

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 5. The Southeastern Illinois Economic Development
5 Authority Act is amended by changing Sections 20, 25 and 45 as
6 follows:

7 (70 ILCS 518/20)

8 Sec. 20. Creation.

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

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

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

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

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

1 (c) Six members shall constitute a quorum.

2 (d) The chairman of the Authority shall be elected annually
3 by the Board.

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

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

1 duty, or malfeasance in office.

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

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

21 (70 ILCS 518/25)

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

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

31 (70 ILCS 518/45)

32 Sec. 45. Acquisition.

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

1 (b) The Authority shall have power to acquire by purchase,
2 lease, gift, or otherwise any property or rights therein from
3 any person or persons, the State of Illinois, any municipal
4 corporation, any local unit of government, the government of
5 the United States and any agency or instrumentality of the
6 United States, any body politic, or any county useful for its
7 purposes, whether improved for the purposes of any prospective
8 project or unimproved. The Authority may also accept any
9 donation of funds for its purposes from any of these sources.

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

18 (d) The Authority shall have the power to enter into
19 intergovernmental agreements with the State of Illinois, the
20 counties of Fayette, Cumberland, Clark, Effingham, Jasper,
21 Crawford, Marion, Clay, Richland, Lawrence, Jefferson, Wayne,
22 Edwards, Wabash, Hamilton, and White; Irvington Township in
23 Washington County; 7 the Illinois Development Finance
24 Authority, the Illinois Housing Development Authority, the
25 Illinois Education Facilities Authority, the Illinois Farm
26 Development Authority, the Rural Bond Bank, the United States
27 government and any agency or instrumentality of the United
28 States, any unit of local government located within the
29 territory of the Authority, or any other unit of government to
30 the extent allowed by Article VII, Section 10 of the Illinois
31 Constitution and the Intergovernmental Cooperation Act.

32 (e) The Authority shall have the power to share employees
33 with other units of government, including agencies of the
34 United States, agencies of the State of Illinois, and agencies
35 or personnel of any unit of local government.

36 (f) The Authority shall have the power to exercise powers

1 and issue bonds as if it were a municipality so authorized in
2 Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the
3 Illinois Municipal Code.

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

5 Section 10. The Public Water District Act is amended by
6 changing Section 9 as follows:

7 (70 ILCS 3705/9) (from Ch. 111 2/3, par. 196)

8 Sec. 9. Every public water district organized under this
9 Act and every non-profit private water company is authorized to
10 construct, maintain, alter and extend its water mains as a
11 proper use of highways along, upon, under and across any
12 highway, street, alley or public ground in the State, but so as
13 not to inconvenience the public use thereof, and the right and
14 authority are hereby granted to any such district or non-profit
15 private water company to construct, maintain and operate any
16 conduit or conduits, water pipe or pipes, wholly or partially
17 buried or otherwise in, upon and along any of the lands owned
18 by said State under any of the public waters therein; provided
19 that the right, permission and authority hereby granted shall
20 be subject to all public rights of commerce and navigation and
21 the authority of the United States in behalf of such public
22 rights, and also to the laws of the State of Illinois to
23 regulate and control the same.

24 (Source: Laws 1945, p. 1187.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.