

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 Carroll County and  
6 Jo Daviess County. 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 Carroll County, Jo Daviess 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. Grants and loans. The District has power to  
21 apply for and accept grants, loans, or appropriations from the  
22 federal government, the State of Illinois, Carroll County, Jo  
23 Daviess County, or any agency or instrumentality thereof to be  
24 used for any of the purposes of the District and to enter into

1 any agreements with the federal, State, and county governments  
2 in relation to such grants, loans or appropriations.

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

12 Section 14. Insurance contracts. The District has power to  
13 procure and enter into contracts for any type of insurance or  
14 indemnity against loss or damage to property from any cause,  
15 including loss of use and occupancy, against death or injury of  
16 any person, against employers' liability, against any act of  
17 any member, officer, or employee of the District in the  
18 performance of the duties of his office or employment or any  
19 other insurable risk.

20 Section 15. Foreign trade zones and sub-zones. The District  
21 has power to acquire or to apply to the proper authorities of  
22 the United States of America under the appropriate law for the  
23 right to establish, operate, maintain, and lease foreign trade  
24 zones and sub-zones within the jurisdiction of the United

1 States Customs Service and to establish, operate, maintain, and  
2 lease the foreign trade zones and sub-zones.

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

14 Section 17. Borrowing money; revenue bonds.

15 (a) The district has the continuing power to borrow money  
16 for the purpose of acquiring, constructing, reconstructing,  
17 extending, operating, or improving terminals, terminal  
18 facilities, intermodal facilities, and port facilities; for  
19 acquiring any property and equipment useful for the  
20 construction, reconstruction, extension, improvement, or  
21 operation of its terminals, terminal facilities, intermodal  
22 facilities, and port facilities; and for acquiring necessary  
23 cash working funds. For the purpose of evidencing the  
24 obligation of the District to repay any money borrowed, the

1 District may, by ordinances adopted by the Board from time to  
2 time, issue and dispose of its interest bearing revenue bonds,  
3 notes, or certificates and may also from time to time issue and  
4 dispose of its interest bearing revenue bonds, notes, or  
5 certificates to refund any bonds, notes, or certificates at  
6 maturity or by redemption provisions or at any time before  
7 maturity with the consent of the holders thereof.

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

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

17 (c) The bonds, notes, or certificates shall be sold by the  
18 corporate authorities of the District in any manner that the  
19 corporate authorities shall determine, except that if issued to  
20 bear interest at the minimum rate permitted by the Bond  
21 Authorization Act, the bonds shall be sold for not less than  
22 par and accrued interest and except that the selling price of  
23 bonds bearing interest at a rate less than the maximum rate  
24 permitted in that Act shall be such that the interest cost to  
25 the District of the money received from the bond sale shall not  
26 exceed such maximum rate annually computed to absolute maturity

1 of said bonds or certificates according to standard tables of  
2 bond values.

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

1 terms of any trust agreement by the District may be by mandamus  
2 proceedings in the circuit court to compel performance and  
3 compliance with the agreement, but the trust agreement may  
4 prescribe by whom or on whose behalf the action may be  
5 instituted.

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

17 Section 19. Revenue bonds as legal investments. The State  
18 and all counties, municipalities, villages, incorporated towns  
19 and other municipal corporations, political subdivisions,  
20 public bodies, and public officers of any thereof; all banks,  
21 bankers, trust companies, savings banks and institutions,  
22 building and loan associations, savings and loan associations,  
23 investment companies, and other persons carrying on a banking  
24 business; all insurance companies, insurance associations, and

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

14 Section 20. Permits. It shall be unlawful to make any fill  
15 or deposit of rock, earth, sand, or other material, or any  
16 refuse matter of any kind or description, or build or commence  
17 the building of any wharf, pier, dolphin, boom, weir,  
18 breakwater, bulkhead, jetty, bridge, or other structure over,  
19 under, in, or within 40 feet of any navigable waters within the  
20 District without first submitting the plans, profiles, and  
21 specifications for it, and any other data and information that  
22 may be required, to the District and receiving a permit. Any  
23 person, corporation, company, municipality, or other agency  
24 that does any of the things prohibited in this Section without  
25 securing a permit is guilty of a Class A misdemeanor. Any

1 structure, fill, or deposit erected or made in any of the  
2 public bodies of water within the District in violation of the  
3 provisions of this Section is declared to be a purpresture and  
4 may be abated as such at the expense of the person,  
5 corporation, company, city, municipality, or other agency  
6 responsible for it. If in the discretion of the District it is  
7 decided that the structure, fill, or deposit may remain, the  
8 District may fix any rule, regulation, requirement,  
9 restrictions, or rentals or require and compel any changes,  
10 modifications, and repairs that shall be necessary to protect  
11 the interest of the District.

12 Section 21. Board of Commissioners. The governing and  
13 administrative body of the Port District shall be a Board of  
14 Commissioners consisting of 5 members, to be known as the Upper  
15 Mississippi River International Port District Board. All  
16 members of the Board shall be residents of the District and  
17 shall be known as Commissioners of the Upper Mississippi River  
18 International Port District Board. The members of the Board may  
19 serve with compensation not to exceed \$6,000 per year and shall  
20 be reimbursed for actual expenses incurred by them in the  
21 performance of their duties. No Commissioner of the Board shall  
22 have any private financial interest, profit or benefit in any  
23 contract, work or business of the District nor in the sale or  
24 lease of any property to or from the District, except to the  
25 extent allowed under The Public Officer Prohibited Activities

1 Act.

2 Section 22. Appointment of Board. The Governor shall  
3 appoint one member of the Board and the County Board Chairs of  
4 Jo Daviess and Carroll Counties shall each appoint 2 members of  
5 the Board. Of the 4 members appointed by the County Board  
6 Chairs, no more than 2 shall be associated with the same  
7 political party. All initial appointments shall be made within  
8 60 days after this Act takes effect. The one member appointed  
9 by the Governor shall be appointed for an initial term expiring  
10 June 1, 2012. Of the terms of the members initially appointed  
11 by the County Board Chairs, 2 shall expire June 1, 2011 and 2  
12 shall expire June 1, 2012. At the expiration of the term of any  
13 member, his or her successor shall be appointed by the Governor  
14 or the County Board Chairs in like manner and with like regard  
15 to place of residence of the appointee, as in the case of  
16 appointments for the initial terms.

17 After the expiration of initial terms, each successor shall  
18 hold office for a term of 3 years from the first day of June of  
19 the year in which the term of office commences. In the case of  
20 a vacancy during the term of office of any member appointed by  
21 the Governor, the Governor shall make an appointment for the  
22 remainder of the term vacant and until a successor is appointed  
23 and qualified. In case of a vacancy during the term of office  
24 of any member appointed by a County Board Chair, the proper  
25 County Board Chair shall make an appointment for the remainder

1 of the term vacant and until a successor is appointed and  
2 qualified. The Governor and each County Board Chair shall  
3 certify their respective appointments to the Secretary of  
4 State. Within 30 days after certification of his or her  
5 appointment, and before entering upon the duties of his or her  
6 office, each member of the Board shall take and subscribe the  
7 constitutional oath of office and file it in the office of the  
8 Secretary of State.

9 Section 23. Removal of Board members; vacancies. Members of  
10 the Board shall hold office until their respective successors  
11 have been appointed and qualified. Any member may resign from  
12 his or her office to take effect when his or her successor has  
13 been appointed and has qualified. The Governor and each County  
14 Board Chair may remove any member of the Board they have  
15 appointed in case of incompetency, neglect of duty, or  
16 malfeasance in office. They shall give such member a copy of  
17 the charges against him or her and an opportunity to be  
18 publicly heard in person or by counsel in his or her own  
19 defense upon not less than 10 days' notice. In case of failure  
20 to qualify within the time required, or of abandonment of his  
21 or her office, or in case of death, conviction of a felony or  
22 removal from office, the office of such member shall become  
23 vacant. Each vacancy shall be filled for the unexpired term by  
24 appointment in like manner as in case of expiration of the term  
25 of a member of the Board.

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

10           Section 25. Board meetings. Regular meetings of the Board  
11 shall be held at least once in each calendar month, the time  
12 and place of such meetings to be fixed by the Board. Three  
13 members of the Board shall constitute a quorum for the  
14 transaction of business. All action of the Board shall be by  
15 ordinance or resolution and the affirmative vote of at least 3  
16 members shall be necessary for the adoption of any ordinance or  
17 resolution. All such ordinances and resolutions before taking  
18 effect shall be approved by the chair of the Board, and if the  
19 chair approves, the chair shall sign the same, and if the chair  
20 does not approve the chair shall return to the Board with his  
21 or her objections in writing at the next regular meeting of the  
22 Board occurring after passage. But in the case the chair fails  
23 to return any ordinance or resolution with the objections  
24 within the prescribed time, he or she shall be deemed to have

1 approved the ordinance or resolution and it shall take effect  
2 accordingly. Upon the return of any ordinance or resolution by  
3 the chair with objections, the vote shall be reconsidered by  
4 the Board, and if, upon such reconsideration of the ordinance  
5 or resolution, it is passed by the affirmative vote of at least  
6 4 members, it shall go into effect notwithstanding the veto of  
7 the chair. All ordinances, resolutions and all proceedings of  
8 the District and all documents and records in its possession  
9 shall be public records, and open to public inspection, except  
10 such documents and records as are kept or prepared by the Board  
11 for use in negotiations, legal actions or proceedings to which  
12 the District is a party.

13 Section 26. Secretary and treasurer. The Board shall  
14 appoint a secretary and a treasurer, who need not be members of  
15 the Board, to hold office during the pleasure of the Board, and  
16 fix their duties and compensation. The secretary and treasurer  
17 shall be residents of the District. Before entering upon the  
18 duties of their respective offices they shall take and  
19 subscribe the constitutional oath of office, and the treasurer  
20 shall execute a bond with corporate sureties to be approved by  
21 the Board. The bond shall be payable to the District in  
22 whatever penal sum may be directed by the Board conditioned  
23 upon the faithful performance of the duties of the office and  
24 the payment of all money received by him or her according to  
25 law and the orders of the Board. The Board may, at any time,

1 require a new bond from the treasurer in such penal sum as may  
2 then be determined by the Board. The obligation of the sureties  
3 shall not extend to any loss sustained by the insolvency,  
4 failure or closing of any savings and loan association or  
5 federal or State bank wherein the treasurer has deposited funds  
6 if the bank or savings and loan association has been approved  
7 by the Board as a depository for these funds. The oaths of  
8 office and the treasurer's bond shall be filed in the principal  
9 office of the District.

10 Section 27. Deposits. All funds deposited by the treasurer  
11 in any bank or savings and loan association shall be placed in  
12 the name of the District and shall be withdrawn or paid out  
13 only by check or draft upon the bank or savings and loan  
14 association, signed by the treasurer and countersigned by the  
15 chair of the Board. Subject to prior approval of such  
16 designations by a majority of the Board, the chair may  
17 designate any other Board member or any officer of the District  
18 to affix the signature of the chair and the treasurer may  
19 designate any other officer of the District to affix the  
20 signature of the treasurer to any check or draft for payment of  
21 salaries or wages and for payment of any other obligation of  
22 not more than \$2,500.00.

23 No bank or savings and loan association shall receive  
24 public funds as permitted by this Section, unless it has  
25 complied with the requirements established pursuant to Section

1 6 of The Public Funds Investment Act.

2 Section 28. Valid; checks and drafts. In case any officer  
3 whose signature appears upon any check or draft issued pursuant  
4 to this Act, ceases to hold his or her office before the  
5 delivery thereof to the payee, his or her signature  
6 nevertheless shall be valid and sufficient for all purposes  
7 with the same effect as if he had remained in office until  
8 delivery thereof.

9 Section 29. Executive director. The Board may appoint an  
10 Executive Director who shall be a person of recognized ability  
11 and business experience to hold office during the pleasure of  
12 the Board. The Executive Director shall have management of the  
13 properties and business of the District and the employees  
14 thereof subject to the general control of the Board, shall  
15 direct the enforcement of all ordinances, resolutions, rules  
16 and regulations of the Board, and shall perform such other  
17 duties as may be prescribed from time to time by the Board. The  
18 Board may appoint a general attorney, a chief engineer, and a  
19 general manager to assist the Executive Director, and shall  
20 provide for the appointment of other officers, and the  
21 employment of additional attorneys, engineers, consultants,  
22 agents and employees as may be necessary. It shall define their  
23 duties and may require bonds of such of them as the Board may  
24 designate. The Executive Director, General Manager, General

1 Attorney, Chief Engineer, and all other officers provided for  
2 pursuant to this Section shall be exempt from taking and  
3 subscribing any oath of office and shall not be members of the  
4 Board. The compensation of the Executive Director, General  
5 Manager, General Attorney, Chief Engineer, and all other  
6 officers, attorneys, consultants, agents and employees shall  
7 be fixed by the Board.

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

17 Section 31. Financial statement. Within 60 days after the  
18 end of each fiscal year, the Board shall prepare and print a  
19 complete and detailed report and financial statement of the  
20 operations and assets and liabilities of the Port District. A  
21 reasonably sufficient number of copies of such report shall be  
22 printed for distribution to persons interested, upon request,  
23 and a copy shall be filed with the Governor and the County  
24 Clerk and the County Board Chair of Jo Daviess and Carroll

1 Counties.

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

15 Any circuit court of this State, upon application of the  
16 Board or any member of the Board, may in its discretion compel  
17 the attendance of witnesses, the production of books and  
18 papers, and giving of testimony before the Board, before any  
19 member of the Board, or before any officers' committee  
20 appointed by the Board by attachment for contempt or otherwise  
21 in the same manner as the production of evidence may be  
22 compelled before the court.

23 Section 33. Final review of administrative decisions. All  
24 final administrative decisions of the Board hereunder shall be

1 subject to judicial review pursuant to the provisions of the  
2 Administrative Review Law, and all amendments and  
3 modifications thereof, and the rules adopted pursuant thereto.  
4 The term "administrative decision" is defined as in Section  
5 3-101 of the Code of Civil Procedure.

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

23 Section 35. Annexation. Territory that is contiguous to the  
24 District and that is not included within any other port

1 district may be annexed to and become a part of the District in  
2 the manner provided in Section 36 or 37, whichever is  
3 applicable.

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

14 Upon the filing of any petition with the clerk of the  
15 court, the court shall fix a time and place for a hearing upon  
16 the subject of the petition.

17 Notice shall be given by the court to whom the petition is  
18 addressed or by the circuit court clerk or sheriff of the  
19 county in which the petition is made at the order and direction  
20 of the court of the time and place of the hearing upon the  
21 subject of the petition at least 20 days before the hearing by  
22 at least one publication of the notice in any newspaper having  
23 general circulation within the area proposed to be annexed, and  
24 by mailing a copy of the notice to the mayor or president of  
25 the board of trustees of all cities, villages, and incorporated

1 towns within the District.

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

17 Shall (description of the territory proposed to be  
18 annexed) join the Upper Mississippi River  
19 International Port District?

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

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

23 If a majority of the votes cast upon the question of  
24 annexation to the District are in favor of becoming a part of  
25 the District, the court shall then enter an order stating that  
26 the additional territory shall thenceforth be an integral part

1 of the Upper Mississippi River International Port District and  
2 subject to all of the benefits of service and responsibilities  
3 of the District. The circuit clerk shall transmit a certified  
4 copy of the order to the circuit clerk of any other county in  
5 which any of the territory affected is situated.

6 Section 37. Annexation of territory having no legal voters.  
7 If there is territory contiguous to the District that has no  
8 legal voters residing within it, a petition to annex the  
9 territory signed by all the owners of record of the territory  
10 may be filed with the circuit court for the county in which a  
11 major part of the District is situated. A time and place for a  
12 hearing on the subject of the petition shall be fixed and  
13 notice of the hearing shall be given in the manner provided in  
14 Section 36. At the hearing any owner of land in the territory  
15 proposed to be annexed, the District, and any resident of the  
16 District may appear and be heard touching on the sufficiency of  
17 the petition. If the court finds that the petition satisfies  
18 the requirements of this Section, it shall enter an order  
19 stating that thenceforth the territory shall be an integral  
20 part of the Upper Mississippi River International Port District  
21 and subject to all of the benefits of service and  
22 responsibilities of the District. The circuit clerk shall  
23 transmit a certified copy of the order of the court to the  
24 circuit clerk of any other county in which the annexed  
25 territory is situated.

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

17           The question must be submitted in substantially the  
18 following form:

19           Shall (name of county) be disconnected from the  
20           Upper Mississippi River International Port District?

21           The votes must be recorded as "Yes" or "No". If a majority of  
22           the electors voting on the question vote in the affirmative,  
23           the county or portion of the county that is within the District  
24           shall be disconnected from the District.

1           Section 39. Severability. If any provision of this Act or  
2 its application to any person or circumstance is held invalid,  
3 the invalidity of that provision or application does not affect  
4 other provisions or applications of this Act that can be given  
5 effect without the invalid provision or application.

6           Section 40. Interference with private facilities. The  
7 provisions of this Act shall not be considered as impairing,  
8 altering, modifying, repealing, or superseding any of the  
9 jurisdiction or powers of the Illinois Commerce Commission or  
10 of the Department of Natural Resources under the Rivers, Lakes,  
11 and Streams Act. Nothing in this Act or done under its  
12 authority shall apply to, restrict, limit, or interfere with  
13 the use of any terminal, terminal facility, intermodal  
14 facility, or port facility owned or operated by any private  
15 person for the storage or handling or transfer of any commodity  
16 moving in interstate commerce or the use of the land and  
17 facilities of a common carrier or other public utility and the  
18 space above that land and those facilities or the right to use  
19 that land and those facilities in the business of any common  
20 carrier or other public utility, without approval of the  
21 Illinois Commerce Commission and without the payment of just  
22 compensation to any common carrier or other public utility for  
23 damages resulting from any restriction, limitation, or  
24 interference.

1           Section 41. Non-applicability of conflicting provisions of  
2 the Illinois Municipal Code. The provisions of the Illinois  
3 Municipal Code shall not be effective within the area of the  
4 District insofar as the provisions of that Act conflict with  
5 the provisions of this Act or grant substantially the same  
6 powers to any municipal corporation that are granted to the  
7 District by this Act.

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

20           The Port District may, after referendum approval, levy a  
21 tax for the purpose of financing and maintaining utility and  
22 infrastructure costs of the District annually at the rate  
23 approved by referendum. This tax shall not exceed 0.05% of the  
24 value of all taxable property within the Port District as  
25 equalized or assessed by the Department of Revenue.

1           The tax may not be levied until the question of levying the  
2 tax has been submitted to the electors of the Port District at  
3 a regular election and approved by the majority of the electors  
4 voting on the question. The board must certify the question to  
5 the proper election authority, which must submit the question  
6 at an election in accordance with the Election Code.

7           The election authority must submit the question in  
8 substantially the following form:

9           Shall the Upper Mississippi River International Port  
10 District be authorized to levy a tax at a rate not to  
11 exceed 0.05% of the value of all taxable property within  
12 the Port District as equalized or assessed by the  
13 Department of Revenue for the purpose of financing and  
14 maintaining utility and infrastructure costs of the  
15 District?

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

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