



Rep. Frank J. Mautino

Adopted in House on Nov 17, 2010

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1 AMENDMENT TO HOUSE BILL 1617

2 AMENDMENT NO. _____. Amend House Bill 1617 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Ottawa 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 that
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 Ottawa 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" means the Ottawa Port District created by this
15 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 Ottawa.

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

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

13 "Port facilities" means all public and other buildings,
14 structures, works, improvements, and equipment, except
15 terminal facilities as defined in this Section, that are upon,
16 in, over, under, adjacent, or near to navigable waters,
17 harbors, slips, and basins, and are necessary or useful for or
18 incident to the furtherance of water and land commerce and the
19 operation of small boats and pleasure craft and includes the
20 widening and deepening of basins, slips, harbors, and navigable
21 waters. "Port facilities" also means all lands, buildings,
22 structures, improvements, equipment, and appliances located on
23 District property that are used for industrial, manufacturing,
24 commercial, or recreational purposes.

25 "Private aircraft" means any aircraft other than public and
26 commercial aircraft.

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

4 "Public airport" means an airport owned by a District, an
5 airport authority, or other public agency which is used or is
6 intended for use by public, commercial, and private aircraft
7 and by persons owning, managing, operating, or desiring to use,
8 inspect, or repair any such aircraft or to use any such airport
9 for aeronautical purposes.

10 "Public interest" means the protection, furtherance, and
11 advancement of the general welfare and of public health and
12 safety and public necessity and convenience in respect to
13 aeronautics.

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

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

23 "Terminal facilities" means all land, buildings,
24 structures, improvements, equipment, and appliances useful in
25 the operation of public warehouse, storage, and transportation
26 facilities for the accommodation of or in connection with

1 commerce by water or land or in the air or useful as an aid, or
2 constituting an advantage or convenience to, the safe landing,
3 taking off, and navigation of aircraft, or the safe and
4 efficient operation or maintenance of a public airport.

5 Section 10. Ottawa Port District. There is created a
6 political subdivision, body politic, and municipal corporation
7 by the name of the Ottawa Port District embracing the following
8 described territory in LaSalle County, Illinois: the following
9 sections in Township 34 North, Range 3 East of the Third
10 Principal Meridian: 25, 26, 34, 35 and 36; and the following
11 sections in Township 33 North, Range 3 East of the Third
12 Principal Meridian: 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16,
13 17, 18, 19, 20, 21, 22, 23 and 24; and the following sections
14 in Township 33 North, Range 4 East of the Third Principal
15 Meridian: 4, 5, 6, 7, 8, 9, the southwest quarter of section 10,
16 the northwest quarter of section 15 and that portion of section
17 15 lying north of the Illinois River and South of the Illinois
18 and Michigan Canal, 16, 17 and 18; and the following sections
19 in Township 34 North Range 4 East of the Third Principal
20 Meridian: 20, that portion of section 21 lying west of the Fox
21 River, 28, 29, 30, 31, 32 and 33.

22 Section 15. Property of District; exemption. All property
23 of every kind owned by the District shall be exempt from
24 taxation. However, a tax may be levied upon a lessee of the

1 District by reason of the value of a leasehold estate separate
2 and apart from the fee simple title or upon any improvements
3 that are constructed and owned by others than the District.

4 All property of the District shall be public grounds owned
5 by a municipal corporation and used exclusively for public
6 purposes within the tax exemption provisions of Sections 15-10,
7 15-15, 15-20, 15-30, 15-75, 15-140, 15-155, and 15-160 of the
8 Property Tax Code.

9 Section 20. Rights and powers. The District has the
10 following rights and powers:

11 (1) To issue permits for the following purposes: (i) the
12 construction of all wharves, piers, dolphins, booms, weirs,
13 breakwaters, bulkheads, jetties, bridges, or other structures
14 of any kind, over, under, in, or within 40 feet of any
15 navigable waters within the District and (ii) the deposit of
16 rock, earth, sand, or other material, or any matter of any kind
17 or description in the waters.

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

20 (3) To locate and establish dock lines and shore or harbor
21 lines.

22 (4) To regulate the anchorage, moorage, and speed of water
23 borne vessels and to establish and enforce regulations for the
24 operation of bridges.

25 (5) To acquire, own, construct, lease, operate, and

1 maintain terminals, terminal facilities, and port facilities,
2 and to fix and collect just, reasonable, and nondiscriminatory
3 charges for the use of those facilities. The charges so
4 collected shall be used to defray the reasonable expenses of
5 the District and to pay the principal of and interest on any
6 revenue bonds issued by the District.

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

12 (7) To operate, maintain, manage, lease, sublease, and to
13 make and enter into contracts for the use, operation, or
14 management of, and to provide rules and regulations for, the
15 operation, management, or use of, any public airport or public
16 airport facility.

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

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

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

7 (10) To restrict the height of any object of natural growth
8 or structure within the vicinity of any airport or within the
9 lines of an approach to any airport and, if necessary, for the
10 reduction in the height of any such existing object or
11 structure, to enter into an agreement for the reduction or to
12 accomplish the same by condemnation.

13 (11) To agree with the State or federal government or with
14 any public agency in respect to the removal and relocation of
15 any object of natural growth, airport hazard, or structure or
16 building within the vicinity of any airport or within an
17 approach and which is owned or within the control of such
18 government or agency and to pay all or an agreed portion of the
19 cost of the removal or relocation.

20 (12) To regulate and restrict the flight of aircraft while
21 within or above the District for the following purposes: (i)
22 the prevention of accidents; (ii) the furtherance and
23 protection of public health, safety, and convenience in respect
24 to aeronautics; (iii) the protection of property and persons
25 within the District from any hazard or nuisance resulting from
26 the flight of aircraft; (iv) the prevention of interference

1 between, or collision of, aircraft while in flight or upon the
2 ground; (v) the prevention or abatement of nuisances in the air
3 or upon the ground; or (vi) the extension of increase in the
4 usefulness or safety of any public airport or public airport
5 facility owned by the District.

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

25 (14) To enter into agreements with the corporate
26 authorities or governing body of any other municipal

1 corporation or any political subdivision of this State to pay
2 the reasonable expense of services furnished by the municipal
3 corporation or political subdivision for or on account of
4 income producing properties of the District.

5 (15) To enter into contracts dealing in any manner with the
6 objects and purposes of this Act.

7 (16) To acquire, own, lease, sell, or otherwise dispose of
8 interests in and to real property and improvements situated
9 thereon and in personal property necessary to fulfill the
10 purposes of the District.

11 (17) To designate the fiscal year for the District.

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

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

16 (20) To sue and be sued in its corporate name but execution
17 shall not in any case issue against any property of the
18 District.

19 (21) To adopt a common seal and change the same at
20 pleasure.

21 (22) To annex property as set forth in this Act.

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

1 Section 30. Acquisition of property. The District has the
2 power to acquire and accept by purchase, lease, gift, grant, or
3 otherwise any property and rights useful for its purposes and
4 to provide for the development of channels, ports, harbors,
5 airports, airfields, terminals, port facilities, and terminal
6 facilities adequate to serve the needs of commerce within the
7 District. The District may acquire real or personal property or
8 any rights therein in the manner, as near as may be, as is
9 provided for the exercise of the right of eminent domain under
10 the Eminent Domain Act; except that no rights or property of
11 any kind or character now or hereafter owned, leased,
12 controlled, or operated and used by, or necessary for the
13 actual operations of, any common carrier engaged in interstate
14 commerce, or of any other public utility subject to the
15 jurisdiction of the Illinois Commerce Commission, shall be
16 taken or appropriated by the District without first obtaining
17 the approval of the Illinois Commerce Commission.
18 Notwithstanding any provision of this Act to the contrary, the
19 District has the full power and authority to lease any of its
20 facilities for operation and maintenance to any person for a
21 length of time and upon terms as the District shall deem
22 necessary.

23 Also, the District may lease to others for any period of
24 time, not to exceed 99 years, upon terms as its Board may
25 determine, any of its real property, rights-of-way, or
26 privileges, or any interest therein, or any part thereof, for

1 industrial, manufacturing, commercial, or harbor purposes,
2 which is in the opinion of the Board no longer required for its
3 primary purposes in the development of port and harbor
4 facilities for the use of public transportation, or which may
5 not be immediately needed for those purposes, but where such
6 leases will in the opinion of the Board aid and promote those
7 purposes, and in conjunction with such leases, the District may
8 grant rights-of-way and privileges across the property of the
9 District, which rights-of-way and privileges may be assignable
10 and irrevocable during the term of any such lease and may
11 include the right to enter upon the property of the District to
12 do things as may be necessary for the enjoyment of such leases,
13 rights-of-way, and privileges, and such leases may contain
14 conditions and retain interest therein as may be deemed for the
15 best interest of the District by the Board.

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

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

1 the District. The rentals, charges, and fees shall be used to
2 defray the reasonable expenses of the District and to pay the
3 principal of and interest on any revenue bonds issued by the
4 District.

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

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

1 restrictions, and privileges applicable when the District
2 obtains financial assistance or issues bonds for any of its
3 other authorized purposes. Export trading companies may, if
4 necessary or desirable, apply for certification under Title II
5 or Title III of the Export Trading Company Act of 1982.

6 Section 45. Grants, loans, and appropriations. The
7 District has the power to apply for and accept grants, loans,
8 or 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 agreements with the federal
11 government in relation to those grants, loans, or
12 appropriations.

13 The District may petition the administrative, judicial,
14 and legislative body of any federal, state, municipal, or local
15 authority having jurisdiction in the premises, for the adoption
16 and 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 the handling of commerce in and through
20 the District or improve terminal or transportation facilities
21 therein.

22 Section 50. Insurance contracts. The District has the power
23 to procure and enter into contracts for any type of insurance
24 or 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,
5 or 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 provided in
17 this Act 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, and the
12 maximum rate of interest they will bear which shall not be more
13 than that permitted in the Bond Authorization Act. The interest
14 may be paid semiannually. The ordinance shall also specify the
15 date of maturity which shall not be more than 20 years after
16 the date of issuance and shall levy a tax sufficient to
17 amortize the bonds. This ordinance shall not be effective until
18 it has been submitted to referendum of, and approved by, the
19 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 the
24 general obligation bonds, the county clerk shall annually
25 extend taxes against all taxable property within the District
26 at a rate sufficient to pay the maturing principal and interest

1 of 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 Ottawa Port District for the
6 (purpose) maturing in no more than (years), bearing not
7 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 any
14 date or dates and may mature at any time or times not exceeding
15 40 years from their respective dates, all as may be provided in
16 the ordinance authorizing their issuance. All bonds, whether
17 revenue or general obligation, may bear interest at any rate or
18 rates as permitted in the Bond Authorization Act. The interest
19 may be paid semiannually. The bonds may be in any form, may
20 carry any registration privileges, may be executed in any
21 manner, may be payable at any place or places, may be made
22 subject to redemption in any manner and upon any terms, with or
23 without premium as is stated on the face thereof, may be
24 authenticated in any manner and may contain any terms and
25 covenants, all as may be provided in the ordinance authorizing

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

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

22 Section 70. Issuing bonds. All bonds, whether general
23 obligation or revenue, shall be issued and sold by the Board in
24 any manner as the Board shall determine. However, if any bonds
25 are issued to bear interest at the maximum rate of interest

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

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

23 To secure the payment of any or all revenue bonds and for
24 the purpose of setting forth the covenants and undertaking of
25 the District in connection with the issuance of revenue bonds

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

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

18 No revenue bond shall be or become an indebtedness of the
19 District within the purview of any constitutional limitation or
20 provision, and it shall be plainly stated on the face of each
21 revenue bond that it does not constitute such an indebtedness,
22 or obligation but is payable solely from the revenues or income
23 derived from terminals, terminal facilities, airports,
24 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 the rate shall
4 not exceed 0.05% of the value of all taxable property within
5 the District as equalized or assessed by the Department of
6 Revenue. If the Board desires to levy the tax it shall order
7 that the question be submitted at an election to be held within
8 the District. The Board shall certify its order and the
9 question to the proper election officials, who shall submit the
10 question to the voters at an election in accordance with the
11 general election law. The Board shall cause the result of the
12 election to be entered upon the records of the District. If a
13 majority of the vote on the question is in favor of the
14 proposition, the Board may annually thereafter levy a tax for
15 corporate purposes at a rate not to exceed that approved by
16 referendum but in no event to exceed 0.05% of the value of all
17 taxable property within the District as equalized or assessed
18 by the Department of Revenue.

19 The question shall be in substantially the following form:

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

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

25 Section 90. Permits. It is unlawful to make any fill or

1 deposit of rock, earth, sand, or other material, or any refuse
2 matter of any kind or description, or build or commence the
3 building of any wharf, pier, dolphin, boom, weir, breakwater,
4 bulkhead, jetty, bridge, or other structure over, under, or
5 within 40 feet of any navigable waters within the District
6 without first submitting the plans, profiles, and
7 specifications therefor, and any other data and information as
8 may be required, to the District and receiving a permit
9 therefor; and any person, corporation, company, municipality,
10 or other agency, that does any of the things prohibited in this
11 Section, without securing a permit, shall be guilty of a Class
12 A misdemeanor. No permit shall be required in the case of any
13 project for which a permit has been secured from a proper
14 governmental agency before the creation of the District nor
15 shall any permit be required in the case of any project to be
16 undertaken by one or more municipalities located within the
17 District for which a permit is required from a governmental
18 agency other than the District before the municipality can
19 proceed with the project. And in such event, one or more of the
20 municipalities shall give at least 10 days' notice to the
21 District of the application for a permit for any such project
22 from a governmental agency other than the District so that the
23 District may be present and represent its position relative to
24 the application before the other governmental agency. Any
25 structure, fill, or deposit erected or made in any of the
26 public bodies of water within the District, in violation of the

1 provisions of this Section, is a purpresture and may be abated
2 as such at the expense of the person, corporation, company,
3 municipality, or other agency responsible therefor, or if, in
4 the discretion of the District, it is decided that the
5 structure, fill, or deposit may remain, the District may fix
6 such rule, regulation, requirement, restriction, or rental or
7 require and compel any change, modification, or repair as shall
8 be necessary to protect the interest of the District.

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

22 Section 100. Board appointments; terms. The Governor shall
23 appoint 4 members of the Board and the Mayor shall appoint 3
24 members of the Board. All initial appointments shall be made

1 within 60 days after this Act takes effect. Of the 4 members
2 initially appointed by the Governor, 2 shall be appointed for
3 initial terms expiring January 1, 2017, one for an initial term
4 expiring January 1, 2013, and one for an initial term expiring
5 January 1, 2012. Of the 3 members initially appointed by the
6 Mayor, one shall be appointed for an initial term expiring
7 January 1, 2017, one for an initial term expiring January 1,
8 2013, and one for an initial term expiring January 1, 2012. At
9 the expiration of the term of any member, his or her successor
10 shall be appointed by the Governor or the Mayor, respectively,
11 as in the case of appointments for the initial terms.

12 After the expiration of initial terms, each successor shall
13 hold office for a term of 3 years beginning the first day of
14 January of the year in which the term of office commences. In
15 the case of a vacancy during the term of office of any member
16 appointed by the Governor, the Governor shall make an
17 appointment for the remainder of the term vacant and until a
18 successor is appointed and qualified. In case of a vacancy
19 during the term of office of any member appointed by the Mayor,
20 the Mayor shall make an appointment for the remainder of the
21 term vacant and until a successor is appointed and qualified.
22 The Governor and Mayor shall certify their respective
23 appointments to the Secretary of State. Within 30 days after
24 certification of his or her appointment, and before entering
25 upon the duties of his or her office, each member of the Board
26 shall take and subscribe the constitutional oath of office and

1 file it in the office of the Secretary of State.

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

19 Section 110. Organization of the Board. As soon as possible
20 after the appointment of the initial members, the Board shall
21 organize for the transaction of business, select a chairperson
22 and a temporary secretary from its own number, and adopt bylaws
23 and regulations to govern its proceedings. The initial
24 chairperson and successors shall be elected by the Board from

1 time to time for the term of his or her office as a member of
2 the Board.

3 Section 115. Meetings; quorum; approval by chairperson.
4 Regular meetings of the Board shall be held at least once in
5 each calendar month, the time and place of the meetings to be
6 fixed by the Board. Four members of the Board shall constitute
7 a quorum for the transaction of business. All action of the
8 Board shall be by ordinance or resolution and the affirmative
9 vote of at least 4 members shall be necessary for the adoption
10 of any ordinance or resolution. Before taking effect, all
11 ordinances and resolutions shall be approved by the chairperson
12 of the Board by signing the ordinance or resolution. If the
13 chairperson does not approve of the ordinance or resolution,
14 then the chairperson shall return it to the Board with written
15 objections at the next regular meeting of the Board after the
16 passage of the ordinance or resolution. If the chairperson
17 fails to return any ordinance or resolution with his or her
18 objections by the time set forth in this Section, then the
19 chairperson shall be deemed to have approved the ordinance or
20 resolution and it shall take effect accordingly. Upon the
21 return of any ordinance or resolution by the chairperson with
22 his or her objections, the vote by which the same was passed
23 shall be reconsidered by the Board, and if upon reconsideration
24 the ordinance or resolution is passed by the affirmative vote
25 of at least 5 members, it shall go into effect notwithstanding

1 the veto of the chairperson.

2 All ordinances, resolutions, and proceedings of the
3 District and all documents and records in its possession shall
4 be public records, and open to public inspection, except for
5 documents and records as are kept or prepared by the Board for
6 use in negotiations, legal actions, or proceedings to which the
7 District is a party.

8 Section 120. Secretary and treasurer; oath and bond. The
9 Board shall appoint a secretary and a treasurer, who need not
10 be members of the Board, to hold office during the pleasure of
11 the Board, and fix their duties and compensation. The secretary
12 and treasurer shall be residents of the District. Before
13 entering upon the duties of their respective offices, they
14 shall take and subscribe the constitutional oath of office, and
15 the treasurer shall execute a bond with corporate sureties to
16 be approved by the Board. The bond shall be payable to the
17 District in whatever penal sum may be directed by the Board
18 conditioned upon the faithful performance of the duties of the
19 office and the payment of all money received by him or her
20 according to law and the orders of the Board. The Board may, at
21 any time, require a new bond from the treasurer in any penal
22 sum as may then be determined by the Board. The obligation of
23 the sureties shall not extend to any loss sustained by the
24 insolvency, failure, or closing of any savings and loan
25 association or national or State bank wherein the treasurer has

1 deposited funds if the bank or savings and loan association has
2 been approved by the Board as a depository for these funds. The
3 oaths of office and the treasurer's bond shall be filed in the
4 principal office of the District.

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

18 No bank or savings and loan association shall receive
19 public funds as permitted by this Section, unless it has
20 complied with the requirements established pursuant to Section
21 6 of the Public Funds Investment Act.

22 In the case any officer whose signature appears upon any
23 check or draft issued pursuant to this Act, ceases to hold his
24 or her office before the delivery thereof to the payee, his or
25 her signature nevertheless shall be valid and sufficient for

1 all purposes with the same effect as if he or she had remained
2 in office until delivery thereof.

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

23 Section 135. Fines and penalties. The Board has the power
24 to pass all ordinances and make all rules and regulations

1 proper or necessary, and to carry into effect the powers
2 granted to the District, with such fines or penalties as may be
3 deemed proper. All fines and penalties shall be imposed by
4 ordinances, which shall be published in a newspaper of general
5 circulation in the area embraced by the District. No ordinance
6 shall take effect until 10 days after its publication.

7 Section 140. Report and financial statement. Within 60 days
8 after the end of each fiscal year, the Board shall prepare and
9 print a complete and detailed report and financial statement of
10 the operations, assets, and liabilities of the District. A
11 reasonably sufficient number of copies of the report shall be
12 printed for distribution to persons interested, upon request,
13 and a copy of the report shall be filed with the Governor, the
14 county clerk, and the presiding officer of the county board of
15 LaSalle County. A copy of the report shall be mailed to the
16 corporate authorities of each municipality located within the
17 District.

18 Section 145. Investigations. The Board may investigate
19 conditions in which it has an interest within the boundaries of
20 the District, the enforcement of its ordinances, rules, and
21 regulations, and the action, conduct, and efficiency of all
22 officers, agents, and employees of the District. In the conduct
23 of such investigations, the Board may hold public hearings on
24 its own motion, and shall do so on complaint of any

1 municipality within the District. Each member of the Board has
2 the power to administer oaths, and the secretary, by order of
3 the Board, shall issue subpoenas to secure the attendance and
4 testimony of witnesses and the production of books and papers
5 relevant to any investigation or to any hearing before the
6 Board or any member thereof.

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

15 Section 150. Administrative Review Law. All final
16 administrative decisions of the Board shall be subject to
17 judicial review pursuant to the provisions of the
18 Administrative Review Law, and all amendments and
19 modifications thereof, and the rules adopted pursuant thereto.
20 The term "administrative decision" is defined as in Section
21 3-101 of the Code of Civil Procedure.

22 Section 155. Records. In the conduct of any investigation
23 authorized by Section 145, the District shall, at its expense,
24 provide a stenographer to take down all testimony and shall

1 preserve a record of the proceedings. The notice of hearing,
2 complaint, and all other documents in the nature of pleadings
3 and written motions filed in the proceedings, the transcript of
4 testimony, and the orders or decision of the Board constitutes
5 the record of the proceedings.

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

13 Section 160. Annexation. Territory which is contiguous to
14 the District and which is not included within any other port
15 district may be annexed to and become a part of the District in
16 the manner provided in Section 165 or 170, whichever may be
17 applicable.

18 Section 165. Petition for annexation. At least 5% of the
19 legal voters resident within the limits of the proposed
20 addition to the District may petition the circuit court for the
21 county in which the major part of the District is situated, to
22 cause the question to be submitted to the legal voters of the
23 proposed additional territory, whether the proposed additional
24 territory shall become a part of the District and assume a

1 proportionate share of the general obligation bonded
2 indebtedness, if any, of the District. The petition shall be
3 addressed to the court and shall contain a definite description
4 of the boundaries of the territory to be embraced in the
5 proposed addition.

6 Upon filing any petition with the clerk of the court, the
7 court shall fix a time and place for a hearing upon the subject
8 of the petition.

9 Notice shall be given by the court to whom the petition is
10 addressed, or by the circuit clerk or sheriff of the county in
11 which the petition is made at the order and direction of the
12 court, of the time and place of the hearing upon the subject of
13 the petition at least 20 days before the hearing by at least
14 one publication of the notice in any newspaper of general
15 circulation within the area proposed to be annexed, and by
16 mailing a copy of the notice to the mayor or president of the
17 corporate authorities of all of the municipalities located
18 within the District.

19 At the hearing, all persons residing in or owning property
20 located within the area proposed to be annexed to the District
21 may appear and be heard concerning the sufficiency of the
22 petition. If the court finds that the petition does not comply
23 with the requirements of the law, then the court shall dismiss
24 the petition. If the court finds that the petition is
25 sufficient, then the court shall certify the proposition to the
26 proper election officials, who shall submit the proposition to

1 the voters at an election in accordance with the general
2 election law. In addition to the requirements of the general
3 election law, the notice of the referendum shall specify the
4 purpose of the referendum with a description of the area
5 proposed to be annexed to the District.

6 The proposition shall be in substantially the following
7 form:

8 Shall (description of the territory proposed to be
9 annexed) join the Ottawa Port District?

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

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

13 If a majority of the votes cast upon the question of
14 annexation to the District are in favor of becoming a part of
15 the District, the court shall then enter an order stating that
16 the additional territory shall thenceforth be an integral part
17 of the Ottawa Port District and subject to all of the benefits
18 of service and responsibilities of the District. The circuit
19 clerk shall transmit a certified copy of the order to the
20 circuit clerk of any other county in which any of the territory
21 affected is situated.

22 Section 170. Annexation of territory having no legal
23 voters. If there is territory contiguous to the District that
24 has no legal voters residing therein, a petition to annex the
25 territory, signed by all the owners of record of the territory,

1 may be filed with the circuit court for the county in which the
2 major part of the District is situated. A time and place for a
3 hearing on the subject of the petition shall be fixed and
4 notice shall be given in the manner provided in Section 165. At
5 the hearing, any owner of land in the territory proposed to be
6 annexed, the District, and any resident of the District may
7 appear and be heard touching on the sufficiency of the
8 petition. If the court finds that the petition satisfies the
9 requirements of this Section, it shall enter an order stating
10 that thenceforth the territory shall be an integral part of the
11 Ottawa Port District and subject to all of the benefits of
12 service and responsibilities, including the assumption of a
13 proportionate share of the general obligation bonded
14 indebtedness, if any, of the District. The circuit clerk shall
15 transmit a certified copy of the order of the court to the
16 circuit clerk of any other county in which the annexed
17 territory is situated.

18 Section 175. Non-applicability. The provisions of the
19 Illinois Municipal Code, the Airport Authorities Act, and the
20 General County Airport and Landing Field Act, shall not be
21 effective within the area of the District insofar as the
22 provisions of those Acts conflict with the provisions of this
23 Act or grant substantially the same powers to any municipal
24 corporation or political subdivision as are granted to the
25 District by this Act.

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

18 Section 180. Severability. The provisions of this Act are
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 185. The Eminent Domain Act is amended by adding
21 Section 15-5-46 as follows:

22 (735 ILCS 30/15-5-46 new)

23 Sec. 15-5-46. Eminent domain powers in new Acts. The

1 following provisions of law may include express grants of the
2 power to acquire property by condemnation or eminent domain:

3 Ottawa Port District Act; Ottawa Port District; for general
4 purposes.

5 Section 999. Effective date. This Act takes effect upon
6 becoming law.".