



Filed: 5/6/2009

09600SB1784ham001

LRB096 11145 RLJ 26188 a

1 AMENDMENT TO SENATE BILL 1784

2 AMENDMENT NO. _____. Amend Senate Bill 1784 by replacing
3 everything after the enacting clause with the following:

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

1 of land near an airport, which is hazardous to the use of the
2 airport for the landing and taking off of aircraft.

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

7 "Board" means Upper Mississippi River International Port
8 District Board.

9 "Commercial aircraft" means any aircraft other than public
10 aircraft engaged in the business of transporting persons or
11 property.

12 "District" means the Upper Mississippi River International
13 Port District created by this Act.

14 "General obligation bond" means any bond issued by the
15 District any part of the principal or interest of which bond is
16 to be paid by taxation.

17 "Governmental agency" means the United States, the State of
18 Illinois, any local governmental body, and any agency or
19 instrumentality, corporate or otherwise, thereof.

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

21 "Intermodal" means a type of international freight system
22 that permits transshipping among rivers, sea, highway, rail,
23 and air modes of transportation through use of
24 ANSI/International Organization for Standardization
25 containers, line haul assets, and handling equipment.

26 "Navigable waters" mean any public waters that are or can

1 be made usable for water commerce.

2 "Person" means any individual, firm, partnership, trust,
3 corporation, both domestic and foreign, company, association,
4 or joint stock association, and includes any trustee, receiver,
5 assignee, or personal representative thereof.

6 "Port facilities" means all public and other buildings,
7 structures, works, improvements, and equipment, except
8 terminal facilities as defined in this Section, that are upon,
9 in, over, under, adjacent, or near to navigable waters,
10 harbors, rivers, slips, and basins and that are necessary or
11 useful for or incident to the furtherance of water and land
12 commerce and the operation of small boats and pleasure craft.

13 "Port facilities" includes the excavating, widening, and
14 deepening of basins, slips, harbors, rivers and navigable
15 waters. Port facilities also means all lands, buildings,
16 structures, improvements, equipment, and appliances located on
17 district property that are used for industrial, manufacturing,
18 commercial, or recreational purposes.

19 "Private aircraft" means any aircraft other than public and
20 commercial aircraft.

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

24 "Public airport" means an airport owned by a Port District,
25 an airport authority, or other public agency, which is used or
26 is intended for use by public, commercial and private aircraft

1 and by persons owning, managing, operating or desiring to use,
2 inspect or repair any such aircraft or to use any such airport
3 for aeronautical purposes.

4 "Public incinerator" means a facility for the disposal of
5 waste by incineration by any means or method for public use,
6 including, but not limited to, incineration and disposal of
7 industrial wastes.

8 "Public interest" means the protection, furtherance, and
9 advancement of the general welfare and of public health and
10 safety and public necessity and convenience.

11 "Revenue bond" means any bond issued by the District the
12 principal and interest of which bond is payable solely from
13 revenues or income derived from terminal, terminal facilities
14 or port facilities of the District.

15 "Terminal" means a public place, station, or depot for
16 receiving and delivering baggage, mail, freight, or express
17 matter and for any combination of such purposes, in connection
18 with the transportation of persons and property on water or
19 land or in the air.

20 "Terminal facilities" means all land, buildings,
21 structures, improvements, equipment, and appliances useful in
22 the operation of public warehouse, storage, and transportation
23 facilities and industrial, manufacturing, processing and
24 conversion activities for the accommodation of or in connection
25 with commerce by water, land, or air or useful as an aid to
26 further the public interest, or constituting an advantage or

1 convenience to the safe landing, taking off, and navigation of
2 aircraft, or the safe and efficient operation or maintenance of
3 a public airport; except that nothing in this definition shall
4 be interpreted as granting authority to the District to
5 acquire, purchase, create, erect, or construct a bridge across
6 any waterway which serves as a boundary between the State of
7 Illinois and any other state.

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

18 Section 4. Property of District; exemption. All property of
19 every kind belonging to the Upper Mississippi River
20 International Port District shall be exempt from taxation,
21 provided that a tax may be levied upon a lessee of the District
22 by reason of the value of a leasehold estate separate and apart
23 from the fee or upon any improvements that are constructed and
24 owned by persons other than the District.

1 All property of the Upper Mississippi River International
2 Port District shall be construed as constituting public grounds
3 owned by a municipal corporation and used exclusively for
4 public purposes within the tax exemption provisions of Sections
5 15-10, 15-15, 15-20, 15-30, 15-75, 15-140, 15-155, and 15-160
6 of the Property Tax Code.

7 Section 5. Duties. The Port District shall have all of the
8 following duties:

9 (a) To study the existing harbor plans within the area of
10 the District and to recommend to the appropriate governmental
11 agency, including the General Assembly, any changes and
12 modifications that may, from time to time, be required by
13 continuing development and to meet changing business and
14 commercial needs.

15 (b) To make an investigation of conditions within the area
16 of the District and to prepare and adopt a comprehensive plan
17 for the development of port facilities and intermodal
18 facilities for the District. In preparing and recommending
19 changes and modifications in existing harbor plans or a
20 comprehensive plan for the development of port facilities and
21 intermodal facilities, the District may, if it deems desirable,
22 set aside and allocate an area or areas within the land
23 acquired by it or held by it to be used and operated by the
24 District or leased to private parties for industrial,
25 manufacturing, commercial, recreational, or harbor purposes,

1 where the area or areas are not, in the opinion of the
2 District, required for its primary purposes in the development
3 of intermodal, harbor, and port facilities for the use of
4 public water and land transportation, or will not be
5 immediately needed for those purposes, and where the use and
6 operation or leasing will in the opinion of the District aid
7 and promote the development of intermodal, terminal, and port
8 facilities.

9 (c) To study and make recommendations to the proper
10 authority for the improvement of terminal, lighterage,
11 wharfage, warehousing, transfer, and other facilities
12 necessary for the promotion of commerce and the interchange of
13 traffic within, to, and from the District.

14 (d) To study, prepare, and recommend by specific proposals
15 to the General Assembly changes in the jurisdiction of the
16 District.

17 (e) To petition any federal, State, municipal, or local
18 authority, administrative, judicial, and legislative, having
19 jurisdiction in the District for the adoption and execution of
20 the physical improvement, change in method, system of handling
21 freight, warehousing, docking, lightering, and transfer
22 freight that, in the opinion of the District, may be designed
23 to improve or better the handling of commerce in and through
24 the District or improve terminal or transportation facilities
25 within the District.

26 (f) To foster, stimulate, and promote the shipment of

1 cargoes and commerce through ports, whether originating within
2 or without the State of Illinois or the United States of
3 America.

4 (g) To acquire, construct, own, lease, and develop
5 terminals, harbors, wharf facilities, piers, docks,
6 warehouses, bulk terminals, grain elevators, boats, and other
7 harbor crafts, and any other port facility or port-related
8 facility or service, such as railroads, that it finds necessary
9 and convenient.

10 (h) To perform any other act or function that may tend to
11 or be useful toward development and improvement of harbors,
12 river ports, and port-related facilities and services and to
13 increase foreign and domestic commerce through the harbors and
14 ports within the Port District.

15 (i) To study and make recommendations for river resources
16 management and environmental education within the District,
17 including but not limited to, wetlands banks, mitigation areas,
18 water retention and sedimentation areas, fish hatcheries, or
19 wildlife sanctuaries, natural habitat, and native plant
20 research.

21 Section 6. Changes in harbor plans. Any changes and
22 modifications in harbor plans within the area of the Port
23 District from time to time recommended by the District or any
24 comprehensive plan for the development of the port facilities
25 adopted by the District under the authority granted by this Act

1 shall be submitted to the Department of Natural Resources for
2 approval, and approval by the Department of Natural Resources
3 shall be conclusive evidence, for all purposes, that these
4 changes and modifications conform to the provisions of this
5 Act.

6 Section 7. Rights and powers. The Port District shall have
7 the following rights and powers:

8 (a) to issue permits for the construction of all harbors,
9 wharves, piers, dolphins, booms, weirs, breakwaters,
10 bulkheads, jetties, bridges, or other structures of any kind
11 over, under, in, or within 40 feet of any navigable waters
12 within the District; for the excavation or deposit of rock,
13 earth, sand, or other material; or for any matter of any kind
14 or description in those waters;

15 (b) to prevent or remove obstructions, including the
16 removal of wrecks;

17 (c) to locate and establish dock lines and shore or harbor
18 lines;

19 (d) to acquire, own, construct, sell, lease, operate, and
20 maintain port and harbor, water, and land terminal facilities
21 and, subject to the provisions of Section 8, to operate or
22 contract for the operation of those facilities, and to fix and
23 collect just, reasonable, and non-discriminatory charges,
24 rentals, or fees for the use of those facilities. The charges,
25 rentals, or fees so collected shall be made available to defray

1 the reasonable expenses of the District and to pay the
2 principal of and interest on any revenue bonds issued by the
3 District;

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

7 (f) to locate, establish, and maintain a public airport,
8 public airports, and public airport facilities within its
9 corporate limits or within or upon any body of water adjacent
10 thereto, and to construct, develop, expand, extend, and improve
11 any such airport or airport facilities;

12 (g) to operate, maintain, manage, lease, or sublease for
13 any period not exceeding 99 years, and to make and enter into
14 contracts for the use, operation, or management of, and to
15 provide rules and regulations for, the operation, management,
16 or use of any public airport or public airport facility;

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

20 (i) to establish, maintain, extend, and improve roadways
21 and approaches by land, water, or air to any such airport and
22 to contract or otherwise provide, by condemnation if necessary,
23 for the removal of any airport hazard or the removal or
24 relocation of all private structures, railways, mains, pipes,
25 conduits, wires, poles, and all other facilities and equipment
26 which may interfere with the location, expansion, development,

1 or improvement of airports or with the safe approach thereto or
2 take off there from by aircraft, and to pay the cost of removal
3 or relocation; and, subject to the Airport Zoning Act, to
4 adopt, administer and enforce airport zoning regulations for
5 territory which is within its corporate limits or which extends
6 not more than 2 miles beyond its corporate limits;

7 (j) To the extent authorized by the Intergovernmental
8 Cooperation Act, to enter into any agreements with any other
9 public agency of this State, including other port districts;

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

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

15 (m) To police its physical property only and all waterways
16 and to exercise police powers in respect thereto or in respect
17 to the enforcement of any rule or regulation provided by the
18 ordinances of the District and to employ and commission police
19 officers and other qualified persons to enforce the same. The
20 use of any such public airport or public airport facility of
21 the District shall be subject to the reasonable regulation and
22 control of the District and upon such reasonable terms and
23 conditions as shall be established by its Board. A regulatory
24 ordinance of the District adopted under any provision of this
25 Section may provide for a suspension or revocation of any
26 rights or privileges within the control of the District for a

1 violation of any such regulatory ordinance. Nothing in this
2 Section or in other provisions of this Act shall be construed
3 to authorize the Board to establish or enforce any regulation
4 or rule in respect to aviation, or the operation or maintenance
5 of any airport facility within its jurisdiction, which is in
6 conflict with any federal or State law or regulation applicable
7 to the same subject matter;

8 (n) To establish, employ, and provide a fire protection
9 unit within the physical property of the District;

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

20 (p) To acquire, operate, maintain, manage, lease, or
21 sublease for any period not exceeding 99 years any former
22 military base owned or leased by the District and within its
23 jurisdictional boundaries, to make and enter into any contract
24 for the use, operation, or management of any former military
25 base owned or leased by the District and located within its
26 jurisdictional boundaries, and to provide rules and

1 regulations for the development, redevelopment, and expansion
2 of any former military base owned or leased by the District or
3 which is located within the jurisdictional boundaries of the
4 District;

5 (q) To acquire, locate, establish, re-establish, expand or
6 renew, construct or reconstruct, operate, and maintain any
7 facility, building, structure, or improvement for a use or a
8 purpose consistent with any use or purpose of any former
9 military base owned or leased by the District or which is
10 located within its jurisdictional boundaries;

11 (r) To cause to be incorporated one or more subsidiary
12 business corporations, wholly owned by the District, to own,
13 operate, maintain, and manage facilities and services related
14 to any telephone or other communication system, pursuant to
15 paragraph (o) of this Section. A subsidiary corporation formed
16 pursuant to this paragraph shall (i) be deemed a
17 telecommunications carrier, as that term is defined in Section
18 13-202 of the Public Utilities Act, (ii) have the right to
19 apply to the Illinois Commerce Commission for a Certificate of
20 Service Authority or a Certificate of Interexchange Service
21 Authority, and (iii) have the powers necessary to carry out
22 lawful orders of the Illinois Commerce Commission;

23 (s) To acquire, improve, develop, or redevelop any former
24 military base situated within the boundaries of the District,
25 in Carroll County, Jo Daviess County, or both, and acquired by
26 the District from the federal government, acting by and through

1 the United States Maritime Administration, pursuant to any plan
2 for redevelopment, development, or improvement of that
3 military base by the District that is approved by the United
4 States Maritime Administration under the terms and conditions
5 of conveyance of the former military base to the District by
6 the federal government.

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

20 Section 9. Procedure for leases or contracts for operation
21 of warehouses and storage facilities. All leases or other
22 contracts for operation of any public warehouse or public grain
23 elevator to which this Section is applicable owned or otherwise
24 controlled by the District shall be governed by the following

1 procedures. Notice shall be given by the District that bids
2 will be received for the operation of the public warehouse or
3 public grain elevator. This notice shall state the time within
4 which and the place where bids may be submitted, the time and
5 place of opening of bids, and shall be published not more than
6 30 days nor less than 15 days in advance of the first day for
7 the submission of bids in any one or more newspapers designated
8 by the District that have a general circulation within the
9 District. The notice shall specify sufficient data of the
10 proposed operation to enable bidders to understand the scope of
11 the operation; provided, however, that contracts that by their
12 nature are not adapted to award by competitive bidding, such as
13 contracts for the services of individuals possessing a high
14 degree of personal skill, contracts for the purchase or binding
15 of magazines, books, periodicals, pamphlets, reports, and
16 similar articles, and contracts for utility services such as
17 water, light, heat, telephone, or telegraph, shall not be
18 subject to the competitive bidding requirements of this
19 Section, but may not be awarded without the affirmative vote of
20 three-fifths of the Board.

21 The Board may, by ordinance, promulgate reasonable
22 regulations prescribing the qualifications of the bidders as to
23 experience, adequacy of equipment, ability to complete
24 performance within the time set, and other factors in addition
25 to financial responsibility, and may, by ordinance, provide for
26 suitable performance guaranties to qualify a bid. Copies of all

1 regulations shall be made available to all bidders.

2 The District may determine in advance the minimum rental
3 that should be produced by the public warehouse or public grain
4 elevator offered and, if no qualified bid will produce the
5 minimum rental, all bids may be rejected and the District shall
6 then re-advertise for bids. If after the re-advertisement no
7 responsible and satisfactory bid within the terms of the
8 advertisement is received, the District may then negotiate a
9 lease for not less than the amount of minimum rental so
10 determined. If, after negotiating for a lease as provided in
11 this Section, it is found necessary to revise the minimum
12 rental to be produced by the facilities offered for lease, then
13 the District shall again re-advertise for bids, as provided in
14 this Section, before negotiating a lease.

15 If the District shall temporarily operate any public
16 warehouse or public grain elevator, the temporary operation
17 shall not continue for more than one year without advertising
18 for bids for the operation of the facility as provided in this
19 Section.

20 Section 10. Compliance; prompt payment. Purchases made
21 pursuant to this Act shall be made in compliance with the Local
22 Government Prompt Payment Act.

23 Section 11. Acquisition of property. The District has power
24 to acquire and accept by purchase, lease, gift, grant, or

1 otherwise any property and rights useful for its purposes and
2 to provide for the development of channels, ports, harbors,
3 airports, airfields, terminals, port facilities and terminal
4 facilities adequate to serve the needs of commerce within the
5 District. The District may acquire real or personal property or
6 any rights therein in the manner, as near as may be, as is
7 provided for the exercise of the right of eminent domain under
8 the Eminent Domain Act; except that no rights or property of
9 any kind or character now or hereafter owned, leased,
10 controlled or operated and used by, or necessary for the actual
11 operations of, any common carrier engaged in interstate
12 commerce, or of any other public utility subject to the
13 jurisdiction of the Illinois Commerce Commission, shall be
14 taken or appropriated by the District without first obtaining
15 the approval of the Illinois Commerce Commission and except
16 that no property owned by any municipality or village within
17 the District shall be taken or appropriated without first
18 obtaining the consent of such municipality or village.

19 Also, the District may lease to others for any period of
20 time, not to exceed 99 years, upon such terms as its Board may
21 determine, any of its real property, rights of way or
22 privileges, or any interest therein, or any part thereof, for
23 industrial, manufacturing, commercial, or harbor purposes. In
24 conjunction with such leases, the District may grant rights of
25 way and privileges across the property of the District, which
26 rights of way and privileges may be assignable and irrevocable

1 during the term of any such lease and may include the right to
2 enter upon the property of the District to do such things as
3 may be necessary for the enjoyment of those leases, rights of
4 way, and privileges, and those leases 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 Also, the District shall have the right to grant easements
8 and permits for the use of any real property, rights of way or
9 privileges that, in the opinion of the Board, will not
10 interfere with the use thereof by the District for its primary
11 purposes and those easements and permits may contain such
12 conditions and retain such interest therein as may be deemed
13 for the best interest of the District by the Board.

14 With respect to any and all leases, easements, rights of
15 way, privileges and permits made or granted by the Board, the
16 Board may agree upon and collect the rentals, charges and fees
17 that may be deemed for the best interest of the District.
18 Except as provided in this Act for interim financing, the
19 rentals, charges and fees shall be used to defray the
20 reasonable expenses of the District and to pay the principal of
21 and interest on any revenue bonds issued by the District.

22 Section 12. Eminent domain. Notwithstanding any other
23 provision of this Act, any power granted under this Act to
24 acquire property by condemnation or eminent domain is subject
25 to, and shall be exercised in accordance with, the Eminent

1 Domain Act.

2 Section 13. Grants and loans. The District has power to
3 apply for and accept grants, loans, or appropriations from the
4 federal government, the State of Illinois, Carroll County, Jo
5 Daviess County, or any agency or instrumentality thereof to be
6 used for any of the purposes of the District and to enter into
7 any agreements with the federal, State, and county governments
8 in relation to such grants, loans or appropriations.

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

18 Section 14. Insurance contracts. The District has power to
19 procure and enter into contracts for any type of insurance or
20 indemnity against loss or damage to property from any cause,
21 including loss of use and occupancy, against death or injury of
22 any person, against employers' liability, against any act of
23 any member, officer, or employee of the District in the
24 performance of the duties of his office or employment or any

1 other insurable risk.

2 Section 15. Foreign trade zones and sub-zones. The District
3 has power to acquire or to apply to the proper authorities of
4 the United States of America under the appropriate law for the
5 right to establish, operate, maintain, and lease foreign trade
6 zones and sub-zones within the jurisdiction of the United
7 States Customs Service and to establish, operate, maintain, and
8 lease the foreign trade zones and sub-zones.

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

20 Section 17. Borrowing money; revenue bonds.

21 (a) The district has the continuing power to borrow money
22 for the purpose of acquiring, constructing, reconstructing,
23 extending, operating, or improving terminals, terminal

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

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

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

24 (c) The bonds, notes, or certificates shall be sold by the
25 corporate authorities of the District in any manner that the
26 corporate authorities shall determine, except that if issued to

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

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

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

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

24 Section 19. Revenue bonds as legal investments. The State

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

21 Section 20. Permits. It shall be unlawful to make any fill
22 or deposit of rock, earth, sand, or other material, or any
23 refuse matter of any kind or description, or build or commence
24 the building of any wharf, pier, dolphin, boom, weir,
25 breakwater, bulkhead, jetty, bridge, or other structure over,

1 under, in, or within 40 feet of any navigable waters within the
2 District without first submitting the plans, profiles, and
3 specifications for it, and any other data and information that
4 may be required, to the District and receiving a permit. Any
5 person, corporation, company, municipality, or other agency
6 that does any of the things prohibited in this Section without
7 securing a permit is guilty of a Class A misdemeanor. Any
8 structure, fill, or deposit erected or made in any of the
9 public bodies of water within the District in violation of the
10 provisions of this Section is declared to be a purpresture and
11 may be abated as such at the expense of the person,
12 corporation, company, city, municipality, or other agency
13 responsible for it. If in the discretion of the District it is
14 decided that the structure, fill, or deposit may remain, the
15 District may fix any rule, regulation, requirement,
16 restrictions, or rentals or require and compel any changes,
17 modifications, and repairs that shall be necessary to protect
18 the interest of the District.

19 Section 21. Board of Commissioners. The governing and
20 administrative body of the Port District shall be a Board of
21 Commissioners consisting of 5 members, to be known as the Upper
22 Mississippi River International Port District Board. All
23 members of the Board shall be residents of the District and
24 shall be known as Commissioners of the Upper Mississippi River
25 International Port District Board. The members of the Board may

1 serve with compensation not to exceed \$6,000 per year and shall
2 be reimbursed for actual expenses incurred by them in the
3 performance of their duties. No Commissioner of the Board shall
4 have any private financial interest, profit or benefit in any
5 contract, work or business of the District nor in the sale or
6 lease of any property to or from the District, except to the
7 extent allowed under The Public Officer Prohibited Activities
8 Act.

9 Section 22. Appointment of Board. The Governor shall
10 appoint one member of the Board and the County Board Chairs of
11 Jo Daviess and Carroll Counties shall each appoint 2 members of
12 the Board. Of the 4 members appointed by the County Board
13 Chairs, no more than 2 shall be associated with the same
14 political party. All initial appointments shall be made within
15 60 days after this Act takes effect. The one member appointed
16 by the Governor shall be appointed for an initial term expiring
17 June 1, 2012. Of the terms of the members initially appointed
18 by the County Board Chairs, 2 shall expire June 1, 2011 and 2
19 shall expire June 1, 2012. At the expiration of the term of any
20 member, his or her successor shall be appointed by the Governor
21 or the County Board Chairs in like manner and with like regard
22 to place of residence of the appointee, as in the case of
23 appointments for the initial terms.

24 After the expiration of initial terms, each successor shall
25 hold office for a term of 3 years from the first day of June of

1 the year in which the term of office commences. In the case of
2 a vacancy during the term of office of any member appointed by
3 the Governor, the Governor shall make an appointment for the
4 remainder of the term vacant and until a successor is appointed
5 and qualified. In case of a vacancy during the term of office
6 of any member appointed by a County Board Chair, the proper
7 County Board Chair shall make an appointment for the remainder
8 of the term vacant and until a successor is appointed and
9 qualified. The Governor and each County Board Chair shall
10 certify their respective appointments to the Secretary of
11 State. Within 30 days after certification of his or her
12 appointment, and before entering upon the duties of his or her
13 office, each member of the Board shall take and subscribe the
14 constitutional oath of office and file it in the office of the
15 Secretary of State.

16 Section 23. Removal of Board members; vacancies. Members of
17 the Board shall hold office until their respective successors
18 have been appointed and qualified. Any member may resign from
19 his or her office to take effect when his or her successor has
20 been appointed and has qualified. The Governor and each County
21 Board Chair may remove any member of the Board they have
22 appointed in case of incompetency, neglect of duty, or
23 malfeasance in office. They shall give such member a copy of
24 the charges against him or her and an opportunity to be
25 publicly heard in person or by counsel in his or her own

1 defense upon not less than 10 days' notice. In case of failure
2 to qualify within the time required, or of abandonment of his
3 or her office, or in case of death, conviction of a felony or
4 removal from office, the office of such member shall become
5 vacant. Each vacancy shall be filled for the unexpired term by
6 appointment in like manner as in case of expiration of the term
7 of a member of the Board.

8 Section 24. Organization of Board. As soon as possible
9 after the appointment of the initial members, the Board shall
10 organize for the transaction of business, select a chairperson
11 and a temporary secretary from its own number, and adopt bylaws
12 and regulations to govern its proceedings. The initial
13 chairperson and successors shall be elected by the Board from
14 time to time for a term of office as provided in the District
15 bylaws. However, such term of office shall not exceed his or
16 her term of office as a member of the Board.

17 Section 25. Board meetings. Regular meetings of the Board
18 shall be held at least once in each calendar month, the time
19 and place of such meetings to be fixed by the Board. Three
20 members of the Board shall constitute a quorum for the
21 transaction of business. All action of the Board shall be by
22 ordinance or resolution and the affirmative vote of at least 3
23 members shall be necessary for the adoption of any ordinance or
24 resolution. All such ordinances and resolutions before taking

1 effect shall be approved by the chair of the Board, and if the
2 chair approves, the chair shall sign the same, and if the chair
3 does not approve the chair shall return to the Board with his
4 or her objections in writing at the next regular meeting of the
5 Board occurring after passage. But in the case the chair fails
6 to return any ordinance or resolution with the objections
7 within the prescribed time, he or she shall be deemed to have
8 approved the ordinance or resolution and it shall take effect
9 accordingly. Upon the return of any ordinance or resolution by
10 the chair with objections, the vote shall be reconsidered by
11 the Board, and if, upon such reconsideration of the ordinance
12 or resolution, it is passed by the affirmative vote of at least
13 4 members, it shall go into effect notwithstanding the veto of
14 the chair. All ordinances, resolutions and all proceedings of
15 the District and all documents and records in its possession
16 shall be public records, and open to public inspection, except
17 such documents and records as are kept or prepared by the Board
18 for use in negotiations, legal actions or proceedings to which
19 the District is a party.

20 Section 26. Secretary and treasurer. The Board shall
21 appoint a secretary and a treasurer, who need not be members of
22 the Board, to hold office during the pleasure of the Board, and
23 fix their duties and compensation. The secretary and treasurer
24 shall be residents of the District. Before entering upon the
25 duties of their respective offices they shall take and

1 subscribe the constitutional oath of office, and the treasurer
2 shall execute a bond with corporate sureties to be approved by
3 the Board. The bond shall be payable to the District in
4 whatever penal sum may be directed by the Board conditioned
5 upon the faithful performance of the duties of the office and
6 the payment of all money received by him or her according to
7 law and the orders of the Board. The Board may, at any time,
8 require a new bond from the treasurer in such penal sum as may
9 then be determined by the Board. The obligation of the sureties
10 shall not extend to any loss sustained by the insolvency,
11 failure or closing of any savings and loan association or
12 federal or State bank wherein the treasurer has deposited funds
13 if the bank or savings and loan association has been approved
14 by the Board as a depository for these funds. The oaths of
15 office and the treasurer's bond shall be filed in the principal
16 office of the District.

17 Section 27. Deposits. All funds deposited by the treasurer
18 in any bank or savings and loan association shall be placed in
19 the name of the District and shall be withdrawn or paid out
20 only by check or draft upon the bank or savings and loan
21 association, signed by the treasurer and countersigned by the
22 chair of the Board. Subject to prior approval of such
23 designations by a majority of the Board, the chair may
24 designate any other Board member or any officer of the District
25 to affix the signature of the chair and the treasurer may

1 designate any other officer of the District to affix the
2 signature of the treasurer to any check or draft for payment of
3 salaries or wages and for payment of any other obligation of
4 not more than \$2,500.00.

5 No bank or savings and loan association shall receive
6 public funds as permitted by this Section, unless it has
7 complied with the requirements established pursuant to Section
8 6 of The Public Funds Investment Act.

9 Section 28. Valid; checks and drafts. In case any officer
10 whose signature appears upon any check or draft issued pursuant
11 to this Act, ceases to hold his or her office before the
12 delivery thereof to the payee, his or her signature
13 nevertheless shall be valid and sufficient for all purposes
14 with the same effect as if he had remained in office until
15 delivery thereof.

16 Section 29. Executive director. The Board may appoint an
17 Executive Director who shall be a person of recognized ability
18 and business experience to hold office during the pleasure of
19 the Board. The Executive Director shall have management of the
20 properties and business of the District and the employees
21 thereof subject to the general control of the Board, shall
22 direct the enforcement of all ordinances, resolutions, rules
23 and regulations of the Board, and shall perform such other
24 duties as may be prescribed from time to time by the Board. The

1 Board may appoint a general attorney, a chief engineer, and a
2 general manager to assist the Executive Director, and shall
3 provide for the appointment of other officers, and the
4 employment of additional attorneys, engineers, consultants,
5 agents and employees as may be necessary. It shall define their
6 duties and may require bonds of such of them as the Board may
7 designate. The Executive Director, General Manager, General
8 Attorney, Chief Engineer, and all other officers provided for
9 pursuant to this Section shall be exempt from taking and
10 subscribing any oath of office and shall not be members of the
11 Board. The compensation of the Executive Director, General
12 Manager, General Attorney, Chief Engineer, and all other
13 officers, attorneys, consultants, agents and employees shall
14 be fixed by the Board.

15 Section 30. Ordinances. The Board has power to pass all
16 ordinances and make all rules and regulations proper or
17 necessary, and to carry into effect the powers granted to the
18 District, with such fines or penalties as may be deemed proper.
19 All fines and penalties shall be imposed by ordinances, which
20 shall be published in a newspaper of general circulation
21 published in the area embraced by the District. No such
22 ordinance shall take effect until 10 days after its
23 publication.

24 Section 31. Financial statement. Within 60 days after the

1 end of each fiscal year, the Board shall prepare and print a
2 complete and detailed report and financial statement of the
3 operations and assets and liabilities of the Port District. A
4 reasonably sufficient number of copies of such report shall be
5 printed for distribution to persons interested, upon request,
6 and a copy shall be filed with the Governor and the County
7 Clerk and the County Board Chair of Jo Daviess and Carroll
8 Counties.

9 Section 32. Investigations by the Board. The Board may
10 investigate conditions in which it has an interest within the
11 area of the District; the enforcement of its ordinances, rules,
12 and regulations; and the action, conduct, and efficiency of all
13 officers, agents, and employees of the District. In the conduct
14 of investigations the Board may hold public hearings on its own
15 motion and shall do so on complaint of any municipality within
16 the District. Each member of the Board shall have power to
17 administer oaths and the secretary, by order of the Board,
18 shall issue subpoenas to secure the attendance and testimony of
19 witnesses and the production of books and papers relevant to
20 investigations and to any hearing before the Board or any
21 member of the Board.

22 Any circuit court of this State, upon application of the
23 Board or any member of the Board, may in its discretion compel
24 the attendance of witnesses, the production of books and
25 papers, and giving of testimony before the Board, before any

1 member of the Board, or before any officers' committee
2 appointed by the Board by attachment for contempt or otherwise
3 in the same manner as the production of evidence may be
4 compelled before the court.

5 Section 33. Final review of administrative decisions. All
6 final administrative decisions of the Board hereunder shall be
7 subject to judicial review pursuant to the provisions of the
8 Administrative Review Law, and all amendments and
9 modifications thereof, and the rules adopted pursuant thereto.
10 The term "administrative decision" is defined as in Section
11 3-101 of the Code of Civil Procedure.

12 Section 34. Non-applicability. The provisions of this Act
13 shall not be considered as impairing, altering, modifying,
14 repealing or superseding any of the jurisdiction or powers of
15 the Illinois Commerce Commission or of the Department of
16 Natural Resources under the Rivers, Lakes, and Streams Act.
17 Nothing in this Act or done under its authority shall apply to,
18 restrict, limit or interfere with the use of any terminal
19 facility or port facility owned or operated by any private
20 person for the storage or handling or transfer of any commodity
21 moving in interstate commerce or the use of the land and
22 facilities of a common carrier or other public utility and the
23 space above such land and facilities in the business of such
24 common carrier or other public utility, without approval of the

1 Illinois Commerce Commission and without the payment of just
2 compensation to any such common carrier or other public utility
3 for damages resulting from any such restriction, limitation or
4 interference.

5 Section 35. Annexation. Territory that is contiguous to the
6 District and that is not included within any other port
7 district may be annexed to and become a part of the District in
8 the manner provided in Section 36 or 37, whichever is
9 applicable.

10 Section 36. Petition for annexation. At least 5% of the
11 legal voters residing within the limits of the proposed
12 addition to the District shall petition the circuit court for a
13 county in which a major part of the District is situated, to
14 cause the question of whether the proposed additional territory
15 shall become a part of the District to be submitted to the
16 legal voters of the proposed additional territory. The petition
17 shall be addressed to the court and shall contain a definite
18 description of the boundaries of the territory to be embraced
19 in the proposed addition.

20 Upon the filing of any petition with the clerk of the
21 court, the court shall fix a time and place for a hearing upon
22 the subject of the petition.

23 Notice shall be given by the court to whom the petition is
24 addressed or by the circuit court clerk or sheriff of the

1 county in which the petition is made at the order and direction
2 of the court of the time and place of the hearing upon the
3 subject of the petition at least 20 days before the hearing by
4 at least one publication of the notice in any newspaper having
5 general circulation within the area proposed to be annexed, and
6 by mailing a copy of the notice to the mayor or president of
7 the board of trustees of all cities, villages, and incorporated
8 towns within the District.

9 At the hearing, the District, all persons residing or
10 owning property within the District, and all persons residing
11 in or owning property situated in the area proposed to be
12 annexed to the District may appear and be heard touching upon
13 the sufficiency of the petition. If the court finds that the
14 petition does not comply with the requirements of the law, the
15 court shall dismiss the petition. If the court finds that the
16 petition is sufficient, the court shall certify the petition
17 and the proposition to the proper election officials who shall
18 submit the proposition to the voters at an election under the
19 general election law. In addition to the requirements of the
20 general election law, the notice of the referendum shall
21 include a description of the area proposed to be annexed to the
22 District. The proposition shall be in substantially the
23 following form:

24 Shall (description of the territory proposed to be
25 annexed) join the Upper Mississippi River
26 International Port District?

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

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

4 If a majority of the votes cast upon the question of
5 annexation to the District are in favor of becoming a part of
6 the District, the court shall then enter an order stating that
7 the additional territory shall thenceforth be an integral part
8 of the Upper Mississippi River International Port District and
9 subject to all of the benefits of service and responsibilities
10 of the District. The circuit clerk shall transmit a certified
11 copy of the order to the circuit clerk of any other county in
12 which any of the territory affected is situated.

13 Section 37. Annexation of territory having no legal voters.
14 If there is territory contiguous to the District that has no
15 legal voters residing within it, a petition to annex the
16 territory signed by all the owners of record of the territory
17 may be filed with the circuit court for the county in which a
18 major part of the District is situated. A time and place for a
19 hearing on the subject of the petition shall be fixed and
20 notice of the hearing shall be given in the manner provided in
21 Section 36. At the hearing any owner of land in the territory
22 proposed to be annexed, the District, and any resident of the
23 District may appear and be heard touching on the sufficiency of
24 the petition. If the court finds that the petition satisfies
25 the requirements of this Section, it shall enter an order

1 stating that thenceforth the territory shall be an integral
2 part of the Upper Mississippi River International Port District
3 and subject to all of the benefits of service and
4 responsibilities of the District. The circuit clerk shall
5 transmit a certified copy of the order of the court to the
6 circuit clerk of any other county in which the annexed
7 territory is situated.

8 Section 38. Disconnection. The registered voters of a
9 county included in the District may petition the State Board of
10 Elections requesting the submission of the question of whether
11 the county should be disconnected from the District to the
12 electors of the county. The petition shall be circulated in the
13 manner required by Section 28-3 of the Election Code and
14 objections thereto and the manner of their disposition shall be
15 in accordance with Section 28-4 of the Election Code. If a
16 petition is filed with the State Board of Elections, signed by
17 not less than 5% of the registered voters of the county or that
18 portion of the county that is within the District, requesting
19 that the question of disconnection be submitted to the electors
20 of the county, the State Board of Elections must certify the
21 question to the proper election authority, which must submit
22 the question at a regular election held at least 78 days after
23 the petition is filed in accordance with the Election Code.

24 The question must be submitted in substantially the
25 following form:

1 Shall (name of county) be disconnected from the
2 Upper Mississippi River International Port District?
3 The votes must be recorded as "Yes" or "No". If a majority of
4 the electors voting on the question vote in the affirmative,
5 the county or portion of the county that is within the District
6 shall be disconnected from the District.

7 Section 39. Severability. If any provision of this Act or
8 its application to any person or circumstance is held invalid,
9 the invalidity of that provision or application does not affect
10 other provisions or applications of this Act that can be given
11 effect without the invalid provision or application.

12 Section 40. Interference with private facilities. The
13 provisions of this Act shall not be considered as impairing,
14 altering, modifying, repealing, or superseding any of the
15 jurisdiction or powers of the Illinois Commerce Commission or
16 of the Department of Natural Resources under the Rivers, Lakes,
17 and Streams Act. Nothing in this Act or done under its
18 authority shall apply to, restrict, limit, or interfere with
19 the use of any terminal, terminal facility, intermodal
20 facility, or port facility owned or operated by any private
21 person for the storage or handling or transfer of any commodity
22 moving in interstate commerce or the use of the land and
23 facilities of a common carrier or other public utility and the
24 space above that land and those facilities or the right to use

1 that land and those facilities in the business of any common
2 carrier or other public utility, without approval of the
3 Illinois Commerce Commission and without the payment of just
4 compensation to any common carrier or other public utility for
5 damages resulting from any restriction, limitation, or
6 interference.

7 Section 41. Non-applicability of conflicting provisions of
8 the Illinois Municipal Code. The provisions of the Illinois
9 Municipal Code shall not be effective within the area of the
10 District insofar as the provisions of that Act conflict with
11 the provisions of this Act or grant substantially the same
12 powers to any municipal corporation that are granted to the
13 District by this Act.

14 Section 42. Authority to create and operate a utility
15 district. The Upper Mississippi River International Port
16 District shall have the authority to create and operate a
17 utility district within the boundaries of the District
18 providing that municipal utilities or annexation into a
19 municipality utility district is not possible. The Port
20 District shall have all responsibility and authority to provide
21 and maintain water, sewer, gas lines, surface water drainage,
22 roads, and rail infrastructures. The Port District shall also
23 have the responsibility and authority to provide private
24 utilities including electrical power, steam power, natural

1 gas, telecommunications and data networking systems.

2 The Port District may, after referendum approval, levy a
3 tax for the purpose of financing and maintaining utility and
4 infrastructure costs of the District annually at the rate
5 approved by referendum. This tax shall not exceed 0.05% of the
6 value of all taxable property within the Port District as
7 equalized or assessed by the Department of Revenue.

8 The tax may not be levied until the question of levying the
9 tax has been submitted to the electors of the Port District at
10 a regular election and approved by the majority of the electors
11 voting on the question. The board must certify the question to
12 the proper election authority, which must submit the question
13 at an election in accordance with the Election Code.

14 The election authority must submit the question in
15 substantially the following form:

16 Shall the Upper Mississippi River International Port
17 District be authorized to levy a tax at a rate not to
18 exceed 0.05% of the value of all taxable property within
19 the Port District as equalized or assessed by the
20 Department of Revenue for the purpose of financing and
21 maintaining utility and infrastructure costs of the
22 District?

23 The election authority must record the votes as "Yes" or "No".
24 If a majority of the electors voting on the question vote in
25 the affirmative, the Port District may levy the tax.

1 Section 999. Effective date. This Act takes effect upon
2 becoming law.".