



Sen. Debbie DeFrancesco Halvorson

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LRB095 14704 HLH 49493 a

1 AMENDMENT TO SENATE BILL 2063

2 AMENDMENT NO. _____. Amend Senate Bill 2063 by replacing
3 everything after the enacting clause with the following:

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

1 land located on previously submerged land under public waters,
2 and all other property and appurtenances necessary or useful
3 for development, ownership and operation of any such
4 facilities, all located on the site of the airport. It further
5 includes commercial or industrial facilities located on the
6 site of the airport and related to the functioning of the
7 airport or to providing services to users of the airport.

8 "Airport Boundaries" means the limits of the approved
9 airport property for the current South Suburban Airport as
10 shown on an airport layout plan approved by the Federal
11 Aviation Administration, or any successor agency.

12 "Authority" means the South Suburban Airport Authority
13 created by this Act.

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

15 "Bonds" means any obligations of the Authority with respect
16 to borrowed money, including, without limitation, bonds,
17 notes, certificates of participation, lines of credit, leases,
18 and installment or conditional purchase agreements.

19 "Department" means the Illinois Department of
20 Transportation.

21 "Executive Director" means the Board-appointed chief
22 executive officer of the Authority.

23 "Governmental entity" means any political subdivision,
24 school district, municipal corporation, unit of local
25 government, or airport authority.

26 "South Suburban Airport" means the airport to be developed

1 on a site located in Will County and approved by the Federal
2 Aviation Administration in the Record of Decision for Tier 1:
3 FAA Site Approval And Land Acquisition By The State Of
4 Illinois, Proposed South Suburban Airport, Will County,
5 Illinois, dated July 2002. The airport location is reflected in
6 Figure R-3 of the Record of Decision, and includes all of the
7 land lying within the ultimate acquisition boundary depicted in
8 Figure R-3. The ultimate airport boundaries shall be modified
9 to reflect the ultimate airport boundaries in an airport layout
10 plan approved by the Federal Aviation Administration, or any
11 successor agency, and as reflected later in any approved
12 airport layout plan.

13 ARTICLE 2. PURPOSE AND FINDINGS

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

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

22 (1) Providing facilities for air travel to and from the
23 South Suburban Airport is essential for the health and

1 welfare of the people of the State of Illinois and economic
2 development of the State of Illinois.

3 (2) Airport development has significant regional
4 impacts with regard to economic development, public
5 infrastructure requirements, traffic, noise, and other
6 concerns.

7 (3) To provide for the health and welfare of the people
8 and economy of the South Suburban Airport Area and the
9 State, it is necessary that there be regional control by
10 the Authority of the ownership, planning, acquisition,
11 design, construction, development, and operation of the
12 South Suburban Airport.

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

1 of any vacancy or expiration of the term of the board
2 member selected pursuant to this subsection; the
3 municipalities may, by intergovernmental agreement,
4 establish an open interview or other public hearing process
5 to review the candidates; the Board of each such
6 municipality shall vote, within 30 days of receipt of
7 candidate nominations, for one candidate; candidates
8 receiving the highest vote total shall be appointed to the
9 Board; in the event of a tie vote among the candidates
10 receiving the two highest vote totals, within 15 days of
11 receiving notice of the tie vote, the village presidents of
12 each municipality shall cast a vote for a single candidate
13 to break the tie; the failure of a municipality's village
14 president or board to act within any of the time frames set
15 forth in this subsection shall forfeit that municipality's
16 right to participate further in the selection and
17 appointment process for the Authority's board position
18 then under consideration;

19 (3) one director shall be appointed by the Governor
20 upon the recommendation of the Cook County Township
21 Supervisors whose townships border Will County; the
22 director must reside in one of the Cook County Townships
23 that border Will County;

24 (4) one director shall be appointed by the Chairman of
25 the Kankakee County Board, with the advice and consent of
26 the Kankakee County Board.

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

4 (c) Each appointment shall be certified by the appointing
5 officer to the Secretary of State of Illinois and the Secretary
6 of the Authority.

7 (d) The appointing officers shall make their initial
8 appointments within 60 days after the effective date of this
9 Act. The failure of any appointment to be so made shall not
10 affect the establishment of the Authority or the exercise of
11 its powers.

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

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

25 (b) Directors shall hold office until their respective

1 successors have been appointed. Directors may be reappointed
2 and may serve consecutive terms.

3 (c) A vacancy shall occur upon resignation, death, or
4 disqualification under the law of the State of Illinois or upon
5 removal by the appointing official, as provided in subsection
6 (f) of this Section.

7 (d) A director who no longer meets the residency
8 requirements of subsection 4-5(a)(1) or (3) shall be
9 disqualified and a vacancy shall exist until a new director is
10 appointed.

11 (e) In the event of a vacancy, the appointing officer who
12 appointed the director whose position is vacant shall make an
13 appointment to fill the vacancy to serve the remainder of the
14 unexpired term in the same manner as provided for appointment
15 of directors.

16 (f) Any director may be removed from office by the official
17 or successor who appointed that director for incompetence,
18 neglect of duty, or malfeasance in office on the part of the
19 director to be removed.

20 Section 4-15. Meetings; quorum.

21 (a) As soon as practical after the effective date of this
22 Act, the Board shall organize for the transaction of business.
23 The Board may organize and conduct business when a majority of
24 its members have been appointed. The Board shall prescribe the
25 time and place for meetings, the place of the principal office

1 of the Authority (which shall be in Will County), the manner in
2 which special meetings may be called, the notice that must be
3 given to directors, and the notice that must be given to the
4 public of meetings of the Board. The Board shall prescribe
5 by-laws and an official seal of the Authority. A majority of
6 the total number of directors holding office at any time shall
7 constitute a quorum for the transaction of business.

8 (b) All substantive action of the Board shall be by
9 resolution. The concurrence of a majority of the total number
10 of directors then holding office shall be necessary for the
11 adoption of any resolution. No action shall be taken unless at
12 least a majority of directors have been appointed and are
13 holding office.

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

24 Section 4-25. Chair and other officers. The Chair shall

1 preside at meetings of the Board and shall be entitled to vote
2 on all matters. The Board shall select a Vice-Chair (who shall
3 preside in the Chair's absence), Secretary, and Treasurer and
4 may provide for other officers of the Authority with such
5 duties as it shall from time to time determine. The Secretary,
6 Treasurer, and other officers of the Authority may, but need
7 not, be directors.

8 Section 4-30. Executive Director. The officers of the
9 Authority shall include an Executive Director, who shall be the
10 chief executive officer of the Authority, and who shall be
11 appointed by the Board. The Executive Director must have and
12 maintain the designation as an Accredited Airport Executive as
13 defined by the American Association of Airport Executives. The
14 Executive Director, consistent with the policies and direction
15 of the Board, (i) shall be responsible for the management of
16 the properties, business, and employees of the Authority, (ii)
17 shall direct the enforcement of all resolutions, rules, and
18 regulation of the Board, and (iii) shall perform such other
19 duties as may be prescribed from time to time by the Board. The
20 Board shall provide for the appointment of, and may enter into
21 contracts for services by, such attorneys, engineers,
22 consultants, agents, and employees as it may deem necessary or
23 desirable, and may require bonds of any of them. The Board
24 shall adopt rules and procedures governing the Authority's
25 employment, evaluation, promotion, and discharge of employees.

1 Subject to those rules and procedures and consistent with the
2 policies and directions of the Board, the Executive Director
3 shall select and appoint and may discharge employees of the
4 Authority, or may supervise such selection, appointment or
5 discharge. The Executive Director shall not be a member of the
6 Board. All officers (other than officers who are members of the
7 Board) and all employees of the Authority shall report and be
8 subordinate to the Executive Director. The compensation of the
9 Executive Director and all other officers, attorneys,
10 engineers, consultants, agents, and employees shall be
11 established by the Board.

12 Section 4-35. Conflict of interest.

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

16 (b) It is unlawful for (i) any person appointed to or
17 employed in any of the offices or agencies of Will, Cook, or
18 Kankakee County, or the municipality of Beecher, Crete, Monee,
19 Peotone, or University Park, who receives compensation for such
20 employment in excess of the salary of the Will County
21 Executive, (ii) a director or any person holding an elective
22 office in Will, Cook, or Kankakee County or in the municipality
23 of Beecher, Crete, Monee, Peotone, or University Park, or
24 holding a seat on the board of Will, Cook, or Kankakee County
25 or the municipality of Beecher, Crete, Monee, Peotone, or

1 University Park, or (iii) a person who is the spouse or minor
2 child of any person referenced in item (i) or (ii) of this
3 subsection to have or acquire any contract, or any direct
4 pecuniary interest in any contract therein, whether for
5 stationery, printing, paper, or any services, materials, or
6 supplies, that will be wholly or partially satisfied by the
7 payment of funds by the Authority.

8 (c) It is unlawful for any firm, partnership, association,
9 or corporation, in which any person listed in subsection (b) is
10 entitled to receive (i) more than 7 1/2% of the total
11 distributable income or (ii) an amount in excess of two times
12 the salary of the Will County Executive, to have or acquire any
13 such contract or direct pecuniary interest therein.

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

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

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

3 (1) This Section does not apply to a contract for
4 personal services of a wholly ministerial character,
5 including but not limited to services as a laborer, clerk,
6 typist, stenographer, page, bookkeeper, receptionist, or
7 telephone switchboard operator, made by a spouse or minor
8 child of the person listed in subsection (b).

9 (2) Contracts with licensed professionals, provided
10 they are competitively bid or part of a reimbursement
11 program for specific, customary goods and services
12 associated with the provision of human services, such as
13 financial or medical assistance for elderly or low income
14 individuals.

15 (g) With respect to any direct or indirect interest, other
16 than an interest prohibited in subsection (b), (c) or (d) of
17 this Section held by a director or officer of the Authority or
18 the spouse or minor child of a director or officer, in a
19 contract or the performance of work upon which the director or
20 officer of the Authority may, apart from subsections (b), (c)
21 and (d), be called upon to act or vote, a director or officer
22 of the Authority shall disclose the interest to the Secretary
23 of the Authority prior to the taking of final action by the
24 Authority concerning the contract or work and shall so disclose
25 the nature and extent of the interest and the acquisition of
26 it. The disclosure shall be publicly acknowledged by the

1 Authority and entered upon the minutes of the Authority. If a
2 director or officer or his or her spouse or minor child holds
3 such an interest, then the director or officer shall refrain
4 from any further involvement in regard to such contract or
5 work, from voting on any matter pertaining to the contract or
6 work, and from communicating with other directors or officers
7 of the Authority concerning the contract or work.
8 Notwithstanding any other provision of law, any contract or
9 work entered into in conformity with this subsection (g) shall
10 not be void or invalid by reason of the interest described in
11 this subsection (g). Any person violating this subsection (g)
12 shall be removed from office.

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

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

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

21 Section 4-40. Exemptions. By majority vote of its Board,
22 the Authority may exempt named individuals from the
23 prohibitions of Section 4-35 when, in its judgment, the public
24 interest in having the individual in the service of the
25 Authority outweighs the public policy evidenced in that

1 Section. An exemption is effective only when it is filed with
2 the Secretary of the Authority and includes a statement
3 approved by the Board setting forth the name of the individual
4 and all the pertinent facts that would make that Section
5 applicable, setting forth the reason for the exemption, and
6 declaring the individual exempted from that Section. Notice of
7 each exemption shall be published in the minutes of the meeting
8 at which the exemption was approved.

9 Section 4-45. Meetings and records. The provisions of the
10 Open Meetings Act and Illinois law concerning availability of
11 public records shall apply to all meetings and records of the
12 Authority.

13 ARTICLE 5. INTERIM PLANNING

14 Section 5-5. South Suburban Airport. The Illinois
15 Department of Transportation and the South Suburban Airport
16 Authority shall serve as co-sponsors of the South Suburban
17 Airport until the Federal Aviation Administration issues a
18 record of decision and an environmental impact statement
19 concerning the airport layout plan for the South Suburban
20 Airport or until July 1, 2009, whichever is earlier. Upon the
21 creation of the Authority, the Authority shall enter into an
22 agreement with the Department to complete all ongoing projects,
23 including the Airport Master Plan, and assist the Federal

1 Aviation Administration in preparing and approving the
2 Environmental Impact Statement and Record of Decision.
3 Thereafter, the South Suburban Airport Authority shall serve as
4 the sponsor of the South Suburban Airport. To the extent
5 otherwise required by law, the Department shall serve as a
6 co-sponsor of the South Suburban Airport.

7 ARTICLE 6. POWERS

8 Section 6-5. General airport powers. The Authority has the
9 power to plan, develop, secure permits, licenses, and approvals
10 for, acquire, develop, construct, equip, own, and operate the
11 South Suburban Airport. The Authority also has the power to
12 own, operate, acquire facilities for, construct, improve,
13 repair, maintain, renovate, and expand the South Suburban
14 Airport, including any facilities located on the site of the
15 South Suburban Airport for use by any individual or entity
16 other than the Authority. The development of the South Suburban
17 Airport shall also include all land, highways, waterways, mass
18 transit facilities, and other infrastructure that, in the
19 determination of the Authority, are necessary or appropriate in
20 connection with the development or operation of the South
21 Suburban Airport. The development of the South Suburban Airport
22 also includes acquisition and development of any land or
23 facilities (i) for relocation of persons, including providing
24 replacement housing or facilities for persons and entities

1 displaced by that development, (ii) for protecting or
2 reclaiming the environment with respect to the South Suburban
3 Airport, (iii) for providing substitute or replacement
4 property or facilities, including without limitation, for
5 areas of recreation, conservation, open space, and wetlands,
6 (iv) for providing navigational aids, or (v) for utilities to
7 serve the airport, whether or not located on the site of the
8 South Suburban Airport.

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

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

17 (a) The Authority may elect to protect the land needed for
18 future development of the South Suburban Airport and to prevent
19 costly and conflicting development of the land, including any
20 land lying within the ultimate acquisition boundary of the
21 South Suburban Airport. If the Authority elects to protect such
22 land and prevent conflicting development, it shall follow the
23 procedures specified in this Section. There is no requirement
24 that the Authority take any of the actions specified in this

1 Section unless the Authority elects to protect the land needed
2 for the South Suburban Airport.

3 (b) The Authority shall make a survey and prepare a map
4 showing the location for the South Suburban Airport. The map
5 shall show existing highways in the area involved, the property
6 lines and persons paying the most recent property taxes on land
7 that will be needed for the future additions, and all other
8 pertinent information. A copy of the map shall be filed in the
9 Office of the Recorder for Will County.

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

20 Any material changes in the location of the airport shall
21 be filed and notice given in the manner provided for an
22 original map.

23 (c) The public hearing required by this Section shall be
24 held not less than 15 days and not more than 45 days after the
25 notice is mailed to all persons shown as having most recently
26 paid the property taxes on the land. At the hearing, the

1 Authority shall explain the land protection procedures
2 available to the Authority under this Section. In addition, any
3 interested person or his or her representative may be heard at
4 the hearing. The Authority shall evaluate the testimony given
5 at the hearing.

6 (d) After the map is filed, notice of its filing has been
7 given, and a public hearing has been held, as provided in this
8 Section, no one shall incur development costs or place
9 improvements in, upon, or under the land involved nor rebuild,
10 alter, or add to any existing structure without first giving
11 60-days' notice by registered mail to the Authority. This
12 provision shall not apply to any normal or emergency repairs to
13 existing structures. The Authority shall have 60 days after
14 receipt of that notice to inform the owner of its intention to
15 acquire all or part of the land involved; after which, the
16 Authority shall have the additional time of 120 days to acquire
17 all or part of the land by purchase or to initiate action to
18 acquire the land through the exercise of the power of eminent
19 domain. When such property is acquired, no damages shall be
20 allowed for any construction, alteration, or addition in
21 violation of this Section unless the Authority has failed to
22 acquire the land by purchase or has abandoned an eminent domain
23 proceeding initiated pursuant to the provisions of this
24 Section.

25 Any property needed for the South Suburban Airport may be
26 acquired at any time by the Authority. The time of

1 determination of the value of the property to be taken under
2 this Section shall be the date of the actual taking, if the
3 property is acquired by purchase, or the date of the filing of
4 a complaint for condemnation, if the property is acquired
5 through the exercise of eminent domain, rather than the date
6 when the map of the proposed location was filed of record.

7 Section 6-20. Relocation. The Authority has the power to
8 provide for the relocation of all persons and entities
9 displaced by the development of the South Suburban Airport,
10 including through provision of relocation assistance or the
11 provision of replacement housing or other facilities. The
12 Authority, prior to acquiring any land for the South Suburban
13 Airport that directly results in the displacement of persons or
14 entities, shall adopt a plan for providing for the relocation
15 of the displaced persons and entities not less than the
16 substantial equivalent of that required under federal law for
17 airport projects with federal funding. The Authority shall,
18 with respect to the development, acquisition, and construction
19 of South Suburban Airport, comply with all applicable
20 requirements of federal law and of Illinois law governing
21 agencies of the State of Illinois with respect to relocation of
22 displaced persons and entities from locations in the State of
23 Illinois.

24 Section 6-25. Contracts. The Authority has the power to

1 enter into all contracts useful for carrying out its purposes
2 and powers, including, without limitation, leases of any of its
3 property or facilities, use agreements with airlines or other
4 airport users relating to the South Suburban Airport,
5 agreements with South Suburban Airport concessionaires, and
6 franchise agreements for use of or access to South Suburban
7 Airport facilities, all with such duration as the Board shall
8 determine.

9 Section 6-30. Management agreement. The Authority may
10 enter into agreements by which it may provide for various
11 functions relating to management or operation of the South
12 Suburban Airport to be performed on behalf of the Authority by
13 any other person or entity.

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

15 (a) The Authority may adopt, administer, and enforce
16 airport zoning regulations, in the manner provided for
17 political subdivisions under the Airport Zoning Act, with
18 respect to any airport hazard or airport hazard area (as
19 described in that Act) for the South Suburban Airport,
20 regardless of the distance from that airport. The Authority
21 also may request that the Department, or any successor agency,
22 develop hazard zoning regulations in accordance with
23 applicable law. The Authority also may adopt, administer, and
24 enforce zoning regulations governing land and improvements

1 within the Airport Boundaries of the South Suburban Airport for
2 the purpose of ensuring safe and efficient airport operation,
3 all in a manner consistent with the procedures and requirements
4 for municipalities under the Illinois Municipal Code. To ensure
5 that the land usage is compatible with current and future
6 airport development, the Authority's zoning powers apply
7 whether such land is in an unincorporated area or within the
8 boundaries of a municipality or other unit of local government.
9 To the extent the Authority's exercise of its zoning powers
10 authorized by this Act is inconsistent with exercise of any
11 other local unit of government's exercise of zoning powers or
12 laws, the Authority's zoning authority controls. The Authority
13 may also, with the consent of the federal and State resource
14 agencies or any successor agencies as required by law, adopt,
15 administer, and enforce rules and regulations on the use of
16 waterways and flood plains within the Airport Boundaries of the
17 South Suburban Airport as necessary for the development,
18 construction, acquisition, and operation of the South Suburban
19 Airport.

20 Section 6-40. Eminent Domain.

21 (a) The Authority may take and acquire possession by
22 eminent domain of any property or interests in property that
23 the Authority is authorized to acquire under this Act with
24 respect to the development of the South Suburban Airport or as
25 needed as provided in Section 6-5 of this Act, whether within

1 or outside the site of that airport.

2 (b) The power of eminent domain shall be exercised by the
3 Authority only as authorized by resolution of the Authority,
4 and shall extend to all types of interests in property, both
5 real and personal, (including, without limitation, easements
6 for access or open space purposes and rights of concurrent
7 usage of existing or planned facilities) and property held
8 either for public or for private use, including
9 (notwithstanding any other law to the contrary) property held
10 by any governmental entity, including any property, rights, or
11 easements owned by units of local government, school districts,
12 or forest preserve districts. The powers given to the Authority
13 under this Section include the power to acquire, by
14 condemnation or otherwise, any property used for cemetery
15 purposes within the South Suburban Airport boundaries, and to
16 require that the cemetery be removed to a different location.
17 The powers given to the Authority under this Section include
18 the power to condemn or otherwise acquire (other than by
19 condemnation by quick-take), and to convey, substitute
20 property when the Authority reasonably determines that
21 monetary compensation will not be sufficient or practical just
22 compensation for property acquired by the Authority in
23 connection with the development of the South Suburban Airport.
24 The acquisition of substitute property is declared to be for
25 public use. The Authority shall exercise the power of eminent
26 domain granted in this Section with respect to property located

1 within the State of Illinois in the manner provided for the
2 exercise of the right of eminent domain under the Eminent
3 Domain Act.

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

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

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

13 Section 6-50. Employee pensions. The Authority may
14 establish and maintain systems of pensions and retirement
15 benefits for such officers and employees of the Authority as
16 may be designated or described by resolution of the Authority.
17 Such pension systems shall be financed or funded by such means
18 and in such manner as may be determined by the Board to be
19 economically advantageous.

20 Section 6-55. Approvals. The Authority has the power to
21 apply to the proper authorities of the United States, the State
22 of Illinois, and other governmental entities, as permitted or
23 authorized by applicable law, to obtain any licenses,

1 approvals, or permits reasonably necessary to achieve the
2 purposes of this Act.

3 Section 6-60. Foreign trade zones. The Authority has the
4 power to apply to the proper authorities of the United States
5 pursuant to appropriate law for permission to establish,
6 operate, maintain, and lease foreign trade zones and sub-zones
7 within the area of the South Suburban Airport and to establish,
8 operate, maintain, and lease such foreign trade zones and
9 sub-zones.

10 Section 6-65. Police and other services. The Authority has
11 the power to police its property within the site of the South
12 Suburban Airport. The Authority has the power to exercise
13 police powers in respect to that property and in respect to the
14 enforcement of any rule or regulation of the Authority,
15 including the regulation of vehicular traffic, and of the
16 public health and welfare and the sale of alcoholic beverages,
17 including the power to license activities and provide for fees
18 for licenses, and to provide fire protection and emergency
19 medical services at the South Suburban Airport. The Authority
20 has the power, by resolution, to provide for the regulation of
21 the construction and use of buildings and facilities located
22 within the Airport Boundaries of the South Suburban Airport,
23 including, without limitation, any building, fire, and other
24 safety regulation that it may determine to be needed for the

1 protection of public safety and the efficient operation of the
2 Airport. The Authority has the power to contract for, employ
3 and establish, maintain and equip a security force for police,
4 fire, and emergency medical services on property within the
5 Airport Boundaries of the South Suburban Airport. The Authority
6 also has the power to provide or contract for water, sewer,
7 gas, electricity and other utilities for use in connection with
8 development or operation of the Airport.

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

11 Section 6-75. General powers.

12 (a) Except as otherwise limited by this Act, the Authority
13 shall also have the powers necessary, convenient, or desirable
14 to meet its responsibilities and to carry out its purposes and
15 express powers, including, but not limited to, the following
16 powers:

17 (1) To sue and be sued.

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

21 (3) To make, amend, and repeal by action of the Board
22 by-laws, rules and regulations, and resolutions consistent
23 with this Act.

24 (4) To hold, sell by installment contract, lease as

1 lessor, transfer, or dispose of such real or personal
2 property as it deems appropriate in the exercise of its
3 powers; to provide for use of such property by any user of
4 the South Suburban Airport; and to permit the mortgage,
5 pledge, or other granting of security interests in any
6 leaseholds granted by the Authority.

7 (5) To enter at reasonable times upon such lands,
8 waters, or premises as in the judgment of the Authority may
9 be necessary, convenient, or desirable for the purpose of
10 making surveys, soundings, borings, and examinations to
11 accomplish any purpose authorized by this Act after having
12 given reasonable notice of such proposed entry to the
13 owners and occupants of such lands, waters, or premises,
14 the Authority being liable only for actual damage caused by
15 such activity.

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

1 (7) To make and execute all contracts and other
2 instruments necessary or convenient to the exercise of its
3 powers.

4 (8) To enter into collective bargaining agreements and
5 contracts of group insurance for the benefit of its
6 employees and to provide for retirement benefits or
7 pensions and other employee benefit arrangements for its
8 employees.

9 (9) To provide for the insurance of any property,
10 directors, officers, employees, or operations of the
11 Authority against any risk or hazard, to self-insure or
12 participate in joint self-insurance pools or entities to
13 insure against such risk or hazard, and to provide for the
14 indemnification of its directors, officers, employees,
15 contractors, or agents against any and all claims, losses,
16 and related costs.

17 (10) To pass all resolutions and make all rules and
18 regulations proper or necessary to regulate the use,
19 operation, and maintenance of its property and facilities
20 and, by resolution, to prescribe fines or penalties for
21 violations of such rules and regulations. Those rules and
22 regulations may include, without limitation, the
23 regulation of parking and vehicular traffic. Any
24 resolution providing for any fine or penalty shall be
25 published in pamphlet form or in a newspaper of general
26 circulation in the region. No such resolution shall take

1 effect until 10 days after its publication.

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

4 (b) In each case in which this Act gives the Authority the
5 power to acquire real or personal property, the Authority has
6 the power to acquire such property by contract, purchase, gift,
7 grant, exchange for other property or rights in property, lease
8 (or sublease), or installment or conditional purchase
9 contracts, including a settlement of an eminent domain
10 proceeding, which leases or installment or conditional
11 purchase contracts may provide for consideration to be paid in
12 annual installments during a period not exceeding 40 years.
13 Property may be acquired subject to any conditions,
14 restrictions, liens, or security or other interests of other
15 parties, and the Authority may acquire a joint leasehold,
16 easement, license or other partial interest in such property.
17 Any such acquisition may provide for the assumption of, or
18 agreement to pay, perform, or discharge outstanding or
19 continuing duties, obligations or liabilities of the seller,
20 lessor, donor, or other transferor of, or of the trustee with
21 regard to, such property. In connection with the acquisition of
22 any easement or other property interest that is less than fee
23 simple title, the Authority may indemnify and hold harmless the
24 owners and occupants of such property or interests in property
25 for any and all losses, claims, damages, liabilities, or
26 expenses arising out of use of such property or interests in

1 property.

2 Section 6-80. Additional powers. The Authority has any
3 additional powers necessary to implement and perform the powers
4 and duties assigned the Authority under this Act. Such
5 additional powers shall not extend to override or abrogate
6 limitations imposed in this Act on the exercise of the
7 Authority's power.

8 Section 6-85. Regulations. The Authority may adopt
9 regulations governing its exercise of authority in this Act.

10 ARTICLE 7. FINANCE

11 Section 7-5. Supervision of finances. The Board shall
12 control the finances of the Authority, including adopting
13 budgets and capital plans, imposing fees and charges, engaging
14 consultants and professional advisors, entering into contracts
15 with airport users of the South Suburban Airport, conveying
16 property, entering into contracts for the acquisition of
17 property or for goods or services (except such contracts as may
18 be entered into on behalf of the Authority pursuant to
19 authorization as delegated by the Board), borrowing money,
20 issuing bonds, and granting security interests in the
21 Authority's revenues. The Board shall establish and may, from
22 time to time, modify the fiscal year of the Authority. The

1 Board shall annually cause the finances of the Authority to be
2 audited by a firm of certified public accountants experienced
3 in auditing public airports.

4 Section 7-10. Federal funds. The Authority may take all
5 steps consistent with applicable laws to maximize funding for
6 the costs of the South Suburban Airport from grants by the
7 Federal Aviation Administration or any successor agency.

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

21 Section 7-20. Annual report. For each fiscal year, the
22 Authority shall prepare an annual report setting forth
23 information concerning its activities in the fiscal year and

1 the status of the development of the South Suburban Airport.
2 The annual report shall include the audited financial
3 statements of the Authority for the fiscal year prepared in
4 accordance with generally accepted accounting principles for
5 airports, statistical information relating to traffic and
6 usage of the Airport, the budget for the succeeding fiscal
7 year, and the current capital plan as of the date of the
8 report. Copies of the annual report shall be submitted not
9 later than 120 days after the end of the Authority's fiscal
10 year to each appointing official of directors of the Authority.

11 Section 7-25. Purchasing.

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

25 (b) The Board may adopt regulations to make exceptions to

1 the requirement for public bidding in instances in which it
2 determines bidding is not appropriate, including, without
3 limitation, instances in which the property or service can be
4 obtained only from a single source or for any professional
5 services, or in which various alternative purchasing
6 arrangements are preferable, including, without limitation,
7 prequalification of bidders, negotiation with the lowest
8 responsive and responsible bidder after opening of bids,
9 utilization of other competitive selection procedures in which
10 price is one of the selection criteria, participation in joint
11 purchasing programs with other units of government, or
12 procurement by negotiation or agreement with any airline.
13 Except as set forth below, the Local Government Professional
14 Services Selection Act shall apply to the Authority.

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

18 (1) allow turnkey design, construction and development
19 of any or all airport facilities on the basis of
20 competitive quality, performance, timing, price and other
21 relevant factors;

22 (2) operate the airport on the basis of competitive
23 quality, performance, price, and other relevant factors;
24 or

25 (3) provide a turnkey development of any or all airport
26 facilities and operate the airport or any part thereof on

1 the basis of competitive quality, performance, timing,
2 price, and other relevant factors.

3 (d) To promote quality work, promote labor harmony and
4 ensure timely completion of its projects, the Authority may
5 utilize project labor agreements to accomplish its airport
6 improvement projects.

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

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

13 (2) Require the contractor and all subcontractors to
14 participate in apprenticeship and training programs
15 approved by and registered with the United States
16 Department of Labor's Bureau of Apprenticeship and
17 Training, or any successor entity, to the extent that such
18 programs are reasonably available within the contractor's
19 or subcontractor's employees' trade or trades.

20 The provisions of this subsection shall not apply to
21 federally funded projects if such application would jeopardize
22 the receipt or use of federal funds in support of such a
23 project.

24 Section 7-30. Revenues.

25 (a) The Authority may impose and levy a passenger facility

1 charge or any other fee or charge permitted by the Federal
2 Aviation Administration or United States government or any
3 agency thereof at the South Suburban Airport. The Authority may
4 amend any such applications or approved passenger facility
5 charge program and enter into agreements with the Federal
6 Aviation Administration or the United States government with
7 respect to a passenger facility charge or other fee or charge
8 permitted by the Federal Aviation Administration or the United
9 States government. The Board may impose upon air carriers using
10 the South Suburban Airport the obligation to collect any such
11 charge or fee, to the extent permitted by federal laws or
12 regulations.

13 (b) The Board may set fees and charges for the use of the
14 South Suburban Airport or any facilities of the South Suburban
15 Airport or any property owned or leased by the Authority,
16 including flowage fees on aviation fuel, and may enter into
17 contracts with users providing for the payment of amounts for
18 the use of the South Suburban Airport or facilities of that
19 airport.

20 (c) To the extent not specified in this Section, the
21 Authority shall by resolution provide for details of and the
22 method of collecting any fee or charge it imposes under this
23 Section.

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

1 Section 7-35. Borrowing.

2 (a) The Authority has the continuing power to borrow money
3 and to issue its negotiable bonds as provided in this Section.
4 Bonds of the Authority may be issued for any purpose of the
5 Authority, including, without limitation, to plan, develop,
6 construct, acquire, improve, repair, or expand the South
7 Suburban Airport, including facilities to be leased to or used
8 by any individual or entity other than the Authority; to
9 provide funds for operations of the South Suburban Airport; to
10 pay, refund (at the time of or in advance of any maturity or
11 redemption), or redeem any bonds or any revenue bonds or notes
12 issued to finance property for the South Suburban Airport; to
13 provide or increase a debt service reserve fund or other
14 reserves with respect to any or all of its bonds; to pay
15 interest on bonds; or to pay the legal, financial,
16 administrative, bond insurance, credit enhancement, and other
17 expenses of the authorization, issuance, sale, or delivery of
18 bonds.

19 (b) All bonds issued under this Section shall have a claim
20 for payment solely from one or more funds, revenues, or
21 receipts of the Authority or property interests of any user of
22 facilities financed by the Authority as provided in this Act
23 and from credit enhancement or other security for the bonds,
24 including but not limited to guarantees, letters of credit, or
25 other security or insurance, for the benefit of bond holders.

1 Bonds may be issued in one or more series and may have a claim
2 for payment and be secured either separately or on a parity
3 with any other bonds. Bonds shall be secured as provided in the
4 authorizing resolution, which may include, in addition to any
5 other security, a specific pledge or assignment of or grant of
6 a lien on or security interest in any or all funds and revenues
7 of the Authority and a mortgage or security interest in the
8 leasehold of a user of facilities financed by the bonds. Any
9 such pledge, assignment, lien, or security interest on funds
10 and revenues shall be valid and binding from the times the
11 bonds are issued, without any necessity of physical delivery,
12 filing, recording, or further act, and shall be valid and
13 binding as against and prior to the claims of all other parties
14 having claims of any kind against the Authority or any other
15 person irrespective of whether such other parties have notice
16 of the pledge assignment, lien, or security interest. The
17 Authority may provide for the creation of, deposits in, and
18 regulation and disposition of sinking fund or reserve accounts
19 relating to the bonds. The Authority may make provision, as
20 part of the contract with the owners of the bonds, for the
21 creation of one or more separate funds to provide for the
22 payment of principal and interest on the bonds and for the
23 deposit in the funds from any one or more sources of revenues
24 of the Authority from whatever source which may by law be
25 utilized for debt service purposes of amounts to meet the debt
26 service requirements on the bonds, including principal and

1 interest and any sinking fund or reserve fund requirements and
2 all expenses incident to or in connection with the fund and
3 accounts or the payment of bonds.

4 (c) Subject to the provisions of subsection (f) of this
5 Section, the authorizing resolution shall set forth or provide
6 for the terms of the bonds being authorized, including their
7 maturity (which shall not exceed 40 years from their issuance),
8 the provisions for interest on those bonds, the security for
9 those bonds, their redemption provisions, and all covenants or
10 agreements necessary or desirable with regard to the issuance,
11 sale, and security of those bonds.

12 (d) The authorizing resolution may provide for appointment
13 of a corporate trustee (which may be any trust company or bank
14 having the powers of a trust company within or without the
15 territory of the State of Illinois) with respect to any bonds
16 being issued. The authorizing resolution shall prescribe the
17 rights, duties, and powers of any trustee to be exercised for
18 the benefit of the Authority and the protection of the owners
19 of the bonds and may provide for terms of a trust indenture for
20 the bonds. The authorizing resolution may provide for the
21 trustee to hold in trust, invest, and use amounts in funds and
22 accounts created as provided by the authorizing resolution.

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

24 (1) payable as to principal and interest on such dates,
25 shall be in the denominations and forms, including book
26 entry form, and shall have the registration and privileges

1 as to exchange, transfer, or conversion and the replacement
2 of mutilated, lost, or destroyed bonds, as the resolution
3 or trust indenture may provide;

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

6 (3) subject to the terms of purchase, payment,
7 redemption, remarketing, refunding, or refinancing that
8 the resolution or trust indenture provides, including
9 redemption at a premium;

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

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

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

26 (g) The authorizing resolution or trust indenture may

1 contain provisions that are a part of the contract with the
2 owners of the bonds that relate to:

3 (1) limitations on the purposes to which, or the
4 investments in which, the proceeds of the sale of any issue
5 of bonds or the Authority's revenues may be applied or
6 made;

7 (2) limitations on the issuance of additional bonds,
8 the terms upon which additional bonds may be issued and
9 secured, and the terms upon which additional bonds may rank
10 on a parity with, or be subordinate or superior to other
11 bonds;

12 (3) the refunding, advance refunding, or refinancing
13 of outstanding bonds;

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

18 (5) the acts or omissions that constitute a default in
19 the duties of the Authority to owners of bonds and the
20 rights or remedies of owners in the event of a default,
21 which may include provisions restricting individual rights
22 of action by bond owners; and

23 (6) any other matter relating to the bonds which the
24 Board determines appropriate.

25 (h) Any bonds of the Authority issued under this Section
26 shall constitute a contract between the Authority and the

1 owners from time to time of the bonds. The Authority may also
2 covenant that it shall impose and continue to impose fees,
3 charges, or taxes (as authorized by this Act and in addition as
4 subsequently authorized by amendment to this Act) sufficient to
5 pay the principal and interest and to meet other debt service
6 requirements of the bonds as they become due.

7 (i) The State of Illinois pledges and agrees with the
8 owners of the bonds that it will not limit or alter the rights
9 and powers vested in the Authority by this Act so as to impair
10 the terms of any contract made by the Authority with the owners
11 or in any way impair the rights and remedies of the owners
12 until the bonds, together with interest on them, and all costs
13 and expenses in connection with any action or proceedings by or
14 on behalf of the owners, are fully met and discharged. The
15 Authority is authorized to include this pledge and agreement in
16 any contract with the owners of bonds issued under this
17 section.

18 Section 7-40. Legal investments. All governmental
19 entities, all public officers, banks, bankers, trust
20 companies, savings banks and institutions, building and loan
21 associations, savings and loan associations, investment
22 companies and other persons carrying on a banking business,
23 insurance companies, insurance associations and other persons
24 carrying on an insurance business, and all executors,
25 administrators, guardians, trustees, and other fiduciaries may

1 legally invest any sinking funds, moneys, or other funds
2 belonging to them or within their control in any bonds issued
3 under this Act. However, nothing in this Section shall be
4 construed as relieving any person, firm, or corporation from
5 any duty of exercising reasonable care in selecting securities
6 for purchase or investment.

7 Section 7-45. Interest swaps. With respect to all or part
8 of any issue of its bonds, the Authority may enter into
9 agreements or contracts with any necessary or appropriate
10 person that will have the benefit of providing to the Authority
11 an interest rate basis, cash flow basis, or other basis
12 different from that provided in the bonds for the payment of
13 interest. Such agreements or contracts may include, without
14 limitation, agreements or contracts commonly known as
15 "interest rate swap agreements", "forward payment conversion
16 agreements", "futures", "options", "puts", or "calls" and
17 agreements or contracts providing for payments based on levels
18 of or changes in interest rates, agreements or contracts to
19 exchange cash flows or a series of payments, or to hedge
20 payment, rate spread, or similar exposure.

21 Section 7-50. Obligations of other governmental entities.
22 No bonds or other obligations of the Authority shall be a debt
23 or obligation of the State of Illinois or other governmental
24 entity, or treated as indebtedness of the State of Illinois or

1 other governmental entity, or require the levy, imposition, or
2 application of any tax by the State of Illinois or other
3 governmental entity. Amounts appropriated or provided to be
4 appropriated at any time to the Authority from the State of
5 Illinois may not be directly or indirectly pledged or assigned
6 or be subject to a lien or security interest or otherwise
7 promised to be used to pay debt service on any bonds.

8 Section 7-55. Hiring and contracting practices.

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

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

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

16 Section 8-5. Completion of property acquisition for the
17 inaugural site. The Department shall continue to acquire the
18 property lying partially or wholly within the inaugural airport
19 boundary. The inaugural boundary is depicted in Figure R-3 in
20 the Federal Aviation Administration's Record of Decision for
21 Tier 1: FAA Site Approval And Land Acquisition By The State Of
22 Illinois, Proposed South Suburban Airport, Will County,
23 Illinois, dated July 2002. The inaugural airport boundary shall

1 be modified to reflect the inaugural airport boundaries in an
2 airport layout plan approved by the Federal Aviation
3 Administration or any other successor agency and as reflected
4 later in any approved airport layout plan. The Department shall
5 acquire such property as quickly as possible, including use of
6 the Department's condemnation powers where it appears
7 reasonably likely that the Department will not be able to
8 acquire such property voluntarily. The Department shall
9 exercise all best efforts to ensure that the property is
10 purchased at fair market value. Upon the creation of the
11 Authority, the Authority shall enter into an agreement with the
12 Department setting forth the terms under which the Department
13 shall complete all ongoing land acquisition.

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

20 Section 8-15. Payment for transferred property. The
21 Authority shall pay the Department for the value of property
22 lying wholly or partially within the inaugural site that is
23 transferred to the South Suburban Airport Authority. The value
24 of the property shall be the price paid by the Department or

1 fair market value, whichever is less. The payments shall be
2 made out of the proceeds of the first issuance of general
3 airport revenue or other bonds sold to fund construction of the
4 South Suburban Airport. In the event no such bonds are sold
5 within 10 years of the effective date of this Act, title to
6 property lying wholly or partially within the inaugural site
7 that previously was transferred to the South Suburban Airport
8 Authority shall revert to the Department.

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

1 ARTICLE 9. INTERGOVERNMENTAL RELATIONS AND LIMITATIONS

2 Section 9-5. Intergovernmental cooperation. The Authority
3 may enter into agreements with the United States, the State of
4 Illinois, Will County, the Eastern Will County Development
5 District, or any governmental entity, by which powers of the
6 Authority and the other parties may be jointly exercised or
7 pursuant to which the parties otherwise may enjoy the benefits
8 of intergovernmental cooperation.

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

16 Section 9-15. Application of laws. The Governmental
17 Account Audit Act, the Foreign Trade Zones Act, and the Public
18 Funds Statement Publication Act shall not apply to the
19 Authority.

20 Section 9-20. Exclusive powers. The Authority is the only
21 governmental entity that is authorized to develop, construct,

1 own and operate the South Suburban Airport. Notwithstanding any
2 other law, no other unit of local government, including but not
3 limited to municipalities, airport authorities or joint
4 airport commissions, may develop, construct, own or operate an
5 airport on the site identified in this Act as the South
6 Suburban Airport.

7 ARTICLE 10. PROCEDURES AND LIMITATIONS

8 Section 10-5. Hearings and citizen participation.

9 (a) The Authority shall provide for and encourage
10 participation by the public in the development and review of
11 major decisions concerning the development and operation of the
12 South Suburban Airport.

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

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

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

23 Section 10-10. Limitation on actions. The Local

1 Governmental and Governmental Employees Tort Immunity Act
2 shall apply to the Authority and all its directors, officers,
3 and employees.

4 ARTICLE 11. AMENDATORY PROVISIONS

5 Section 11-5. The Archaeological and Paleontological
6 Resources Protection Act is amended by adding Section 1.75 as
7 follows:

8 (20 ILCS 3435/1.75 new)

9 Sec. 1.75. South Suburban Airport. Nothing in this Act
10 limits the authority of the South Suburban Airport Authority to
11 exercise its powers under the South Suburban Airport Authority
12 Act or requires that Authority, or any person acting on its
13 behalf, to obtain a permit under this Act when acquiring
14 property or otherwise exercising its powers under the South
15 Suburban Airport Authority Act.

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

18 (20 ILCS 3440/4.75 new)

19 Sec. 4.75. South Suburban Airport. Nothing in this Act
20 limits the authority of the South Suburban Airport Authority to
21 exercise its powers under the South Suburban Airport Authority

1 Act or requires that Authority, or any person acting on its
2 behalf, to obtain a permit under this Act when acquiring
3 property or otherwise exercising its powers under the South
4 Suburban Airport Authority Act.

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

7 (50 ILCS 40/1) (from Ch. 24, par. 1361)

8 Sec. 1. Establishing foreign trade zones.

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

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

19 (b) The Bi-State Authority, Lawrenceville - Vincennes
20 Airport.

21 (c) The Waukegan Port district.

22 (d) The Illinois Valley Regional Port District.

23 (e) The Economic Development Council, Inc. located in
24 the area of the United States Customs Port of Entry for

1 Peoria, pursuant to authorization granted by the county
2 boards in the geographic area served by the proposed
3 foreign trade zone.

4 (f) The Greater Rockford Airport Authority.

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

6 (B) ~~(g)~~ After the effective date of this amendatory Act of
7 1984, any county, city, village or town within the State or a
8 public or private corporation authorized or licensed to do
9 business in the State or any combination thereof may apply to
10 the Foreign Trade Zones Board, United States Department of
11 Commerce, for the right to establish, operate and maintain a
12 foreign trade zone and sub-zones. For the purposes of this
13 Section, such foreign trade zone or sub-zones may be
14 incorporated outside the corporate boundaries or be made up of
15 areas from adjoining counties or states.

16 (C) ~~(h)~~ No foreign trade zone may be established within 50
17 miles of an existing zone situated in a county with 3,000,000
18 or more inhabitants or within 35 miles of an existing zone
19 situated in a county with less than 3,000,000 inhabitants, such
20 zones having been created pursuant to this Act without the
21 permission of the authorities which established the existing
22 zone.

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

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

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

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

4 "Governmental unit" or "unit" includes all municipal
5 corporations in and political subdivisions of this State that
6 appropriate more than \$5,000 for a fiscal year, with the amount
7 to increase or decrease by the amount of the Consumer Price
8 Index (CPI) as reported on January 1 of each year, except the
9 following:

10 (1) School districts.

11 (2) Cities, villages, and incorporated towns subject
12 to the Municipal Auditing Law, as contained in the Illinois
13 Municipal Code, and cities that file a report with the
14 Comptroller under Section 3.1-35-115 of the Illinois
15 Municipal Code.

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

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

18 (5) Any other municipal corporations in or political
19 subdivisions of this State, the accounts of which are
20 required by law to be audited by or under the direction of
21 the Auditor General.

22 (6) (Blank).

23 (7) A drainage district, established under the
24 Illinois Drainage Code (70 ILCS 605), that did not receive
25 or expend any moneys during the immediately preceding

1 fiscal year or obtains approval for assessments and
2 expenditures through the circuit court.

3 (8) Public housing authorities that submit financial
4 reports to the U.S. Department of Housing and Urban
5 Development.

6 (9) The South Suburban Airport Authority created under
7 the South Suburban Airport Authority Act.

8 "Governing body" means the board or other body or officers
9 having authority to levy taxes, make appropriations, authorize
10 the expenditure of public funds or approve claims for any
11 governmental unit.

12 "Comptroller" means the Comptroller of the State of
13 Illinois.

14 "Consumer Price Index" means the Consumer Price Index for
15 All Urban Consumers for all items published by the United
16 States Department of Labor.

17 "Licensed public accountant" means the holder of a valid
18 certificate as a public accountant under the Illinois Public
19 Accounting Act.

20 "Audit report" means the written report of the licensed
21 public accountant and all appended statements and schedules
22 relating to that report, presenting or recording the findings
23 of an examination or audit of the financial transactions,
24 affairs, or conditions of a governmental unit.

25 "Report" includes both audit reports and reports filed
26 instead of an audit report by a governmental unit receiving

1 revenue of less than \$850,000 during any fiscal year to which
2 the reports relate.

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

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

6 (65 ILCS 5/11-51-1) (from Ch. 24, par. 11-51-1)

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

1 Authority to acquire property or otherwise exercise its powers
2 under the South Suburban Airport Authority Act.

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

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

6 (70 ILCS 805/5e) (from Ch. 96 1/2, par. 6308e)

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

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

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

18 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

19 Sec. 21. (1) The funeral director or person acting as such
20 who first assumes custody of a dead body or fetus shall make a
21 written report to the registrar of the district in which death
22 occurred or in which the body or fetus was found within 24

1 hours after taking custody of the body or fetus on a form
2 prescribed and furnished by the State Registrar and in
3 accordance with the rules promulgated by the State Registrar.
4 Except as specified in paragraph (2) of this Section, the
5 written report shall serve as a permit to transport, bury or
6 entomb the body or fetus within this State, provided that the
7 funeral director or person acting as such shall certify that
8 the physician in charge of the patient's care for the illness
9 or condition which resulted in death has been contacted and has
10 affirmatively stated that he will sign the medical certificate
11 of death or the fetal death certificate. If a funeral director
12 fails to file written reports under this Section in a timely
13 manner, the local registrar may suspend the funeral director's
14 privilege of filing written reports by mail. In a county with a
15 population greater than 3,000,000, if a funeral director or
16 person acting as such interrs or entombs a dead body without
17 having previously certified that the physician in charge of the
18 patient's care for the illness or condition that resulted in
19 death has been contacted and has affirmatively stated that he
20 or she will sign the medical certificate of death, then that
21 funeral director or person acting as such is responsible for
22 payment of the specific costs incurred by the county medical
23 examiner in disinterring and reinterring or reentombing the
24 dead body.

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

- 1 (a) Remove body or fetus from this State;
- 2 (b) Cremate the body or fetus; or
- 3 (c) Make disposal of any body or fetus in any manner
- 4 when death is subject to the coroner's or medical
- 5 examiner's investigation.

6

7 (3) In accordance with the provisions of paragraph (2) of

8 this Section the funeral director or person acting as such who

9 first assumes custody of a dead body or fetus shall obtain a

10 permit for disposition of such dead human body prior to final

11 disposition or removal from the State of the body or fetus.

12 Such permit shall be issued by the registrar of the district

13 where death occurred or the body or fetus was found. No such

14 permit shall be issued until a properly completed certificate

15 of death has been filed with the registrar. The registrar shall

16 insure the issuance of a permit for disposition within an

17 expedited period of time to accommodate Sunday or holiday

18 burials of decedents whose time of death and religious tenets

19 or beliefs necessitate Sunday or holiday burials.

20 (4) A permit which accompanies a dead body or fetus brought

21 into this State shall be authority for final disposition of the

22 body or fetus in this State, except in municipalities where

23 local ordinance requires the issuance of a local permit prior

24 to disposition.

25 (5) A permit for disposition of a dead human body shall be

26 required prior to disinterment of a dead body or fetus, and

1 when the disinterred body is to be shipped by a common carrier.
2 Such permit shall be issued to a licensed funeral director or
3 person acting as such, upon proper application, by the local
4 registrar of the district in which disinterment is to be made.
5 In the case of disinterment, proper application shall include a
6 statement providing the name and address of any surviving
7 spouse of the deceased, or, if none, any surviving children of
8 the deceased, or if no surviving spouse or children, a parent,
9 brother, or sister of the deceased. The application shall
10 indicate whether the applicant is one of these parties and, if
11 so, whether the applicant is a surviving spouse or a surviving
12 child. Prior to the issuance of a permit for disinterment, the
13 local registrar shall, by certified mail, notify the surviving
14 spouse, unless he or she is the applicant, or if there is no
15 surviving spouse, all surviving children except for the
16 applicant, of the application for the permit. The person or
17 persons notified shall have 30 days from the mailing of the
18 notice to object by obtaining an injunction enjoining the
19 issuance of the permit. After the 30-day period has expired,
20 the local registrar shall issue the permit unless he or she has
21 been enjoined from doing so or there are other statutory
22 grounds for refusal. The notice to the spouse or surviving
23 children shall inform the person or persons being notified of
24 the right to seek an injunction within 30 days. Notwithstanding
25 any other provision of this subsection (5), a court may order
26 issuance of a permit for disinterment without notice or prior

1 to the expiration of the 30-day period where the petition is
2 made by an agency of any governmental unit and good cause is
3 shown for disinterment without notice or for the early order.
4 Nothing in this subsection (5) limits the authority of the City
5 of Chicago to acquire property or otherwise exercise its powers
6 under the O'Hare Modernization Act or requires that City, or
7 any person acting on behalf of that City, to obtain a permit
8 under this subsection (5) when exercising powers under the
9 O'Hare Modernization Act. Nothing in this subsection (5) limits
10 the authority of South Suburban Airport Authority to acquire
11 property or otherwise exercise its powers under the South
12 Suburban Airport Authority Act or requires that Authority, or
13 any person acting on its behalf, to obtain a permit under this
14 subsection (5) when exercising powers under the South Suburban
15 Airport Authority Act.

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

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

19 (735 ILCS 30/10-5-10) (was 735 ILCS 5/7-102)

20 Sec. 10-5-10. Parties.

21 (a) When the right (i) to take private property for public
22 use, without the owner's consent, (ii) to construct or maintain
23 any public road, railroad, plankroad, turnpike road, canal, or
24 other public work or improvement, or (iii) to damage property

1 not actually taken has been or is conferred by general law or
2 special charter upon any corporate or municipal authority,
3 public body, officer or agent, person, commissioner, or
4 corporation and when (i) the compensation to be paid for or in
5 respect of the property sought to be appropriated or damaged
6 for the purposes mentioned cannot be agreed upon by the parties
7 interested, (ii) the owner of the property is incapable of
8 consenting, (iii) the owner's name or residence is unknown, or
9 (iv) the owner is a nonresident of the State, then the party
10 authorized to take or damage the property so required, or to
11 construct, operate, and maintain any public road, railroad,
12 plankroad, turnpike road, canal, or other public work or
13 improvement, may apply to the circuit court of the county where
14 the property or any part of the property is situated, by filing
15 with the clerk a complaint. The complaint shall set forth, by
16 reference, (i) the complainant's authority in the premises,
17 (ii) the purpose for which the property is sought to be taken
18 or damaged, (iii) a description of the property, and (iv) the
19 names of all persons interested in the property as owners or
20 otherwise, as appearing of record, if known, or if not known
21 stating that fact; and shall pray the court to cause the
22 compensation to be paid to the owner to be assessed.

23 (b) If it appears that any person not in being, upon coming
24 into being, is, or may become or may claim to be, entitled to
25 any interest in the property sought to be appropriated or
26 damaged, the court shall appoint some competent and

1 disinterested person as guardian ad litem to appear for and
2 represent that interest in the proceeding and to defend the
3 proceeding on behalf of the person not in being. Any judgment
4 entered in the proceeding shall be as effectual for all
5 purposes as though the person was in being and was a party to
6 the proceeding.

7 (c) If the proceeding seeks to affect the property of
8 persons under guardianship, the guardians shall be made parties
9 defendant.

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

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

1 (f) When the property is sought to be taken or damaged by
2 the State for the purposes of establishing, operating, or
3 maintaining any State house or State charitable or other
4 institutions or improvements, the complaint shall be signed by
5 the Governor, or the Governor's designee, or as otherwise
6 provided by law.

7 (g) No property, ~~except~~ except property described in Section 3 of
8 the Sports Stadium Act, property to be acquired in furtherance
9 of actions under Article 11, Divisions 124, 126, 128, 130, 135,
10 136, and 139, of the Illinois Municipal Code, property to be
11 acquired in furtherance of actions under Section 3.1 of the
12 Intergovernmental Cooperation Act, property to be acquired
13 that is a water system or waterworks pursuant to the home rule
14 powers of a unit of local government, ~~and~~ property described as
15 Site B in Section 2 of the Metropolitan Pier and Exposition
16 Authority Act, and property that may be taken as provided in
17 the South Suburban Airport Authority Act) belonging to a
18 railroad or other public utility subject to the jurisdiction of
19 the Illinois Commerce Commission may be taken or damaged,
20 pursuant to the provisions of this Act, without the prior
21 approval of the Illinois Commerce Commission.

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

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

1 (775 ILCS 35/30)

2 Sec. 30. O'Hare Modernization and South Suburban Airport.
3 Nothing in this Act limits the authority of the City of Chicago
4 to exercise its powers under the O'Hare Modernization Act, or
5 the South Suburban Airport Authority to exercise its powers
6 under the South Suburban Airport Authority Act, for the
7 purposes of relocation of cemeteries or the graves located
8 therein.

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

10 ARTICLE 12. SEVERABILITY

11 Section 12-5. Severability. The provisions of this Act are
12 severable under Section 1.31 of the Statute of Statutes. The
13 provisions of this Act shall be reasonably and liberally
14 construed to achieve the purposes for the establishment of the
15 Authority.

16 ARTICLE 13. STATE MANDATES ACT

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

19 (30 ILCS 805/8.32 new)

20 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the
2 implementation of any mandate created by the South Suburban
3 Airport Authority Act.

4 ARTICLE 99. EFFECTIVE DATE

5 Section 99-99. Effective date. This Act takes effect
6 January 1, 2009."