



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3758

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

70 ILCS 1810/2	from Ch. 19, par. 153
70 ILCS 1810/3	from Ch. 19, par. 154
70 ILCS 1810/9.01	from Ch. 19, par. 160.1
70 ILCS 1810/12	from Ch. 19, par. 163
70 ILCS 1810/15	from Ch. 19, par. 166
70 ILCS 1810/16	from Ch. 19, par. 167
70 ILCS 1810/17	from Ch. 19, par. 168
70 ILCS 1810/20	from Ch. 19, par. 171
70 ILCS 1810/28	
70 ILCS 1810/29 new	
70 ILCS 1810/13 rep.	
70 ILCS 1810/14 rep.	

Amends the Illinois International Port District Act. Provides that the City Council of the City of Chicago shall replace the district's board. Makes other conforming changes relating to transfer from the current board to the City Council. Provides that the secretary, treasurer, and executive director of the current district board will continue on until their successors are appointed. Provides that no bonds, notes, or certificates may be issued, renewed, or extended after the effective date of this Act. Further provides that when all bonds issued by the district are paid off, the district shall cease and all assets and property of the district shall vest in and be assumed by the City of Chicago. Provides that the City of Chicago may thereafter transfer any assets or property received under this Section to either the Chicago Park District or the Cook County Forest Preserve, or both. Limits home rule powers.

LRB099 06597 AWJ 26670 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Illinois International Port District Act is
5 amended by changing Sections 2, 3, 9.01, 12, 15, 16, 17, 20,
6 and 28 and by adding Section 29 as follows:

7 (70 ILCS 1810/2) (from Ch. 19, par. 153)

8 Sec. 2. When used in this Act:

9 "District" means the Illinois International Port District
10 created by this Act. "Lake Calumet area" means that area in and
11 about Lake Calumet, in Cook County, Illinois, described in the
12 deed heretofore made by the City of Chicago to the District
13 dated April 19, 1955, and recorded in the Office of the
14 Recorder of Deeds of Cook County, Illinois on the 22nd day of
15 April 1955 as Document number 16212736.

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

21 "Terminal facilities" means all lands, buildings,
22 structures, improvements, equipment and appliances useful in
23 the operation of public warehouse, storage and transportation

1 facilities for water and land commerce and for handling,
2 docking, storing and servicing small boats and pleasure craft.

3 "Port facilities" means all public and other buildings,
4 structures, works, improvements and equipment except terminal
5 facilities as defined herein and that are upon, in, over,
6 under, adjacent or near to navigable waters, harbors, slips and
7 basins, and are necessary or useful for or incident to the
8 furtherance of water and land commerce and the operation of
9 small boats and pleasure craft and includes the widening and
10 deepening of basins, slips, harbors and navigable waters. "Port
11 facilities" also means all lands, buildings, structures,
12 improvements, equipment, and appliances located on District
13 property that are used for industrial, manufacturing,
14 commercial, or recreational purposes.

15 "Navigable waters" means any public waters which are or can
16 be made usable for water commerce.

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

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

24 "Board" means the City Council of the City of Chicago
25 ~~Illinois International Port District Board~~.

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

1 "Mayor" means the Mayor of the City of Chicago.

2 "Senator Dan Dougherty Harbor" means the inundated land in
3 Lake Calumet in Cook County, Illinois.

4 "Federal Navigational Channel" means the 27 foot deep
5 channel in Lake Calumet approximately 3,000 feet long and 1,000
6 feet wide authorized by Section 101 of the Rivers and Harbors
7 Act of 1962, (P.L. 87-874), and described in House Document No.
8 581, 87th Cong., 2nd Session.

9 (Source: P.A. 88-539.)

10 (70 ILCS 1810/3) (from Ch. 19, par. 154)

11 Sec. 3. There is created a political subdivision, body
12 politic and municipal corporation by the name of the Illinois
13 International Port District embracing all the area within the
14 corporate limits of the City of Chicago. The District may sue
15 and be sued in its corporate name but execution shall not in
16 any case issue against any property of the District. It may
17 adopt a common seal and change the same at pleasure. The
18 principal office of the District shall be in the city of
19 Chicago at a place designated by the Board.

20 (Source: P.A. 84-892.)

21 (70 ILCS 1810/9.01) (from Ch. 19, par. 160.1)

22 Sec. 9.01. The District has the continuing power to borrow
23 money for the purpose of acquiring, constructing,
24 reconstructing, extending, operating, or improving terminals,

1 terminal facilities and port facilities, and for acquiring any
2 property and equipment useful for the construction,
3 reconstruction, extension, improvement or operation of its
4 terminals, terminal facilities and port facilities, and for
5 acquiring necessary cash working funds. For the purpose of
6 evidencing the obligation of the District to repay any money
7 borrowed as aforesaid the District may pursuant to ordinance
8 adopted by the Board from time to time issue and dispose of its
9 interest bearing revenue bonds, notes, or certificates and may
10 also from time to time issue and dispose of its interest
11 bearing revenue bonds, notes, or certificates to refund any
12 bonds, notes, or certificates at maturity or pursuant to
13 redemption provisions or at any time before maturity with the
14 consent of the holders thereof. No bonds, notes, or
15 certificates may be issued, renewed, or extended after the
16 effective date of this amendatory Act of the 99th General
17 Assembly. All such bonds, notes, and certificates shall be
18 payable solely from the revenues or income to be derived from
19 the terminals, terminal facilities or port facilities or any
20 part thereof, may bear such date or dates, may mature at such
21 time or times not exceeding forty years from their respective
22 dates, may bear interest at such rate or rates payable
23 semiannually, may be in such form, may carry such registration
24 privileges, may be executed in such manner, may be payable at
25 such place or places, may be made subject to redemption in such
26 manner and upon such terms, with or without premium as is

1 stated on the face thereof, may be authenticated in such manner
2 and may contain such terms and covenants, all as may be
3 provided in said ordinance. The holder or holders of any bonds,
4 notes, certificates, or interest coupons appertaining thereto
5 issued by the district may bring civil actions to compel the
6 performance and observance by the district or any of its
7 officers, agents or employees of any contract or covenant made
8 by the district with the holders of such bonds, notes,
9 certificates, or interest coupons and to compel the district
10 and any of its officers, agents or employees to perform any
11 duties required to be performed for the benefit of the holders
12 of any such bonds, notes, certificates or interest coupons by
13 the provision in the ordinance authorizing their issuance, and
14 to enjoin the district and any of its officers, agents or
15 employees from taking any action in conflict with any such
16 contract or covenant, including the establishment of charges,
17 fees and rates for the use of facilities as hereinafter
18 provided.

19 Notwithstanding the form and tenor of any such bonds,
20 notes, or certificates and in the absence of any express
21 recital on the face thereof that it is nonnegotiable, all such
22 bonds, notes, and certificates shall be negotiable
23 instruments. Pending the preparation and execution of any such
24 bonds, notes, or certificates, temporary bonds, notes, or
25 certificates may be issued with or without interest coupons as
26 may be provided by ordinance.

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

13 From and after the issue of any bonds, notes, or
14 certificates as herein provided it shall be the duty of the
15 corporate authorities of the district to fix and establish
16 rates, charges and fees for the use of facilities acquired,
17 constructed, reconstructed, extended or improved with the
18 proceeds derived from the sale of the bonds, notes, or
19 certificates sufficient at all times with other revenues of the
20 district, if any, to pay: (a) the cost of maintaining,
21 repairing, regulating and operating the facilities; and (b) the
22 bonds, notes, or certificates and interest thereon as they
23 shall become due, and all sinking fund requirements and other
24 requirements provided by the ordinance authorizing the
25 issuance of the bonds, notes, or certificates or as provided by
26 any trust agreement executed to secure payment thereof.

1 To secure the payment of any or all of such bonds, notes,
2 or certificates and for the purpose of setting forth the
3 covenants and undertaking of the district in connection with
4 the issuance thereof and the issuance of any additional bonds,
5 notes, or certificates payable from such revenue income to be
6 derived from the terminals, terminal facilities and port
7 facilities the district may execute and deliver a trust
8 agreement or agreements. A lien upon any physical property of
9 the district may be created thereby. A remedy for any breach or
10 default of the terms of any such trust agreement by the
11 district may be by mandamus proceedings in the circuit court to
12 compel performance and compliance therewith, but the trust
13 agreement may prescribe by whom or on whose behalf such action
14 may be instituted.

15 (Source: P.A. 88-539.)

16 (70 ILCS 1810/12) (from Ch. 19, par. 163)

17 Sec. 12. The governing and administrative body of the
18 District shall be the City Council of the City of Chicago ~~a~~
19 ~~board consisting of 9 members, to be known as the Illinois~~
20 ~~International Port District Board. Members of the Board shall~~
21 ~~be residents of a county whose territory, in whole or in part,~~
22 ~~is embraced by the District and persons of recognized business~~
23 ~~ability.~~ The members of the Board shall receive compensation
24 for their services, set by the Board at an amount not to exceed
25 an aggregate of \$180,000.00 between all members ~~\$20,000.00~~

1 annually, except the Chairman may receive an additional
2 \$5,000.00 annually, if approved by the Board. All such
3 compensation shall be paid directly from the Port District's
4 operating funds. The members shall receive no other
5 compensation whatever, whether in form of salary, per diem
6 allowance or otherwise, for or in connection with his service
7 as a member. The preceding sentence shall not prevent any
8 member from receiving any non-salary benefit of the type
9 received by employees of the District. Each member shall be
10 reimbursed for actual expenses incurred by them in the
11 performance of their duties. Any person who is appointed to the
12 office of secretary or treasurer of the Board may receive
13 compensation for services as such officer, as determined by the
14 Board, provided such person is not a member of the Board. No
15 member of the Board or employee of the District shall have any
16 private financial interest, profit or benefit in any contract,
17 work or business of the District nor in the sale or lease of
18 any property to or from the District.

19 (Source: P.A. 93-250, eff. 7-22-03.)

20 (70 ILCS 1810/15) (from Ch. 19, par. 166)

21 Sec. 15. As soon as possible after the effective date of
22 this amendatory Act of the 99th General Assembly ~~appointment of~~
23 ~~the initial members,~~ the Board shall organize for the
24 transaction of business, select a chairman ~~and a temporary~~
25 ~~secretary~~ from its own number, and adopt by-laws and

1 regulations to govern its proceedings. The initial chairman and
2 successors shall be elected by the Board from time to time for
3 the term of his or her office as a member of the Board or for
4 the term of three years, whichever is shorter.

5 (Source: Laws 1951, p. 256.)

6 (70 ILCS 1810/16) (from Ch. 19, par. 167)

7 Sec. 16. Regular meetings of the Board shall be held at
8 least once in each calendar month, the time and place of such
9 meeting to be fixed by the Board. A majority ~~Five members~~ of
10 the Board shall constitute a quorum for the transaction of
11 business. All action of the Board shall be by ordinance or
12 resolution and the affirmative vote of at least a majority of
13 the Board ~~five members~~ shall be necessary for the adoption of
14 any ordinance or resolution. All such ordinances and
15 resolutions before taking effect shall be approved by the
16 chairman of the Board, and if he or she shall approve thereof
17 he or she shall sign the same, and such as he shall not approve
18 he or she shall return to the Board with his or her objections
19 thereto in writing at the next regular meeting of the Board
20 occurring after the passage thereof. But in the case the
21 chairman shall fail to return any ordinance or resolution with
22 his objections thereto by the time aforesaid, he or she shall
23 be deemed to have approved the same and it shall take effect
24 accordingly. Upon the return of any ordinance or resolution by
25 the chairman with his or her objections, the vote by which the

1 same was passed shall be reconsidered by the Board, and if upon
2 such reconsideration said ordinance or resolution is passed by
3 the affirmative vote of at least two-thirds of the ~~six~~ members,
4 it shall go into effect notwithstanding the veto of the
5 chairman. All ordinances, resolutions, and all proceedings of
6 the District and all documents and records in its possession
7 shall be public records, and open to public inspection, except
8 such documents and records as shall be kept or prepared by the
9 Board for use in negotiations, action, or proceedings to which
10 the District is a party.

11 (Source: Laws 1957, p. 588.)

12 (70 ILCS 1810/17) (from Ch. 19, par. 168)

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

1 Board. The obligation of the sureties shall not extend to any
2 loss sustained by the insolvency, failure or closing of any
3 savings and loan association or national or State bank wherein
4 the treasurer has deposited funds if the bank or savings and
5 loan association has been approved by the Board as a depository
6 for these funds. The oaths of office and the treasurer's bond
7 shall be filed in the principal office of the District. The
8 secretary and treasurer on the effective date of this
9 amendatory Act of the 99th General Assembly shall continue
10 until their successors are appointed.

11 (Source: P.A. 83-541.)

12 (70 ILCS 1810/20) (from Ch. 19, par. 171)

13 Sec. 20. The Mayor Board may appoint an executive director
14 with the advice and consent of the Board, who shall be a person
15 of recognized ability and business experience, to hold office
16 during the pleasure of the Board. The executive director shall
17 have management of the properties and business of the District
18 and the employees thereof subject to the general control of the
19 Board, shall direct the enforcement of all ordinances,
20 resolutions, rules, and regulations of the Board, and shall
21 perform such other duties as may be prescribed from time to
22 time by the Board. The Board may appoint a general attorney and
23 a chief engineer, and shall provide for the appointment of
24 other officers, attorneys, engineers, consultants, agents and
25 employees as may be necessary. It shall define their duties and

1 require bonds of such of them as the Board may designate. The
2 executive director, general attorney, chief engineer, and all
3 other officers provided for pursuant to this section shall be
4 exempt from taking and subscribing any oath of office and shall
5 not be members of the Board. The compensation of the executive
6 director, general attorney, chief engineer, and all other
7 officers, attorneys, consultants, agents and employees shall
8 be fixed by the Board, subject to the provisions of Section 17
9 hereof. The executive director on the effective day of this
10 amendatory Act of the 99th General Assembly shall continue
11 until his or her successor is appointed and confirmed.

12 (Source: P.A. 83-1360.)

13 (70 ILCS 1810/28)

14 Sec. 28. Cessation of district organization. When all bonds
15 issued by the district are paid off ~~Notwithstanding any other~~
16 ~~provision of law, if a majority vote of the Board is in favor~~
17 ~~of the proposition to annex the district to another district~~
18 ~~whose boundaries are contiguous, or consolidate the district~~
19 ~~into a municipality with which the district is coterminous or~~
20 ~~substantially coterminous, or consolidate the district into~~
21 ~~the county in which the district sits, and if the governing~~
22 ~~authorities of the governmental unit assuming the functions of~~
23 ~~the former district agree by resolution to accept the functions~~
24 ~~(and jurisdiction over the territory, if applicable) of the~~
25 ~~consolidated or annexed district, then the district shall cease~~

1 ~~and. On the effective date of the annexation or consolidation,~~
2 all the ~~rights, powers, duties,~~ assets and, property,
3 ~~liabilities, indebtedness, obligations, bonding authority,~~
4 ~~taxing authority, and responsibilities~~ of the district shall
5 vest in and be assumed by the City of Chicago. The City of
6 Chicago may thereafter transfer any or all assets or property
7 received under this Section to either the Chicago Park District
8 or the Cook County Forest Preserve, or both ~~governmental unit~~
9 ~~assuming the functions of the former district.~~

10 ~~The employees of the former district shall be transferred~~
11 ~~to the governmental unit assuming the functions of the former~~
12 ~~district. The governmental unit assuming the functions of the~~
13 ~~former district shall exercise the rights and responsibilities~~
14 ~~of the former district with respect to those employees. The~~
15 ~~status and rights of the employees of the former district under~~
16 ~~any applicable contracts or collective bargaining agreements,~~
17 ~~historical representation rights under the Illinois Public~~
18 ~~Labor Relations Act, or under any pension, retirement, or~~
19 ~~annuity plan shall not be affected by this amendatory Act.~~

20 (Source: P.A. 98-1002, eff. 8-18-14.)

21 (70 ILCS 1810/29 new)

22 Sec. 29. Home rule. A home rule unit may not regulate in a
23 manner inconsistent with this Act. This Act is a limitation
24 under subsection (i) of Section 6 of Article VII of the
25 Illinois Constitution on the concurrent exercise by home rule

1 units of powers and functions exercised by the State.

2 (70 ILCS 1810/13 rep.)

3 (70 ILCS 1810/14 rep.)

4 Section 10. The Illinois International Port District Act is
5 amended by repealing Sections 13 and 14.