay all costs incurred in
10 connection with the development;

11 (22) to anticipate the sale of revenue bonds to borrow
12 money to be repaid from the proceeds of revenue bonds when
13 sold;

14 (23) to enter into intergovernmental agreements with
15 the State of Illinois, the Illinois Finance Authority, the
16 Metropolitan Pier and Exposition Authority, the United
17 States government, and agency or instrumentality of the
18 United States, any county or unit of local government
19 located within the territory of the Authority, or any other
20 unit of government to the extent allowed Article VII,
21 Section 10 of the Illinois Constitution and the
22 Intergovernmental Cooperation Act; and

23 (24) to contract for, accept, or otherwise acquire and
24 maintain railroad property and rights-of-way. The
25 Authority may accept and expend funding from any source,
26 including specifically federal funds designated for
27 railroad right-of-way or terminal facilities improvements,
28 and may issue bonds, for the construction, operation, and
29 maintenance of the property and rights-of-way and the lease
30 or purchase of all necessary equipment and appurtenances to
31 successfully operate a railroad over the rights-of-way.

32 Section 31. Qualifications of an Intermodal Facilities
33 Development Zone. An area is qualified to become an Intermodal

1 Facilities Development Zone which either:

2 (a) is a contiguous area, provided that a zone area may
3 exclude wholly surrounded territory within its boundaries;
4 and

5 (i) comprises a minimum of 150 acres and not more
6 than 2 square miles, in total area, exclusive of lakes
7 and waterways;

8 (ii) has at least one Class 1 railroad right-of-way
9 located within it or within one quarter mile from the
10 nearest border of the proposed zone and has no boundary
11 limit further than 3 miles from such right-of-way; and

12 (iii) is entirely within the jurisdiction of the
13 corporate bodies establishing the Authority; or

14 (b) is a contiguous area, provided that a zone area may
15 exclude wholly surrounded territory within its boundaries;

16 (i) comprises a minimum of 10 acres and not more
17 than 640 acres;

18 (ii) has at least one Class 1 railroad right-of-way
19 located within it and has no boundary limit further
20 than 8000 feet from such right-of-way;

21 (iii) has at least one terminal or terminal
22 facility located within it that is declared by the
23 Board of Directors of an Authority to be underutilized
24 or obsolete; and

25 (iv) is entirely within the jurisdiction of the
26 corporate bodies establishing the Authority.

27 Section 32. Approval of an Intermodal Facilities
28 Development Zone. Whenever the Board of Directors determines
29 that a particular area qualifies as a Intermodal Facilities
30 Development Zone, as herein defined, and should be acquired
31 pursuant to the provisions of this Act, such determination
32 together with an accurate description of the area included in
33 such determination and the date on which the determination was

1 made shall be set forth in the records of the Authority. Any
2 such determination may include additional property situated
3 outside the Intermodal Facilities Development Zone which the
4 Board of Directors determines is necessary to be acquired in
5 connection with the construction of a railroad terminal,
6 terminal facilities and other projects appurtenant thereto.
7 The area may be enlarged, from time to time, as the Board of
8 Directors may determine. Each such determination shall be
9 evidenced by a resolution adopted by at least a majority of the
10 total members of the Board of Directors and a certified copy of
11 such resolution shall be delivered to the governing body of the
12 jurisdiction under which the Authority is organized. No such
13 determination shall be of any force or effect until such time
14 as it has been approved by the that jurisdiction, and after
15 such approval a certified copy of such approval and resolution
16 of the Authority shall be filed in the office of the Recorder
17 in the county where the Authority is located. Where an
18 authority has been created by two jurisdictions, the resolution
19 shall be delivered to the governing bodies of each and no such
20 determination shall be of force and effect until such time as
21 it has been approved by both governing bodies.

22 Section 33. Comprehensive Plan.

23 (a) In addition to the powers set forth in section 30 of
24 this Act, an Authority shall also have the power to develop a
25 comprehensive plan for the development within an Intermodal
26 Facilities Development Zone.

27 (b) Where the Authority has developed a comprehensive plan
28 under (a), it shall have the power to enter into agreements
29 regarding multiple projects, industrial or commercial, with a
30 single entity in conjunction with the execution of that plan.
31 As part of that agreement, the Authority shall specifically
32 have the power to:

33 (i) Grant the entity the right to first present

1 proposals for projects consistent with the comprehensive
2 plan;

3 (ii) Include in the agreement the recapture of the
4 expenses, fees and costs associated with predevelopment
5 costs, professional services and initial infrastructure
6 costs;

7 (iii) Include in the agreement recovery for Costs
8 incurred in connection with the development, construction,
9 acquisition, or improvement of a project, even if the
10 project is eventually completed by another entity; and

11 (iv) Employ the entity as its agent to assist in the
12 management and oversight of future projects within the
13 Intermodal Facilities Development Zone.

14 Section 34. Coordinated Development. In entering
15 agreements with entities, either under a comprehensive plan as
16 set forth in Section 31, or involving an individual project
17 within an Intermodal Facilities Development Zone involving the
18 creation of a new terminal or terminal facilities, the
19 Authority shall give preferential consideration to entities
20 which are currently engaged in projects in other Intermodal
21 Facilities Development Zones for the purpose of eliminating
22 underutilized or obsolete terminals and terminal facilities.
23 Such consideration may include the altering of agreement terms
24 and conditions to reflect the coordination of projects in
25 different Zones.

26 Section 35. Revenue Bonds.

27 (a) An Authority shall have the continuing power to issue
28 revenue bonds, notes, or other evidences of indebtedness for
29 the purpose of developing, constructing, acquiring, or
30 improving projects, including those established by business
31 entities locating or expanding property within the territorial
32 jurisdiction of the Authority, for entering into venture

1 capital agreements with businesses locating or expanding
2 within the territorial jurisdiction of the Authority, for
3 acquiring and improving any property necessary and useful in
4 connection therewith, and for the purposes of the Employee
5 Ownership Assistance Act. For the purpose of evidencing the
6 obligations of an Authority to repay any money borrowed, the
7 Authority may, pursuant to resolution, from time to time issue
8 and dispose of its interest bearing revenue bonds, notes, or
9 other evidences of indebtedness and may also from time to time
10 issue and dispose of such bonds, notes, or other evidences of
11 indebtedness to refund, at maturity, at a redemption date or in
12 advance of either, any revenue bonds, notes, or other evidences
13 of indebtedness pursuant to redemption provisions or at any
14 time before maturity. All such revenue bonds, notes, or other
15 evidences of indebtedness shall be payable solely from the
16 revenues or income to be derived from loans made with respect
17 to projects, from the leasing or sale of the projects, or from
18 any other funds available to the Authority for such purposes,
19 including, when so provided by ordinance of the Authority
20 authorizing the issuance of revenue bonds or notes. The revenue
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 the
25 Bond Authorization Act, may be in such form, may carry such
26 registration privileges, may be executed in such manner, may be
27 payable at such place or places, may be made subject to
28 redemption in such manner and upon such terms, with or without
29 premium as is stated on the face thereof, may be authenticated
30 in such manner, and may contain such terms and covenants as may
31 be provided by an applicable resolution.

32 (b) The holder or holders of any revenue bonds, notes, or
33 other evidences of indebtedness issued by the Authority may
34 bring suits at law or proceedings in equity to compel the

1 performance and observance by any corporation or person or by
2 the Authority or any of its agents or employees of any contract
3 or covenant made with the holders of such revenue bonds, notes,
4 or other evidences of indebtedness, to compel such corporation,
5 person, the Authority, and any of its agents or employees to
6 perform any duties required to be performed for the benefit of
7 the holders of any such revenue bonds, notes, or other
8 evidences of indebtedness by the provision of the resolution
9 authorizing their issuance and to enjoin such corporation,
10 person, the Authority, and any of its agents or employees from
11 taking any action in conflict with any such contract or
12 covenant.

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

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

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

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

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

28 (g) The State of Illinois pledges to and agrees with the
29 holders of the revenue bonds and notes of the Authority issued
30 pursuant to this Section that the State will not limit or alter
31 the rights and powers vested in the Authority by this Act so as
32 to impair the terms of any contract made by the Authority with
33 such holders or in any way impair the rights and remedies of
34 such holders until such revenue bonds and notes, together with

1 interest thereon, with interest on any unpaid installments of
2 interest, and all costs and expenses in connection with any
3 action or proceedings by or on behalf of such holders, are
4 fully met and discharged. The Authority is authorized to
5 include these pledges and agreements of the State in any
6 contract with the holders of revenue bonds or notes issued
7 pursuant to this Section.

8 (h) The revenue bonds, notes, and other evidences of
9 indebtedness authorized by this Act are not, and shall not be
10 construed to be, "State debt" within the meaning of Section 9
11 of Article IX of the Illinois Constitution, are not secured by
12 the full faith and credit of the State, and are not required to
13 be repaid, directly or indirectly, from tax revenues.

14 Section 36. Adoption of Tax Increment Financing.

15 (a) Subsequent to the creation of an Intermodal Facilities
16 Development Zone, the Authority may both establish Special
17 Service Districts or Tax Increment Financing Districts, and, in
18 connection therewith, issue bonds in accordance with the
19 procedures and purposes set forth in the Property Tax Code and
20 Section 11-74.4-1 of the Illinois Municipal Code as if the
21 Authority were a "municipality" within the meaning of the said
22 Acts, except that no proof of blight need be shown in
23 establishing such districts within the zone.

24 (b) If (i) a redevelopment project area is, will be, or has
25 been created by a municipality under Division 74.4 of the
26 Illinois Municipal Code, (ii) the redevelopment project area
27 contains property that is located in an Intermodal Facilities
28 Development Zone, (iii) the municipality adopts an amendment to
29 the Intermodal Facilities Development Zone designating
30 ordinance pursuant to Section 23 of this Act specifically
31 concerning the abatement of taxes on property located within a
32 redevelopment project area created pursuant to Division 74.4 of
33 the Illinois Municipal Code, and (iv) the Department certifies

1 the ordinance amendment, then the property that is located in
2 both the Intermodal Facilities Development Zone and the
3 redevelopment project area shall not be eligible for the
4 abatement of taxes under Section 18-170 of the Property Tax
5 Code.

6 (c) This Section applies to all property located within
7 both a redevelopment project area adopted under Division 74.4
8 of the Illinois Municipal Code and an Intermodal Facilities
9 Development Zone even if the redevelopment project area was
10 adopted before the effective date of this Act.

11 (d) After July 1, 2005, if (i) a redevelopment project area
12 is created by a municipality under Division 74.4 of the
13 Illinois Municipal Code and (ii) the redevelopment project area
14 contains property that is located in an Intermodal Facilities
15 Development Zone, the municipality must adopt an amendment to
16 the certified Intermodal Facilities Development zone
17 designating ordinance under Section 23 that the property that
18 is located in both the Intermodal Facilities Development Zone
19 and the redevelopment project area shall not be eligible for
20 any abatement of taxes under Section 18-170 of the Property Tax
21 Code for new improvements or the renovation or rehabilitation
22 of existing improvements.

23 Section 37. Railroad Terminal Safety. The Authority and any
24 other owner or lessee of any terminal or terminal facility,
25 including a railroad company (railroad), may operate
26 commercially-constructed electric fence (electric fence) for
27 the purpose of homeland security and the general public welfare
28 on its terminals larger than 50 acres (terminal). The Authority
29 and any municipalities, counties, townships all other local
30 units of government where the terminal operates (local
31 government) shall be exempt from liability related to the use
32 of any and all electric fences used by the owner or lessee. The
33 owner or lessee shall properly operate and maintain the

1 electric fence as certified by a qualified electrician. The
2 owner or lessee may be required to construct external fences or
3 landscaping ordered by the Authority or the local government
4 for the purpose of aesthetics. The local government may request
5 a reasonable installation fee for the installation of an
6 electric fence. If the local government establishes specific
7 codes or ordinances governing the installation or use, or both,
8 of electric fences for industrial use, without prohibiting
9 same, the provisions of this Section will be thereby
10 superseded. Unless and until such code or ordinance is
11 established the owner or lessee shall install and operate any
12 electric fence in accordance with 60335-2-76(c) IEC; 1997
13 Standards for Electric Fencing and maintain adequate notice
14 posted at the site of the electric fence.

15 Section 40. Acquisition.

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

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

27 (c) The Authority shall have power to develop, construct,
28 and improve, either under its own direction or through
29 collaboration with any approved applicant, or to acquire
30 through purchase or otherwise any Commercial or Industrial
31 project, using for that purpose the proceeds derived from its
32 sale of bonds, notes, or other evidences of indebtedness or
33 governmental loans or grants, and to hold title in the name of

1 the Authority to those projects.

2 (d) All property owned by the Authority shall be exempt
3 from property taxes. Any property owned by the Authority and
4 leased to an entity that is not exempt shall remain exempt. The
5 leasehold interest of the lessee shall be assessed under
6 Section 9-195 of the Property Tax Code.

7 Section 41. Eminent Domain.

8 (a) Unless the designation ordinance specifically
9 eliminates this power, the Authority may take and acquire
10 possession by eminent domain of any property or interest in
11 property which the Authority is authorized to acquire under
12 this Act. The power of eminent domain may be exercised by
13 ordinance of the Authority, and shall extend to all types of
14 interests in property, both real and personal (including
15 without limitation easements for access purposes to and rights
16 of concurrent usage of existing or planned railroad
17 facilities), whether or not the property is public property or
18 is devoted to public use and whether or not the property is
19 owned or held by a railroad, except as specifically limited by
20 this Act.

21 (b) The Authority shall exercise the power of eminent
22 domain granted in this Section in the manner provided for the
23 exercise of the right of eminent domain under Article VII of
24 the Code of Civil Procedure, as now or hereafter amended,
25 excluding the authority provided in Sections 7-103 through
26 7-112 of the Code of Civil Procedure providing for immediate
27 possession in such proceedings, and except that those
28 provisions of Section 7-102 of that Code requiring prior
29 approval of the Illinois Commerce Commission in certain
30 instances shall apply to eminent domain proceedings by the
31 Authority only as to any taking or damaging by the Authority of
32 any real property of a railroad not used for public
33 transportation or of any real property of other public

1 utilities.

2 (c) The Authority may exercise the right of eminent domain
3 to acquire public property only upon the concurrence of 2/3 of
4 the then Board. In any proceeding for the taking of public
5 property by the Authority through the exercise of the power of
6 eminent domain the venue shall be in the Circuit Court of the
7 county in which the property is located. The right of eminent
8 domain may be exercised only upon a written finding adopted by
9 concurrence of 2/3 of the then Board, after public hearing and
10 a written study done for the Authority, that such taking is
11 necessary to accomplish the purposes of this Act, that no
12 feasible alternatives to such taking exist, and that the
13 advantages to the public from such taking exceed the
14 disadvantages to the public of doing so. No property dedicated
15 as a nature preserve pursuant to the "Illinois Natural Areas
16 Preservation Act", as now or hereafter amended, may be acquired
17 in eminent domain by the Authority.

18 Section 45. Designation of Depository. The Authority shall
19 biennially designate a national or State bank or banks as
20 depositories of its money. Those depositories shall be
21 designated only within the State and upon condition that bonds
22 approved as to form and surety by the Authority and at least
23 equal in amount to the maximum sum expected to be on deposit at
24 any one time shall be first given by the depositories to the
25 Authority, those bonds to be conditioned for the safekeeping
26 and prompt repayment of the deposits. When any of the funds of
27 the Authority shall be deposited by the treasurer in any such
28 depository, the treasurer and the sureties on his official bond
29 shall, to that extent, be exempt from liability for the loss of
30 any of the deposited funds by reason of the failure,
31 bankruptcy, or any other act or default of the depository.
32 However, the Authority may accept assignments of collateral by
33 any depository of its funds to secure the deposits to the same

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

4 Section 50. Reports. Each Authority shall annually submit a
5 report of its finances to the Auditor General and to the Chief
6 Officer of each municipality or county creating that Authority.
7 Each Authority shall annually submit a report of its activities
8 to the Governor and General Assembly.

9 Section 55. Abolition of Authority. An Authority shall be
10 abolished upon the last to occur of the following: (1)
11 expiration of the term set forth in the designation ordinance;
12 or (2) one year after all bonds, notes, and other evidences of
13 indebtedness of the Authority have been fully paid and
14 discharged or otherwise provided for, whichever is later. Upon
15 the abolition of an Authority, all of its rights and property
16 shall pass to and be vested in the creating municipalities and
17 counties, in proportionate shares.

18 Section 60. The Retailers' Occupation Tax Act is amended by
19 adding Section 1p as follows:

20 (35 ILCS 120/1p new)

21 Sec. 1p. Building materials for Intermodal Facilities
22 Development Zones. Each retailer who makes a qualified sale of
23 building materials to be incorporated into real estate in an
24 Intermodal Facilities Development Zone established by an
25 Authority created pursuant to statute by remodeling,
26 rehabilitating or new construction, may deduct receipts from
27 such sales when calculating the tax imposed by this Act. For
28 purposes of this Section, "qualified sale" means a sale of
29 building materials that will be incorporated into real estate
30 as part of a industrial or commercial project for which a

1 Certificate of Eligibility for Sales Tax Exemption has been
2 issued by the Board of Directors of the Authority for the
3 Intermodal Facilities Development Zone in which the building
4 project is located. To document the exemption allowed under
5 this Section, the retailer must obtain from the purchaser a
6 copy of the Certificate of Eligibility for Sales Tax Exemption
7 issued by the Board of Directors into which the building
8 materials will be incorporated. The Certificate of Eligibility
9 for Sales Tax Exemption must contain:

10 (1) a statement that the commercial or industrial
11 project identified in the Certificate meets all the
12 requirements of the jurisdiction in which the project is
13 located;

14 (2) the location or address of the building project;
15 and

16 (3) the signature of the Board of Directors, or their
17 delegate, for the Intermodal Facilities Development Zone
18 in which the building project is located.

19 In addition, the retailer must obtain certification from
20 the purchaser that contains:

21 (1) a statement that the building materials are being
22 purchased for incorporation into real estate located in an
23 Intermodal Facilities Development Zone;

24 (2) the location or address of the real estate into
25 which the building materials will be incorporated;

26 (3) the name of the Intermodal Facilities Development
27 Zone in which that real estate is located;

28 (4) a description of the building materials being
29 purchased; and

30 (5) the purchaser's signature and date of purchase.

31 The provisions of this Section are exempt from Section
32 2-70.

33 Section 80. Liberal Construction. This Act being necessary

1 and desirable for and intended to secure the public convenience
2 and welfare, the provisions of this Act shall be liberally
3 construed to give effect to the provisions hereof.

4 Section 90. Severability.

5 (a) The provisions of this Act and the applications thereof
6 to any person or circumstance are declared to be severable. If
7 any Section, clause, sentence, paragraph, part or provision of
8 this Act shall be held to be invalid by any Court, it shall be
9 conclusively presumed that the remaining portions of this Act
10 would have been passed by the Legislature without such invalid
11 section, clause, sentence, paragraph, part or provision.

12 (b) If the application of any Section, clause, sentence,
13 paragraph, part or provision of this Act to any person or
14 circumstance is held invalid, such invalidity shall not affect
15 the application thereof to other persons or circumstances.

16 Section 99. Effective date. This Act takes effect July 1,
17 2005."