

1 AN ACT to create the Southern Illinois Industrial
2 Development Authority.

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

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

7 Section 5. Legislative declaration. The General
8 Assembly determines and declares:

9 (1) Labor surplus areas currently exist in the southern
10 part of the State.

11 (2) The economic burdens resulting from involuntary
12 unemployment fall in part upon the State in the form of
13 increased need for public assistance and reduced tax revenues
14 and, in the event that the unemployed worker and his family
15 migrate elsewhere to find work, may also fall upon the
16 municipalities and other taxing districts within the areas of
17 unemployment in the form of reduced tax revenues, thereby
18 endangering their financial ability to support necessary
19 governmental services for their remaining inhabitants.

20 (3) The State has a responsibility to help create a
21 favorable climate for new and improved job opportunities for
22 its citizens by encouraging the development of commercial and
23 service businesses, industrial and manufacturing plants, and
24 tourism within the southern part of the State.

25 (4) A lack of decent housing contributes to urban
26 blight, crime, anti-social behavior, disease, a higher need
27 for public assistance, reduced tax revenues, and the
28 migration of workers and their families away from areas that
29 fail to offer adequate, decent, and affordable housing.

30 (5) Decent, affordable housing is a necessary ingredient
31 of life affording each citizen basic human dignity, a sense

1 of self worth, confidence, and a firm foundation upon which
2 to build a family and educate children.

3 (6) In order to foster civic and neighborhood pride,
4 citizens require access to educational institutions,
5 recreation, parks and open spaces, entertainment and sports,
6 a reliable transportation network, cultural facilities, and
7 theaters.

8 (7) The main purpose of this Act is to promote
9 industrial, commercial, residential, service, tourism,
10 transportation, and recreational activities and facilities,
11 thereby reducing the evils attendant upon unemployment and
12 enhancing the public health, safety, morals, happiness, and
13 general welfare of this State.

14 Section 10. Definitions. In this Act:

15 "Airport" means any locality, either land or water, that
16 is used or designed for the landing and taking off of
17 aircraft or for the location of runways, landing fields,
18 aerodromes, hangars, buildings, structures, airport roadways,
19 and other facilities.

20 "Authority" means the Southern Illinois Industrial
21 Development Authority created by this Act.

22 "Board" means the Southern Illinois Industrial
23 Development Authority Board of Directors.

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

26 "Commercial project" means any project, including but not
27 limited to one or more buildings and other structures,
28 improvements, machinery, and equipment whether or not on the
29 same site or sites now existing or hereafter acquired,
30 suitable for use by any retail or wholesale concern,
31 distributorship, or agency, any cultural facilities of a
32 for-profit or not-for-profit type including but not limited
33 to educational, theatrical, recreational and entertainment,

1 sports facilities, racetracks, stadiums, convention centers,
2 exhibition halls, arenas, opera houses and theaters,
3 waterfront improvements, swimming pools, boat storage,
4 moorage, and docking facilities, restaurants, velodromes,
5 coliseums, sports training facilities, parking facilities,
6 terminals, hotels and motels, gymnasiums, medical facilities,
7 and port facilities.

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

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

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

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

33 "Housing project" or "residential project" includes a
34 specific work or improvement undertaken to provide dwelling

1 accommodations, including the acquisition, construction, or
2 rehabilitation of lands, buildings, and community facilities
3 and in connection with dwelling accommodations to provide
4 non-housing facilities that are an integral part of a planned
5 large-scale project or new community.

6 "Industrial project" means (1) a capital project,
7 including one or more buildings and other structures,
8 improvements, machinery, and equipment whether or not on the
9 same site or sites now existing or hereafter acquired,
10 suitable for use by any manufacturing, industrial, research,
11 transportation, tourism, or commercial enterprise including
12 but not limited to use as a factory, mill, processing plant,
13 assembly plant, packaging plant, fabricating plant, office
14 building, industrial distribution center, warehouse, repair,
15 overhaul, or service facility, freight terminal, research
16 facility, test facility, railroad facility, solid waste and
17 wastewater treatment and disposal sites and other pollution
18 control facilities, resource or waste reduction, recovery,
19 treatment, and disposal facilities, and including also the
20 sites thereof and other rights in land therefor whether
21 improved or unimproved, site preparation and landscaping and
22 all appurtenances and facilities incidental to site
23 preparation and landscaping such as utilities, access roads,
24 railroad sidings, truck docking, and similar facilities,
25 parking facilities, dockage, wharfage, railroad roadbed,
26 track, trestle, depot, terminal, switching and signaling
27 equipment, or related equipment and other improvements
28 necessary or convenient thereto; or (2) any land, buildings,
29 machinery, or equipment comprising an addition to or
30 renovation, rehabilitation, or improvement of any existing
31 capital project.

32 "Lease agreement" means an agreement whereby a project
33 acquired by the Authority by purchase, gift, or lease is
34 leased to any person or corporation that will use or cause

1 the project to be used as a project as defined in this Act
2 upon terms providing for lease rental payments at least
3 sufficient to pay when due all principal of and interest and
4 premium, if any, on any bonds, notes, or other evidences of
5 indebtedness of the Authority issued with respect to that
6 project, providing for the maintenance, insurance, and
7 operation of the project on terms satisfactory to the
8 Authority and providing for disposition of the project upon
9 termination of the lease term, including purchase options or
10 abandonment of the premises, with any other terms that may be
11 deemed desirable by the Authority.

12 "Loan agreement" means any agreement pursuant to which
13 the Authority agrees to loan the proceeds of its bonds,
14 notes, or other evidences of indebtedness issued with respect
15 to a project to any person or corporation that will use or
16 cause the project to be used as a project as defined in this
17 Act upon terms providing for loan repayment installments at
18 least sufficient to pay when due all principal of and
19 interest and premium, if any, on any bonds, notes, or other
20 evidences of indebtedness of the Authority issued with
21 respect to the project, providing for maintenance, insurance,
22 and operation of the project on terms satisfactory to the
23 Authority, and providing for other matters as may be deemed
24 advisable by the Authority.

25 "Local government project" means a project or other
26 undertaking that is authorized or required by law to be
27 acquired, constructed, reconstructed, equipped, improved,
28 rehabilitated, replaced, maintained, or otherwise undertaken
29 in any manner by a unit of local government.

30 "Local government security" means a bond, note, or other
31 evidence of indebtedness that a unit of local government is
32 legally authorized to issue for the purpose of financing a
33 public purpose project or to issue for any other lawful
34 public purpose under any provision of the Illinois

1 Constitution or laws of this State, whether the obligation is
2 payable from taxes or revenues, rates, charges, assessments,
3 appropriations, grants, or any other lawful source or
4 combination thereof, and specifically includes, without
5 limitation, obligations under any lease or lease purchase
6 agreement lawfully entered into by the unit of local
7 government for the acquisition or use of facilities or
8 equipment.

9 "Person" means any natural person, firm, partnership,
10 corporation, both domestic and foreign, company, association,
11 or joint stock association, and includes any trustee,
12 receiver, assignee, or personal representative thereof.

13 "Port facilities" means all public structures, except
14 terminal facilities as defined in this Act, that are in,
15 over, under, or adjacent to navigable waters and are
16 necessary for or incident to the furtherance of water
17 commerce and includes the widening and deepening of slips,
18 harbors, and navigable waters.

19 "Project" means an industrial, housing, residential,
20 commercial, tourism, local government, or service project or
21 any combination thereof, provided that all uses shall fall
22 within one of the categories described above. Any project,
23 of any nature whatsoever, shall automatically include all
24 site improvements and new construction involving sidewalks,
25 sewers, solid waste and wastewater treatment and disposal
26 sites and other pollution control facilities, resource or
27 waste reduction, recovery, treatment and disposal facilities,
28 parks, open spaces, wildlife sanctuaries, streets, highways,
29 and runways.

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

34 "Terminal" means a public place, station, or depot for

1 receiving and delivering passengers, baggage, mail, freight,
2 or express matter and any combination thereof in connection
3 with the transportation of persons and property on water or
4 land or in the air.

5 "Terminal facilities" means all land, buildings,
6 structures, improvements, equipment, and appliances useful in
7 the operation of public warehouse, storage, and
8 transportation facilities and industrial, manufacturing, or
9 commercial activities for the accommodation of or in
10 connection with commerce by water or land or in the air or
11 useful as an aid, or constituting an advantage or convenience
12 to, the safe landing, taking off, and navigation of aircraft
13 or the safe and efficient operation or maintenance of a
14 public airport.

15 "Unit of local government" means a unit of local
16 government, as defined in Section 1 of Article VII of the
17 Illinois Constitution, and any local public entity as that
18 term is defined in the Local Governmental and Governmental
19 Employees Tort Immunity Act that is located within the
20 geographical territory of the Authority.

21 Section 15. Creation; Board.

22 (a) There is created a political subdivision, body
23 politic, and municipal corporation named the Southern
24 Illinois Industrial Development Authority. The territorial
25 jurisdiction of the Authority is that geographic area within
26 the boundaries of Alexander, Pulaski, Massac, Union,
27 Johnson, Pope, Hardin, Gallatin, Saline, Williamson, Jackson,
28 Randolph, Perry, Franklin, Hamilton, White, Monroe,
29 Washington, Jefferson, Wayne, Edwards, Wabash, Lawrence,
30 Richland, Marion, Clinton, Bond, Fayette, Effingham, Jasper,
31 Crawford, and Clay counties in the State of Illinois and any
32 navigable waters and air space located in those counties.

33 (b) The governing and administrative powers of the

1 Authority shall be vested in a body consisting of 9 members
2 including, as ex officio members, the Director of the
3 Commerce and Community Affairs, or his or her designee, and
4 the Director of Central Management Services, or his or her
5 designee. The other 7 members of the Authority, designated
6 "public members", shall be appointed by the Governor with the
7 advice and consent of the Senate. All public members shall
8 reside within the territorial jurisdiction of the Authority.
9 Five members shall constitute a quorum. The public members
10 shall be persons of recognized ability and experience in one
11 or more of the following areas: economic development;
12 finance; banking; industrial development; small business
13 management; real estate development; community development;
14 venture finance; organized labor; tourism; or civic,
15 community, or neighborhood organization. The Chairman of the
16 Authority shall be elected by the Board annually from the 7
17 public members.

18 (c) The terms of all members of the Authority shall
19 begin 30 days after the effective date of this Act. Of the 7
20 public members appointed pursuant to this Act, 3 shall serve
21 until the third Monday in January, 2003, 2 shall serve until
22 the third Monday in January, 2004, and 2 shall serve until
23 the third Monday in January, 2005. All successors shall be
24 hold office for a term of 3 years commencing the third Monday
25 in January of the year in which their term commences, except
26 in case of an appointment to fill a vacancy. Vacancies
27 occurring among the public members shall be filled for the
28 remainder of the term. In case of vacancy in the public
29 membership when the Senate is not in session, the Governor
30 may make a temporary appointment until the next meeting of
31 the Senate when a person shall be nominated to fill such
32 office, and any person so nominated who is confirmed by the
33 Senate shall hold office during the remainder of the term and
34 until a successor shall be appointed and qualified. Members

1 of the Authority shall not be entitled to compensation for
2 their services as members but shall be entitled to
3 reimbursement for all necessary expenses incurred in
4 connection with the performance of their duties as members.

5 (d) The Governor may remove any public member of the
6 Authority in case of incompetency, neglect of duty, or
7 malfeasance in office.

8 (e) The Board shall appoint an Executive Director who
9 shall have a background in finance, including familiarity
10 with the legal and procedural requirements of issuing bonds,
11 real estate, or economic development and administration. The
12 Executive Director shall hold office at the discretion of the
13 Board. The Executive Director shall be the chief
14 administrative and operational officer of the Authority,
15 shall direct and supervise its administrative affairs and
16 general management, shall perform any other duties that may
17 be prescribed from time to time by the members, and shall
18 receive compensation fixed by the Authority. The Executive
19 Director shall attend all meetings of the Authority; however,
20 no action of the Authority shall be invalid on account of the
21 absence of the Executive Director from a meeting. The
22 Authority may engage the services of any other agents and
23 employees, including attorneys, appraisers, engineers,
24 accountants, credit analysts, and other consultants that it
25 deems advisable and may prescribe their duties and fix their
26 compensation.

27 Section 20. Official acts, duty to promote development
28 and tourism. All official acts of the Authority shall require
29 the approval of at least 5 members. It is the duty of the
30 Authority to promote development and tourism within the
31 geographic confines of the territorial jurisdiction of the
32 Authority. The Authority shall use the powers conferred in
33 this Act to assist in the development, construction, and

1 acquisition of industrial, commercial, tourism, housing, or
2 residential projects within the geographic confines of the
3 territorial jurisdiction of the Authority.

4 Section 25. Powers.

5 (a) The Authority possesses all the powers of a body
6 corporate necessary and convenient to accomplish the purposes
7 of this Act, including, without any intended limitation upon
8 the general powers conferred by this Act, the following:

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

12 (2) to sue and be sued;

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

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

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

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

23 (7) to accept and expend appropriations; and

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

27 (b) The Authority may not issue any bonds relating to
28 the financing of a project located within the planning and
29 subdivision control jurisdiction of any municipality or
30 county unless (1) notice, including a description of the
31 proposed project and the financing for the proposed project,
32 is submitted to the corporate authorities of the municipality
33 or, in the case of a proposed project in an unincorporated

1 area, to the county board; and (2) the corporate authorities
2 of the municipality do not, or the county board does not,
3 adopt a resolution disapproving the project within 45 days
4 after receipt of the notice.

5 (c) If any of the powers set forth in this Act are
6 exercised within the jurisdictional limits of any
7 municipality, all ordinances of the municipality shall remain
8 in full force and effect and shall be controlling.

9 (d) The Authority may acquire, own, lease, sell, or
10 otherwise dispose of interests in and to real property and
11 improvements situated on the real property and in personal
12 property necessary to fulfill the purposes of the Authority.

13 (e) The Authority may engage in any activity or
14 operation that is incidental to and in furtherance of
15 efficient operation to accomplish the Authority's primary
16 purpose.

17 (f) The Authority may acquire, own, construct, lease,
18 operate, and maintain bridges, terminals, terminal
19 facilities, and port facilities and may fix and collect just,
20 reasonable, and nondiscriminatory charges for the use of
21 those facilities. The charges so collected shall be used to
22 defray the reasonable expenses of the Authority and to pay
23 the principal and interest of any revenue bonds issued by the
24 Authority.

25 (g) Subject to any applicable condition imposed by this
26 Act, the Authority may locate, establish, and maintain a
27 public airport, public airports, and public airport
28 facilities within its corporate limits or within or upon any
29 body of water adjacent thereto and to construct, develop,
30 expand, extend, and improve any such airport or airport
31 facility.

32 Section 30. Bonds.

33 (a) The Authority, with the written approval of the

1 Governor, shall have the continuing power to issue bonds,
2 notes, or other evidences of indebtedness not to exceed
3 \$100,000,000 for the purpose of developing, constructing,
4 acquiring, or improving projects, including without
5 limitation those established by business entities locating or
6 expanding property within the territorial jurisdiction of the
7 Authority, for entering into venture capital agreements with
8 businesses locating or expanding within the territorial
9 jurisdiction of the Authority, for acquiring and improving
10 any property necessary and useful in connection therewith,
11 for the purposes of the Employee Ownership Assistance Act,
12 and for any local government projects. With respect to any
13 local government project, the Authority is authorized to
14 purchase from time to time pursuant to negotiated sale or to
15 otherwise acquire from time to time any local government
16 security upon terms and conditions that the Authority may
17 prescribe in connection therewith. For the purpose of
18 evidencing the obligations of the Authority to repay any
19 money borrowed for any project, the Authority may, pursuant
20 to resolution, from time to time issue and dispose of its
21 interest bearing revenue bonds, notes, or other evidences of
22 indebtedness and may also from time to time issue and dispose
23 of any bonds, notes, or other evidences of indebtedness to
24 refund, at maturity, at a redemption date or in advance of
25 either, the bonds, notes, or other evidences of indebtedness
26 pursuant to redemption provisions or at any time before
27 maturity. All such bonds, notes, or other evidences of
28 indebtedness shall be payable solely and only from the
29 revenues or income to be derived from loans made with respect
30 to projects, from the leasing or sale of the projects, or
31 from any other funds available to the Authority for those
32 purposes. The bonds, notes, or other evidences of
33 indebtedness may bear any date or dates; may mature at any
34 time or times not exceeding 40 years from their respective

1 dates, notwithstanding any other law to the contrary; may
2 bear interest at any rate or rates payable annually,
3 semi-annually, quarterly, or monthly, may be in such form;
4 may carry such registration privileges; may be executed in
5 any manner; may be payable at any place or places; may be
6 made subject to redemption in any manner and upon any terms,
7 with or without premium as is stated on the face thereof; may
8 be authenticated in any manner; and may contain any terms and
9 covenants that may be provided by an applicable resolution.

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

25 If the Authority fails to pay the principal of or
26 interest on any of the bonds or premium, if any, as the same
27 become due, a civil action to compel payment may be
28 instituted in the appropriate circuit court by the holder or
29 holders of the bonds on which the default of payment exists
30 or by an indenture trustee acting on behalf of the holders.
31 Delivery of a summons and a copy of the complaint to the
32 Chairman of the Board shall constitute sufficient service to
33 give the circuit court jurisdiction of the subject matter of
34 such a suit and jurisdiction over the Authority and its

1 officers named as defendants for the purpose of compelling
2 the payment. Any case, controversy, or cause of action
3 concerning the validity of this Act relates to the revenue of
4 the State of Illinois.

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

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

30 (e) The bonds or notes shall be secured as provided in
31 the authorizing ordinance which may, notwithstanding any
32 other provision of this Act, include in addition to any other
33 security a specific pledge or assignment of and lien on or
34 security interest in any or all revenues or money of the

1 Authority from whatever source that may by law be used for
2 debt service purposes and a specific pledge or assignment of
3 and lien on or security interest in any funds or accounts
4 established or provided for by ordinance of the Authority
5 authorizing the issuance of the bonds or notes and, with
6 respect to any local government project, may include without
7 limitation a pledge of any local government securities,
8 including any payments thereon.

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

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

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

20 Section 35. Local government securities. Any unit of
21 local government that is authorized to issue, sell, and
22 deliver its local government securities under any provision
23 of the Illinois Constitution or the laws of this State may
24 issue, sell, and deliver those local government securities to
25 the Authority as provided by this Act, provided that and
26 notwithstanding any other provision of law to the contrary,
27 any such unit of local government may issue and sell any
28 local government security at any interest rate, which rate or
29 rates may be established by an index or formula that may be
30 implemented by persons appointed or retained for the purpose,
31 payable at any time or times and at any price or prices to
32 which the unit of local government and the Authority may
33 agree. Any unit of local government may pay any amount

1 charged by the Authority. Any unit of local government may
2 pay out of the proceeds of its local government securities or
3 out of any other moneys or funds available to it for those
4 purposes any costs, fees, interest deemed necessary,
5 premiums, or revenues incurred or required for financing or
6 refinancing this program, including without limitation any
7 fees charged by the Authority and its share, as determined by
8 the Authority, of any costs, fees, interest deemed necessary,
9 premiums, or revenues incurred or required pursuant to this
10 Act. All local government securities purchased by the
11 Authority pursuant to this Act shall upon delivery to the
12 Authority be accompanied by an approving opinion of bond
13 counsel as to the validity of those securities. The
14 Authority shall have discretion to purchase or otherwise
15 acquire those local government securities that it deems to be
16 in the best interest of its financing program for all units
17 of local government taken as a whole.

18 Section 40. Pledge of receipts for local government
19 securities; default.

20 (a) Any unit of local government that receives funds
21 from the Department of Revenue, including without limitation
22 funds received pursuant to Sections 8-11-1, 8-11-1.4, or
23 8-11-5 of the Illinois Municipal Code, the Home Rule County
24 Retailers' Occupation Tax Act, the Home Rule County Service
25 Occupation Tax Act, Section 5.01 of the Local Mass Transit
26 District Act, or Section 2 or 12 of the State Revenue Sharing
27 Act, from the Department of Transportation pursuant to
28 Section 8 of the Motor Fuel Tax Law, or from the State
29 Superintendent of Education (directly or indirectly through
30 regional superintendents of schools) pursuant to Article 18
31 of the School Code, or any unit of local government that
32 receives other funds that are at any time in the custody of
33 the State Treasurer, the State Comptroller, the Department of

1 Revenue, the Department of Transportation, or the State
2 Superintendent of Education may, by appropriate proceedings,
3 pledge to the Authority or any entity acting on behalf of the
4 Authority (including, without limitation, any trustee) any or
5 all of those receipts to the extent that the receipts are
6 necessary to provide revenues to pay the principal of,
7 premium, if any, and interest on, and other fees related to,
8 or to secure any of the local government securities of the
9 unit of local government that have been sold or delivered to
10 the Authority or its designee or to pay lease rental payments
11 to be made by the unit of local government to the extent that
12 the lease rental payments secure the payment of the principal
13 of, premium, if any, and interest on, and other fees related
14 to, any local government securities that have been sold or
15 delivered to the Authority or its designee. Any pledge of
16 those receipts (or any portion thereof) shall constitute a
17 first and prior lien on the receipts and shall be binding
18 from the time the pledge is made.

19 (b) Any unit of local government may, by such
20 proceedings, direct that all or any of the pledged receipts
21 payable to the unit of local government be paid directly to
22 the Authority or any other entity (including, without
23 limitation, any trustee) for the purpose of paying the
24 principal of, premium, if any, and interest on, and fees
25 relating to, the local government securities or for the
26 purpose of paying the lease rental payments to the extent
27 necessary to pay the principal of, premium, if any, and
28 interest on, and other fees related to, the local government
29 securities secured by the lease rental payments. Upon
30 receipt of a certified copy of the proceedings by the State
31 Treasurer, the State Comptroller, the Department of Revenue,
32 the Department of Transportation, or the State Superintendent
33 of Education, as the case may be, the Department or State
34 Superintendent shall direct the State Comptroller and State

1 Treasurer to pay to or on behalf of the Authority or any
2 other entity (including, without limitation, any trustee) all
3 or the portion of the pledged receipts from the Department of
4 Revenue, the Department of Transportation, or the State
5 Superintendent of Education (directly or indirectly through
6 regional superintendents of schools), as the case may be,
7 sufficient to pay the principal of and premium, if any, and
8 interest on, and other fees related to, the local
9 governmental securities for which the pledge was made or to
10 pay any lease rental payments securing the local government
11 securities for which the pledge was made. The proceedings
12 shall constitute authorization for such a directive to the
13 State Comptroller to cause orders to be drawn and to the
14 State Treasurer to pay in accordance with the directive. To
15 the extent that the Authority or its designee notifies the
16 Department of Revenue, the Department of Transportation, or
17 the State Superintendent of Education, as the case may be,
18 that the unit of local government has previously paid to the
19 Authority or its designee the amount of any principal,
20 premium, interest, and fees payable from the pledged
21 receipts, the State Comptroller shall cause orders to be
22 drawn and the State Treasurer shall pay the pledged receipts
23 to the unit of local government as if they were not pledged
24 receipts. To the extent that those receipts are pledged and
25 paid to the Authority or any other entity, any taxes that
26 have been levied or fees or charges assessed pursuant to law
27 on account of the issuance of the local government securities
28 shall be paid to the unit of local government and may be used
29 for the purposes which the pledged receipts would have been
30 used.

31 (c) Any unit of local government may, by such
32 proceedings, direct that the pledged receipts payable to the
33 unit of local government be paid to the Authority or any
34 other entity (including, without limitation, any trustee)

1 upon a default in the payment of any principal of, premium,
2 if any, or interest on, or fees relating to, any of the local
3 government securities of the unit of local government that
4 have been sold or delivered to the Authority or its designee
5 or any of the local government securities that have been sold
6 or delivered to the Authority or its designee and that are
7 secured by lease rental payments. If the local governmental
8 security is in default as to the payment of principal
9 thereof, premium, if any, or interest thereon, or fees
10 relating thereto, to the extent that the State Treasurer, the
11 State Comptroller, the Department of Revenue, the Department
12 of Transportation, or the State Superintendent of Education
13 (directly or indirectly through regional superintendents of
14 schools) shall be the custodian at any time of any other
15 available funds or moneys pledged to the payment of the local
16 government securities or the lease rental payments securing
17 the local government securities pursuant to this Section and
18 due or payable to a unit of local government at any time
19 subsequent to written notice to the State Comptroller and
20 State Treasurer from the Authority or any entity acting on
21 behalf of the Authority (including, without limitation, any
22 trustee) to the effect that the unit of local government has
23 not paid or is in default as to payment of the principal of,
24 premium, if any, or interest on, or fees relating to, any
25 local government security sold or delivered to the Authority
26 or any other entity (including, without limitation, any
27 trustee) or has not paid or is in default as to the payment
28 of the lease rental payments securing the payment of the
29 principal of, premiums, if any, or interest on, or other fees
30 relating to, any local government security sold or delivered
31 to the Authority or such other entity (including, without
32 limitation, any trustee):

33 (i) The State Comptroller and the State Treasurer
34 shall withhold the payment of the funds or moneys from

1 the unit of local government until the amount of the
2 principal, premium, if any, interest, or fees then due
3 and unpaid has been paid to the Authority or any other
4 entity (including, without limitation, any trustee), or
5 the State Comptroller and the State Treasurer have been
6 advised that arrangements, satisfactory to the Authority
7 or entity, have been made for the payment of the
8 principal, premium, if any, interest, and fees; and

9 (ii) Within 10 days after a demand for payment by
10 the Authority or the entity is given to the unit of local
11 government, the State Treasurer, and the State
12 Comptroller, the State Treasurer shall pay any funds or
13 moneys that are legally available therefor to the
14 Authority or the entity for the payment of principal of,
15 premium, if any, or interest on, or fees relating to, the
16 local government securities. The Authority or any other
17 entity may carry out this Section and exercise all the
18 rights, remedies, and provisions provided or referred to
19 in this Section.

20 (d) Upon the sale or delivery of any local government
21 securities of the Authority or its designee, the local
22 government that issued the local government securities shall
23 be deemed to have agreed that upon its failure to pay
24 interest or premium, if any, on, or principal of, or fees
25 relating to, the local government securities sold or
26 delivered to the Authority or any entity acting on behalf of
27 the Authority (including, without limitation, any trustee)
28 when payable, all statutory defenses to nonpayment are
29 waived. Upon a default in the payment of principal of or
30 interest on any local government securities issued by a unit
31 of local government and sold or delivered to the Authority or
32 its designee, and upon demand on the unit of local government
33 for payment, if the local government securities are payable
34 from property taxes and funds are not legally available in

1 the treasury of the unit of local government to make payment,
2 an action in mandamus for the levy of a tax by the unit of
3 local government to pay the principal of or interest on the
4 local government securities shall lie, and the Authority or
5 the entity shall be constituted a holder or owner of the
6 local government securities as being in default. Upon the
7 occurrence of any failure or default with respect to any
8 local government securities issued by a unit of local
9 government, the Authority or the entity may thereupon avail
10 itself of all remedies, rights, and provisions of law
11 applicable in the circumstances, and the failure to exercise
12 or exert any rights or remedies within a time or period
13 provided by law may not be raised as a defense by the unit of
14 local government.

15 Section 45. Bond issues for multiple projects. The
16 Authority may issue a single bond issue under this Act for a
17 group of industrial projects, a group of housing projects, a
18 group of residential projects, a group of commercial
19 projects, a group of local government projects, a group of
20 tourism projects, or any combination thereof. A bond issue
21 for multiple projects as provided in this Section shall be
22 subject to all requirements for bond issue as established by
23 this Act.

24 Section 50. Tax exemption of bonds. The issuance of
25 bonds under this Act is deemed an essential public and
26 governmental purpose. Interest on the bonds issued under this
27 Act is exempt from taxation within this State.

28 For purposes of Section 250 of the Illinois Income Tax
29 Act, the exemption of the interest from bonds granted under
30 this Section shall terminate after all of the bonds have been
31 paid. The amount of such income that shall be added and then
32 subtracted on the Illinois income tax return of a taxpayer,

1 pursuant to Section 203 of the Illinois Income Tax Act, from
2 federal adjusted gross income or federal taxable income in
3 computing Illinois base income shall be the interest net of
4 any bond premium amortization.

5 Section 55. Property; eminent domain; projects;
6 intergovernmental agreements; shared employees; municipal
7 powers.

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

10 (b) The Authority has the power to acquire by purchase,
11 lease, gift, or otherwise any property or rights in property
12 from any person or persons, the State of Illinois, any
13 municipal corporation, any local unit of government, the
14 government of the United States and any agency or
15 instrumentality of the United States, any body politic, or
16 any county useful for its purposes, whether improved for the
17 purposes of any prospective project or unimproved. The
18 Authority may also accept any donation of funds for its
19 purposes from any source. The Authority may acquire any real
20 property, or rights in real property, upon condemnation. The
21 acquisition by eminent domain of the real property or any
22 interest therein by the Authority shall be in the manner
23 provided by the Code of Civil Procedure, including Section
24 7-103 thereof.

25 The Authority may not exercise any quick-take eminent
26 domain powers granted by State law within the corporate
27 limits of a municipality unless the governing authority of
28 the municipality authorizes the Authority to do so. The
29 Authority may not exercise any quick-take eminent domain
30 powers granted by State law within the unincorporated areas
31 of a county unless the county board authorizes the Authority
32 to do so.

33 (c) The Authority has the power to develop, construct,

1 and improve, either under its own direction or through
2 collaboration with any approved applicant, or to acquire
3 through purchase or otherwise any project, using for that
4 purpose the proceeds derived from its sale of revenue bonds,
5 notes, or other evidences of indebtedness or governmental
6 loans or grants and to hold title in the name of the
7 Authority to those projects.

8 (d) The Authority has the power to enter into
9 intergovernmental agreements with the State of Illinois, the
10 counties of Alexander, Pulaski, Massac, Union, Johnson, Pope,
11 Hardin, Gallatin, Saline, Williamson, Jackson, Randolph,
12 Perry, Franklin, Hamilton, White, Monroe, Washington,
13 Jefferson, Wayne, Edwards, Wabash, Lawrence, Richland,
14 Marion, Clinton, Bond, Fayette, Effingham, Jasper, Crawford,
15 or Clay, the Illinois Development Finance Authority, the
16 Illinois Housing Development Authority, the Illinois
17 Education Facilities Authority, the United States government
18 and any agency or instrumentality of the United States, any
19 unit of local government located within the territory of the
20 Authority, or any other unit of government to the extent
21 allowed by Article VII, Section 10 of the Illinois
22 Constitution and the Intergovernmental Cooperation Act.

23 (e) The Authority has the power to share employees with
24 other units of government, including agencies of the United
25 States, agencies of the State of Illinois, and agencies or
26 personnel of any unit of local government.

27 (f) The Authority has the power to exercise powers and
28 issue bonds as if it were a municipality so authorized in
29 Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the
30 Illinois Municipal Code.

31 Section 60. Vehicular toll bridges. In addition to any
32 other power and authority conferred upon the Authority, the
33 Authority, in its own name, has full power and authority: to

1 acquire and operate and maintain any existing vehicular toll
2 bridge across any waters that form a common boundary between
3 any city within the territory of the Authority and any other
4 city either within or without the State and to reconstruct,
5 improve, and repair that existing bridge; to construct,
6 maintain, and operate any additional vehicular toll bridge
7 and approaches across those waters at a point suitable to the
8 interests of navigation and to reconstruct, repair, and
9 improve the same; to construct, maintain, and operate any
10 tunnel under those waters and to reconstruct, repair, and
11 improve the same; to reconstruct, improve, and repair or to
12 provide financial aid for the reconstruction, improvement,
13 and repair of any existing vehicular toll bridge; and to
14 issue and sell bonds, notes, or other evidence of
15 indebtedness for those purposes as provided in Section 30.

16 Section 65. Enterprise zone. The Authority may by
17 ordinance designate a portion of the territorial jurisdiction
18 of the Authority for certification as an enterprise zone
19 under the Illinois Enterprise Zone Act in addition to any
20 other enterprise zones that may be created under that Act,
21 which area shall have all the privileges and rights of an
22 enterprise zone under the Illinois Enterprise Zone Act, but
23 which shall not be counted in determining the number of
24 enterprise zones to be created in any year pursuant to that
25 Act.

26 Section 70. Depositories. The Authority shall biennially
27 designate a national or State bank or banks as depositories
28 of its money. The depositories shall be designated only
29 within the State and upon condition that bonds approved as to
30 form and surety by the Authority and at least equal in amount
31 to the maximum sum expected to be on deposit at any one time
32 shall be first given by the depositories to the Authority,

1 those bonds to be conditioned for the safe keeping and prompt
2 repayment of the deposits. When any of the funds of the
3 Authority shall be deposited by the treasurer in any
4 depository, the treasurer and the sureties on his or her
5 official bond shall, to any extent, be exempt from liability
6 for the loss of any deposited funds by reason of the failure,
7 bankruptcy, or any other act or default of the depository;
8 provided that the Authority may accept assignments of
9 collateral by any depository of its funds to secure deposits
10 to the same extent and conditioned in the same manner as
11 assignments of collateral are permitted by law to secure
12 deposits of the funds of any city.

13 Section 75. Conflicts of interest.

14 (a) No member of the Authority or officer, agent, or
15 employee of the Authority shall, in his or her own name or in
16 the name of a nominee, be an officer or director of or hold
17 an ownership of more than 7.5% in any person, association,
18 trust, corporation, partnership, or other entity that is, in
19 its own name or in the name of a nominee, a party to a
20 contract or agreement upon which the member, officer, agent,
21 or employee may be called upon to act or vote.

22 (b) With respect to any direct or any indirect interest,
23 other than an interest prohibited in subsection (a), in a
24 contract or agreement upon which the member, officer, agent,
25 or employee may be called upon to act or vote, the member,
26 officer, agent, or employee shall disclose that interest to
27 the secretary of the Authority before the taking of final
28 action by the Authority concerning that contract or agreement
29 and shall also disclose the nature and extent of that
30 interest and his or her acquisition of that interest, which
31 disclosures shall be publicly acknowledged by the Authority
32 and entered upon the minutes of the Authority. If a member
33 of the Authority or an officer, agent, or employee of the

1 Authority holds such an interest, then he or she shall
2 refrain from any further official involvement in regard to
3 the contract or agreement, from voting on any matter
4 pertaining to the contract or agreement, and from
5 communicating with other members of the Authority or its
6 officers, agents, and employees concerning the contract or
7 agreement. Notwithstanding any other provision of law, any
8 contract or agreement entered into in conformity with this
9 subsection (b) is not void or invalid by reason of an
10 interest described in this subsection, nor shall any person
11 so disclosing the interest and refraining from further
12 official involvement as provided in this subsection be guilty
13 of an offense, be removed from office, or be subject to any
14 other penalty on account of that interest.

15 (c) Any contract or agreement made in violation of
16 subsection (a) or (b) is void and gives rise to no action
17 against the Authority.

18 Section 80. Taxes. The Authority has no right or
19 authority to levy any tax or special assessment, to pledge
20 the credit of the State or any other subdivision or municipal
21 corporation thereof, or to incur any obligation enforceable
22 upon any property, either within or without the territory of
23 the Authority.

24 Section 85. Fees and charges; technical assistance. The
25 Authority may collect fees and charges in connection with its
26 loans, commitments, and servicing and may provide technical
27 assistance in the development of the region.