

1 AN ACT concerning local government.

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

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

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

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

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

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

21 "Approach" means any path, course, or zone defined by an
22 ordinance of the District or by other lawful regulation, on the
23 ground or in the air, or both, for the use of aircraft in

1 landing and taking off from an airport located within the
2 District.

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

4 "Commercial aircraft" means any aircraft other than public
5 aircraft engaged in the business of transporting persons or
6 property.

7 "District" or "Port District" means the Massac-Metropolis
8 Port District created by this Act.

9 "Export trading companies" means a person, partnership,
10 association, public or private corporation or similar
11 organization, whether operated for profit or not-for-profit,
12 which is organized and operated principally for purposes of
13 exporting goods or services produced in the United States,
14 importing goods or services produced in foreign countries,
15 conducting third country trading or facilitating such trade by
16 providing one or more services in support of such trade.

17 "General obligation bond" means any bond issued by the
18 District any part of the principal or interest of which bond is
19 to be paid by taxation.

20 "Governmental agency" means the federal government, the
21 State, and any unit of local government or school district, and
22 any agency or instrumentality, corporate or otherwise,
23 thereof.

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

25 "Mayor" means the Mayor of the City of Metropolis, the
26 Mayor of the City of Brookport, or the President of the Village

1 of Joppa, as the case may require.

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

4 "Person" means any individual, firm, partnership,
5 corporation, both domestic and foreign, company, association,
6 or joint stock association; and includes any trustee, receiver,
7 assignee, or personal representative thereof.

8 "Port facilities" means all public structures, except
9 terminal facilities as defined herein, that are in, over,
10 under, or adjacent to navigable waters and are necessary for or
11 incident to the furtherance of water commerce and includes the
12 widening and deepening of slips, harbors, and navigable waters.

13 "Private aircraft" means any aircraft other than public and
14 commercial aircraft.

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

18 "Public airport" means an airport owned by a Port District,
19 an airport authority or other public agency which is used or is
20 intended for use by public, commercial, and private aircraft
21 and by persons owning, managing, operating or desiring to use,
22 inspect, or repair any such aircraft or to use any such airport
23 for aeronautical purposes.

24 "Public interest" means the protection, furtherance and
25 advancement of the general welfare and of public health and
26 safety and public necessity and convenience in respect to

1 aeronautics.

2 "Revenue bond" means any bond issued by the District the
3 principal and interest of which bond is payable solely from
4 revenues or income derived from terminal, terminal facilities,
5 or port facilities of the District.

6 "Terminal" means a public place, station, or depot for
7 receiving and delivering baggage, mail, freight, or express
8 matter and for any combination of such purposes, in connection
9 with the transportation of persons and property on water or
10 land or in the air.

11 "Terminal facilities" means all land, buildings,
12 structures, improvements, equipment, and appliances useful in
13 the operation of public warehouse, storage, and transportation
14 facilities for the accommodation of or in connection with
15 commerce by water or land or in the air or useful as an aid, or
16 constituting an advantage or convenience to, the safe landing,
17 taking off and navigation of aircraft, or the safe and
18 efficient operation or maintenance of a public airport; except
19 that nothing in this definition contained shall be interpreted
20 as granting authority to the District to acquire, purchase,
21 create, erect, or construct a bridge across any waterway which
22 serves as a boundary between the State of Illinois and any
23 other state.

24 Section 10. Massac-Metropolis Port District. There is
25 created a political subdivision, body politic, and municipal

1 corporation by the name of the Massac-Metropolis Port District
2 embracing all of the area within the corporate limits of Massac
3 County. Territory may be annexed to the District in the manner
4 hereinafter provided in this Act. The District may sue and be
5 sued in its corporate name but execution shall not in any case
6 issue against any property of the District. It may adopt a
7 common seal and change the same at pleasure.

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

15 All property of the Port District shall be public grounds
16 owned by a municipal corporation and used exclusively for
17 public purposes within the tax exemption provisions of Sections
18 15-10, 15-15, 15-20, 15-30, 15-75, 15-140, 15-155, and 15-160
19 of the Property Tax Code.

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

22 (a) To issue permits: for the construction of all wharves,
23 piers, dolphins, booms, weirs, breakwaters, bulkheads,
24 jetties, bridges or other structures of any kind, over, under,

1 in, or within 40 feet of any navigable waters within the Port
2 District; for the deposit of rock, earth, sand, or other
3 material, or any matter of any kind or description in said
4 waters; except that nothing contained in this subsection (a)
5 shall be construed so that it will be deemed necessary to
6 obtain a permit from the District for the erection, operation,
7 or maintenance of any bridge crossing a waterway which serves
8 as a boundary between the State of Illinois and any other
9 state, when said erection, operation, or maintenance is
10 performed by any city within the District.

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

13 (c) To locate and establish dock lines and shore or harbor
14 lines.

15 (d) To regulate the anchorage, moorage, and speed of water
16 borne vessels and to establish and enforce regulations for the
17 operation of bridges, except nothing contained in this
18 subsection (d) shall be construed to give the District
19 authority to regulate the operation of any bridge crossing a
20 waterway which serves as a boundary between the State of
21 Illinois and any other state, when such operation is performed
22 or to be performed by any city within the District.

23 (e) To acquire, own, construct, lease, operate, and
24 maintain terminals, terminal facilities, and port facilities,
25 and to fix and collect just, reasonable, and nondiscriminatory
26 charges for the use of such facilities. The charges so

1 collected shall be used to defray the reasonable expenses of
2 the Port District and to pay the principal of and interest on
3 any revenue bonds issued by the District.

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

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

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

17 (i) To establish, maintain, extend, and improve roadways
18 and approaches by land, water, or air to any such airport and
19 to contract or otherwise provide, by condemnation if necessary,
20 for the removal of any airport hazard or the removal or
21 relocation of all private structures, railways, mains, pipes,
22 conduits, wires, poles, and all other facilities and equipment
23 which may interfere with the location, expansion, development,
24 or improvement of airports or with the safe approach thereto or
25 takeoff therefrom by aircraft, and to pay the cost of removal
26 or relocation; and, subject to the Airport Zoning Act, to

1 adopt, administer, and enforce airport zoning regulations for
2 territory which is within its corporate limits or which extends
3 not more than 2 miles beyond its corporate limits.

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

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

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

1 regulate and restrict the flight of aircraft while within or
2 above the incorporated territory of the District.

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

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

1 properties of the District.

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

4 (p) To acquire, own, lease, sell, or otherwise dispose of
5 interests in and to real property and improvements situated
6 thereon and in personal property necessary to fulfill the
7 purposes of the District.

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

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

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

13 Section 25. Prompt payment. Purchases made pursuant to this
14 Act shall be made in compliance with the Local Government
15 Prompt Payment Act.

16 Section 30. Acquisition of property. The District has power
17 to acquire and accept by purchase, lease, gift, grant, or
18 otherwise any property and rights useful for its purposes and
19 to provide for the development of channels, ports, harbors,
20 airports, airfields, terminals, port facilities, and terminal
21 facilities adequate to serve the needs of commerce within the
22 District. The District may acquire real or personal property or
23 any rights therein in the manner, as near as may be, as is
24 provided for the exercise of the right of eminent domain under

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

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

1 rights-of-way and privileges may be assignable and irrevocable
2 during the term of any such lease and may include the right to
3 enter upon the property of the District to do such things as
4 may be necessary for the enjoyment of such leases,
5 rights-of-way, and privileges, and such leases may contain such
6 conditions and retain such interest therein as may be deemed
7 for the best interest of the District by such Board.

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

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

23 Section 35. Eminent domain. Notwithstanding any other
24 provision of this Act, any power granted under this Act to
25 acquire property by condemnation or eminent domain is subject

1 to, and shall be exercised in accordance with, the Eminent
2 Domain Act.

3 Section 40. Export trading companies. The District is
4 authorized and empowered to establish, organize, own, acquire,
5 participate in, operate, sell, and transfer export trading
6 companies, whether as shareholder, partner, or co-venturer,
7 alone or in cooperation with federal, state or local
8 governmental authorities, federal, state, or national banking
9 associations, or any other public or private corporation or
10 person or persons. Export trading companies and all of the
11 property thereof, wholly or partly owned, directly or
12 indirectly, by the District, shall have the same privileges and
13 immunities as accorded to the District; and export trading
14 companies may borrow money or obtain financial assistance from
15 private lenders or federal and state governmental authorities
16 or issue general obligation and revenue bonds with the same
17 kinds of security, and in accordance with the same procedures,
18 restrictions, and privileges applicable when the District
19 obtains financial assistance or issues bonds for any of its
20 other authorized purposes. Such export trading companies are
21 authorized, if necessary or desirable, to apply for
22 certification under Title II or Title III of the Export Trading
23 Company Act of 1982.

24 Section 45. Grants, loans, and appropriations. The

1 District has power to apply for and accept grants, loans, or
2 appropriations from the federal government or any agency or
3 instrumentality thereof to be used for any of the purposes of
4 the District and to enter into any agreements with the federal
5 government in relation to such grants, loans, or
6 appropriations.

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

16 Section 50. Insurance contracts. The District has power to
17 procure and enter into contracts for any type of insurance or
18 indemnity against loss or damage to property from any cause,
19 including loss of use and occupancy, against death or injury of
20 any person, against employers' liability, against any act of
21 any member, officer, or employee of the District in the
22 performance of the duties of his or her office or employment or
23 any other insurable risk.

24 Section 55. Rentals, charges, and fees. With respect to any

1 and all leases, easements, rights-of-way, privileges, and
2 permits made or granted by the Board, the Board may agree upon
3 and collect the rentals, charges, and fees that are deemed to
4 be in the best interest of the District. Those rentals,
5 charges, and fees must be used to defray the reasonable
6 expenses of the District and to pay the principal and interest
7 upon any revenue bonds issued by the District.

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

19 The District may pursuant to ordinance adopted by the Board
20 and without submitting the question to referendum from time to
21 time issue and dispose of its interest bearing revenue bonds
22 and may also in the same manner from time to time issue and
23 dispose of its interest bearing revenue bonds to refund any
24 revenue bonds at maturity or pursuant to redemption provisions
25 or at any time before maturity with the consent of the holders

1 thereof.

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

21 The proposition shall be in substantially the following
22 form:

23 Shall general obligation bonds in the amount of
24 (dollars) be issued by the Massac-Metropolis Port District
25 for the (purpose) maturing in no more than (years), bearing
26 not more than (interest)%, and a tax levied to pay the

1 principal and interest thereof?

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

3 Section 65. Revenue bonds. All revenue bonds shall be
4 payable solely from the revenues or income to be derived from
5 the terminals, terminal facilities, airfields, airports, or
6 port facilities or any part thereof. The bonds may bear such
7 date or dates and may mature at such time or times not
8 exceeding 40 years from their respective dates, all as may be
9 provided in the ordinance authorizing their issuance. All
10 bonds, whether revenue or general obligation, may bear interest
11 at such rate or rates as permitted in the Bond Authorization
12 Act. Such interest may be paid semiannually. All such bonds may
13 be in such form, may carry such registration privileges, may be
14 executed in such manner, may be payable at such place or
15 places, may be made subject to redemption in such manner and
16 upon such terms, with or without premium as is stated on the
17 face thereof, may be authenticated in such manner and may
18 contain such terms and covenants, all as may be provided in the
19 ordinance authorizing issuance. The holder or holders of any
20 bonds or interest coupons appertaining thereto issued by the
21 District may bring civil actions to compel the performance and
22 observance by the District or any of its officers, agents, or
23 employees of any contract or covenant made by the District with
24 the holders of such bonds or interest coupons and to compel the
25 District and any of its officers, agents, or employees to

1 perform any duties required to be performed for the benefit of
2 the holders of any such bonds or interest coupons by the
3 provision in the ordinance authorizing their issuance, and to
4 enjoin the District and any of its officers, agents, or
5 employees from taking any action in conflict with any such
6 contract or covenant, including the establishment of charges,
7 fees, and rates for the use of facilities as hereinafter
8 provided.

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

16 Section 70. Issuing bonds. All bonds, whether general
17 obligation or revenue, shall be issued and sold by the Board in
18 such manner as the Board shall determine. However, if any bonds
19 are issued to bear interest at the maximum rate of interest
20 allowed by Section 60 or 65, whichever may be applicable, the
21 bonds shall be sold for not less than par and accrued interest.
22 The selling price of bonds bearing interest at a rate less than
23 the maximum allowable interest rate per annum shall be such
24 that the interest cost to the District of the money received
25 from the bond sale shall not exceed the maximum annual interest

1 rate allowed by Section 60 or 65, whichever may be applicable,
2 computed to absolute maturity of such bonds according to
3 standard tables of bond values.

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

17 To secure the payment of any or all revenue bonds and for
18 the purpose of setting forth the covenants and undertaking of
19 the District in connection with the issuance of revenue bonds
20 and the issuance of any additional revenue bonds payable from
21 such revenue income to be derived from the terminals, terminal
22 facilities, airports, airfields, and port facilities, the
23 District may execute and deliver a trust agreement or
24 agreements except that no lien upon any physical property of
25 the District shall be created thereby. A remedy for any breach

1 or default of the terms of any such trust agreement by the
2 District may be by mandamus proceedings in the circuit court to
3 compel performance and compliance therewith, but the trust
4 agreement may prescribe by whom or on whose behalf such action
5 may be instituted.

6 Section 80. Bonds not obligations of the State or district.
7 Under no circumstances shall any bonds issued by the District
8 or any other obligation of the District be or become an
9 indebtedness or obligation of the State of Illinois or of any
10 other political subdivision of or municipality within the
11 State.

12 No revenue bond shall be or become an indebtedness of the
13 District within the purview of any constitutional limitation or
14 provision, and it shall be plainly stated on the face of each
15 revenue bond that it does not constitute such an indebtedness,
16 or obligation but is payable solely from the revenues or income
17 derived from terminals, terminal facilities, airports,
18 airfields, and port facilities.

19 Section 85. Tax levy. The Board may, after referendum
20 approval, levy a tax for corporate purposes of the District
21 annually at the rate approved by referendum, but which rate
22 shall not exceed 0.05% of the value of all taxable property
23 within the Port District as equalized or assessed by the
24 Department of Revenue. If the Board desires to levy such a tax

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

13 The question shall be in substantially the following form:

14 Shall the Massac-Metropolis Port District levy a tax
15 for corporate purposes annually at a rate not to exceed
16 0.05% of the value of taxable property as equalized or
17 assessed by the Department of Revenue?

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

19 Section 90. Permits. It is unlawful to make any fill or
20 deposit of rock, earth, sand, or other material, or any refuse
21 matter of any kind or description, or build or commence the
22 building of any wharf, pier, dolphin, boom, weir, breakwater,
23 bulkhead, jetty, bridge, or other structure over, under, or
24 within 40 feet of any navigable waters within the Port District
25 without first submitting the plans, profiles, and

1 specifications therefor, and such other data and information as
2 may be required, to the Port District and receiving a permit
3 therefor; and any person, corporation, company, city or
4 municipality or other agency, which shall do any of the things
5 above prohibited, without securing a permit therefor as above
6 provided, shall be guilty of a Class A misdemeanor; provided,
7 however, that no such permit shall be required in the case of
8 any project for which a permit shall have been secured from a
9 proper governmental agency prior to the creation of the Port
10 District nor shall any such permit be required in the case of
11 any project to be undertaken by any city, village, or
12 incorporated town in the District, or any combination thereof,
13 for which a permit is required from a governmental agency other
14 than the District before the municipality can proceed with such
15 project. And in such event, such municipalities, or any of
16 them, shall give at least 10 days' notice to the District of
17 the application for a permit for any such project from a
18 governmental agency other than the District so that the
19 District may be present and represent its position relative to
20 such application before such other governmental agency. Any
21 structure, fill, or deposit erected or made in any of the
22 public bodies of water within the Port District, in violation
23 of the provisions of this Section, is a purpresture and may be
24 abated as such at the expense of the person, corporation,
25 company, municipality, or other agency responsible therefor,
26 or if, in the discretion of the Port District, it is decided

1 that such structure, fill, or deposit may remain, the Port
2 District may fix such rule, regulation, requirement,
3 restrictions, or rentals or require and compel such changes,
4 modifications, and repairs as shall be necessary to protect the
5 interest of the Port District.

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

20 Section 100. Board appointments; terms. The Governor shall
21 appoint 4 members of the Board, each Mayor of the
22 municipalities of Metropolis, Joppa, and Brookport shall
23 appoint one member of the Board. All initial appointments shall
24 be made within 60 days after this Act takes effect. Of the 4

1 members initially appointed by the Governor, 2 shall be
2 appointed for initial terms expiring June 1, 2016 and one for
3 an initial term expiring June 1, 2012 and one for an initial
4 term expiring June 1, 2011. The terms of the members initially
5 appointed by the respective Mayors shall expire June 1, 2012.
6 At the expiration of the term of any member, his or her
7 successor shall be appointed by the Governor or the respective
8 Mayor in like manner and with like regard to place of residence
9 of the appointee, as in the case of appointments for the
10 initial terms.

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

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

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

1 Section 115. Meetings. Regular meetings of the Board shall
2 be held at least once in each calendar month, the time and
3 place of such meetings to be fixed by the Board. Four members
4 of the Board shall constitute a quorum for the transaction of
5 business. All action of the Board shall be by ordinance or
6 resolution and the affirmative vote of at least 4 members shall
7 be necessary for the adoption of any ordinance or resolution.
8 All such ordinances and resolutions before taking effect shall
9 be approved by the chairman of the Board, and if he or she
10 approves thereof he or she shall sign the same, and such as he
11 or she does not approve he or she shall return to the Board
12 with his or her objections thereto in writing at the next
13 regular meeting of the Board occurring after the passage
14 thereof. But in the case the chairman fails to return any
15 ordinance or resolution with his or her objections thereto by
16 the time aforesaid, the chairman shall be deemed to have
17 approved the same and it shall take effect accordingly. Upon
18 the return of any ordinance or resolution by the chairman with
19 his or her objections, the vote by which the same was passed
20 shall be reconsidered by the Board, and if upon such
21 reconsideration said ordinance or resolution is passed by the
22 affirmative vote of at least 5 members, it shall go into effect
23 notwithstanding the veto of the chairman. All ordinances,
24 resolutions, and all proceedings of the District and all
25 documents and records in its possession shall be public

1 records, and open to public inspection, except such documents
2 and records as are kept or prepared by the Board for use in
3 negotiations, legal actions, or proceedings to which the
4 District is a party.

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

1 principal office of the District.

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

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

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

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

22 Section 135. Fines and penalties. The Board has power to
23 pass all ordinances and make all rules and regulations proper
24 or necessary, and to carry into effect the powers granted to
25 the District, with such fines or penalties as may be deemed

1 proper. All fines and penalties shall be imposed by ordinances,
2 which shall be published in a newspaper of general circulation
3 in the area embraced by the District. No such ordinance shall
4 take effect until 10 days after its publication.

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

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

1 shall have power to administer oaths, and the secretary, by
2 order of the Board, shall issue subpoenas to secure the
3 attendance and testimony of witnesses and the production of
4 books and papers relevant to such investigations and to any
5 hearing before the Board or any member thereof.

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

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

20 Section 155. Records. In the conduct of any investigation
21 authorized by Section 145, the Port District shall, at its
22 expense, provide a stenographer to take down all testimony and
23 shall preserve a record of such proceedings. The notice of
24 hearing, complaint, and all other documents in the nature of

1 pleadings and written motions filed in the proceedings, the
2 transcript of testimony and the orders or decision of the Board
3 constitutes the record of such proceedings.

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

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

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

1 addressed to the court and shall contain a definite description
2 of the boundaries of the territory to be embraced in the
3 proposed addition.

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

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

17 At the hearing, all persons residing in or owning property
18 situated in the area proposed to be annexed to the District may
19 appear and be heard touching upon the sufficiency of the
20 petition. If the court finds that the petition does not comply
21 with the requirements of the law, the court shall dismiss the
22 petition; but if the court finds that the petition is
23 sufficient, the court shall certify the proposition to the
24 proper election officials, who shall submit the proposition to
25 the voters at an election in accordance with the general
26 election law. In addition to the requirements of the general

1 election law, the notice of such referendum shall specify the
2 purpose of such referendum with a description of the area
3 proposed to be annexed to the District.

4 The proposition shall be in substantially the following
5 form:

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

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

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

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

20 Section 170. Annexation of territory having no legal
21 voters. If there is territory contiguous to the District which
22 has no legal voters residing therein, a petition to annex such
23 territory, signed by all the owners of record of such territory
24 may be filed with the circuit court for the county in which the
25 major part of the District is situated. A time and place for a

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

16 Section 175. Severability. If any provision of this Act is
17 held invalid such provision shall be deemed to be excised from
18 this Act and the invalidity thereof shall not affect any of the
19 other provisions of this Act. If the application of any
20 provision of this Act to any person or circumstance is held
21 invalid, it shall not affect the application to such persons or
22 circumstances other than those as to which it is invalid. The
23 provisions of this Act shall not be considered as impairing,
24 altering, modifying, repealing, or superseding any of the
25 jurisdiction or powers of the Illinois Commerce Commission or

1 of the Department of Natural Resources under the Rivers, Lakes,
2 and Streams Act. Nothing in this Act or done under its
3 authority shall apply to, restrict, limit, or interfere with
4 the use of any terminal facility or port facility owned or
5 operated by any private person for the storage or handling or
6 transfer of any commodity moving in interstate commerce or the
7 use of the land and facilities of a common carrier or other
8 public utility and the space above such land and facilities in
9 the business of such common carrier or other public utility,
10 without approval of the Illinois Commerce Commission and
11 without the payment of just compensation to any such common
12 carrier or other public utility for damages resulting from any
13 such restriction, limitation, or interference.

14 Section 180. Non-applicability. The provisions of the
15 Illinois Municipal Code, or the provisions of the Airport
16 Authorities Act, or the provisions of the General County
17 Airport and Landing Field Act, shall not be effective within
18 the area of the District insofar as the provisions of said Acts
19 conflict with the provisions of this Act or grant substantially
20 the same powers to any municipal corporation or political
21 subdivision as are granted to the District by this Act.

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

1 (735 ILCS 30/15-5-45 new)

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

5 Massac-Metropolis Port District Act; Massac-Metropolis Port
6 District; for general purposes.

7 Section 999. Effective date. This Act takes effect upon
8 becoming law.