



Rep. Jay Hoffman

Filed: 3/20/2015

09900HB0790ham001

LRB099 04604 AWJ 31642 a

1 AMENDMENT TO HOUSE BILL 790

2 AMENDMENT NO. _____. Amend House Bill 790 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Kaskaskia Regional Port District Act is
5 amended by changing Sections 1.1, 3, 6, 7.1, 14, and 20.2 as
6 follows:

7 (70 ILCS 1830/1.1)

8 Sec. 1.1. Purpose. The General Assembly declares that the
9 main purpose of this Act is to promote industrial, commercial,
10 transportation, homeland security, recreation, water supply,
11 flood control, and economic activities thereby reducing the
12 evils attendant upon unemployment and enhancing the public
13 health, safety, and welfare of this State.

14 (Source: P.A. 90-785, eff. 1-1-99.)

15 (70 ILCS 1830/3) (from Ch. 19, par. 503)

1 Sec. 3. There is created a political subdivision body
2 politic and municipal corporation, named "Kaskaskia Regional
3 Port District" embracing all of Monroe and Randolph Counties
4 and Freeburg, Millstadt, Smithton, Prairie Du Long, New Athens,
5 Marissa, Fayetteville, Engleman, Mascoutah, Shiloh Valley and
6 Lenzburg Townships of St. Clair County. The Port District may
7 sue and be sued in its corporate name but execution shall not
8 in any case issue against any property owned by the Port
9 District except for Port District property that the Port
10 District pledged as collateral to a bank or other financial
11 institution to secure a bank loan. It may adopt a common seal
12 and change the same at pleasure. The principal office of the
13 Port District shall be in the city of Red Bud ~~Chester~~,
14 Illinois.

15 No rights, duties or privileges of such District, or those
16 of any person, existing before the change of name shall be
17 affected by the change provided by this amendatory Act of 1967.
18 All proceedings pending in any court in favor of or against
19 such District may continue to final consummation under the name
20 in which they were commenced.

21 (Source: P.A. 80-1495.)

22 (70 ILCS 1830/6) (from Ch. 19, par. 506)

23 Sec. 6. The Port District has the following functions,
24 powers and duties:

25 (a) to study the existing harbor facilities within the area

1 of the Port District and to recommend to an appropriate
2 governmental agency, including the General Assembly of
3 Illinois, such changes and modifications as may from time to
4 time be required for continuing development therein and to meet
5 changing business and commercial needs;

6 (b) to make an investigation of conditions within the Port
7 District and to prepare and adopt a comprehensive plan for the
8 development of port facilities for the Port District. In
9 preparing and recommending changes and modifications in
10 existing harbor facilities, or a comprehensive plan for the
11 development of such port facilities, as above provided, the
12 Port District if it deems desirable may set aside and allocate
13 an area or areas, within the lands owned by it, to be leased to
14 private parties for industrial, manufacturing, commercial, or
15 harbor purposes, where such area or areas in the opinion of the
16 Board, are not required for primary purposes in the development
17 of harbor and port facilities for the use of public water and
18 land transportation, or will not be needed immediately for such
19 purposes, and where such leasing in the opinion of the Board
20 will aid and promote the development of terminal and port
21 facilities;

22 (c) to study and make recommendations to the proper
23 authority for the improvement of terminal, lighterage,
24 wharfage, warehousing, anchorage, transfer and other
25 facilities necessary for the promotion of commerce and the
26 interchange of traffic within, to and from the Port District;

1 (d) to study, prepare and recommend by specific proposals
2 to the General Assembly of Illinois changes in the jurisdiction
3 of the Port District;

4 (e) to petition any federal, state, municipal or local
5 authority, administrative, judicial and legislative, having
6 jurisdiction in the premises, for the adoption and execution of
7 any physical improvement, change in method, system of handling
8 freight, warehousing, docking, lightering and transfer of
9 freight, which in the opinion of the Board are designed to
10 improve or better the handling of commerce in and through the
11 Port District or improve terminal or transportation facilities
12 therein; ~~and-~~

13 (f) to petition any federal, state, or local authority,
14 including administrative, judicial, and legislative branches,
15 having jurisdiction for the adoption and execution of any
16 physical improvement or operation related to the management of
17 fish and wildlife, recreation, water supply, or flood control
18 which in the opinion of the Board is for the purpose of
19 improving or bettering the quality of life in the Port District
20 or add to the diversity of amenities related to that purpose.

21 (Source: Laws 1965, p. 1013.)

22 (70 ILCS 1830/7.1) (from Ch. 19, par. 507.1)

23 Sec. 7.1. Additional rights and powers. The Port District
24 has the following additional rights and powers:

25 (a) To issue permits for the construction of all wharves,

1 piers, dolphins, booms, weirs, breakwaters, bulkheads,
2 jetties, bridges or other structures of any kind, over, under,
3 in, or within 40 feet of any navigable waters within the Port
4 District, for the deposit of rock, earth, sand or other
5 material, or any matter of any kind or description in such
6 waters;

7 (b) To prevent and remove obstructions in navigable waters,
8 including the removal of wrecks or vessels; to recover damages,
9 including attorney fees, for the removal and clean-up of the
10 site or sites and the surrounding or downstream environment;
11 these rights and powers shall include, but are not limited to,
12 emergency powers to seize wrecks or vessels, remediate damages,
13 and provide for the disposition of the wrecks or vessels;

14 (c) To locate and establish dock lines and shore or harbor
15 lines;

16 (d) To regulate the anchorage, moorage and speed of water
17 borne vessels and to establish and enforce regulations for the
18 operation of bridges;

19 (e) To acquire, own, construct, lease, operate and maintain
20 terminals, terminal facilities, port facilities,
21 transportation equipment facilities, railroads and marinas,
22 and airport facilities and systems, and to fix and collect
23 just, reasonable, and non-discriminatory charges for use of
24 such facilities, equipment and systems. The charges so
25 collected shall be used to defray the reasonable expenses of
26 the Port District, and to pay the principal of and interest on

1 any revenue bonds issued by the Port District;

2 (f) To operate, maintain, manage, lease, sub-lease, and to
3 make and enter into contracts for the use, operation or
4 management of, and to provide rules and regulations for, the
5 operation, management or use of, any public port or public port
6 facility;

7 (g) To fix, charge and collect reasonable rentals, tolls,
8 fees and charges for the use of any public port, or any part
9 thereof, or any public port facility;

10 (h) To establish, maintain, expand and improve roadways,
11 railroads, and approaches by land, or water, to any such
12 terminal, terminal facility and port facilities, and to
13 contract or otherwise provide by condemnation, if necessary,
14 for the removal of any port, terminal, terminal facilities and
15 port facility hazards or the removal or relocation of all
16 private structures, railroads, mains, pipes, conduits, wires,
17 poles, and all other facilities and equipment which may
18 interfere with the location, expansion, development or
19 improvement of ports, terminals, terminal facilities and port
20 facilities or with the safe approach thereto, or exit or
21 takeoff therefrom by vehicles, vessels, barges and other means
22 of transportation, and to pay the cost of removal or
23 relocation;

24 (i) To police its physical property only and all waterways
25 and to exercise police powers in respect thereto or in respect
26 to the enforcement of any rule or regulation provided by the

1 ordinances of the District and to employ and commission police
2 officers and other qualified persons to enforce such rules and
3 regulations. A regulatory ordinance of the District adopted
4 under any provisions of this Section may provide for a
5 suspension or revocation of any rights or privileges within the
6 control of the District for a violation of any such regulatory
7 ordinance.

8 (j) To enter into agreements with the corporate authorities
9 or governing body of any other municipal corporation or any
10 political subdivision of this State to pay the reasonable
11 expense of services furnished by such municipal corporation or
12 political subdivision for or on account of income producing
13 properties of the District;

14 (k) To enter into contracts dealing in any manner with the
15 objects and purposes of this Act;

16 (l) To acquire, own, lease, mortgage, sell, or otherwise
17 dispose of interests in and to real property and improvements
18 situate thereon and in personal property necessary to fulfill
19 the purposes of the District;

20 (m) To designate the fiscal year for the District;

21 (n) To engage in any activity or operation which is
22 incidental to and in furtherance of efficient operation to
23 accomplish the District's primary purpose;

24 (o) To acquire, erect, construct, maintain and operate
25 aquariums, museums, planetariums, climatrons and other
26 edifices for the collection and display of objects pertaining

1 to natural history or the arts and sciences and to permit the
2 directors or trustees of any corporation or society organized
3 for the erection, construction, maintenance and operation of an
4 aquarium, museum, planetarium, climatron or other such edifice
5 to perform such erection, construction, maintenance and
6 operation on or within any property now or hereafter owned by
7 or under the control or supervision of the District; and to
8 contract with any such directors or trustees relative to such
9 acquisition, erection, construction, maintenance and operation
10 and to charge or authorize such directors or trustees to charge
11 an admission fee, the proceeds of which shall be devoted
12 exclusively to such erection, construction, maintenance and
13 operation;

14 (p) To do any act which is enumerated in Section 11-74.1-1
15 of the "Illinois Municipal Code", in the same manner and form
16 as though the District were a "municipality" as referred to in
17 such Section;

18 (q) To acquire, erect, construct, reconstruct, improve,
19 maintain and operate one or more, or a combination or
20 combinations of, industrial buildings, office buildings,
21 buildings to be used as a factory, mill shops, processing
22 plants, packaging plants, assembly plants, fabricating plants,
23 and buildings to be used as warehouses and other storage
24 facilities.

25 (r) To acquire, own, construct, lease or contract for any
26 period not exceeding 99 years, operate, develop, and maintain

1 Port District water and sewage systems and other utility
2 systems and services, including, but not limited to, pipes,
3 mains, lines, sewers, pumping stations, settling tanks,
4 treatment plants, water purification equipment, wells, storage
5 facilities, lines, and all other equipment, material, and
6 facilities necessary to those systems, for the use, upon
7 payment of reasonable fee set by the District, of any tenant,
8 occupant, or user of the District facilities or any person
9 engaged in commerce in the District; provided that the District
10 shall not acquire, own, construct, lease, operate, develop, and
11 maintain the systems and services if those systems and services
12 can be provided by an investor-owned public utility offering
13 electric or gas services. The public utility shall provide the
14 District with a written response, within 30 days after
15 receiving a written request from the District for those systems
16 or services, stating whether it will or will not be able to
17 provide the requested systems or services in accordance with
18 the Public Utilities Act.

19 (Source: P.A. 90-785, eff. 1-1-99.)

20 (70 ILCS 1830/14) (from Ch. 19, par. 514)

21 Sec. 14. The District has power to acquire and accept by
22 purchase, lease, gift, grant or otherwise any property and
23 rights useful for its purposes and to provide for the
24 development of channels, ports, harbors, airports, airfields,
25 terminals, port facilities, terminal facilities, trails, and

1 other transportation facilities within the Port District
2 adequate to serve the needs of commerce within the area served
3 by the Port District. The Port District may acquire real or
4 personal property or any rights therein in the manner, as near
5 as may be, as is provided for the exercise of the right of
6 eminent domain under the Eminent Domain Act and quick-take
7 under Article 20 of Eminent Domain Act, except that no property
8 owned by any municipality within the Port District shall be
9 taken or appropriated without first obtaining consent of the
10 governing body of such municipality.

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

12 (70 ILCS 1830/20.2)

13 Sec. 20.2. Authorization to borrow moneys. The District's
14 Board may borrow money from any bank or other financial
15 institution and may provide appropriate security, including
16 mortgaging real estate, for that borrowing, if the money is
17 repaid within 20 ~~3~~ years after the money is borrowed.
18 "Financial institution" means any bank subject to the Illinois
19 Banking Act, any savings and loan association subject to the
20 Illinois Savings and Loan Act of 1985, any savings bank subject
21 to the Savings Bank Act, and any federally chartered commercial
22 bank or savings and loan association organized and operated in
23 this State pursuant to the laws of the United States.

24 (Source: P.A. 94-562, eff. 1-1-06.)".