



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1888

by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

New Act
735 ILCS 30/15-5-46 new
30 ILCS 105/5.786 new

Creates the Roseland Community Medical District Act. Creates the Roseland Community Medical District within a specified area located within Cook County to attract and retain academic centers of excellence, viable health care facilities, medical research facilities, emerging high technology enterprises, and other facilities. Provides that the District is governed by the Roseland Community Medical District Commission. Grants certain powers to the Commission, including the power to accept grants, loans, and appropriations, and to acquire and sell interests in property. Amends the Eminent Domain Act to make conforming changes. Amends the State Finance Act to create the Roseland Community Medical District Income Fund. Effective immediately.

LRB097 06055 RLJ 46128 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 1. Short title. This Act may be cited as the
5 Roseland Community Medical District Act.

6 Section 5. Creation of District. There is created a medical
7 center district, the Roseland Community Medical District,
8 whose boundaries are West 110th Street on the North from South
9 Stewart Avenue on the West to South Michigan Avenue on the East
10 and West 112th Street and East 112th Street on the South. The
11 District is created to attract and retain academic centers of
12 excellence, viable health care facilities, medical research
13 facilities, emerging high technology enterprises, and other
14 facilities and uses as permitted by this Act.

15 Section 10. The Roseland Community Medical District
16 Commission.

17 (a) There is created a body politic and corporate under the
18 corporate name of the Roseland Community Medical District
19 Commission whose general purpose, in addition to and not in
20 limitation of those purposes and powers set forth in this Act,
21 is to:

22 (1) maintain the proper surroundings for a medical

1 center and a related technology center in order to attract,
2 stabilize, and retain within the District hospitals,
3 clinics, research facilities, educational facilities, or
4 other facilities permitted under this Act; and

5 (2) provide for the orderly creation, maintenance,
6 development, and expansion of (i) health care facilities
7 and other ancillary or related facilities that the
8 Commission may from time to time determine are established
9 and operated (A) for any aspect of the carrying out of the
10 Commission's purposes as set forth in this Act, (B) for the
11 study, diagnosis, and treatment of human ailments and
12 injuries, whether physical or mental, or (C) to promote
13 medical, surgical, and scientific research and knowledge
14 as permitted under this Act; and (ii) medical research and
15 high technology parks, together with the necessary lands,
16 buildings, facilities, equipment, and personal property
17 for those parks.

18 (b) The Commission has perpetual succession and the power
19 to contract and be contracted with, to sue and be sued except
20 in tort actions, to plead and be impleaded, to have and use a
21 common seal, and to alter the same at pleasure. All tort
22 actions against the Commission shall be prosecuted in the Court
23 of Claims. The principal office of the Commission shall be
24 located at the Roseland Community Hospital. The Commission
25 shall obtain any personnel as the Commission deems advisable to
26 carry out the purposes of this Act and the work of the

1 Commission.

2 (c) The Commission shall consist of 9 appointed members and
3 3 ex officio members. Three members shall be appointed by the
4 Governor. Three members shall be appointed by the Mayor of the
5 City of Chicago. Three members shall be appointed by the
6 Chairman of the County Board of Cook County. All appointed
7 members shall hold office for a term of 3 years ending on
8 December 31, and until their successors are appointed and have
9 qualified; except that of the initial appointed members, each
10 appointing authority shall designate one appointee to serve for
11 a term ending December 31, 2011, one appointee to serve for a
12 term ending December 31, 2012, and one appointee to serve for a
13 term ending December 31, 2013. The Director of Commerce and
14 Economic Opportunity or his or her designee, the Director of
15 Public Health or his or her designee, and the Secretary of
16 Human Services or his or her designee shall serve as ex officio
17 members.

18 (d) Any vacancy in the appointed membership of the
19 Commission occurring by reason of the death, resignation,
20 disqualification, removal, or inability or refusal to act of
21 any of the members of the Commission shall be filled by the
22 authority that appointed the particular member, and for the
23 unexpired term of office of that particular member.

24 (e) The Commission shall hold regular meetings annually for
25 the election of a President, Vice President, Secretary, and
26 Treasurer, for the adoption of a budget, and for any other

1 business as may properly come before it. The Commission shall
2 establish the duties and responsibilities of its officers by
3 rule. The President or any 3 members of the Commission may call
4 special meetings of the Commission. Each commissioner shall
5 take an oath of office for the faithful performance of his or
6 her duties. The Commission may not transact business at a
7 meeting of the Commission unless there is present at the
8 meeting a quorum consisting of at least 7 commissioners.
9 Meetings may be held by telephone conference or other
10 communications equipment by means of which all persons
11 participating in the meeting can communicate with each other.

12 (f) The Commission shall submit to the General Assembly,
13 not later than March 1 of each odd numbered year, a detailed
14 report covering its operations for the 2 preceding calendar
15 years and a statement of its program for the next 2 years.

16 The requirement for reporting to the General Assembly shall
17 be satisfied by filing copies of the report with the Speaker,
18 the Minority Leader, and the Clerk of the House of
19 Representatives; the President, the Minority Leader, and the
20 Secretary of the Senate; the Legislative Research Unit as
21 required by Section 3.1 of the General Assembly Organization
22 Act; and the State Government Report Distribution Center for
23 the General Assembly as is required under paragraph (t) of
24 Section 7 of the State Library Act.

25 (g) The Auditor General shall conduct audits of the
26 Commission in the same manner as the Auditor General conducts

1 audits of State agencies under the Illinois State Auditing Act.

2 (h) Neither the Commission nor the District have any power
3 to tax.

4 (i) The Commission is a public body and subject to the Open
5 Meetings Act and the Freedom of Information Act.

6 Section 15. Grants; loans; contracts. The Commission may
7 apply for and accept grants, loans, or appropriations from the
8 State of Illinois, the federal government, any State or federal
9 agency or instrumentality, any unit of local government, or any
10 other person or entity to be used for any of the purposes of
11 the District. The Commission may enter into any agreement with
12 the State of Illinois, the federal government, any State or
13 federal instrumentality, any unit of local government, or any
14 other person or entity in relation to the grants, matching
15 grants, loans, or appropriations. The Commission also may, by
16 contractual agreement, accept and collect assessments or fees
17 from entities that enter into such a contractual agreement for
18 District enhancement and improvements, common area shared
19 services, shared facilities, or other activities or
20 expenditures in furtherance of the purposes of this Act. The
21 Commission may make grants to neighborhood organizations
22 within the District for the purpose of benefitting the Medical
23 District.

24 Section 20. Property; acquisition. The Commission is

1 authorized to acquire the fee simple title to real property
2 lying within the District and personal property required for
3 its purposes, by gift, purchase, or otherwise. Title shall be
4 taken in the corporate name of the Commission. The Commission
5 may acquire by lease any real property located within the
6 District and personal property found by the Commission to be
7 necessary for its purposes and to which the Commission finds
8 that it need not acquire the fee simple title for carrying out
9 of those purposes. All real and personal property within the
10 District, except that owned and used for purposes authorized
11 under this Act by medical institutions or allied educational
12 institutions, hospitals, dispensaries, clinics, dormitories or
13 homes for the nurses, doctors, students, instructors, or other
14 officers or employees of those institutions located in the
15 District, or any real property that is used for offices or for
16 recreational purposes in connection with those institutions,
17 or any improved residential property within a historical
18 district properly designated under a federal statute or a State
19 or local statute that has been certified by the Secretary of
20 the Interior of the United States to the Secretary of the
21 Treasury of the United States as containing criteria that will
22 substantially achieve the purpose of preserving and
23 rehabilitating buildings of historical significance to the
24 District, may be acquired by the Commission in its corporate
25 name under the provisions for the exercise of the right of
26 eminent domain under the Eminent Domain Act. The Commission has

1 no quick take powers, no zoning powers, and no power to
2 establish or enforce building codes. The Commission may not
3 acquire any property pursuant to this Section before a
4 comprehensive master plan has been approved under Section 60.
5 Property owned by and exclusively used by the Commission shall
6 be exempt from taxation.

7 Section 25. Construction. The Commission may, in its
8 corporate capacity, construct or cause to be constructed within
9 the District hospitals, sanitariums, clinics, laboratories, or
10 any other institution, building, or structure or other
11 ancillary or related facilities that the Commission may, from
12 time to time, determine are established and operated (i) for
13 the carrying out of any aspect of the Commission's purposes as
14 set forth in this Act, for the study, diagnosis, and treatment
15 of human ailments and injuries, whether physical or mental, or
16 to promote medical, surgical, and scientific research and
17 knowledge, for any uses the Commission shall determine will
18 support and nurture facilities and uses permitted by this Act,
19 or for any nursing, extended care, or other facilities as the
20 Commission shall find useful in the study of, research in, or
21 treatment of illnesses or infirmities peculiar to aged people,
22 after a public hearing to be held by any commissioner or other
23 person authorized by the Commission to conduct the hearing, the
24 commissioner or other person has the power to administer oaths
25 and affirmations and take the testimony of witnesses and

1 receive any documentary evidence as shall be pertinent, the
2 commissioner or other person shall certify to the Commission
3 the record of the hearing, the record shall become part of the
4 records of the Commission, notice of the time, place, and
5 purpose of the hearings to be given by a single publication
6 notice in a secular newspaper of general circulation in Cook
7 County at least 10 days before the date of the hearing, or (ii)
8 for any institutions that engage in the training, education, or
9 rehabilitation of persons who by reason of illness or physical
10 infirmity are wholly or partially deprived of their powers of
11 vision or hearing or of the use of any other part or parts of
12 their bodies as to prevent them from pursuing normal activities
13 of life, for office buildings for physicians or dealers in
14 medical accessories, for dormitories, homes, or residences for
15 the medical profession, including interns, nurses, students,
16 or other officers or employees of the institutions within the
17 District, for the use of relatives of patients in the hospitals
18 or other institutions within the District, for the
19 rehabilitation or establishment of residential structures
20 within a historic district properly designated under a federal
21 statute or a State or local statute that has been certified by
22 the Secretary of the Interior of the United States to the
23 Secretary of the Treasury of the United States as containing
24 criteria that will substantially achieve the purpose of
25 preserving and rehabilitating buildings of historic
26 significance to the District, or any other areas of the

1 District as the Commission shall designate, for research,
2 development, and resultant production in any of the fields of
3 medicine, chemistry, pharmaceuticals, physics, and genetically
4 engineered products, for biotechnology, information
5 technology, medical technology, or environmental technology,
6 for the research and development of engineering, or for
7 computer technology related to any of the purposes for which
8 the Commission may construct structures and improvements
9 within the District. All structures and improvements shall be
10 erected and constructed in accordance with the provisions of
11 the Illinois Procurement Code that apply to State agencies. No
12 construction may be undertaken pursuant to this Section before
13 a comprehensive master plan has been approved under Section 60.

14 Section 30. Relocation assistance. The Commission may
15 provide relocation assistance to persons and entities
16 displaced by the Commission's acquisition of property and
17 improvement of the District. Relocation assistance shall not be
18 less than that provided under the federal Uniform Relocation
19 Assistance and Real Property Acquisition Policies Act of 1970
20 and the regulations under that Act, including the eligibility
21 criteria. Relocation assistance may include assistance with
22 the moving of a residential unit to a new location. The
23 Commission shall establish a single point of contact for all
24 relocation assistance under this Section.

1 Section 35. Power to sell or lease. The Commission may
2 sell, convey, transfer, or lease, all at fair market value, any
3 title or interest in real property owned by it to any person or
4 persons, to be used, subject to the restrictions of this Act,
5 for the purposes stated in Section 25, for the purpose of
6 serving persons using the facilities offered within the
7 District, or for carrying out of any aspect of the Commission's
8 purposes as set forth in Section 10 of this Act, subject to the
9 restrictions as to the use of the real property as the
10 Commission determines will carry out the purpose of this Act.
11 To assure that the use of the real property sold or leased
12 under this Section is in accordance with the provisions of this
13 Act, the Commission shall inquire into and satisfy itself
14 concerning the financial ability of the purchaser to complete
15 the project for which the real property is sold or leased in
16 accordance with a plan to be presented by the purchaser or
17 lessee, which plan shall be submitted, in writing, to the
18 Commission. Under the plan, the purchaser or lessee shall
19 undertake (i) to use the land for the purposes designated in
20 the presented plan; (ii) to commence and complete the
21 construction of the buildings or other structures to be
22 included in the project within the periods of time as the
23 Commission fixes as reasonable; and (iii) to comply with any
24 other conditions as the Commission shall determine are
25 necessary to carry out the project. All conveyances and leases
26 authorized in this Section shall be on condition that, in the

1 event of use for other than the purposes prescribed in this
2 Act, or of nonuse for a period of one year, title to the
3 property reverts to the Commission. All conveyances and leases
4 made by the Commission to any corporation or person for the use
5 of serving the residents or any person using the facilities
6 offered within the District shall be on condition that in the
7 event of violation of any of the restrictions as to the use of
8 the property as the Commission shall have determined will carry
9 out the purposes of this Act, that title to the property
10 reverts to the Commission. If, however, the Commission finds
11 that financing necessary for the acquisition or lease of any
12 real estate or for the construction of any building or
13 improvement to be used for purposes prescribed in this Act
14 cannot be obtained if title to the land, building, or
15 improvement is subject to such a reverter provision, the
16 finding shall be made by the Commission after a public hearing
17 held pursuant to a single publication notice given in a secular
18 newspaper of general circulation in Cook County at least 10
19 days before the date of the hearing, the notice to specify the
20 time, place, and purpose for the hearing, and upon that finding
21 being made, the Commission may cause the real property to be
22 conveyed free of a reverter provision, provided that at least 7
23 members of the Commission vote in favor thereof. The Commission
24 may also provide in the conveyances, leases, or other
25 documentation provisions for notice of such violations or
26 default and the cure thereof for the benefit of any lender or

1 mortgagee as the Commission shall determine are appropriate.
2 If, at a regularly scheduled meeting, the Commission resolves
3 that a parcel of real estate leased by it, or in which it has
4 sold the fee simple title or any lesser estate, is not being
5 used for the purposes prescribed in this Act or has been in
6 nonuse for a period of one year, the Commission may file a
7 lawsuit in the circuit court of Cook County to enforce the
8 terms of the sale or lease. If a reverter of title to any
9 property is ordered by the court under the terms of this Act,
10 the interest of the Commission shall be subject to any then
11 existing valid mortgage or trust deed in the nature of a
12 mortgage, but if the title is acquired through foreclosure of
13 that mortgage or trust deed or by deed in lieu of foreclosure
14 of that mortgage or trust deed, then the title to the property
15 shall not revert, but shall be subject to the restrictions as
16 to use, but not any penalty for nonuse, contained in this Act
17 with respect to any mortgagee in possession or its successor or
18 assigns.

19 The Commission may not sell, convey, transfer, or lease any
20 property pursuant to this Section before a comprehensive master
21 plan has been approved under Section 60.

22 Section 40. Notice. Before holding any public hearing
23 prescribed in Section 35 of this Act, or any meeting regarding
24 the passage of any resolution to file a lawsuit, the Commission
25 shall give notice to the grantee or lessee, or his or her legal

1 representatives, successors, or assigns, of the time and place
2 of the proceeding. The notice shall be accompanied by a
3 statement signed by the secretary of the Commission, or by any
4 person authorized by the Commission to sign the same, setting
5 forth any act or things done or omitted to be done in
6 violation, or claimed to be in violation, of any restriction as
7 to the use of the property, whether the restriction is
8 prescribed in any of the terms of this Act or by any
9 restriction as to the use of the property determined by the
10 Commission under the terms of this Act. The notice of the time
11 and place fixed for the proceeding shall also be given to any
12 person or persons as the Commission shall deem necessary. The
13 notice may be given by registered mail, addressed to the
14 grantee, lessee, or legal representatives, successors, or
15 assigns, at the last known address of the grantee, lessee, or
16 legal representatives, successors, or assigns.

17 Section 45. Rules. The Commission may adopt reasonable and
18 proper rules, in accordance with the Illinois Administrative
19 Procedure Act, relative to the exercise of its powers, and
20 proper rules to govern its proceedings, to regulate the mode
21 and manner of all hearings held by it or at its direction, and
22 to alter and amend those rules.

23 Section 50. Official documents. Copies of all official
24 documents, findings, and orders of the Commission, certified by

1 a commissioner or by the secretary of the Commission to be true
2 copies of the originals, under the official seal of the
3 Commission, shall be evidence in like manner as the originals.

4 Section 55. Judicial review. Any party may obtain a
5 judicial review of a final order or decision of the Commission
6 in the circuit court of Cook County only under and in
7 accordance with the provisions of the Administrative Review Law
8 and the rules adopted under that Law. The circuit court shall
9 take judicial notice of all the rules of practice and procedure
10 of the Commission.

11 Section 60. Master plan; improvement and management of
12 District. The Commission shall prepare and approve a
13 comprehensive master plan for the orderly development and
14 management of all property within the District. The master
15 plan, and any amendment to the master plan, shall not take
16 effect, however, until it has been approved by the Board of the
17 Roseland Community Medical District. The Commission shall take
18 the actions permitted to be taken by it under this Act as it
19 may determine are appropriate to provide conditions most
20 favorable for the special care and treatment of the sick and
21 injured, for the study of disease, and for any other purpose
22 set forth in Section 25 of this Act. In the master plan, the
23 Commission may provide for shared services and facilities
24 within the District for the accredited schools of medicine and

1 the licensed non-profit acute care hospitals within the
2 District.

3 Section 65. Public hearing. The Commission shall conduct a
4 public hearing prior to either acquiring through eminent domain
5 under Section 20 of this Act real or personal property within
6 the District or approving under Section 60 of this Act a
7 comprehensive master plan. The Commission shall also conduct a
8 public hearing whenever it is otherwise required by law to do
9 so, and may conduct a public hearing whenever it may elect to
10 do so.

11 The Commission shall conduct the public hearing called by
12 it in accordance with the requirements of the law mandating it,
13 if any, or in accordance with the provisions of this Section if
14 either the law mandating it is silent as to the procedures for
15 its holding or if the Commission elects to hold a public
16 hearing in the absence of any law mandating it.

17 In the absence of any law, or of any procedures in any law,
18 mandating the holding of a public hearing, the Commission may
19 authorize a commissioner or other person of legal age to
20 conduct a hearing. The commissioner or other authorized person
21 has the power to: (i) administer oaths and affirmations, (ii)
22 take the testimony of witnesses, (iii) take and receive the
23 production of papers, books, records, accounts, and documents,
24 (iv) receive pertinent evidence, and (v) certify the record of
25 the hearing. The record of the hearing shall become part of the

1 Commission's record. Notice of the time, place, and purpose of
2 the hearing shall be given by a single publication notice in a
3 secular newspaper of general circulation within Cook County at
4 least 10 days before the date of the hearing.

5 Section 70. Disposition of money; income fund. All money
6 received by the Commission from the sale or lease of any
7 property, in excess of the amount expended by the Commission
8 for authorized purposes under this Act shall be paid into the
9 State treasury for deposit into the Roseland Community Medical
10 District Income Fund. The Commission is authorized to use all
11 money received as rentals for the purposes of planning,
12 acquisition, and development of property within the District,
13 for the operation, maintenance, and improvement of property of
14 the Commission, and for all purposes and powers set forth in
15 this Act. All moneys held pursuant to this Section shall be
16 maintained in a depository approved by the State Treasurer. The
17 Auditor General shall, at least biennially, audit or cause to
18 be audited all records and accounts of the Commission
19 pertaining to the operation of the District.

20 Section 75. Attorney General. The Attorney General of the
21 State of Illinois is the legal advisor to the Commission and
22 shall prosecute or defend, as the case may be, all actions
23 brought by or against the Commission.

1 Section 90. The Eminent Domain Act is amended by adding
2 Section 15-5-46 as follows:

3 (735 ILCS 30/15-5-46 new)

4 Sec. 15-5-46. Eminent domain powers in new Acts. The
5 following provisions of law may include express grants of the
6 power to acquire property by condemnation or eminent domain:

7 Roseland Community Medical District Act; medical
8 district; for general purposes.

9 Section 100. The State Finance Act is amended by adding
10 Section 5.786 as follows:

11 (30 ILCS 105/5.786 new)

12 Sec. 5.786. The Roseland Community Medical District Income
13 Fund.

14 Section 999. Effective date. This Act takes effect upon
15 becoming law.