

1 AN ACT concerning port districts.

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 Heart of Illinois Regional Port District Act.

6 Section 5. Definitions. In this Act:

7 "Airport" means any locality, either land or water, that
8 is used or designed for the landing and taking off of
9 aircraft or for the location of runways, landing fields,
10 airdromes, hangars, buildings, structures, airport roadways,
11 and other facilities.

12 "Board" means Heart of Illinois Regional Port District
13 Board.

14 "District" means the Heart of Illinois Regional Port
15 District created by this Act.

16 "Governmental agency" means the United States, the State
17 of Illinois, any local governmental body, and any agency or
18 instrumentality, corporate or otherwise, thereof.

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

20 "Intermodal" means a type of international freight system
21 that permits transshipping among sea, highway, rail, and air
22 modes of transportation through use of ANSI/International
23 Organization for Standardization containers, line haul
24 assets, and handling equipment.

25 "Navigable waters" mean any public waters that are or can
26 be made usable for water commerce.

27 "Person" means any individual, firm, partnership, trust,
28 corporation, both domestic and foreign, company, association,
29 or joint stock association and includes any trustee,
30 receiver, assignee, or personal representative thereof.

31 "Port facilities" mean all public and other buildings,

1 structures, works, improvements, and equipment, except
2 terminal facilities as defined in this Section, that are
3 upon, in, over, under, adjacent, or near to navigable waters,
4 harbors, slips, and basins and that are necessary or useful
5 for or incident to the furtherance of water and land commerce
6 and the operation of small boats and pleasure craft. "Port
7 facilities" includes the widening and deepening of basins,
8 slips, harbors, and navigable waters. "Port facilities" also
9 mean all lands, buildings, structures, improvements,
10 equipment, and appliances located on district property that
11 are used for industrial, manufacturing, commercial, or
12 recreational purposes.

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

18 "Terminal facilities" mean all lands, buildings,
19 structures, improvements, equipment, and appliances useful in
20 the operation of public warehouse, storage, and
21 transportation facilities for water and land commerce and for
22 handling, docking, storing, and servicing small boats and
23 pleasure craft.

24 Section 10. Heart of Illinois Regional Port District
25 created. There is created a political subdivision, body
26 politic, and municipal corporation by the name of the Heart
27 of Illinois Regional Port District embracing all the area
28 within the corporate limits of Peoria, Fulton, Tazewell,
29 Woodford, and Marshall Counties and embracing the corporate
30 limits of Mason County except for Havana Township. Territory
31 may be annexed to the district in the manner provided in this
32 Act. The district may sue and be sued in its corporate name
33 but execution shall not in any case issue against any

1 property of the district. It may adopt a common seal and
2 change the same at its pleasure.

3 Section 15. Property of district; exemption. All
4 property of every kind belonging to the Heart of Illinois
5 Regional Port District shall be exempt from taxation,
6 provided that a tax may be levied upon a lessee of the
7 district by reason of the value of a leasehold estate
8 separate and apart from the fee or upon any improvements that
9 are constructed and owned by others than the district.

10 All property of the Heart of Illinois Regional Port
11 District shall be construed as constituting public grounds
12 owned by a municipal corporation and used exclusively for
13 public purposes within the tax exemption provisions of
14 Sections 15-10, 15-15, 15-20, 15-30, 15-75, 15-140, 15-155,
15 and 15-160 of the Property Tax Code.

16 Section 20. Duties. The port district shall have all of
17 the following duties:

18 (a) To study the existing harbor plans within the area
19 of the district and to recommend to the appropriate
20 governmental agency, including the General Assembly of
21 Illinois, any changes and modifications that may from time to
22 time be required by continuing development and to meet
23 changing business and commercial needs.

24 (b) To make an investigation of conditions within the
25 area of the district and to prepare and adopt a comprehensive
26 plan for the development of port facilities and intermodal
27 facilities for the district. In preparing and recommending
28 changes and modifications in existing harbor plans or a
29 comprehensive plan for the development of port facilities and
30 intermodal facilities, the district may, if it deems
31 desirable, set aside and allocate an area or areas within the
32 lands held by it to be used and operated by the district or

1 leased to private parties for industrial, manufacturing,
2 commercial, recreational, or harbor purposes, where the area
3 or areas are not, in the opinion of the district, required
4 for its primary purposes in the development of intermodal,
5 harbor, and port facilities for the use of public water and
6 land transportation, or will not be immediately needed for
7 those purposes, and where the use and operation or leasing
8 will in the opinion of the district aid and promote the
9 development of intermodal, terminal, and port facilities.

10 (c) To study and make recommendations to the proper
11 authority for the improvement of terminal, lighterage,
12 wharfage, warehousing, transfer, and other facilities
13 necessary for the promotion of commerce and the interchange
14 of traffic within, to, and from the district.

15 (d) To study, prepare, and recommend by specific
16 proposals to the General Assembly changes in the jurisdiction
17 of the district.

18 (e) To petition any federal, State, municipal, or local
19 authority, administrative, judicial, and legislative, having
20 jurisdiction in the district for the adoption and execution
21 of any physical improvement, change in method, system of
22 handling freight, warehousing, docking, lightering, and
23 transfer of freight that, in the opinion of the district, may
24 be designed to improve or better the handling of commerce in
25 and through the district or improve terminal or
26 transportation facilities within the district.

27 (f) To foster, stimulate, and promote the shipment of
28 cargoes and commerce through ports, whether originating
29 within or without the State of Illinois.

30 (g) To acquire, construct, own, lease, and develop
31 terminals, wharf facilities, piers, docks, warehouses, bulk
32 terminals, grain elevators, tug boats, and other harbor
33 crafts, and any other port facility or port-related facility
34 or service that it finds necessary and convenient.

1 (h) To perform any other act or function that may tend
2 to or be useful toward development and improvement of
3 harbors, sea ports, and port-related facilities and services
4 and to increase foreign and domestic commerce through the
5 harbors and ports within the port district.

6 (i) To study and make recommendations for river
7 resources management and environmental education within the
8 district, including but not limited to, wetlands banks,
9 mitigation areas, water retention and sedimentation areas,
10 fish hatcheries, or wildlife sanctuaries, natural habitat,
11 and native plant research.

12 Section 25. Changes in harbor plans. Any changes and
13 modifications in harbor plans within the area of the port
14 district from time to time recommended by the district or any
15 comprehensive plan for the development of the port facilities
16 adopted by the district, under the authority granted by this
17 Act, shall be submitted to the Department of Natural
18 Resources for approval and approval by the Department shall
19 be conclusive evidence, for all purposes, that these changes
20 and modifications conform to the provisions of this Act.

21 Section 30. Rights and powers. The port district shall
22 have the following rights and powers:

23 (a) To issue permits for the construction of all
24 wharves, piers, dolphins, booms, weirs, breakwaters,
25 bulkheads, jetties, bridges, or other structures of any kind
26 over, under, in, or within 40 feet of any navigable waters
27 within the district; for the deposit of rock, earth, sand, or
28 other material; or for any matter of any kind or description
29 in those waters;

30 (b) To prevent or remove obstructions, including the
31 removal of wrecks;

32 (c) To locate and establish dock lines and shore or

1 harbor lines;

2 (d) To acquire, own, construct, sell, lease, operate,
3 and maintain port and harbor, water, and land terminal
4 facilities and, subject to the provisions of Section 35, to
5 operate or contract for the operation of those facilities,
6 and to fix and collect just, reasonable, and
7 non-discriminatory charges, rentals, or fees for the use of
8 those facilities. The charges, rentals, or fees so collected
9 shall be made available to defray the reasonable expenses of
10 the district and to pay the principal of and interest on any
11 revenue bonds issued by the district;

12 (e) To enter into any agreement or contract with any
13 airport for the use of airport facilities to the extent
14 necessary to carry out any of the purposes of the district;

15 (f) To the extent authorized by the Intergovernmental
16 Cooperation Act, to enter into any agreements with any other
17 public agency of this State, including other port districts;

18 (g) To the extent authorized by any interstate compact,
19 to enter into agreements with any other state or unit of
20 local government of any other state; and

21 (h) To enter into contracts dealing in any manner with
22 the objects and purposes of this Act.

23 Section 35. Contracts for the operation of warehouses
24 and storage facilities. Any public warehouse or other public
25 storage facility owned or otherwise controlled by the
26 district shall be operated by persons under contracts with
27 the district. Any contract shall reserve reasonable rentals
28 or other charges payable to the district sufficient to pay
29 the cost of maintaining, repairing, regulating, and operating
30 the facilities and to pay the principal of and interest on
31 any revenue bonds issued by the district and may contain any
32 other conditions that may be mutually agreed upon. However,
33 upon the breach of a contract or if no contract is in

1 existence as to any facility, the district shall temporarily
2 operate the facility until a contract for its operation can
3 be negotiated.

4 Section 40. Procedure for leases or contracts for
5 operation of warehouses and storage facilities. All leases or
6 other contracts for operation of any public warehouse or
7 public grain elevator to which this Section is applicable
8 owned or otherwise controlled by the district shall be
9 governed by the following procedures. Notice shall be given
10 by the district that bids will be received for the operation
11 of the public warehouse or public grain elevator. This notice
12 shall state the time within which and the place where bids
13 may be submitted, the time and place of opening of bids, and
14 shall be published not more than 30 days nor less than 15
15 days in advance of the first day for the submission of bids
16 in any one or more newspapers designated by the district that
17 have a general circulation within the district. The notice
18 shall specify sufficient data of the proposed operation to
19 enable bidders to understand the scope of the operation;
20 provided, however, that contracts that by their nature are
21 not adapted to award by competitive bidding, such as
22 contracts for the services of individuals possessing a high
23 degree of personal skill, contracts for the purchase or
24 binding of magazines, books, periodicals, pamphlets, reports,
25 and similar articles, and contracts for utility services such
26 as water, light, heat, telephone, or telegraph, shall not be
27 subject to the competitive bidding requirements of this
28 Section, but may not be awarded without the affirmative vote
29 of 3/5ths of the Board.

30 The Board may, by ordinance, promulgate reasonable
31 regulations prescribing the qualifications of the bidders as
32 to experience, adequacy of equipment, ability to complete
33 performance within the time set, and other factors in

1 addition to financial responsibility, and may, by ordinance,
2 provide for suitable performance guaranties to qualify a bid.
3 Copies of all regulations shall be made available to all
4 bidders.

5 The district may determine in advance the minimum rental
6 that should be produced by the public warehouse or public
7 grain elevator offered and, if no qualified bid will produce
8 the minimum rental, all bids may be rejected and the district
9 shall then readvertise for bids. If after the readvertisement
10 no responsible and satisfactory bid within the terms of the
11 advertisement is received, the district may then negotiate a
12 lease for not less than the amount of minimum rental so
13 determined. If, after negotiating for a lease as provided in
14 this Section, it is found necessary to revise the minimum
15 rental to be produced by the facilities offered for lease,
16 then the district shall again readvertise for bids, as
17 provided in this Section, before negotiating a lease.

18 If the district shall temporarily operate any public
19 warehouse or public grain elevator as provided in Section 35,
20 the temporary operation shall not continue for more than one
21 year without advertising for bids for the operation of the
22 facility as provided in this Section.

23 Section 45. Obligations for expenses not to be incurred
24 until appropriations made. Unless and until the revenues from
25 operations conducted by the district are adequate to meet all
26 expenditures or unless and until otherwise determined by an
27 act of the General Assembly, the district shall not incur any
28 obligations for salaries, office, or administrative expenses
29 before the making of appropriations to meet those expenses.

30 Section 50. Acquisition of property.

31 (a) The district shall have power to acquire and accept
32 by purchase, lease, gift, grant, or otherwise any and all

1 real property, whether a fee simple absolute or a lesser
2 estate, and personal property either within or without its
3 corporate limits or any right that may be useful for its
4 purposes and to provide for the development of adequate
5 channels, ports, harbors, terminals, port facilities,
6 intermodal facilities, and terminal facilities adequate to
7 serve the needs of commerce within the district. The district
8 shall have the right to grant easements and permits for the
9 use of any real property, rights of way, or privileges that,
10 in the opinion of the Board, will not interfere with the use
11 of the district's property by the district for its primary
12 purposes and the easements and permits may contain any
13 conditions and retain any interest therein that may be deemed
14 for the best interest of the district by the Board.

15 (b) Any property or facility shall be leased or
16 operated, if at all, only by 2 or more unrelated contracting
17 parties in parcels that are as nearly equal in all respects
18 as practicable unless the Board determines that it is in the
19 best interest of the district to lease the property or
20 facility to a single contracting party.

21 The district, subject to the public bid requirements
22 prescribed in Section 40 with respect to public warehouses or
23 public grain elevators, may lease to others for any period of
24 time not to exceed 99 years upon any terms that the Board may
25 determine any of its real property, rights of way, or
26 privileges, any interest therein, or any part thereof for
27 industrial, manufacturing, commercial, recreational, or
28 harbor purposes, that is in the opinion of the Board no
29 longer required for its primary purposes in the development
30 of port, intermodal, and harbor facilities or that may not be
31 immediately needed for those purposes. Where the leases will
32 in the opinion of the Board aid and promote those purposes,
33 and in conjunction with those leases, the district may grant
34 rights of way and privileges across the property of the

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

9 With respect to any and all leases, easements, rights of
10 way, privileges, and permits made or granted by the Board,
11 the Board may agree upon and collect the rentals, charges,
12 and fees that may be deemed for the best interest of the
13 district by the Board. The rentals, charges, and fees shall
14 be used to defray the reasonable expenses of the district and
15 to pay the principal of and interest on any revenue bonds
16 issued by the district.

17 (c) The district may dedicate to the public for highway
18 purposes any of its real property and those dedications may
19 be subject to any conditions and the retention of any
20 interest that may be deemed for the best interest of the
21 district by the Board.

22 (d) The district may sell, convey, or operate any of its
23 buildings, structures, or other improvements located upon
24 district property that may be deemed in the best interest of
25 the district by the Board.

26 Section 55. Grants, loans, and appropriations. The
27 district has power to apply for and accept grants, loans, or
28 appropriations from the federal government or any agency or
29 instrumentality thereof or the State of Illinois or any
30 agency or instrumentality thereof to be used for any of the
31 purposes of the district and to enter into any agreement with
32 the federal government, the State of Illinois, or any agency
33 or instrumentality thereof in relation to the grants, loans,

1 or appropriations.

2 Section 60. Foreign trade zones and sub-zones. The
3 district has power to apply to the proper authorities of the
4 United States of America under the appropriate law for the
5 right to establish, operate, maintain, and lease foreign
6 trade zones and sub-zones within the jurisdiction of the
7 United States Customs Service and to establish, operate,
8 maintain, and lease the foreign trade zones and sub-zones.

9 Section 65. Insurance contracts. The district has power
10 to procure and enter into contracts for any type of insurance
11 and indemnity against loss or damage to property from any
12 cause, including loss of use and occupancy, against death or
13 injury of any person, against employers' liability, against
14 any act of any member, officer, or employee of the Board or
15 of the district in the performance of the duties of his or
16 her office or employment or any other insurable risk.

17 Section 70. Borrowing money; revenue bonds.

18 (a) The district has the continuing power to borrow
19 money for the purpose of acquiring, constructing,
20 reconstructing, extending, operating, or improving terminals,
21 terminal facilities, intermodal facilities, and port
22 facilities; for acquiring any property and equipment useful
23 for the construction, reconstruction, extension, improvement,
24 or operation of its terminals, terminal facilities,
25 intermodal facilities, and port facilities; and for acquiring
26 necessary cash working funds. For the purpose of evidencing
27 the obligation of the district to repay any money borrowed,
28 the district may, by ordinances adopted by the Board from
29 time to time, issue and dispose of its interest bearing
30 revenue bonds, notes, or certificates and may also from time
31 to time issue and dispose of its interest bearing revenue

1 bonds, notes, or certificates to refund any bonds, notes, or
2 certificates at maturity or by redemption provisions or at
3 any time before maturity with the consent of the holders
4 thereof.

5 (b) All bonds, notes, and certificates shall be payable
6 solely from the revenues or income to be derived from the
7 terminals, terminal facilities, intermodal facilities, and
8 port facilities or any part thereof; may bear any date or
9 dates; may mature at any time or times not exceeding 40 years
10 from their respective dates; may bear interest at any rate or
11 rates payable semiannually; may be in any form; may carry any
12 registration privileges; may be executed in any manner; may
13 be payable at any place or places; may be made subject to
14 redemption in any manner and upon any terms, with or without
15 premium that is stated on the face thereof; may be
16 authenticated in any manner; and may contain any terms and
17 covenants as may be provided in the ordinance. The holder or
18 holders of any bonds, notes, certificates, or interest
19 coupons appertaining to the bonds, notes, and certificates
20 issued by the district may bring civil actions to compel the
21 performance and observance by the district or any of its
22 officers, agents, or employees of any contract or covenant
23 made by the district with the holders of those bonds, notes,
24 certificates, or interest coupons and to compel the district
25 and any of its officers, agents, or employees to perform any
26 duties required to be performed for the benefit of the
27 holders of any bonds, notes, certificates, or interest
28 coupons by the provision in the ordinance authorizing their
29 issuance, and to enjoin the district and any of its officers,
30 agents, or employees from taking any action in conflict with
31 any such contract or covenant, including the establishment of
32 charges, fees, and rates for the use of facilities as
33 provided in this Act. Notwithstanding the form and tenor of
34 any bonds, notes, or certificates and in the absence of any

1 express recital on the face thereof that it is nonnegotiable,
2 all bonds, notes, and certificates shall be negotiable
3 instruments. Pending the preparation and execution of any
4 bonds, notes, or certificates, temporary bonds, notes, or
5 certificates may be issued with or without interest coupons
6 as may be provided by ordinance.

7 (c) The bonds, notes, or certificates shall be sold by
8 the corporate authorities of the district in any manner that
9 the corporate authorities shall determine, except that if
10 issued to bear interest at the minimum rate permitted by the
11 Bond Authorization Act, the bonds shall be sold for not less
12 than par and accrued interest and except that the selling
13 price of bonds bearing interest at a rate less than the
14 maximum rate permitted in that Act shall be such that the
15 interest cost to the district of the money received from the
16 bond sale shall not exceed such maximum rate annually
17 computed to absolute maturity of said bonds or certificates
18 according to standard tables of bond values.

19 (d) From and after the issue of any bonds, notes, or
20 certificates as provided in this Section, it shall be the
21 duty of the corporate authorities of the district to fix and
22 establish rates, charges, and fees for the use of facilities
23 acquired, constructed, reconstructed, extended, or improved
24 with the proceeds derived from the sale of the bonds, notes,
25 or certificates sufficient at all times with other revenues
26 of the district, if any, to pay (i) the cost of maintaining,
27 repairing, regulating, and operating the facilities and (ii)
28 the bonds, notes, or certificates and interest thereon as
29 they shall become due, all sinking fund requirements, and all
30 other requirements provided by the ordinance authorizing the
31 issuance of the bonds, notes, or certificates or as provided
32 by any trust agreement executed to secure payment thereof. To
33 secure the payment of any or all of bonds, notes, or
34 certificates and for the purpose of setting forth the

1 covenants and undertaking of the district in connection with
2 the issuance of those bonds, notes, or certificates and the
3 issuance of any additional bonds, notes, or certificates
4 payable from revenue income to be derived from the terminals,
5 terminal facilities, intermodal facilities, and port
6 facilities the district may execute and deliver a trust
7 agreement or agreements. A lien upon any physical property of
8 the district may be created by the trust agreement. A remedy
9 for any breach or default of the terms of any trust agreement
10 by the district may be by mandamus proceedings in the circuit
11 court to compel performance and compliance with the
12 agreement, but the trust agreement may prescribe by whom or
13 on whose behalf the action may be instituted.

14 Section 75. Bonds not obligations of the State or
15 district. Under no circumstances shall any bonds, notes, or
16 certificates issued by the district or any other obligation
17 of the district be or become an indebtedness or obligation of
18 the State of Illinois or of any other political subdivision
19 of or municipality within the State, nor shall any bond,
20 note, certificate, or obligation be or become an indebtedness
21 of the district within the purview of any constitutional
22 limitation or provision. It shall be plainly stated on the
23 face of each bond, note, and certificate that it does not
24 constitute an indebtedness or obligation but is payable
25 solely from the revenues or income of the district.

26 Section 80. Revenue bonds as legal investments. The
27 State and all counties, cities, villages, incorporated towns
28 and other municipal corporations, political subdivisions,
29 public bodies, and public officers of any thereof; all banks,
30 bankers, trust companies, savings banks and institutions,
31 building and loan associations, savings and loan
32 associations, investment companies, and other persons

1 carrying on a banking business; all insurance companies,
2 insurance associations, and other persons carrying on an
3 insurance business; and all executors, administrators,
4 guardians, trustees, and their fiduciaries may legally invest
5 any sinking funds, moneys, or other funds belonging to them
6 or within their control in any bonds, notes, or certificates
7 issued under this Act. It is the purpose of this Section to
8 authorize the investment in bonds, notes, or certificates of
9 all sinking, insurance, retirement, compensation, pension,
10 and trust funds, whether owned or controlled by private or
11 public persons or officers; provided, however, that nothing
12 contained in this Section may be construed as relieving any
13 person from any duty of exercising reasonable care in
14 selecting securities for purchase or investment.

15 Section 90. Permits. It shall be unlawful to make any
16 fill or deposit of rock, earth, sand, or other material, or
17 any refuse matter of any kind or description, or build or
18 commence the building of any wharf, pier, dolphin, boom,
19 weir, breakwater, bulkhead, jetty, bridge, or other structure
20 over, under, in, or within 40 feet of any navigable waters
21 within the district without first submitting the plans,
22 profiles, and specifications for it, and any other data and
23 information that may be required, to the district and
24 receiving a permit. Any person, corporation, company, city or
25 municipality, or other agency that does any of the things
26 prohibited in this Section without securing a permit is
27 guilty of a Class A misdemeanor. Any structure, fill, or
28 deposit erected or made in any of the public bodies of water
29 within the district in violation of the provisions of this
30 Section is declared to be a purpresture and may be abated as
31 such at the expense of the person, corporation, company,
32 city, municipality, or other agency responsible for it. If in
33 the discretion of the district it is decided that the

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

6 Section 100. Heart of Illinois Regional Port District
7 Board; compensation. The governing and administrative body of
8 the district shall be a board consisting of 9 members, to be
9 known as the Heart of Illinois Regional Port District Board.
10 Members of the Board shall be residents of a county whose
11 territory, in whole or in part, is embraced by the district
12 and persons of recognized business ability. The members of
13 the Board shall not receive compensation for their services.
14 Each member shall be reimbursed for actual expenses incurred
15 in the performance of his or her duties. Any person who is
16 appointed to the office of secretary or treasurer of the
17 Board may receive compensation for services as an officer, as
18 determined by the Board. No member of the Board or employee
19 of the district shall have any private financial interest,
20 profit, or benefit in any contract, work, or business of the
21 district or in the sale or lease of any property to or from
22 the district.

23 Section 105. Board; appointments; terms of office;
24 certification and oath. The Governor, by and with the advice
25 and consent of the Senate, shall appoint 3 members of the
26 Board. Of the 3 members appointed by the Governor, at least
27 one must be a member of a labor organization, as defined in
28 Section 3 of the Workplace Literacy Act. If the Senate is in
29 recess when the appointment is made, the Governor shall make
30 a temporary appointment until the next meeting of the Senate.
31 The county board chairmen of Tazewell, Woodford, Peoria,
32 Marshall, Mason, and Fulton Counties shall each appoint one

1 member of the Board with the advice and consent of their
2 respective county boards. Of the members initially appointed,
3 the 3 appointed by the Governor shall be appointed for
4 initial terms expiring June 1, 2009, and the 6 appointed by
5 their county board chairmen shall be appointed for initial
6 terms expiring June 1, 2010. All vacancies shall be filled in
7 a like manner and with like regard to the place of residence
8 of the appointee. After the expiration of initial terms, a
9 successor shall hold office for the term of 6 years beginning
10 the first day of June of the year in which the term of office
11 commences. The Governor and the respective county board
12 chairmen shall certify their appointments to the Secretary of
13 State. Within 30 days after certification of appointment, and
14 before entering upon the duties of his office, each member of
15 the Board shall take and subscribe the constitutional oath of
16 office and file it in the office of the Secretary of State.

17 Section 110. Resignation and removal of Board members;
18 vacancies. Members of the Board shall hold office until their
19 respective successors have been appointed and qualified. Any
20 member may resign from his or her office, to take effect when
21 his or her successor has been appointed and has qualified.
22 The Governor and the county boards may remove any member of
23 the Board appointed by them in case of incompetency, neglect
24 of duty, or malfeasance in office. They shall give the member
25 a copy of the charges against him or her and an opportunity
26 to be publicly heard in person or by counsel in his or her
27 own defense upon not less than 10 days' notice. In case of
28 failure to qualify within the time required, of abandonment
29 of office, or of death, conviction of a crime, or removal
30 from office, the office shall become vacant. Each vacancy
31 shall be filled for the unexpired term by appointment in like
32 manner, and with like regard as to the place of residence of
33 the appointee, as in case of expiration of the term of a

1 member of the Board.

2 Section 115. Organization of the Board. As soon as
3 possible after the appointment of the initial members, the
4 Board shall organize for the transaction of business, select
5 a chairperson and a temporary secretary from its own number,
6 and adopt by-laws and regulations to govern its proceedings.
7 The initial chairperson and successors shall be elected by
8 the Board from time to time for the term of his or her office
9 as a member of the Board or for the term of 3 years,
10 whichever is shorter.

11 Section 120. Meetings; ordinances and resolutions;
12 public records. Regular meetings of the Board shall be held
13 at least once in each calendar month, the time and place of
14 the meeting to be fixed by the Board. Five members of the
15 Board shall constitute a quorum for the transaction of
16 business. All action of the Board shall be by ordinance or
17 resolution and the affirmative vote of at least 5 members
18 shall be necessary for the adoption of any ordinance or
19 resolution. All ordinances and resolutions before taking
20 effect shall be approved by the chairperson of the Board. If
21 the chairperson shall approve the ordinance or resolution, he
22 or she shall sign it. Those ordinances or resolutions the
23 chairperson shall not approve the chairperson shall return to
24 the Board with his or her objections in writing at the next
25 regular meeting of the Board occurring after the passage of
26 the ordinances or resolutions. If the chairperson shall fail
27 to return any ordinance or resolution with his or her
28 objections by the time required in this Section, he or she
29 shall be deemed to have approved it and it shall take effect
30 accordingly. Upon the return of any ordinance or resolution
31 by the chairperson with his or her objections, the vote by
32 which the ordinance or resolution was passed shall be

1 reconsidered by the Board. If upon reconsideration the
2 ordinance or resolution is passed by the affirmative vote of
3 at least 6 members, it shall go into effect notwithstanding
4 the veto of the chairperson. All ordinances, resolutions, all
5 proceedings of the district, and all documents and records in
6 its possession shall be public records, and open to public
7 inspection, except any documents and records that shall be
8 kept or prepared by the Board for use in negotiations,
9 actions, or proceedings to which the district is a party.

10 Section 125. Secretary and treasurer; oath and bond. The
11 Board shall appoint a secretary and a treasurer who need not
12 be members of the Board to hold office during the pleasure of
13 the Board. The Board shall fix their duties and compensation.
14 Before entering upon the duties of their respective offices,
15 they shall take and subscribe the constitutional oath of
16 office and the treasurer shall execute a bond with corporate
17 sureties to be approved by the Board. The bond shall be
18 payable to the district in whatever penal sum may be directed
19 by the Board conditioned upon the faithful performance of the
20 duties to the office and the payment of all money received by
21 him or her according to law and the orders of the Board. The
22 Board may, at any time, require a new bond from the treasurer
23 in any penal sum that may be determined by the Board. The
24 obligation of the sureties shall not extend to any loss
25 sustained by the insolvency, failure, or closing of any
26 savings and loan association or national or State bank
27 wherein the treasurer has deposited funds if the bank or
28 savings and loan association has been approved by the Board
29 as a depository for those funds. The oaths of office and the
30 treasurer's bond shall be filed in the principal office of
31 the district.

32 Section 130. Deposits; checks or drafts.

1 (a) All funds deposited by the treasurer in any bank or
2 savings and loan association shall be placed in the name of
3 the district and shall be withdrawn or paid out only by check
4 or draft upon the bank or savings and loan association,
5 signed by the treasurer and countersigned by the chairperson
6 of the Board. The Board may designate any of its members or
7 any officer or employee of the district to affix the
8 signature of the chairperson and another to affix the
9 signature of the treasurer to any check or draft for payment
10 of salaries or wages and for payment of any other obligation
11 of not more than \$10,000.

12 No bank or savings and loan association shall receive
13 public funds as permitted by this Section unless it has
14 complied with the requirements established under Section 6 of
15 the Public Funds Investment Act.

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

23 Section 135. Prompt payment. Purchases made under this
24 Act shall be made in compliance with the Local Government
25 Prompt Payment Act.

26 Section 140. Executive director, officers, and
27 employees. The Board may appoint an executive director, who
28 shall be a person of recognized ability and business
29 experience, to hold office during the pleasure of the Board.
30 The executive director shall have management of the
31 properties, business, and the employees of the district
32 subject to the general control of the Board; shall direct the

1 enforcement of all ordinances, resolutions, rules, and
2 regulations of the Board; and shall perform any other duties
3 that may be prescribed from time to time by the Board. The
4 Board may appoint a general attorney and a chief engineer and
5 shall provide for the appointment of any other officers,
6 attorneys, engineers, consultants, agents, and employees that
7 may be necessary. The Board shall define their duties and
8 require bonds of those that it may designate.

9 The executive director, general attorney, chief engineer,
10 and all other officers provided for under this Section shall
11 be exempt from taking and subscribing any oath of office and
12 shall not be members of the Board. The compensation of the
13 executive director, general attorney, chief engineer, and all
14 other officers, attorneys, consultants, agents, and employees
15 shall be fixed by the Board, subject to the provisions of
16 Section 125 of this Act.

17 Section 145. Fines and penalties. The Board shall have
18 power to pass all ordinances and to make all rules and
19 regulations proper or necessary to carry into effect the
20 powers granted to the district, with any fines or penalties
21 that may be deemed proper. All fines and penalties shall be
22 imposed by ordinances that shall be published in a newspaper
23 of general circulation published in the area embraced by the
24 district. No ordinance shall take effect until 10 days after
25 its publication.

26 Section 150. Report and financial statement. As soon
27 after the end of each fiscal year as may be expedient, the
28 Board shall prepare and print a complete and detailed report
29 and financial statement of its operations and of its assets
30 and liabilities. A reasonably sufficient number of copies of
31 the report shall be printed for distribution to persons
32 interested, upon request, and a copy of the report shall be

1 filed with the Governor and the county clerk of each county
2 that is within the area of the district. A copy of the report
3 shall be addressed to and mailed to the mayor and city
4 council or president and board of trustees of each
5 municipality within the area of the district.

6 Section 155. Investigations by the Board. The Board may
7 investigate conditions in which it has an interest within the
8 area of the district; the enforcement of its ordinances,
9 rules, and regulations; and the action, conduct, and
10 efficiency of all officers, agents, and employees of the
11 district. In the conduct of investigations the Board may hold
12 public hearings on its own motion and shall do so on
13 complaint of any municipality within the district. Each
14 member of the Board shall have power to administer oaths and
15 the secretary, by order of the Board, shall issue subpoenas
16 to secure the attendance and testimony of witnesses and the
17 production of books and papers relevant to investigations and
18 to any hearing before the Board or any member of the Board.

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

27 Section 160. Annexation. Territory that is contiguous to
28 the district and that is not included within any other port
29 district may be annexed to and become a part of the district
30 in the manner provided in Section 165 or 170, whichever is
31 applicable.

1 Section 165. Petition for annexation. At least 5% of the
2 legal voters resident within the limits of the proposed
3 addition to the district shall petition the circuit court for
4 a county in which a major part of the district is situated,
5 to cause the question of whether the proposed additional
6 territory shall become a part of the district to be submitted
7 to the legal voters of the proposed additional territory. The
8 petition shall be addressed to the court and shall contain a
9 definite description of the boundaries of the territory to be
10 embraced in the proposed addition.

11 Upon the filing of any petition with the clerk of the
12 court, the court shall fix a time and place for a hearing
13 upon the subject of the petition.

14 Notice shall be given by the court to whom the petition
15 is addressed or by the circuit clerk or sheriff of the county
16 in which the petition is made at the order and direction of
17 the court of the time and place of the hearing upon the
18 subject of the petition at least 20 days before the hearing
19 by at least one publication of the notice in any newspaper
20 having general circulation within the area proposed to be
21 annexed, and by mailing a copy of the notice to the mayor or
22 president of the board of trustees of all cities, villages,
23 and incorporated towns within the district.

24 At the hearing, the district, all persons residing or
25 owning property within the district, and all persons residing
26 in or owning property situated in the area proposed to be
27 annexed to the district may appear and be heard touching upon
28 the sufficiency of the petition. If the court finds that the
29 petition does not comply with the requirements of the law,
30 the court shall dismiss the petition. If the court finds that
31 the petition is sufficient, the court shall certify the
32 petition and the proposition to the proper election officials
33 who shall submit the proposition to the voters at an election
34 under the general election law. In addition to the

1 requirements of the general election law, the notice of the
2 referendum shall include a description of the area proposed
3 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 Heart of Illinois Regional Port
8 District?

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

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

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

22 Section 170. Annexation of territory having no legal
23 voters. If there is territory contiguous to the district that
24 has no legal voters residing within it, a petition to annex
25 the territory signed by all the owners of record of the
26 territory may be filed with the circuit court for the county
27 in which a major part of the district is situated. A time and
28 place for a hearing on the subject of the petition shall be
29 fixed and notice of the hearing shall be given in the manner
30 provided in Section 165. At the hearing any owner of land in
31 the territory proposed to be annexed, the district, and any
32 resident of the district may appear and be heard touching on
33 the sufficiency of the petition. If the court finds that the

1 petition satisfies the requirements of this Section, it shall
2 enter an order stating that thenceforth the territory shall
3 be an integral part of the Heart of Illinois Regional Port
4 District and subject to all of the benefits of service and
5 responsibilities of the district. The circuit clerk shall
6 transmit a certified copy of the order of the court to the
7 circuit clerk of any other county in which the annexed
8 territory is situated.

9 Section 172. Disconnection. The registered voters of a
10 county included in the district may petition the State Board
11 of Elections requesting the submission of the question of
12 whether the county should be disconnected from the district
13 to the electors of the county. The petition shall be
14 circulated in the manner required by Section 28-3 of the
15 Election Code and objections thereto and the manner of their
16 disposition shall be in accordance with Section 28-4 of the
17 Election Code. If a petition is filed with the State Board of
18 Elections, signed by not less than 5% of the registered
19 voters of the county or that portion of the county that is
20 within the district, requesting that the question of
21 disconnection be submitted to the electors of the county, the
22 State Board of Elections must certify the question to the
23 proper election authority, which must submit the question at
24 a regular election held at least 78 days after the petition
25 is filed in accordance with the Election Code.

26 The question must be submitted in substantially the
27 following form:

28 Shall (name of county) be disconnected from the
29 Heart of Illinois Regional Port District?

30 The votes must be recorded as "Yes" or "No". If a majority of
31 the electors voting on the question vote in the affirmative,
32 the county or portion of the county that is within the
33 district shall be disconnected from the district.

1 Section 175. Administrative Review Law. All final
2 administrative decisions of the Board, shall be subject to
3 judicial review under the provisions of the Administrative
4 Review Law and the rules adopted under that Act. The term
5 "administrative decision" means the same as in Section 3-101
6 of the Code of Civil Procedure.

7 Section 180. Severability. If any provision of this Act
8 or its application to any person or circumstance is held
9 invalid, the invalidity of that provision or application does
10 not affect other provisions or applications of this Act that
11 can be given effect without the invalid provision or
12 application.

13 Section 185. Interference with private facilities. The
14 provisions of this Act shall not be considered as impairing,
15 altering, modifying, repealing, or superseding any of the
16 jurisdiction or powers of the Illinois Commerce Commission or
17 of the Department of Natural Resources under the Rivers,
18 Lakes, and Streams Act. Nothing in this Act or done under its
19 authority shall apply to, restrict, limit, or interfere with
20 the use of any terminal, terminal facility, intermodal
21 facility, or port facility owned or operated by any private
22 person for the storage or handling or transfer of any
23 commodity moving in interstate commerce or the use of the
24 land and facilities of a common carrier or other public
25 utility and the space above that land and those facilities or
26 the right to use that land and those facilities in the
27 business of any common carrier or other public utility,
28 without approval of the Illinois Commerce Commission and
29 without the payment of just compensation to any common
30 carrier or other public utility for damages resulting from
31 any restriction, limitation, or interference.

1 Section 190. Non-applicability of conflicting provisions
2 of the Illinois Municipal Code. The provisions of the
3 Illinois Municipal Code shall not be effective within the
4 area of the district insofar as the provisions of that Act
5 conflict with the provisions of this Act or grant
6 substantially the same powers to any municipal corporation
7 that are granted to the district by this Act.

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