



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0017

Introduced 1/26/2005, by Sen. Gary Forby

SYNOPSIS AS INTRODUCED:

New Act

Creates the Southern Illinois Economic Development Authority Act. Establishes the Southern Illinois Economic Development Authority in Franklin, Perry, Randolph, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac counties in order to promote economic development within those counties. Contains provisions concerning the powers and duties of the Authority. Allows the Authority to acquire, own, sell, lease, or otherwise dispose of interests in real property and to issue bonds, notes, or other evidences of indebtedness for certain purposes in an aggregate amount not to exceed \$250,000,000. Provides that the Authority shall be governed by a 21-member board. Contains other provisions. Effective immediately.

LRB094 05351 MKM 35395 b

STATE DEBT
IMPACT NOTE ACT
MAY APPLY

1 AN ACT in relation to economic development.

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

4 Section 5. Short title. This Act may be cited as the
5 Southern Illinois Economic Development Authority Act.

6 Section 10. Findings. The General Assembly determines and
7 declares the following:

8 (1) that labor surplus areas currently exist in southern
9 Illinois;

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

20 (3) that 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 and industrial and manufacturing plants
24 within the southern region of Illinois;

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

30 (5) that decent, affordable housing is a necessary
31 ingredient of life affording each citizen basic human dignity,
32 a sense of self-worth, confidence, and a firm foundation upon

1 which to build a family and educate children;

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

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

13 Section 15. Definitions. In this Act:

14 "Authority" means the Southern Illinois Economic
15 Development Authority.

16 "Governmental agency" means any federal, State, or local
17 governmental body and any agency or instrumentality thereof,
18 corporate or otherwise.

19 "Person" means any natural person, firm, partnership,
20 corporation, both domestic and foreign, company, association
21 or joint stock association and includes any trustee, receiver,
22 assignee or personal representative thereof.

23 "Revenue bond" means any bond issued by the Authority, the
24 principal and interest of which is payable solely from revenues
25 or income derived from any project or activity of the
26 Authority.

27 "Board" means the Board of Directors of the Southern
28 Illinois Economic Development Authority.

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

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

32 "Industrial project" means the following:

33 (1) a capital project, including one or more buildings and
34 other structures, improvements, machinery and equipment
35 whether or not on the same site or sites now existing or

1 hereafter acquired, suitable for use by any manufacturing,
2 industrial, research, transportation or commercial enterprise
3 including but not limited to use as a factory, mill, processing
4 plant, assembly plant, packaging plant, fabricating plant,
5 ethanol plant, office building, industrial distribution
6 center, warehouse, repair, overhaul or service facility,
7 freight terminal, research facility, test facility, railroad
8 facility, port facility, solid waste and wastewater treatment
9 and disposal sites and other pollution control facilities,
10 resource or waste reduction, recovery, treatment and disposal
11 facilities, and including also the sites thereof and other
12 rights in land therefore whether improved or unimproved, site
13 preparation and landscaping and all appurtenances and
14 facilities incidental thereto such as utilities, access roads,
15 railroad sidings, truck docking and similar facilities,
16 parking facilities, dockage, wharfage, railroad roadbed,
17 track, trestle, depot, terminal, switching and signaling
18 equipment or related equipment and other improvements
19 necessary or convenient thereto; or

20 (2) any land, buildings, machinery or equipment comprising
21 an addition to or renovation, rehabilitation or improvement of
22 any existing capital project.

23 "Commercial project" means any project, including, but not
24 limited to, one or more buildings and other structures,
25 improvements, machinery, and equipment, whether or not on the
26 same site or sites now existing or hereafter acquired, suitable
27 for use by any retail or wholesale concern, distributorship, or
28 agency.

29 "Project" means an industrial, housing, residential,
30 commercial, or service project, or any combination thereof,
31 provided that all uses fall within one of the categories
32 described above. Any project automatically includes all site
33 improvements and new construction involving sidewalks, sewers,
34 solid waste and wastewater treatment and disposal sites and
35 other pollution control facilities, resource or waste
36 reduction, recovery, treatment and disposal facilities, parks,

1 open spaces, wildlife sanctuaries, streets, highways, and
2 runways.

3 "Lease agreement" means an agreement in which a project
4 acquired by the Authority by purchase, gift, or lease is leased
5 to any person or corporation that will use, or cause the
6 project to be used, as a project, upon terms providing for
7 lease rental payments at least sufficient to pay, when due, all
8 principal of and interest and premium, if any, on any bonds,
9 notes, or other evidences of indebtedness of the Authority,
10 issued with respect to the project, providing for the
11 maintenance, insurance, and operation of the project on terms
12 satisfactory to the Authority and providing for disposition of
13 the project upon termination of the lease term, including
14 purchase options or abandonment of the premises, with other
15 terms as may be deemed desirable by the Authority.

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

28 "Financial aid" means the expenditure of Authority funds or
29 funds provided by the Authority for the development,
30 construction, acquisition or improvement of a project, through
31 the issuance of revenue bonds, notes, or other evidences of
32 indebtedness.

33 "Costs incurred in connection with the development,
34 construction, acquisition or improvement of a project" means
35 the following:

36 (1) the cost of purchase and construction of all lands and

1 improvements in connection therewith and equipment and other
2 property, rights, easements, and franchises acquired which are
3 deemed necessary for the construction;

4 (2) financing charges;

5 (3) interest costs with respect to bonds, notes, and other
6 evidences of indebtedness of the Authority prior to and during
7 construction and for a period of 6 months thereafter;

8 (4) engineering and legal expenses; and

9 (5) the costs of plans, specifications, surveys, and
10 estimates of costs and other expenses necessary or incident to
11 determining the feasibility or practicability of any project,
12 together with such other expenses as may be necessary or
13 incident to the financing, insuring, acquisition, and
14 construction of a specific project and the placing of the same
15 in operation.

16 Section 20. Creation.

17 (a) There is created a political subdivision, body politic,
18 and municipal corporation named the Southern Illinois Economic
19 Development Authority. The territorial jurisdiction of the
20 Authority is that geographic area within the boundaries of the
21 following counties: Franklin, Perry, Randolph, Jackson,
22 Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin,
23 Alexander, Pulaski, and Massac and any navigable waters and air
24 space located therein.

25 (b) The governing and administrative powers of the
26 Authority shall be vested in a body consisting of 21 members as
27 follows:

28 (1) Ex officio member. The Director of Commerce and
29 Economic Opportunity, or a designee of that Department,
30 shall serve as an ex officio member.

31 (2) Public members. Six members shall be appointed by
32 the Governor with the advice and consent of the Senate. The
33 county board chairmen of the following counties shall each
34 appoint one member: Franklin, Perry, Randolph, Jackson,
35 Williamson, Saline, Gallatin, Union, Johnson, Pope,

1 Hardin, Alexander, Pulaski, and Massac. All public members
2 shall reside within the territorial jurisdiction of the
3 Authority. The public members shall be persons of
4 recognized ability and experience in one or more of the
5 following areas: economic development, finance, banking,
6 industrial development, state or local government,
7 commercial agriculture, small business management, real
8 estate development, community development, venture
9 finance, organized labor, or civic or community
10 organization.

11 (c) 11 members shall constitute a quorum.

12 (d) The chairman of the Authority shall be elected annually
13 by the Board and must be a public member that resides within
14 the territorial jurisdiction of the Authority.

15 (e) The terms of all initial members of the Authority shall
16 begin 30 days after the effective date of this Act. Of the 6
17 original public members appointed by the Governor, 2 shall
18 serve until the third Monday in January, 2007; 1 shall serve
19 until the third Monday in January, 2008; 1 shall serve until
20 the third Monday in January, 2009; 1 shall serve until the
21 third Monday in January, 2010; and 1 shall serve until the
22 third Monday in January, 2011. The initial terms of the
23 original public members appointed by the county board chairmen
24 shall be determined by lot, according to the following
25 schedule: (i) 3 shall serve until the third Monday in January,
26 2007, (ii) 3 shall serve until the third Monday in January,
27 2008, (iii) 3 shall serve until the third Monday in January,
28 2009, (iv) 3 shall serve until the third Monday in January,
29 2010, and (v) 2 shall serve until the third Monday in January,
30 2011. All successors to these original public members shall be
31 appointed by the original appointing authority and all
32 appointments made by the Governor shall be made with the advice
33 and consent of the Senate, pursuant to subsection (b), and
34 shall hold office for a term of 6 years commencing the third
35 Monday in January of the year in which their term commences,
36 except in the case of an appointment to fill a vacancy.

1 Vacancies occurring among the public members shall be filled
2 for the remainder of the term. In case of vacancy in a
3 Governor-appointed membership when the Senate is not in
4 session, the Governor may make a temporary appointment until
5 the next meeting of the Senate when a person shall be nominated
6 to fill the office and, upon confirmation by the Senate, he or
7 she shall hold office during the remainder of the term and
8 until a successor is appointed and qualified. Members of the
9 Authority are not entitled to compensation for their services
10 as members but are entitled to reimbursement for all necessary
11 expenses incurred in connection with the performance of their
12 duties as members.

13 (f) The Governor may remove any public member of the
14 Authority in case of incompetence, neglect of duty, or
15 malfeasance in office. The chairman of a county board may
16 remove any public member appointed by that chairman in the case
17 of incompetence, neglect of duty, or malfeasance in office.

18 (g) The Board shall appoint an Executive Director who shall
19 have a background in finance, including familiarity with the
20 legal and procedural requirements of issuing bonds, real
21 estate, or economic development and administration. The
22 Executive Director shall hold office at the discretion of the
23 Board. The Executive Director shall be the chief administrative
24 and operational officer of the Authority, shall direct and
25 supervise its administrative affairs and general management,
26 perform such other duties as may be prescribed from time to
27 time by the members, and receive compensation fixed by the
28 Authority. The Department of Commerce and Community Affairs
29 shall pay the compensation of the Executive Director from
30 appropriations received for that purpose. The Executive
31 Director shall attend all meetings of the Authority. However,
32 no action of the Authority shall be invalid on account of the
33 absence of the Executive Director from a meeting. The Authority
34 may engage the services of the Illinois Finance Authority,
35 attorneys, appraisers, engineers, accountants, credit
36 analysts, and other consultants if the Southern Illinois

1 Economic Development Authority deems it advisable.

2 Section 25. Duty. All official acts of the Authority shall
3 require the approval of at least 11 members. It shall be the
4 duty of the Authority to promote development within the
5 geographic confines of Franklin, Perry, Randolph, Jackson,
6 Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin,
7 Alexander, Pulaski, and Massac counties. The Authority shall
8 use the powers conferred upon it to assist in the development,
9 construction, and acquisition of industrial, commercial,
10 housing, or residential projects within those counties.

11 Section 30. Powers.

12 (a) The Authority possesses all the powers of a body
13 corporate necessary and convenient to accomplish the purposes
14 of this Act, including, without any intended limitation upon
15 the general powers hereby conferred, the following powers:

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

19 (2) to sue and be sued;

20 (3) to utilize services of the Illinois Finance
21 Authority necessary to carry out its purposes;

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

24 (5) to adopt all needful ordinances, resolutions,
25 bylaws, rules, and regulations for the conduct of its
26 business and affairs and for the management and use of the
27 projects developed, constructed, acquired, and improved in
28 furtherance of its purposes;

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

30 (7) to accept and expend appropriations;

31 (8) to acquire, own, lease, sell, or otherwise dispose
32 of interests in and to real property and improvements
33 situated on that real property and in personal property
34 necessary to fulfill the purposes of the Authority;

1 (9) to engage in any activity or operation which is
2 incidental to and in furtherance of efficient operation to
3 accomplish the Authority's primary purpose;

4 (10) to acquire, own, construct, lease, operate, and
5 maintain bridges, terminals, terminal facilities, and port
6 facilities and to fix and collect just, reasonable, and
7 nondiscriminatory charges for the use of such facilities.
8 These charges shall be used to defray the reasonable
9 expenses of the Authority and to pay the principal and
10 interest of any revenue bonds issued by the Authority;

11 (11) subject to any applicable condition imposed by
12 this Act, to locate, establish and maintain a public
13 airport, public airports and public airport facilities
14 within its corporate limits or within or upon any body of
15 water adjacent thereto and to construct, develop, expand,
16 extend and improve any such airport or airport facility;
17 and

18 (12) to have and exercise all powers and be subject to
19 all duties usually incident to boards of directors of
20 corporations.

21 (b) The Authority shall not issue any bonds relating to the
22 financing of a project located within the planning and
23 subdivision control jurisdiction of any municipality or county
24 unless: (i) notice, including a description of the proposed
25 project and the financing for that project, is submitted to the
26 corporate authorities of the municipality or, in the case of a
27 proposed project in an unincorporated area, to the county board
28 and (ii) the corporate authorities of the municipality do not,
29 or the county board does not, adopt a resolution disapproving
30 the project within 45 days after receipt of the notice.

31 (c) If any of the powers set forth in this Act are
32 exercised within the jurisdictional limits of any
33 municipality, all ordinances of the municipality remain in full
34 force and effect and are controlling.

35 Section 35. Tax avoidance. Notwithstanding any other

1 provision of law, the Authority shall not enter into any
2 agreement providing for the purchase and lease of tangible
3 personal property which results in the avoidance of taxation
4 under the Retailers' Occupation Tax Act, the Use Tax Act, the
5 Service Use Tax Act, or the Service Occupation Tax Act, without
6 the prior written consent of the Governor.

7 Section 40. Bonds.

8 (a) The Authority, with the written approval of the
9 Governor, shall have the continuing power to issue bonds,
10 notes, or other evidences of indebtedness in an aggregate
11 amount not to exceed \$250,000,000 for the following purposes:
12 (i) development, construction, acquisition, or improvement of
13 projects, including those established by business entities
14 locating or expanding property within the territorial
15 jurisdiction of the Authority; (ii) entering into venture
16 capital agreements with businesses locating or expanding
17 within the territorial jurisdiction of the Authority; (iii)
18 acquisition and improvement of any property necessary and
19 useful in connection therewith; and (iv) for the purposes of
20 the Employee Ownership Assistance Act. For the purpose of
21 evidencing the obligations of the Authority to repay any money
22 borrowed, the Authority may, pursuant to resolution, from time
23 to time, issue and dispose of its interest-bearing revenue
24 bonds, notes, or other evidences of indebtedness and may also
25 from time to time issue and dispose of such bonds, notes, or
26 other evidences of indebtedness to refund, at maturity, at a
27 redemption date or in advance of either, any bonds, notes, or
28 other evidences of indebtedness pursuant to redemption
29 provisions or at any time before maturity. All such bonds,
30 notes, or other evidences of indebtedness shall be payable
31 solely and only from the revenues or income to be derived from
32 loans made with respect to projects, from the leasing or sale
33 of the projects, or from any other funds available to the
34 Authority for such purposes. The bonds, notes, or other
35 evidences of indebtedness may bear such date or dates, may

1 mature at such time or times not exceeding 40 years from their
2 respective dates, may bear interest at such rate or rates not
3 exceeding the maximum rate permitted by the Bond Authorization
4 Act, may be in such form, may carry such registration
5 privileges, may be executed in such manner, may be payable at
6 such place or places, may be made subject to redemption in such
7 manner and upon such terms, with or without premium, as is
8 stated on the face thereof, may be authenticated in such manner
9 and may contain such terms and covenants as may be provided by
10 an applicable resolution.

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

25 (c) If the Authority fails to pay the principal of or
26 interest on any of the bonds or premium, if any, as the bond
27 becomes due, a civil action to compel payment may be instituted
28 in the appropriate circuit court by the holder or holders of
29 the bonds on which the default of payment exists or by an
30 indenture trustee acting on behalf of the holders. Delivery of
31 a summons and a copy of the complaint to the chairman of the
32 Board shall constitute sufficient service to give the circuit
33 court jurisdiction over the subject matter of the suit and
34 jurisdiction over the Authority and its officers named as
35 defendants for the purpose of compelling such payment. Any
36 case, controversy, or cause of action concerning the validity

1 of this Act relates to the revenue of the State of Illinois.

2 (d) Notwithstanding the form and tenor of any bond, note,
3 or other evidence of indebtedness and in the absence of any
4 express recital on its face that it is non-negotiable, all such
5 bonds, notes, and other evidences of indebtedness shall be
6 negotiable instruments. Pending the preparation and execution
7 of any bonds, notes, or other evidences of indebtedness,
8 temporary bonds, notes, or evidences of indebtedness may be
9 issued as provided by ordinance.

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

27 (f) Bonds or notes shall be secured as provided in the
28 authorizing ordinance which may include, notwithstanding any
29 other provision of this Act, in addition to any other security,
30 a specific pledge, assignment of and lien on, or security
31 interest in any or all revenues or money of the Authority, from
32 whatever source, which may, by law, be used for debt service
33 purposes and a specific pledge, or assignment of and lien on,
34 or security interest in any funds or accounts established or
35 provided for by ordinance of the Authority authorizing the
36 issuance of the bonds or notes.

1 (g) In the event that the Authority determines that moneys
2 of the Authority will not be sufficient for the payment of the
3 principal of and interest on its bonds during the next State
4 fiscal year, the chairman, as soon as practicable, shall
5 certify to the Governor the amount required by the Authority to
6 enable it to pay the principal of and interest on the bonds.
7 The Governor shall submit the certified amount to the General
8 Assembly as soon as practicable, but no later than the end of
9 the current State fiscal year. This Section shall not apply to
10 any bonds or notes to which the Authority determines, in the
11 resolution authorizing the issuance of the bonds or notes, that
12 this Section shall not apply. Whenever the Authority makes this
13 determination, it shall be plainly stated on the face of the
14 bonds or notes and the determination shall also be reported to
15 the Governor. In the event of a withdrawal of moneys from a
16 reserve fund established with respect to any issue or issues of
17 bonds of the Authority to pay principal or interest on those
18 bonds, the chairman of the Authority, as soon as practicable,
19 shall certify to the Governor the amount required to restore
20 the reserve fund to the level required in the resolution or
21 indenture securing those bonds. The Governor shall submit the
22 certified amount to the General Assembly as soon as
23 practicable, but no later than the end of the current State
24 fiscal year.

25 (h) The State of Illinois pledges to and agrees with the
26 holders of the bonds and notes of the Authority issued pursuant
27 to this Section that the State will not limit or alter the
28 rights and powers vested in the Authority by this Act so as to
29 impair the terms of any contract made by the Authority with the
30 holders of bonds or notes or in any way impair the rights and
31 remedies of those holders until the bonds and notes, together
32 with interest thereon, with interest on any unpaid installments
33 of interest, and all costs and expenses in connection with any
34 action or proceedings by or on behalf of the holders, are fully
35 met and discharged. In addition, the State pledges to and
36 agrees with the holders of the bonds and notes of the Authority

1 issued pursuant to this Section that the State will not limit
2 or alter the basis on which State funds are to be paid to the
3 Authority as provided in this Act, or the use of such funds, so
4 as to impair the terms of any such contract. The Authority is
5 authorized to include these pledges and agreements of the State
6 in any contract with the holders of bonds or notes issued
7 pursuant to this Section.

8 (i) Not less than 30 days prior to the commitment to issue
9 bonds, notes, or other evidences of indebtedness for the
10 purpose of developing, constructing, acquiring, or improving
11 housing or residential projects, as defined in this Act, the
12 Authority shall provide notice to the Executive Director of the
13 Illinois Housing Development Authority. Within 30 days after
14 the notice is provided, the Illinois Housing Development
15 Authority shall, in writing, either express interest in
16 financing the project or notify the Authority that it is not
17 interested in providing financing and that the Authority may
18 finance the project or seek alternative financing.

19 Section 45. Bonds and notes; exemption from taxation. The
20 creation of the Authority is in all respects for the benefit of
21 the people of Illinois and for the improvement of their health,
22 safety, welfare, comfort, and security, and its purposes are
23 public purposes. In consideration thereof, the notes and bonds
24 of the Authority issued pursuant to this Act and the income
25 from these notes and bonds may be free from all taxation by the
26 State or its political subdivisions, exempt for estate,
27 transfer, and inheritance taxes. The exemption from taxation
28 provided by the preceding sentence shall apply to the income on
29 any notes or bonds of the Authority only if the Authority in
30 its sole judgment determines that the exemption enhances the
31 marketability of the bonds or notes or reduces the interest
32 rates that would otherwise be borne by the bonds or notes. For
33 purposes of Section 250 of the Illinois Income Tax Act, the
34 exemption of the Authority shall terminate after all of the
35 bonds have been paid. The amount of such income that shall be

1 added and then subtracted on the Illinois income tax return of
2 a taxpayer, subject to Section 203 of the Illinois Income Tax
3 Act, from federal adjusted gross income or federal taxable
4 income in computing Illinois base income shall be the interest
5 net of any bond premium amortization.

6 Section 50. Acquisition.

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

9 (b) The Authority shall have power to acquire by purchase,
10 lease, gift, or otherwise any property or rights therein from
11 any person or persons, the State of Illinois, any municipal
12 corporation, any local unit of government, the government of
13 the United States and any agency or instrumentality of the
14 United States, any body politic, or any county useful for its
15 purposes, whether improved for the purposes of any prospective
16 project or unimproved. The Authority may also accept any
17 donation of funds for its purposes from any of these sources.

18 (c) The Authority shall have power to develop, construct,
19 and improve, either under its own direction or through
20 collaboration with any approved applicant, or to acquire,
21 through purchase or otherwise, any project, using for this
22 purpose the proceeds derived from its sale of revenue bonds,
23 notes, or other evidences of indebtedness or governmental loans
24 or grants and shall have the power to hold title to those
25 projects in the name of the Authority.

26 (d) The Authority shall have the power to enter into
27 intergovernmental agreements with the State of Illinois, the
28 counties of Franklin, Perry, Randolph, Jackson, Williamson,
29 Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander,
30 Pulaski, or Massac, the Illinois Finance Authority, the
31 Illinois Housing Development Authority, the United States
32 government and any agency or instrumentality of the United
33 States, any unit of local government located within the
34 territory of the Authority, or any other unit of government to
35 the extent allowed by Article VII, Section 10 of the Illinois

1 Constitution and the Intergovernmental Cooperation Act.

2 (e) The Authority shall have the power to share employees
3 with other units of government, including agencies of the
4 United States, agencies of the State of Illinois, and agencies
5 or personnel of any unit of local government.

6 (f) The Authority shall have the power to exercise powers
7 and issue bonds as if it were a municipality so authorized in
8 Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the
9 Illinois Municipal Code.

10 Section 55. Enterprise zones. The Authority may by
11 ordinance designate a portion of the territorial jurisdiction
12 of the Authority for certification as an Enterprise Zone under
13 the Illinois Enterprise Zone Act in addition to any other
14 enterprise zones which may be created under that Act, which
15 area shall have all the privileges and rights of an Enterprise
16 Zone pursuant to the Illinois Enterprise Zone Act, but which
17 shall not be counted in determining the number of Enterprise
18 Zones to be created in any year pursuant to that Act.

19 Section 60. Designation of depository. The Authority shall
20 biennially designate a national or State bank or banks as
21 depositories of its money. Such depositories shall be
22 designated only within the State and upon condition that bonds
23 approved as to form and surety by the Authority and at least
24 equal in amount to the maximum sum expected to be on deposit at
25 any one time shall be first given by such depositories to the
26 Authority, such bonds to be conditioned for the safe keeping
27 and prompt repayment of such deposits. When any of the funds of
28 the Authority shall be deposited by the treasurer in any such
29 depository, the treasurer and the sureties on his official bond
30 shall, to such extent, be exempt from liability for the loss of
31 any such deposited funds by reason of the failure, bankruptcy,
32 or any other act or default of such depository; provided that
33 the Authority may accept assignments of collateral by any
34 depository of its funds to secure such deposits to the same

1 extent and conditioned in the same manner as assignments of
2 collateral are permitted by law to secure deposits of the funds
3 of any city.

4 Section 65. Taxation prohibited. The Authority shall have
5 no right or authority to levy any tax or special assessment, to
6 pledge the credit of the State or any other subdivision or
7 municipal corporation thereof, or to incur any obligation
8 enforceable upon any property, either within or without the
9 territory of the Authority.

10 Section 70. Fees. The Authority may collect fees and
11 charges in connection with its loans, commitments, and
12 servicing and may provide technical assistance in the
13 development of the region.

14 Section 75. Reports. The Authority shall annually submit a
15 report of its finances to the Auditor General. The Authority
16 shall annually submit a report of its activities to the
17 Governor and to the General Assembly.

18 Section 999. Effective date. This Act takes effect upon
19 becoming law.