

# SB1784



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1784

Introduced 2/20/2009, by Sen. Mike Jacobs

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Upper Mississippi River International Port District Act. Sets forth the territory of the District. Provides that the District shall be governed by a Board of Commissioners, and sets forth the terms of the Commissioners. Sets forth the powers and duties of the District, including the power to issue certain permits, the power to locate, establish, and maintain a public airport, the power to acquire certain property, the power of eminent domain, and the power to issue bonds. Sets forth procedures for leases and contracts related to warehouses and storage facilities. Contains other provisions. Effective immediately.

LRB096 11145 RLJ 21514 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 1. Short title. This Act may be cited as the Upper  
5 Mississippi River International Port District Act.

6 Section 2. Definitions. When used in this Act:

7 "Aircraft" means any contrivance now known or hereafter  
8 invented, used or designed for navigation of, or flight in, the  
9 air.

10 "Airport" means any locality, either land or water, which  
11 is used or designed for the landing and taking off of aircraft,  
12 or for the location of runways, landing fields, airdromes,  
13 hangars, buildings, structures, airport roadways, and other  
14 facilities.

15 "Airport hazard" means any structure or object of natural  
16 growth located on or in the vicinity of an airport, or any use  
17 of land near an airport, which is hazardous to the use of the  
18 airport for the landing and taking off of aircraft.

19 "Approach" means any path, course, or zone defined by an  
20 ordinance of the District or by other lawful regulation, on the  
21 ground, in the air, or both, for the use of aircraft in landing  
22 and taking off from an airport located within the District.

23 "Board" means Upper Mississippi River International Port

1 District Board.

2 "Commercial aircraft" means any aircraft other than public  
3 aircraft engaged in the business of transporting persons or  
4 property.

5 "District" means the Upper Mississippi River International  
6 Port District created by this Act.

7 "General obligation bond" means any bond issued by the  
8 District any part of the principal or interest of which bond is  
9 to be paid by taxation.

10 "Governmental agency" means the United States, the State of  
11 Illinois, any local governmental body, and any agency or  
12 instrumentality, corporate or otherwise, thereof.

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

14 "Intermodal" means a type of international freight system  
15 that permits transshipping among rivers, sea, highway, rail,  
16 and air modes of transportation through use of  
17 ANSI/International Organization for Standardization  
18 containers, line haul assets, and handling equipment.

19 "Navigable waters" mean any public waters that are or can  
20 be made usable for water commerce.

21 "Person" means any individual, firm, partnership, trust,  
22 corporation, both domestic and foreign, company, association,  
23 or joint stock association, and includes any trustee, receiver,  
24 assignee, or personal representative thereof.

25 "Port facilities" means all public and other buildings,  
26 structures, works, improvements, and equipment, except

1 terminal facilities as defined in this Section, that are upon,  
2 in, over, under, adjacent, or near to navigable waters,  
3 harbors, rivers, slips, and basins and that are necessary or  
4 useful for or incident to the furtherance of water and land  
5 commerce and the operation of small boats and pleasure craft.

6 "Port facilities" includes the excavating, widening, and  
7 deepening of basins, slips, harbors, rivers and navigable  
8 waters. Port facilities also means all lands, buildings,  
9 structures, improvements, equipment, and appliances located on  
10 district property that are used for industrial, manufacturing,  
11 commercial, or recreational purposes.

12 "Private aircraft" means any aircraft other than public and  
13 commercial aircraft.

14 "Public aircraft" means an aircraft used exclusively in the  
15 governmental service of the United States, or of any state or  
16 any public agency, including military and naval aircraft.

17 "Public airport" means an airport owned by a Port District,  
18 an airport authority, or other public agency, which is used or  
19 is intended for use by public, commercial and private aircraft  
20 and by persons owning, managing, operating or desiring to use,  
21 inspect or repair any such aircraft or to use any such airport  
22 for aeronautical purposes.

23 "Public incinerator" means a facility for the disposal of  
24 waste by incineration by any means or method for public use,  
25 including, but not limited to, incineration and disposal of  
26 industrial wastes.

1 "Public interest" means the protection, furtherance, and  
2 advancement of the general welfare and of public health and  
3 safety and public necessity and convenience.

4 "Revenue bond" means any bond issued by the District the  
5 principal and interest of which bond is payable solely from  
6 revenues or income derived from terminal, terminal facilities  
7 or port facilities of the District.

8 "Terminal" means a public place, station, or depot for  
9 receiving and delivering baggage, mail, freight, or express  
10 matter and for any combination of such purposes, in connection  
11 with the transportation of persons and property on water or  
12 land or in the air.

13 "Terminal facilities" means all land, buildings,  
14 structures, improvements, equipment, and appliances useful in  
15 the operation of public warehouse, storage, and transportation  
16 facilities and industrial, manufacturing, processing and  
17 conversion activities for the accommodation of or in connection  
18 with commerce by water, land, or air or useful as an aid to  
19 further the public interest, or constituting an advantage or  
20 convenience to the safe landing, taking off, and navigation of  
21 aircraft, or the safe and efficient operation or maintenance of  
22 a public airport; except that nothing in this definition shall  
23 be interpreted as granting authority to the District to  
24 acquire, purchase, create, erect, or construct a bridge across  
25 any waterway which serves as a boundary between the State of  
26 Illinois and any other state.

1           Section 3. Upper Mississippi River International Port  
2 District created. There is created a political subdivision,  
3 body politic, and municipal corporation by the name of the  
4 Upper Mississippi River International Port District embracing  
5 all the area within the corporate limits of Jo Daviess and  
6 Carroll Counties. Territory may be annexed to the District in  
7 the manner provided in this Act. The District may sue and be  
8 sued in its corporate name, but execution shall not in any case  
9 issue against any property of the District. It may adopt a  
10 common seal and change the same at its pleasure.

11           Section 4. Property of district; exemption. All property of  
12 every kind belonging to the Upper Mississippi River  
13 International Port District shall be exempt from taxation,  
14 provided that a tax may be levied upon a lessee of the district  
15 by reason of the value of a leasehold estate separate and apart  
16 from the fee or upon any improvements that are constructed and  
17 owned by persons other than the District.

18           All property of the Upper Mississippi River International  
19 Port District shall be construed as constituting public grounds  
20 owned by a municipal corporation and used exclusively for  
21 public purposes within the tax exemption provisions of Sections  
22 15-10, 15-15, 15-20, 15-30, 15-75, 15-140, 15-155, and 15-160  
23 of the Property Tax Code.

1           Section 5. Duties. The Port District shall have all of the  
2 following duties:

3           (a) To study the existing harbor plans within the area of  
4 the District and to recommend to the appropriate governmental  
5 agency, including the General Assembly, any changes and  
6 modifications that may, from time to time, be required by  
7 continuing development and to meet changing business and  
8 commercial needs.

9           (b) To make an investigation of conditions within the area  
10 of the District and to prepare and adopt a comprehensive plan  
11 for the development of port facilities and intermodal  
12 facilities for the District. In preparing and recommending  
13 changes and modifications in existing harbor plans or a  
14 comprehensive plan for the development of port facilities and  
15 intermodal facilities, the district may, if it deems desirable,  
16 set aside and allocate an area or areas within the land  
17 acquired by it or held by it to be used and operated by the  
18 District or leased to private parties for industrial,  
19 manufacturing, commercial, recreational, or harbor purposes,  
20 where the area or areas are not, in the opinion of the  
21 District, required for its primary purposes in the development  
22 of intermodal, harbor, and port facilities for the use of  
23 public water and land transportation, or will not be  
24 immediately needed for those purposes, and where the use and  
25 operation or leasing will in the opinion of the District aid  
26 and promote the development of intermodal, terminal, and port

1 facilities.

2 (c) To study and make recommendations to the proper  
3 authority for the improvement of terminal, lighterage,  
4 wharfage, warehousing, transfer, and other facilities  
5 necessary for the promotion of commerce and the interchange of  
6 traffic within, to, and from the district.

7 (d) To study, prepare, and recommend by specific proposals  
8 to the General Assembly changes in the jurisdiction of the  
9 district.

10 (e) To petition any federal, State, municipal, or local  
11 authority, administrative, judicial, and legislative, having  
12 jurisdiction in the District for the adoption and execution of  
13 the physical improvement, change in method, system of handling  
14 freight, warehousing, docking, lightering, and transfer  
15 freight that, in the opinion of the District, may be designed  
16 to improve or better the handling of commerce in and through  
17 the district or improve terminal or transportation facilities  
18 within the District.

19 (f) To foster, stimulate, and promote the shipment of  
20 cargoes and commerce through ports, whether originating within  
21 or without the State of Illinois or the United States of  
22 America.

23 (g) To acquire, construct, own, lease, and develop  
24 terminals, harbors, wharf facilities, piers, docks,  
25 warehouses, bulk terminals, grain elevators, boats, and other  
26 harbor crafts, and any other port facility or port related



1 facility or service, such as railroads, that it finds necessary  
2 and convenient.

3 (h) To perform any other act or function that may tend to  
4 or be useful toward development and improvement of harbors,  
5 river ports, and port related facilities and services and to  
6 increase foreign and domestic commerce through the harbors and  
7 ports within the port district.

8 (i) To study and make recommendations for river resources  
9 management and environmental education within the District,  
10 including but not limited to, wetlands banks, mitigation areas,  
11 water retention and sedimentation areas, fish hatcheries, or  
12 wildlife sanctuaries, natural habitat, and native plant  
13 research.

14 Section 6. Changes in harbor plans. Any changes and  
15 modifications in harbor plans within the area of the Port  
16 District from time to time recommended by the District or any  
17 comprehensive plan for the development of the port facilities  
18 adopted by the District under the authority granted by this Act  
19 shall be submitted to the Department of Natural Resources for  
20 approval, and approval by the Department of Natural Resources  
21 shall be conclusive evidence, for all purposes, that these  
22 changes and modifications conform to the provisions of this  
23 Act.

24 Section 7. Rights and powers. The Port District shall have

1 the following rights and powers:

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

9 (b) to prevent or remove obstructions, including the  
10 removal of wrecks;

11 (c) to locate and establish dock lines and shore or harbor  
12 lines;

13 (d) to acquire, own, construct, sell, lease, operate, and  
14 maintain port and harbor, water, and land terminal facilities  
15 and, subject to the provisions of Section 8, to operate or  
16 contract for the operation of those facilities, and to fix and  
17 collect just, reasonable, and non-discriminatory charges,  
18 rentals, or fees for the use of those facilities. The charges,  
19 rentals, or fees so collected shall be made available to defray  
20 the reasonable expenses of the District and to pay the  
21 principal of and interest on any revenue bonds issued by the  
22 district;

23 (e) to enter into any agreement or contract with any  
24 airport for the use of airport facilities to the extent  
25 necessary to carry out any of the purposes of the District;

26 (f) to locate, establish, and maintain a public airport,

1 public airports, and public airport facilities within its  
2 corporate limits or within or upon any body of water adjacent  
3 thereto, and to construct, develop, expand, extend, and improve  
4 any such airport or airport facilities;

5 (g) to operate, maintain, manage, lease, or sublease for  
6 any period not exceeding 99 years, and to make and enter into  
7 contracts for the use, operation, or management of, and to  
8 provide rules and regulations for, the operation, management,  
9 or use of any public airport or public airport facility;

10 (h) to fix, charge, and collect reasonable rentals, tolls,  
11 fees, and charges for the use of any public airport, or any  
12 part thereof, or any public airport facility;

13 (i) to establish, maintain, extend, and improve roadways  
14 and approaches by land, water, or air to any such airport and  
15 to contract or otherwise provide, by condemnation if necessary,  
16 for the removal of any airport hazard or the removal or  
17 relocation of all private structures, railways, mains, pipes,  
18 conduits, wires, poles, and all other facilities and equipment  
19 which may interfere with the location, expansion, development,  
20 or improvement of airports or with the safe approach thereto or  
21 take off there from by aircraft, and to pay the cost of removal  
22 or relocation; and, subject to the Airport Zoning Act, to  
23 adopt, administer and enforce airport zoning regulations for  
24 territory which is within its corporate limits or which extends  
25 not more than 2 miles beyond its corporate limits;

26 (j) To the extent authorized by the Intergovernmental

1 Cooperation Act, to enter into any agreements with any other  
2 public agency of this State, including other port districts;

3 (k) To the extent authorized by any interstate compact, to  
4 enter into agreements with any other state or unit of local  
5 government of any other state; and

6 (l) To enter into contracts dealing in any manner with the  
7 objects and purposes of this Act.

8 (m) To police its physical property only and all waterways  
9 and to exercise police powers in respect thereto or in respect  
10 to the enforcement of any rule or regulation provided by the  
11 ordinances of the District and to employ and commission police  
12 officers and other qualified persons to enforce the same. The  
13 use of any such public airport or public airport facility of  
14 the District shall be subject to the reasonable regulation and  
15 control of the District and upon such reasonable terms and  
16 conditions as shall be established by its Board. A regulatory  
17 ordinance of the District adopted under any provision of this  
18 Section may provide for a suspension or revocation of any  
19 rights or privileges within the control of the District for a  
20 violation of any such regulatory ordinance. Nothing in this  
21 Section or in other provisions of this Act shall be construed  
22 to authorize the Board to establish or enforce any regulation  
23 or rule in respect to aviation, or the operation or maintenance  
24 of any airport facility within its jurisdiction, which is in  
25 conflict with any federal or State law or regulation applicable  
26 to the same subject matter;

1           (n) To establish, employ, and provide a fire protection  
2 unit within the physical property of the district;

3           (o) To acquire, own, sell, convey, construct, lease for any  
4 period not exceeding 99 years, manage, operate, expand,  
5 develop, and maintain any telephone system, including, but not  
6 limited to, all equipment, materials, and facilities necessary  
7 or incidental to that telephone or other communication system,  
8 for use, at the option of the District and upon payment of a  
9 reasonable fee set by the District, of any tenant or occupant  
10 situated on any former military base owned or leased by the  
11 District or which is located within its jurisdictional  
12 boundaries;

13           (p) To acquire, operate, maintain, manage, lease, or  
14 sublease for any period not exceeding 99 years any former  
15 military base owned or leased by the District and within its  
16 jurisdictional boundaries, to make and enter into any contract  
17 for the use, operation, or management of any former military  
18 base owned or leased by the District and located within its  
19 jurisdictional boundaries, and to provide rules and  
20 regulations for the development, redevelopment, and expansion  
21 of any former military base owned or leased by the District or  
22 which is located within the jurisdictional boundaries of the  
23 District;

24           (q) To acquire, locate, establish, re-establish, expand or  
25 renew, construct or reconstruct, operate, and maintain any  
26 facility, building, structure, or improvement for a use or a

1 purpose consistent with any use or purpose of any former  
2 military base owned or leased by the District or which is  
3 located within its jurisdictional boundaries;

4 (r) To cause to be incorporated one or more subsidiary  
5 business corporations, wholly owned by the District, to own,  
6 operate, maintain, and manage facilities and services related  
7 to any telephone or other communication system, pursuant to  
8 paragraph (o) of this Section. A subsidiary corporation formed  
9 pursuant to this paragraph shall (i) be deemed a  
10 telecommunications carrier, as that term is defined in Section  
11 13-202 of the Public Utilities Act, (ii) have the right to  
12 apply to the Illinois Commerce Commission for a Certificate of  
13 Service Authority or a Certificate of Interexchange Service  
14 Authority, and (iii) have the powers necessary to carry out  
15 lawful orders of the Illinois Commerce Commission;

16 (s) To acquire, improve, develop, or redevelop any former  
17 military base situated within the boundaries of the District,  
18 in Jo Daviess County, Carroll County, or both and acquired by  
19 the District from the federal government, acting by and through  
20 the United States Maritime Administration, pursuant to any plan  
21 for redevelopment, development, or improvement of that  
22 military base by the District that is approved by the United  
23 States Maritime Administration under the terms and conditions  
24 of conveyance of the former military base to the District by  
25 the federal government.

1           Section 8. Contracts for the operation of warehouses and  
2 storage facilities. Any public warehouse or other public  
3 storage facility owned or otherwise controlled by the District  
4 shall be operated by persons under contracts with the District.  
5 Any contract shall reserve reasonable rentals or other charges  
6 payable to the district sufficient to pay the cost of  
7 maintaining, repairing, regulating, and operating the  
8 facilities and to pay the principal of and interest on any  
9 revenue bonds issued by the District and may contain any other  
10 conditions that may be mutually agreed upon. However, upon the  
11 breach of a contract or if no contract is in existence as to  
12 any facility, the District shall temporarily operate the  
13 facility until a contract for its operation can be negotiated.

14           Section 9. Procedure for leases or contracts for operation  
15 of warehouses and storage facilities. All leases or other  
16 contracts for operation of any public warehouse or public grain  
17 elevator to which this Section is applicable owned or otherwise  
18 controlled by the District shall be governed by the following  
19 procedures. Notice shall be given by the district that bids  
20 will be received for the operation of the public warehouse or  
21 public grain elevator. This notice shall state the time within  
22 which and the place where bids may be submitted, the time and  
23 place of opening of bids, and shall be published not more than  
24 30 days nor less than 15 days in advance of the first day for  
25 the submission of bids in any one or more newspapers designated

1 by the District that have a general circulation within the  
2 District. The notice shall specify sufficient data of the  
3 proposed operation to enable bidders to understand the scope of  
4 the operation; provided, however, that contracts that by their  
5 nature are not adapted to award by competitive bidding, such as  
6 contracts for the services of individuals possessing a high  
7 degree of personal skill, contracts for the purchase or binding  
8 of magazines, books, periodicals, pamphlets, reports, and  
9 similar articles, and contracts for utility services such as  
10 water, light, heat, telephone, or telegraph, shall not be  
11 subject to the competitive bidding requirements of this  
12 Section, but may not be awarded without the affirmative vote of  
13 three-fifths of the Board.

14 The Board may, by ordinance, promulgate reasonable  
15 regulations prescribing the qualifications of the bidders as to  
16 experience, adequacy of equipment, ability to complete  
17 performance within the time set, and other factors in addition  
18 to financial responsibility, and may, by ordinance, provide for  
19 suitable performance guaranties to qualify a bid. Copies of all  
20 regulations shall be made available to all bidders.

21 The District may determine in advance the minimum rental  
22 that should be produced by the public warehouse or public grain  
23 elevator offered and, if no qualified bid will produce the  
24 minimum rental, all bids may be rejected and the district shall  
25 then re-advertise for bids. If after the re-advertisement no  
26 responsible and satisfactory bid within the terms of the



1 advertisement is received, the district may then negotiate a  
2 lease for not less than the amount of minimum rental so  
3 determined. If, after negotiating for a lease as provided in  
4 this Section, it is found necessary to revise the minimum  
5 rental to be produced by the facilities offered for lease, then  
6 the District shall again re-advertise for bids, as provided in  
7 this Section, before negotiating a lease.

8 If the district shall temporarily operate any public  
9 warehouse or public grain elevator, the temporary operation  
10 shall not continue for more than one year without advertising  
11 for bids for the operation of the facility as provided in this  
12 Section.

13 Section 10. Compliance; prompt payment. Purchases made  
14 pursuant to this Act shall be made in compliance with the Local  
15 Government Prompt Payment Act.

16 Section 11. Acquisition of property. The District has power  
17 to acquire and accept by purchase, lease, gift, grant, or  
18 otherwise any property and rights useful for its purposes and  
19 to provide for the development of channels, ports, harbors,  
20 airports, airfields, terminals, port facilities and terminal  
21 facilities adequate to serve the needs of commerce within the  
22 District. The District may acquire real or personal property or  
23 any rights therein in the manner, as near as may be, as is  
24 provided for the exercise of the right of eminent domain under

1 the Eminent Domain Act; except that no rights or property of  
2 any kind or character now or hereafter owned, leased,  
3 controlled or operated and used by, or necessary for the actual  
4 operations of, any common carrier engaged in interstate  
5 commerce, or of any other public utility subject to the  
6 jurisdiction of the Illinois Commerce Commission, shall be  
7 taken or appropriated by the District without first obtaining  
8 the approval of the Illinois Commerce Commission and except  
9 that no property owned by any municipality or village within  
10 the District shall be taken or appropriated without first  
11 obtaining the consent of such municipality or village.

12 Also, the District may lease to others for any period of  
13 time, not to exceed 99 years, upon such terms as its Board may  
14 determine, any of its real property, rights of way or  
15 privileges, or any interest therein, or any part thereof, for  
16 industrial, manufacturing, commercial, or harbor purposes. In  
17 conjunction with such leases, the District may grant rights of  
18 way and privileges across the property of the District, which  
19 rights of way and privileges may be assignable and irrevocable  
20 during the term of any such lease and may include the right to  
21 enter upon the property of the District to do such things as  
22 may be necessary for the enjoyment of those leases, rights of  
23 way, and privileges, and those leases may contain such  
24 conditions and retain such interest therein as may be deemed  
25 for the best interest of the District by the Board.

26 Also, the District shall have the right to grant easements

1 and permits for the use of any real property, rights of way or  
2 privileges that, in the opinion of the Board, will not  
3 interfere with the use thereof by the District for its primary  
4 purposes and those easements and permits may contain such  
5 conditions and retain such interest therein as may be deemed  
6 for the best interest of the District by the Board.

7 With respect to any and all leases, easements, rights of  
8 way, privileges and permits made or granted by the Board, the  
9 Board may agree upon and collect the rentals, charges and fees  
10 that may be deemed for the best interest of the District.  
11 Except as provided in this Act for interim financing, the  
12 rentals, charges and fees shall be used to defray the  
13 reasonable expenses of the District and to pay the principal of  
14 and interest on any revenue bonds issued by the District.

15 Section 12. Eminent domain. Notwithstanding any other  
16 provision of this Act, any power granted under this Act to  
17 acquire property by condemnation or eminent domain is subject  
18 to, and shall be exercised in accordance with, the Eminent  
19 Domain Act.

20 Section 13. Export trading companies. The District is  
21 authorized and empowered to establish, organize, own, acquire,  
22 participate in, operate, sell, and transfer export trading  
23 companies, whether as shareholder, partner, or co-venturer,  
24 alone or in cooperation with federal, State or local

1 governmental authorities, federal, State, or national banking  
2 associations, or any other public or private corporation or  
3 person or persons. The term "export trading companies" means a  
4 person, partnership, association, public or private  
5 corporation or similar organization, whether operated for  
6 profit or not for profit, which is organized and operated  
7 principally for purposes of exporting goods or services  
8 produced in the United States, importing goods or services  
9 produced in foreign countries, conducting third country  
10 trading or facilitating such trade by providing one or more  
11 services in support of such trade. Such export trading  
12 companies and all of the property thereof, wholly or partly  
13 owned, directly or indirectly, by the District, shall have the  
14 same privileges and immunities as accorded to the District; and  
15 export trading companies may borrow money or obtain financial  
16 assistance from private lenders or federal and State  
17 governmental authorities or issue general obligation and  
18 revenue bonds with the same kinds of security, and in  
19 accordance with the same procedures, restrictions and  
20 privileges applicable when the District obtains financial  
21 assistance or issues bonds for any of its other authorized  
22 purposes. Such export trading companies are authorized, if  
23 necessary or desirable, to apply for certification under Title  
24 II or Title III of the Export Trading Company Act of 1982.

25 Section 14. Grants and loans. The District has power to

1 apply for and accept grants, loans, or appropriations from the  
2 federal government, the State of Illinois, Jo Daviess County,  
3 and Carroll County or any agency or instrumentality thereof to  
4 be used for any of the purposes of the District and to enter  
5 into any agreements with the federal, State, and county  
6 governments in relation to such grants, loans or  
7 appropriations.

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

17 Section 15. Insurance contracts. The District has power to  
18 procure and enter into contracts for any type of insurance or  
19 indemnity against loss or damage to property from any cause,  
20 including loss of use and occupancy, against death or injury of  
21 any person, against employers' liability, against any act of  
22 any member, officer, or employee of the District in the  
23 performance of the duties of his office or employment or any  
24 other insurable risk.

1           Section 16. Foreign trade zones and sub-zones. The District  
2 has power to acquire or to apply to the proper authorities of  
3 the United States of America under the appropriate law for the  
4 right to establish, operate, maintain, and lease foreign trade  
5 zones and sub-zones within the jurisdiction of the United  
6 States Customs Service and to establish, operate, maintain, and  
7 lease the foreign trade zones and sub-zones.

8           Section 17. Authorization to borrow moneys. The District's  
9 Board may borrow money from any bank or other financial  
10 institution and may provide appropriate security for that  
11 borrowing, if the money is repaid within 3 years after the  
12 money is borrowed. "Financial institution" means any bank  
13 subject to the Illinois Banking Act, any savings and loan  
14 association subject to the Illinois Savings and Loan Act of  
15 1985, any savings bank subject to the Savings Bank Act, and any  
16 federally chartered commercial bank or savings and loan  
17 association organized and operated in this State pursuant to  
18 the laws of the United States.

19           Section 18. Borrowing money; revenue bonds.

20           (a) The district has the continuing power to borrow money  
21 for the purpose of acquiring, constructing, reconstructing,  
22 extending, operating, or improving terminals, terminal  
23 facilities, intermodal facilities, and port facilities; for  
24 acquiring any property and equipment useful for the

1 construction, reconstruction, extension, improvement, or  
2 operation of its terminals, terminal facilities, intermodal  
3 facilities, and port facilities; and for acquiring necessary  
4 cash working funds. For the purpose of evidencing the  
5 obligation of the district to repay any money borrowed, the  
6 district may, by ordinances adopted by the Board from time to  
7 time, issue and dispose of its interest bearing revenue bonds,  
8 notes, or certificates and may also from time to time issue and  
9 dispose of its interest bearing revenue bonds, notes, or  
10 certificates to refund any bonds, notes, or certificates at  
11 maturity or by redemption provisions or at any time before  
12 maturity with the consent of the holders thereof.

13 (b) All bonds, notes, and certificates shall be payable  
14 solely from the revenues or income to be derived from the  
15 terminals, terminal facilities, intermodal facilities, and  
16 port facilities or any part thereof; may bear any date or  
17 dates; may mature at any time or times not exceeding 40 years  
18 from their respective dates; may bear interest at any rate or  
19 rates payable semiannually; may be in any form; may carry any  
20 registration privileges; may be executed in any manner; may be  
21 payable at any place or places; may be made subject to  
22 redemption in any manner and upon any terms, with or without  
23 premium that is stated on the face thereof; may be  
24 authenticated in any manner; and may contain any terms and  
25 covenants as may be provided in the ordinance. The holder or  
26 holders of any bonds, notes, certificates, or interest coupons

1 appertaining to the bonds, notes, and certificates issued by  
2 the district may bring civil actions to compel the performance  
3 and observance by the district or any of its officers, agents,  
4 or employees of any contract or covenant made by the district  
5 with the holders of those bonds, notes, certificates, or  
6 interest coupons and to compel the District and any of its  
7 officers, agents, or employees to perform any duties required  
8 to be performed for the benefit of the holders of any bonds,  
9 notes, certificates, or interest coupons by the provision in  
10 the ordinance authorizing their issuance, and to enjoin the  
11 district and any of its officers, agents, or employees from  
12 taking any action in conflict with any such contract or  
13 covenant, including the establishment of charges, fees, and  
14 rates for the use of facilities as provided in this Act.  
15 Notwithstanding the form and tenor of any bonds, notes, or  
16 certificates and in the absence of any express recital on the  
17 face thereof that it is nonnegotiable, all bonds, notes, and  
18 certificates shall be negotiable instruments. Pending the  
19 preparation and execution of any bonds, notes, or certificates,  
20 temporary bonds, notes, or certificates may be issued with or  
21 without interest coupons as may be provided by ordinance.

22 (c) The bonds, notes, or certificates shall be sold by the  
23 corporate authorities of the District in any manner that the  
24 corporate authorities shall determine, except that if issued to  
25 bear interest at the minimum rate permitted by the Bond  
26 Authorization Act, the bonds shall be sold for not less than



1 par and accrued interest and except that the selling price of  
2 bonds bearing interest at a rate less than the maximum rate  
3 permitted in that Act shall be such that the interest cost to  
4 the district of the money received from the bond sale shall not  
5 exceed such maximum rate annually computed to absolute maturity  
6 of said bonds or certificates according to standard tables of  
7 bond values.

8 (d) From and after the issue of any bonds, notes, or  
9 certificates as provided in this Section, it shall be the duty  
10 of the corporate authorities of the District to fix and  
11 establish rates, charges, and fees for the use of facilities  
12 acquired, constructed, reconstructed, extended, or improved  
13 with the proceeds derived from the sale of the bonds, notes, or  
14 certificates sufficient at all times with other revenues of the  
15 district, if any, to pay (i) the cost of maintaining,  
16 repairing, regulating, and operating the facilities and (ii)  
17 the bonds, notes, or certificates and interest thereon as they  
18 shall become due, all sinking fund requirements, and all other  
19 requirements provided by the ordinance authorizing the  
20 issuance of the bonds, notes, or certificates or as provided by  
21 any trust agreement executed to secure payment thereof. To  
22 secure the payment of any or all of bonds, notes, or  
23 certificates and for the purpose of setting forth the covenants  
24 and undertaking of the district in connection with the issuance  
25 of those bonds, notes, or certificates and the issuance of any  
26 additional bonds, notes, or certificates payable from revenue

1 income to be derived from the terminals, terminal facilities,  
2 intermodal facilities, and port facilities the district may  
3 execute and deliver a trust agreement or agreements. A lien  
4 upon any physical property of the district may be created by  
5 the trust agreement. A remedy for any breach or default of the  
6 terms of any trust agreement by the district may be by mandamus  
7 proceedings in the circuit court to compel performance and  
8 compliance with the agreement, but the trust agreement may  
9 prescribe by whom or on whose behalf the action may be  
10 instituted.

11 Section 19. Bonds not obligations of the State or district.  
12 Under no circumstances shall any bonds, notes, or certificates  
13 issued by the District or any other obligation of the District  
14 be or become an indebtedness or obligation of the State or of  
15 any other political subdivision of or municipality within the  
16 State, nor shall any bond, note, certificate, or obligation be  
17 or become an indebtedness of the district within the purview of  
18 any constitutional limitation or provision. It shall be plainly  
19 stated on the face of each bond, note, and certificate that it  
20 does not constitute an indebtedness or obligation but is  
21 payable solely from the revenues or income of the District.

22 Section 20. Revenue bonds as legal investments. The State  
23 and all counties, municipalities, villages, incorporated towns  
24 and other municipal corporations, political subdivisions,

1 public bodies, and public officers of any thereof; all banks,  
2 bankers, trust companies, savings banks and institutions,  
3 building and loan associations, savings and loan associations,  
4 investment companies, and other persons carrying on a banking  
5 business; all insurance companies, insurance associations, and  
6 other persons carrying on an insurance business; and all  
7 executors, administrators, guardians, trustees, and their  
8 fiduciaries may legally invest any sinking funds, moneys, or  
9 other funds belonging to them or within their control in any  
10 bonds, notes, or certificates issued under this Act. It is the  
11 purpose of this Section to authorize the investment in bonds,  
12 notes, or certificates of all sinking, insurance, retirement,  
13 compensation, pension, and trust funds, whether owned or  
14 controlled by private or public persons or officers; provided,  
15 however, that nothing contained in this Section may be  
16 construed as relieving any person from any duty of exercising  
17 reasonable care in selecting securities for purchase or  
18 investment.

19 Section 21. Permits. It shall be unlawful to make any fill  
20 or deposit of rock, earth, sand, or other material, or any  
21 refuse matter of any kind or description, or build or commence  
22 the building of any wharf, pier, dolphin, boom, weir,  
23 breakwater, bulkhead, jetty, bridge, or other structure over,  
24 under, in, or within 40 feet of any navigable waters within the  
25 district without first submitting the plans, profiles, and

1 specifications for it, and any other data and information that  
2 may be required, to the District and receiving a permit. Any  
3 person, corporation, company, municipality, or other agency  
4 that does any of the things prohibited in this Section without  
5 securing a permit is guilty of a Class A misdemeanor. Any  
6 structure, fill, or deposit erected or made in any of the  
7 public bodies of water within the district in violation of the  
8 provisions of this Section is declared to be a purpresture and  
9 may be abated as such at the expense of the person,  
10 corporation, company, city, municipality, or other agency  
11 responsible for it. If in the discretion of the district it is  
12 decided that the structure, fill, or deposit may remain, the  
13 district may fix any rule, regulation, requirement,  
14 restrictions, or rentals or require and compel any changes,  
15 modifications, and repairs that shall be necessary to protect  
16 the interest of the district.

17 Section 22. Board of Commissioners. The governing and  
18 administrative body of the Port District shall be a Board of  
19 Commissioners consisting of 8 members, to be known as the Upper  
20 Mississippi River International Port District Board. All  
21 members of the Board shall be residents of the District and  
22 shall be known as Commissioners of the Upper Mississippi River  
23 International Port District Board. The members of the Board may  
24 serve with compensation not to exceed \$6,000 per year and shall  
25 be reimbursed for actual expenses incurred by them in the

1 performance of their duties. No Commissioner of the Board shall  
2 have any private financial interest, profit or benefit in any  
3 contract, work or business of the District nor in the sale or  
4 lease of any property to or from the District, except to the  
5 extent allowed under The Public Officer Prohibited Activities  
6 Act.

7 Section 23. Appointment of Board. The Governor shall  
8 appoint 4 members of the Board, the County Board Chairs of Jo  
9 Daviess and Carroll Counties shall each appoint 2 members of  
10 the Board, and the senior United States Senator from Illinois  
11 shall appoint one member of the Board. Of the four members  
12 appointed by the County Board Chairs, each Chair shall appoint  
13 one member with political associations with the Democratic  
14 party and one member with political associations with the  
15 Republican party. All initial appointments shall be made within  
16 60 days after this Act takes effect. Of the four members  
17 initially appointed by the Governor, 2 shall be appointed for  
18 initial terms expiring June 1, 2010, one for an initial term  
19 expiring June 1, 2011 and one for an initial term expiring June  
20 1, 2012. Of the terms of the members initially appointed by the  
21 respective County Board Chairs, one shall expire June 1, 2011  
22 and one shall expire June 1, 2012. For the one member appointed  
23 by the senior United States Senator from Illinois, the initial  
24 term shall expire on June, 1, 2010. At the expiration of the  
25 term of any member, his successor shall be appointed by the

1 Governor, the respective County Board Chair, or United States  
2 Senator in like manner and with like regard to place of  
3 residence of the appointee, as in the case of appointments for  
4 the initial terms.

5 After the expiration of initial terms, each successor shall  
6 hold office for a term of 3 years from the first day of June of  
7 the year in which the term of office commences. In the case of  
8 a vacancy during the term of office of any member appointed by  
9 the Governor, the Governor shall make an appointment for the  
10 remainder of the term vacant and until a successor is appointed  
11 and qualified. In case of a vacancy during the term of office  
12 of any member appointed by a County Board Chair, the proper  
13 County Board Chair shall make an appointment for the remainder  
14 of the term vacant and until a successor is appointed and  
15 qualified. In case of a vacancy during the term of office of  
16 any member appointed by the United States Senator, the Senator  
17 shall make an appointment for the remainder of the term vacant  
18 and until a successor is appointed and qualified. The Governor,  
19 each County Board Chair, and the senior United States Senator  
20 shall certify their respective appointments to the Secretary of  
21 State. Within 30 days after certification of his appointment,  
22 and before entering upon the duties of his office, each member  
23 of the Board shall take and subscribe the constitutional oath  
24 of office and file it in the office of the Secretary of State.

25 Section 24. Removal of Board members; vacancies. Members of

1 the Board shall hold office until their respective successors  
2 have been appointed and qualified. Any member may resign from  
3 his office to take effect when his successor has been appointed  
4 and has qualified. The Governor, each County Board Chair, and  
5 the senior United States Senator respectively, may remove any  
6 member of the Board they have appointed in case of  
7 incompetency, neglect of duty, or malfeasance in office. They  
8 shall give such member a copy of the charges against him or her  
9 and an opportunity to be publicly heard in person or by counsel  
10 in his or her own defense upon not less than 10 days' notice.  
11 In case of failure to qualify within the time required, or of  
12 abandonment of his or her office, or in case of death,  
13 conviction of a felony or removal from office, the office of  
14 such member shall become vacant. Each vacancy shall be filled  
15 for the unexpired term by appointment in like manner as in case  
16 of expiration of the term of a member of the Board.

17 Section 25. Organization of Board. As soon as possible  
18 after the appointment of the initial members, the Board shall  
19 organize for the transaction of business, select a chairperson  
20 and a temporary secretary from its own number, and adopt bylaws  
21 and regulations to govern its proceedings. The initial  
22 chairperson and successors shall be elected by the Board from  
23 time to time for a term of office as provided in the District  
24 bylaws. However, such term of office shall not exceed his or  
25 her term of office as a member of the Board.

1           Section 26. Board meetings. Regular meetings of the Board  
2 shall be held at least once in each calendar month, the time  
3 and place of such meetings to be fixed by the Board. Five  
4 members of the Board shall constitute a quorum for the  
5 transaction of business. All action of the Board shall be by  
6 ordinance or resolution and the affirmative vote of at least 5  
7 members shall be necessary for the adoption of any ordinance or  
8 resolution. All such ordinances and resolutions before taking  
9 effect shall be approved by the chair of the Board, and if the  
10 chair approves, the chair shall sign the same, and if the chair  
11 does not approve the chair shall return to the Board with his  
12 or her objections in writing at the next regular meeting of the  
13 Board occurring after passage. But in the case the chair fails  
14 to return any ordinance or resolution with the objections  
15 within the prescribed time, he or she shall be deemed to have  
16 approved the ordinance or resolution and it shall take effect  
17 accordingly. Upon the return of any ordinance or resolution by  
18 the chair with objections, the vote shall be reconsidered by  
19 the Board, and if, upon such reconsideration of the ordinance  
20 or resolution, it is passed by the affirmative vote of at least  
21 6 members, it shall go into effect notwithstanding the veto of  
22 the chair. All ordinances, resolutions and all proceedings of  
23 the District and all documents and records in its possession  
24 shall be public records, and open to public inspection, except  
25 such documents and records as are kept or prepared by the Board



1 for use in negotiations, legal actions or proceedings to which  
2 the District is a party.

3 Section 27. Secretary and treasurer. The Board shall  
4 appoint a secretary and a treasurer, who need not be members of  
5 the Board, to hold office during the pleasure of the Board, and  
6 fix their duties and compensation. The secretary and treasurer  
7 shall be residents of the District. Before entering upon the  
8 duties of their respective offices they shall take and  
9 subscribe the constitutional oath of office, and the treasurer  
10 shall execute a bond with corporate sureties to be approved by  
11 the Board. The bond shall be payable to the District in  
12 whatever penal sum may be directed by the Board conditioned  
13 upon the faithful performance of the duties of the office and  
14 the payment of all money received by him or her according to  
15 law and the orders of the Board. The Board may, at any time,  
16 require a new bond from the treasurer in such penal sum as may  
17 then be determined by the Board. The obligation of the sureties  
18 shall not extend to any loss sustained by the insolvency,  
19 failure or closing of any savings and loan association or  
20 federal or State bank wherein the treasurer has deposited funds  
21 if the bank or savings and loan association has been approved  
22 by the Board as a depository for these funds. The oaths of  
23 office and the treasurer's bond shall be filed in the principal  
24 office of the District.

1           Section 28. Deposits. All funds deposited by the treasurer  
2 in any bank or savings and loan association shall be placed in  
3 the name of the District and shall be withdrawn or paid out  
4 only by check or draft upon the bank or savings and loan  
5 association, signed by the treasurer and countersigned by the  
6 chair of the Board. Subject to prior approval of such  
7 designations by a majority of the Board, the chair may  
8 designate any other Board member or any officer of the District  
9 to affix the signature of the chair and the treasurer may  
10 designate any other officer of the District to affix the  
11 signature of the treasurer to any check or draft for payment of  
12 salaries or wages and for payment of any other obligation of  
13 not more than \$2,500.00.

14           No bank or savings and loan association shall receive  
15 public funds as permitted by this Section, unless it has  
16 complied with the requirements established pursuant to Section  
17 6 of The Public Funds Investment Act.

18           Section 29. Valid; checks and drafts. In case any officer  
19 whose signature appears upon any check or draft issued pursuant  
20 to this Act, ceases to hold his office before the delivery  
21 thereof to the payee, his signature nevertheless shall be valid  
22 and sufficient for all purposes with the same effect as if he  
23 had remained in office until delivery thereof.

24           Section 30. Executive director. The Board may appoint an

1 Executive Director who shall be a person of recognized ability  
2 and business experience to hold office during the pleasure of  
3 the Board. The executive director shall have management of the  
4 properties and business of the District and the employees  
5 thereof subject to the general control of the Board, shall  
6 direct the enforcement of all ordinances, resolutions, rules  
7 and regulations of the Board, and shall perform such other  
8 duties as may be prescribed from time to time by the Board. The  
9 Board may appoint a general attorney, a chief engineer, and a  
10 general manager to assist the executive director, and shall  
11 provide for the appointment of other officers, and the  
12 employment of additional attorneys, engineers, consultants,  
13 agents and employees as may be necessary. It shall define their  
14 duties and may require bonds of such of them as the Board may  
15 designate. The Executive Director, General Manager, General  
16 Attorney, Chief Engineer, and all other officers provided for  
17 pursuant to this section shall be exempt from taking and  
18 subscribing any oath of office and shall not be members of the  
19 Board. The compensation of the Executive Director, General  
20 Manager, General Attorney, Chief Engineer, and all other  
21 officers, attorneys, consultants, agents and employees shall  
22 be fixed by the Board.

23 Section 31. Ordinances. The Board has power to pass all  
24 ordinances and make all rules and regulations proper or  
25 necessary, and to carry into effect the powers granted to the

1 District, with such fines or penalties as may be deemed proper.  
2 All fines and penalties shall be imposed by ordinances, which  
3 shall be published in a newspaper of general circulation  
4 published in the area embraced by the District. No such  
5 ordinance shall take effect until 10 days after its  
6 publication.

7 Section 32. Financial statement. Within 60 days after the  
8 end of each fiscal year, the Board shall prepare and print a  
9 complete and detailed report and financial statement of the  
10 operations and assets and liabilities of the Port District. A  
11 reasonably sufficient number of copies of such report shall be  
12 printed for distribution to persons interested, upon request,  
13 and a copy shall be filed with the Governor, the senior United  
14 States Senator, and the County Clerk and the County Board Chair  
15 of JoDaviess and Carroll counties.

16 Section 33. Investigations by the Board. The Board may  
17 investigate conditions in which it has an interest within the  
18 area of the District; the enforcement of its ordinances, rules,  
19 and regulations; and the action, conduct, and efficiency of all  
20 officers, agents, and employees of the District. In the conduct  
21 of investigations the Board may hold public hearings on its own  
22 motion and shall do so on complaint of any municipality within  
23 the district. Each member of the Board shall have power to  
24 administer oaths and the secretary, by order of the Board,

1 shall issue subpoenas to secure the attendance and testimony of  
2 witnesses and the production of books and papers relevant to  
3 investigations and to any hearing before the Board or any  
4 member of the Board.

5 Any circuit court of this State, upon application of the  
6 Board or any member of the Board, may in its discretion compel  
7 the attendance of witnesses, the production of books and  
8 papers, and giving of testimony before the Board, before any  
9 member of the Board, or before any officers' committee  
10 appointed by the Board by attachment for contempt or otherwise  
11 in the same manner as the production of evidence may be  
12 compelled before the court.

13 Section 34. Final review of administrative decisions. All  
14 final administrative decisions of the Board hereunder shall be  
15 subject to judicial review pursuant to the provisions of the  
16 Administrative Review Law, and all amendments and  
17 modifications thereof, and the rules adopted pursuant thereto.  
18 The term "administrative decision" is defined as in Section  
19 3-101 of the Code of Civil Procedure.

20 Section 35. Non-applicability. The provisions of this Act  
21 shall not be considered as impairing, altering, modifying,  
22 repealing or superseding any of the jurisdiction or powers of  
23 the Illinois Commerce Commission or of the Department of  
24 Natural Resources under the Rivers, Lakes, and Streams Act.

1 Nothing in this Act or done under its authority shall apply to,  
2 restrict, limit or interfere with the use of any terminal  
3 facility or port facility owned or operated by any private  
4 person for the storage or handling or transfer of any commodity  
5 moving in interstate commerce or the use of the land and  
6 facilities of a common carrier or other public utility and the  
7 space above such land and facilities in the business of such  
8 common carrier or other public utility, without approval of the  
9 Illinois Commerce Commission and without the payment of just  
10 compensation to any such common carrier or other public utility  
11 for damages resulting from any such restriction, limitation or  
12 interference.

13 Section 36. Annexation. Territory that is contiguous to the  
14 District and that is not included within any other port  
15 District may be annexed to and become a part of the District in  
16 the manner provided in Section 37 or 38, whichever is  
17 applicable.

18 Section 37. Petition for annexation. At least 5% of the  
19 legal voters residing within the limits of the proposed  
20 addition to the district shall petition the circuit court for a  
21 county in which a major part of the district is situated, to  
22 cause the question of whether the proposed additional territory  
23 shall become a part of the district to be submitted to the  
24 legal voters of the proposed additional territory. The petition

1 shall be addressed to the court and shall contain a definite  
2 description of the boundaries of the territory to be embraced  
3 in the proposed addition.

4 Upon the filing of any petition with the clerk of the  
5 court, the court shall fix a time and place for a hearing upon  
6 the subject of the petition.

7 Notice shall be given by the court to whom the petition is  
8 addressed or by the circuit court clerk or sheriff of the  
9 county in which the petition is made at the order and direction  
10 of the court of the time and place of the hearing upon the  
11 subject of the petition at least 20 days before the hearing by  
12 at least one publication of the notice in any newspaper having  
13 general circulation within the area proposed to be annexed, and  
14 by mailing a copy of the notice to the mayor or president of  
15 the board of trustees of all cities, villages, and incorporated  
16 towns within the district.

17 At the hearing, the District, all persons residing or  
18 owning property within the district, and all persons residing  
19 in or owning property situated in the area proposed to be  
20 annexed to the district may appear and be heard touching upon  
21 the sufficiency of the petition. If the court finds that the  
22 petition does not comply with the requirements of the law, the  
23 court shall dismiss the petition. If the court finds that the  
24 petition is sufficient, the court shall certify the petition  
25 and the proposition to the proper election officials who shall  
26 submit the proposition to the voters at an election under the

1 general election law. In addition to the requirements of the  
2 general election law, the notice of the referendum shall  
3 include a description of the area proposed to be annexed to the  
4 District. The proposition shall be in substantially the  
5 following form:

6           Shall (description of the territory proposed to be  
7           annexed) join the Upper Mississippi River  
8           International Port District?

9 The votes shall be recorded as "Yes" or "No".

10           The court shall cause a statement of the result of the  
11 referendum to be filed in the records of the court.

12           If a majority of the votes cast upon the question of  
13 annexation to the district are in favor of becoming a part of  
14 the District, the court shall then enter an order stating that  
15 the additional territory shall thenceforth be an integral part  
16 of the Upper Mississippi River International Port District and  
17 subject to all of the benefits of service and responsibilities  
18 of the District. The circuit clerk shall transmit a certified  
19 copy of the order to the circuit clerk of any other county in  
20 which any of the territory affected is situated.

21           Section 38. Annexation of territory having no legal voters.  
22 If there is territory contiguous to the district that has no  
23 legal voters residing within it, a petition to annex the  
24 territory signed by all the owners of record of the territory  
25 may be filed with the circuit court for the county in which a



1 major part of the district is situated. A time and place for a  
2 hearing on the subject of the petition shall be fixed and  
3 notice of the hearing shall be given in the manner provided in  
4 Section 37. At the hearing any owner of land in the territory  
5 proposed to be annexed, the district, and any resident of the  
6 district may appear and be heard touching on the sufficiency of  
7 the petition. If the court finds that the petition satisfies  
8 the requirements of this Section, it shall enter an order  
9 stating that thenceforth the territory shall be an integral  
10 part of the Upper Mississippi River International Port District  
11 and subject to all of the benefits of service and  
12 responsibilities of the District. The circuit clerk shall  
13 transmit a certified copy of the order of the court to the  
14 circuit clerk of any other county in which the annexed  
15 territory is situated.

16 Section 39. Disconnection. The registered voters of a  
17 county included in the district may petition the State Board of  
18 Elections requesting the submission of the question of whether  
19 the county should be disconnected from the district to the  
20 electors of the county. The petition shall be circulated in the  
21 manner required by Section 28-3 of the Election Code and  
22 objections thereto and the manner of their disposition shall be  
23 in accordance with Section 28-4 of the Election Code. If a  
24 petition is filed with the State Board of Elections, signed by  
25 not less than 5% of the registered voters of the county or that

1 portion of the county that is within the district, requesting  
2 that the question of disconnection be submitted to the electors  
3 of the county, the State Board of Elections must certify the  
4 question to the proper election authority, which must submit  
5 the question at a regular election held at least 78 days after  
6 the petition is filed in accordance with the Election Code.

7 The question must be submitted in substantially the  
8 following form:

9 Shall (name of county) be disconnected from the

10 Upper Mississippi River International Port District?

11 The votes must be recorded as "Yes" or "No". If a majority of  
12 the electors voting on the question vote in the affirmative,  
13 the county or portion of the county that is within the district  
14 shall be disconnected from the district.

15 Section 40. Severability. If any provision of this Act or  
16 its application to any person or circumstance is held invalid,  
17 the invalidity of that provision or application does not affect  
18 other provisions or applications of this Act that can be given  
19 effect without the invalid provision or application.

20 Section 41. Interference with private facilities. The  
21 provisions of this Act shall not be considered as impairing,  
22 altering, modifying, repealing, or superseding any of the  
23 jurisdiction or powers of the Illinois Commerce Commission or  
24 of the Department of Natural Resources under the Rivers, Lakes,

1 and Streams Act. Nothing in this Act or done under its  
2 authority shall apply to, restrict, limit, or interfere with  
3 the use of any terminal, terminal facility, intermodal  
4 facility, or port facility owned or operated by any private  
5 person for the storage or handling or transfer of any commodity  
6 moving in interstate commerce or the use of the land and  
7 facilities of a common carrier or other public utility and the  
8 space above that land and those facilities or the right to use  
9 that land and those facilities in the business of any common  
10 carrier or other public utility, without approval of the  
11 Illinois Commerce Commission and without the payment of just  
12 compensation to any common carrier or other public utility for  
13 damages resulting from any restriction, limitation, or  
14 interference.

15 Section 42. Non-applicability of conflicting provisions of  
16 the Illinois Municipal Code. The provisions of the Illinois  
17 Municipal Code shall not be effective within the area of the  
18 district insofar as the provisions of that Act conflict with  
19 the provisions of this Act or grant substantially the same  
20 powers to any municipal corporation that are granted to the  
21 district by this Act.

22 Section 43. Authority to create and operate a utility  
23 district. The Upper Mississippi River International Port  
24 District shall have the authority to create and operate a

1 utility district within the boundaries of the district  
2 providing that municipal utilities or annexation into a  
3 municipality utility district is not possible. The Port  
4 District shall have all responsibility and authority to provide  
5 and maintain water, sewer, gas lines, surface water drainage,  
6 roads, and rail infrastructures. The Port District shall also  
7 have the responsibility and authority to provide private  
8 utilities including electrical power, steam power, natural  
9 gas, telecommunications and data networking systems. The Port  
10 District shall have the authority to levee an ad valorem  
11 property and leasehold tax within the district boundaries for  
12 the purpose of financing and maintaining utility and  
13 infrastructure costs. This tax shall not exceed 1.5% of the  
14 property value.

15 Section 44. Conveyance of Local Redevelopment Authority  
16 assets to the Upper Mississippi River International Port  
17 District. Upon the creation of the Upper Mississippi River  
18 International Port District, an ad hoc committee comprised of  
19 six members shall be established within 15 days for purpose of  
20 developing a transition plan from the Local Redevelopment  
21 Authority to Upper Mississippi River International Port  
22 District Board. This ad hoc committee shall be comprised of  
23 three agreed upon appointees from JoDaviess County Board and  
24 three agreed upon appointees from the Carroll County Board.

25 Section 999. Effective date. This Act takes effect upon

1 becoming law.