

1 AN ACT concerning transportation.

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

4 ARTICLE 1. TITLE AND DEFINITIONS

5 Section 1-1. Short title. This Act may be cited as the
6 South Suburban Airport Authority Act.

7 Section 1-5. Definitions. As used in this Act:

8 "Airport" means a facility for passenger, cargo, or
9 military air service, including, without limitation, landing
10 fields, taxiways, aprons, runways, runway clear areas,
11 hangars, aircraft service facilities, approaches, terminals,
12 inspection facilities, parking, internal transit facilities,
13 fueling facilities, cargo handling facilities, concessions,
14 rapid transit and roadway access, land and interests in land,
15 public waters, submerged land under public waters and reclaimed
16 land located on previously submerged land under public waters,
17 and all other property and appurtenances necessary or useful
18 for development, ownership and operation of any such
19 facilities, all located on the site of the airport. It further
20 includes commercial or industrial facilities located on the
21 site of the airport and related to the functioning of the
22 airport or to providing services to users of the airport.

1 "Airport Boundaries" means the limits of the approved
2 airport property for the current South Suburban Airport as
3 shown on an airport layout plan approved by the Federal
4 Aviation Administration, or any successor agency.

5 "Authority" means the South Suburban Airport Authority
6 created by this Act.

7 "Board" means the Board of Directors of the Authority.

8 "Bonds" means any obligations of the Authority with respect
9 to borrowed money, including, without limitation, bonds,
10 notes, certificates of participation, lines of credit, leases,
11 and installment or conditional purchase agreements.

12 "Department" means the Illinois Department of
13 Transportation.

14 "Executive Director" means the Board-appointed chief
15 executive officer of the Authority.

16 "Governmental entity" means any political subdivision,
17 school district, municipal corporation, unit of local
18 government, or airport authority.

19 "South Suburban Airport" means the airport to be developed
20 on a site located in Will County and approved by the Federal
21 Aviation Administration in the Record of Decision for Tier 1:
22 FAA Site Approval And Land Acquisition By The State Of
23 Illinois, Proposed South Suburban Airport, Will County,
24 Illinois, dated July 2002. The airport location is reflected in
25 Figure R-3 of the Record of Decision, and includes all of the
26 land lying within the ultimate acquisition boundary depicted in

1 Figure R-3. The ultimate airport boundaries shall be modified
2 to reflect the ultimate airport boundaries in an airport layout
3 plan approved by the Federal Aviation Administration, or any
4 successor agency, and as reflected later in any approved
5 airport layout plan.

6 ARTICLE 2. PURPOSE AND FINDINGS

7 Section 2-5. Purpose. The purpose of this Act is to create
8 the Authority as an Illinois political subdivision, municipal
9 corporation, and unit of local government with the powers set
10 forth in this Act, including power to take all needed steps for
11 the ownership, planning, acquisition, design, construction,
12 development, and operation of the South Suburban Airport.

13 Section 2-10. Findings. It is found and declared by the
14 General Assembly as follows:

15 (1) Providing facilities for air travel to and from the
16 South Suburban Airport is essential for the health and
17 welfare of the people of the State of Illinois and economic
18 development of the State of Illinois.

19 (2) Airport development has significant regional
20 impacts with regard to economic development, public
21 infrastructure requirements, traffic, noise, and other
22 concerns.

23 (3) To provide for the health and welfare of the people

1 and economy of the South Suburban Airport Area and the
2 State, it is necessary that there be regional control by
3 the Authority of the ownership, planning, acquisition,
4 design, construction, development, and operation of the
5 South Suburban Airport.

6 Section 2-15. Exclusive exercise of State power. To the
7 extent this Act grants the Authority power to plan, coordinate
8 development of, make improvements to, zone for airport
9 operation, safety, efficiency, and compatibility, control and
10 operate the South Suburban Airport, it constitutes an exclusive
11 exercise of those powers on behalf of the State in accordance
12 with subsection (h) of Section 6 of Article VII of the Illinois
13 Constitution and accordingly is a limitation on the powers of
14 home rule units to regulate or supervise planning,
15 construction, development, zoning for airport compatibility or
16 operation of the South Suburban Airport.

17 ARTICLE 3. ESTABLISHMENT

18 Section 3-5. Creation of the Authority. There is created
19 the South Suburban Airport Authority, which shall be an
20 Illinois political subdivision, municipal corporation, and
21 unit of local government.

22 ARTICLE 4. GOVERNANCE

1 Section 4-5. Board of Directors.

2 (a) The governing body of the Authority shall be a Board of
3 Directors. The Board of Directors shall have 7 directors
4 appointed as follows:

5 (1) Four directors shall be appointed by the Will
6 County Executive, with the advice and consent of the Will
7 County Board; one of these 4 directors shall be a resident
8 of the 6 township eastern Will County area consisting of
9 the townships of Crete, Green Garden, Monee, Peotone,
10 Washington and Will;

11 (2) one director shall be appointed collectively by the
12 municipalities of Beecher, Crete, Monee, Peotone and
13 University Park; the selection procedure for this director
14 shall be as follows: the village president of each
15 municipality, with the advice and consent of the
16 municipality's board of trustees, shall submit one
17 candidate for consideration within 30 days after the
18 effective date of this Act, and thereafter within 30 days
19 of any vacancy or expiration of the term of the board
20 member selected pursuant to this subsection; the
21 municipalities may, by intergovernmental agreement,
22 establish an open interview or other public hearing process
23 to review the candidates; the Board of each such
24 municipality shall vote, within 30 days of receipt of
25 candidate nominations, for one candidate; candidates

1 receiving the highest vote total shall be appointed to the
2 Board; in the event of a tie vote among the candidates
3 receiving the two highest vote totals, within 15 days of
4 receiving notice of the tie vote, the village presidents of
5 each municipality shall cast a vote for a single candidate
6 to break the tie; the failure of a municipality's village
7 president or board to act within any of the time frames set
8 forth in this subsection shall forfeit that municipality's
9 right to participate further in the selection and
10 appointment process for the Authority's board position
11 then under consideration;

12 (3) one director shall be appointed by the Governor
13 upon the recommendation of the Cook County Township
14 Supervisors whose townships border Will County; the
15 director must reside in one of the Cook County Townships
16 that border Will County;

17 (4) one director shall be appointed by the Chairman of
18 the Kankakee County Board, with the advice and consent of
19 the Kankakee County Board.

20 (b) One of the directors appointed by the Will County
21 Executive, with the advice and consent of the Will County
22 Board, shall be designated and serve as the Board Chair.

23 (c) Each appointment shall be certified by the appointing
24 officer to the Secretary of State of Illinois and the Secretary
25 of the Authority.

26 (d) The appointing officers shall make their initial

1 appointments within 60 days after the effective date of this
2 Act. The failure of any appointment to be so made shall not
3 affect the establishment of the Authority or the exercise of
4 its powers.

5 Section 4-10. Terms, vacancies, and removal.

6 (a) Of the initial 7 directors who may be appointed
7 pursuant to this Act, one appointed by the Will County
8 Executive shall serve for a term expiring July 1, 2009; one
9 appointed by the Chairman of the Kankakee County Board and one
10 appointed by the Will County Executive shall serve for terms
11 expiring July 1, 2010; one appointed by the municipalities
12 pursuant to item (2) of subsection (a) of Section 4-5 of this
13 Act and one appointed by the Will County Executive shall serve
14 terms expiring July 1, 2011; one appointed by the Governor
15 shall serve for a term expiring on July 1, 2012; and the Chair
16 shall serve for a term expiring July 1, 2013. All subsequent
17 terms thereafter shall be 6 years.

18 (b) Directors shall hold office until their respective
19 successors have been appointed. Directors may be reappointed
20 and may serve consecutive terms.

21 (c) A vacancy shall occur upon resignation, death, or
22 disqualification under the law of the State of Illinois or upon
23 removal by the appointing official, as provided in subsection
24 (f) of this Section.

25 (d) A director who no longer meets the residency

1 requirements of Section 4-5(a)(1) or (3) shall be disqualified
2 and a vacancy shall exist until a new director is appointed.

3 (e) In the event of a vacancy, the appointing officer who
4 appointed the director whose position is vacant shall make an
5 appointment to fill the vacancy to serve the remainder of the
6 unexpired term in the same manner as provided for appointment
7 of directors.

8 (f) Any director may be removed from office by the official
9 or successor who appointed that director for incompetence,
10 neglect of duty, or malfeasance in office on the part of the
11 director to be removed.

12 Section 4-15. Meetings; quorum.

13 (a) As soon as practical after the effective date of this
14 Act, the Board shall organize for the transaction of business.
15 The Board may organize and conduct business when a majority of
16 its members have been appointed. The Board shall prescribe the
17 time and place for meetings, the place of the principal office
18 of the Authority (which shall be in Will County), the manner in
19 which special meetings may be called, the notice that must be
20 given to directors, and the notice that must be given to the
21 public of meetings of the Board. The Board shall prescribe
22 bylaws and an official seal of the Authority. A majority of the
23 total number of directors holding office at any time shall
24 constitute a quorum for the transaction of business.

25 (b) All substantive action of the Board shall be by

1 resolution. The concurrence of a majority of the total number
2 of directors then holding office shall be necessary for the
3 adoption of any resolution. No action shall be taken unless at
4 least a majority of directors have been appointed and are
5 holding office.

6 Section 4-20. Compensation. The annual compensation for
7 directors shall be established by resolution of the Board at an
8 amount not to exceed \$10,000 per annum. The \$10,000 threshold
9 shall be revised each July 1 for inflation or deflation using
10 the percentage change of the value of the Consumer Price Index
11 for All Urban Consumers as determined by the United States
12 Department of Labor in the latest known month compared to the
13 same value in the previous year. The directors also shall be
14 compensated for all actual expenses incurred in the performance
15 of official duties.

16 Section 4-25. Chair and other officers. The Chair shall
17 preside at meetings of the Board and shall be entitled to vote
18 on all matters. The Board shall select a Vice-Chair (who shall
19 preside in the Chair's absence), Secretary, and Treasurer and
20 may provide for other officers of the Authority with such
21 duties as it shall from time to time determine. The Secretary,
22 Treasurer, and other officers of the Authority may, but need
23 not, be directors.

1 Section 4-30. Executive Director. The officers of the
2 Authority shall include an Executive Director, who shall be the
3 chief executive officer of the Authority, and who shall be
4 appointed by the Board. The Executive Director must have and
5 maintain the designation as an Accredited Airport Executive as
6 defined by the American Association of Airport Executives. The
7 Executive Director, consistent with the policies and direction
8 of the Board, (i) shall be responsible for the management of
9 the properties, business, and employees of the Authority, (ii)
10 shall direct the enforcement of all resolutions, rules, and
11 regulation of the Board, and (iii) shall perform such other
12 duties as may be prescribed from time to time by the Board. The
13 Board shall provide for the appointment of, and may enter into
14 contracts for services by, such attorneys, engineers,
15 consultants, agents, and employees as it may deem necessary or
16 desirable, and may require bonds of any of them. The Board
17 shall adopt rules and procedures governing the Authority's
18 employment, evaluation, promotion, and discharge of employees.
19 Subject to those rules and procedures and consistent with the
20 policies and directions of the Board, the Executive Director
21 shall select and appoint and may discharge employees of the
22 Authority, or may supervise such selection, appointment or
23 discharge. The Executive Director shall not be a member of the
24 Board. All officers (other than officers who are members of the
25 Board) and all employees of the Authority shall report and be
26 subordinate to the Executive Director. The compensation of the

1 Executive Director and all other officers, attorneys,
2 engineers, consultants, agents, and employees shall be
3 established by the Board.

4 Section 4-35. Conflict of interest.

5 (a) No director shall be an elected official, officer or
6 employee of federal, State, county, municipal or other local
7 unit of government.

8 (b) It is unlawful for (i) any person appointed to or
9 employed in any of the offices or agencies of Will, Cook, or
10 Kankakee County, or the municipality of Beecher, Crete, Monee,
11 Peotone, or University Park, who receives compensation for such
12 employment in excess of the salary of the Will County
13 Executive, (ii) a director or any person holding an elective
14 office in Will, Cook, or Kankakee County or in the municipality
15 of Beecher, Crete, Monee, Peotone, or University Park, or
16 holding a seat on the board of Will, Cook, or Kankakee County
17 or the municipality of Beecher, Crete, Monee, Peotone, or
18 University Park, or (iii) a person who is the spouse or minor
19 child of any person referenced in item (i) or (ii) of this
20 subsection to have or acquire any contract, or any direct
21 pecuniary interest in any contract therein, whether for
22 stationery, printing, paper, or any services, materials, or
23 supplies, that will be wholly or partially satisfied by the
24 payment of funds by the Authority.

25 (c) It is unlawful for any firm, partnership, association,

1 or corporation, in which any person listed in subsection (b) is
2 entitled to receive (i) more than 7 1/2% of the total
3 distributable income or (ii) an amount in excess of two times
4 the salary of the Will County Executive, to have or acquire any
5 such contract or direct pecuniary interest therein.

6 (d) It is unlawful for any firm, partnership, association,
7 or corporation, in which any person listed in subsection (b)
8 together with his or her spouse or minor children is entitled
9 to receive (i) more than 15%, in the aggregate, of the total
10 distributable income or (ii) an amount in excess of 4 times the
11 salary of the Will County Executive, to have or acquire any
12 such contract or direct pecuniary interest therein.

13 (e) This Section does not affect the validity of any
14 contract that was in existence before the election or
15 employment as an officer, member, or employee of the person
16 listed in subsection (b). The contract is voidable, however, if
17 it cannot be completed within 365 days after the officer,
18 member, or employee takes office or is employed.

19 (f) The following are exceptions to the otherwise
20 applicable prohibitions of this Section:

21 (1) This Section does not apply to a contract for
22 personal services of a wholly ministerial character,
23 including but not limited to services as a laborer, clerk,
24 typist, stenographer, page, bookkeeper, receptionist, or
25 telephone switchboard operator, made by a spouse or minor
26 child of the person listed in subsection (b).

1 (2) Contracts with licensed professionals, provided
2 they are competitively bid or part of a reimbursement
3 program for specific, customary goods and services
4 associated with the provision of human services, such as
5 financial or medical assistance for elderly or low income
6 individuals.

7 (g) With respect to any direct or indirect interest, other
8 than an interest prohibited in subsection (b), (c) or (d) of
9 this Section held by a director or officer of the Authority or
10 the spouse or minor child of a director or officer, in a
11 contract or the performance of work upon which the director or
12 officer of the Authority may, apart from subsections (b), (c)
13 and (d), be called upon to act or vote, a director or officer
14 of the Authority shall disclose the interest to the Secretary
15 of the Authority prior to the taking of final action by the
16 Authority concerning the contract or work and shall so disclose
17 the nature and extent of the interest and the acquisition of
18 it. The disclosure shall be publicly acknowledged by the
19 Authority and entered upon the minutes of the Authority. If a
20 director or officer or his or her spouse or minor child holds
21 such an interest, then the director or officer shall refrain
22 from any further involvement in regard to such contract or
23 work, from voting on any matter pertaining to the contract or
24 work, and from communicating with other directors or officers
25 of the Authority concerning the contract or work.
26 Notwithstanding any other provision of law, any contract or

1 work entered into in conformity with this subsection (g) shall
2 not be void or invalid by reason of the interest described in
3 this subsection (g). Any person violating this subsection (g)
4 shall be removed from office.

5 (h) Any contract made in violation of subsection (b), (c),
6 (d) or (g) of this Section shall be voidable at the election of
7 the Authority.

8 (i) A person convicted of a violation of subsection (b),
9 (c), (d) or (g) of this Section is guilty of a business offense
10 and shall be fined not less than \$1,000 nor more than \$5,000.

11 (j) The Authority shall adopt regulations governing
12 conflicts of interest with regard to its employees.

13 Section 4-40. Exemptions. By majority vote of its Board,
14 the Authority may exempt named individuals from the
15 prohibitions of Section 4-35 when, in its judgment, the public
16 interest in having the individual in the service of the
17 Authority outweighs the public policy evidenced in that
18 Section. An exemption is effective only when it is filed with
19 the Secretary of the Authority and includes a statement
20 approved by the Board setting forth the name of the individual
21 and all the pertinent facts that would make that Section
22 applicable, setting forth the reason for the exemption, and
23 declaring the individual exempted from that Section. Notice of
24 each exemption shall be published in the minutes of the meeting
25 at which the exemption was approved.

1 Section 6-5. General airport powers. The Authority has the
2 power to plan, develop, secure permits, licenses, and approvals
3 for, acquire, develop, construct, equip, own, and operate the
4 South Suburban Airport. The Authority also has the power to
5 own, operate, acquire facilities for, construct, improve,
6 repair, maintain, renovate, and expand the South Suburban
7 Airport, including any facilities located on the site of the
8 South Suburban Airport for use by any individual or entity
9 other than the Authority. The development of the South Suburban
10 Airport shall also include all land, highways, waterways, mass
11 transit facilities, and other infrastructure that, in the
12 determination of the Authority, are necessary or appropriate in
13 connection with the development or operation of the South
14 Suburban Airport. The development of the South Suburban Airport
15 also includes acquisition and development of any land or
16 facilities (i) for relocation of persons, including providing
17 replacement housing or facilities for persons and entities
18 displaced by that development, (ii) for protecting or
19 reclaiming the environment with respect to the South Suburban
20 Airport, (iii) for providing substitute or replacement
21 property or facilities, including without limitation, for
22 areas of recreation, conservation, open space, and wetlands,
23 (iv) for providing navigational aids, or (v) for utilities to
24 serve the airport, whether or not located on the site of the
25 South Suburban Airport.

1 Section 6-10. Land and public waters. The Authority has the
2 power to acquire all land, interests in land, and all other
3 property and interests in property as may be necessary to carry
4 out its powers and functions under this Act and to dispose of
5 any such lands, interests, and property upon terms it deems
6 appropriate.

7 Section 6-15. Protection of land for future airport
8 development.

9 (a) The Authority may elect to protect the land needed for
10 future development of the South Suburban Airport and to prevent
11 costly and conflicting development of the land, including any
12 land lying within the ultimate acquisition boundary of the
13 South Suburban Airport. If the Authority elects to protect such
14 land and prevent conflicting development, it shall follow the
15 procedures specified in this Section. There is no requirement
16 that the Authority take any of the actions specified in this
17 Section unless the Authority elects to protect the land needed
18 for the South Suburban Airport.

19 (b) The Authority shall make a survey and prepare a map
20 showing the location for the South Suburban Airport. The map
21 shall show existing highways in the area involved, the property
22 lines and persons paying the most recent property taxes on land
23 that will be needed for the future additions, and all other
24 pertinent information. A copy of the map shall be filed in the

1 Office of the Recorder for Will County.

2 Public notice of the location of the South Suburban Airport
3 shall be given by publishing in a newspaper of general
4 circulation in Will County. The notice shall state where the
5 map has been filed. The notice shall also provide notice of the
6 time, date, and location of a public hearing to be held by the
7 Authority in Will County for the purpose of explaining the land
8 protection procedures available to the Authority under the
9 terms of this Section. The notice shall be served by registered
10 mail within 60 days thereafter on all persons shown as having
11 most recently paid the property taxes on the land.

12 Any material changes in the location of the airport shall
13 be filed and notice given in the manner provided for an
14 original map.

15 (c) The public hearing required by this Section shall be
16 held not less than 15 days and not more than 45 days after the
17 notice is mailed to all persons shown as having most recently
18 paid the property taxes on the land. At the hearing, the
19 Authority shall explain the land protection procedures
20 available to the Authority under this Section. In addition, any
21 interested person or his or her representative may be heard at
22 the hearing. The Authority shall evaluate the testimony given
23 at the hearing.

24 (d) After the map is filed, notice of its filing has been
25 given, and a public hearing has been held, as provided in this
26 Section, no one shall incur development costs or place

1 improvements in, upon, or under the land involved nor rebuild,
2 alter, or add to any existing structure without first giving 60
3 days' notice by registered mail to the Authority. This
4 provision shall not apply to any normal or emergency repairs to
5 existing structures. The Authority shall have 60 days after
6 receipt of that notice to inform the owner of its intention to
7 acquire all or part of the land involved; after which, the
8 Authority shall have the additional time of 120 days to acquire
9 all or part of the land by purchase or to initiate action to
10 acquire the land through the exercise of the power of eminent
11 domain. When such property is acquired, no damages shall be
12 allowed for any construction, alteration, or addition in
13 violation of this Section unless the Authority has failed to
14 acquire the land by purchase or has abandoned an eminent domain
15 proceeding initiated pursuant to the provisions of this
16 Section.

17 Any property needed for the South Suburban Airport may be
18 acquired at any time by the Authority. The time of
19 determination of the value of the property to be taken under
20 this Section shall be the date of the actual taking, if the
21 property is acquired by purchase, or the date of the filing of
22 a complaint for condemnation, if the property is acquired
23 through the exercise of eminent domain, rather than the date
24 when the map of the proposed location was filed of record.

25 Section 6-20. Relocation. The Authority has the power to

1 provide for the relocation of all persons and entities
2 displaced by the development of the South Suburban Airport,
3 including through provision of relocation assistance or the
4 provision of replacement housing or other facilities. The
5 Authority, prior to acquiring any land for the South Suburban
6 Airport that directly results in the displacement of persons or
7 entities, shall adopt a plan for providing for the relocation
8 of the displaced persons and entities not less than the
9 substantial equivalent of that required under federal law for
10 airport projects with federal funding. The Authority shall,
11 with respect to the development, acquisition, and construction
12 of South Suburban Airport, comply with all applicable
13 requirements of federal law and of Illinois law governing
14 agencies of the State of Illinois with respect to relocation of
15 displaced persons and entities from locations in the State of
16 Illinois.

17 Section 6-25. Contracts. The Authority has the power to
18 enter into all contracts useful for carrying out its purposes
19 and powers, including, without limitation, leases of any of its
20 property or facilities, use agreements with airlines or other
21 airport users relating to the South Suburban Airport,
22 agreements with South Suburban Airport concessionaires, and
23 franchise agreements for use of or access to South Suburban
24 Airport facilities, all with such duration as the Board shall
25 determine.

1 Section 6-30. Management agreement. The Authority may
2 enter into agreements by which it may provide for various
3 functions relating to management or operation of the South
4 Suburban Airport to be performed on behalf of the Authority by
5 any other person or entity.

6 Section 6-35. Land and water use controls.

7 (a) The Authority may adopt, administer, and enforce
8 airport zoning regulations, in the manner provided for
9 political subdivisions under the Airport Zoning Act, with
10 respect to any airport hazard or airport hazard area (as
11 described in that Act) for the South Suburban Airport,
12 regardless of the distance from that airport. The Authority
13 also may request that the Department, or any successor agency,
14 develop hazard zoning regulations in accordance with
15 applicable law. The Authority also may adopt, administer, and
16 enforce zoning regulations governing land and improvements
17 within the Airport Boundaries of the South Suburban Airport for
18 the purpose of ensuring safe and efficient airport operation,
19 all in a manner consistent with the procedures and requirements
20 for municipalities under the Illinois Municipal Code. To ensure
21 that the land usage is compatible with current and future
22 airport development, the Authority's zoning powers apply
23 whether such land is in an unincorporated area or within the
24 boundaries of a municipality or other unit of local government.

1 To the extent the Authority's exercise of its zoning powers
2 authorized by this Act is inconsistent with exercise of any
3 other local unit of government's exercise of zoning powers or
4 laws, the Authority's zoning authority controls. The Authority
5 may also, with the consent of the federal and State resource
6 agencies or any successor agencies as required by law, adopt,
7 administer, and enforce rules and regulations on the use of
8 waterways and floodplains within the Airport Boundaries of the
9 South Suburban Airport as necessary for the development,
10 construction, acquisition, and operation of the South Suburban
11 Airport.

12 Section 6-40. Eminent Domain.

13 (a) The Authority may take and acquire possession by
14 eminent domain of any property or interests in property that
15 the Authority is authorized to acquire under this Act with
16 respect to the development of the South Suburban Airport or as
17 needed as provided in Section 6-5 of this Act, whether within
18 or outside the site of that airport.

19 (b) The power of eminent domain shall be exercised by the
20 Authority only as authorized by resolution of the Authority,
21 and shall extend to all types of interests in property, both
22 real and personal, (including, without limitation, easements
23 for access or open space purposes and rights of concurrent
24 usage of existing or planned facilities) and property held
25 either for public or for private use, including

1 (notwithstanding any other law to the contrary) property held
2 by any governmental entity, including any property, rights, or
3 easements owned by units of local government, school districts,
4 or forest preserve districts. The powers given to the Authority
5 under this Section include the power to acquire, by
6 condemnation or otherwise, any property used for cemetery
7 purposes within the South Suburban Airport boundaries, and to
8 require that the cemetery be removed to a different location.
9 The powers given to the Authority under this Section include
10 the power to condemn or otherwise acquire (other than by
11 condemnation by quick-take), and to convey, substitute
12 property when the Authority reasonably determines that
13 monetary compensation will not be sufficient or practical just
14 compensation for property acquired by the Authority in
15 connection with the development of the South Suburban Airport.
16 The acquisition of substitute property is declared to be for
17 public use. The Authority shall exercise the power of eminent
18 domain granted in this Section with respect to property located
19 within the State of Illinois in the manner provided for the
20 exercise of the right of eminent domain under the Eminent
21 Domain Act.

22 (c) No South Suburban Airport property may be subject to
23 taking by condemnation or otherwise by any unit of local
24 government, any other airport authority, or by any agency,
25 instrumentality or political subdivision of the State.

1 Section 6-45. Employment. No unlawful discrimination, as
2 defined and prohibited in the Illinois Human Rights Act, shall
3 be made in any term or aspect of employment with the Authority.

4 The Authority shall be subject to the Illinois Human Rights
5 Act and the remedies and procedures established under that Act.

6 Section 6-50. Employee pensions. The Authority may
7 establish and maintain systems of pensions and retirement
8 benefits for such officers and employees of the Authority as
9 may be designated or described by resolution of the Authority.
10 Such pension systems shall be financed or funded by such means
11 and in such manner as may be determined by the Board to be
12 economically advantageous.

13 Section 6-55. Approvals. The Authority has the power to
14 apply to the proper authorities of the United States, the State
15 of Illinois, and other governmental entities, as permitted or
16 authorized by applicable law, to obtain any licenses,
17 approvals, or permits reasonably necessary to achieve the
18 purposes of this Act.

19 Section 6-60. Foreign trade zones. The Authority has the
20 power to apply to the proper authorities of the United States
21 pursuant to appropriate law for permission to establish,
22 operate, maintain, and lease foreign trade zones and sub-zones
23 within the area of the South Suburban Airport and to establish,

1 operate, maintain, and lease such foreign trade zones and
2 sub-zones.

3 Section 6-65. Police and other services. The Authority has
4 the power to police its property within the site of the South
5 Suburban Airport. The Authority has the power to exercise
6 police powers in respect to that property and in respect to the
7 enforcement of any rule or regulation of the Authority,
8 including the regulation of vehicular traffic, and of the
9 public health and welfare and the sale of alcoholic beverages,
10 including the power to license activities and provide for fees
11 for licenses, and to provide fire protection and emergency
12 medical services at the South Suburban Airport. The Authority
13 has the power, by resolution, to provide for the regulation of
14 the construction and use of buildings and facilities located
15 within the Airport Boundaries of the South Suburban Airport,
16 including, without limitation, any building, fire, and other
17 safety regulation that it may determine to be needed for the
18 protection of public safety and the efficient operation of the
19 Airport. The Authority has the power to contract for, employ
20 and establish, maintain and equip a security force for police,
21 fire, and emergency medical services on property within the
22 Airport Boundaries of the South Suburban Airport. The Authority
23 also has the power to provide or contract for water, sewer,
24 gas, electricity and other utilities for use in connection with
25 development or operation of the Airport.

1 Section 6-70. Bonding authority. The Authority has the
2 authority to issue bonds as provided in Article 7 of this Act.

3 Section 6-75. General powers.

4 (a) Except as otherwise limited by this Act, the Authority
5 shall also have the powers necessary, convenient, or desirable
6 to meet its responsibilities and to carry out its purposes and
7 express powers, including, but not limited to, the following
8 powers:

9 (1) To sue and be sued.

10 (2) To invest any funds or any moneys not required for
11 immediate use or disbursement in such manner as the
12 Authority in its discretion determines.

13 (3) To make, amend, and repeal by action of the Board
14 bylaws, rules and regulations, and resolutions consistent
15 with this Act.

16 (4) To hold, sell by installment contract, lease as
17 lessor, transfer, or dispose of such real or personal
18 property as it deems appropriate in the exercise of its
19 powers; to provide for use of such property by any user of
20 the South Suburban Airport; and to permit the mortgage,
21 pledge, or other granting of security interests in any
22 leaseholds granted by the Authority.

23 (5) To enter at reasonable times upon such lands,
24 waters, or premises as in the judgment of the Authority may

1 be necessary, convenient, or desirable for the purpose of
2 making surveys, soundings, borings, and examinations to
3 accomplish any purpose authorized by this Act after having
4 given reasonable notice of such proposed entry to the
5 owners and occupants of such lands, waters, or premises,
6 the Authority being liable only for actual damage caused by
7 such activity.

8 (6) To require the removal or relocation of any
9 building, railroad, main, pipe, conduit, wire, pole,
10 structure, facility, and equipment on the site of the South
11 Suburban Airport, as may be needed to carry out the powers
12 of the Authority. The Authority shall compensate any owner
13 that is required to remove or relocate a building,
14 railroad, main, pipe, conduit, wire, pole, structure,
15 facility, or equipment as provided by law, without the
16 necessity to secure any approval from the Illinois Commerce
17 Commission for such removal, or for such relocation on the
18 site of the airport.

19 (7) To make and execute all contracts and other
20 instruments necessary or convenient to the exercise of its
21 powers.

22 (8) To enter into collective bargaining agreements and
23 contracts of group insurance for the benefit of its
24 employees and to provide for retirement benefits or
25 pensions and other employee benefit arrangements for its
26 employees.

1 (9) To provide for the insurance of any property,
2 directors, officers, employees, or operations of the
3 Authority against any risk or hazard, to self-insure or
4 participate in joint self-insurance pools or entities to
5 insure against such risk or hazard, and to provide for the
6 indemnification of its directors, officers, employees,
7 contractors, or agents against any and all claims, losses,
8 and related costs.

9 (10) To pass all resolutions and make all rules and
10 regulations proper or necessary to regulate the use,
11 operation, and maintenance of its property and facilities
12 and, by resolution, to prescribe fines or penalties for
13 violations of such rules and regulations. Those rules and
14 regulations may include, without limitation, the
15 regulation of parking and vehicular traffic. Any
16 resolution providing for any fine or penalty shall be
17 published in pamphlet form or in a newspaper of general
18 circulation in the region. No such resolution shall take
19 effect until 10 days after its publication.

20 (11) To enter into arbitration arrangements, which may
21 be final and binding.

22 (b) In each case in which this Act gives the Authority the
23 power to acquire real or personal property, the Authority has
24 the power to acquire such property by contract, purchase, gift,
25 grant, exchange for other property or rights in property, lease
26 (or sublease), or installment or conditional purchase

1 contracts, including a settlement of an eminent domain
2 proceeding, which leases or installment or conditional
3 purchase contracts may provide for consideration to be paid in
4 annual installments during a period not exceeding 40 years.
5 Property may be acquired subject to any conditions,
6 restrictions, liens, or security or other interests of other
7 parties, and the Authority may acquire a joint leasehold,
8 easement, license or other partial interest in such property.
9 Any such acquisition may provide for the assumption of, or
10 agreement to pay, perform, or discharge outstanding or
11 continuing duties, obligations or liabilities of the seller,
12 lessor, donor, or other transferor of, or of the trustee with
13 regard to, such property. In connection with the acquisition of
14 any easement or other property interest that is less than fee
15 simple title, the Authority may indemnify and hold harmless the
16 owners and occupants of such property or interests in property
17 for any and all losses, claims, damages, liabilities, or
18 expenses arising out of use of such property or interests in
19 property.

20 Section 6-80. Additional powers. The Authority has any
21 additional powers necessary to implement and perform the powers
22 and duties assigned the Authority under this Act. Such
23 additional powers shall not extend to override or abrogate
24 limitations imposed in this Act on the exercise of the
25 Authority's power.

1 Section 7-15. Budgets. The Board shall annually adopt a
2 current expense budget for each fiscal year. The budget may be
3 modified from time to time in the same manner and upon the same
4 vote as it may be adopted. The budget shall include the
5 Authority's available funds and estimated revenues and shall
6 provide for payment of its obligations and estimated
7 expenditures for the fiscal year, including, without
8 limitation, expenditures for administration, operation,
9 maintenance and repairs, debt service and deposits into reserve
10 and other funds, and capital projects. The total of such
11 obligations and estimated expenditures shall be balanced by the
12 Authority's available funds and estimated revenue for each
13 fiscal year.

14 Section 7-20. Annual report. For each fiscal year, the
15 Authority shall prepare an annual report setting forth
16 information concerning its activities in the fiscal year and
17 the status of the development of the South Suburban Airport.
18 The annual report shall include the audited financial
19 statements of the Authority for the fiscal year prepared in
20 accordance with generally accepted accounting principles for
21 airports, statistical information relating to traffic and
22 usage of the Airport, the budget for the succeeding fiscal
23 year, and the current capital plan as of the date of the
24 report. Copies of the annual report shall be submitted not

1 later than 120 days after the end of the Authority's fiscal
2 year to each appointing official of directors of the Authority.

3 Section 7-25. Purchasing.

4 (a) The Authority shall adopt purchasing regulations.
5 Those regulations shall provide that construction contracts
6 and contracts for supplies, material, equipment, and services
7 or acquisition by the Authority of property (other than real
8 estate), involving in each case a cost of more than \$25,000,
9 shall be awarded to the lowest responsive and responsible
10 bidder upon public notice and with public bidding. Each July 1,
11 the \$25,000 bid threshold shall be revised for inflation or
12 deflation using the percentage change in the Consumer Price
13 Index for all Urban Consumers as determined by the United
14 States Department of Labor in the latest available month
15 compared with the same value in the previous year, and rounded
16 to the nearest \$100.

17 (b) The Board may adopt regulations to make exceptions to
18 the requirement for public bidding in instances in which it
19 determines bidding is not appropriate, including, without
20 limitation, instances in which the property or service can be
21 obtained only from a single source or for any professional
22 services, or in which various alternative purchasing
23 arrangements are preferable, including, without limitation,
24 prequalification of bidders, negotiation with the lowest
25 responsive and responsible bidder after opening of bids,

1 utilization of other competitive selection procedures in which
2 price is one of the selection criteria, participation in joint
3 purchasing programs with other units of government, or
4 procurement by negotiation or agreement with any airline.
5 Except as set forth below, the Local Government Professional
6 Services Selection Act shall apply to the Authority.

7 (c) Notwithstanding the foregoing, and as an exception
8 thereto, the Authority may elect to competitively select a
9 contractor or group of contractors to:

10 (1) allow turnkey design, construction and development
11 of any or all airport facilities on the basis of
12 competitive quality, performance, timing, price and other
13 relevant factors;

14 (2) operate the airport on the basis of competitive
15 quality, performance, price, and other relevant factors;
16 or

17 (3) provide a turnkey development of any or all airport
18 facilities and operate the airport or any part thereof on
19 the basis of competitive quality, performance, timing,
20 price, and other relevant factors.

21 (d) To promote quality work, promote labor harmony and
22 ensure timely completion of its projects, the Authority may
23 utilize project labor agreements to accomplish its airport
24 improvement projects.

25 (e) All contracts entered into by or on behalf of the
26 Authority for public works shall:

1 (1) Require the contractor and all subcontractors to
2 pay the general prevailing rate of wages, including hourly
3 wages and fringe benefits, established in accordance with
4 the Illinois Prevailing Wage Act; and

5 (2) Require the contractor and all subcontractors to
6 participate in apprenticeship and training programs
7 approved by and registered with the United States
8 Department of Labor's Bureau of Apprenticeship and
9 Training, or any successor entity, to the extent that such
10 programs are reasonably available within the contractor's
11 or subcontractor's employees' trade or trades.

12 The provisions of this subsection shall not apply to
13 federally funded projects if such application would jeopardize
14 the receipt or use of federal funds in support of such a
15 project.

16 Section 7-30. Revenues.

17 (a) The Authority may impose and levy a passenger facility
18 charge or any other fee or charge permitted by the Federal
19 Aviation Administration or United States government or any
20 agency thereof at the South Suburban Airport. The Authority may
21 amend any such applications or approved passenger facility
22 charge program and enter into agreements with the Federal
23 Aviation Administration or the United States government with
24 respect to a passenger facility charge or other fee or charge
25 permitted by the Federal Aviation Administration or the United

1 States government. The Board may impose upon air carriers using
2 the South Suburban Airport the obligation to collect any such
3 charge or fee, to the extent permitted by federal laws or
4 regulations.

5 (b) The Board may set fees and charges for the use of the
6 South Suburban Airport or any facilities of the South Suburban
7 Airport or any property owned or leased by the Authority,
8 including flowage fees on aviation fuel, and may enter into
9 contracts with users providing for the payment of amounts for
10 the use of the South Suburban Airport or facilities of that
11 airport.

12 (c) To the extent not specified in this Section, the
13 Authority shall by resolution provide for details of and the
14 method of collecting any fee or charge it imposes under this
15 Section.

16 (d) In addition to revenues generated by the Authority, the
17 Authority may accept and spend such funds as are provided in
18 government grants, by private developers or from other sources.

19 Section 7-35. Borrowing.

20 (a) The Authority has the continuing power to borrow money
21 and to issue its negotiable bonds as provided in this Section.
22 Bonds of the Authority may be issued for any purpose of the
23 Authority, including, without limitation, to plan, develop,
24 construct, acquire, improve, repair, or expand the South
25 Suburban Airport, including facilities to be leased to or used

1 by any individual or entity other than the Authority; to
2 provide funds for operations of the South Suburban Airport; to
3 pay, refund (at the time of or in advance of any maturity or
4 redemption), or redeem any bonds or any revenue bonds or notes
5 issued to finance property for the South Suburban Airport; to
6 provide or increase a debt service reserve fund or other
7 reserves with respect to any or all of its bonds; to pay
8 interest on bonds; or to pay the legal, financial,
9 administrative, bond insurance, credit enhancement, and other
10 expenses of the authorization, issuance, sale, or delivery of
11 bonds.

12 (b) All bonds issued under this Section shall have a claim
13 for payment solely from one or more funds, revenues, or
14 receipts of the Authority or property interests of any user of
15 facilities financed by the Authority as provided in this Act
16 and from credit enhancement or other security for the bonds,
17 including but not limited to guarantees, letters of credit, or
18 other security or insurance, for the benefit of bond holders.
19 Bonds may be issued in one or more series and may have a claim
20 for payment and be secured either separately or on a parity
21 with any other bonds. Bonds shall be secured as provided in the
22 authorizing resolution, which may include, in addition to any
23 other security, a specific pledge or assignment of or grant of
24 a lien on or security interest in any or all funds and revenues
25 of the Authority and a mortgage or security interest in the
26 leasehold of a user of facilities financed by the bonds. Any

1 such pledge, assignment, lien, or security interest on funds
2 and revenues shall be valid and binding from the times the
3 bonds are issued, without any necessity of physical delivery,
4 filing, recording, or further act, and shall be valid and
5 binding as against and prior to the claims of all other parties
6 having claims of any kind against the Authority or any other
7 person irrespective of whether such other parties have notice
8 of the pledge assignment, lien, or security interest. The
9 Authority may provide for the creation of, deposits in, and
10 regulation and disposition of sinking fund or reserve accounts
11 relating to the bonds. The Authority may make provision, as
12 part of the contract with the owners of the bonds, for the
13 creation of one or more separate funds to provide for the
14 payment of principal and interest on the bonds and for the
15 deposit in the funds from any one or more sources of revenues
16 of the Authority from whatever source which may by law be
17 utilized for debt service purposes of amounts to meet the debt
18 service requirements on the bonds, including principal and
19 interest and any sinking fund or reserve fund requirements and
20 all expenses incident to or in connection with the fund and
21 accounts or the payment of bonds.

22 (c) Subject to the provisions of subsection (f) of this
23 Section, the authorizing resolution shall set forth or provide
24 for the terms of the bonds being authorized, including their
25 maturity (which shall not exceed 40 years from their issuance),
26 the provisions for interest on those bonds, the security for

1 those bonds, their redemption provisions, and all covenants or
2 agreements necessary or desirable with regard to the issuance,
3 sale, and security of those bonds.

4 (d) The authorizing resolution may provide for appointment
5 of a corporate trustee (which may be any trust company or bank
6 having the powers of a trust company within or without the
7 territory of the State of Illinois) with respect to any bonds
8 being issued. The authorizing resolution shall prescribe the
9 rights, duties, and powers of any trustee to be exercised for
10 the benefit of the Authority and the protection of the owners
11 of the bonds and may provide for terms of a trust indenture for
12 the bonds. The authorizing resolution may provide for the
13 trustee to hold in trust, invest, and use amounts in funds and
14 accounts created as provided by the authorizing resolution.

15 (e) The bonds authorized by any resolution shall be:

16 (1) payable as to principal and interest on such dates,
17 shall be in the denominations and forms, including book
18 entry form, and shall have the registration and privileges
19 as to exchange, transfer, or conversion and the replacement
20 of mutilated, lost, or destroyed bonds, as the resolution
21 or trust indenture may provide;

22 (2) payable in lawful money of the United States at a
23 designated place or places;

24 (3) subject to the terms of purchase, payment,
25 redemption, remarketing, refunding, or refinancing that
26 the resolution or trust indenture provides, including

1 redemption at a premium;

2 (4) executed by the manual, electronic or facsimile
3 signatures of the officers of the Authority designated by
4 the Board, which signatures shall be valid at delivery even
5 for one who has ceased to hold office; and

6 (5) sold, at public or private sale, in the manner and
7 upon the terms determined by the authorizing resolution.

8 (f) By its authorizing resolution for particular bonds, the
9 Board may provide for specific terms of those bonds, including,
10 without limitation, the purchase price and terms, interest rate
11 or rates, redemption terms, and principal amounts maturing in
12 each year, to be established by one or more directors or
13 officers of the Authority, all within a specific range of
14 discretion established by the authorizing resolution. No such
15 delegation shall be made as to the choice of managing or
16 co-managing underwriters or other professional advisors for
17 the Authority.

18 (g) The authorizing resolution or trust indenture may
19 contain provisions that are a part of the contract with the
20 owners of the bonds that relate to:

21 (1) limitations on the purposes to which, or the
22 investments in which, the proceeds of the sale of any issue
23 of bonds or the Authority's revenues may be applied or
24 made;

25 (2) limitations on the issuance of additional bonds,
26 the terms upon which additional bonds may be issued and

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

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

6 (4) the procedure, if any, by which the terms of any
7 contract with owners of bonds may be altered or amended,
8 the amount of bonds the owners of which must consent to an
9 amendment, and the manner in which consent must be given;

10 (5) the acts or omissions that constitute a default in
11 the duties of the Authority to owners of bonds and the
12 rights or remedies of owners in the event of a default,
13 which may include provisions restricting individual rights
14 of action by bond owners; and

15 (6) any other matter relating to the bonds which the
16 Board determines appropriate.

17 (h) Any bonds of the Authority issued under this Section
18 shall constitute a contract between the Authority and the
19 owners from time to time of the bonds. The Authority may also
20 covenant that it shall impose and continue to impose fees,
21 charges, or taxes (as authorized by this Act and in addition as
22 subsequently authorized by amendment to this Act) sufficient to
23 pay the principal and interest and to meet other debt service
24 requirements of the bonds as they become due.

25 (i) The State of Illinois pledges and agrees with the
26 owners of the bonds that it will not limit or alter the rights

1 and powers vested in the Authority by this Act so as to impair
2 the terms of any contract made by the Authority with the owners
3 or in any way impair the rights and remedies of the owners
4 until the bonds, together with interest on them, and all costs
5 and expenses in connection with any action or proceedings by or
6 on behalf of the owners, are fully met and discharged. The
7 Authority is authorized to include this pledge and agreement in
8 any contract with the owners of bonds issued under this
9 Section.

10 Section 7-40. Legal investments. All governmental
11 entities, all public officers, banks, bankers, trust
12 companies, savings banks and institutions, building and loan
13 associations, savings and loan associations, investment
14 companies and other persons carrying on a banking business,
15 insurance companies, insurance associations and other persons
16 carrying on an insurance business, and all executors,
17 administrators, guardians, trustees, and other fiduciaries may
18 legally invest any sinking funds, moneys, or other funds
19 belonging to them or within their control in any bonds issued
20 under this Act. However, nothing in this Section shall be
21 construed as relieving any person, firm, or corporation from
22 any duty of exercising reasonable care in selecting securities
23 for purchase or investment.

24 Section 7-45. Interest swaps. With respect to all or part

1 of any issue of its bonds, the Authority may enter into
2 agreements or contracts with any necessary or appropriate
3 person that will have the benefit of providing to the Authority
4 an interest rate basis, cash flow basis, or other basis
5 different from that provided in the bonds for the payment of
6 interest. Such agreements or contracts may include, without
7 limitation, agreements or contracts commonly known as
8 "interest rate swap agreements", "forward payment conversion
9 agreements", "futures", "options", "puts", or "calls" and
10 agreements or contracts providing for payments based on levels
11 of or changes in interest rates, agreements or contracts to
12 exchange cash flows or a series of payments, or to hedge
13 payment, rate spread, or similar exposure.

14 Section 7-50. Obligations of other governmental entities.
15 No bonds or other obligations of the Authority shall be a debt
16 or obligation of the State of Illinois or other governmental
17 entity, or treated as indebtedness of the State of Illinois or
18 other governmental entity, or require the levy, imposition, or
19 application of any tax by the State of Illinois or other
20 governmental entity. Amounts appropriated or provided to be
21 appropriated at any time to the Authority from the State of
22 Illinois may not be directly or indirectly pledged or assigned
23 or be subject to a lien or security interest or otherwise
24 promised to be used to pay debt service on any bonds.

1 Section 7-55. Hiring and contracting practices.

2 (a) The Authority may adopt an affirmative action program
3 as authorized, permitted, or required by law.

4 (b) The Authority may adopt a program for contracting with
5 minority and female owned businesses as authorized, permitted,
6 or required by law.

7 ARTICLE 8. ACQUISITION AND TRANSFER OF STATE AIRPORT PROPERTY
8 AND PAYMENT FOR SUCH PROPERTY

9 Section 8-5. Completion of property acquisition for the
10 inaugural site. The Department shall continue to acquire the
11 property lying partially or wholly within the inaugural airport
12 boundary. The inaugural boundary is depicted in Figure R-3 in
13 the Federal Aviation Administration's Record of Decision for
14 Tier 1: FAA Site Approval And Land Acquisition By The State Of
15 Illinois, Proposed South Suburban Airport, Will County,
16 Illinois, dated July 2002. The inaugural airport boundary shall
17 be modified to reflect the inaugural airport boundaries in an
18 airport layout plan approved by the Federal Aviation
19 Administration or any other successor agency and as reflected
20 later in any approved airport layout plan. The Department shall
21 acquire such property as quickly as possible, including use of
22 the Department's condemnation powers where it appears
23 reasonably likely that the Department will not be able to
24 acquire such property voluntarily. The Department shall

1 exercise all best efforts to ensure that the property is
2 purchased at fair market value. Upon the creation of the
3 Authority, the Authority shall enter into an agreement with the
4 Department setting forth the terms under which the Department
5 shall complete all ongoing land acquisition.

6 Section 8-10. Transfer of property to the Authority. All
7 property acquired by the Department for airport purposes either
8 prior to or after the effective date of this Act that is wholly
9 or partially within the inaugural airport site shall be
10 transferred to the South Suburban Airport Authority promptly
11 via an intergovernmental agreement with the Department.

12 Section 8-15. Payment for transferred property. The
13 Authority shall pay the Department for the value of property
14 lying wholly or partially within the inaugural site that is
15 transferred to the South Suburban Airport Authority. The value
16 of the property shall be the price paid by the Department or
17 fair market value, whichever is less. The payments shall be
18 made out of the proceeds of the first issuance of general
19 airport revenue or other bonds sold to fund construction of the
20 South Suburban Airport. In the event no such bonds are sold
21 within 10 years of the effective date of this Act, title to
22 property lying wholly or partially within the inaugural site
23 that previously was transferred to the South Suburban Airport
24 Authority shall revert to the Department.

1 Section 8-20. Option to purchase property outside the
2 inaugural site but within the ultimate airport site. Upon the
3 written request of the South Suburban Airport Authority, within
4 10 years from the effective date of this Act, the Department
5 shall transfer to the South Suburban Airport Authority any
6 parcel of property acquired by the Department of Transportation
7 for airport purposes and lying outside the inaugural airport
8 site but within the airport boundaries, as those locations are
9 described and depicted in Figure R-3 of the Federal Aviation
10 Acquisition's Record of Decision described in Section 8-5. The
11 South Suburban Airport Authority shall pay the Department for
12 the value of property, which value shall be the price paid for
13 the property by the Department. For the period of 10 years from
14 the effective date of this Act, the State of Illinois shall not
15 transfer such property to any other person or entity without
16 first obtaining the written approval of the South Suburban
17 Airport Authority.

18 ARTICLE 9. INTERGOVERNMENTAL RELATIONS AND LIMITATIONS

19 Section 9-5. Intergovernmental cooperation. The Authority
20 may enter into agreements with the United States, the State of
21 Illinois, Will County, the Eastern Will County Development
22 District, or any governmental entity, by which powers of the
23 Authority and the other parties may be jointly exercised or

1 pursuant to which the parties otherwise may enjoy the benefits
2 of intergovernmental cooperation.

3 Section 9-10. Tax exemption. The Authority and all of its
4 operations and property used for public purposes shall be
5 exempt from all taxation of any kind imposed by any
6 governmental entity. This exemption shall not apply to
7 property, including leasehold interests, or operations of any
8 person or entity other than the Authority. Interest on bonds
9 shall not be exempt from tax under the Illinois Income Tax Act.

10 Section 9-15. Application of laws. The Governmental
11 Account Audit Act, the Foreign Trade Zones Act, and the Public
12 Funds Statement Publication Act shall not apply to the
13 Authority.

14 Section 9-20. Exclusive powers. The Authority is the only
15 governmental entity that is authorized to develop, construct,
16 own and operate the South Suburban Airport. Notwithstanding any
17 other law, no other unit of local government, including but not
18 limited to municipalities, airport authorities or joint
19 airport commissions, may develop, construct, own or operate an
20 airport on the site identified in this Act as the South
21 Suburban Airport.

22 ARTICLE 10. PROCEDURES AND LIMITATIONS

1 Section 10-5. Hearings and citizen participation.

2 (a) The Authority shall provide for and encourage
3 participation by the public in the development and review of
4 major decisions concerning the development and operation of the
5 South Suburban Airport.

6 (b) The Authority shall hold such public hearings as may be
7 required by this Act or other law or as it may deem appropriate
8 to the performance of any of its functions.

9 (c) The Authority shall hold a public hearing prior to the
10 imposition of any zoning regulation.

11 (d) At least 10 days' notice shall be given of each hearing
12 under this Article in a newspaper of general circulation in the
13 region. The Authority may designate one or more directors or
14 hearing officers to preside over any hearing under this
15 Section.

16 Section 10-10. Limitation on actions. The Local
17 Governmental and Governmental Employees Tort Immunity Act
18 shall apply to the Authority and all its directors, officers,
19 and employees.

20 ARTICLE 11. AMENDATORY PROVISIONS

21 Section 11-5. The Archaeological and Paleontological
22 Resources Protection Act is amended by adding Section 1.75 as

1 follows:

2 (20 ILCS 3435/1.75 new)

3 Sec. 1.75. South Suburban Airport. Nothing in this Act
4 limits the authority of the South Suburban Airport Authority to
5 exercise its powers under the South Suburban Airport Authority
6 Act or requires that Authority, or any person acting on its
7 behalf, to obtain a permit under this Act when acquiring
8 property or otherwise exercising its powers under the South
9 Suburban Airport Authority Act.

10 Section 11-10. The Human Skeletal Remains Protection Act is
11 amended by adding Section 4.75 as follows:

12 (20 ILCS 3440/4.75 new)

13 Sec. 4.75. South Suburban Airport. Nothing in this Act
14 limits the authority of the South Suburban Airport Authority to
15 exercise its powers under the South Suburban Airport Authority
16 Act or requires that Authority, or any person acting on its
17 behalf, to obtain a permit under this Act when acquiring
18 property or otherwise exercising its powers under the South
19 Suburban Airport Authority Act.

20 Section 11-15. The Foreign Trade Zones Act is amended by
21 changing Section 1 as follows:

1 (50 ILCS 40/1) (from Ch. 24, par. 1361)

2 Sec. 1. Establishing foreign trade zones.

3 (A) Each of the following units of local government and
4 public or private corporations shall have the power to apply to
5 proper authorities of the United States of America pursuant to
6 appropriate law for the right to establish, operate, maintain
7 and lease foreign trade zones and sub-zones within its
8 corporate limits or within limits established pursuant to
9 agreement with proper authorities of the United States of
10 America, as the case may be, and to establish, operate,
11 maintain and lease such foreign trade zones and sub-zones:

12 (a) The City of East St. Louis.

13 (b) The Bi-State Authority, Lawrenceville - Vincennes
14 Airport.

15 (c) The Waukegan Port district.

16 (d) The Illinois Valley Regional Port District.

17 (e) The Economic Development Council, Inc. located in
18 the area of the United States Customs Port of Entry for
19 Peoria, pursuant to authorization granted by the county
20 boards in the geographic area served by the proposed
21 foreign trade zone.

22 (f) The Greater Rockford Airport Authority.

23 (f-5) The South Suburban Airport Authority.

24 (B) ~~(g)~~ After the effective date of this amendatory Act of
25 1984, any county, city, village or town within the State or a
26 public or private corporation authorized or licensed to do

1 business in the State or any combination thereof may apply to
2 the Foreign Trade Zones Board, United States Department of
3 Commerce, for the right to establish, operate and maintain a
4 foreign trade zone and sub-zones. For the purposes of this
5 Section, such foreign trade zone or sub-zones may be
6 incorporated outside the corporate boundaries or be made up of
7 areas from adjoining counties or states.

8 (C) ~~(h)~~ No foreign trade zone may be established within 50
9 miles of an existing zone situated in a county with 3,000,000
10 or more inhabitants or within 35 miles of an existing zone
11 situated in a county with less than 3,000,000 inhabitants, such
12 zones having been created pursuant to this Act without the
13 permission of the authorities which established the existing
14 zone.

15 (Source: P.A. 85-471.)

16 Section 11-20. The Governmental Account Audit Act is
17 amended by changing Section 1 as follows:

18 (50 ILCS 310/1) (from Ch. 85, par. 701)

19 Sec. 1. Definitions. As used in this Act, unless the
20 context otherwise indicates:

21 "Governmental unit" or "unit" includes all municipal
22 corporations in and political subdivisions of this State that
23 appropriate more than \$5,000 for a fiscal year, with the amount
24 to increase or decrease by the amount of the Consumer Price

1 Index (CPI) as reported on January 1 of each year, except the
2 following:

3 (1) School districts.

4 (2) Cities, villages, and incorporated towns subject
5 to the Municipal Auditing Law, as contained in the Illinois
6 Municipal Code, and cities that file a report with the
7 Comptroller under Section 3.1-35-115 of the Illinois
8 Municipal Code.

9 (3) Counties with a population of 1,000,000 or more.

10 (4) Counties subject to the County Auditing Law.

11 (5) Any other municipal corporations in or political
12 subdivisions of this State, the accounts of which are
13 required by law to be audited by or under the direction of
14 the Auditor General.

15 (6) (Blank).

16 (7) A drainage district, established under the
17 Illinois Drainage Code (70 ILCS 605), that did not receive
18 or expend any moneys during the immediately preceding
19 fiscal year or obtains approval for assessments and
20 expenditures through the circuit court.

21 (8) Public housing authorities that submit financial
22 reports to the U.S. Department of Housing and Urban
23 Development.

24 (9) The South Suburban Airport Authority created under
25 the South Suburban Airport Authority Act.

26 "Governing body" means the board or other body or officers

1 having authority to levy taxes, make appropriations, authorize
2 the expenditure of public funds or approve claims for any
3 governmental unit.

4 "Comptroller" means the Comptroller of the State of
5 Illinois.

6 "Consumer Price Index" means the Consumer Price Index for
7 All Urban Consumers for all items published by the United
8 States Department of Labor.

9 "Licensed public accountant" means the holder of a valid
10 certificate as a public accountant under the Illinois Public
11 Accounting Act.

12 "Audit report" means the written report of the licensed
13 public accountant and all appended statements and schedules
14 relating to that report, presenting or recording the findings
15 of an examination or audit of the financial transactions,
16 affairs, or conditions of a governmental unit.

17 "Report" includes both audit reports and reports filed
18 instead of an audit report by a governmental unit receiving
19 revenue of less than \$850,000 during any fiscal year to which
20 the reports relate.

21 (Source: P.A. 92-191, eff. 8-1-01; 92-582, eff. 7-1-02.)

22 Section 11-25. The Illinois Municipal Code is amended by
23 changing Section 11-51-1 as follows:

24 (65 ILCS 5/11-51-1) (from Ch. 24, par. 11-51-1)

1 Sec. 11-51-1. Cemetery removal. Whenever any cemetery is
2 embraced within the limits of any city, village, or
3 incorporated town, the corporate authorities thereof, if, in
4 their opinion, any good cause exists why such cemetery should
5 be removed, may cause the remains of all persons interred
6 therein to be removed to some other suitable place. However,
7 the corporate authorities shall first obtain the assent of the
8 trustees or other persons having the control or ownership of
9 such cemetery, or a majority thereof. When such cemetery is
10 owned by one or more private parties, or private corporation or
11 chartered society, the corporate authorities of such city may
12 require the removal of such cemetery to be done at the expense
13 of such private parties, or private corporation or chartered
14 society, if such removal be based upon their application.
15 Nothing in this Section limits the powers of the City of
16 Chicago to acquire property or otherwise exercise its powers
17 under Section 15 of the O'Hare Modernization Act. Nothing in
18 this Section limits the power of the South Suburban Airport
19 Authority to acquire property or otherwise exercise its powers
20 under the South Suburban Airport Authority Act.

21 (Source: P.A. 93-450, eff. 8-6-03.)

22 Section 11-30. The Downstate Forest Preserve District Act
23 is amended by changing Section 5e as follows:

24 (70 ILCS 805/5e) (from Ch. 96 1/2, par. 6308e)

1 Sec. 5e. Property owned by a forest preserve district and
2 property in which a forest preserve district is the grantee of
3 a conservation easement or the grantee of a conservation right
4 as defined in Section 1(a) of the Real Property Conservation
5 Rights Act shall not be subject to eminent domain or
6 condemnation proceedings, except as otherwise provided in
7 Section 15 of the O'Hare Modernization Act and Section 6-40 of
8 the South Suburban Airport Authority Act.

9 (Source: P.A. 95-111, eff. 8-13-07.)

10 Section 11-35. The Vital Records Act is amended by changing
11 Section 21 as follows:

12 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

13 Sec. 21. (1) The funeral director or person acting as such
14 who first assumes custody of a dead body or fetus shall make a
15 written report to the registrar of the district in which death
16 occurred or in which the body or fetus was found within 24
17 hours after taking custody of the body or fetus on a form
18 prescribed and furnished by the State Registrar and in
19 accordance with the rules promulgated by the State Registrar.
20 Except as specified in paragraph (2) of this Section, the
21 written report shall serve as a permit to transport, bury or
22 entomb the body or fetus within this State, provided that the
23 funeral director or person acting as such shall certify that
24 the physician in charge of the patient's care for the illness

1 or condition which resulted in death has been contacted and has
2 affirmatively stated that he will sign the medical certificate
3 of death or the fetal death certificate. If a funeral director
4 fails to file written reports under this Section in a timely
5 manner, the local registrar may suspend the funeral director's
6 privilege of filing written reports by mail. In a county with a
7 population greater than 3,000,000, if a funeral director or
8 person acting as such interrs or entombs a dead body without
9 having previously certified that the physician in charge of the
10 patient's care for the illness or condition that resulted in
11 death has been contacted and has affirmatively stated that he
12 or she will sign the medical certificate of death, then that
13 funeral director or person acting as such is responsible for
14 payment of the specific costs incurred by the county medical
15 examiner in disinterring and reintering or reentombing the
16 dead body.

17 (2) The written report as specified in paragraph (1) of
18 this Section shall not serve as a permit to:

19 (a) Remove body or fetus from this State;

20 (b) Cremate the body or fetus; or

21 (c) Make disposal of any body or fetus in any manner
22 when death is subject to the coroner's or medical
23 examiner's investigation.

24
25 (3) In accordance with the provisions of paragraph (2) of
26 this Section the funeral director or person acting as such who

1 first assumes custody of a dead body or fetus shall obtain a
2 permit for disposition of such dead human body prior to final
3 disposition or removal from the State of the body or fetus.
4 Such permit shall be issued by the registrar of the district
5 where death occurred or the body or fetus was found. No such
6 permit shall be issued until a properly completed certificate
7 of death has been filed with the registrar. The registrar shall
8 insure the issuance of a permit for disposition within an
9 expedited period of time to accommodate Sunday or holiday
10 burials of decedents whose time of death and religious tenets
11 or beliefs necessitate Sunday or holiday burials.

12 (4) A permit which accompanies a dead body or fetus brought
13 into this State shall be authority for final disposition of the
14 body or fetus in this State, except in municipalities where
15 local ordinance requires the issuance of a local permit prior
16 to disposition.

17 (5) A permit for disposition of a dead human body shall be
18 required prior to disinterment of a dead body or fetus, and
19 when the disinterred body is to be shipped by a common carrier.
20 Such permit shall be issued to a licensed funeral director or
21 person acting as such, upon proper application, by the local
22 registrar of the district in which disinterment is to be made.
23 In the case of disinterment, proper application shall include a
24 statement providing the name and address of any surviving
25 spouse of the deceased, or, if none, any surviving children of
26 the deceased, or if no surviving spouse or children, a parent,

1 brother, or sister of the deceased. The application shall
2 indicate whether the applicant is one of these parties and, if
3 so, whether the applicant is a surviving spouse or a surviving
4 child. Prior to the issuance of a permit for disinterment, the
5 local registrar shall, by certified mail, notify the surviving
6 spouse, unless he or she is the applicant, or if there is no
7 surviving spouse, all surviving children except for the
8 applicant, of the application for the permit. The person or
9 persons notified shall have 30 days from the mailing of the
10 notice to object by obtaining an injunction enjoining the
11 issuance of the permit. After the 30-day period has expired,
12 the local registrar shall issue the permit unless he or she has
13 been enjoined from doing so or there are other statutory
14 grounds for refusal. The notice to the spouse or surviving
15 children shall inform the person or persons being notified of
16 the right to seek an injunction within 30 days. Notwithstanding
17 any other provision of this subsection (5), a court may order
18 issuance of a permit for disinterment without notice or prior
19 to the expiration of the 30-day period where the petition is
20 made by an agency of any governmental unit and good cause is
21 shown for disinterment without notice or for the early order.
22 Nothing in this subsection (5) limits the authority of the City
23 of Chicago to acquire property or otherwise exercise its powers
24 under the O'Hare Modernization Act or requires that City, or
25 any person acting on behalf of that City, to obtain a permit
26 under this subsection (5) when exercising powers under the

1 O'Hare Modernization Act. Nothing in this subsection (5) limits
2 the authority of South Suburban Airport Authority to acquire
3 property or otherwise exercise its powers under the South
4 Suburban Airport Authority Act or requires that Authority, or
5 any person acting on its behalf, to obtain a permit under this
6 subsection (5) when exercising powers under the South Suburban
7 Airport Authority Act.

8 (Source: P.A. 93-450, eff. 8-6-03.)

9 Section 11-40. The Eminent Domain Act is amended by
10 changing Section 10-5-10 as follows:

11 (735 ILCS 30/10-5-10) (was 735 ILCS 5/7-102)

12 Sec. 10-5-10. Parties.

13 (a) When the right (i) to take private property for public
14 use, without the owner's consent, (ii) to construct or maintain
15 any public road, railroad, plankroad, turnpike road, canal, or
16 other public work or improvement, or (iii) to damage property
17 not actually taken has been or is conferred by general law or
18 special charter upon any corporate or municipal authority,
19 public body, officer or agent, person, commissioner, or
20 corporation and when (i) the compensation to be paid for or in
21 respect of the property sought to be appropriated or damaged
22 for the purposes mentioned cannot be agreed upon by the parties
23 interested, (ii) the owner of the property is incapable of
24 consenting, (iii) the owner's name or residence is unknown, or

1 (iv) the owner is a nonresident of the State, then the party
2 authorized to take or damage the property so required, or to
3 construct, operate, and maintain any public road, railroad,
4 plankroad, turnpike road, canal, or other public work or
5 improvement, may apply to the circuit court of the county where
6 the property or any part of the property is situated, by filing
7 with the clerk a complaint. The complaint shall set forth, by
8 reference, (i) the complainant's authority in the premises,
9 (ii) the purpose for which the property is sought to be taken
10 or damaged, (iii) a description of the property, and (iv) the
11 names of all persons interested in the property as owners or
12 otherwise, as appearing of record, if known, or if not known
13 stating that fact; and shall pray the court to cause the
14 compensation to be paid to the owner to be assessed.

15 (b) If it appears that any person not in being, upon coming
16 into being, is, or may become or may claim to be, entitled to
17 any interest in the property sought to be appropriated or
18 damaged, the court shall appoint some competent and
19 disinterested person as guardian ad litem to appear for and
20 represent that interest in the proceeding and to defend the
21 proceeding on behalf of the person not in being. Any judgment
22 entered in the proceeding shall be as effectual for all
23 purposes as though the person was in being and was a party to
24 the proceeding.

25 (c) If the proceeding seeks to affect the property of
26 persons under guardianship, the guardians shall be made parties

1 defendant.

2 (d) Any interested persons whose names are unknown may be
3 made parties defendant by the same descriptions and in the same
4 manner as provided in other civil cases.

5 (e) When the property to be taken or damaged is a common
6 element of property subject to a declaration of condominium
7 ownership, pursuant to the Condominium Property Act, or of a
8 common interest community, the complaint shall name the unit
9 owners' association in lieu of naming the individual unit
10 owners and lienholders on individual units. Unit owners,
11 mortgagees, and other lienholders may intervene as parties
12 defendant. For the purposes of this Section, "common interest
13 community" has the same meaning as set forth in subsection (c)
14 of Section 9-102 of the Code of Civil Procedure. "Unit owners'
15 association" or "association" shall refer to both the
16 definition contained in Section 2 of the Condominium Property
17 Act and subsection (c) of Section 9-102 of the Code of Civil
18 Procedure.

19 (f) When the property is sought to be taken or damaged by
20 the State for the purposes of establishing, operating, or
21 maintaining any State house or State charitable or other
22 institutions or improvements, the complaint shall be signed by
23 the Governor, or the Governor's designee, or as otherwise
24 provided by law.

25 (g) No property ~~7~~ (except property described in Section 3 of
26 the Sports Stadium Act, property to be acquired in furtherance

1 of actions under Article 11, Divisions 124, 126, 128, 130, 135,
2 136, and 139, of the Illinois Municipal Code, property to be
3 acquired in furtherance of actions under Section 3.1 of the
4 Intergovernmental Cooperation Act, property to be acquired
5 that is a water system or waterworks pursuant to the home rule
6 powers of a unit of local government, ~~and~~ property described as
7 Site B in Section 2 of the Metropolitan Pier and Exposition
8 Authority Act, and property that may be taken as provided in
9 the South Suburban Airport Authority Act) belonging to a
10 railroad or other public utility subject to the jurisdiction of
11 the Illinois Commerce Commission may be taken or damaged,
12 pursuant to the provisions of this Act, without the prior
13 approval of the Illinois Commerce Commission.

14 (Source: P.A. 94-1055, eff. 1-1-07; incorporates P.A. 94-1007,
15 eff. 1-1-07; 95-331, eff. 8-21-07.)

16 Section 11-45. The Religious Freedom Restoration Act is
17 amended by changing Section 30 as follows:

18 (775 ILCS 35/30)

19 Sec. 30. O'Hare Modernization and South Suburban Airport.
20 Nothing in this Act limits the authority of the City of Chicago
21 to exercise its powers under the O'Hare Modernization Act, or
22 the South Suburban Airport Authority to exercise its powers
23 under the South Suburban Airport Authority Act, for the
24 purposes of relocation of cemeteries or the graves located

1 therein.

2 (Source: P.A. 93-450, eff. 8-6-03.)

3 ARTICLE 12. SEVERABILITY

4 Section 12-5. Severability. The provisions of this Act are
5 severable under Section 1.31 of the Statute of Statutes. The
6 provisions of this Act shall be reasonably and liberally
7 construed to achieve the purposes for the establishment of the
8 Authority.

9 ARTICLE 13. STATE MANDATES ACT

10 Section 13-5. The State Mandates Act is amended by adding
11 Section 8.32 as follows:

12 (30 ILCS 805/8.32 new)

13 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
14 of this Act, no reimbursement by the State is required for the
15 implementation of any mandate created by the South Suburban
16 Airport Authority Act.

17 ARTICLE 99. EFFECTIVE DATE

18 Section 99-99. Effective date. This Act takes effect
19 January 1, 2009.