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1 AMENDMENT TO SENATE BILL 1625

2 AMENDMENT NO. _____. Amend Senate Bill 1625 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. Short title. This Act may be cited as the
5 Southern 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 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 the southern region of Illinois;

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

6 (5) that decent, affordable housing is a necessary
7 ingredient of life affording each citizen basic human dignity,
8 a sense of self-worth, confidence, and a firm foundation upon
9 which to build a family and educate children;

10 (6) that in order to foster civic and neighborhood pride,
11 citizens require access to educational institutions,
12 recreation, parks and open spaces, entertainment, sports, a
13 reliable transportation network, cultural facilities, and
14 theaters; and

15 (7) that the main purpose of this Act is to promote
16 industrial, commercial, residential, service, transportation,
17 and recreational activities and facilities, thereby reducing
18 the evils attendant upon unemployment and enhancing the public
19 health, safety, morals, happiness, and general welfare of the
20 State.

21 Section 15. Definitions. In this Act:

22 "Authority" means the Southern Illinois Economic
23 Development Authority.

24 "Governmental agency" means any federal, State, or local
25 governmental body and any agency or instrumentality thereof,
26 corporate or otherwise.

27 "Person" means any natural person, firm, partnership,
28 corporation, both domestic and foreign, company, association
29 or joint stock association and includes any trustee, receiver,
30 assignee or personal representative thereof.

31 "Revenue bond" means any bond issued by the Authority, the
32 principal and interest of which is payable solely from revenues
33 or income derived from any project or activity of the

1 Authority.

2 "Board" means the Board of Directors of the Southern
3 Illinois Economic Development Authority.

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

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

7 "Industrial project" means the following:

8 (1) a capital project, including one or more buildings and
9 other structures, improvements, machinery and equipment
10 whether or not on the same site or sites now existing or
11 hereafter acquired, suitable for use by any manufacturing,
12 industrial, research, transportation or commercial enterprise
13 including but not limited to use as a factory, mill, processing
14 plant, assembly plant, packaging plant, fabricating plant,
15 ethanol plant, office building, industrial distribution
16 center, warehouse, repair, overhaul or service facility,
17 freight terminal, research facility, test facility, railroad
18 facility, port facility, solid waste and wastewater treatment
19 and disposal sites and other pollution control facilities,
20 resource or waste reduction, recovery, treatment and disposal
21 facilities, and including also the sites thereof and other
22 rights in land therefore whether improved or unimproved, site
23 preparation and landscaping and all appurtenances and
24 facilities incidental thereto such as utilities, access roads,
25 railroad sidings, truck docking and similar facilities,
26 parking facilities, dockage, wharfage, railroad roadbed,
27 track, trestle, depot, terminal, switching and signaling
28 equipment or related equipment and other improvements
29 necessary or convenient thereto; or

30 (2) any land, buildings, machinery or equipment comprising
31 an addition to or renovation, rehabilitation or improvement of
32 any existing capital project.

33 "Commercial project" means any project, including, but not
34 limited to, one or more buildings and other structures,

1 improvements, machinery, and equipment, whether or not on the
2 same site or sites now existing or hereafter acquired, suitable
3 for use by any retail or wholesale concern, distributorship, or
4 agency.

5 "Project" means an industrial, housing, residential,
6 commercial, or service project, or any combination thereof,
7 provided that all uses fall within one of the categories
8 described above. Any project automatically includes all site
9 improvements and new construction involving sidewalks, sewers,
10 solid waste and wastewater treatment and disposal sites and
11 other pollution control facilities, resource or waste
12 reduction, recovery, treatment and disposal facilities, parks,
13 open spaces, wildlife sanctuaries, streets, highways, and
14 runways.

15 "Lease agreement" means an agreement in which a project
16 acquired by the Authority by purchase, gift, or lease is leased
17 to any person or corporation that will use, or cause the
18 project to be used, as a project, upon terms providing for
19 lease rental payments at least sufficient to pay, when due, all
20 principal of and interest and premium, if any, on any bonds,
21 notes, or other evidences of indebtedness of the Authority,
22 issued with respect to the project, providing for the
23 maintenance, insurance, and operation of the project on terms
24 satisfactory to the Authority and providing for disposition of
25 the project upon termination of the lease term, including
26 purchase options or abandonment of the premises, with other
27 terms as may be deemed desirable by the Authority.

28 "Loan agreement" means any agreement in which the Authority
29 agrees to loan the proceeds of its bonds, notes, or other
30 evidences of indebtedness, issued with respect to a project, to
31 any person or corporation which will use or cause the project
32 to be used as a project, upon terms providing for loan
33 repayment installments at least sufficient to pay, when due,
34 all principal of and interest and premium, if any, on any

1 bonds, notes, or other evidences of indebtedness of the
2 Authority issued with respect to the project, providing for
3 maintenance, insurance, and operation of the project on terms
4 satisfactory to the Authority and providing for other terms
5 deemed advisable by the Authority.

6 "Financial aid" means the expenditure of Authority funds or
7 funds provided by the Authority for the development,
8 construction, acquisition or improvement of a project, through
9 the issuance of revenue bonds, notes, or other evidences of
10 indebtedness.

11 "Costs incurred in connection with the development,
12 construction, acquisition or improvement of a project" means
13 the following:

14 (1) the cost of purchase and construction of all lands and
15 improvements in connection therewith and equipment and other
16 property, rights, easements, and franchises acquired which are
17 deemed necessary for the construction;

18 (2) financing charges;

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

22 (4) engineering and legal expenses; and

23 (5) the costs of plans, specifications, surveys, and
24 estimates of costs and other expenses necessary or incident to
25 determining the feasibility or practicability of any project,
26 together with such other expenses as may be necessary or
27 incident to the financing, insuring, acquisition, and
28 construction of a specific project and the placing of the same
29 in operation.

30 Section 20. Creation.

31 (a) There is created a political subdivision, body politic,
32 and municipal corporation named the Southern Illinois Economic
33 Development Authority. The territorial jurisdiction of the

1 Authority is that geographic area within the boundaries of the
2 following counties: Franklin, Perry, Randolph, Jackson,
3 Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin,
4 Alexander, Pulaski, and Massac and any navigable waters and air
5 space located therein.

6 (b) The governing and administrative powers of the
7 Authority shall be vested in a body consisting of 21 members as
8 follows:

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

12 (2) Public members. Six members shall be appointed by
13 the Governor with the advice and consent of the Senate. The
14 county board chairmen of the following counties shall each
15 appoint one member: Franklin, Perry, Randolph, Jackson,
16 Williamson, Saline, Gallatin, Union, Johnson, Pope,
17 Hardin, Alexander, Pulaski, and Massac. All public members
18 shall reside within the territorial jurisdiction of the
19 Authority. The public members shall be persons of
20 recognized ability and experience in one or more of the
21 following areas: economic development, finance, banking,
22 industrial development, state or local government,
23 commercial agriculture, small business management, real
24 estate development, community development, venture
25 finance, organized labor, or civic or community
26 organization.

27 (c) 11 members shall constitute a quorum.

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

31 (e) The terms of all initial members of the Authority shall
32 begin 30 days after the effective date of this Act. Of the 6
33 original public members appointed by the Governor, 2 shall
34 serve until the third Monday in January, 2007; 1 shall serve

1 until the third Monday in January, 2008; 1 shall serve until
2 the third Monday in January, 2009; 1 shall serve until the
3 third Monday in January, 2010; and 1 shall serve until the
4 third Monday in January, 2011. The initial terms of the
5 original public members appointed by the county board chairmen
6 shall be determined by lot, according to the following
7 schedule: (i) 3 shall serve until the third Monday in January,
8 2007, (ii) 3 shall serve until the third Monday in January,
9 2008, (iii) 3 shall serve until the third Monday in January,
10 2009, (iv) 3 shall serve until the third Monday in January,
11 2010, and (v) 2 shall serve until the third Monday in January,
12 2011. All successors to these original public members shall be
13 appointed by the original appointing authority and all
14 appointments made by the Governor shall be made with the advice
15 and consent of the Senate, pursuant to subsection (b), and
16 shall hold office for a term of 6 years commencing the third
17 Monday in January of the year in which their term commences,
18 except in the case of an appointment to fill a vacancy.
19 Vacancies occurring among the public members shall be filled
20 for the remainder of the term. In case of vacancy in a
21 Governor-appointed membership when the Senate is not in
22 session, the Governor may make a temporary appointment until
23 the next meeting of the Senate when a person shall be nominated
24 to fill the office and, upon confirmation by the Senate, he or
25 she shall hold office during the remainder of the term and
26 until a successor is appointed and qualified. Members of the
27 Authority are not entitled to compensation for their services
28 as members but are entitled to reimbursement for all necessary
29 expenses incurred in connection with the performance of their
30 duties as members.

31 (f) The Governor may remove any public member of the
32 Authority in case of incompetence, neglect of duty, or
33 malfeasance in office. The chairman of a county board may
34 remove any public member appointed by that chairman in the case

1 of incompetence, neglect of duty, or malfeasance in office.

2 (g) The Board shall appoint an Executive Director who shall
3 have a background in finance, including familiarity with the
4 legal and procedural requirements of issuing bonds, real
5 estate, or economic development and administration. The
6 Executive Director shall hold office at the discretion of the
7 Board. The Executive Director shall be the chief administrative
8 and operational officer of the Authority, shall direct and
9 supervise its administrative affairs and general management,
10 perform such other duties as may be prescribed from time to
11 time by the members, and receive compensation fixed by the
12 Authority. The Department of Commerce and Community Affairs
13 shall pay the compensation of the Executive Director from
14 appropriations received for that purpose. The Executive
15 Director shall attend all meetings of the Authority. However,
16 no action of the Authority shall be invalid on account of the
17 absence of the Executive Director from a meeting. The Authority
18 may engage the services of the Illinois Finance Authority,
19 attorneys, appraisers, engineers, accountants, credit
20 analysts, and other consultants if the Southern Illinois
21 Economic Development Authority deems it advisable.

22 Section 25. Duty. All official acts of the Authority shall
23 require the approval of at least 11 members. It shall be the
24 duty of the Authority to promote development within the
25 geographic confines of Franklin, Perry, Randolph, Jackson,
26 Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin,
27 Alexander, Pulaski, and Massac counties. The Authority shall
28 use the powers conferred upon it to assist in the development,
29 construction, and acquisition of industrial, commercial,
30 housing, or residential projects within those counties.

31 Section 30. Powers.

32 (a) The Authority possesses all the powers of a body

1 corporate necessary and convenient to accomplish the purposes
2 of this Act, including, without any intended limitation upon
3 the general powers hereby conferred, the following powers:

4 (1) to enter into loans, contracts, agreements, and
5 mortgages in any matter connected with any of its corporate
6 purposes and to invest its funds;

7 (2) to sue and be sued;

8 (3) to utilize services of the Illinois Finance
9 Authority necessary to carry out its purposes;

10 (4) to have and use a common seal and to alter the seal
11 at its discretion;

12 (5) to adopt all needful ordinances, resolutions,
13 bylaws, rules, and regulations for the conduct of its
14 business and affairs and for the management and use of the
15 projects developed, constructed, acquired, and improved in
16 furtherance of its purposes;

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

18 (7) to accept and expend appropriations;

19 (8) to acquire, own, lease, sell, or otherwise dispose
20 of interests in and to real property and improvements
21 situated on that real property and in personal property
22 necessary to fulfill the purposes of the Authority;

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

26 (10) to acquire, own, construct, lease, operate, and
27 maintain bridges, terminals, terminal facilities, and port
28 facilities and to fix and collect just, reasonable, and
29 nondiscriminatory charges for the use of such facilities.
30 These charges shall be used to defray the reasonable
31 expenses of the Authority and to pay the principal and
32 interest of any revenue bonds issued by the Authority;

33 (11) subject to any applicable condition imposed by
34 this Act, to locate, establish and maintain a public

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

6 (12) to have and exercise all powers and be subject to
7 all duties usually incident to boards of directors of
8 corporations.

9 (b) The Authority shall not issue any bonds relating to the
10 financing of a project located within the planning and
11 subdivision control jurisdiction of any municipality or county
12 unless: (i) notice, including a description of the proposed
13 project and the financing for that project, is submitted to the
14 corporate authorities of the municipality or, in the case of a
15 proposed project in an unincorporated area, to the county board
16 and (ii) the corporate authorities of the municipality do not,
17 or the county board does not, adopt a resolution disapproving
18 the project within 45 days after receipt of the notice.

19 (c) If any of the powers set forth in this Act are
20 exercised within the jurisdictional limits of any
21 municipality, all ordinances of the municipality remain in full
22 force and effect and are controlling.

23 Section 35. Tax avoidance. Notwithstanding any other
24 provision of law, the Authority shall not enter into any
25 agreement providing for the purchase and lease of tangible
26 personal property which results in the avoidance of taxation
27 under the Retailers' Occupation Tax Act, the Use Tax Act, the
28 Service Use Tax Act, or the Service Occupation Tax Act, without
29 the prior written consent of the Governor.

30 Section 40. Bonds.

31 (a) The Authority, with the written approval of the
32 Governor, shall have the continuing power to issue bonds,

1 notes, or other evidences of indebtedness in an aggregate
2 amount not to exceed \$250,000,000 for the following purposes:
3 (i) development, construction, acquisition, or improvement of
4 projects, including those established by business entities
5 locating or expanding property within the territorial
6 jurisdiction of the Authority; (ii) entering into venture
7 capital agreements with businesses locating or expanding
8 within the territorial jurisdiction of the Authority; (iii)
9 acquisition and improvement of any property necessary and
10 useful in connection therewith; and (iv) for the purposes of
11 the Employee Ownership Assistance Act. For the purpose of
12 evidencing the obligations of the Authority to repay any money
13 borrowed, the Authority may, pursuant to resolution, from time
14 to time, issue and dispose of its interest-bearing revenue
15 bonds, notes, or other evidences of indebtedness and may also
16 from time to time issue and dispose of such bonds, notes, or
17 other evidences of indebtedness to refund, at maturity, at a
18 redemption date or in advance of either, any bonds, notes, or
19 other evidences of indebtedness pursuant to redemption
20 provisions or at any time before maturity. All such bonds,
21 notes, or other evidences of indebtedness shall be payable
22 solely and only from the revenues or income to be derived from
23 loans made with respect to projects, from the leasing or sale
24 of the projects, or from any other funds available to the
25 Authority for such purposes. The bonds, notes, or other
26 evidences of indebtedness may bear such date or dates, may
27 mature at such time or times not exceeding 40 years from their
28 respective dates, may bear interest at such rate or rates not
29 exceeding the maximum rate permitted by the Bond Authorization
30 Act, may be in such form, may carry such registration
31 privileges, may be executed in such manner, may be payable at
32 such place or places, may be made subject to redemption in such
33 manner and upon such terms, with or without premium, as is
34 stated on the face thereof, may be authenticated in such manner

1 and may contain such terms and covenants as may be provided by
2 an applicable resolution.

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

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

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

1 of any bonds, notes, or other evidences of indebtedness,
2 temporary bonds, notes, or evidences of indebtedness may be
3 issued as provided by ordinance.

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

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

31 (g) The State of Illinois pledges to and agrees with the
32 holders of the bonds and notes of the Authority issued pursuant
33 to this Section that the State will not limit or alter the
34 rights and powers vested in the Authority by this Act so as to

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

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

27 Section 45. Bonds and notes; exemption from taxation. The
28 creation of the Authority is in all respects for the benefit of
29 the people of Illinois and for the improvement of their health,
30 safety, welfare, comfort, and security, and its purposes are
31 public purposes. In consideration thereof, the notes and bonds
32 of the Authority issued pursuant to this Act and the income
33 from these notes and bonds may be free from all taxation by the

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

16 Section 50. Acquisition.

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

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

28 (c) The Authority shall have power to develop, construct,
29 and improve, either under its own direction or through
30 collaboration with any approved applicant, or to acquire,
31 through purchase or otherwise, any project, using for this
32 purpose the proceeds derived from its sale of revenue bonds,
33 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 Franklin, Perry, Randolph, Jackson, Williamson,
6 Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander,
7 Pulaski, or Massac, the Illinois Finance Authority, the
8 Illinois Housing Development Authority, the United States
9 government and any agency or instrumentality of the United
10 States, any unit of local government located within the
11 territory of the Authority, or any other unit of government to
12 the extent allowed by Article VII, Section 10 of the Illinois
13 Constitution and the Intergovernmental Cooperation Act.

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

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

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

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

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

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

18 Section 75. Reports. The Authority shall annually submit a
19 report of its finances to the Auditor General. The Authority
20 shall annually submit a report of its activities to the
21 Governor and to the General Assembly.

22 Section 900. The Illinois Finance Authority Act is amended
23 by changing Sections 801-40 and 845-5 as follows:

24 (20 ILCS 3501/801-40)

25 Sec. 801-40. In addition to the powers otherwise authorized
26 by law and in addition to the foregoing general corporate
27 powers, the Authority shall also have the following additional
28 specific powers to be exercised in furtherance of the purposes
29 of this Act.

1 (a) The Authority shall have power (i) to accept grants,
2 loans or appropriations from the federal government or the
3 State, or any agency or instrumentality thereof, to be used for
4 the operating expenses of the Authority, or for any purposes of
5 the Authority, including the making of direct loans of such
6 funds with respect to projects, and (ii) to enter into any
7 agreement with the federal government or the State, or any
8 agency or instrumentality thereof, in relationship to such
9 grants, loans or appropriations.

10 (b) The Authority shall have power to procure and enter
11 into contracts for any type of insurance and indemnity
12 agreements covering loss or damage to property from any cause,
13 including loss of use and occupancy, or covering any other
14 insurable risk.

15 (c) The Authority shall have the continuing power to issue
16 bonds for its corporate purposes. Bonds may be issued by the
17 Authority in one or more series and may provide for the payment
18 of any interest deemed necessary on such bonds, of the costs of
19 issuance of such bonds, of any premium on any insurance, or of
20 the cost of any guarantees, letters of credit or other similar
21 documents, may provide for the funding of the reserves deemed
22 necessary in connection with such bonds, and may provide for
23 the refunding or advance refunding of any bonds or for accounts
24 deemed necessary in connection with any purpose of the
25 Authority. The bonds may bear interest payable at any time or
26 times and at any rate or rates, notwithstanding any other
27 provision of law to the contrary, and such rate or rates may be
28 established by an index or formula which may be implemented or
29 established by persons appointed or retained therefor by the
30 Authority, or may bear no interest or may bear interest payable
31 at maturity or upon redemption prior to maturity, may bear such
32 date or dates, may be payable at such time or times and at such
33 place or places, may mature at any time or times not later than
34 40 years from the date of issuance, may be sold at public or

1 private sale at such time or times and at such price or prices,
2 may be secured by such pledges, reserves, guarantees, letters
3 of credit, insurance contracts or other similar credit support
4 or liquidity instruments, may be executed in such manner, may
5 be subject to redemption prior to maturity, may provide for the
6 registration of the bonds, and may be subject to such other
7 terms and conditions all as may be provided by the resolution
8 or indenture authorizing the issuance of such bonds. The holder
9 or holders of any bonds issued by the Authority may bring suits
10 at law or proceedings in equity to compel the performance and
11 observance by any person or by the Authority or any of its
12 agents or employees of any contract or covenant made with the
13 holders of such bonds and to compel such person or the
14 Authority and any of its agents or employees to perform any
15 duties required to be performed for the benefit of the holders
16 of any such bonds by the provision of the resolution
17 authorizing their issuance, and to enjoin such person or the
18 Authority and any of its agents or employees from taking any
19 action in conflict with any such contract or covenant.
20 Notwithstanding the form and tenor of any such bonds and in the
21 absence of any express recital on the face thereof that it is
22 non-negotiable, all such bonds shall be negotiable
23 instruments. Pending the preparation and execution of any such
24 bonds, temporary bonds may be issued as provided by the
25 resolution. The bonds shall be sold by the Authority in such
26 manner as it shall determine. The bonds may be secured as
27 provided in the authorizing resolution by the receipts,
28 revenues, income and other available funds of the Authority and
29 by any amounts derived by the Authority from the loan agreement
30 or lease agreement with respect to the project or projects; and
31 bonds may be issued as general obligations of the Authority
32 payable from such revenues, funds and obligations of the
33 Authority as the bond resolution shall provide, or may be
34 issued as limited obligations with a claim for payment solely

1 from such revenues, funds and obligations as the bond
2 resolution shall provide. The Authority may grant a specific
3 pledge or assignment of and lien on or security interest in
4 such rights, revenues, income, or amounts and may grant a
5 specific pledge or assignment of and lien on or security
6 interest in any reserves, funds or accounts established in the
7 resolution authorizing the issuance of bonds. Any such pledge,
8 assignment, lien or security interest for the benefit of the
9 holders of the Authority's bonds shall be valid and binding
10 from the time the bonds are issued without any physical
11 delivery or further act, and shall be valid and binding as
12 against and prior to the claims of all other parties having
13 claims against the Authority or any other person irrespective
14 of whether the other parties have notice of the pledge,
15 assignment, lien or security interest. As evidence of such
16 pledge, assignment, lien and security interest, the Authority
17 may execute and deliver a mortgage, trust agreement, indenture
18 or security agreement or an assignment thereof. A remedy for
19 any breach or default of the terms of any such agreement by the
20 Authority may be by mandamus proceedings in any court of
21 competent jurisdiction to compel the performance and
22 compliance therewith, but the agreement may prescribe by whom
23 or on whose behalf such action may be instituted. It is
24 expressly understood that the Authority may, but need not,
25 acquire title to any project with respect to which it exercises
26 its authority.

27 (d) With respect to the powers granted by this Act, the
28 Authority may adopt rules and regulations prescribing the
29 procedures by which persons may apply for assistance under this
30 Act. Nothing herein shall be deemed to preclude the Authority,
31 prior to the filing of any formal application, from conducting
32 preliminary discussions and investigations with respect to the
33 subject matter of any prospective application.

34 (e) The Authority shall have power to acquire by purchase,

1 lease, gift or otherwise any property or rights therein from
2 any person useful for its purposes, whether improved for the
3 purposes of any prospective project, or unimproved. The
4 Authority may also accept any donation of funds for its
5 purposes from any such source. The Authority shall have no
6 independent power of condemnation but may acquire any property
7 or rights therein obtained upon condemnation by any other
8 authority, governmental entity or unit of local government with
9 such power.

10 (f) The Authority shall have power to develop, construct
11 and improve either under its own direction, or through
12 collaboration with any approved applicant, or to acquire
13 through purchase or otherwise, any project, using for such
14 purpose the proceeds derived from the sale of its bonds or from
15 governmental loans or grants, and to hold title in the name of
16 the Authority to such projects.

17 (g) The Authority shall have power to lease pursuant to a
18 lease agreement any project so developed and constructed or
19 acquired to the approved tenant on such terms and conditions as
20 may be appropriate to further the purposes of this Act and to
21 maintain the credit of the Authority. Any such lease may
22 provide for either the Authority or the approved tenant to
23 assume initially, in whole or in part, the costs of
24 maintenance, repair and improvements during the leasehold
25 period. In no case, however, shall the total rentals from any
26 project during any initial leasehold period or the total loan
27 repayments to be made pursuant to any loan agreement, be less
28 than an amount necessary to return over such lease or loan
29 period (1) all costs incurred in connection with the
30 development, construction, acquisition or improvement of the
31 project and for repair, maintenance and improvements thereto
32 during the period of the lease or loan; provided, however, that
33 the rentals or loan repayments need not include costs met
34 through the use of funds other than those obtained by the

1 Authority through the issuance of its bonds or governmental
2 loans; (2) a reasonable percentage additive to be agreed upon
3 by the Authority and the borrower or tenant to cover a properly
4 allocable portion of the Authority's general expenses,
5 including, but not limited to, administrative expenses,
6 salaries and general insurance, and (3) an amount sufficient to
7 pay when due all principal of, interest and premium, if any on,
8 any bonds issued by the Authority with respect to the project.
9 The portion of total rentals payable under clause (3) of this
10 subsection (g) shall be deposited in such special accounts,
11 including all sinking funds, acquisition or construction
12 funds, debt service and other funds as provided by any
13 resolution, mortgage or trust agreement of the Authority
14 pursuant to which any bond is issued.

15 (h) The Authority has the power, upon the termination of
16 any leasehold period of any project, to sell or lease for a
17 further term or terms such project on such terms and conditions
18 as the Authority shall deem reasonable and consistent with the
19 purposes of the Act. The net proceeds from all such sales and
20 the revenues or income from such leases shall be used to
21 satisfy any indebtedness of the Authority with respect to such
22 project and any balance may be used to pay any expenses of the
23 Authority or be used for the further development, construction,
24 acquisition or improvement of projects. In the event any
25 project is vacated by a tenant prior to the termination of the
26 initial leasehold period, the Authority shall sell or lease the
27 facilities of the project on the most advantageous terms
28 available. The net proceeds of any such disposition shall be
29 treated in the same manner as the proceeds from sales or the
30 revenues or income from leases subsequent to the termination of
31 any initial leasehold period.

32 (i) The Authority shall have the power to make loans to
33 persons to finance a project, to enter into loan agreements
34 with respect thereto, and to accept guarantees from persons of

1 its loans or the resultant evidences of obligations of the
2 Authority.

3 (j) The Authority may fix, determine, charge and collect
4 any premiums, fees, charges, costs and expenses, including,
5 without limitation, any application fees, commitment fees,
6 program fees, financing charges or publication fees from any
7 person in connection with its activities under this Act.

8 (k) In addition to the funds established as provided
9 herein, the Authority shall have the power to create and
10 establish such reserve funds and accounts as may be necessary
11 or desirable to accomplish its purposes under this Act and to
12 deposit its available monies into the funds and accounts.

13 (l) At the request of the governing body of any unit of
14 local government, the Authority is authorized to market such
15 local government's revenue bond offerings by preparing bond
16 issues for sale, advertising for sealed bids, receiving bids at
17 its offices, making the award to the bidder that offers the
18 most favorable terms or arranging for negotiated placements or
19 underwritings of such securities. The Authority may, at its
20 discretion, offer for concurrent sale the revenue bonds of
21 several local governments. Sales by the Authority of revenue
22 bonds under this Section shall in no way imply State guarantee
23 of such debt issue. The Authority may require such financial
24 information from participating local governments as it deems
25 necessary in order to carry out the purposes of this subsection
26 (1).

27 (m) The Authority may make grants to any county to which
28 Division 5-37 of the Counties Code is applicable to assist in
29 the financing of capital development, construction and
30 renovation of new or existing facilities for hospitals and
31 health care facilities under that Act. Such grants may only be
32 made from funds appropriated for such purposes from the Build
33 Illinois Bond Fund or the Build Illinois Purposes Fund.

34 (n) The Authority may establish an urban development action

1 grant program for the purpose of assisting municipalities in
2 Illinois which are experiencing severe economic distress to
3 help stimulate economic development activities needed to aid in
4 economic recovery. The Authority shall determine the types of
5 activities and projects for which the urban development action
6 grants may be used, provided that such projects and activities
7 are broadly defined to include all reasonable projects and
8 activities the primary objectives of which are the development
9 of viable urban communities, including decent housing and a
10 suitable living environment, and expansion of economic
11 opportunity, principally for persons of low and moderate
12 incomes. The Authority shall enter into grant agreements from
13 monies appropriated for such purposes from the Build Illinois
14 Bond Fund or the Build Illinois Purposes Fund. The Authority
15 shall monitor the use of the grants, and shall provide for
16 audits of the funds as well as recovery by the Authority of any
17 funds determined to have been spent in violation of this
18 subsection (n) or any rule or regulation promulgated hereunder.
19 The Authority shall provide technical assistance with regard to
20 the effective use of the urban development action grants. The
21 Authority shall file an annual report to the General Assembly
22 concerning the progress of the grant program.

23 (o) The Authority may establish a Housing Partnership
24 Program whereby the Authority provides zero-interest loans to
25 municipalities for the purpose of assisting in the financing of
26 projects for the rehabilitation of affordable multi-family
27 housing for low and moderate income residents. The Authority
28 may provide such loans only upon a municipality's providing
29 evidence that it has obtained private funding for the
30 rehabilitation project. The Authority shall provide 3 State
31 dollars for every 7 dollars obtained by the municipality from
32 sources other than the State of Illinois. The loans shall be
33 made from monies appropriated for such purpose from the Build
34 Illinois Bond Fund or the Build Illinois Purposes Fund. The

1 total amount of loans available under the Housing Partnership
2 Program shall not exceed \$30,000,000. State loan monies under
3 this subsection shall be used only for the acquisition and
4 rehabilitation of existing buildings containing 4 or more
5 dwelling units. The terms of any loan made by the municipality
6 under this subsection shall require repayment of the loan to
7 the municipality upon any sale or other transfer of the
8 project.

9 (p) The Authority may award grants to universities and
10 research institutions, research consortiums and other
11 not-for-profit entities for the purposes of: remodeling or
12 otherwise physically altering existing laboratory or research
13 facilities, expansion or physical additions to existing
14 laboratory or research facilities, construction of new
15 laboratory or research facilities or acquisition of modern
16 equipment to support laboratory or research operations
17 provided that such grants (i) be used solely in support of
18 project and equipment acquisitions which enhance technology
19 transfer, and (ii) not constitute more than 60 percent of the
20 total project or acquisition cost.

21 (q) Grants may be awarded by the Authority to units of
22 local government for the purpose of developing the appropriate
23 infrastructure or defraying other costs to the local government
24 in support of laboratory or research facilities provided that
25 such grants may not exceed 40% of the cost to the unit of local
26 government.

27 (r) The Authority may establish a Direct Loan Program to
28 make loans to individuals, partnerships or corporations for the
29 purpose of an industrial project, as defined in Section 801-10
30 of this Act. For the purposes of such program and not by way of
31 limitation on any other program of the Authority, the Authority
32 shall have the power to issue bonds, notes, or other evidences
33 of indebtedness including commercial paper for purposes of
34 providing a fund of capital from which it may make such loans.

1 The Authority shall have the power to use any appropriations
2 from the State made especially for the Authority's Direct Loan
3 Program for additional capital to make such loans or for the
4 purposes of reserve funds or pledged funds which secure the
5 Authority's obligations of repayment of any bond, note or other
6 form of indebtedness established for the purpose of providing
7 capital for which it intends to make such loans under the
8 Direct Loan Program. For the purpose of obtaining such capital,
9 the Authority may also enter into agreements with financial
10 institutions and other persons for the purpose of selling loans
11 and developing a secondary market for such loans. Loans made
12 under the Direct Loan Program may be in an amount not to exceed
13 \$300,000 and shall be made for a portion of an industrial
14 project which does not exceed 50% of the total project. No loan
15 may be made by the Authority unless approved by the affirmative
16 vote of at least 8 members of the board. The Authority shall
17 establish procedures and publish rules which shall provide for
18 the submission, review, and analysis of each direct loan
19 application and which shall preserve the ability of each board
20 member to reach an individual business judgment regarding the
21 propriety of making each direct loan. The collective discretion
22 of the board to approve or disapprove each loan shall be
23 unencumbered. The Authority may establish and collect such fees
24 and charges, determine and enforce such terms and conditions,
25 and charge such interest rates as it determines to be necessary
26 and appropriate to the successful administration of the Direct
27 Loan Program. The Authority may require such interests in
28 collateral and such guarantees as it determines are necessary
29 to protect the Authority's interest in the repayment of the
30 principal and interest of each loan made under the Direct Loan
31 Program.

32 (s) The Authority may guarantee private loans to third
33 parties up to a specified dollar amount in order to promote
34 economic development in this State.

1 (t) The Authority may adopt rules and regulations as may be
2 necessary or advisable to implement the powers conferred by
3 this Act.

4 (u) The Authority shall have the power to issue bonds,
5 notes or other evidences of indebtedness, which may be used to
6 make loans to units of local government which are authorized to
7 enter into loan agreements and other documents and to issue
8 bonds, notes and other evidences of indebtedness for the
9 purpose of financing the protection of storm sewer outfalls,
10 the construction of adequate storm sewer outfalls, and the
11 provision for flood protection of sanitary sewage treatment
12 plans, in counties that have established a stormwater
13 management planning committee in accordance with Section
14 5-1062 of the Counties Code. Any such loan shall be made by the
15 Authority pursuant to the provisions of Section 820-5 to 820-60
16 of this Act. The unit of local government shall pay back to the
17 Authority the principal amount of the loan, plus annual
18 interest as determined by the Authority. The Authority shall
19 have the power, subject to appropriations by the General
20 Assembly, to subsidize or buy down a portion of the interest on
21 such loans, up to 4% per annum.

22 (v) The Authority may accept security interests as provided
23 in Sections 11-3 and 11-3.3 of the Illinois Public Aid Code.

24 (w) Moral Obligation. In the event that the Authority
25 determines that monies of the Authority will not be sufficient
26 for the payment of the principal of and interest on its bonds
27 during the next State fiscal year, the Chairperson, as soon as
28 practicable, shall certify to the Governor the amount required
29 by the Authority to enable it to pay such principal of and
30 interest on the bonds. The Governor shall submit the amount so
31 certified to the General Assembly as soon as practicable, but
32 no later than the end of the current State fiscal year. This
33 subsection shall apply only to any bonds or notes as to which
34 the Authority shall have determined, in the resolution

1 authorizing the issuance of the bonds or notes, that this
2 subsection shall apply. Whenever the Authority makes such a
3 determination, that fact shall be plainly stated on the face of
4 the bonds or notes and that fact shall also be reported to the
5 Governor. In the event of a withdrawal of moneys from a reserve
6 fund established with respect to any issue or issues of bonds
7 of the Authority to pay principal or interest on those bonds,
8 the Chairperson of the Authority, as soon as practicable, shall
9 certify to the Governor the amount required to restore the
10 reserve fund to the level required in the resolution or
11 indenture securing those bonds. The Governor shall submit the
12 amount so certified to the General Assembly as soon as
13 practicable, but no later than the end of the current State
14 fiscal year. The Authority shall obtain written approval from
15 the Governor for any bonds and notes to be issued under this
16 Section. In addition to any other bonds authorized to be issued
17 under Sections 825-60, 825-65(e), 830-25 and 845-5, the
18 principal amount of Authority bonds outstanding issued under
19 this Section 801-40(w) or under 20 ILCS 3850/1-80 or 30 ILCS
20 360/2-6(c), which have been assumed by the Authority, shall not
21 exceed \$150,000,000.

22 Bonds issued after the effective date of this amendatory
23 Act of the 94th General Assembly with a moral obligation of the
24 State shall not exceed 25 years in maturity. The moral
25 obligation pledge of the State must be secured solely or at
26 parity with additional co-senior lien lending interests. The
27 amount of senior lien financing provided for a project in which
28 the State solely or jointly participates in providing a moral
29 obligation pledge shall not exceed 70% of the total project
30 value.

31 (Source: P.A. 93-205, eff. 1-1-04.)

32 (20 ILCS 3501/845-5)

33 Sec. 845-5. The Authority may not have outstanding at any

1 one time bonds for any of its corporate purposes in an
2 aggregate principal amount exceeding \$29,000,000,000
3 ~~\$24,000,000,000~~, excluding bonds issued to refund the bonds of
4 the Authority or bonds of the Predecessor Authorities.

5 (Source: P.A. 93-205, eff. 1-1-04; 93-1101, eff. 3-31-05.)

6 Section 903. The Illinois Housing Development Act is
7 amended by changing Section 26.1 as follows:

8 (20 ILCS 3805/26.1) (from Ch. 67 1/2, par. 326.1)

9 Sec. 26.1. In the event that the Authority determines that
10 monies of the Authority will not be sufficient for the payment
11 of the principal of and interest on its bonds (or on any notes
12 issued for a maturity in excess of three years) during the next
13 State fiscal year, excluding amounts in the debt service
14 reserve fund for those bonds or notes, the Chairman shall
15 certify to the Governor, as soon as is practicable, the amount
16 required by the Authority to enable it to pay such principal of
17 and interest on the bonds or notes. The Governor shall submit
18 the amount so certified to the General Assembly as soon as
19 practicable, but not later than the end of the current State
20 fiscal year.

21 In the event of a withdrawal of moneys from a reserve fund
22 established with respect to any issue or issues of bonds or
23 notes of the Authority to pay principal or interest on such
24 bonds, the Chairman of the Authority, as soon as practicable,
25 shall certify to the Governor the amount required to restore
26 such reserve fund to the level required in the resolution or
27 indenture securing the bonds. The Governor shall submit the
28 amount so certified to the General Assembly as soon as
29 practicable, but no later than the end of the current State
30 fiscal year.

31 This Section shall not apply to any bonds or notes as to
32 which the Authority shall have determined, in the resolution

1 authorizing the issuance of the bonds or notes, that this
2 Section shall not apply. Whenever the Authority makes such a
3 determination that fact shall be plainly stated on the face of
4 the bonds or notes and that fact shall also be reported to the
5 Governor. The Authority shall obtain written approval from the
6 Governor for bonds and notes issued under this Section.

7 This Section applies only with respect to bonds issued
8 before the effective date of this amendatory Act of the 94th
9 General Assembly.

10 (Source: P.A. 87-778.)

11 Section 905. The Quad Cities Regional Economic Development
12 Authority Act, approved September 22, 1987 is amended by
13 changing Sections 9, 9.1, and 15 as follows:

14 (70 ILCS 510/9) (from Ch. 85, par. 6209)

15 Sec. 9. Bonds and notes. (a) (1) The Authority may, with the
16 written approval of the Governor, at any time and from time to
17 time, issue bonds and notes for any corporate purpose,
18 including the establishment of reserves and the payment of
19 interest. In this Act the term "bonds" includes notes of any
20 kind, interim certificates, refunding bonds or any other
21 evidence of obligation.

22 (2) The bonds of any issue shall be payable solely from the
23 property or receipts of the Authority, including, without
24 limitation:

25 (I) fees, charges or other revenues payable to the
26 Authority;

27 (II) payments by financial institutions, insurance
28 companies, or others pursuant to letters or lines of credit,
29 policies of insurance, or purchase agreements;

30 (III) investment earnings from funds or accounts
31 maintained pursuant to a bond resolution or trust agreement;
32 and

1 (IV) proceeds of refunding bonds.

2 (3) Bonds shall be authorized by a resolution of the
3 Authority and may be secured by a trust agreement by and
4 between the Authority and a corporate trustee or trustees,
5 which may be any trust company or bank having the powers of a
6 trust company within or without the State. Bonds shall:

7 (I) be issued at, above or below par value, for cash or
8 other valuable consideration, and mature at time or times,
9 whether as serial bonds or as term bonds or both, not exceeding
10 40 years from their respective date of issue; however, the
11 length of the term of the bond should bear a reasonable
12 relationship to the value life of the item financed;

13 (II) bear interest at the fixed or variable rate or rates
14 determined by the method provided in the resolution or trust
15 agreement;

16 (III) be payable at a time or times, in the denominations
17 and form, either coupon or registered or both, and carry the
18 registration and privileges as to conversion and for the
19 replacement of mutilated, lost or destroyed bonds as the
20 resolution or trust agreement may provide;

21 (IV) be payable in lawful money of the United States at a
22 designated place;

23 (V) be subject to the terms of purchase, payment,
24 redemption, refunding or refinancing that the resolution or
25 trust agreement provides;

26 (VI) be executed by the manual or facsimile signatures of
27 the officers of the Authority designated by the Authority,
28 which signatures shall be valid at delivery even for one who
29 has ceased to hold office; and

30 (VII) be sold in the manner and upon the terms determined
31 by the Authority.

32 (b) Any resolution or trust agreement may contain
33 provisions which shall be a part of the contract with the
34 holders of the bonds as to:

1 (1) pledging, assigning or directing the use, investment or
2 disposition of receipts of the Authority or proceeds or
3 benefits of any contract and conveying or otherwise securing
4 any property or property rights;

5 (2) the setting aside of loan funding deposits, debt
6 service reserves, capitalized interest accounts, cost of
7 issuance accounts and sinking funds, and the regulations,
8 investment and disposition thereof;

9 (3) limitations on the purpose to which or the investments
10 in which the proceeds of sale of any issue of bonds may be
11 applied and restrictions to investment of revenues or bond
12 proceeds in government obligations for which principal and
13 interest are unconditionally guaranteed by the United States of
14 America;

15 (4) limitations on the issue of additional bonds, the terms
16 upon which additional bonds may be issued and secured, the
17 terms upon which additional bonds may rank on a parity with, or
18 be subordinate or superior to, other bonds;

19 (5) the refunding or refinancing of outstanding bonds;

20 (6) the procedure, if any, by which the terms of any
21 contract with bondholders may be altered or amended and the
22 amount of bonds and holders of which must consent thereto, and
23 the manner in which consent shall be given;

24 (7) defining the acts or omissions which shall constitute a
25 default in the duties of the Authority to holders of bonds and
26 providing the rights or remedies of such holders in the event
27 of a default which may include provisions restricting
28 individual right of action by bondholders;

29 (8) providing for guarantees, pledges of property, letters
30 of credit, or other security, or insurance for the benefit of
31 bondholders; and

32 (9) any other matter relating to the bonds which the
33 Authority determines appropriate.

34 (c) No member of the Authority nor any person executing the

1 bonds shall be liable personally on the bonds or subject to any
2 personal liability by reason of the issuance of the bonds.

3 (d) The Authority may enter into agreements with agents,
4 banks, insurers or others for the purpose of enhancing the
5 marketability of or as security for its bonds.

6 (e) (1) A pledge by the Authority of revenues as security
7 for an issue of bonds shall be valid and binding from the time
8 when the pledge is made.

9 (2) The revenues pledged shall immediately be subject to
10 the lien of the pledge without any physical delivery or further
11 act, and the lien of any pledge shall be valid and binding
12 against any person having any claim of any kind in tort,
13 contract or otherwise against the Authority, irrespective of
14 whether the person has notice.

15 (3) No resolution, trust agreement or financing statement,
16 continuation statement, or other instrument adopted or entered
17 into by the Authority need be filed or recorded in any public
18 record other than the records of the authority in order to
19 perfect the lien against third persons, regardless of any
20 contrary provision of law.

21 (f) The Authority may issue bonds to refund any of its
22 bonds then outstanding, including the payment of any redemption
23 premium and any interest accrued or to accrue to the earliest
24 or any subsequent date of redemption, purchase or maturity of
25 the bonds. Refunding bonds may be issued for the public
26 purposes of realizing savings in the effective costs of debt
27 service, directly or through a debt restructuring, for
28 alleviating impending or actual default and may be issued in
29 one or more series in an amount in excess of that of the bonds
30 to be refunded.

31 (g) Bonds or notes of the Authority may be sold by the
32 Authority through the process of competitive bid or negotiated
33 sale.

34 (h) At no time shall the total outstanding bonds and notes

1 of the Authority exceed \$250,000,000 ~~\$100 million~~.

2 (i) The bonds and notes of the Authority shall not be debts
3 of the State.

4 (j) In no event may proceeds of bonds or notes issued by
5 the Authority be used to finance any structure which is not
6 constructed pursuant to an agreement between the Authority and
7 a party, which provides for the delivery by the party of a
8 completed structure constructed pursuant to a fixed price
9 contract, and which provides for the delivery of such structure
10 at such fixed price to be insured or guaranteed by a third
11 party determined by the Authority to be capable of completing
12 construction of such a structure.

13 (Source: P.A. 85-713.)

14 (70 ILCS 510/9.1) (from Ch. 85, par. 6209.1)

15 Sec. 9.1. Moneys for payment of principal of and interest
16 on bonds; applicability.

17 (a) In the event that the Authority determines that moneys
18 of the Authority will not be sufficient for the payment of the
19 principal of and interest on its bonds during the next State
20 fiscal year, the Chairman, as soon as practicable, shall
21 certify to the Governor the amount required by the Authority to
22 enable it to pay such principal of and interest on the bonds.
23 The Governor shall submit the amount so certified to the
24 General Assembly as soon as practicable, but no later than the
25 end of the current State fiscal year. This Section shall not
26 apply to any bonds or notes as to which the Authority shall
27 have determined, in the resolution authorizing the issuance of
28 the bonds or notes, that this Section shall not apply. Whenever
29 the Authority makes such a determination, that fact shall be
30 plainly stated on the face of the bonds or notes and that fact
31 shall also be reported to the Governor.

32 In the event of a withdrawal of moneys from a reserve fund
33 established with respect to any issue or issues of bonds of the

1 Authority to pay principal or interest on those bonds, the
2 Chairman of the Authority, as soon as practicable, shall
3 certify to the Governor the amount required to restore the
4 reserve fund to the level required in the resolution or
5 indenture securing those bonds. The Governor shall submit the
6 amount so certified to the General Assembly as soon as
7 practicable, but no later than the end of the current State
8 fiscal year.

9 (b) This Section applies only with respect to bonds issued
10 before January 1, 2006.

11 (Source: P.A. 86-837; 86-1470; 87-778.)

12 (70 ILCS 510/15) (from Ch. 85, par. 6215)

13 Sec. 15. Designation of Enterprise Zones.

14 (a) The Authority may by ordinance designate a portion of
15 the territorial jurisdiction of the Authority for
16 certification as an Enterprise Zone under the Illinois
17 Enterprise Zone Act in addition to any other enterprise zones
18 which may be created under the Act, which area shall have all
19 the privileges and rights of an Enterprise Zone pursuant to the
20 Illinois Enterprise Zone Act, but which shall not be counted in
21 determining the number of Enterprise Zones to be created in any
22 year pursuant to that Act.

23 (b) The Authority may not designate any portion of the
24 territorial jurisdiction of the Authority for certification as
25 an Enterprise Zone on or after the effective date of this
26 amendatory Act of the 94th General Assembly.

27 (Source: P.A. 85-713.)

28 Section 910. The Quad Cities Regional Economic Development
29 Authority Act, certified December 30, 1987 is amended by
30 changing Sections 9, 9.1, and 14 as follows:

31 (70 ILCS 515/9) (from Ch. 85, par. 6509)

1 Sec. 9. Bonds and notes. (a) (1) The Authority may, with the
2 written approval of the Governor, at any time and from time to
3 time, issue bonds and notes for any corporate purpose,
4 including the establishment of reserves and the payment of
5 interest. In this Act the term "bonds" includes notes of any
6 kind, interim certificates, refunding bonds or any other
7 evidence of obligation.

8 (2) The bonds of any issue shall be payable solely from the
9 property or receipts of the Authority, including, without
10 limitation:

11 (I) fees, charges or other revenues payable to the
12 Authority;

13 (II) payments by financial institutions, insurance
14 companies, or others pursuant to letters or lines of credit,
15 policies of insurance, or purchase agreements;

16 (III) investment earnings from funds or accounts
17 maintained pursuant to a bond resolution or trust agreement;
18 and

19 (IV) proceeds of refunding bonds.

20 (3) Bonds shall be authorized by a resolution of the
21 Authority and may be secured by a trust agreement by and
22 between the Authority and a corporate trustee or trustees,
23 which may be any trust company or bank having the powers of a
24 trust company within or without the State. Bonds shall:

25 (I) be issued at, above or below par value, for cash or
26 other valuable consideration, and mature at time or times,
27 whether as serial bonds or as term bonds or both, not exceeding
28 40 years from their respective date of issue; however, the
29 length of the term of the bond should bear a reasonable
30 relationship to the value life of the item financed;

31 (II) bear interest at the fixed or variable rate or rates
32 determined by the method provided in the resolution or trust
33 agreement;

34 (III) be payable at a time or times, in the denominations

1 and form, either coupon or registered or both, and carry the
2 registration and privileges as to conversion and for the
3 replacement of mutilated, lost or destroyed bonds as the
4 resolution or trust agreement may provide;

5 (IV) be payable in lawful money of the United States at a
6 designated place;

7 (V) be subject to the terms of purchase, payment,
8 redemption, refunding or refinancing that the resolution or
9 trust agreement provides;

10 (VI) be executed by the manual or facsimile signatures of
11 the officers of the Authority designated by the Authority,
12 which signatures shall be valid at delivery even for one who
13 has ceased to hold office; and

14 (VII) be sold in the manner and upon the terms determined
15 by the Authority.

16 (b) Any resolution or trust agreement may contain
17 provisions which shall be a part of the contract with the
18 holders of the bonds as to:

19 (1) pledging, assigning or directing the use, investment or
20 disposition of receipts of the Authority or proceeds or
21 benefits of any contract and conveying or otherwise securing
22 any property or property rights;

23 (2) the setting aside of loan funding deposits, debt
24 service reserves, capitalized interest accounts, cost of
25 issuance accounts and sinking funds, and the regulations,
26 investment and disposition thereof;

27 (3) limitations on the purpose to which or the investments
28 in which the proceeds of sale of any issue of bonds may be
29 applied and restrictions to investment of revenues or bond
30 proceeds in government obligations for which principal and
31 interest are unconditionally guaranteed by the United States of
32 America;

33 (4) limitations on the issue of additional bonds, the terms
34 upon which additional bonds may be issued and secured, the

1 terms upon which additional bonds may rank on a parity with, or
2 be subordinate or superior to, other bonds;

3 (5) the refunding or refinancing of outstanding bonds;

4 (6) the procedure, if any, by which the terms of any
5 contract with bondholders may be altered or amended and the
6 amount of bonds and holders of which must consent thereto, and
7 the manner in which consent shall be given;

8 (7) defining the acts or omissions which shall constitute a
9 default in the duties of the Authority to holders of bonds and
10 providing the rights or remedies of such holders in the event
11 of a default which may include provisions restricting
12 individual right of action by bondholders;

13 (8) providing for guarantees, pledges of property, letters
14 of credit, or other security, or insurance for the benefit of
15 bondholders; and

16 (9) any other matter relating to the bonds which the
17 Authority determines appropriate.

18 (c) No member of the Authority nor any person executing the
19 bonds shall be liable personally on the bonds or subject to any
20 personal liability by reason of the issuance of the bonds.

21 (d) The Authority may enter into agreements with agents,
22 banks, insurers or others for the purpose of enhancing the
23 marketability of or as security for its bonds.

24 (e) (1) A pledge by the Authority of revenues as security
25 for an issue of bonds shall be valid and binding from the time
26 when the pledge is made.

27 (2) The revenues pledged shall immediately be subject to
28 the lien of the pledge without any physical delivery or further
29 act, and the lien of any pledge shall be valid and binding
30 against any person having any claim of any kind in tort,
31 contract or otherwise against the Authority, irrespective of
32 whether the person has notice.

33 (3) No resolution, trust agreement or financing statement,
34 continuation statement, or other instrument adopted or entered

1 into by the Authority need be filed or recorded in any public
2 record other than the records of the authority in order to
3 perfect the lien against third persons, regardless of any
4 contrary provision of law.

5 (f) The Authority may issue bonds to refund any of its
6 bonds then outstanding, including the payment of any redemption
7 premium and any interest accrued or to accrue to the earliest
8 or any subsequent date of redemption, purchase or maturity of
9 the bonds. Refunding bonds may be issued for the public
10 purposes of realizing savings in the effective costs of debt
11 service, directly or through a debt restructuring, for
12 alleviating impending or actual default and may be issued in
13 one or more series in an amount in excess of that of the bonds
14 to be refunded.

15 (g) Bonds or notes of the Authority may be sold by the
16 Authority through the process of competitive bid or negotiated
17 sale.

18 (h) At no time shall the total outstanding bonds and notes
19 of the Authority exceed \$250,000,000 ~~\$100 million~~.

20 (i) The bonds and notes of the Authority shall not be debts
21 of the State.

22 (j) In no event may proceeds of bonds or notes issued by
23 the Authority be used to finance any structure which is not
24 constructed pursuant to an agreement between the Authority and
25 a party, which provides for the delivery by the party of a
26 completed structure constructed pursuant to a fixed price
27 contract, and which provides for the delivery of such structure
28 at such fixed price to be insured or guaranteed by a third
29 party determined by the Authority to be capable of completing
30 construction of such a structure.

31 (Source: P.A. 85-988.)

32 (70 ILCS 515/9.1) (from Ch. 85, par. 6509.1)

33 Sec. 9.1. Moneys for payment of principal of and interest

1 on bonds; applicability.

2 (a) In the event that the Authority determines that moneys
3 of the Authority will not be sufficient for the payment of the
4 principal of and interest on its bonds during the next
5 succeeding State fiscal year, the Chairman shall certify to the
6 Governor, before October of the then current State fiscal year,
7 the amount required by the Authority to enable it to pay such
8 principal of and interest on the bonds. The Governor shall
9 include the amount so certified in the State budget. This
10 Section shall not apply to any bonds or notes as to which the
11 Authority shall have determined, in the resolution authorizing
12 the issuance of bonds or notes, that this Section shall not
13 apply. Whenever the Authority makes such a determination, that
14 fact shall be plainly stated on the face of the bonds or notes
15 and that fact shall also be reported to the Governor.

16 (b) This Section applies only with respect to bonds issued
17 before January 1, 2006.

18 (Source: P.A. 86-1470.)

19 (70 ILCS 515/14) (from Ch. 85, par. 6514)

20 Sec. 14. Designation of Enterprise Zones.

21 (a) The Authority may by ordinance designate a portion of
22 the territorial jurisdiction of the Authority for
23 certification as an Enterprise Zone under the Illinois
24 Enterprise Zone Act in addition to any other enterprise zones
25 which may be created under the Act, which area shall have all
26 the privileges and rights of an Enterprise Zone pursuant to the
27 Illinois Enterprise Zone Act, but which shall not be counted in
28 determining the number of Enterprise Zones to be created in any
29 year pursuant to that Act.

30 (b) The Authority may not designate any portion of the
31 territorial jurisdiction of the Authority for certification as
32 an Enterprise Zone on or after the effective date of this
33 amendatory Act of the 94th General Assembly.

1 (Source: P.A. 85-988.)

2 Section 915. The Southeastern Illinois Economic
3 Development Authority Act is amended by changing Sections 20,
4 25, 35, 45, and 50 as follows:

5 (70 ILCS 518/20)

6 Sec. 20. Creation.

7 (a) There is created a political subdivision, body politic,
8 and municipal corporation named the Southeastern Illinois
9 Economic Development Authority. The territorial jurisdiction
10 of the Authority is that geographic area within the boundaries
11 of the following counties: Fayette, Cumberland, Clark,
12 Effingham, Jasper, Crawford, Marion, Clay, Richland, Lawrence,
13 Jefferson, Wayne, Edwards, Wabash, Hamilton, and White;
14 Irvington Township in Washington County; and any navigable
15 waters and air space located therein.

16 (b) The governing and administrative powers of the
17 Authority shall be vested in a body consisting of 10 members as
18 follows:

19 (1) Nine members shall be appointed by the Governor
20 with the advice and consent of the Senate.

21 (2) One member shall be appointed by the Director of
22 Commerce and Economic Opportunity.

23 All public members shall reside within the territorial
24 jurisdiction of the Authority. The public members shall be
25 persons of recognized ability and experience in one or more of
26 the following areas: economic development, finance, banking,
27 industrial development, state or local government, commercial
28 agriculture, small business management, real estate
29 development, community development, venture finance, organized
30 labor, or civic or community organization.

31 (c) Six members shall constitute a quorum.

32 (d) The chairman of the Authority shall be elected annually

1 by the Board.

2 (e) The terms of all initial members of the Authority shall
3 begin 30 days after the effective date of this Act. Of the 10
4 original members appointed pursuant to subsection (b), one
5 shall serve until the third Monday in January, 2005; one shall
6 serve until the third Monday in January, 2006; 2 shall serve
7 until the third Monday in January, 2007; 2 shall serve until
8 the third Monday in January, 2008; 2 shall serve until the
9 third Monday in January, 2009; and 2 shall serve until the
10 third Monday in January, 2010. All successors to these original
11 public members shall be appointed by the Governor with the
12 advice and consent of the Senate, or by the Director of
13 Commerce and Economic Opportunity, as the case may be, pursuant
14 to subsection (b), and shall hold office for a term of 3 years
15 commencing the third Monday in January of the year in which
16 their term commences, except in the case of an appointment to
17 fill a vacancy. Vacancies occurring among the public members
18 shall be filled for the remainder of the term. In case of
19 vacancy in a Governor-appointed membership when the Senate is
20 not in session, the Governor may make a temporary appointment
21 until the next meeting of the Senate when a person shall be
22 nominated to fill the office and, upon confirmation by the
23 Senate, he or she shall hold office during the remainder of the
24 term and until a successor is appointed and qualified. Members
25 of the Authority are not entitled to compensation for their
26 services as members but are entitled to reimbursement for all
27 necessary expenses incurred in connection with the performance
28 of their duties as members. Members of the Board may
29 participate in Board meetings by teleconference or video
30 conference.

31 (f) The Governor may remove any public member of the
32 Authority appointed by the Governor, and the Director of
33 Commerce and Economic Opportunity may remove any public member
34 appointed by the Director, in case of incompetence, neglect of

1 duty, or malfeasance in office.

2 (g) The Board shall appoint an Executive Director who shall
3 have a background in finance, including familiarity with the
4 legal and procedural requirements of issuing bonds, real
5 estate, or economic development and administration. The
6 Executive Director shall hold office at the discretion of the
7 Board. The Executive Director shall be the chief administrative
8 and operational officer of the Authority, shall direct and
9 supervise its administrative affairs and general management,
10 perform such other duties as may be prescribed from time to
11 time by the members, and receive compensation fixed by the
12 Authority. The Executive Director shall attend all meetings of
13 the Authority. However, no action of the Authority shall be
14 invalid on account of the absence of the Executive Director
15 from a meeting. The Authority may engage the services of the
16 Illinois Finance Authority, attorneys, appraisers, engineers,
17 accountants, credit analysts, and other consultants, if the
18 Southeastern Illinois Economic Development Authority deems it
19 advisable.

20 (Source: P.A. 93-968, eff. 8-20-04.)

21 (70 ILCS 518/25)

22 Sec. 25. Duty. All official acts of the Authority shall
23 require the approval of at least 6 members. It shall be the
24 duty of the Authority to promote development within the
25 territorial jurisdiction of the Authority. The Authority shall
26 use the powers conferred upon it to assist in the development,
27 construction, and acquisition of industrial, commercial,
28 housing, or residential projects within its territorial
29 jurisdiction ~~these counties~~.

30 (Source: P.A. 93-968, eff. 8-20-04.)

31 (70 ILCS 518/35)

32 Sec. 35. Bonds.

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

1 manner and upon such terms, with or without premium, as is
2 stated on the face thereof, may be authenticated in such manner
3 and may contain such terms and covenants as may be provided by
4 an applicable resolution.

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

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

32 (d) Notwithstanding the form and tenor of any bond, note,
33 or other evidence of indebtedness and in the absence of any
34 express recital on its face that it is non-negotiable, all such

1 bonds, notes, and other evidences of indebtedness shall be
2 negotiable instruments. Pending the preparation and execution
3 of any bonds, notes, or other evidences of indebtedness,
4 temporary bonds, notes, or evidences of indebtedness may be
5 issued as provided by ordinance.

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

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

33 (g) In the event that the Authority determines that moneys
34 of the Authority will not be sufficient for the payment of the

1 principal of and interest on its bonds during the next State
2 fiscal year, the chairman, as soon as practicable, shall
3 certify to the Governor the amount required by the Authority to
4 enable it to pay the principal of and interest on the bonds.
5 The Governor shall submit the certified amount to the General
6 Assembly as soon as practicable, but no later than the end of
7 the current State fiscal year. This Section shall not apply to
8 any bonds or notes to which the Authority determines, in the
9 resolution authorizing the issuance of the bonds or notes, that
10 this Section shall not apply. Whenever the Authority makes this
11 determination, it shall be plainly stated on the face of the
12 bonds or notes and the determination shall also be reported to
13 the Governor. In the event of a withdrawal of moneys from a
14 reserve fund established with respect to any issue or issues of
15 bonds of the Authority to pay principal or interest on those
16 bonds, the chairman of the Authority, as soon as practicable,
17 shall certify to the Governor the amount required to restore
18 the reserve fund to the level required in the resolution or
19 indenture securing those bonds. The Governor shall submit the
20 certified amount to the General Assembly as soon as
21 practicable, but no later than the end of the current State
22 fiscal year. This subsection (g) applies only with respect to
23 bonds issued before the effective date of this amendatory Act
24 of the 94th General Assembly.

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

1 met and discharged. In addition, the State pledges to and
2 agrees with the holders of the bonds and notes of the Authority
3 issued pursuant to this Section that the State will not limit
4 or alter the basis on which State funds are to be paid to the
5 Authority as provided in this Act, or the use of such funds, so
6 as to impair the terms of any such contract. The Authority is
7 authorized to include these pledges and agreements of the State
8 in any contract with the holders of bonds or notes issued
9 pursuant to this Section.

10 (Source: P.A. 93-968, eff. 8-20-04.)

11 (70 ILCS 518/45)

12 Sec. 45. Acquisition.

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

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

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

32 (d) The Authority shall have the power to enter into
33 intergovernmental agreements with the State of Illinois, the

1 counties of Fayette, Cumberland, Clark, Effingham, Jasper,
2 Crawford, Marion, Clay, Richland, Lawrence, Jefferson, Wayne,
3 Edwards, Wabash, Hamilton, and White; Irvington Township in
4 Washington County; , the Illinois Development Finance
5 Authority, the Illinois Housing Development Authority, the
6 Illinois Education Facilities Authority, the Illinois Farm
7 Development Authority, the Rural Bond Bank, the United States
8 government and any agency or instrumentality of the United
9 States, any unit of local government located within the
10 territory of the Authority, or any other unit of government to
11 the extent allowed by Article VII, Section 10 of the Illinois
12 Constitution and the Intergovernmental Cooperation Act.

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

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

21 (Source: P.A. 93-968, eff. 8-20-04.)

22 (70 ILCS 518/50)

23 Sec. 50. Enterprise zones.

24 (a) The Authority may by ordinance designate a portion of
25 the territorial jurisdiction of the Authority for
26 certification as an Enterprise Zone under the Illinois
27 Enterprise Zone Act in addition to any other enterprise zones
28 which may be created under that Act, which area shall have all
29 the privileges and rights of an Enterprise Zone pursuant to the
30 Illinois Enterprise Zone Act, but which shall not be counted in
31 determining the number of Enterprise Zones to be created in any
32 year pursuant to that Act.

33 (b) The Authority may not designate any portion of the

1 territorial jurisdiction of the Authority for certification as
2 an Enterprise Zone on or after the effective date of this
3 amendatory Act of the 94th General Assembly.

4 (Source: P.A. 93-968, eff. 8-20-04.)

5 Section 920. The Southwestern Illinois Development
6 Authority Act is amended by changing Sections 7 and 10 as
7 follows:

8 (70 ILCS 520/7) (from Ch. 85, par. 6157)

9 Sec. 7. (a) The Authority, with the written approval of the
10 Governor, shall have the continuing power to issue bonds,
11 notes, or other evidences of indebtedness for the purpose of
12 developing, constructing, acquiring or improving projects,
13 including without limitation those established by business
14 entities locating or expanding property within the territorial
15 jurisdiction of the Authority, for entering into venture
16 capital agreements with businesses locating or expanding
17 within the territorial jurisdiction of the Authority, for
18 acquiring and improving any property necessary and useful in
19 connection therewith, for the purposes of the Employee
20 Ownership Assistance Act, and any local government projects.
21 With respect to any local government project, the Authority is
22 authorized to purchase from time to time pursuant to negotiated
23 sale or to otherwise acquire from time to time any local
24 government security upon terms and conditions as the Authority
25 may prescribe in connection therewith. For the purpose of
26 evidencing the obligations of the Authority to repay any money
27 borrowed for any project, the Authority may, pursuant to
28 resolution, from time to time issue and dispose of its interest
29 bearing revenue bonds, notes or other evidences of indebtedness
30 and may also from time to time issue and dispose of such bonds,
31 notes or other evidences of indebtedness to refund, at
32 maturity, at a redemption date or in advance of either, any

1 bonds, notes or other evidences of indebtedness pursuant to
2 redemption provisions or at any time before maturity. All such
3 bonds, notes or other evidences of indebtedness shall be
4 payable solely and only from the revenues or income to be
5 derived from loans made with respect to projects, from the
6 leasing or sale of the projects or from any other funds
7 available to the Authority for such purposes. The bonds, notes
8 or other evidences of indebtedness may bear such date or dates,
9 may mature at such time or times not exceeding 40 years from
10 their respective dates, notwithstanding any other law to the
11 contrary may bear interest at such rate or rates payable
12 annually, semi-annually, quarterly or monthly, may be in such
13 form, may carry such registration privileges, may be executed
14 in such manner, may be payable at such place or places, may be
15 made subject to redemption in such manner and upon such terms,
16 with or without premium as is stated on the face thereof, may
17 be authenticated in such manner and may contain such terms and
18 covenants as may be provided by an applicable resolution.

19 (b) (1) The holder or holders of any bonds, notes or other
20 evidences of indebtedness issued by the Authority may bring
21 suits at law or proceedings in equity to compel the
22 performance and observance by any corporation or person or
23 by the Authority or any of its agents or employees of any
24 contract or covenant made with the holders of such bonds,
25 notes or other evidences of indebtedness, to compel such
26 corporation, person, the Authority and any of its agents or
27 employees to perform any duties required to be performed
28 for the benefit of the holders of any such bonds, notes or
29 other evidences of indebtedness by the provision of the
30 resolution authorizing their issuance and to enjoin such
31 corporation, person, the Authority and any of its agents or
32 employees from taking any action in conflict with any such
33 contract or covenant.

34 (2) If the Authority fails to pay the principal of or

1 interest on any of the bonds or premium, if any, as the
2 same become due, a civil action to compel payment may be
3 instituted in the appropriate circuit court by the holder
4 or holders of the bonds on which such default of payment
5 exists or by an indenture trustee acting on behalf of such
6 holders. Delivery of a summons and a copy of the complaint
7 to the Chairman of the Board shall constitute sufficient
8 service to give the circuit court jurisdiction of the
9 subject matter of such a suit and jurisdiction over the
10 Authority and its officers named as defendants for the
11 purpose of compelling such payment. Any case, controversy
12 or cause of action concerning the validity of this Act
13 relates to the revenue of the State of Illinois.

14 (c) Notwithstanding the form and tenor of any such bonds,
15 notes or other evidences of indebtedness and in the absence of
16 any express recital on the face thereof that it is
17 non-negotiable, all such bonds, notes and other evidences of
18 indebtedness shall be negotiable instruments. Pending the
19 preparation and execution of any such bonds, notes or other
20 evidences of indebtedness, temporary bonds, notes or evidences
21 of indebtedness may be issued as provided by ordinance.

22 (d) To secure the payment of any or all of such bonds,
23 notes or other evidences of indebtedness, the revenues to be
24 received by the Authority from a lease agreement or loan
25 agreement shall be pledged, and, for the purpose of setting
26 forth the covenants and undertakings of the Authority in
27 connection with the issuance thereof and the issuance of any
28 additional bonds, notes or other evidences of indebtedness
29 payable from such revenues, income or other funds to be derived
30 from projects, the Authority may execute and deliver a mortgage
31 or trust agreement. A remedy for any breach or default of the
32 terms of any such mortgage or trust agreement by the Authority
33 may be by mandamus proceedings in the appropriate circuit court
34 to compel the performance and compliance therewith, but the

1 trust agreement may prescribe by whom or on whose behalf such
2 action may be instituted.

3 (e) Such bonds or notes shall be secured as provided in the
4 authorizing ordinance which may, notwithstanding any other
5 provision of this Act, include in addition to any other
6 security a specific pledge or assignment of and lien on or
7 security interest in any or all revenues or money of the
8 Authority from whatever source which may by law be used for
9 debt service purposes and a specific pledge or assignment of
10 and lien on or security interest in any funds or accounts
11 established or provided for by ordinance of the Authority
12 authorizing the issuance of such bonds or notes and, with
13 respect to any local government project, may include without
14 limitation a pledge of any local government securities,
15 including any payments thereon.

16 (f) In the event that the Authority determines that monies
17 of the Authority will not be sufficient for the payment of the
18 principal of and interest on its bonds during the next State
19 fiscal year, the Chairman, as soon as practicable, shall
20 certify to the Governor the amount required by the Authority to
21 enable it to pay such principal of and interest on the bonds.
22 The Governor shall submit the amount so certified to the
23 General Assembly as soon as practicable, but no later than the
24 end of the current State fiscal year. This subsection shall not
25 apply to any bonds or notes as to which the Authority shall
26 have determined, in the resolution authorizing the issuance of
27 the bonds or notes, that this subsection shall not apply.
28 Whenever the Authority makes such a determination, that fact
29 shall be plainly stated on the face of the bonds or notes, and
30 that fact shall also be reported to the Governor.

31 In the event of a withdrawal of moneys from a reserve fund
32 established with respect to any issue or issues of bonds of the
33 Authority to pay principal or interest on those bonds, the
34 Chairman of the Authority, as soon as practicable, shall

1 certify to the Governor the amount required to restore the
2 reserve fund to the level required in the resolution or
3 indenture securing those bonds. The Governor shall submit the
4 amount so certified to the General Assembly as soon as
5 practicable, but no later than the end of the current State
6 fiscal year.

7 This subsection (f) applies only with respect to bonds
8 issued before January 1, 2006.

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

28 (h) At no time shall the total outstanding bonds and notes
29 of the Authority exceed \$450,000,000.

30 (Source: P.A. 86-1455; 87-778.)

31 (70 ILCS 520/10) (from Ch. 85, par. 6160)

32 Sec. 10. Enterprise Zone.

33 (a) The Authority may by ordinance designate a portion of

1 the territorial jurisdiction of the Authority for
2 certification as an Enterprise Zone under the Illinois
3 Enterprise Zone Act in addition to any other enterprise zones
4 which may be created under that Act, which area shall have all
5 the privileges and rights of an Enterprise Zone pursuant to the
6 Illinois Enterprise Zone Act, but which shall not be counted in
7 determining the number of Enterprise Zones to be created in any
8 year pursuant to that Act.

9 (b) Prior to January 1, 1999, the Authority may by
10 ordinance designate a portion of the territorial jurisdiction
11 of the Authority located in the southeastern portion of
12 Chouteau Township and the southwestern portion of Edwardsville
13 Township along FAR 310 for certification as an Enterprise Zone
14 under 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 under the Illinois Enterprise Zone Act, but which shall
18 not be counted in determining the number of Enterprise Zones to
19 be created in any year pursuant to that Act.

20 (c) Prior to January 1, 2000 the Authority may by ordinance
21 designate a portion of the territorial jurisdiction of the
22 Authority located in the townships of O'Fallon, Lebanon,
23 Mascoutah, and Shiloh Valley of the county of St. Clair for
24 certification as an Enterprise Zone under the Illinois
25 Enterprise Zone Act in addition to any other Enterprise Zones
26 which may be created under that Act. The area shall have all
27 the privileges and rights of an Enterprise Zone under the
28 Illinois Enterprise Zone Act but shall not be counted in
29 determining the number of Enterprise Zones to be created in any
30 year under that Act.

31 (d) The Authority may not designate any portion of the
32 territorial jurisdiction of the Authority for certification as
33 an Enterprise Zone on or after the effective date of this
34 amendatory Act of the 94th General Assembly.

1 (Source: P.A. 90-5, eff. 3-19-97; 91-567, eff. 8-14-99.)

2 Section 925. The Tri-County River Valley Development
3 Authority Law is amended by changing Section 2007 as follows:

4 (70 ILCS 525/2007) (from Ch. 85, par. 7507)

5 Sec. 2007. Bonds.

6 (a) The Authority, with the written approval of the
7 Governor, shall have the continuing power to issue bonds,
8 notes, or other evidences of indebtedness in an aggregate
9 amount not to exceed \$100,000,000 for the purpose of
10 developing, constructing, acquiring or improving projects,
11 including those established by business entities locating or
12 expanding property within the territorial jurisdiction of the
13 Authority, for entering into venture capital agreements with
14 businesses locating or expanding within the territorial
15 jurisdiction of the Authority, for acquiring and improving any
16 property necessary and useful in connection therewith and for
17 the purposes of the Employee Ownership Assistance Act. For the
18 purpose of evidencing the obligations of the Authority to repay
19 any money borrowed, the Authority may, pursuant to resolution,
20 from time to time issue and dispose of its interest bearing
21 revenue bonds, notes or other evidences of indebtedness and may
22 also from time to time issue and dispose of such bonds, notes
23 or other evidences of indebtedness to refund, at maturity, at a
24 redemption date or in advance of either, any bonds, notes or
25 other evidences of indebtedness pursuant to redemption
26 provisions or at any time before maturity. All such bonds,
27 notes or other evidences of indebtedness shall be payable from
28 the revenues or income to be derived from loans made with
29 respect to projects, from the leasing or sale of the projects
30 or from any other funds available to the Authority for such
31 purposes. The bonds, notes or other evidences of indebtedness
32 may bear such date or dates, may mature at such time or times

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

10 (b-1) The holder or holders of any bonds, notes or other
11 evidences of indebtedness issued by the Authority may bring
12 suits at law or proceedings in equity to compel the performance
13 and observance by any corporation or person or by the Authority
14 or any of its agents or employees of any contract or covenant
15 made with the holders of such bonds, notes or other evidences
16 of indebtedness, to compel such corporation, person, the
17 Authority and any of its agents or employees to perform any
18 duties required to be performed for the benefit of the holders
19 of any such bonds, notes or other evidences of indebtedness by
20 the provision of the resolution authorizing their issuance and
21 to enjoin such corporation, person, the Authority and any of
22 its agents or employees from taking any action in conflict with
23 any such contract or covenant.

24 (b-2) If the Authority fails to pay the principal of or
25 interest on any of the bonds or premium, if any, as the same
26 become due, a civil action to compel payment may be instituted
27 in the appropriate circuit court by the holder or holders of
28 the bonds on which such default of payment exists or by an
29 indenture trustee acting on behalf of such 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 of the subject matter of such a suit and
33 jurisdiction over the Authority and its officers named as
34 defendants for the purpose of compelling such payment. Any

1 case, controversy or cause of action concerning the validity of
2 this Article relates to the revenue of the State of Illinois.

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

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

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

1 authorizing the issuance of such bonds or notes.

2 (f) In the event that the Authority determines that monies
3 of the Authority will not be sufficient for the payment of the
4 principal of and interest on its bonds during the next State
5 fiscal year, the Chairman, as soon as practicable, shall
6 certify to the Governor the amount required by the Authority to
7 enable it to pay such principal of and interest on the bonds.
8 The Governor shall submit the amount so certified to the
9 General Assembly as soon as practicable, but no later than the
10 end of the current State fiscal year. This subsection shall not
11 apply to any bonds or notes as to which the Authority shall
12 have determined, in the resolution authorizing the issuance of
13 the bonds or notes, that this subsection shall not apply.
14 Whenever the Authority makes such a determination, that fact
15 shall be plainly stated on the face of the bonds or notes and
16 that fact shall also be reported to the Governor.

17 In the event of a withdrawal of moneys from a reserve fund
18 established with respect to any issue or issues of bonds of the
19 Authority to pay principal or interest on those bonds, the
20 Chairman of the Authority, as soon as practicable, shall
21 certify to the Governor the amount required to restore the
22 reserve fund to the level required in the resolution or
23 indenture securing those bonds. The Governor shall submit the
24 amount so certified to the General Assembly as soon as
25 practicable, but no later than the end of the current state
26 fiscal year.

27 This subsection (f) applies only with respect to bonds
28 issued before the effective date of this amendatory Act of the
29 94th General Assembly.

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

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

15 (h) Not less than 30 days prior to the commitment to issue
16 bonds, notes, or other evidences of indebtedness for the
17 purpose of developing, constructing, acquiring or improving
18 housing or residential projects, as defined in Section 2003,
19 the Authority shall provide notice to the Executive Director of
20 the Illinois Housing Development Authority. Within 30 days
21 after receipt of the notice, the Illinois Housing Development
22 Authority shall notify the Authority as to its interest in
23 financing the project. If the Illinois Housing Development
24 Authority notifies the Authority that it is not interested in
25 financing the project, the Authority may finance the project or
26 seek alternative financing for the project.

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

28 Section 930. The Upper Illinois River Valley Development
29 Authority Act is amended by changing Sections 7 and 10 as
30 follows:

31 (70 ILCS 530/7) (from Ch. 85, par. 7157)

32 Sec. 7. Bonds.

1 (a) The Authority, with the written approval of the
2 Governor, shall have the continuing power to issue bonds,
3 notes, or other evidences of indebtedness in an aggregate
4 amount not to exceed \$250,000,000 for the purpose of
5 developing, constructing, acquiring or improving projects,
6 including those established by business entities locating or
7 expanding property within the territorial jurisdiction of the
8 Authority, for entering into venture capital agreements with
9 businesses locating or expanding within the territorial
10 jurisdiction of the Authority, for acquiring and improving any
11 property necessary and useful in connection therewith and for
12 the purposes of the Employee Ownership Assistance Act. For the
13 purpose of evidencing the obligations of the Authority to repay
14 any money borrowed, the Authority may, pursuant to resolution,
15 from time to time issue and dispose of its interest bearing
16 revenue bonds, notes or other evidences of indebtedness and may
17 also from time to time issue and dispose of such bonds, notes
18 or other evidences of indebtedness to refund, at maturity, at a
19 redemption date or in advance of either, any bonds, notes or
20 other evidences of indebtedness pursuant to redemption
21 provisions or at any time before maturity. All such bonds,
22 notes or other evidences of indebtedness shall be payable
23 solely and only from the revenues or income to be derived from
24 loans made with respect to projects, from the leasing or sale
25 of the projects or from any other funds available to the
26 Authority for such purposes. The bonds, notes or other
27 evidences of indebtedness may bear such date or dates, may
28 mature at such time or times not exceeding 40 years from their
29 respective dates, may bear interest at such rate or rates not
30 exceeding the maximum rate permitted by "An Act to authorize
31 public corporations to issue bonds, other evidences of
32 indebtedness and tax anticipation warrants subject to interest
33 rate limitations set forth therein", approved May 26, 1970, as
34 amended, may be in such form, may carry such registration

1 privileges, may be executed in such manner, may be payable at
2 such place or places, may be made subject to redemption in such
3 manner and upon such terms, with or without premium as is
4 stated on the face thereof, may be authenticated in such manner
5 and may contain such terms and covenants as may be provided by
6 an applicable resolution.

7 (b-1) The holder or holders of any bonds, notes or other
8 evidences of indebtedness issued by the Authority may bring
9 suits at law or proceedings in equity to compel the performance
10 and observance by any corporation or person or by the Authority
11 or any of its agents or employees of any contract or covenant
12 made with the holders of such bonds, notes or other evidences
13 of indebtedness, to compel such corporation, person, the
14 Authority and any of its agents or employees to perform any
15 duties required to be performed for the benefit of the holders
16 of any such bonds, notes or other evidences of indebtedness by
17 the provision of the resolution authorizing their issuance and
18 to enjoin such corporation, person, the Authority and any of
19 its agents or employees from taking any action in conflict with
20 any such contract or covenant.

21 (b-2) If the Authority fails to pay the principal of or
22 interest on any of the bonds or premium, if any, as the same
23 become due, a civil action to compel payment may be instituted
24 in the appropriate circuit court by the holder or holders of
25 the bonds on which such default of payment exists or by an
26 indenture trustee acting on behalf of such holders. Delivery of
27 a summons and a copy of the complaint to the Chairman of the
28 Board shall constitute sufficient service to give the circuit
29 court jurisdiction of the subject matter of such a suit and
30 jurisdiction over the Authority and its officers named as
31 defendants for the purpose of compelling such payment. Any
32 case, controversy or cause of action concerning the validity of
33 this Act relates to the revenue of the State of Illinois.

34 (c) Notwithstanding the form and tenor of any such bonds,

1 notes or other evidences of indebtedness and in the absence of
2 any express recital on the face thereof that it is
3 non-negotiable, all such bonds, notes and other evidences of
4 indebtedness shall be negotiable instruments. Pending the
5 preparation and execution of any such bonds, notes or other
6 evidences of indebtedness, temporary bonds, notes or evidences
7 of indebtedness may be issued as provided by ordinance.

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

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

33 (f) In the event that the Authority determines that monies
34 of the Authority will not be sufficient for the payment of the

1 principal of and interest on its bonds during the next State
2 fiscal year, the Chairman, as soon as practicable, shall
3 certify to the Governor the amount required by the Authority to
4 enable it to pay such principal of and interest on the bonds.
5 The Governor shall submit the amount so certified to the
6 General Assembly as soon as practicable, but no later than the
7 end of the current State fiscal year. This Section shall not
8 apply to any bonds or notes as to which the Authority shall
9 have determined, in the resolution authorizing the issuance of
10 the bonds or notes, that this Section shall not apply. Whenever
11 the Authority makes such a determination, that fact shall be
12 plainly stated on the face of the bonds or notes and that fact
13 shall also be reported to the Governor.

14 In the event of a withdrawal of moneys from a reserve fund
15 established with respect to any issue or issues of bonds of the
16 Authority to pay principal or interest on those bonds, the
17 Chairman of the Authority, as soon as practicable, shall
18 certify to the Governor the amount required to restore the
19 reserve fund to the level required in the resolution or
20 indenture securing those bonds. The Governor shall submit the
21 amount so certified to the General Assembly as soon as
22 practicable, but no later than the end of the current State
23 fiscal year.

24 This subsection (f) applies only with respect to bonds
25 issued before January 1, 2006.

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

1 proceedings by or on behalf of such holders, are fully met and
2 discharged. In addition, the State pledges to and agrees with
3 the holders of the bonds and notes of the Authority issued
4 pursuant to this Section that the State will not limit or alter
5 the basis on which State funds are to be paid to the Authority
6 as provided in this Act, or the use of such funds, so as to
7 impair the terms of any such contract. The Authority is
8 authorized to include these pledges and agreements of the State
9 in any contract with the holders of bonds or notes issued
10 pursuant to this Section.

11 (h) Not less than 30 days prior to the commitment to issue
12 bonds, notes, or other evidences of indebtedness for the
13 purpose of developing, constructing, acquiring or improving
14 housing or residential projects, as defined in Section 3, the
15 Authority shall provide notice to the Executive Director of the
16 Illinois Housing Development Authority. Within 30 days after
17 notice is provided, the Illinois Housing Development Authority
18 shall either in writing express interest in financing the
19 project or notify the Authority that it is not interested in
20 providing such financing and the Authority may finance the
21 project or seek alternative financing.

22 (Source: P.A. 91-905, eff. 7-7-00.)

23 (70 ILCS 530/10) (from Ch. 85, par. 7160)

24 Sec. 10. Enterprise zones.

25 (a) The Authority may by ordinance designate a portion of
26 the territorial jurisdiction of the Authority for
27 certification as an Enterprise Zone under the Illinois
28 Enterprise Zone Act in addition to any other enterprise zones
29 which may be created under that Act, which area shall have all
30 the privileges and rights of an Enterprise Zone pursuant to the
31 Illinois Enterprise Zone Act, but which shall not be counted in
32 determining the number of Enterprise Zones to be created in any
33 year pursuant to that Act.

1 (b) The Authority may not designate any portion of the
2 territorial jurisdiction of the Authority for certification as
3 an Enterprise Zone on or after the effective date of this
4 amendatory Act of the 94th General Assembly.

5 (Source: P.A. 86-1024.)

6 Section 935. The Western Illinois Economic Development
7 Authority Act is amended by changing Sections 40 and 55 as
8 follows:

9 (70 ILCS 532/40)

10 Sec. 40. Bonds.

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

1 notes, or other evidences of indebtedness shall be payable
2 solely and only from the revenues or income to be derived from
3 loans made with respect to projects, from the leasing or sale
4 of the projects, or from any other funds available to the
5 Authority for such purposes. The bonds, notes, or other
6 evidences of indebtedness may bear such date or dates, may
7 mature at such time or times not exceeding 40 years from their
8 respective dates, may bear interest at such rate or rates not
9 exceeding the maximum rate permitted by the Bond Authorization
10 Act, may be in such form, may carry such registration
11 privileges, may be executed in such manner, may be payable at
12 such place or places, may be made subject to redemption in such
13 manner and upon such terms, with or without premium, as is
14 stated on the face thereof, may be authenticated in such manner
15 and may contain such terms and covenants as may be provided by
16 an applicable resolution.

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

31 (c) If the Authority fails to pay the principal of or
32 interest on any of the bonds or premium, if any, as the bond
33 becomes due, a civil action to compel payment may be instituted
34 in the appropriate circuit court by the holder or holders of

1 the bonds on which the default of payment exists or by an
2 indenture trustee acting on behalf of the holders. Delivery of
3 a summons and a copy of the complaint to the chairman of the
4 Board shall constitute sufficient service to give the circuit
5 court jurisdiction over the subject matter of the suit and
6 jurisdiction over the Authority and its officers named as
7 defendants for the purpose of compelling such payment. Any
8 case, controversy, or cause of action concerning the validity
9 of this Act relates to the revenue of the State of Illinois.

10 (d) Notwithstanding the form and tenor of any bond, note,
11 or other evidence of indebtedness and in the absence of any
12 express recital on its face that it is non-negotiable, all such
13 bonds, notes, and other evidences of indebtedness shall be
14 negotiable instruments. Pending the preparation and execution
15 of any bonds, notes, or other evidences of indebtedness,
16 temporary bonds, notes, or evidences of indebtedness may be
17 issued as provided by ordinance.

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

1 (f) Bonds or notes shall be secured as provided in the
2 authorizing ordinance which may include, notwithstanding any
3 other provision of this Act, in addition to any other security,
4 a specific pledge, assignment of and lien on, or security
5 interest in any or all revenues or money of the Authority, from
6 whatever source, which may, by law, be used for debt service
7 purposes and a specific pledge, or assignment of and lien on,
8 or security interest in any funds or accounts established or
9 provided for by ordinance of the Authority authorizing the
10 issuance of the bonds or notes.

11 (g) In the event that the Authority determines that moneys
12 of the Authority will not be sufficient for the payment of the
13 principal of and interest on its bonds during the next State
14 fiscal year, the chairman, as soon as practicable, shall
15 certify to the Governor the amount required by the Authority to
16 enable it to pay the principal of and interest on the bonds.
17 The Governor shall submit the certified amount to the General
18 Assembly as soon as practicable, but no later than the end of
19 the current State fiscal year. This Section shall not apply to
20 any bonds or notes to which the Authority determines, in the
21 resolution authorizing the issuance of the bonds or notes, that
22 this Section shall not apply. Whenever the Authority makes this
23 determination, it shall be plainly stated on the face of the
24 bonds or notes and the determination shall also be reported to
25 the Governor. In the event of a withdrawal of moneys from a
26 reserve fund established with respect to any issue or issues of
27 bonds of the Authority to pay principal or interest on those
28 bonds, the chairman of the Authority, as soon as practicable,
29 shall certify to the Governor the amount required to restore
30 the reserve fund to the level required in the resolution or
31 indenture securing those bonds. The Governor shall submit the
32 certified amount to the General Assembly as soon as
33 practicable, but no later than the end of the current State
34 fiscal year. This subsection (g) applies only with respect to

1 bonds issued before the effective date of this amendatory Act
2 of the 94th General Assembly.

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

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

33 (Source: P.A. 93-874, eff. 8-6-04.)

1 (70 ILCS 532/55)

2 Sec. 55. Enterprise zones.

3 (a) The Authority may by ordinance designate a portion of
4 the territorial jurisdiction of the Authority for
5 certification as an Enterprise Zone under the Illinois
6 Enterprise Zone Act in addition to any other enterprise zones
7 which may be created under that Act, which area shall have all
8 the privileges and rights of an Enterprise Zone pursuant to the
9 Illinois Enterprise Zone Act, but which shall not be counted in
10 determining the number of Enterprise Zones to be created in any
11 year pursuant to that Act.

12 (d) The Authority may not designate any portion of the
13 territorial jurisdiction of the Authority for certification as
14 an Enterprise Zone on or after January 1, 2006.

15 (Source: P.A. 93-874, eff. 8-6-04.)

16 Section 940. The Will-Kankakee Regional Development
17 Authority Law is amended by changing Section 7 as follows:

18 (70 ILCS 535/7) (from Ch. 85, par. 7457)

19 Sec. 7. Bonds.

20 (a) The Authority, with the written approval of the
21 Governor, shall have the continuing power to issue bonds,
22 notes, or other evidences of indebtedness in an aggregate
23 amount not to exceed \$100,000,000 for the purpose of
24 developing, constructing, acquiring or improving projects,
25 including those established by business entities locating or
26 expanding property within the territorial jurisdiction of the
27 Authority, for entering into venture capital agreements with
28 businesses locating or expanding within the territorial
29 jurisdiction of the Authority, for acquiring and improving any
30 property necessary and useful in connection therewith and for
31 the purposes of the Employee Ownership Assistance Act. For the
32 purpose of evidencing the obligations of the Authority to repay

1 any money borrowed, the Authority may, pursuant to resolution,
2 from time to time issue and dispose of its interest bearing
3 revenue bonds, notes or other evidences of indebtedness and may
4 also from time to time issue and dispose of such bonds, notes
5 or other evidences of indebtedness to refund, at maturity, at a
6 redemption date or in advance of either, any bonds, notes or
7 other evidences of indebtedness pursuant to redemption
8 provisions or at any time before maturity. All such bonds,
9 notes or other evidences of indebtedness shall be payable from
10 the revenues or income to be derived from loans made with
11 respect to projects, from the leasing or sale of the projects
12 or from any other funds available to the Authority for such
13 purposes. The bonds, notes or other evidences of indebtedness
14 may bear such date or dates, may mature at such time or times
15 not exceeding 40 years from their respective dates, may bear
16 interest at such rate or rates not exceeding the maximum rate
17 permitted by the Bond Authorization Act, may be in such form,
18 may carry such registration privileges, may be executed in such
19 manner, may be payable at such place or places, may be made
20 subject to redemption in such manner and upon such terms, with
21 or without premium as is stated on the face thereof, may be
22 authenticated in such manner and may contain such terms and
23 covenants as may be provided by an applicable resolution.

24 (b-1) The holder or holders of any bonds, notes or other
25 evidences of indebtedness issued by the Authority may bring
26 suits at law or proceedings in equity to compel the performance
27 and observance by any corporation or person or by the Authority
28 or any of its agents or employees of any contract or covenant
29 made with the holders of such bonds, notes or other evidences
30 of indebtedness, to compel such corporation, person, the
31 Authority and any of its agents or employees to perform any
32 duties required to be performed for the benefit of the holders
33 of any such bonds, notes or other evidences of indebtedness by
34 the provision of the resolution authorizing their issuance and

1 to enjoin such corporation, person, the Authority and any of
2 its agents or employees from taking any action in conflict with
3 any such contract or covenant.

4 (b-2) If the Authority fails to pay the principal of or
5 interest on any of the bonds or premium, if any, as the same
6 become due, a civil action to compel payment may be instituted
7 in the appropriate circuit court by the holder or holders of
8 the bonds on which such default of payment exists or by an
9 indenture trustee acting on behalf of such holders. Delivery of
10 a summons and a copy of the complaint to the Chairman of the
11 Board shall constitute sufficient service to give the circuit
12 court jurisdiction of the subject matter of such a suit and
13 jurisdiction over the Authority and its officers named as
14 defendants for the purpose of compelling such payment. Any
15 case, controversy or cause of action concerning the validity of
16 this Act relates to the revenue of the State of Illinois.

17 (c) Notwithstanding the form and tenor of any such bonds,
18 notes or other evidences of indebtedness and in the absence of
19 any express recital on the face thereof that it is
20 non-negotiable, all such bonds, notes and other evidences of
21 indebtedness shall be negotiable instruments. Pending the
22 preparation and execution of any such bonds, notes or other
23 evidences of indebtedness, temporary bonds, notes or evidences
24 of indebtedness may be issued as provided by ordinance.

25 (d) To secure the payment of any or all of such bonds,
26 notes or other evidences of indebtedness, the revenues to be
27 received by the Authority from a lease agreement or loan
28 agreement shall be pledged, and, for the purpose of setting
29 forth the covenants and undertakings of the Authority in
30 connection with the issuance thereof and the issuance of any
31 additional bonds, notes or other evidences of indebtedness
32 payable from such revenues, income or other funds to be derived
33 from projects, the Authority may execute and deliver a mortgage
34 or trust agreement. A remedy for any breach or default of the

1 terms of any such mortgage or trust agreement by the Authority
2 may be by mandamus proceedings in the appropriate circuit court
3 to compel the performance and compliance therewith, but the
4 trust agreement may prescribe by whom or on whose behalf such
5 action may be instituted.

6 (e) Such bonds or notes shall be secured as provided in the
7 authorizing ordinance which may, notwithstanding any other
8 provision of this Act, include in addition to any other
9 security a specific pledge or assignment of and lien on or
10 security interest in any or all revenues or money of the
11 Authority from whatever source which may by law be used for
12 debt service purposes and a specific pledge or assignment of
13 and lien on or security interest in any funds or accounts
14 established or provided for by ordinance of the Authority
15 authorizing the issuance of such bonds or notes.

16 (f) In the event that the Authority determines that monies
17 of the Authority will not be sufficient for the payment of the
18 principal of and interest on its bonds during the next State
19 fiscal year, the Chairman, as soon as practicable, shall
20 certify to the Governor the amount required by the Authority to
21 enable it to pay such principal of and interest on the bonds.
22 The Governor shall submit the amount so certified to the
23 General Assembly as soon as practicable, but no later than the
24 end of the current State fiscal year. This subsection shall not
25 apply to any bonds or notes as to which the Authority shall
26 have determined, in the resolution authorizing the issuance of
27 the bonds or notes, that this subsection shall not apply.
28 Whenever the Authority makes such a determination, that fact
29 shall be plainly stated on the face of the bonds or notes and
30 that fact shall also be reported to the Governor.

31 In the event of a withdrawal of moneys from a reserve fund
32 established with respect to any issue or issues of bonds of the
33 Authority to pay principal or interest on those bonds, the
34 Chairman of the Authority, as soon as practicable, shall

1 certify to the Governor the amount required to restore the
2 reserve fund to the level required in the resolution or
3 indenture securing those bonds. The Governor shall submit the
4 amount so certified to the General Assembly as soon as
5 practicable, but no later than the end of the current State
6 fiscal year.

7 This subsection (f) applies only with respect to bonds
8 issued before January 1, 2006.

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

28 (Source: P.A. 86-1481; 87-778.)

29 Section 999. Effective date. This Act takes effect upon
30 becoming law."