



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0989

Introduced 2/8/2007, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

70 ILCS 1850/2.22 new	
70 ILCS 1850/3	from Ch. 19, par. 403
70 ILCS 1850/4	from Ch. 19, par. 404
70 ILCS 1850/4.3 new	
70 ILCS 1850/5	from Ch. 19, par. 405

Amends the Shawneetown Regional Port District Act. Expands the territory of the District to include certain territory in Saline County and Williamson County. Provides that the District has the power to accept property singularly or jointly with other parties (now, the District has the power to accept property). Provides that the District may lease any of its real property, rights of way, or privileges to promote the development of port, harbor, and transportation facilities. Deletes a provision requiring that property leased by the District to others must no longer be required for the District's primary purpose. Limits the powers and duties of the Authority in Saline County and Williamson County to those that are necessary for the construction and operation of rail transportation facilities. Effective immediately.

LRB095 10828 HLH 31090 b

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 Shawneetown Regional Port District Act is
5 amended by changing Sections 3, 4 and 5 and by adding Sections
6 2.22 and 4.3 as follows:

7 (70 ILCS 1850/2.22 new)

8 Sec. 2.22. "Rail transportation facilities" means all
9 land, buildings, structures, improvements, equipment, and
10 appliances useful in the construction and operation of one or
11 more freight rail lines for the accommodation of, or in
12 connection with, commerce.

13 (70 ILCS 1850/3) (from Ch. 19, par. 403)

14 Sec. 3. There is created a political subdivision, body
15 politic, and municipal corporation by the name of the
16 Shawneetown Regional Port District embracing the following
17 territory in Gallatin county: all of the territory included in
18 the civil townships of Upper New Haven Township, Lower New
19 Haven Township, Shawnee Township, Gold Hill Township, Equality
20 Township, Eagle Creek Township, and Bowlesville Township; in
21 Saline County: all of the territory included in the civil
22 townships of Cottage Township, Harrisburg Township, Raleigh

1 Township, and Brushy Township; in Williamson County: all of the
2 territory included in the civil townships of Corinth Township,
3 Lake Creek Township, and Herrin Township; and the following
4 territory in Hardin county: all of the territory included in
5 congressional Township 11 South, Range 9 East of the third
6 principal meridian and in congressional Township 11 South,
7 Range 10 East of the third principal meridian.

8 Territory may be annexed to the District in the manner
9 hereinafter provided in this Act.

10 The District may sue and be sued in its corporate name but
11 execution shall not in any case issue against any property of
12 the District. It may adopt a common seal and change the same at
13 pleasure.

14 (Source: Laws 1961, p. 2975.)

15 (70 ILCS 1850/4) (from Ch. 19, par. 404)

16 Sec. 4. Subject to the limitation of powers provided in
17 Section 4.3 of this Act, the ~~The~~ Port District has the
18 following rights and powers:

19 1. To issue permits: for the construction of all wharves,
20 piers, dolphins, booms, weirs, breakwaters, bulkheads,
21 jetties, bridges or other structures of any kind, over, under,
22 in, or within 40 feet of any navigable waters within the Port
23 Districts; for the deposit of rock, earth, sand or other
24 material, or any matter of any kind or description in said
25 waters; except that nothing contained in this paragraph 1 shall

1 be construed so that it will be deemed necessary to obtain a
2 permit from the District for the erection, operation or
3 maintenance of any bridge crossing a waterway which serves as a
4 boundary between the State of Illinois and any other State,
5 when said erection, operation or maintenance is performed by
6 any city within the District;

7 2. To prevent or remove obstructions in navigable waters,
8 including the removal of wrecks;

9 3. To locate and establish dock lines and shore or harbor
10 lines;

11 4. To regulate the anchorage, moorage and speed of water
12 borne vessels and to establish and enforce regulations for the
13 operation of bridges, except nothing contained in this
14 paragraph 4 shall be construed to give the District authority
15 to regulate the operation of any bridge crossing a water-way
16 which serves as a boundary between the State of Illinois and
17 any other State, when such operation is performed or to be
18 performed by any city within the District;

19 5. To acquire, own, construct, lease, operate and maintain
20 terminals, terminal facilities, rail transportation
21 facilities, and port facilities, and to fix and collect just,
22 reasonable, and nondiscriminatory charges for the use of such
23 facilities. The charges so collected shall be used to defray
24 the reasonable expenses of the Port District and to pay the
25 principal of and interest on any revenue bonds issued by the
26 District;

1 6. To locate, establish and maintain a public airport,
2 public airports and public airport facilities within its
3 corporate limits or within or upon any body of water adjacent
4 thereto, and to construct, develop, expand, extend and improve
5 any such airport or airport facility;

6 7. To operate, maintain, manage, lease, sublease, and to
7 make and enter into contracts for the use, operation or
8 management of, and to provide rules and regulations for, the
9 operation, management or use of, any public airport, ~~or~~ public
10 airport facility, or rail transportation facility;

11 8. To fix, charge and collect reasonable rentals, tolls,
12 fees, and charges for the use of any public airport, or any
13 part thereof, ~~or~~ any public airport facility, or rail
14 transportation facility;

15 9. To establish, maintain, extend and improve roadways and
16 approaches by land, water or air to any such airport and to
17 contract or otherwise provide, by condemnation if necessary,
18 for the removal of any airport hazard or the removal or
19 relocation of all private structures, railways, mains, pipes,
20 conduits, wires, poles, and all other facilities and equipment
21 which may interfere with the location, expansion, development,
22 or improvement of airports or with the safe approach thereto or
23 takeoff therefrom by aircraft, and to pay the cost of removal
24 or relocation; and, subject to the "Airport Zoning Act",
25 approved July 17, 1945, as amended, to adopt, administer and
26 enforce airport zoning regulations for territory which is

1 within its corporate limits or which extends not more than two
2 miles beyond its corporate limits;

3 10. To restrict the height of any object of natural growth
4 or structure or structures within the vicinity of any airport
5 or within the lines of an approach to any airport and, when
6 necessary, for the reduction in the height of any such existing
7 object or structure, to enter into an agreement for such
8 reduction or to accomplish same by condemnation;

9 11. To agree with the state or federal governments or with
10 any public agency in respect to the removal and relocation of
11 any object of natural growth, airport hazard or any structure
12 or building within the vicinity of any airport or within an
13 approach and which is owned or within the control of such
14 government or agency and to pay all or an agreed portion of the
15 cost of such removal or relocation;

16 12. For the prevention of accidents, for the furtherance
17 and protection of public health, safety and convenience in
18 respect to aeronautics, for the protection of property and
19 persons within the District from any hazard or nuisance
20 resulting from the flight of aircraft, for the prevention of
21 interference between, or collision of, aircraft while in flight
22 or upon the ground, for the prevention or abatement of
23 nuisances in the air or upon the ground or for the extension of
24 increase in the usefulness or safety of any public airport or
25 public airport facility owned by the District, the District may
26 regulate and restrict the flight of aircraft while within or

1 above the incorporated territory of the District;

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

21 14. To enter into agreements with the corporate authorities
22 or governing body of any other municipal corporation or any
23 political subdivision of this State to pay the reasonable
24 expense of services furnished by such municipal corporation or
25 political subdivision for or on account of income producing
26 properties of the District;

1 15. To enter into contracts dealing in any manner with the
2 objects and purposes of this Act.

3 16. To acquire, own, lease, sell or otherwise dispose of
4 interests in and to real property and improvements situate
5 thereon and in personal property necessary to fulfill the
6 purposes of the District;

7 17. To designate the fiscal year for the District.

8 18. To engage in any activity or operation which is
9 incidental to and in furtherance of efficient operation to
10 accomplish the District's primary purpose.

11 (Source: Laws 1961, p. 2975.)

12 (70 ILCS 1850/4.3 new)

13 Sec. 4.3. Notwithstanding anything in this Act to the
14 contrary, the powers and duties of the Authority within the
15 territory of Saline County and Williamson County are limited to
16 those powers and duties necessary for the construction and
17 operation of rail transportation facilities.

18 (70 ILCS 1850/5) (from Ch. 19, par. 405)

19 Sec. 5. The District has power to acquire, singularly or
20 jointly with other parties, and accept by purchase, lease,
21 gift, grant or otherwise any property and rights useful for its
22 purposes and to provide for the development of channels, ports,
23 harbors, airports, airfields, terminals, port facilities, rail
24 transportation facilities, and terminal facilities adequate to

1 serve the needs of commerce within the District. The District
2 may acquire real or personal property or any rights therein in
3 the manner, as near as may be, as is provided for the exercise
4 of the right of eminent domain under the Eminent Domain Act;
5 except that no rights or property of any kind or character now
6 or hereafter owned, leased, controlled or operated and used by,
7 or necessary for the actual operations of, any common carrier
8 engaged in interstate commerce, or of any other public utility
9 subject to the jurisdiction of the Illinois Commerce
10 Commission, shall be taken or appropriated by the District
11 without first obtaining the approval of the Illinois Commerce
12 Commission. Notwithstanding the provisions of any other
13 Section of this Act, the District shall have full power and
14 authority to lease any or all of its facilities for operation
15 and maintenance to any person for such length of time and upon
16 such terms as the District shall deem necessary.

17 Also the District may lease to others for any period of
18 time, not to exceed 99 years, upon such terms as its Board may
19 determine, any of its real property, rights of way or
20 privileges, or any interest therein, or any part thereof, for
21 industrial, manufacturing, commercial or harbor purposes,
22 ~~which is in the opinion of the Port District Board no longer~~
23 ~~required for its primary purposes in the development of port~~
24 ~~and harbor facilities for the use of public transportation, or~~
25 ~~which may not be immediately needed for such purposes, but~~
26 where such leases will in the opinion of the Port District

1 Board aid and promote the development of port, harbor, and rail
2 transportation facilities ~~such purposes~~, and in conjunction
3 with such leases, the District may grant rights of way and
4 privileges across the property of the District, which rights of
5 way and privileges may be assignable and irrevocable during the
6 term of any such lease and may include the right to enter upon
7 the property of the District to do such things as may be
8 necessary for the enjoyment of such leases, rights of way and
9 privileges, and such leases may contain such conditions and
10 retain such interest therein as may be deemed for the best
11 interest of the District by such Board.

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

19 With respect to any and all leases, easements, rights of
20 way, privileges and permits made or granted by the Board, the
21 Board may agree upon and collect the rentals, charges and fees
22 that may be deemed for the best interest of the District. Such
23 rentals, charges and fees shall be used to defray the
24 reasonable expenses of the District and to pay the principal of
25 and interest on any revenue bonds issued by the District.

26 (Source: P.A. 94-1055, eff. 1-1-07.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.