



Sen. Gary Forby

Filed: 3/4/2010

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1 AMENDMENT TO SENATE BILL 575

2 AMENDMENT NO. _____. Amend Senate Bill 575 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Alexander-Cairo 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, on either land or in water,
13 which is used or designed for the landing and taking off of
14 aircraft, or for the location of runways, landing fields,
15 airdromes, hangars, buildings, structures, airport roadways,
16 and other 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 the
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 Alexander-Cairo 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 Alexander-Cairo
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 Cairo.

7 "Navigable waters" means any public waters that 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 structures, except
14 terminal facilities as defined in this Section, that are in,
15 over, under, or adjacent to navigable waters and are necessary
16 for or incident to the furtherance of water commerce and
17 includes the widening and deepening of slips, harbors, and
18 navigable waters.

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

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

24 "Public airport" means an airport owned by a Port District,
25 an airport authority, or other public agency, which is used or
26 is intended for use by public, commercial, and private aircraft

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

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

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

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

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

1 create, erect, or construct a bridge across any waterway which
2 serves as a boundary between the State of Illinois and any
3 other state.

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

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

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

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

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

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

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

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

1 Illinois and any other state, if the operation is performed or
2 to be performed by any city located within the District.

3 (e) To acquire, own, construct, lease, operate, and
4 maintain terminals, terminal facilities, and port facilities,
5 and to fix and collect just, reasonable, and nondiscriminatory
6 charges for the use of the facilities. The charges collected
7 pursuant to this subsection (e) shall be used to defray the
8 reasonable expenses of the Port District and to pay the
9 principal of and interest on any revenue bonds issued by the
10 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, if
14 necessary, for the reduction in the height of any such existing
15 object or structure, to enter into an agreement for the
16 reduction or to accomplish the 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 the 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
6 of increase in the usefulness or safety of any public airport
7 or public airport facility owned by the District, the District
8 may regulate and restrict the flight of aircraft while within
9 or 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 public airport or public airport facility of the
16 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 regulatory ordinance. Nothing in this Section
23 or in other provisions of this Act shall be construed to
24 authorize the Board to establish or enforce any regulation or
25 rule in respect to aviation, or the operation or maintenance of
26 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 the 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 situated
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 the
24 power 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 a length of time and upon terms as the District
20 shall deem necessary.

21 Also, the District may lease to others for any period of
22 time, not to exceed 99 years, upon 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
13 conditions and retain such interest therein as may be deemed
14 for the best interest of the District by the Board.

15 Also, the District shall have the right to grant easements
16 and permits for the use of any real property, rights-of-way, or
17 privileges which in the opinion of the Board will not interfere
18 with the use thereof by the District for its primary purposes
19 and such easements and permits may contain such conditions and
20 retain such interest therein as may be deemed for the best
21 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 the administrative, judicial, or
14 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 Port District or improve terminal or transportation
21 facilities 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 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 provided in
17 this Section or revenue bonds without referendum approval for
18 the purpose of acquiring, constructing, reconstructing,
19 extending, or improving terminals, terminal facilities,
20 airfields, airports, and port facilities, and for acquiring any
21 property and equipment useful for the construction,
22 reconstruction, extension, improvement, or operation of its
23 terminals, terminal facilities, airfields, airports, and port
24 facilities, 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 that will be required
17 to amortize the 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 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 Alexander-Cairo 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 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. The bonds, whether
17 revenue or general obligation, may bear interest at the rate or
18 rates as permitted in the Bond Authorization Act. The interest
19 on these bonds may be paid semiannually. The bonds may be in
20 any form, may carry any registration privileges, may be
21 executed in any manner, may be payable at any place or places,
22 may be made subject to redemption in any manner and upon any
23 terms, with or without premium as is stated on the face
24 thereof, may be authenticated in any manner, and may contain
25 any terms and covenants, all as may be provided in the

1 ordinance authorizing issuance. The holder or holders of the
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 the 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 provided in this
15 Act.

16 Notwithstanding the form and tenor of the 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 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 any 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 provided in this Act, the Board
13 shall 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 the revenue
16 bonds sufficient at all times with other revenues of the
17 District, if any, to pay (i) the cost of maintaining,
18 repairing, regulating, and operating the facilities and (ii)
19 the bonds and interest thereon as they become due, all sinking
20 fund requirements, and other requirements provided by the
21 ordinance authorizing the issuance of the bonds or as provided
22 by any trust agreement 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 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 trust agreement by the District
8 may be by mandamus proceedings in the circuit court to compel
9 performance and compliance therewith, but the trust agreement
10 may prescribe by whom or on whose behalf the action may be
11 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 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 the tax it
7 shall order that the question be submitted at an election to be
8 held within the District. The Board shall certify its order and
9 the question to the proper election officials, who shall submit
10 the question to the voters at an election in accordance with
11 the general election law. The Board shall cause the result of
12 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 Alexander-Cairo Port District levy a tax for
21 corporate purposes annually at a rate not to exceed 0.05%
22 of the value of taxable property as equalized or assessed
23 by the 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 Port District
6 without first submitting the plans, profiles, and
7 specifications therefor, and other data and information as may
8 be required, to the Port District and receiving a permit. Any
9 person, corporation, company, municipality, or other agency,
10 that does any of the things prohibited in this Section, without
11 securing a permit as provided in this Section, shall be guilty
12 of a Class A misdemeanor; provided, however, that no such
13 permit shall be required in the case of any project for which a
14 permit shall have been secured from a proper governmental
15 agency prior to the creation of the Port District nor shall any
16 such permit be required in the case of any project to be
17 undertaken by any city, village, or incorporated town in the
18 District, or any combination thereof, for which a permit is
19 required from a governmental agency other than the District
20 before the municipality can proceed with such project. And in
21 such event, such municipalities, or any of them, shall give at
22 least 10 days' notice to the District of the application for a
23 permit for any such project from a governmental agency other
24 than the District so that the District may be present and
25 represent its position relative to the application before the
26 other governmental agency. Any structure, fill, or deposit

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

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

1 Section 100. Board appointments; terms. The Governor shall
2 appoint 4 members of the Board, the Mayor of the City of Cairo
3 shall appoint one member of the Board, and the chairperson of
4 the Alexander County Board, with the advice and consent of the
5 Alexander County Board, shall appoint 2 members of the Board.
6 All initial appointments shall be made within 60 days after
7 this Act takes effect. Of the 4 members initially appointed by
8 the Governor, 2 shall be appointed for initial terms expiring
9 June 1, 2012 and 2 shall be appointed for initial terms
10 expiring June 1, 2013. The term of the member initially
11 appointed by the Mayor shall expire June 1, 2013. Of the 2
12 members appointed by the Alexander County Board Chairperson,
13 one shall be appointed for an initial term expiring June 1,
14 2012, and one shall be appointed for an initial term expiring
15 June 1, 2013. At the expiration of the term of any member, his
16 or her successor shall be appointed by the Governor, Mayor, or
17 Alexander County Board Chairperson in like manner and with like
18 regard to place of residence of the appointee, as in the case
19 of appointments for the initial terms.

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

1 during the term of office of any member appointed by the Mayor,
2 the Mayor shall make an appointment for the remainder of the
3 term vacant and until a successor is appointed and qualified.
4 In the case of a vacancy during the term of office of any
5 member appointed by the Alexander County Board Chairperson, the
6 Alexander County Board Chairperson shall make an appointment
7 for the remainder of the term vacant and until a successor is
8 appointed and qualified. The Governor, Mayor, and Alexander
9 County Board Chairperson shall certify their respective
10 appointments to the Secretary of State. Within 30 days after
11 certification of his or her appointment, and before entering
12 upon the duties of his or her office, each member of the Board
13 shall take and subscribe the constitutional oath of office and
14 file it in the office of the Secretary of State.

15 Section 105. Resignation and removal of Board members.
16 Members of the Board shall hold office until their respective
17 successors have been appointed and qualified. Any member may
18 resign from his or her office to take effect when his or her
19 successor has been appointed and has qualified. The Governor,
20 Mayor, or Alexander County Board Chairperson, respectively,
21 may remove any member of the Board they have appointed in case
22 of incompetency, neglect of duty, or malfeasance in office.
23 They shall give the member a copy of the charges against him or
24 her and an opportunity to be publicly heard in person or by
25 counsel in his or her own defense upon not less than 10 days'

1 notice. In case of failure to qualify within the time required,
2 or of abandonment of his or her office, or in case of death,
3 conviction of a felony, or removal from office, the office of
4 the member shall become vacant. Each vacancy shall be filled
5 for the unexpired term by appointment in the same manner as in
6 the case of the expiration of a Board member's term.

7 Section 110. Organization of the Board. As soon as possible
8 after the appointment of the initial members, the Board shall
9 organize for the transaction of business, select a chairperson
10 and a temporary secretary from its own number, and adopt bylaws
11 and regulations to govern its proceedings. The initial
12 chairperson and successors shall be elected by the Board from
13 time to time for the term of his or her office as a member of
14 the Board.

15 Section 115. Meetings. Regular meetings of the Board shall
16 be held at least once in each calendar month, the time and
17 place of the meetings to be fixed by the Board. Four members of
18 the Board shall constitute a quorum for the transaction of
19 business. All action of the Board shall be by ordinance or
20 resolution and the affirmative vote of at least 4 members shall
21 be necessary for the adoption of any ordinance or resolution.
22 All such ordinances and resolutions before taking effect shall
23 be approved by the chairperson of the Board, and if he or she
24 approves, the chairperson shall sign the same, and if the

1 chairperson does not approve the chairperson shall return to
2 the Board with his or her objections in writing at the next
3 regular meeting of the Board occurring after the passage. But
4 in the case the chairperson fails to return any ordinance or
5 resolution with his or her objections within the prescribed
6 time, the chairperson shall be deemed to have approved the
7 ordinance and it shall take effect accordingly. Upon the return
8 of any ordinance or resolution by the chairperson with his or
9 her objections, the vote shall be reconsidered by the Board,
10 and if, upon reconsideration of the ordinance or resolution, it
11 is passed by the affirmative vote of at least 5 members, it
12 shall go into effect notwithstanding the veto of the
13 chairperson. All ordinances, resolutions, and proceedings of
14 the District and all documents and records in its possession
15 shall be public records, and open to public inspection, except
16 for documents and records that are kept or prepared by the
17 Board for use in negotiations, legal actions, or proceedings to
18 which the District is a party.

19 Section 120. Secretary and treasurer; oath and bond. The
20 Board shall appoint a secretary and a treasurer, who need not
21 be members of the Board, to hold office during the pleasure of
22 the Board, and fix their duties and compensation. The secretary
23 and treasurer shall be residents of the District. Before
24 entering upon the duties of their respective offices, they
25 shall take and subscribe the constitutional oath of office, and

1 the treasurer shall execute a bond with corporate sureties to
2 be approved by the Board. The bond shall be payable to the
3 District in whatever penal sum may be directed by the Board
4 conditioned upon the faithful performance of the duties of the
5 office and the payment of all money received by him or her
6 according to law and the orders of the Board. The Board may, at
7 any time, require a new bond from the treasurer in such penal
8 sum as may then be determined by the Board. The obligation of
9 the sureties shall not extend to any loss sustained by the
10 insolvency, failure, or closing of any savings and loan
11 association or national or State bank wherein the treasurer has
12 deposited funds if the bank or savings and loan association has
13 been approved by the Board as a depository for these funds. The
14 oaths of office and the treasurer's bond shall be filed in the
15 principal office of the District.

16 Section 125. Deposits; checks or drafts. All funds
17 deposited by the treasurer in any bank or savings and loan
18 association shall be placed in the name of the District and
19 shall be withdrawn or paid out only by check or draft upon the
20 bank or savings and loan association, signed by the treasurer
21 and countersigned by the chairperson of the Board. Subject to
22 prior approval of such designations by a majority of the Board,
23 the chairperson may designate any other Board member or any
24 officer of the District to affix the signature of the
25 chairperson and the treasurer may designate any other officer

1 of the District to affix the signature of the treasurer to any
2 check or draft for payment of salaries or wages and for payment
3 of any other obligation of not more than \$2,500.

4 No bank or savings and loan association shall receive
5 public funds as permitted by this Section, unless it has
6 complied with the requirements established pursuant to Section
7 6 of the Public Funds Investment Act.

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

14 Section 130. General manager. The Board may appoint a
15 general manager who shall be a person of recognized ability and
16 business experience to hold office during the pleasure of the
17 Board. The general manager shall manage the properties and
18 business of the District and the employees thereof subject to
19 the general control of the Board, shall direct the enforcement
20 of all ordinances, resolutions, rules, and regulations of the
21 Board, and shall perform other duties as may be prescribed from
22 time to time by the Board. The Board may appoint a general
23 attorney and a chief engineer, and shall provide for the
24 appointment of other officers, attorneys, engineers,
25 consultants, agents, and employees as may be necessary. It

1 shall define their duties and may require bonds of such of them
2 as the Board may designate. The general manager, general
3 attorney, chief engineer, and all other officers provided for
4 pursuant to this Section shall be exempt from taking and
5 subscribing any oath of office and shall not be members of the
6 Board. The compensation of the general manager, general
7 attorney, chief engineer, and all other officers, attorneys,
8 consultants, agents, and employees shall be fixed by the Board.

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

17 Section 140. Report and financial statement. Within 60 days
18 after the end of each fiscal year, the Board shall cause to be
19 prepared and printed a complete and detailed report and
20 financial statement of the operations and assets and
21 liabilities of the Port District. A reasonably sufficient
22 number of copies of the report shall be printed for
23 distribution to persons interested, upon request, and a copy
24 thereof shall be filed with the Governor and the county clerk

1 and the presiding officer of the County Board of Alexander
2 County. A copy of the report shall be addressed to and mailed
3 to the corporate authorities of each municipality within the
4 area of the District.

5 Section 145. Investigations. The Board may investigate
6 conditions in which it has an interest within the area of the
7 District, the enforcement of its ordinances, rules, and
8 regulations, and the action, conduct, and efficiency of all
9 officers, agents, and employees of the District. In the conduct
10 of such investigations, the Board may hold public hearings on
11 its own motion, and shall do so on complaint of any
12 municipality within the District. Each member of the Board
13 shall have power to administer oaths, and the secretary, by
14 order of the Board, shall issue subpoenas to secure the
15 attendance and testimony of witnesses and the production of
16 books and papers relevant to such investigations and to any
17 hearing before the Board or any member of the Board.

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

1 Section 150. Administrative Review Law. All final
2 administrative decisions of the Board hereunder shall be
3 subject to judicial review pursuant to the provisions of the
4 Administrative Review Law, and all amendments and
5 modifications thereof, and the rules adopted pursuant thereto.
6 The term "administrative decision" is defined as in Section
7 3-101 of the Code of Civil Procedure.

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

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

23 Section 160. Annexation. Territory which is contiguous to

1 the District and which is not included within any other port
2 district may be annexed to and become a part of the District in
3 the manner provided in Section 165 or 170, whichever may be
4 applicable.

5 Section 165. Petition for annexation. At least 5% of the
6 legal voters resident within the limits of the proposed
7 addition to the District may petition the circuit court for the
8 county in which the major part of the District is situated, to
9 cause the question to be submitted to the legal voters of the
10 proposed additional territory, whether such proposed
11 additional territory shall become a part of the District and
12 assume a proportionate share of the general obligation bonded
13 indebtedness, if any, of the District. The petition shall be
14 addressed to the court and shall contain a definite description
15 of the boundaries of the territory to be embraced in the
16 proposed addition.

17 Upon filing any petition with the clerk of the court, the
18 court shall fix a time and place for a hearing upon the subject
19 of the petition.

20 Notice shall be given by the court to whom the petition is
21 addressed, or by the circuit clerk or sheriff of the county in
22 which the petition is made at the order and direction of the
23 court, of the time and place of the hearing upon the subject of
24 the petition at least 20 days before the hearing by at least
25 one publication of the notice in any newspaper having general

1 circulation within the area proposed to be annexed, and by
2 mailing a copy of the notice to the mayor or president of the
3 board of trustees of all municipalities within the District.

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

17 The proposition shall be in substantially the following
18 form:

19 Shall (description of the territory proposed to be
20 annexed) join the Alexander-Cairo Port District?
21 The votes shall be recorded as "Yes" or "No".

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

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

1 the additional territory shall thenceforth be an integral part
2 of the Alexander-Cairo Port District and subject to all of the
3 benefits of service and responsibilities of the District. The
4 circuit clerk shall transmit a certified copy of the order to
5 the circuit clerk of any other county in which any of the
6 territory affected is situated.

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

1 the circuit clerk of any other county in which the annexed
2 territory is situated.

3 Section 175. Non-applicability. The provisions of the
4 Illinois Municipal Code, the Airport Authorities Act, and the
5 General County Airport and Landing Field Act, shall not be
6 effective within the area of the District insofar as the
7 provisions of those Acts conflict with the provisions of this
8 Act or grant substantially the same powers to any municipal
9 corporation or political subdivision as are granted to the
10 District by this Act.

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

1 resulting from any such restriction, limitation, or
2 interference.

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

5 Section 190. The Eminent Domain Act is amended by changing
6 Section 15-5-45 as follows:

7 (735 ILCS 30/15-5-45)

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

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

13 Alexander-Cairo Port District Act; Alexander-Cairo Port
14 District; for general purposes.

15 (Source: P.A. 96-838, eff. 12-16-09.)

16 Section 999. Effective date. This Act takes effect upon
17 becoming law."