



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4293

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

70 ILCS 1830/1.1	
70 ILCS 1830/3	from Ch. 19, par. 503
70 ILCS 1830/6	from Ch. 19, par. 506
70 ILCS 1830/7.1	from Ch. 19, par. 507.1
70 ILCS 1830/14	from Ch. 19, par. 514
70 ILCS 1830/20.2	

Amends the Kaskaskia Regional Port District Act. Expands the purpose of the Act to include security, safety, recreation, water supply, and flood control. Expands the powers of the Port District as follows: to petition any government or branch of government relating to the management of fish and wildlife, recreation, water supply; recovery of vessels (currently only wrecks); and recovery of damages for the removal, cleanup, and disposition of the wrecks and vessels. Provides that the Port District may mortgage property.

LRB099 14168 AWJ 38212 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

STATE DEBT
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning local government.

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

4 Section 5. The 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)

16 Sec. 3. There is created a political subdivision body
17 politic and municipal corporation, named "Kaskaskia Regional
18 Port District" embracing all of Monroe and Randolph Counties
19 and Freeburg, Millstadt, Smithton, Prairie Du Long, New Athens,
20 Marissa, Fayetteville, Engleman, Mascoutah, Shiloh Valley and
21 Lenzburg Townships of St. Clair County. The Port District may
22 sue and be sued in its corporate name but execution shall not

1 in any case issue against any property owned by the Port
2 District except for Port District property that the Port
3 District pledged as collateral to a bank or other financial
4 institution to secure a bank loan. It may adopt a common seal
5 and change the same at pleasure. The principal office of the
6 Port District shall be in the city of Red Bud ~~Chester~~,
7 Illinois.

8 No rights, duties or privileges of such District, or those
9 of any person, existing before the change of name shall be
10 affected by the change provided by this amendatory Act of 1967.
11 All proceedings pending in any court in favor of or against
12 such District may continue to final consummation under the name
13 in which they were commenced.

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

15 (70 ILCS 1830/6) (from Ch. 19, par. 506)

16 Sec. 6. The Port District has the following functions,
17 powers and duties:

18 (a) to study the existing harbor facilities within the area
19 of the Port District and to recommend to an appropriate
20 governmental agency, including the General Assembly of
21 Illinois, such changes and modifications as may from time to
22 time be required for continuing development therein and to meet
23 changing business and commercial needs;

24 (b) to make an investigation of conditions within the Port
25 District and to prepare and adopt a comprehensive plan for the

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

15 (c) to study and make recommendations to the proper
16 authority for the improvement of terminal, lighterage,
17 wharfage, warehousing, anchorage, transfer and other
18 facilities necessary for the promotion of commerce and the
19 interchange of traffic within, to and from the Port District;

20 (d) to study, prepare and recommend by specific proposals
21 to the General Assembly of Illinois changes in the jurisdiction
22 of the Port District;

23 (e) to petition any federal, state, municipal or local
24 authority, administrative, judicial and legislative, having
25 jurisdiction in the premises, for the adoption and execution of
26 any physical improvement, change in method, system of handling

1 freight, warehousing, docking, lightering and transfer of
2 freight, which in the opinion of the Board are designed to
3 improve or better the handling of commerce in and through the
4 Port District or improve terminal or transportation facilities
5 therein; ~~and-~~

6 (f) to petition any federal, state, or local authority,
7 including administrative, judicial, and legislative branches,
8 having jurisdiction for the adoption and execution of any
9 physical improvement or operation related to the management of
10 fish and wildlife, recreation, water supply, or flood control
11 which in the opinion of the Board is for the purpose of
12 improving or bettering the quality of life in the Port District
13 or add to the diversity of amenities related to that purpose.

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

15 (70 ILCS 1830/7.1) (from Ch. 19, par. 507.1)

16 Sec. 7.1. Additional rights and powers. The Port District
17 has the following additional rights and powers:

18 (a) To issue permits for the construction of all wharves,
19 piers, dolphins, booms, weirs, breakwaters, bulkheads,
20 jetties, bridges or other structures of any kind, over, under,
21 in, or within 40 feet of any navigable waters within the Port
22 District, for the deposit of rock, earth, sand or other
23 material, or any matter of any kind or description in such
24 waters;

25 (b) To prevent and remove obstructions in navigable waters,

1 including the removal of wrecks or vessels; to recover damages,
2 including attorney fees, for the removal and clean-up of the
3 site or sites and the surrounding or downstream environment;
4 these rights and powers shall include, but are not limited to,
5 emergency powers to seize wrecks or vessels, remediate damages,
6 and provide for the disposition of the wrecks or vessels;

7 (c) To locate and establish dock lines and shore or harbor
8 lines;

9 (d) To regulate the anchorage, moorage and speed of water
10 borne vessels and to establish and enforce regulations for the
11 operation of bridges;

12 (e) To acquire, own, construct, lease, operate and maintain
13 terminals, terminal facilities, port facilities,
14 transportation equipment facilities, railroads and marinas,
15 and airport facilities and systems, and to fix and collect
16 just, reasonable, and non-discriminatory charges for use of
17 such facilities, equipment and systems. The charges so
18 collected shall be used to defray the reasonable expenses of
19 the Port District, and to pay the principal of and interest on
20 any revenue bonds issued by the Port District;

21 (f) To operate, maintain, manage, lease, sub-lease, and to
22 make and enter into contracts for the use, operation or
23 management of, and to provide rules and regulations for, the
24 operation, management or use of, any public port or public port
25 facility;

26 (g) To fix, charge and collect reasonable rentals, tolls,

1 fees and charges for the use of any public port, or any part
2 thereof, or any public port facility;

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

17 (i) To police its physical property only and all waterways
18 and to exercise police powers in respect thereto or in respect
19 to the enforcement of any rule or regulation provided by the
20 ordinances of the District and to employ and commission police
21 officers and other qualified persons to enforce such rules and
22 regulations. A regulatory ordinance of the District adopted
23 under any provisions of this Section may provide for a
24 suspension or revocation of any rights or privileges within the
25 control of the District for a violation of any such regulatory
26 ordinance.

1 (j) To enter into agreements with the corporate authorities
2 or governing body of any other municipal corporation or any
3 political subdivision of this State to pay the reasonable
4 expense of services furnished by such municipal corporation or
5 political subdivision for or on account of income producing
6 properties of the District;

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

9 (l) To acquire, own, lease, mortgage, sell, or otherwise
10 dispose of interests in and to real property and improvements
11 situate thereon and in personal property necessary to fulfill
12 the purposes of the District;

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

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

17 (o) To acquire, erect, construct, maintain and operate
18 aquariums, museums, planetariums, climatrons and other
19 edifices for the collection and display of objects pertaining
20 to natural history or the arts and sciences and to permit the
21 directors or trustees of any corporation or society organized
22 for the erection, construction, maintenance and operation of an
23 aquarium, museum, planetarium, climatron or other such edifice
24 to perform such erection, construction, maintenance and
25 operation on or within any property now or hereafter owned by
26 or under the control or supervision of the District; and to

1 contract with any such directors or trustees relative to such
2 acquisition, erection, construction, maintenance and operation
3 and to charge or authorize such directors or trustees to charge
4 an admission fee, the proceeds of which shall be devoted
5 exclusively to such erection, construction, maintenance and
6 operation;

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

11 (q) To acquire, erect, construct, reconstruct, improve,
12 maintain and operate one or more, or a combination or
13 combinations of, industrial buildings, office buildings,
14 buildings to be used as a factory, mill shops, processing
15 plants, packaging plants, assembly plants, fabricating plants,
16 and buildings to be used as warehouses and other storage
17 facilities.

18 (r) To acquire, own, construct, lease or contract for any
19 period not exceeding 99 years, operate, develop, and maintain
20 Port District water and sewage systems and other utility
21 systems and services, including, but not limited to, pipes,
22 mains, lines, sewers, pumping stations, settling tanks,
23 treatment plants, water purification equipment, wells, storage
24 facilities, lines, and all other equipment, material, and
25 facilities necessary to those systems, for the use, upon
26 payment of reasonable fee set by the District, of any tenant,

1 occupant, or user of the District facilities or any person
2 engaged in commerce in the District; provided that the District
3 shall not acquire, own, construct, lease, operate, develop, and
4 maintain the systems and services if those systems and services
5 can be provided by an investor-owned public utility offering
6 electric or gas services. The public utility shall provide the
7 District with a written response, within 30 days after
8 receiving a written request from the District for those systems
9 or services, stating whether it will or will not be able to
10 provide the requested systems or services in accordance with
11 the Public Utilities Act.

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

13 (70 ILCS 1830/14) (from Ch. 19, par. 514)

14 Sec. 14. The District has power to acquire and accept by
15 purchase, lease, gift, grant or otherwise any property and
16 rights useful for its purposes and to provide for the
17 development of channels, ports, harbors, airports, airfields,
18 terminals, port facilities, terminal facilities, trails, and
19 other transportation facilities within the Port District
20 adequate to serve the needs of commerce within the area served
21 by the Port District. The Port District may acquire real or
22 personal property or any rights therein in the manner, as near
23 as may be, as is provided for the exercise of the right of
24 eminent domain under the Eminent Domain Act, except that no
25 property owned by any municipality within the Port District

1 shall be taken or appropriated without first obtaining consent
2 of the governing body of such municipality.

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

4 (70 ILCS 1830/20.2)

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

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