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AN ACT concerning sports facilities.

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

Section 1. Short title. This Act may be cited as the
Downstate Illinois Sports Facilities Authority Act.

6 Section 5. Definitions. In this Act:

7 "Assistance Agreement" means one or more legally binding 8 contracts, with respect to a facility for which the Authority 9 is to provide financial assistance as provided in this Act, 10 to which the Authority and a governmental owner of a facility 11 or its tenant, or both, and any other appropriate persons are 12 parties, which may be in the form of an intergovernmental 13 agreement.

14 "Authority" means the Downstate Illinois Sports15 Facilities Authority.

16 "Facility" means any of the following:

17 (1) Stadiums, arenas, or other structures for the
18 holding of athletic contests or events, including
19 baseball, football, hockey, and automobile racing;
20 musical, dramatic, and other artistic or social events,
21 or meetings and other events.

(2) Practice fields, or other areas where
professional, amateur, or semi-professional sports teams
may practice or perform.

25 "Facility" also means the following types of property if 26 that property is directly related to an item listed in 27 paragraphs (1) or (2) of this definition:

(i) Offices, parking lots and garages,
landscaping and open spaces, access roads,
transportation facilities, restaurants, and stores.
(ii) Other recreation areas.

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(iii) Other property or structures, including all fixtures, furnishings, and appurtenances normally associated with such facilities.

4 "Financial Assistance" means the use by the Authority, pursuant to an assistance agreement, of its powers under the 5 Act, including, without limitation, the power to borrow 6 7 money, to issue bonds and notes, to assist a governmental 8 owner or its tenants, or both, with one or more of the 9 following: designing, developing, establishing, constructing, erecting, acquiring, repairing, reconstructing, renovating, 10 11 remodeling, adding to, extending, improving, equipping, operating, and maintaining a facility owned or be owned by 12 13 the governmental owner.

"Governmental Owner" means a body politic, 14 public corporation, political subdivision, unit of local government, 15 16 or municipality formed under the laws of the State of Illinois that owns or is to own a facility located within the 17 corporate limits of the Authority described in Section 50 of 18 19 this Act and to which the Authority provides financial 20 assistance.

21 "Loan agreement" means a legally binding contract between 22 the Authority and an owner of a facility, pursuant to which 23 the Authority agrees to make loans to the owner for the purpose of (i) constructing, acquiring, operating, repairing, 24 25 rehabilitating, or managing a facility and the site on which a facility is or is to be located, which facility or site 26 must be located in the State of Illinois, excluding the City 27 of Chicago, and (ii) infrastructure improvements related to 28 29 the facility.

30 "Management Agreement" means a legally binding contract 31 between the Authority and a tenant of a facility owned by the 32 Authority, which contains at least the following provisions:

33 (A) a provision requiring the tenant to conduct its34 complete regular home season schedule and any home

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playoff events in the facility;

2 (B) a provision requiring the tenant to provide 3 routine maintenance of and to operate the facility with 4 its personnel or contractors;

5 (C) a provision requiring the tenant to advertise 6 and promote events it conducts at the facility;

7 (D) a provision requiring the tenant to operate or
8 contract for concessions for the patrons of the facility;
9 and

10 (E) a provision permitting the Authority or its 11 designee to hold other events in any such facility owned 12 by the Authority at such times as shall not unreasonably 13 interfere with the use of that facility by the tenant.

"Tenant" means any person with which a governmental owner 14 15 or the Authority has entered into an agreement for the use by 16 a sports team of any facility. Such an agreement may be a management agreement or an assistance agreement or may be a 17 lease of or a license, permit or similar agreement with 18 19 respect to the use of a facility by such team for such period 20 as shall be agreed upon by the person and the governmental 21 owner or the Authority, as the case may be.

22 Section 10. Legislative finding and declaration. The General Assembly finds that as a result of deteriorating 23 24 infrastructure and sports facilities there is a shortage of sports facilities suitable for use by professional, amateur, 25 and 26 semi-professinal sports teams other musical, or theatrical, and other social organizations. 27

It is further found that as a result of the costs to repair or replace the infrastructure and facilities, and as a result of current financing costs, the private sector, without the assistance contemplated in this Act, is unable to construct feasibly adequate sports facilities.

33 It is further found that the creation of modern sports

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1 facilities and the other results contemplated by this Act 2 would stimulate economic activity in the State of Illinois, 3 including the creation and maintenance of jobs, the creation 4 of new and lasting infrastructure and other improvements, and 5 the retention of sports and entertainment events that 6 generate economic activity.

7 It is further found that sports facilities can be magnets 8 for substantial interstate tourism resulting in increased 9 retail sales, hotel and restaurant sales, and entertainment 10 industry sales, all of which increase jobs and economic 11 growth.

12

Section 15. Authority and Board created.

13 (a) The Downstate Illinois Sports Facilities Authority
14 is created as a political subdivision, unit of local
15 government, body politic, and municipal corporation.

16 (b) The governing and administrative powers of the 17 Authority shall be vested in a body known as the Downstate 18 Illinois Sports Facilities Authority Board. The Board shall 19 consist of 8 members: a Chair and 7 additional members, all 20 of whom are appointed by the Governor.

All gubernatorial appointments, including the Chair, shall be subject to the advice and consent of the Senate, except in the case of temporary appointments as provided in Section 20. No member shall be employed by the State or any political subdivision of the State or by any department or agency of the State or any political subdivision of the State.

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Section 20. Terms of appointments.

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(a) On the effective date of this Act:

30 (1) The Governor shall appoint the Chair and 3
31 other members of the Board for initial terms expiring
32 June 30 of 2006.

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1 2 (2) The Governor shall appoint 2 members of the Board for initial terms expiring June 30 of 2005.

3 (3) The Governor shall appoint 2 members of the
4 Board for initial terms expiring June 30 of 2004.

(b) At the expiration of the term of any 5 member б appointed by the Governor, the Governor shall appoint the 7 member's successor in the same manner as appointments for the initial terms. All successors shall hold office for a term 8 9 3 years from the first day of July of the year in which of they are appointed, except in the case of an appointment to 10 11 fill a vacancy. Each member, including the Chair, shall hold office until the expiration of the member's term and until 12 the member's successor is appointed and qualified. Nothing 13 shall preclude a member or a Chair from serving consecutive 14 15 terms.

16 (c) Vacancies for members and for the Chair shall be 17 filled in the same manner as original appointments for the 18 balance of the unexpired term.

19 Section 25. Actions of the Authority.

20 (a) Six members of the Authority constitute a quorum for 21 the purpose of conducting business. Actions of the Authority 22 must receive a simple majority vote of the members present. The Authority shall determine the times and places of 23 its 24 The members of the Authority shall serve without meetings. compensation for service as a member but are entitled to 25 of reasonable 26 reimbursement expenses incurred in the 27 performance of their official duties.

(b) The Authority shall annually elect a secretary and atreasurer.

30 (c) An executive committee appointed by the Governor 31 made up of 4 members, including the Chair, have the authority 32 to operate the Authority on a day-to-day basis, with the 33 powers and duties determined by the bylaws of the Authority.

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Section 30. Executive Director. The Authority shall

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2 appoint an Executive Director, who is the chief executive officer of the Authority. In addition to any other duties 3 4 set forth in this Act, the Executive Director shall do the 5 following: (1) Direct and supervise the administrative affairs 6 7 and activities of the Authority, in accordance with its 8 rules, regulations, and policies. 9 (2) Attend meetings of the Authority. (3) Keep minutes of all proceedings of the 10 11 Authority. (4) Approve all accounts for salaries, per diem 12 payments, and allowable expenses of the Authority and its 13 and consultants and approve all expenses 14 employees 15 incidental to the operation of the Authority. 16 (5) Report and make recommendations to the Authority on the merits and status of any proposed 17 facility. 18 19 (6) Perform any other duty that the Authority requires for carrying out the provisions of this Act. 20 Section 35. Powers. 21 22 In addition to the powers set forth elsewhere in (a) this Act, the Authority may do the following: 23 24 (1) Adopt and alter an official seal. (2) Sue and be sued, plead and be impleaded, all in 25 own name, and agree to binding arbitration of any 26 its 27 dispute to which it is a party. (3) Adopt bylaws, rules, and regulations to carry 28 29 out the provisions of this Act. (4) Maintain an office or offices at the place the 30 Authority may designate. 31

32 (5) Employ, either as regular employees or
 33 independent contractors, consultants, engineers,

architects, accountants, attorneys, financial experts, construction experts and personnel, superintendents, managers and other professional personnel, and such other personnel as may be necessary in the judgment of the Authority, and fix their compensation.

6 (6) Acquire, hold, lease as lessor or as lessee,
7 use, encumber, transfer, or dispose of real and personal
8 property, including the alteration of or demolition of
9 improvements to real estate.

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(7) Enter into contracts of any kind.

11 (8) Enter into one or more loan agreements with an owner of a facility that conform to the requirements of 12 this Act and that may contain provisions as the Authority 13 shall determine, including, without limit: (i) provisions 14 15 granting the owner the right and option to extend the 16 term of the loan agreement; (ii) provisions creating an assignment and pledge by the Authority of certain of the 17 Authority's revenues and receipts to be received under 18 19 this Act for the benefit of the owner of the facility as further security for performance by the Authority of its 20 agreement; and (iii) 21 obligations under the loan 22 provisions requiring the establishment of reserves by the 23 Authority or by the owner, or both, as further security for the performance of their respective obligations under 24 the loan agreement. 25

(9) Borrow money from any source for any lawful 26 27 purpose, including working capital for its operations, reserve funds, or interest, and to mortgage, pledge or 28 29 otherwise encumber the property or funds of the Authority 30 and to contract with or engage the services of any person in connection with any financing, including financial 31 institutions, issuers of letters of credit, or insurers 32 and enter into reimbursement agreements with this person 33 which may be secured as if money were borrowed from the 34

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1 person.

2 (10) Receive and accept from any private or public
3 source, contributions, gifts, or grants of money or
4 property.

5 (11) Make loans from proceeds or funds otherwise 6 available to the extent necessary or appropriate to 7 accomplish the purposes of the Authority.

8 (12) Provide for the insurance of any property, 9 operations, officers, agents, or employees of the 10 Authority against any risk or hazard and provide for the 11 indemnification of its members, employees, contractors, 12 or agents against any and all risks.

13 (13) Provide relocation assistance and compensation 14 for landowners and their lessees displaced by any land 15 acquisition of the Authority, including the acquisition 16 of land and construction of replacement housing thereon 17 as the Authority shall determine.

18 (14) Exercise all the corporate powers granted 19 Illinois corporations under the Business Corporation Act 20 of 1983, except to the extent that powers are 21 inconsistent with those of a body politic and corporate 22 of the State.

23 (15) Determine the locations of, develop, design, 24 establish, construct, erect, acquire, own, repair, 25 reconstruct, renovate, remodel, add to, extend, improve, equip, operate, regulate and maintain facilities and 26 provide financial assistance to governmental owners or 27 their tenants or both, pursuant to an assistance 28 29 agreement to do the foregoing, in each case to the extent 30 necessary to accomplish the purposes of the Authority.

31 (16) Regulate the use and operation of facilities32 that are developed under the provisions of this Act.

33 (17) Enter into one or more management agreements34 which conform to the requirements of this Act and which

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1 may contain such provisions as the Authority shall 2 determine, including, without limitation (i) provisions allocating receipts from rents, rates, fees, and charges 3 4 use of the facility or for services rendered in for connection with the facility between the Authority and 5 the tenant of the facility; (ii) provisions providing for 6 7 limiting payments to the Authority for use of the or 8 facility based on levels of attendance or receipts, or 9 attendance and receipts, of the both tenant from 10 admission charges, parking concessions, advertising, 11 radio and television, and other sources; (iii) provisions obligating the Authority to make payments to the tenant 12 13 with respect to expenses of routine maintenance and operation of any facility and operating expenses of the 14 15 tenant with respect to use of the facility; (iv) 16 provisions requiring the Authority to pay liquidated damages to the tenant for failure of timely completion of 17 construction of any new facility; (v) provisions 18 permitting the Authority to grant rent-free occupancy of 19 an existing facility pending completion of construction 20 21 of any new facility and requiring the Authority to pay 22 certain incremental costs of maintenance, repair, replacement, and operation of an existing facility in the 23 event of failure of timely completion of construction of 24 any new facility; (vi) provisions requiring the Authority 25 to reimburse the tenant for certain State and local taxes 26 and provisions permitting reductions of payments due the 27 Authority by the tenant or reimbursement of the tenant by 28 29 Authority in the event of imposition of certain new the State and local taxes, or the increase above specified 30 31 levels of certain existing State and local taxes, or (vii) provisions obligating the Authority 32 both; to purchase tickets to events conducted by the tenant based 33 upon specified attendance levels; (viii) provisions 34

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granting the tenant the right and option to extend the term of the management agreement; and (ix) provisions requiring the establishment of reserves by the Authority or by the tenant, or both, as further security for the performance of their respective obligations under the management agreement.

7 (18) Enter into one or more assistance agreements 8 that conform to the requirements of this Act and that may 9 contain such provisions as the Authority shall determine 10 establishing the rights and obligations of the Authority 11 and the governmental owner or a tenant, or both, with 12 respect to the facility for which the Authority is to 13 provide financial assistance.

14 (19) Issue bonds or notes under Section 100 of this15 Act.

16 (20) Sell, convey, lease, or grant a permit or license with respect to, or by agreement authorize another 17 person on its behalf to sell, convey, lease or grant a permit 18 19 or license with respect to (i) the right to use or the right to purchase tickets to use, or any other interest in, any 20 21 seat or area within a facility; (ii) the right to name or 22 place advertising in all or any part of a facility; or (iii) 23 intangible personal property rights, including any intellectual property rights, appurtenant to any facility, 24 25 the proceeds of which are used for the purpose of carrying 26 out the powers granted by the Act.

27 (21) Do all things necessary or convenient to carry
28 out the powers granted by this Act.

29 The Authority may not construct or enter into a (b) 30 contract to construct more than one new stadium facility and may not enter into assistance agreements providing for the 31 32 reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of more than one 33 34 existing facility unless authorized by law.

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(c) The Authority may adopt such rules as are necessary
 to carry out those powers conferred and perform those duties
 required by this Act.

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Section 40. Duties.

5 (a) In addition to the powers set forth elsewhere in 6 this Act, subject to the terms of any agreements with the 7 holders of the Authority's evidences of indebtedness, the 8 Authority shall do the following:

9 (1) Comply with all zoning, building, and land use 10 controls of the municipality within which is located any 11 stadium facility owned by the Authority or for which the 12 Authority provides financial assistance.

(2) Enter into a loan agreement with an owner of a 13 14 facility to finance the acquisition, construction, 15 maintenance, or rehabilitation of the facility. The agreement shall contain appropriate and 16 reasonable 17 provisions with respect to termination, default, and legal remedies. The loan may be at below-market interest 18 19 rates.

20 (3) Create and maintain a financial reserve for
 21 repair and replacement of capital assets.

In a loan agreement for the construction of a new 22 (b) facility, in connection with prequalification of general 23 24 contractors for construction of the facility, the Authority shall require that the owner of the facility require 25 a commitment detailing how the general 26 submission of 27 contractor will expend 25% or more of the dollar value of the 28 general contract with one or more minority business 29 enterprises and 5% or more of the dollar value with one or more female business enterprises. This commitment may be met 30 31 by contractor's status as a minority business enterprise or 32 female business enterprise, by a joint venture, or by 33 subcontracting a portion of the work with or by purchasing

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1 materials for the work from one or more such enterprises, or 2 by any combination thereof. Any contract with the general contractor for construction of the new facility shall require 3 4 the general contractor to meet the foregoing obligations and 5 shall require monthly reporting to the Authority with respect 6 to the status of the implementation of the contractor's 7 affirmative action plan and compliance with that plan. This 8 report shall be filed with the General Assembly. The 9 Authority shall require that the facility owner establish and maintain an affirmative action program designed to promote 10 11 equal employment opportunity and that specifies the goals and methods for increasing participation by minorities and women 12 in a representative mix of job classifications required to 13 perform the respective contracts. The Authority shall file a 14 15 report before March 1 of each year with the General Assembly 16 detailing its implementation of this subsection. The terms enterprise" and 17 "minority business "female business enterprise" have the meanings provided in the Business 18 19 Enterprise for Minorities, Females, and Persons with Disabilities Act. 20

21 (c) With respect to a facility owned or to be owned by 22 the Authority, enter or have entered into a management 23 agreement with a tenant of the Authority to operate the facility that requires the tenant to operate the facility for 24 25 a period at least as long as the term of any bonds issued to development, establishment, construction, 26 finance the 27 erection, acquisition, repair, reconstruction, remodeling, adding to, extension, improvement, equipping, operation, and 28 29 maintenance of the facility. Such agreement shall contain 30 appropriate and reasonable provisions with respect to termination, default, and legal remedies. 31

32 Section 45. Reporting. Promptly following entering into a 33 management agreement, an assistance agreement, or a loan

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agreement involving a new facility or facility site, the Authority shall submit a detailed written report and findings of the Authority with respect to the proposed management agreement, assistance agreement, or loan agreement to the General Assembly.

6 The report and findings of the Authority shall include 7 the following:

8 (A) A detailed plan of the method of funding the 9 management agreement, assistance agreement, or loan 10 agreement;

(B) An evaluation of the economic consequences of the proposed management agreement, assistance agreement, or loan agreement; and

14 (C) If applicable, an analysis of the reasons for15 acquiring a site for constructing a new facility.

Section 50. Territory. The territory of the Authority is coterminous with the boundaries of the State of Illinois, excluding the City of Chicago.

Section 55. Acquisition of property. The Authority may acquire in its own name, by gift or purchase, any real or personal property, or interests in real or personal property, necessary or convenient to carry out its corporate purposes. The Authority may not acquire property by eminent domain.

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## Section 60. Tax exemption.

(a) Neither the Authority nor any governmental owner of
a facility or that governmental owner's tenant shall be
required to pay property taxes on any facility, nor shall the
interest of a tenant in any facility either owned by the
Authority or owned by any governmental owner to which the
Authority has provided financial assistance be subject to
property taxes.

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1 (b) Bonds issued by the Authority, their transfer, the 2 interest payable on them, and any income derived from them shall be exempt from income taxes or from taxation by any 3 4 political subdivisions, municipal corporations, or public 5 agencies of any kind of this State. For purposes of Section 6 250 of the Illinois Income Tax Act, the exemption of the income from bonds issued by the Authority shall terminate 7 after all of the bonds have been paid. The amount of such 8 9 income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, pursuant to Section 10 11 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois 12 base income shall be the interest net of any bond premium 13 amortization. 14

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Section 65. Conflicts of interest; generally.

16 (a) No members or employees of the Authority shall be
17 employed by, be an officer or director of, or have any
18 ownership interest in any corporation or entity that is a
19 party to a loan agreement with the Authority under this Act.

20 (b) No moneys of the Authority shall be deposited in any 21 financial institution in which any officer, director, or 22 holder of a substantial proprietary interest is also a member 23 or employee of the Authority.

24 (c) No real estate to which a member or employee of the Authority holds legal title or in which such a person has any 25 beneficial interest, including any interest in a land trust, 26 shall be purchased by the Authority, nor shall any such 27 28 property be purchased by a corporation or entity for a 29 facility to be financed under this Act. Every member and employee of the Authority shall file annually with the 30 31 Authority a record of all real estate in this State to which the person holds legal title or in which the person has any 32 beneficial interest, including any interest in a land trust. 33

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1 In the event it is later disclosed that the Authority or 2 other entity has purchased real estate in which a member or 3 employee had an interest, the purchase shall be voidable by 4 the Authority and the member or employee involved shall be 5 disqualified from membership in or employment by the 6 Authority.

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Section 70. Conflicts of interest; contracts.

8 No member of the Authority or officer, (a) agent, or employee of the Authority shall, in his or her own name or in 9 10 the name of a nominee, be an officer or director of or hold an ownership interest of more than 7.5% in any person, 11 association, trust, corporation, partnership, or other entity 12 that is, in its own name or in the name of a nominee, a party 13 14 to a contract or agreement upon which the member or officer, 15 agent, or employee may be called upon to act or vote.

(b) With respect to any direct or any indirect interest, 16 17 other than an interest prohibited in subsection (a), in a 18 contract or agreement upon which the member or officer, agent, or employee may be called upon to act or vote, a 19 20 member of the Authority or officer, agent, or employee of the 21 Authority shall disclose the same to the secretary of the 22 Authority before the taking of final action by the Authority concerning the contract or agreement and shall so disclose 23 24 the nature and extent of such interest and his or her acquisition thereof, which disclosures shall be publicly 25 acknowledged by the Authority and entered upon the minutes of 26 27 the Authority. If a member of the Authority or officer, 28 agent, or employee of the Authority holds such an interest, 29 then he or she shall refrain from any further official involvement in regard to the contract or agreement, from 30 31 voting on any matter pertaining to the contract or agreement, and from communicating with other members of the Authority or 32 33 its officers, agents, and employees concerning the contract

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or agreement. Notwithstanding any other provision of law, any 1 2 contract or agreement entered into in conformity with this subsection (b) shall not be void or invalid by reason of the 3 4 interest described in this subsection, nor shall any person so disclosing the interest and refraining from further 5 6 official involvement as provided in this subsection be guilty 7 of an offense, be removed from office, or be subject to any 8 other penalty on account of such interest.

9 (c) Any contract or agreement made in violation of 10 subsection (a) or (b) of this Section shall be null and void 11 and give rise to no action against the Authority.

Section 75. Records and reports of the Authority. The 12 secretary shall keep a record of the proceedings of 13 the Authority. The treasurer of the Authority shall be custodian 14 15 of all Authority funds and shall be bonded in the amount the other members of the Authority may designate. The accounts 16 17 and books of the Authority shall be set up and maintained in 18 a manner approved by the Auditor General, and the Authority shall file with the Auditor General a certified annual report 19 within 120 days after the close of its fiscal year. 20 The 21 Authority shall also file with the Governor, the Secretary of 22 the Senate, the Clerk of the House of Representatives, and the Illinois Economic and Fiscal Commission, by March 1 23 of 24 each year, a written report covering its activities for the previous fiscal year. So filed, the report shall be a public 25 26 record and open for inspection at the offices of the Authority during normal business hours. 27

Section 85. No impairment of loan agreement. The State of Illinois pledges to and agrees with any facility owner under any loan agreement entered into by the Authority with respect to a facility that the State will not limit or alter the rights and powers vested in the Authority by this Act so

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1 as to impair the terms of any the loan agreement or in any 2 way impair the rights and remedies of the owner so long as the owner is not in default under the loan agreement. 3 In 4 addition, the State pledges to and agrees with the owner that 5 the State will not limit the basis on which State funds are 6 to be allocated, deposited, and paid to the Authority, or the 7 use of those funds, so as to impair the terms of any such 8 loan agreement. The Authority is authorized to include this 9 pledge and agreement of the State in the loan agreement.

10 Section 90. Volume cap. Notwithstanding any other 11 provision of law, the Governor may allocate any volume cap available to the State or any of its agencies under the 12 Internal Revenue Code of 1986, including any amounts carried 13 14 forward by the State or any of its agencies with respect to 15 stadiums, to the Downstate Illinois Sports Facilities 16 Authority, and the Authority may carry forward any amount 17 allocated to it by the Governor or by any home rule unit.

18

Section 100. Bonds and notes.

19 (a) (1) The Authority may at any time and from time to 20 time issue bonds and notes for any corporate purpose, 21 including the establishment of reserves and the payment of interest and costs of issuance. In this Act the term "bonds" 22 23 includes notes of any kind, interim certificates, refunding bonds or any other evidence of obligation for borrowed money 24 issued under this Section 100. Bonds may be issued in one or 25 more series and may be payable and secured either on a parity 26 with or separately from other bonds. 27

(2) The bonds of any issue shall be payable solely
from all or any part of the property or revenues of the
Authority, including, without limitation:

31 (i) Rents, rates, fees, charges, or other
32 revenues payable to or any receipts of the

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Authority, including amounts which are deposited pursuant to the Act with a trustee for bondholders;

3 (ii) Payments by financial institutions,
4 insurance companies, or others pursuant to letters
5 or lines of credit, policies of insurance, or
6 purchase agreements;

7 (iii) Investment earnings from funds or 8 accounts maintained pursuant to a bond resolution or 9 trust agreement; and

(iv) Proceeds of refunding bonds.

11 (3) Bonds may be authorized by a resolution of the 12 Authority and may be secured by a trust agreement by and 13 between the Authority and a corporate trustee or 14 trustees, which may be any trust company or bank having 15 the powers of a trust company within or without the 16 State. Bonds may:

17 (i) Mature at a time or times, whether as 18 serial bonds, as term bonds, or as both, not 19 exceeding 40 years from their respective dates of 20 issue;

21 (ii) Notwithstanding the provision of "An Act 22 to authorize public corporations to issue bonds, 23 other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set 24 25 forth therein", approved May 26, 1970, as now or hereafter amended, or any other provision of law, 26 bear interest at any fixed or variable rate or rates 27 determined by the method provided in the resolution 28 29 or trust agreement;

30 (iii) Be payable at a time or times, in the 31 denominations and form, either coupon, or 32 registered, or both, and carry the registration and 33 privileges as to exchange, transfer or conversion 34 and for the replacement of mutilated, lost or

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destroyed bonds as the resolution or trust agreement
 may provide;
 (iv) Be payable in lawful money of the United

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States at a designated place;

5 (v) Be subject to the terms of purchase, 6 payment, redemption, refunding, or refinancing that 7 the resolution or trust agreement provides;

8 (vi) Be executed by the manual or facsimile 9 signatures of the officers of the Authority 10 designated by the Authority which signatures shall 11 be valid at delivery even for one who has ceased to 12 hold office; and

13 (vii) Be sold in the manner and upon the terms14 determined by the Authority.

15 (b) Any resolution or trust agreement may contain 16 provisions which shall be part of the contract with the 17 holders of the bonds as to:

(1) Pledging, assigning, or directing the use,
investment, or disposition of all or any part of the
revenues of the Authority or proceeds or benefits of any
contract including, without limit, any management
agreement or assistance agreement and conveying or
otherwise securing any property or property rights;

(2) The setting aside of loan funding deposits,
debt service reserves, capitalized interest accounts,
replacement or operating reserves, cost of issuance
accounts and sinking funds, and the regulation,
investment, and disposition thereof.

29 (3) Limitations on the purposes to which or the 30 investments in which the proceeds of sale of any issue of 31 bonds or the Authority's revenues and receipts may be 32 applied or made;

33 (4) Limitations on the issue of additional bonds,
34 the terms upon which additional bonds may be issued and

secured, the terms upon which additional bonds may rank
 on a parity with, or be subordinate or superior to, other
 bonds.

4 (5) The refinancing, advance refunding, or
5 refinancing of outstanding bonds.

6 (6) The procedure, if any, by which the terms of 7 any contract with bondholders may be altered or amended 8 and the amount of bonds and holders of which must consent 9 thereto, and the manner in which consent shall be given;

10 (7) Defining the acts or omissions which shall 11 constitute a default in the duties of the Authority to 12 holders of bonds and providing the rights or remedies of 13 such holders in the event of a default which may include 14 provisions restricting individual right of action by 15 bondholders.

16 (8) Providing for guarantees, pledges of property,
17 letters of credit, or other security, or insurance for
18 the benefit of bondholders; and

19 (9) Any other matter relating to the bonds which20 the Authority determines appropriate.

(c) No member of the Authority nor any person executing the bonds shall be liable personally on the bonds or subject any personal liability by reason of the issuance of the bonds.

(d) The Authority may enter into agreements with agents,
banks, insurers, or others for the purpose of enhancing the
marketability of or security for its bonds.

(e) (1) A pledge by the Authority of revenues and receipts as security for an issue of bonds or for the performance of its obligations under any management agreement or assistance agreement shall be valid and binding from the time when the pledge is made.

33 (2) The revenues and receipts pledged shall34 immediately be subject to the lien of the pledge without

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any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract or otherwise against the Authority, irrespective of whether the person has notice.

(3) No resolution, trust agreement, 6 management 7 agreement or assistance agreement or any financing 8 statement, continuation statement, or other instrument 9 adopted or entered into by the Authority need be filed or recorded in any public record other than the records of 10 11 the Authority in order to perfect the lien against third persons, regardless of any contrary provision of law. 12

The Authority may issue bonds to refund, advance 13 (f) refund, or refinance any of its bonds then outstanding, 14 15 including the payment of any redemption premium and any 16 interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of 17 the bonds. Refunding or advance refunding bonds may be issued for 18 19 the public purposes of realizing savings in the effective 20 costs of debt service, directly or through debt а 21 restructuring, for alleviating impending or actual default, 22 or for paying principal of, redemption premium, if any, and 23 interest bonds as they mature or are subject to on redemption, and may be issued in one or more series in 24 an 25 amount in excess of that of the bonds to be refunded.

(g) At no time shall the total outstanding bonds and 26 notes of the Authority issued under this Section 100 exceed 27 (i) \$40,000,000 in connection with facilities owned by the 28 29 Authority; and (ii) \$40,000,000 in connection with facilities 30 owned by a governmental owner other than the Authority. Bonds which are being paid or retired by issuance, sale or delivery 31 of bonds or notes, and bonds or notes for which sufficient 32 funds have been deposited with the paying agent or trustee to 33 34 provide for payment of principal and interest thereon, and

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any redemption premium, as provided in the authorizing
 resolution, shall not be considered outstanding for the
 purposes of this paragraph.

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4 The bonds and notes of the Authority shall not be (h) 5 indebtedness of the State, or of any political subdivision of the State other than the Authority. The bonds and notes of 6 7 the Authority are not general obligations of the State of 8 Illinois, or of any other political subdivision of the State 9 other than the Authority, and are not secured by a pledge of the full faith and credit of the State of Illinois, or of any 10 11 other political subdivision of the State other than the Authority, and the holders of bonds and notes of the 12 13 Authority may not require the levy or imposition by the State, or any other political subdivision of the State other 14 15 than the Authority, of any taxes or, except as provided in 16 this Act, the application of revenues or funds of the State Illinois, or any other political subdivision of the State 17 of other than the Authority, to the payment of bonds and notes 18 19 of the Authority.

In order to provide for the payment of debt service 20 (i) 21 requirements (including amounts for reserve funds and to pay 22 the costs of credit enhancements) on bonds issued pursuant to 23 this Act, the Authority may provide in any trust agreement securing such bonds for a pledge and assignment of its right 24 25 to all amounts to be received from the Illinois Sports 26 Facilities Fund and for a pledge and assignment (subject to 27 the terms of any management agreement or assistance agreement) of all taxes and other amounts to be received 28 29 under Section 100 of this Act and may further provide written 30 notice to the State Treasurer and State Comptroller (which notice shall constitute a direction to those officers) for a 31 32 direct payment of these amounts to the trustee for its 33 bondholders.

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(j) The State of Illinois pledges to and agrees with the

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

20 Section 105. Tax. The Authority may impose an occupation 21 tax upon all persons engaged in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel 22 Operators' Occupation Tax Act, at a rate not to exceed 2% of 23 24 the gross rental receipts from the renting, leasing or letting of hotel rooms. The taxing may be imposed, however, 25 only if approved by ordinance of the municipality within 26 which the tax is to be imposed. 27

The tax imposed by the Authority pursuant to this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The certificate of registration which is issued by the Department to a lessor under the Hotel Operators' Occupation Tax Act shall permit such registrant to

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1 engage in a business which is taxable under any ordinance or 2 resolution enacted pursuant to this Section without registering separately with the Department 3 under such 4 or resolution or under this Section. ordinance The 5 Department shall have full power to administer and enforce 6 this Section; to collect all taxes and penalties due 7 hereunder; to dispose of taxes and penalties so collected in 8 the manner provided in this Section, and to determine all 9 rights to credit memoranda, arising on account of the erroneous payment of tax or penalty hereunder. In 10 the 11 administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall 12 13 have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, 14 15 restrictions, limitations, penalties and definitions of 16 terms, and employ the same modes of procedure, as are prescribed in the Hotel Operators' Occupation Tax Act (except 17 where that Act is inconsistent herewith), as the same is now 18 19 or may hereafter be amended, as fully as if the provisions contained in the Hotel Operators' Occupation Tax Act were set 20 21 forth herein.

22 Whenever the Department determines that a refund should 23 be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State 24 25 Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person 26 named, in such notification from the Department. Such refund shall be paid 27 by the State Treasurer out of the amounts held by the State 28 29 Treasurer as trustee for the Authority.

Persons subject to any tax imposed pursuant to authority granted by this Section may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax imposed under

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the Hotel Operators' Occupation Tax Act.

2 The Department shall forthwith pay over to the State Treasurer, ex-officio, as trustee for the Authority, all 3 4 taxes and penalties collected hereunder for deposit in a 5 trust fund outside the State Treasury. On or before the 25th 6 day of each calendar month, the Department shall certify to 7 the Comptroller the amount to be paid to or on behalf of the Authority from amounts collected hereunder by the Department, 8 9 and deposited into such trust fund during the second preceding calendar month. The amount to be paid to or on 10 11 behalf of the Authority shall be the amount (not including credit memoranda) collected hereunder during such second 12 preceding calendar month by the Department, less an amount 13 equal to the amount of refunds authorized during such second 14 15 preceding calendar month by the Department on behalf of the 16 Authority, and less 4% of such balance, which sum shall be retained by the State Treasurer to cover the costs incurred 17 Department in administering and enforcing the 18 by the 19 provisions of this Section, as provided herein. Each such monthly certification by the Department shall also certify to 20 21 the Comptroller the amount to be so retained by the State 22 Treasurer for payment into the General Revenue Fund of the 23 State Treasury.

Amounts collected by the Department and paid to the Authority pursuant to this Section shall be used for the corporate purposes of the Authority.

27 Nothing in this Section shall be construed to authorize 28 the Authority to impose a tax upon the privilege of engaging 29 in any business which under the constitution of the United 30 States may not be made the subject of taxation by this State.

An ordinance or resolution imposing or discontinuing a tax hereunder or effecting a change in the rate thereof shall be effective on the first day of the second calendar month next following the month in which the ordinance or resolution

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1 is passed.

If the Authority levies a tax authorized by this Section 2 3 it shall transmit to the Department of Revenue not later than 4 5 days after the adoption of the ordinance or resolution a 5 certified copy of the ordinance or resolution imposing such tax whereupon the Department of Revenue shall proceed to 6 7 administer and enforce this Section on behalf of the Authority. Upon a change in rate of a tax levied hereunder, 8 9 or upon the discontinuance of the tax, the Authority shall 10 not later than 5 days after the effective date of the ordinance or resolution discontinuing the tax or effecting a 11 change in rate transmit to the Department of Revenue a 12 certified copy of the ordinance or resolution effecting such 13 14 change or discontinuance.

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