



Sen. Antonio Muñoz

**Filed: 11/3/2015**

09900HB3434sam001

LRB099 03511 AWJ 39338 a

1 AMENDMENT TO HOUSE BILL 3434

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3434 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Upper Illinois River Valley Development  
5 Authority Act is amended by changing Sections 4 and 7 as  
6 follows:

7 (70 ILCS 530/4) (from Ch. 85, par. 7154)

8 Sec. 4. Establishment.

9 (a) There is hereby created a political subdivision, body  
10 politic and municipal corporation named the Upper Illinois  
11 River Valley Development Authority. The territorial  
12 jurisdiction of the Authority is that geographic area within  
13 the boundaries of Grundy, LaSalle, Bureau, Putnam, Kendall,  
14 Kane, Lake, McHenry, and Marshall counties in the State of  
15 Illinois and any navigable waters and air space located  
16 therein.

1           (b) The governing and administrative powers of the  
2 Authority shall be vested in a body consisting of 21 ~~20~~ members  
3 including, as ex officio members, the Director of Commerce and  
4 Economic Opportunity, or his or her designee, and the Director  
5 of the Department of Central Management Services, or his or her  
6 designee. The other 19 ~~18~~ members of the Authority shall be  
7 designated "public members", 10 of whom shall be appointed by  
8 the Governor with the advice and consent of the Senate and 9 ~~8~~  
9 of whom shall be appointed one each by the county board  
10 chairmen of Grundy, LaSalle, Bureau, Putnam, Kendall, Kane,  
11 Lake, McHenry, and Marshall counties. All public members shall  
12 reside within the territorial jurisdiction of this Act. Eleven  
13 members shall constitute a quorum. The public members shall be  
14 persons of recognized ability and experience in one or more of  
15 the following areas: economic development, finance, banking,  
16 industrial development, small business management, real estate  
17 development, community development, venture finance, organized  
18 labor or civic, community or neighborhood organization. The  
19 Chairman of the Authority shall be elected by the Board  
20 annually from the 9 ~~8~~ members appointed by the county board  
21 chairmen.

22           (c) The terms of all initial members of the Authority shall  
23 begin 30 days after the effective date of this Act. Of the 14  
24 public members appointed pursuant to this Act, 4 appointed by  
25 the Governor shall serve until the third Monday in January,  
26 1992, 4 appointed by the Governor shall serve until the third

1 Monday in January, 1993, one appointed by the Governor shall  
2 serve until the third Monday in January, 1994, one appointed by  
3 the Governor shall serve until the third Monday in January  
4 1999, the member appointed by the county board chairman of  
5 LaSalle County shall serve until the third Monday in January,  
6 1992, the members appointed by the county board chairmen of  
7 Grundy County, Bureau County, Putnam County, and Marshall  
8 County shall serve until the third Monday in January, 1994, and  
9 the member appointed by the county board chairman of Kendall  
10 County shall serve until the third Monday in January, 1999. The  
11 initial members appointed by the chairmen of the county boards  
12 of Kane and McHenry counties shall serve until the third Monday  
13 in January, 2003. The initial members appointed by the chairman  
14 of the county board of Lake County shall serve until the third  
15 Monday in January, 2018. All successors shall be appointed by  
16 the original appointing authority and hold office for a term of  
17 3 years commencing the third Monday in January of the year in  
18 which their term commences, except in 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 such office, and any person so nominated who  
25 is confirmed by the Senate shall hold office during the  
26 remainder of the term and until a successor shall be appointed

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

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

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

26 (f) The Board may, by majority vote, nominate up to 4

1 non-voting members for appointment by the Governor. Non-voting  
2 members shall be persons of recognized ability and experience  
3 in one or more of the following areas: economic development,  
4 finance, banking, industrial development, small business  
5 management, real estate development, community development,  
6 venture finance, organized labor or civic, community or  
7 neighborhood organization. Non-voting members shall serve at  
8 the pleasure of the Board. All non-voting members may attend  
9 meetings of the Board and shall be reimbursed as provided in  
10 subsection (c).

11 (g) The Board shall create a task force to study and make  
12 recommendations to the Board on the economic development of the  
13 territory within the jurisdiction of this Act. The members of  
14 the task force shall reside within the territorial jurisdiction  
15 of this Act, shall serve at the pleasure of the Board and shall  
16 be persons of recognized ability and experience in one or more  
17 of the following areas: economic development, finance,  
18 banking, industrial development, small business management,  
19 real estate development, community development, venture  
20 finance, organized labor or civic, community or neighborhood  
21 organization. The number of members constituting the task force  
22 shall be set by the Board and may vary from time to time. The  
23 Board may set a specific date by which the task force is to  
24 submit its final report and recommendations to the Board.

25 (Source: P.A. 94-793, eff. 5-19-06.)

1 (70 ILCS 530/7) (from Ch. 85, par. 7157)

2 Sec. 7. Bonds.

3 (a) The Authority, with the written approval of the  
4 Governor, shall have the continuing power to issue bonds,  
5 notes, or other evidences of indebtedness in an aggregate  
6 amount outstanding not to exceed \$500,000,000 for the purpose  
7 of developing, constructing, acquiring or improving projects,  
8 including those established by business entities locating or  
9 expanding property within the territorial jurisdiction of the  
10 Authority, for entering into venture capital agreements with  
11 businesses locating or expanding within the territorial  
12 jurisdiction of the Authority, for acquiring and improving any  
13 property necessary and useful in connection therewith and for  
14 the purposes of the Employee Ownership Assistance Act. For the  
15 purpose of evidencing the obligations of the Authority to repay  
16 any money borrowed, the Authority may, pursuant to resolution,  
17 from time to time issue and dispose of its interest bearing  
18 revenue bonds, notes or other evidences of indebtedness and may  
19 also from time to time issue and dispose of such bonds, notes  
20 or other evidences of indebtedness to refund, at maturity, at a  
21 redemption date or in advance of either, any bonds, notes or  
22 other evidences of indebtedness pursuant to redemption  
23 provisions or at any time before maturity. All such bonds,  
24 notes or other evidences of indebtedness shall be payable  
25 solely and only from the revenues or income to be derived from  
26 loans made with respect to projects, from the leasing or sale

1 of the projects or from any other funds available to the  
2 Authority for such purposes. The bonds, notes or other  
3 evidences of indebtedness may bear such date or dates, may  
4 mature at such time or times not exceeding 40 years from their  
5 respective dates, may bear interest at such rate or rates not  
6 exceeding the maximum rate permitted by "An Act to authorize  
7 public corporations to issue bonds, other evidences of  
8 indebtedness and tax anticipation warrants subject to interest  
9 rate limitations set forth therein", approved May 26, 1970, as  
10 amended, may be in such form, may carry such registration  
11 privileges, may be executed in such manner, may be payable at  
12 such place or places, may be made subject to redemption in such  
13 manner and upon such terms, with or without premium as is  
14 stated on the face thereof, may be authenticated in such manner  
15 and may contain such terms and covenants as may be provided by  
16 an applicable resolution.

17 (b-1) The holder or holders of any bonds, notes or other  
18 evidences of indebtedness issued by the Authority may bring  
19 suits at law or proceedings in equity to compel the performance  
20 and observance by any corporation or person or by the Authority  
21 or any of its agents or employees of any contract or covenant  
22 made with the holders of such bonds, notes or other evidences  
23 of indebtedness, to compel such corporation, person, the  
24 Authority and any of its agents or employees to perform any  
25 duties required to be performed for the benefit of the holders  
26 of any such bonds, notes or other evidences of indebtedness by

1 the provision of the resolution authorizing their issuance and  
2 to enjoin such corporation, person, the Authority and any of  
3 its agents or employees from taking any action in conflict with  
4 any such contract or covenant.

5 (b-2) If the Authority fails to pay the principal of or  
6 interest on any of the bonds or premium, if any, as the same  
7 become due, a civil action to compel payment may be instituted  
8 in the appropriate circuit court by the holder or holders of  
9 the bonds on which such default of payment exists or by an  
10 indenture trustee acting on behalf of such holders. Delivery of  
11 a summons and a copy of the complaint to the Chairman of the  
12 Board shall constitute sufficient service to give the circuit  
13 court jurisdiction of the subject matter of such a suit and  
14 jurisdiction over the Authority and its officers named as  
15 defendants for the purpose of compelling such payment. Any  
16 case, controversy or cause of action concerning the validity of  
17 this Act relates to the revenue of the State of Illinois.

18 (c) Notwithstanding the form and tenor of any such bonds,  
19 notes or other evidences of indebtedness and in the absence of  
20 any express recital on the face thereof that it is  
21 non-negotiable, all such bonds, notes and other evidences of  
22 indebtedness shall be negotiable instruments. Pending the  
23 preparation and execution of any such bonds, notes or other  
24 evidences of indebtedness, temporary bonds, notes or evidences  
25 of indebtedness may be issued as provided by ordinance.

26 (d) To secure the payment of any or all of such bonds,



1 notes or other evidences of indebtedness, the revenues to be  
2 received by the Authority from a lease agreement or loan  
3 agreement shall be pledged, and, for the purpose of setting  
4 forth the covenants and undertakings of the Authority in  
5 connection with the issuance thereof and the issuance of any  
6 additional bonds, notes or other evidences of indebtedness  
7 payable from such revenues, income or other funds to be derived  
8 from projects, the Authority may execute and deliver a mortgage  
9 or trust agreement. A remedy for any breach or default of the  
10 terms of any such mortgage or trust agreement by the Authority  
11 may be by mandamus proceedings in the appropriate circuit court  
12 to compel the performance and compliance therewith, but the  
13 trust agreement may prescribe by whom or on whose behalf such  
14 action may be instituted.

15 (e) Such bonds or notes shall be secured as provided in the  
16 authorizing ordinance which may, notwithstanding any other  
17 provision of this Act, include in addition to any other  
18 security a specific pledge or assignment of and lien on or  
19 security interest in any or all revenues or money of the  
20 Authority from whatever source which may by law be used for  
21 debt service purposes and a specific pledge or assignment of  
22 and lien on or security interest in any funds or accounts  
23 established or provided for by ordinance of the Authority  
24 authorizing the issuance of such bonds or notes.

25 (f) (Blank). ~~In the event that the Authority determines~~  
26 ~~that monies of the Authority will not be sufficient for the~~

1 ~~payment of the principal of and interest on its bonds during~~  
2 ~~the next State fiscal year, the Chairman, as soon as~~  
3 ~~practicable, shall certify to the Governor the amount required~~  
4 ~~by the Authority to enable it to pay such principal of and~~  
5 ~~interest on the bonds. The Governor shall submit the amount so~~  
6 ~~certified to the General Assembly as soon as practicable, but~~  
7 ~~no later than the end of the current State fiscal year. This~~  
8 ~~Section shall not apply to any bonds or notes as to which the~~  
9 ~~Authority shall have determined, in the resolution authorizing~~  
10 ~~the issuance of the bonds or notes, that this Section shall not~~  
11 ~~apply. Whenever the Authority makes such a determination, that~~  
12 ~~fact shall be plainly stated on the face of the bonds or notes~~  
13 ~~and that fact shall also be reported to the Governor.~~

14 ~~In the event of a withdrawal of moneys from a reserve fund~~  
15 ~~established with respect to any issue or issues of bonds of the~~  
16 ~~Authority to pay principal or interest on those bonds, the~~  
17 ~~Chairman of the Authority, as soon as practicable, shall~~  
18 ~~certify to the Governor the amount required to restore the~~  
19 ~~reserve fund to the level required in the resolution or~~  
20 ~~indenture securing those bonds. The Governor shall submit the~~  
21 ~~amount so certified to the General Assembly as soon as~~  
22 ~~practicable, but no later than the end of the current State~~  
23 ~~fiscal year. This subsection (f) shall not apply to any bond~~  
24 ~~issued on or after the effective date of this amendatory Act of~~  
25 ~~the 97th General Assembly.~~

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

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

19 (h) (Blank).

20 (Source: P.A. 97-312, eff. 8-11-11; 98-750, eff. 1-1-15.)

21 Section 10. The Flood Prevention District Act is amended by  
22 changing Section 25 as follows:

23 (70 ILCS 750/25)

24 Sec. 25. Flood prevention retailers' and service

1 occupation taxes.

2 (a) If the Board of Commissioners of a flood prevention  
3 district determines that an emergency situation exists  
4 regarding levee repair or flood prevention, and upon an  
5 ordinance confirming the determination adopted by the  
6 affirmative vote of a majority of the members of the county  
7 board of the county in which the district is situated, the  
8 county may impose a flood prevention retailers' occupation tax  
9 upon all persons engaged in the business of selling tangible  
10 personal property at retail within the territory of the  
11 district to provide revenue to pay the costs of providing  
12 emergency levee repair and flood prevention and to secure the  
13 payment of bonds, notes, and other evidences of indebtedness  
14 issued under this Act for a period not to exceed the later of  
15 (i) 25 years or (ii) if bonds, notes or other evidences of  
16 indebtedness are issued under this Act, for as long as required  
17 to repay the bonds, notes, and other evidences of indebtedness  
18 issued under this Act. The tax rate shall be 0.25% of the gross  
19 receipts from all taxable sales made in the course of that  
20 business. The tax imposed under this Section and all civil  
21 penalties that may be assessed as an incident thereof shall be  
22 collected and enforced by the State Department of Revenue. The  
23 Department shall have full power to administer and enforce this  
24 Section; to collect all taxes and penalties so collected in the  
25 manner hereinafter provided; and to determine all rights to  
26 credit memoranda arising on account of the erroneous payment of

1 tax or penalty hereunder.

2 In the administration of and compliance with this  
3 subsection, the Department and persons who are subject to this  
4 subsection (i) have the same rights, remedies, privileges,  
5 immunities, powers, and duties, (ii) are subject to the same  
6 conditions, restrictions, limitations, penalties, and  
7 definitions of terms, and (iii) shall employ the same modes of  
8 procedure as are set forth in Sections 1 through 10, 2 through  
9 2-70 (in respect to all provisions contained in those Sections  
10 other than the State rate of tax), 2a through 2h, 3 (except as  
11 to the disposition of taxes and penalties collected), 4, 5, 5a,  
12 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10,  
13 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and  
14 all provisions of the Uniform Penalty and Interest Act as if  
15 those provisions were set forth in this subsection.

16 Persons subject to any tax imposed under this Section may  
17 reimburse themselves for their seller's tax liability  
18 hereunder by separately stating the tax as an additional  
19 charge, which charge may be stated in combination in a single  
20 amount with State taxes that sellers are required to collect  
21 under the Use Tax Act, under any bracket schedules the  
22 Department may prescribe.

23 If a tax is imposed under this subsection (a), a tax shall  
24 also be imposed under subsection (b) of this Section.

25 (b) If a tax has been imposed under subsection (a), a flood  
26 prevention service occupation tax shall also be imposed upon

1 all persons engaged within the territory of the district in the  
2 business of making sales of service, who, as an incident to  
3 making the sales of service, transfer tangible personal  
4 property, either in the form of tangible personal property or  
5 in the form of real estate as an incident to a sale of service  
6 to provide revenue to pay the costs of providing emergency  
7 levee repair and flood prevention and to secure the payment of  
8 bonds, notes, and other evidences of indebtedness issued under  
9 this Act for a period not to exceed the later of (i) 25 years or  
10 (ii) if bonds, notes or other evidences of indebtedness are  
11 issued under this Act, for as long as required to repay the  
12 bonds, notes, and other evidences of indebtedness issued under  
13 this Act. The tax rate shall be 0.25% of the selling price of  
14 all tangible personal property transferred.

15 The tax imposed under this subsection and all civil  
16 penalties that may be assessed as an incident thereof shall be  
17 collected and enforced by the State Department of Revenue. The  
18 Department shall have full power to administer and enforce this  
19 subsection; to collect all taxes and penalties due hereunder;  
20 to dispose of taxes and penalties collected in the manner  
21 hereinafter provided; and to determine all rights to credit  
22 memoranda arising on account of the erroneous payment of tax or  
23 penalty hereunder.

24 In the administration of and compliance with this  
25 subsection, the Department and persons who are subject to this  
26 subsection shall (i) have the same rights, remedies,

1 privileges, immunities, powers, and duties, (ii) be subject to  
2 the same conditions, restrictions, limitations, penalties, and  
3 definitions of terms, and (iii) employ the same modes of  
4 procedure as are set forth in Sections 2 (except that the  
5 reference to State in the definition of supplier maintaining a  
6 place of business in this State means the district), 2a through  
7 2d, 3 through 3-50 (in respect to all provisions contained in  
8 those Sections other than the State rate of tax), 4 (except  
9 that the reference to the State shall be to the district), 5,  
10 7, 8 (except that the jurisdiction to which the tax is a debt  
11 to the extent indicated in that Section 8 is the district), 9  
12 (except as to the disposition of taxes and penalties  
13 collected), 10, 11, 12 (except the reference therein to Section  
14 2b of the Retailers' Occupation Tax Act), 13 (except that any  
15 reference to the State means the district), Section 15, 16, 17,  
16 18, 19, and 20 of the Service Occupation Tax Act and all  
17 provisions of the Uniform Penalty and Interest Act, as fully as  
18 if those provisions were set forth herein.

19 Persons subject to any tax imposed under the authority  
20 granted in this subsection may reimburse themselves for their  
21 serviceman's tax liability hereunder by separately stating the  
22 tax as an additional charge, that charge may be stated in  
23 combination in a single amount with State tax that servicemen  
24 are authorized to collect under the Service Use Tax Act, under  
25 any bracket schedules the Department may prescribe.

26 (c) The taxes imposed in subsections (a) and (b) may not be

1 imposed on personal property titled or registered with an  
2 agency of the State; food for human consumption that is to be  
3 consumed off the premises where it is sold (other than  
4 alcoholic beverages, soft drinks, and food that has been  
5 prepared for immediate consumption); prescription and  
6 non-prescription medicines, drugs, and medical appliances;  
7 modifications to a motor vehicle for the purpose of rendering  
8 it usable by a disabled person; or insulin, urine testing  
9 materials, and syringes and needles used by diabetics.

10 (d) Nothing in this Section shall be construed to authorize  
11 the district to impose a tax upon the privilege of engaging in  
12 any business that under the Constitution of the United States  
13 may not be made the subject of taxation by the State.

14 (e) The certificate of registration that is issued by the  
15 Department to a retailer under the Retailers' Occupation Tax  
16 Act or a serviceman under the Service Occupation Tax Act  
17 permits the retailer or serviceman to engage in a business that  
18 is taxable without registering separately with the Department  
19 under an ordinance or resolution under this Section.

20 (f) The Department shall immediately pay over to the State  
21 Treasurer, ex officio, as trustee, all taxes and penalties  
22 collected under this Section to be deposited into the Flood  
23 Prevention Occupation Tax Fund, which shall be an  
24 unappropriated trust fund held outside the State treasury.

25 On or before the 25th day of each calendar month, the  
26 Department shall prepare and certify to the Comptroller the



1 disbursement of stated sums of money to the counties from which  
2 retailers or servicemen have paid taxes or penalties to the  
3 Department during the second preceding calendar month. The  
4 amount to be paid to each county is equal to the amount (not  
5 including credit memoranda) collected from the county under  
6 this Section during the second preceding calendar month by the  
7 Department, (i) less 2% of that amount, which shall be  
8 deposited into the Tax Compliance and Administration Fund and  
9 shall be used by the Department in administering and enforcing  
10 the provisions of this Section on behalf of the county, (ii)  
11 plus an amount that the Department determines is necessary to  
12 offset any amounts that were erroneously paid to a different  
13 taxing body; (iii) less an amount equal to the amount of  
14 refunds made during the second preceding calendar month by the  
15 Department on behalf of the county; and (iv) less any amount  
16 that the Department determines is necessary to offset any  
17 amounts that were payable to a different taxing body but were  
18 erroneously paid to the county. When certifying the amount of a  
19 monthly disbursement to a county under this Section, the  
20 Department shall increase or decrease the amounts by an amount  
21 necessary to offset any miscalculation of previous  
22 disbursements within the previous 6 months from the time a  
23 miscalculation is discovered.

24 Within 10 days after receipt by the Comptroller from the  
25 Department of the disbursement certification to the counties  
26 provided for in this Section, the Comptroller shall cause the

1 orders to be drawn for the respective amounts in accordance  
2 with directions contained in the certification.

3 If the Department determines that a refund should be made  
4 under this Section to a claimant instead of issuing a credit  
5 memorandum, then the Department shall notify the Comptroller,  
6 who shall cause the order to be drawn for the amount specified  
7 and to the person named in the notification from the  
8 Department. The refund shall be paid by the Treasurer out of  
9 the Flood Prevention Occupation Tax Fund.

10 (g) If a county imposes a tax under this Section, then the  
11 county board shall, by ordinance, discontinue the tax upon the  
12 payment of all indebtedness of the flood prevention district  
13 provided that the ~~The~~ tax shall not be discontinued if such  
14 discontinuance would impair the District's ability to repay any  
15 until all indebtedness issued under this Act of the District  
16 has been paid.

17 (h) Any ordinance imposing the tax under this Section, or  
18 any ordinance that discontinues the tax, must be certified by  
19 the county clerk and filed with the Illinois Department of  
20 Revenue either (i) on or before the first day of April,  
21 whereupon the Department shall proceed to administer and  
22 enforce the tax or change in the rate as of the first day of  
23 July next following the filing; or (ii) on or before the first  
24 day of October, whereupon the Department shall proceed to  
25 administer and enforce the tax or change in the rate as of the  
26 first day of January next following the filing.

1 (j) County Flood Prevention Occupation Tax Fund. All  
2 proceeds received by a county from a tax distribution under  
3 this Section must be maintained in a special fund known as the  
4 [name of county] flood prevention occupation tax fund. The  
5 county shall, at the direction of the flood prevention  
6 district, use moneys in the fund to pay the costs of providing  
7 emergency levee repair and flood prevention and to pay bonds,  
8 notes, and other evidences of indebtedness issued under this  
9 Act.

10 (k) This Section may be cited as the Flood Prevention  
11 Occupation Tax Law.

12 (l) This Section, as amended by this amendatory Act of the  
13 99th General Assembly, shall be retroactively applied to any  
14 tax imposed or indebtedness issued under this Act.

15 (Source: P.A. 96-939, eff. 6-24-10; 97-188, eff. 7-22-11.)

16 Section 15. The Kaskaskia Regional Port District Act is  
17 amended by changing Sections 1.1, 3, 6, 7.1, 14, and 20.2 as  
18 follows:

19 (70 ILCS 1830/1.1)

20 Sec. 1.1. Purpose. The General Assembly declares that the  
21 main purpose of this Act is to promote industrial, commercial,  
22 transportation, homeland security, recreation, water supply,  
23 flood control, and economic activities thereby reducing the  
24 evils attendant upon unemployment and enhancing the public

1 health, safety, and welfare of this State.

2 (Source: P.A. 90-785, eff. 1-1-99.)

3 (70 ILCS 1830/3) (from Ch. 19, par. 503)

4 Sec. 3. There is created a political subdivision body  
5 politic and municipal corporation, named "Kaskaskia Regional  
6 Port District" embracing all of Monroe and Randolph Counties  
7 and Freeburg, Millstadt, Smithton, Prairie Du Long, New Athens,  
8 Marissa, Fayetteville, Engleman, Mascoutah, Shiloh Valley and  
9 Lenzburg Townships of St. Clair County. The Port District may  
10 sue and be sued in its corporate name but execution shall not  
11 in any case issue against any property owned by the Port  
12 District except for Port District property that the Port  
13 District pledged as collateral to a bank or other financial  
14 institution to secure a bank loan. It may adopt a common seal  
15 and change the same at pleasure. The principal office of the  
16 Port District shall be in the city of Red Bud ~~Chester~~,  
17 Illinois.

18 No rights, duties or privileges of such District, or those  
19 of any person, existing before the change of name shall be  
20 affected by the change provided by this amendatory Act of 1967.  
21 All proceedings pending in any court in favor of or against  
22 such District may continue to final consummation under the name  
23 in which they were commenced.

24 (Source: P.A. 80-1495.)

1 (70 ILCS 1830/6) (from Ch. 19, par. 506)

2 Sec. 6. The Port District has the following functions,  
3 powers and duties:

4 (a) to study the existing harbor facilities within the area  
5 of the Port District and to recommend to an appropriate  
6 governmental agency, including the General Assembly of  
7 Illinois, such changes and modifications as may from time to  
8 time be required for continuing development therein and to meet  
9 changing business and commercial needs;

10 (b) to make an investigation of conditions within the Port  
11 District and to prepare and adopt a comprehensive plan for the  
12 development of port facilities for the Port District. In  
13 preparing and recommending changes and modifications in  
14 existing harbor facilities, or a comprehensive plan for the  
15 development of such port facilities, as above provided, the  
16 Port District if it deems desirable may set aside and allocate  
17 an area or areas, within the lands owned by it, to be leased to  
18 private parties for industrial, manufacturing, commercial, or  
19 harbor purposes, where such area or areas in the opinion of the  
20 Board, are not required for primary purposes in the development  
21 of harbor and port facilities for the use of public water and  
22 land transportation, or will not be needed immediately for such  
23 purposes, and where such leasing in the opinion of the Board  
24 will aid and promote the development of terminal and port  
25 facilities;

26 (c) to study and make recommendations to the proper

1 authority for the improvement of terminal, lighterage,  
2 wharfage, warehousing, anchorage, transfer and other  
3 facilities necessary for the promotion of commerce and the  
4 interchange of traffic within, to and from the Port District;

5 (d) to study, prepare and recommend by specific proposals  
6 to the General Assembly of Illinois changes in the jurisdiction  
7 of the Port District;

8 (e) to petition any federal, state, municipal or local  
9 authority, administrative, judicial and legislative, having  
10 jurisdiction in the premises, for the adoption and execution of  
11 any physical improvement, change in method, system of handling  
12 freight, warehousing, docking, lightering and transfer of  
13 freight, which in the opinion of the Board are designed to  
14 improve or better the handling of commerce in and through the  
15 Port District or improve terminal or transportation facilities  
16 therein; and-

17 (f) to petition any federal, state, or local authority,  
18 including administrative, judicial, and legislative branches,  
19 having jurisdiction for the adoption and execution of any  
20 physical improvement or operation related to the management of  
21 fish and wildlife, recreation, water supply, or flood control  
22 which in the opinion of the Board is for the purpose of  
23 improving or bettering the quality of life in the Port District  
24 or add to the diversity of amenities related to that purpose.

25 (Source: Laws 1965, p. 1013.)

1 (70 ILCS 1830/7.1) (from Ch. 19, par. 507.1)

2 Sec. 7.1. Additional rights and powers. The Port District  
3 has the following additional rights and powers:

4 (a) To issue permits for the construction of all wharves,  
5 piers, dolphins, booms, weirs, breakwaters, bulkheads,  
6 jetties, bridges or other structures of any kind, over, under,  
7 in, or within 40 feet of any navigable waters within the Port  
8 District, for the deposit of rock, earth, sand or other  
9 material, or any matter of any kind or description in such  
10 waters;

11 (b) To prevent and remove obstructions in navigable waters,  
12 including the removal of wrecks or vessels; to recover damages,  
13 including attorney fees, for the removal and clean-up of the  
14 site or sites and the surrounding or downstream environment;  
15 these rights and powers shall include, but are not limited to,  
16 emergency powers to seize wrecks or vessels, remediate damages,  
17 and provide for the disposition of the wrecks or vessels;

18 (c) To locate and establish dock lines and shore or harbor  
19 lines;

20 (d) To regulate the anchorage, moorage and speed of water  
21 borne vessels and to establish and enforce regulations for the  
22 operation of bridges;

23 (e) To acquire, own, construct, lease, operate and maintain  
24 terminals, terminal facilities, port facilities,  
25 transportation equipment facilities, railroads and marinas,  
26 and airport facilities and systems, and to fix and collect

1 just, reasonable, and non-discriminatory charges for use of  
2 such facilities, equipment and systems. The charges so  
3 collected shall be used to defray the reasonable expenses of  
4 the Port District, and to pay the principal of and interest on  
5 any revenue bonds issued by the Port District;

6 (f) To operate, maintain, manage, lease, sub-lease, and to  
7 make and enter into contracts for the use, operation or  
8 management of, and to provide rules and regulations for, the  
9 operation, management or use of, any public port or public port  
10 facility;

11 (g) To fix, charge and collect reasonable rentals, tolls,  
12 fees and charges for the use of any public port, or any part  
13 thereof, or any public port facility;

14 (h) To establish, maintain, expand and improve roadways,  
15 railroads, and approaches by land, or water, to any such  
16 terminal, terminal facility and port facilities, and to  
17 contract or otherwise provide by condemnation, if necessary,  
18 for the removal of any port, terminal, terminal facilities and  
19 port facility hazards or the removal or relocation of all  
20 private structures, railroads, mains, pipes, conduits, wires,  
21 poles, and all other facilities and equipment which may  
22 interfere with the location, expansion, development or  
23 improvement of ports, terminals, terminal facilities and port  
24 facilities or with the safe approach thereto, or exit or  
25 takeoff therefrom by vehicles, vessels, barges and other means  
26 of transportation, and to pay the cost of removal or



1 relocation;

2 (i) To police its physical property only and all waterways  
3 and to exercise police powers in respect thereto or in respect  
4 to the enforcement of any rule or regulation provided by the  
5 ordinances of the District and to employ and commission police  
6 officers and other qualified persons to enforce such rules and  
7 regulations. A regulatory ordinance of the District adopted  
8 under any provisions of this Section may provide for a  
9 suspension or revocation of any rights or privileges within the  
10 control of the District for a violation of any such regulatory  
11 ordinance.

12 (j) To enter into agreements with the corporate authorities  
13 or governing body of any other municipal corporation or any  
14 political subdivision of this State to pay the reasonable  
15 expense of services furnished by such municipal corporation or  
16 political subdivision for or on account of income producing  
17 properties of the District;

18 (k) To enter into contracts dealing in any manner with the  
19 objects and purposes of this Act;

20 (l) To acquire, own, lease, mortgage, sell, or otherwise  
21 dispose of interests in and to real property and improvements  
22 situate thereon and in personal property necessary to fulfill  
23 the purposes of the District;

24 (m) To designate the fiscal year for the District;

25 (n) To engage in any activity or operation which is  
26 incidental to and in furtherance of efficient operation to

1 accomplish the District's primary purpose;

2 (o) To acquire, erect, construct, maintain and operate  
3 aquariums, museums, planetariums, climatrons and other  
4 edifices for the collection and display of objects pertaining  
5 to natural history or the arts and sciences and to permit the  
6 directors or trustees of any corporation or society organized  
7 for the erection, construction, maintenance and operation of an  
8 aquarium, museum, planetarium, climatron or other such edifice  
9 to perform such erection, construction, maintenance and  
10 operation on or within any property now or hereafter owned by  
11 or under the control or supervision of the District; and to  
12 contract with any such directors or trustees relative to such  
13 acquisition, erection, construction, maintenance and operation  
14 and to charge or authorize such directors or trustees to charge  
15 an admission fee, the proceeds of which shall be devoted  
16 exclusively to such erection, construction, maintenance and  
17 operation;

18 (p) To do any act which is enumerated in Section 11-74.1-1  
19 of the "Illinois Municipal Code", in the same manner and form  
20 as though the District were a "municipality" as referred to in  
21 such Section;

22 (q) To acquire, erect, construct, reconstruct, improve,  
23 maintain and operate one or more, or a combination or  
24 combinations of, industrial buildings, office buildings,  
25 buildings to be used as a factory, mill shops, processing  
26 plants, packaging plants, assembly plants, fabricating plants,

1 and buildings to be used as warehouses and other storage  
2 facilities.

3 (r) To acquire, own, construct, lease or contract for any  
4 period not exceeding 99 years, operate, develop, and maintain  
5 Port District water and sewage systems and other utility  
6 systems and services, including, but not limited to, pipes,  
7 mains, lines, sewers, pumping stations, settling tanks,  
8 treatment plants, water purification equipment, wells, storage  
9 facilities, lines, and all other equipment, material, and  
10 facilities necessary to those systems, for the use, upon  
11 payment of reasonable fee set by the District, of any tenant,  
12 occupant, or user of the District facilities or any person  
13 engaged in commerce in the District; provided that the District  
14 shall not acquire, own, construct, lease, operate, develop, and  
15 maintain the systems and services if those systems and services  
16 can be provided by an investor-owned public utility offering  
17 electric or gas services. The public utility shall provide the  
18 District with a written response, within 30 days after  
19 receiving a written request from the District for those systems  
20 or services, stating whether it will or will not be able to  
21 provide the requested systems or services in accordance with  
22 the Public Utilities Act.

23 (Source: P.A. 90-785, eff. 1-1-99.)

24 (70 ILCS 1830/14) (from Ch. 19, par. 514)

25 Sec. 14. The District has power to acquire and accept by

1 purchase, lease, gift, grant or otherwise any property and  
2 rights useful for its purposes and to provide for the  
3 development of channels, ports, harbors, airports, airfields,  
4 terminals, port facilities, terminal facilities, trails, and  
5 other transportation facilities within the Port District  
6 adequate to serve the needs of commerce within the area served  
7 by the Port District. The Port District may acquire real or  
8 personal property or any rights therein in the manner, as near  
9 as may be, as is provided for the exercise of the right of  
10 eminent domain under the Eminent Domain Act, except that no  
11 property owned by any municipality within the Port District  
12 shall be taken or appropriated without first obtaining consent  
13 of the governing body of such municipality.

14 (Source: P.A. 94-1055, eff. 1-1-07.)

15 (70 ILCS 1830/20.2)

16 Sec. 20.2. Authorization to borrow moneys. The District's  
17 Board may borrow money from any bank or other financial  
18 institution and may provide appropriate security, including  
19 mortgaging real estate, for that borrowing, if the money is  
20 repaid within 20 ~~3~~ years after the money is borrowed.  
21 "Financial institution" means any bank subject to the Illinois  
22 Banking Act, any savings and loan association subject to the  
23 Illinois Savings and Loan Act of 1985, any savings bank subject  
24 to the Savings Bank Act, and any federally chartered commercial  
25 bank or savings and loan association organized and operated in

1 this State pursuant to the laws of the United States.

2 (Source: P.A. 94-562, eff. 1-1-06.)

3 Section 20. The Metropolitan Water Reclamation District  
4 Act is amended by changing Section 308 as follows:

5 (70 ILCS 2605/308)

6 Sec. 308. District enlarged. Upon the effective date of  
7 this amendatory Act of the 99th General Assembly, the corporate  
8 limits of the Metropolitan Water Reclamation District of  
9 Greater Chicago are extended to include within those corporate  
10 limits the following described tracts of land and the tracts  
11 are hereby annexed to the District:

12 Parcel 1:

13 THAT PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION  
14 28, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL  
15 MERIDIAN, LYING EAST OF THE EAST RIGHT OF WAY LINE OF  
16 ELGIN, JOLIET AND EASTERN RAILROAD, IN COOK COUNTY,  
17 ILLINOIS.

18 Parcel 2:

19 THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP  
20 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN,  
21 (EXCEPT THEREFROM STRIP OFF THE WEST END THEREOF CONVEYED  
22 TO JERMLIAH H. BROWNING BY DEED RECORDED SEPTEMBER 15TH

1 1859, AS DOCUMENT 23078 IN BOOK 162, PAGE 619, SAID STRIP  
2 BEING THIRTY FOUR AND ONE HALF FEET WIDE AT NORTH END FORTY  
3 TWO FEET WIDE AT SOUTH END) IN COOK COUNTY, ILLINOIS.

4 PARCEL 3:

5 THAT PART OF HIGGINS ROAD (ILLINOIS ROUTE 72) LYING WITHIN  
6 THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION  
7 33 AND THE NORTHEAST QUARTER OF SECTION 32, ALL IN TOWNSHIP  
8 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
9 EAST OF THE EAST RIGHT OF WAY LINE OF ELGIN, JOLIET AND  
10 EASTERN RAILWAY, SOUTH OF THE NORTHERLY RIGHT OF WAY LINE  
11 OF STATE ROUTE 72 PER DOCUMENT 12059405 AND AS SHOWN ON  
12 PLAT OF SURVEY RECORDED AS DOCUMENT 12647596 AND NORTH OF  
13 THE FOLLOWING DESCRIBED PROPERTY: STARTING AT A POINT AT  
14 THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE  
15 SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9  
16 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 00  
17 DEGREES 09 MINUTES 10 SECONDS WEST, ALONG THE EAST LINE OF  
18 AFORESAID NORTHWEST QUARTER, 1769.41 FEET TO A POINT ON THE  
19 SOUTH RIGHT-OF-WAY LINE OF HIGGINS ROAD (STATE ROUTE 72);  
20 THENCE NORTHWEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF  
21 HIGGINS ROAD, NORTH 69 DEGREES 18 MINUTES 06 SECONDS WEST,  
22 1821.21 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF ELGIN,  
23 JOLIET AND EASTERN RAILWAY; THENCE SOUTH 10 DEGREES 55  
24 MINUTES 12 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY  
25 LINE, 1122. 49 FEET TO A POINT ON THE SOUTH LINE OF THE

1 NORTHEAST QUARTER OF SECTION 32; THENCE SOUTH 89 DEGREES 57  
2 MINUTES 40 SECONDS EAST, 695.32 FEET; THENCE SOUTH 01  
3 DEGREES 01 MINUTES 09 SECONDS WEST, 280.10 FEET; THENCE  
4 SOUTH 02 DEGREES 21 MINUTES 40 SECONDS WEST, 1036.29 FEET  
5 TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST  
6 QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST;  
7 THENCE SOUTH 89 DEGREES 46 MINUTES 32 SECONDS WEST ALONG  
8 AFORESAID NORTH LINE, 901.63 FEET TO THE EASTERLY  
9 RIGHT-OF-WAY LINE OF ELGIN, JOLIET AND EASTERN  
10 RIGHT-OF-WAY; THENCE SOUTH 10 DEGREES 55 MINUTES 12 SECONDS  
11 WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 1387.00 FEET TO  
12 THE NORTHERLY RIGHT-OF-WAY LINE OF THE NORTHWEST TOLLWAY  
13 (I-90); THENCE SOUTH 89 DEGREES 30 MINUTES 55 SECONDS EAST,  
14 81.72 FEET; THENCE CONTINUING NORTH 89 DEGREES 54 MINUTES  
15 53 SECONDS EAST ALONG AFORESAID NORTHERLY RIGHT-OF-WAY  
16 LINE, 1514.13 FEET; THENCE NORTH 74 DEGREES 11 MINUTES 48  
17 SECONDS EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE,  
18 471.85 FEET; THENCE NORTH 50 DEGREES 25 MINUTES 36 SECONDS  
19 EAST ALONG AFORESAID NORTHERLY RIGHT-OF-WAY , 501.95 FEET  
20 TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST  
21 QUARTER OF AFORESAID SECTION 33; THENCE NORTH 00 DEGREES 04  
22 MINUTES 16 SECONDS EAST ALONG SAID EAST LINE, 932.35 FEET  
23 TO THE POINT OF BEGINNING, ALL IN COOK COUNTY ILLINOIS.

24 (Source: P.A. 99-231, eff. 8-3-15.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".