



Executive Committee

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LRB096 02926 WGH 29931 a

1 AMENDMENT TO SENATE BILL 2106

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2106 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Massac-Metropolis Port District Act.

6 Section 5. Definitions. As used in this Act, the following  
7 terms shall have the following meanings unless a different  
8 meaning clearly appears from the context:

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

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

1 "Airport hazard" means any structure, or object of natural  
2 growth, located on or in the vicinity of an airport, or any use  
3 of land near an airport which is hazardous to the use of such  
4 airport for the landing and take off of aircraft.

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

10 "Board" means the Massac-Metropolis Port District Board.

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

14 "District" or "Port District" means the Massac-Metropolis  
15 Port District created by this Act.

16 "Export trading companies" means a person, partnership,  
17 association, public or private corporation or similar  
18 organization, whether operated for profit or not-for-profit,  
19 which is organized and operated principally for purposes of  
20 exporting goods or services produced in the United States,  
21 importing goods or services produced in foreign countries,  
22 conducting third country trading or facilitating such trade by  
23 providing one or more services in support of such trade.

24 "General obligation bond" means any bond issued by the  
25 District any part of the principal or interest of which bond is  
26 to be paid by taxation.

1 "Governmental agency" means the Federal government, the  
2 State, and any unit of local government or school district, and  
3 any agency or instrumentality, corporate or otherwise,  
4 thereof.

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

6 "Mayor" means the Mayor of the City of Metropolis, the  
7 Mayor of the City of Brookport, or the President of the Village  
8 of Joppa, as the case may require.

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

11 "Person" means any individual, firm, partnership,  
12 corporation, both domestic and foreign, company, association,  
13 or joint stock association; and includes any trustee, receiver,  
14 assignee, or personal representative thereof.

15 "Port facilities" means all public structures, except  
16 terminal facilities as defined herein, that are in, over,  
17 under, or adjacent to navigable waters and are necessary for or  
18 incident to the furtherance of water commerce and includes the  
19 widening and deepening of slips, harbors, and navigable waters.

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

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

25 "Public airport" means an airport owned by a Port District,  
26 an airport authority or other public agency which is used or is

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

5 "Public interest" means the protection, furtherance and  
6 advancement of the general welfare and of public health and  
7 safety and public necessity and convenience in respect to  
8 aeronautics.

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

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

18 "Terminal facilities" means all land, buildings,  
19 structures, improvements, equipment, and appliances useful in  
20 the operation of public warehouse, storage, and transportation  
21 facilities for the accommodation of or in connection with  
22 commerce by water or land or in the air or useful as an aid, or  
23 constituting an advantage or convenience to, the safe landing,  
24 taking off and navigation of aircraft, or the safe and  
25 efficient operation or maintenance of a public airport; except  
26 that nothing in this definition contained shall be interpreted

1 as granting authority to the District to acquire, purchase,  
2 create, erect, or construct a bridge across any waterway which  
3 serves as a boundary between the State of Illinois and any  
4 other state.

5 Section 10. Massac-Metropolis Port District. There is  
6 created a political subdivision, body politic, and municipal  
7 corporation by the name of the Massac-Metropolis Port District  
8 embracing all of the area within the corporate limits of Massac  
9 County. Territory may be annexed to the District in the manner  
10 hereinafter provided in this Act. The District may sue and be  
11 sued in its corporate name but execution shall not in any case  
12 issue against any property of the District. It may adopt a  
13 common seal and change the same at pleasure.

14 Section 15. Property of district; exemption. All property  
15 of every kind owned by the Port District shall be exempt from  
16 taxation. However, a tax may be levied upon a lessee of the  
17 Port District by reason of the value of a leasehold estate  
18 separate and apart from the fee simple title, or upon such  
19 improvements as are constructed and owned by others than the  
20 Port District.

21 All property of the Port District shall be public grounds  
22 owned by a municipal corporation and used exclusively for  
23 public purposes within the tax exemption provisions of Sections  
24 15-10, 15-15, 15-20, 15-30, 15-75, 15-140, 15-155, and 15-160

1 of the Property Tax Code.

2 Section 20. Rights and powers. The Port District has the  
3 following rights and powers:

4 (a) To issue permits: for the construction of all wharves,  
5 piers, dolphins, booms, weirs, breakwaters, bulkheads,  
6 jetties, bridges or other structures of any kind, over, under,  
7 in, or within 40 feet of any navigable waters within the Port  
8 Districts; for the deposit of rock, earth, sand, or other  
9 material, or any matter of any kind or description in said  
10 waters; except that nothing contained in this subsection (a)  
11 shall be construed so that it will be deemed necessary to  
12 obtain a permit from the District for the erection, operation,  
13 or maintenance of any bridge crossing a waterway which serves  
14 as a boundary between the State of Illinois and any other  
15 State, when said erection, operation, or maintenance is  
16 performed by any city within the District.

17 (b) To prevent or remove obstructions in navigable waters,  
18 including the removal of wrecks.

19 (c) To locate and establish dock lines and shore or harbor  
20 lines.

21 (d) To regulate the anchorage, moorage, and speed of water  
22 borne vessels and to establish and enforce regulations for the  
23 operation of bridges, except nothing contained in this  
24 subsection (d) shall be construed to give the District  
25 authority to regulate the operation of any bridge crossing a

1 water way which serves as a boundary between the State of  
2 Illinois and any other State, when such operation is performed  
3 or to be performed by any city within the District.

4 (e) To acquire, own, construct, lease, operate, and  
5 maintain terminals, terminal facilities, and port facilities,  
6 and to fix and collect just, reasonable, and nondiscriminatory  
7 charges for the use of such facilities. The charges so  
8 collected shall be used to defray the reasonable expenses of  
9 the Port District and to pay the principal of and interest on  
10 any revenue bonds issued by the District.

11 (f) To locate, establish, and maintain a public airport,  
12 public airports and public airport facilities within its  
13 corporate limits or within or upon any body of water adjacent  
14 thereto, and to construct, develop, expand, extend, and improve  
15 any such airport or airport facility.

16 (g) To operate, maintain, manage, lease, sublease, and to  
17 make and enter into contracts for the use, operation, or  
18 management of, and to provide rules and regulations for, the  
19 operation, management or use of, any public airport or public  
20 airport facility.

21 (h) To fix, charge, and collect reasonable rentals, tolls,  
22 fees, and charges for the use of any public airport, or any  
23 part thereof, or any public airport facility.

24 (i) To establish, maintain, extend, and improve roadways  
25 and approaches by land, water, or air to any such airport and  
26 to contract or otherwise provide, by condemnation if necessary,

1 for the removal of any airport hazard or the removal or  
2 relocation of all private structures, railways, mains, pipes,  
3 conduits, wires, poles, and all other facilities and equipment  
4 which may interfere with the location, expansion, development,  
5 or improvement of airports or with the safe approach thereto or  
6 takeoff therefrom by aircraft, and to pay the cost of removal  
7 or relocation; and, subject to the Airport Zoning Act, to  
8 adopt, administer, and enforce airport zoning regulations for  
9 territory which is within its corporate limits or which extends  
10 not more than 2 miles beyond its corporate limits.

11 (j) To restrict the height of any object of natural growth  
12 or structure or structures within the vicinity of any airport  
13 or within the lines of an approach to any airport and, when  
14 necessary, for the reduction in the height of any such existing  
15 object or structure, to enter into an agreement for such  
16 reduction or to accomplish same by condemnation.

17 (k) To agree with the state or federal governments or with  
18 any public agency in respect to the removal and relocation of  
19 any object of natural growth, airport hazard, or any structure  
20 or building within the vicinity of any airport or within an  
21 approach and which is owned or within the control of such  
22 government or agency and to pay all or an agreed portion of the  
23 cost of such removal or relocation.

24 (l) For the prevention of accidents, for the furtherance  
25 and protection of public health, safety, and convenience in  
26 respect to aeronautics, for the protection of property and



1 persons within the District from any hazard or nuisance  
2 resulting from the flight of aircraft, for the prevention of  
3 interference between, or collision of, aircraft while in flight  
4 or upon the ground, for the prevention or abatement of  
5 nuisances in the air or upon the ground or for the extension of  
6 increase in the usefulness or safety of any public airport or  
7 public airport facility owned by the District, the District may  
8 regulate and restrict the flight of aircraft while within or  
9 above the incorporated territory of the District.

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

1 conflict with any federal or state law or regulation applicable  
2 to the same subject matter.

3 (n) To enter into agreements with the corporate authorities  
4 or governing body of any other municipal corporation or any  
5 political subdivision of this State to pay the reasonable  
6 expense of services furnished by such municipal corporation or  
7 political subdivision for or on account of income producing  
8 properties of the District.

9 (o) To enter into contracts dealing in any manner with the  
10 objects and purposes of this Act.

11 (p) To acquire, own, lease, sell, or otherwise dispose of  
12 interests in and to real property and improvements situate  
13 thereon and in personal property necessary to fulfill the  
14 purposes of the District.

15 (q) To designate the fiscal year for the District.

16 (r) To engage in any activity or operation which is  
17 incidental to and in furtherance of efficient operation to  
18 accomplish the District's primary purpose.

19 (s) To build, construct, repair, and maintain levees.

20 Section 25. Prompt payment. Purchases made pursuant to this  
21 Act shall be made in compliance with the Local Government  
22 Prompt Payment Act.

23 Section 30. 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  
11 actual 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.  
16 Notwithstanding the provisions of any other Section of this  
17 Act, the District shall have full power and authority to lease  
18 any or all of its facilities for operation and maintenance to  
19 any person for such length of time and upon such terms as the  
20 District shall deem necessary.

21 Also the District may lease to others for any period of  
22 time, not to exceed 99 years, upon such terms as its Board may  
23 determine, any of its real property, rights-of-way or  
24 privileges, or any interest therein, or any part thereof, for  
25 industrial, manufacturing, commercial, or harbor purposes,  
26 which is in the opinion of the Port District Board no longer

1 required for its primary purposes in the development of port  
2 and harbor facilities for the use of public transportation, or  
3 which may not be immediately needed for such purposes, but  
4 where such leases will in the opinion of the Port District  
5 Board aid and promote such purposes, and in conjunction with  
6 such leases, the District may grant rights-of-way and  
7 privileges across the property of the District, which  
8 rights-of-way and privileges may be assignable and irrevocable  
9 during the term of any such lease and may include the right to  
10 enter upon the property of the District to do such things as  
11 may be necessary for the enjoyment of such leases,  
12 rights-of-way, and privileges, and such leases may contain such  
13 conditions and retain such interest therein as may be deemed  
14 for the best interest of the District by such Board.

15 Also, the District shall have the right to grant easements  
16 and permits for the use of any such real property,  
17 rights-of-way, or privileges which in the opinion of the Board  
18 will not interfere with the use thereof by the District for its  
19 primary purposes and such easements and permits may contain  
20 such conditions and retain such interest therein as may be  
21 deemed for the best interest of the District by the Board.

22 With respect to any and all leases, easements,  
23 rights-of-way, privileges, and permits made or granted by the  
24 Board, the Board may agree upon and collect the rentals,  
25 charges, and fees that may be deemed for the best interest of  
26 the District. Such rentals, charges, and fees shall be used to

1 defray 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 Section 35. Eminent domain. Notwithstanding any other  
5 provision of this Act, any power granted under this Act to  
6 acquire property by condemnation or eminent domain is subject  
7 to, and shall be exercised in accordance with, the Eminent  
8 Domain Act.

9 Section 40. Export trading companies. The District is  
10 authorized and empowered to establish, organize, own, acquire,  
11 participate in, operate, sell, and transfer export trading  
12 companies, whether as shareholder, partner, or co-venturer,  
13 alone or in cooperation with federal, state or local  
14 governmental authorities, federal, state, or national banking  
15 associations, or any other public or private corporation or  
16 person or persons. Export trading companies and all of the  
17 property thereof, wholly or partly owned, directly or  
18 indirectly, by the District, shall have the same privileges and  
19 immunities as accorded to the District; and export trading  
20 companies may borrow money or obtain financial assistance from  
21 private lenders or federal and state governmental authorities  
22 or issue general obligation and revenue bonds with the same  
23 kinds of security, and in accordance with the same procedures,  
24 restrictions, and privileges applicable when the District

1 obtains financial assistance or issues bonds for any of its  
2 other authorized purposes. Such export trading companies are  
3 authorized, if necessary or desirable, to apply for  
4 certification under Title II or Title III of the Export Trading  
5 Company Act of 1982.

6 Section 45. Grants, loans, and appropriations. The  
7 District has power to apply for and accept grants, loans, or  
8 appropriations from the Federal Government or any agency or  
9 instrumentality thereof to be used for any of the purposes of  
10 the District and to enter into any agreements with the Federal  
11 Government in relation to such grants, loans, or  
12 appropriations.

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

22 Section 50. Insurance contracts. The District has power to  
23 procure and enter into contracts for any type of insurance or  
24 indemnity against loss or damage to property from any cause,

1 including loss of use and occupancy, against death or injury of  
2 any person, against employers' liability, against any act of  
3 any member, officer, or employee of the District in the  
4 performance of the duties of his or her office or employment or  
5 any other insurable risk.

6 Section 55. Rentals, charges, and fees. With respect to any  
7 and all leases, easements, rights-of-way, privileges, and  
8 permits made or granted by the Board, the Board may agree upon  
9 and collect the rentals, charges, and fees that are deemed to  
10 be in the best interest of the District. Those rentals,  
11 charges, and fees must be used to defray the reasonable  
12 expenses of the District and to pay the principal and interest  
13 upon any revenue bonds issued by the District.

14 Section 60. Borrowing money. The District has the  
15 continuing power to borrow money and issue either general  
16 obligation bonds after approval by referendum as hereinafter  
17 provided or revenue bonds without referendum approval for the  
18 purpose of acquiring, constructing, reconstructing, extending  
19 or improving terminals, terminal facilities, airfields,  
20 airports, and port facilities, and for acquiring any property  
21 and equipment useful for the construction, reconstruction,  
22 extension, improvement, or operation of its terminals,  
23 terminal facilities, airfields, airports, and port facilities,  
24 and for acquiring necessary cash working funds.

1           The District may pursuant to ordinance adopted by the Board  
2 and without submitting the question to referendum from time to  
3 time issue and dispose of its interest bearing revenue bonds  
4 and may also in the same manner from time to time issue and  
5 dispose of its interest bearing revenue bonds to refund any  
6 revenue bonds at maturity or pursuant to redemption provisions  
7 or at any time before maturity with the consent of the holders  
8 thereof.

9           If the Board desires to issue general obligation bonds it  
10 shall adopt an ordinance specifying the amount of bonds to be  
11 issued, the purpose for which they will be issued, the maximum  
12 rate of interest they will bear which shall not be more than  
13 that permitted in the Bond Authorization Act. Such interest may  
14 be paid semiannually. The ordinance shall also specify the date  
15 of maturity which shall not be more than 20 years after the  
16 date of issuance and shall levy a tax that will be required to  
17 amortize such bonds. This ordinance shall not be effective  
18 until it has been submitted to referendum of, and approved by,  
19 the legal voters of the District. The Board shall certify the  
20 ordinance and the proposition to the proper election officials,  
21 who shall submit the proposition to the voters at an election  
22 in accordance with the general election law. If a majority of  
23 the vote on the proposition is in favor of the issuance of such  
24 general obligation bonds the county clerk shall annually extend  
25 taxes against all taxable property within the District at a  
26 rate sufficient to pay the maturing principal and interest of



1 these bonds.

2 The proposition shall be in substantially the following  
3 form:

4 Shall general obligation bonds in the amount of  
5 (dollars) be issued by the Massac-Metropolis Port District  
6 for the (purpose) maturing in no more than (years), bearing  
7 not more than (interest)%, and a tax levied to pay the  
8 principal and interest thereof?

9 The election authority must record the votes as "Yes" or "No".

10 Section 65. Revenue bonds. All revenue bonds shall be  
11 payable solely from the revenues or income to be derived from  
12 the terminals, terminal facilities, airfields, airports, or  
13 port facilities or any part thereof. The bonds may bear such  
14 date or dates and may mature at such time or times not  
15 exceeding 40 years from their respective dates, all as may be  
16 provided in the ordinance authorizing their issuance. All  
17 bonds, whether revenue or general obligation, may bear interest  
18 at such rate or rates as permitted in the Bond Authorization  
19 Act. Such interest may be paid semiannually. All such bonds may  
20 be in such form, may carry such registration privileges, may be  
21 executed in such manner, may be payable at such place or  
22 places, may be made subject to redemption in such manner and  
23 upon such terms, with or without premium as is stated on the  
24 face thereof, may be authenticated in such manner and may  
25 contain such terms and covenants, all as may be provided in the

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

16 Notwithstanding the form and tenor of any bond, whether  
17 revenue or general obligation, and in the absence of any  
18 express recital on the face thereof that it is nonnegotiable,  
19 all such bonds shall be negotiable instruments. Pending the  
20 preparation and execution of any such bonds, temporary bonds  
21 may be issued with or without interest coupons as may be  
22 provided by ordinance.

23 Section 70. Issuing bonds. All bonds, whether general  
24 obligation or revenue, shall be issued and sold by the Board in  
25 such manner as the Board shall determine. However, if any bonds

1 are issued to bear interest at the maximum rate of interest  
2 allowed by Section 60 or 65, whichever may be applicable, the  
3 bonds shall be sold for not less than par and accrued interest.  
4 The selling price of bonds bearing interest at a rate less than  
5 the maximum allowable interest rate per annum shall be such  
6 that the interest cost to the District of the money received  
7 from the bond sale shall not exceed the maximum annual interest  
8 rate allowed by Section 60 or 65, whichever may be applicable,  
9 computed to absolute maturity of such bonds according to  
10 standard tables of bond values.

11 Section 75. Rates and charges for facilities. Upon the  
12 issue of any revenue bonds as herein provided the Board shall  
13 fix and establish rates, charges, and fees for the use of  
14 facilities acquired, constructed, reconstructed, extended, or  
15 improved with the proceeds derived from the sale of said  
16 revenue bonds sufficient at all times with other revenues of  
17 the District, if any, to pay; (a) the cost of maintaining,  
18 repairing, regulating, and operating the said facilities; and  
19 (b) the bonds and interest thereon as they become due, and all  
20 sinking fund requirements and other requirements provided by  
21 the ordinance authorizing the issuance of the bonds or as  
22 provided by any trust agreement executed to secure payment  
23 thereof.

24 To secure the payment of any or all revenue bonds and for  
25 the purpose of setting forth the covenants and undertaking of

1 the District in connection with the issuance of revenue bonds  
2 and the issuance of any additional revenue bonds payable from  
3 such revenue income to be derived from the terminals, terminal  
4 facilities, airports, airfields, and port facilities the  
5 District may execute and deliver a trust agreement or  
6 agreements except that no lien upon any physical property of  
7 the District shall be created thereby. A remedy for any breach  
8 or default of the terms of any such trust agreement by the  
9 District may be by mandamus proceedings in the circuit court to  
10 compel performance and compliance therewith, but the trust  
11 agreement may prescribe by whom or on whose behalf such action  
12 may be instituted.

13 Section 80. Bonds not obligations of the State or district.  
14 Under no circumstances shall any bonds issued by the District  
15 or any other obligation of the District be or become an  
16 indebtedness or obligation of the State of Illinois or of any  
17 other political subdivision of or municipality within the  
18 State.

19 No revenue bond shall be or become an indebtedness of the  
20 District within the purview of any constitutional limitation or  
21 provision, and it shall be plainly stated on the face of each  
22 revenue bond that it does not constitute such an indebtedness,  
23 or obligation but is payable solely from the revenues or income  
24 derived from terminals, terminal facilities, airports,  
25 airfields, and port facilities.

1           Section 85. Tax levy. The Board may, after referendum  
2 approval, levy a tax for corporate purposes of the District  
3 annually at the rate approved by referendum, but which rate  
4 shall not exceed 0.05% of the value of all taxable property  
5 within the Port District as equalized or assessed by the  
6 Department of Revenue. If the Board desires to levy such a tax  
7 it shall order that the question be submitted at an election to  
8 be held within the District. The Board shall certify its order  
9 and the question to the proper election officials, who shall  
10 submit the question to the voters at an election in accordance  
11 with the general election law. The Board shall cause the result  
12 of the election to be entered upon the records of the Port  
13 District. If a majority of the vote on the question is in favor  
14 of the proposition, the Board may annually thereafter levy a  
15 tax for corporate purposes at a rate not to exceed that  
16 approved by referendum but in no event to exceed 0.05% of the  
17 value of all taxable property within the District as equalized  
18 or assessed by the Department of Revenue.

19           The question shall be in substantially the following form:

20           Shall the Massac-Metropolis Port District levy a tax  
21 for corporate purposes annually at a rate not to exceed  
22 0.05% of the value of taxable property as equalized or  
23 assessed by the Department of Revenue?

24           The election authority shall record the votes as "Yes" or "No".

1           Section 90. Permits. It is unlawful to make any fill or  
2 deposit of rock, earth, sand, or other material, or any refuse  
3 matter of any kind or description, or build or commence the  
4 building of any wharf, pier, dolphin, boom, weir, breakwater,  
5 bulkhead, jetty, bridge, or other structure over, under, or  
6 within 40 feet of any navigable waters within the Port District  
7 without first submitting the plans, profiles, and  
8 specifications therefor, and such other data and information as  
9 may be required, to the Port District and receiving a permit  
10 therefor; and any person, corporation, company, city or  
11 municipality or other agency, which shall do any of the things  
12 above prohibited, without securing a permit therefor as above  
13 provided, shall be guilty of a Class A misdemeanor; provided,  
14 however, that no such permit shall be required in the case of  
15 any project for which a permit shall have been secured from a  
16 proper governmental agency prior to the creation of the Port  
17 District nor shall any such permit be required in the case of  
18 any project to be undertaken by any city, village, or  
19 incorporated town in the District, or any combination thereof,  
20 for which a permit is required from a governmental agency other  
21 than the District before the municipality can proceed with such  
22 project. And in such event, such municipalities, or any of  
23 them, shall give at least 10 days' notice to the District of  
24 the application for a permit for any such project from a  
25 governmental agency other than the District so that the  
26 District may be present and represent its position relative to

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

13 Section 95. Board members. The governing and  
14 administrative body of the Port District shall be a Board  
15 consisting of 7 members, to be known as the Massac-Metropolis  
16 Port District Board. All members of the Board shall be  
17 residents of the District. The members of the Board shall serve  
18 without compensation but shall be reimbursed for actual  
19 expenses incurred by them in the performance of their duties.  
20 However, any member of the Board who is appointed to the office  
21 of secretary or treasurer may receive compensation for his or  
22 her services as such officer. No member of the Board or  
23 employee of the District shall have any private financial  
24 interest, profit, or benefit in any contract, work, or business  
25 of the District nor in the sale or lease of any property to or

1 from the District.

2 Section 100. Board appointments; terms. The Governor shall  
3 appoint 4 members of the Board, each Mayor of the  
4 municipalities of Metropolis, Joppa, and Brookport shall  
5 appoint one member of the Board. All initial appointments shall  
6 be made within 60 days after this Act takes effect. Of the 4  
7 members initially appointed by the Governor 2 shall be  
8 appointed for initial terms expiring June 1, 2016 and one for  
9 an initial term expiring June 1, 2012 and one for an initial  
10 term expiring June 1, 2011. The terms of the members initially  
11 appointed by the respective Mayors shall expire June 1, 2012.  
12 At the expiration of the term of any member, his or her  
13 successor shall be appointed by the Governor or the respective  
14 Mayor in like manner and with like regard to place of residence  
15 of the appointee, as in the case of appointments for the  
16 initial terms.

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



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

8 Section 105. Resignation and removal of Board members.  
9 Members of the Board shall hold office until their respective  
10 successors have been appointed and qualified. Any member may  
11 resign from his or her office to take effect when his or her  
12 successor has been appointed and has qualified. The Governor  
13 and each Mayor, respectively, may remove any member of the  
14 Board they have appointed in case of incompetency, neglect of  
15 duty, or malfeasance in office. They shall give such member a  
16 copy of the charges against him or her and an opportunity to be  
17 publicly heard in person or by counsel in his or her own  
18 defense upon not less than 10 days' notice. In case of failure  
19 to qualify within the time required, or of abandonment of his  
20 or her office, or in case of death, conviction of a felony or  
21 removal from office, the office of such member shall become  
22 vacant. Each vacancy shall be filled for the unexpired term by  
23 appointment in like manner as in case of expiration of the term  
24 of a member of the Board.

1           Section 110. Organization of the 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 chairman and  
4 a temporary secretary from its own number, and adopt bylaws and  
5 regulations to govern its proceedings. The initial chairman and  
6 successors shall be elected by the Board from time to time for  
7 the term of his or her office as a member of the Board.

8           Section 115. Meetings. Regular meetings of the Board shall  
9 be held at least once in each calendar month, the time and  
10 place of such meetings to be fixed by the board. Four members  
11 of the Board shall constitute a quorum for the transaction of  
12 business. All action of the Board shall be by ordinance or  
13 resolution and the affirmative vote of at least 4 members shall  
14 be necessary for the adoption of any ordinance or resolution.  
15 All such ordinances and resolutions before taking effect shall  
16 be approved by the chairman of the Board, and if he or she  
17 approves thereof he or she shall sign the same, and such as he  
18 or she does not approve he or she shall return to the Board  
19 with his or her objections thereto in writing at the next  
20 regular meeting of the Board occurring after the passage  
21 thereof. But in the case the chairman fails to return any  
22 ordinance or resolution with his or her objections thereto by  
23 the time aforesaid, the chairman shall be deemed to have  
24 approved the same and it shall take effect accordingly. Upon  
25 the return of any ordinance or resolution by the chairman with

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

12 Section 120. Secretary and treasurer; oath and bond. The  
13 Board shall appoint a secretary and a treasurer, who need not  
14 be members of the Board, to hold office during the pleasure of  
15 the Board, and fix their duties and compensation. The secretary  
16 and treasurer shall be residents of the District. Before  
17 entering upon the duties of their respective offices they shall  
18 take and subscribe the constitutional oath of office, and the  
19 treasurer shall execute a bond with corporate sureties to be  
20 approved by the Board. The bond shall be payable to the  
21 District in whatever penal sum may be directed by the Board  
22 conditioned upon the faithful performance of the duties of the  
23 office and the payment of all money received by him or her  
24 according to law and the orders of the Board. The Board may, at  
25 any time, require a new bond from the treasurer in such penal

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

9 Section 125. Deposits; checks or drafts. All funds  
10 deposited by the treasurer in any bank or savings and loan  
11 association shall be placed in the name of the District and  
12 shall be withdrawn or paid out only by check or draft upon the  
13 bank or savings and loan association, signed by the treasurer  
14 and countersigned by the chairman of the Board. Subject to  
15 prior approval of such designations by a majority of the Board,  
16 the chairman may designate any other Board member or any  
17 officer of the District to affix the signature of the chairman  
18 and the treasurer may designate any other officer of the  
19 District to affix the signature of the treasurer to any check  
20 or draft for payment of salaries or wages and for payment of  
21 any other obligation of not more than \$2,500.

22 No bank or savings and loan association shall receive  
23 public funds as permitted by this Section, unless it has  
24 complied with the requirements established pursuant to Section  
25 6 of the Public Funds Investment Act.

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

7           Section 130. General manager. The Board may appoint a  
8 general manager who shall be a person of recognized ability and  
9 business experience to hold office during the pleasure of the  
10 Board. The general manager shall have management of the  
11 properties and business of the District and the employees  
12 thereof subject to the general control of the Board, shall  
13 direct the enforcement of all ordinances, resolutions, rules,  
14 and regulations of the Board, and shall perform such other  
15 duties as may be prescribed from time to time by the Board. The  
16 Board may appoint a general attorney and a chief engineer, and  
17 shall provide for the appointment of other officers, attorneys,  
18 engineers, consultants, agents, and employees as may be  
19 necessary. It shall define their duties and may require bonds  
20 of such of them as the Board may designate. The general  
21 manager, general attorney, chief engineer, and all other  
22 officers provided for pursuant to this Section shall be exempt  
23 from taking and subscribing any oath of office and shall not be  
24 members of the Board. The compensation of the general manager,  
25 general attorney, chief engineer, and all other officers,

1 attorneys, consultants, agents, and employees shall be fixed by  
2 the Board.

3 Section 135. Fines and penalties. The Board has power to  
4 pass all ordinances and make all rules and regulations proper  
5 or necessary, and to carry into effect the powers granted to  
6 the District, with such fines or penalties as may be deemed  
7 proper. All fines and penalties shall be imposed by ordinances,  
8 which shall be published in a newspaper of general circulation  
9 in the area embraced by the District. No such ordinance shall  
10 take effect until 10 days after its publication.

11 Section 140. Report and financial statement. Within 60 days  
12 after the end of each fiscal year, the Board shall cause to be  
13 prepared and printed a complete and detailed report and  
14 financial statement of the operations and assets and  
15 liabilities of the Port District. A reasonably sufficient  
16 number of copies of such report shall be printed for  
17 distribution to persons interested, upon request, and a copy  
18 thereof shall be filed with the Governor and the county clerk  
19 and the presiding officer of the county board of Massac County.  
20 A copy of such report shall be addressed to and mailed to the  
21 corporate authorities of each municipality within the area of  
22 the District.

23 Section 145. Investigations. The Board may investigate

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

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

20 Section 150. Administrative Review Law. All final  
21 administrative decisions of the Board hereunder shall be  
22 subject to judicial review pursuant to the provisions of the  
23 Administrative Review Law, and all amendments and  
24 modifications thereof, and the rules adopted pursuant thereto.  
25 The term "administrative decision" is defined as in Section

1 3-101 of the Code of Civil Procedure.

2 Section 155. Records. In the conduct of any investigation  
3 authorized by Section 145 the Port District shall, at its  
4 expense, provide a stenographer to take down all testimony and  
5 shall preserve a record of such proceedings. The notice of  
6 hearing, complaint, and all other documents in the nature of  
7 pleadings and written motions filed in the proceedings, the  
8 transcript of testimony and the orders or decision of the Board  
9 constitutes the record of such proceedings.

10 The Port District is not required to certify any record or  
11 file any answer or otherwise appear in any proceeding for  
12 judicial review of an administrative decision unless the party  
13 asking for review deposits with the clerk of the court the sum  
14 of 75 cents per page of the record representing the costs of  
15 such certification. Failure to make such deposit is grounds for  
16 dismissal of the action.

17 Section 160. Annexation. Territory which is contiguous to  
18 the District and which is not included within any other port  
19 district may be annexed to and become a part of the District in  
20 the manner provided in Section 165 or 170 whichever may be  
21 applicable.

22 Section 165. Petition for annexation. At least 5% of the  
23 legal voters resident within the limits of such proposed



1 addition to the District may petition the circuit court for the  
2 county in which the major part of the District is situated, to  
3 cause the question to be submitted to the legal voters of such  
4 proposed additional territory, whether such proposed  
5 additional territory shall become a part of the District and  
6 assume a proportionate share of the general obligation bonded  
7 indebtedness, if any, of the District. Such petition shall be  
8 addressed to the court and shall contain a definite description  
9 of the boundaries of the territory to be embraced in the  
10 proposed addition.

11 Upon filing any such petition with the clerk of the court,  
12 the court shall fix a time and place for a hearing upon the  
13 subject of the petition.

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

24 At the hearing all persons residing in or owning property  
25 situated in the area proposed to be annexed to the District may  
26 appear and be heard touching upon the sufficiency of the

1 petition. If the court finds that the petition does not comply  
2 with the requirements of the law, the court shall dismiss the  
3 petition; but if the court finds that the petition is  
4 sufficient the court shall certify the proposition to the  
5 proper election officials, who shall submit the proposition to  
6 the voters at an election in accordance with the general  
7 election law. In addition to the requirements of the general  
8 election law, the notice of such referendum shall specify the  
9 purpose of such referendum with a description of the area  
10 proposed to be annexed to the District.

11 The proposition shall be in substantially the following  
12 form:

13 Shall (description of the territory proposed to be  
14 annexed) join the Massac-Metropolis Port District?

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

16 The court shall cause a statement of the result of such  
17 election to be filed in the records of the court.

18 If a majority of the votes cast upon the question of  
19 annexation to the District are in favor of becoming a part of  
20 such District, the court shall then enter an order stating that  
21 such additional territory shall thenceforth be an integral part  
22 of the Massac-Metropolis Port District and subject to all of  
23 the benefits of service and responsibilities of the District.  
24 The circuit clerk shall transmit a certified copy of the order  
25 to the circuit clerk of any other county in which any of the  
26 territory affected is situated.

1           Section 170. Annexation of territory having no legal  
2 voters. If there is territory contiguous to the District which  
3 has no legal voters residing therein, a petition to annex such  
4 territory, signed by all the owners of record of such territory  
5 may be filed with the circuit court for the county in which the  
6 major part of the District is situated. A time and place for a  
7 hearing on the subject of the petition shall be fixed and  
8 notice thereof shall be given in the manner provided in Section  
9 165. At such hearing any owner of land in the territory  
10 proposed to be annexed, the District and any resident of the  
11 District may appear and be heard touching on the sufficiency of  
12 the petition. If the court finds that the petition satisfies  
13 the requirements of this Section it shall enter an order  
14 stating that thenceforth such territory shall be an integral  
15 part of the Massac-Metropolis Port District and subject to all  
16 of the benefits of service and responsibilities, including the  
17 assumption of a proportionate share of the general obligation  
18 bonded indebtedness, if any, of the District. The circuit clerk  
19 shall transmit a certified copy of the order of the court to  
20 the circuit clerk of any other county in which the annexed  
21 territory is situated.

22           Section 175. Severability. If any provision of this Act is  
23 held invalid such provision shall be deemed to be excised from  
24 this Act and the invalidity thereof shall not affect any of the

1 other provisions of this Act. If the application of any  
2 provision of this Act to any person or circumstance is held  
3 invalid it shall not affect the application to such persons or  
4 circumstances other than those as to which it is invalid. The  
5 provisions of this Act shall not be considered as impairing,  
6 altering, modifying, repealing, or superseding any of the  
7 jurisdiction or powers of the Illinois Commerce Commission or  
8 of the Department of Natural Resources under the Rivers, Lakes,  
9 and Streams Act. Nothing in this Act or done under its  
10 authority shall apply to, restrict, limit, or interfere with  
11 the use of any terminal facility or port facility owned or  
12 operated by any private person for the storage or handling or  
13 transfer of any commodity moving in interstate commerce or the  
14 use of the land and facilities of a common carrier or other  
15 public utility and the space above such land and facilities in  
16 the business of such common carrier or other public utility,  
17 without approval of the Illinois Commerce Commission and  
18 without the payment of just compensation to any such common  
19 carrier or other public utility for damages resulting from any  
20 such restriction, limitation, or interference.

21 Section 180. Non-applicability. The provisions of the  
22 Illinois Municipal Code, or the provisions of the Airport  
23 Authorities Act, or the provisions of the General County  
24 Airport and Landing Field Act, shall not be effective within  
25 the area of the District insofar as the provisions of said Acts

1 conflict with the provisions of this Act or grant substantially  
2 the same powers to any municipal corporation or political  
3 subdivision as are granted to the District by this Act.

4 Section 185. The Eminent Domain Act is amended by adding  
5 Section 15-5-45 as follows:

6 (735 ILCS 30/15-5-45 new)

7 Sec. 15-5-45. Eminent domain powers in New Acts. The  
8 following provisions of law may include express grants of the  
9 power to acquire property by condemnation or eminent domain:

10 Massac-Metropolis Port District Act; Massac-Metropolis Port  
11 District; for general purposes.

12 Section 999. Effective date. This Act takes effect upon  
13 becoming law."