



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4238

Introduced 11/14/2022, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

New Act

50 ILCS 40/1

735 ILCS 30/15-5-46

from Ch. 24, par. 1361

Creates the Rock Island Regional Port District Act. Establishes the Rock Island Regional Port District within the corporate limits of the City of Rock Island. Provides that territory of adjacent municipalities may be annexed into the Port District. Provides that the governing and administrative body of the Rock Island Regional Port District initially consists of the Rock Island City Council but will later include the city councils of annexed territories of adjacent municipalities. Contains provisions related to the operation of the Port District, rights and powers of the Port District and participating municipalities, lease of property, easements and permits, bonds and tax levies, eminent domain powers, and other provisions. Limits the concurrent exercise of home rule powers. Amends the Foreign Trade Zones Act and Eminent Domain Act making conforming changes.

LRB102 29011 AWJ 40913 b

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 Rock
5 Island Regional Port District Act.

6 Section 2. Findings. The General Assembly finds:

7 (1) Illinois' many port districts are an important part of
8 Illinois' waterway system since they support and facilitate
9 use of those waterways for the transport of goods.

10 (2) By supporting and facilitating use of the State's
11 waterways, Illinois' port districts provide economies of scale
12 in the movement of goods and economic development and job
13 creation opportunities within the area of the port districts.

14 (3) The geographic size of each port district varies and
15 can cover areas as small as the limits of a single municipality
16 or as large as multiple counties.

17 (4) Each port district is unique, faces different
18 challenges, and uses different approaches to encourage
19 waterway use.

20 (5) It is in the interest of supporting Illinois' waterway
21 system to create the Rock Island Regional Port District to
22 streamline governance by using existing municipal governments
23 participating in the Rock Island Regional Port District to

1 make decisions within each municipality's corporate limits.

2 Section 5. Definitions. As used in this Act:

3 "Administrative decision" has the meaning given to that
4 term in Section 3-101 of the Code of Civil Procedure.

5 "City council" means the city council or board of trustees
6 of a municipality.

7 "General obligation bond" means a bond that has any part
8 of its principal or interest paid by taxation.

9 "Governing and administrative body" means all of the city
10 councils of the participating municipalities.

11 "Governmental agency" means the federal government, a
12 state or local government, or any subdivision of the federal,
13 state, or local government.

14 "Navigable waters" means any public waters that are or can
15 be made usable for water commerce.

16 "Participating municipality" means the City of Rock Island
17 or a municipality that has all or any part of the municipality
18 annexed into the Port District.

19 "Person" means an individual, firm, partnership,
20 corporation, company, association, or joint stock association.
21 "Person" includes, without limitation, a trustee, receiver,
22 assignee, or personal representative thereof.

23 "Port District" means the Rock Island Regional Port
24 District created by this Act.

25 "Port facilities" means any public and other buildings,

1 structures, works, improvements, and equipment that are upon,
2 in, over, under, adjacent, or near navigable waters, harbors,
3 slips, and basins and that are necessary or useful for or
4 incident to the furtherance of water and land commerce and the
5 operation of small boats and pleasure craft. "Port facilities"
6 includes, without limitation, (i) improvements to the widening
7 and deepening of basins, slips, harbors, and navigable waters
8 and (ii) any lands, buildings, structures, improvements,
9 equipment, and appliances located on Port District property
10 that are used for industrial, manufacturing, commercial, or
11 recreational purposes. "Port facilities" does not include
12 terminal facilities

13 "Revenue bond" means a bond that has its principal and
14 interest paid solely from revenues or income derived from
15 ports, harbors, or any other buildings or facilities of the
16 Port District.

17 "Terminal" means a public place, such as a station or
18 depot, for receiving and delivering of baggage, mail, or
19 freight in connection with the transportation of persons and
20 property on water or land.

21 "Terminal facility" means any land, building, structure,
22 improvement, equipment, or appliance useful in the operation
23 of a public warehouse, a storage, transportation, or railway
24 facility, or industrial, manufacturing, or commercial
25 activities for the accommodation of or in connection with
26 commerce by water or land for the handling, docking, and

1 serving small boats and pleasure craft.

2 Section 10. Creation; governing and administrative body.

3 (a) There is created a unit of local government by the name
4 of Rock Island Regional Port District that includes all the
5 territory within the corporate limits of the City of Rock
6 Island as those corporate limits exist on the effective date
7 of this Act. Territory may be annexed into the Port District in
8 the manner provided in Section 15. The Port District or
9 participating municipality may sue and be sued in the Port
10 District's or municipality's respective corporate name, but
11 execution shall not issue against any of the property or
12 assets of the Port District or participating municipality. The
13 Port District may adopt a common seal and change the same at
14 its pleasure.

15 All property of every kind belonging to the Port District
16 is exempt from taxation, except that taxes may be assessed and
17 levied upon a lessee of the Port District by reason of the
18 value of a leasehold estate separate and apart from the fee and
19 upon improvements as are constructed and owned by others than
20 the Port District. All property of the Port District is public
21 ground owned by a municipal corporation and used exclusively
22 for public purposes within the tax exemption provisions of
23 Sections 15-10, 15-15, 15-20, 15-30, 15-75, 15-140, 15-155,
24 and 15-160 of the Property Tax Code.

25 (b) The governing and administrative body of the Port

1 District initially consists of the Rock Island City Council
2 and, thereafter, the Rock Island City Council and each city
3 council of an annexed municipality. The city council of a
4 participating municipality is the governing body of that
5 portion of the Port District within that participating
6 municipality's corporate limits.

7 Section 15. Annexation of territory; indebtedness of
8 municipalities.

9 (a) Territory that is adjacent to the Port District and
10 not included within any other port district may be annexed to
11 and become a part of the Port District in the manner provided
12 in this Section.

13 (b) An adjacent municipality may request annexation into
14 the Port District from the existing participating
15 municipalities by providing the city council of each
16 participating municipality a written request for the
17 annexation and a legal description of the portion of the
18 corporate limits to be included in the annexation. The city
19 council of each participating municipality shall consider
20 approval of the annexation of the new territory with approval
21 constituting a majority vote of the city council of each
22 participating municipality at a public meeting in which the
23 question has been placed on the published agenda. All
24 participating municipalities must approve the annexation of
25 the new territory for the annexation to occur.

1 (c) A participating municipality may not incur the
2 indebtedness of another participating municipality within the
3 Port District.

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

6 (1) To investigate conditions within the Port District
7 and to prepare and adopt priorities for the development of
8 port facilities for the Port District. In preparing and
9 recommending changes and modifications in existing port
10 facilities, or priorities for the development of those
11 facilities, the Port District may set aside and allocate
12 an area or areas within the lands owned by it to be leased
13 to private parties for industrial, manufacturing,
14 commercial, recreational, or harbor purposes where the
15 area or areas, in the opinion of the governing and
16 administrative body, are not required for primary purposes
17 in the development of harbor and port facilities for the
18 use of public water and land transportation or will not be
19 needed immediately for these purposes, and where the
20 leasing, in the opinion of the governing and
21 administrative body, will aid and promote the development
22 of terminal and port facilities.

23 (2) To issue permits for the construction of all
24 wharves, piers, dolphins, booms, weirs, breakwaters,
25 bulkheads, jetties, bridges, basins, slips, harbors, or

1 other structures of any kind, over, under, in, or near
2 navigable waters within the Port District and permits for
3 the deposit of rock, earth, sand, or other material, or
4 any matter of any kind or description in the navigable
5 waters; except nothing contained in this paragraph shall
6 be construed so that it will be deemed necessary to obtain
7 a permit from a city council of a participating
8 municipality for the erection, operation, or maintenance
9 of a bridge crossing a waterway that serves as a boundary
10 between the State of Illinois and Iowa when the erection,
11 operation, or maintenance of the bridge is performed by
12 the participating municipality.

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

15 (4) To regulate the anchorage, moorage, and speed of
16 waterborne vessels and to establish and enforce ordinances
17 for the operation of bridges, except nothing contained in
18 this paragraph shall be construed to give the Port
19 District authority to regulate the operation of a bridge
20 crossing a waterway that serves as a boundary between the
21 State of Illinois and Iowa when operation of the bridge is
22 performed by a participating municipality.

23 (5) To acquire, own, construct, lease, operate, and
24 maintain terminals, terminal facilities, and port
25 facilities, including, but not limited to, the widening
26 and deepening of slips, harbors, and navigable waters, and

1 to fix and collect reasonable and nondiscriminatory
2 charges for the use of the terminals and facilities. The
3 charges collected shall be used to defray the reasonable
4 expenses of the Port District and to pay the principal of
5 and interest on any revenue bonds issued by the Port
6 District.

7 (6) To police its physical property and all waterways
8 and to exercise police powers regarding the property and
9 waterways or regarding the enforcement of an ordinance of
10 a participating municipality within that municipality's
11 boundaries, and to employ and commission police officers
12 and other qualified persons to enforce the same. An
13 ordinance of the participating municipality adopted under
14 this paragraph may provide for a suspension or revocation,
15 within the participating municipality, of any rights or
16 privileges within the control of the participating
17 municipality for a violation of the ordinance.

18 (7) To establish, organize, own, acquire, participate
19 in, operate, sell, and transfer export trading companies,
20 whether as shareholder, partner, or co-venturer, alone or
21 in cooperation with federal, state, or local governmental
22 authorities, federal, state, or national banking
23 associations, or any other public or private corporation
24 or person or persons. An export trading company organized
25 or operated under this paragraph and all the property of
26 the export trading company shall have the same privileges

1 and immunities as accorded to the participating
2 municipality and may borrow money or obtain financial
3 assistance from private lenders or federal and state
4 governmental authorities or issue general obligation and
5 revenue bonds with the same kinds of security in
6 accordance with the same procedures, restrictions, and
7 privileges applicable when a participating municipality
8 obtains financial assistance or issues bonds for any of
9 its other authorized purposes. An export trading company
10 organized or operated under this paragraph may apply for
11 certification under Title II or Title III of the federal
12 Export Trading Company Act of 1982.

13 As used in this paragraph (7), "export trading
14 company" means a person, partnership, association, public
15 or private corporation, or similar organization, whether
16 operated for profit or not-for-profit, which is organized
17 and operated principally for purposes of exporting goods
18 or services produced in the United States, importing goods
19 or services produced in foreign countries, conducting
20 third-country trading, or facilitating trade by providing
21 one or more services in support of trade.

22 (8) To enter into agreements with the corporate
23 authorities or governing body of any other unit of local
24 government or any political subdivision of the State to
25 pay the reasonable expense of services furnished by the
26 unit of local government or political subdivision for or

1 on account of income-producing properties of the Port
2 District.

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

5 (10) To acquire, own, lease, sell, or otherwise
6 dispose of interests in real property and improvements to
7 the real property and in personal property necessary to
8 fulfill the purposes of the Port District for a
9 participating municipality.

10 (11) To designate the fiscal year for the Port
11 District, which shall be the same fiscal year of a
12 municipality that is annexed into the Port District either
13 at the time of annexation or within 6 months after the
14 annexation.

15 (12) To engage in any activity or operation within a
16 participating municipality which is incidental to and in
17 furtherance of efficient operation of the Port District.

18 (13) To apply to the proper authorities of the United
19 States of America under the appropriate law for the right
20 to establish, operate, maintain, and lease foreign trade
21 zones and sub-zones within the jurisdiction of the United
22 States Customs and Border Protection and to establish,
23 operate, maintain, and lease the foreign trade zones and
24 sub-zones.

25 Section 25. Powers under the Industrial Project Revenue

1 Bond Act. A participating municipality has the rights and
2 powers enumerated in the Industrial Project Revenue Bond Act
3 and may exercise those rights and powers in the same manner as
4 any other municipality, as that term is defined in Section
5 11-74-2 of that Act.

6 Section 30. Buildings, property, and acquisition of
7 rights.

8 (a) A participating municipality may acquire, erect,
9 construct, reconstruct, improve, maintain, and operate one or
10 more, or a combination or combinations of, industrial
11 buildings, office buildings, buildings to be used as a
12 factory, mill shops, processing plants, packaging plants,
13 assembly plants, fabricating plants, and buildings to be used
14 as warehouses and other storage facilities.

15 (b) A participating municipality may acquire and accept by
16 purchase, lease, gift, grant, or otherwise any property and
17 rights useful for its purposes and to provide for the
18 development of channels, ports, harbors, port facilities,
19 terminal facilities, and any other building or facility that
20 the Port District has the power to acquire, construct,
21 reconstruct, extend, or improve to serve the needs of commerce
22 within the municipality's portion of the Port District. A
23 participating municipality may acquire real or personal
24 property or any rights in real or personal property in the
25 manner, as near as may be, as is provided for the exercise of

1 the right of eminent domain under the Eminent Domain Act,
2 except that: (i) no rights or property of any kind or character
3 owned, leased, controlled, or operated and used by, or
4 necessary for the actual operations of, any common carrier
5 engaged in interstate commerce, or of any other public utility
6 subject to the jurisdiction of the Illinois Commerce
7 Commission, shall be taken or appropriated by a participating
8 municipality without first obtaining the approval of the
9 Illinois Commerce Commission; and (ii) no property owned by a
10 participating municipality shall be taken or appropriated for
11 facilities within a participating municipality's corporate
12 limits without the approval of the city council of the
13 participating municipality.

14 Section 35. Eminent domain. Notwithstanding any other
15 provision of this Act, any power granted under this Act to
16 acquire property by condemnation or eminent domain is subject
17 to, and shall be exercised in accordance with, the Eminent
18 Domain Act.

19 Section 40. Prompt payment. Purchases made pursuant to
20 this Act shall be made in compliance with the Local Government
21 Prompt Payment Act.

22 Section 45. Lease of property; easements and permits;
23 rent, charges, and fees.

1 (a) The city council of a participating municipality may
2 lease to others for any period of time, not to exceed 99 years,
3 upon terms the city council determines, any of its real
4 property, rights-of-way, or privileges, or any interest in or
5 part of its real property, rights-of-way, or privileges, for
6 industrial, manufacturing, commercial, recreational, or harbor
7 purposes that, in the opinion of the city council, is no longer
8 required for its primary purposes in the development of port
9 facilities for the use of public transportation, or that may
10 not be immediately needed for those purposes, but where the
11 leases will, in the opinion of the city council, aid and
12 promote those purposes. In conjunction with those leases, the
13 participating municipality may grant rights-of-way and
14 privileges across the property of the Port District within the
15 participating municipality and those rights-of-way and
16 privileges may be assignable and irrevocable during the term
17 of the lease and may include the right to enter upon the
18 property of the Port District within the participating
19 municipality to do things necessary for the enjoyment of the
20 leases, rights-of-way, and privileges. Those leases may
21 contain conditions and retain interest in the leases as
22 determined to be in the best interest of the Port District by
23 the participating municipality's city council.

24 (b) The city council of a participating municipality may
25 grant easements and permits for the use of real property,
26 rights-of-way, or privileges within the participating

1 municipality, that, in the opinion of the participating
2 municipality's city council, will not interfere with the use
3 of the real property, rights-of-way, or privileges of the Port
4 District within the participating municipality for its
5 purposes, and those easements and permits may contain
6 conditions and retain interest deemed in the best interest of
7 the Port District within the participating municipality.

8 (c) The city council of a participating municipality may
9 agree upon and collect the rentals, charges, and fees on all
10 leases, easements, rights-of-way, privileges, and permits made
11 or granted by the city council that are in the best interest of
12 the Port District within the participating municipality. The
13 rentals, charges, and fees charged shall be used to defray the
14 reasonable expenses of the Port District within the
15 participating municipality and to pay the principal of and
16 interest on any revenue bonds issued by the participating
17 municipality for Port District purposes.

18 Section 50. Powers of participating municipalities.

19 (a) A city council of a participating municipality may
20 apply for and accept grants, loans, or appropriations from the
21 federal government or a state government, or any agency or
22 instrumentality of the federal government or a state
23 government, to be used for any of the purposes of the Port
24 District within the participating municipality and to enter
25 into any agreements with the federal government or a state

1 government in relation to the grants, loans, or appropriations
2 by the participating municipality in which the funds will be
3 used.

4 (b) A city council of a participating municipality may
5 petition any federal, state, or local authority, or any
6 administrative, judicial, or legislative authority, having
7 jurisdiction for the adoption and execution of any physical
8 improvement, change in method or system of handling freight,
9 warehousing, docking, lightering, and transfer of freight
10 that, in the opinion of the city council, is likely to improve
11 or better the handling of commerce in and through the Port
12 District in the participating municipality or improve terminal
13 or transportation facilities in the participating
14 municipality.

15 (c) A city council of a participating municipality may
16 borrow money and issue either general obligation bonds or
17 revenue bonds for the purpose of (i) acquiring, constructing,
18 reconstructing, extending, improving, or operating the
19 terminals, terminal facilities, and other buildings or
20 facilities that the participating municipality has the power
21 to acquire, construct, reconstruct, extend, or improve, (ii)
22 acquiring any property and equipment useful for construction,
23 reconstruction, extension, improvement, or operation, and
24 (iii) acquiring necessary cash working funds.

25 Section 55. Insurance and indemnification contracts. A

1 participating municipality may procure and enter into
2 contracts for any type of insurance or indemnity against loss
3 or damage to property from any cause, including against loss
4 of use and occupancy, against death or injury of any person,
5 against employers' liability, against any act of any member,
6 officer, or employee of the Port District within the
7 participating municipality in the performance of the duties of
8 his or her office or employment, or against any other
9 insurable risk.

10 Section 60. Bonds.

11 (a) The city council of a participating municipality may,
12 pursuant to ordinance and within that municipality's corporate
13 limits, issue and dispose of its interest-bearing revenue
14 bonds and may also in the same manner issue and dispose of its
15 interest-bearing revenue bonds to refund any revenue bonds at
16 maturity or pursuant to redemption provisions or at any time
17 before maturity with the consent of the holders. Issuance and
18 disposition of revenue bonds under this subsection may be done
19 without submitting the question to referendum, notwithstanding
20 any other provision of law.

21 (b) A city council of a participating municipality may
22 issue general obligation bonds to be used for Port District
23 purposes within that municipality's corporate limits inside
24 the Port District by adopting an ordinance specifying the
25 amount of bonds to be issued, the purpose for which the bonds

1 will be issued, the maximum rate of interest the bonds will
2 bear, which shall not be more than the maximum rate authorized
3 by the Bond Authorization Act in effect at the time of the
4 making of the contract, and the date of maturity, which shall
5 not be more than 20 years after the date of issuance. The city
6 council of a participating municipality may issue and, in
7 accordance with subsection (e), sell the bonds specified in
8 the ordinance and adopt an ordinance levying an annual tax
9 against all the taxable property within the municipality's
10 corporate limits inside the Port District sufficient to pay
11 the maturing principal and interest of the bonds and to file a
12 certified copy of the ordinances in the office of the county
13 clerk of Rock Island County. Thereafter, the county clerk
14 shall annually extend taxes against all the taxable property
15 within the corporate limits of the participating municipality
16 inside the Port District at the rate specified in the
17 ordinance levying the taxes. The aggregate amount of principal
18 of general obligation bonds issued under this subsection shall
19 not exceed 2.5% of the assessed valuation of all taxable
20 property within the corporate limits of the participating
21 municipality within the Port District.

22 With respect to instruments for the payment of money
23 issued under this subsection: (i) the Omnibus Bond Acts are
24 supplementary grants of power to issue instruments in
25 accordance with the Omnibus Bond Acts, regardless of any
26 provision of this Act that may appear to be or to have been

1 more restrictive than those Acts, (ii) the provisions of this
2 subsection are not a limitation on the supplementary authority
3 granted by the Omnibus Bond Acts, and (iii) instruments issued
4 under this subsection within the supplementary authority
5 granted by the Omnibus Bond Acts are not invalid because of any
6 provision of this Act that may appear to be or to have been
7 more restrictive than those Acts.

8 (c) All revenue bonds shall be payable solely from the
9 revenues or income to be derived from the terminals, terminal
10 facilities, port facilities, and any other building or
11 facility, or part of a building or facility, that the
12 participating municipality has the power to acquire,
13 construct, reconstruct, extend, or improve. The revenue bonds
14 may bear a single date or multiple dates and may mature at any
15 time not exceeding 40 years from the bonds' respective dates,
16 as shall be provided in the ordinance authorizing issuance.
17 Both revenue bonds and general obligation bonds may bear
18 interest at the rate or rates as permitted in the Bond
19 Authorization Act payable semi-annually, as provided in the
20 ordinance authorizing issuance. All bonds, whether revenue or
21 general obligations, may be in the form, may carry the
22 registration privileges, may be executed in the manner, may be
23 payable at the place or places, may be made subject to
24 redemption in the manner and upon the terms, with or without
25 premium as is stated on the face of the bond, may be
26 authenticated in the manner, and may contain terms and

1 covenants as provided in the ordinance authorizing issuance.

2 The holder or holders of any bonds or interest coupons
3 attached to the bonds issued by a participating municipality
4 may bring suit to compel the performance and observance by the
5 participating municipality or any of its officers, agents, or
6 employees of any contract or covenant made by the
7 participating municipality with the holders of the bonds or
8 interest coupons and to compel the participating municipality
9 and any of its officers, agents, or employees to perform any
10 duties required to be performed for the benefit of the holders
11 of any of the bonds or interest coupons by the provision in the
12 ordinance authorizing the bonds' or interest coupons'
13 issuance, and to enjoin the participating municipality and any
14 of its officers, agents, or employees from taking any action
15 in conflict with any contract or covenant, including the
16 establishment of charges, fees, and rates for the use of
17 facilities.

18 Notwithstanding the form and tenor of any bond, whether
19 revenue or general obligation, and in the absence of any
20 express recital on the face of the bond that it is
21 nonnegotiable, all the bonds shall be negotiable instruments.
22 Pending the preparation and execution of the bonds, temporary
23 bonds may be issued with or without interest coupons as
24 provided by ordinance.

25 (d) All revenue bonds shall be issued and sold by the
26 participating municipality in the manner as the participating

1 municipality shall determine. However, if any bonds are issued
2 to bear interest at the maximum rate of interest allowed by
3 subsection (c), the bonds shall be sold for not less than par
4 and accrued interest. The selling price of bonds bearing
5 interest at a rate less than the maximum allowable interest
6 rate per annum shall be set so that the interest cost to the
7 participating municipality of the money received from the bond
8 sale shall not exceed the maximum annual interest rate allowed
9 by subsection (c), computed to absolute maturity of the bonds
10 according to standard tables of bond values.

11 (e) All general obligation bonds issued by a participating
12 municipality shall be sold by the participating municipality
13 upon sealed bids to the highest and best responsible bidder
14 who specifies the lowest net interest cost for the bonds. The
15 participating municipality shall publish at least once, in a
16 newspaper published in and having general circulation in the
17 participating municipality, a notice of the time, date, and
18 place when and where sealed bids for the purchase of the bonds
19 will be received and publicly opened, read, and tabulated,
20 which shall not be less than 10 days after the date of the
21 publication. The bonds shall be sold for not less than par plus
22 accrued interest to the date of delivery.

23 (f) Upon the issue of any revenue bonds as provided in this
24 Act, the participating municipality shall fix and establish
25 rates, charges, and fees for the use of facilities acquired,
26 constructed, reconstructed, extended, or improved with the

1 proceeds derived from the sale of the revenue bonds sufficient
2 at all times with other revenues of the participating
3 municipality, if any, to pay: (i) the cost of maintaining,
4 repairing, regulating, and operating the facilities; and (ii)
5 the bonds and interest on the bonds as they become due and all
6 sinking fund requirements and other requirements provided by
7 the ordinance authorizing the issuance of the bonds or as
8 provided by any trust agreement executed to secure payment of
9 the bonds.

10 The participating municipality may execute and deliver a
11 trust agreement or agreements to secure the payment of any or
12 all revenue bonds and for the purpose of setting forth the
13 covenants and undertaking by the participating municipality in
14 connection with the issuance of revenue bonds and the issuance
15 of any additional revenue bonds payable from revenue income
16 derived from the terminals, terminal facilities, port
17 facilities, and other buildings or facilities that the
18 participating municipality has the power to acquire,
19 construct, reconstruct, extend, or improve. However, a lien
20 upon any physical property of the participating municipality
21 shall not be created in the trust agreement or agreements. A
22 remedy for any breach or default of the terms of the trust
23 agreement by the participating municipality may be by mandamus
24 in the circuit court to compel performance and compliance with
25 the trust agreement, but the trust agreement may prescribe by
26 whom or on whose behalf the action may be instituted.

1 (g) Bonds issued by a participating municipality and other
2 obligations of the participating municipality shall not be an
3 indebtedness or obligation of the State of Illinois, of a
4 political subdivision of the State, or of a unit of local
5 government, including the Port District or any other
6 participating municipality.

7 A revenue bond shall not be an indebtedness of a
8 participating municipality within the purview of any
9 constitutional limitation or provision, and it shall be stated
10 on the face of each revenue bond that it does not constitute an
11 indebtedness but is payable solely from the revenues or income
12 derived from terminals, terminal facilities, and port
13 facilities within the corporate limits of that participating
14 municipality.

15 Section 65. Tax levy. In addition to the tax that may be
16 imposed under subsection (b) of Section 60, a participating
17 municipality may levy a tax for corporate purposes of the Port
18 District within that portion of the municipality in the Port
19 District annually, but which rate shall not exceed .05% of the
20 value of all taxable property within that municipality within
21 the Port District as equalized or assessed by the Department
22 of Revenue.

23 Section 70. Permits. It is unlawful to make any fill or
24 deposit of rock, earth, sand, or other material, or any refuse

1 matter of any kind or description, or build or commence the
2 building of any wharf, pier, dolphin, boom, weir, breakwater,
3 bulkhead, jetty, bridge, or other structure over, under, or
4 near any navigable waters within the Port District without
5 first submitting the plans, profiles, and specifications, and
6 any other data and information as may be required, to the
7 participating municipality in which the project is located and
8 receiving a permit. A person, corporation, company,
9 municipality, or other agency that does any of the things
10 prohibited in this Section without securing a permit as
11 required in this Section shall be guilty of a Class A
12 misdemeanor. However, a permit is not required (i) for any
13 project for which a permit has already been secured from a
14 proper governmental agency prior to the creation of the Port
15 District or (ii) for a project to be undertaken by a
16 participating municipality for which a permit is required from
17 a governmental agency other than the participating
18 municipality before the municipality can proceed with the
19 project. Any structure, fill, or deposit erected or made in
20 any of the public bodies of water within the Port District in
21 violation of the provisions of this Section is a purpresture
22 and may be abated at the expense of the person, corporation,
23 company, municipality, or other agency responsible for the
24 violation, or, if, in the discretion of the participating
25 municipality where the project is located, it is decided that
26 the structure, fill, or deposit may remain, the participating

1 municipality where the project is located may fix a
2 requirement, restriction, or rental or require and compel
3 necessary changes, modifications, and repairs to protect the
4 municipality's interest.

5 Section 75. Conflicts of interest. Except as otherwise
6 provided in this Act, it is unlawful for any member, officer,
7 employee, or other appointee of the governing and
8 administrative body or participating municipality or for the
9 husband, wife, or minor child of a city council of a
10 participating municipality to have, acquire, obtain, or hold
11 any contract, work, or business of the Port District, whether
12 for stationery, printing, paper, services, material, or
13 supplies or any private financial interest in the sale or
14 lease of property to or from the Port District. It is unlawful
15 for any firm, partnership, association, or corporation from
16 which these persons shall be entitled, by contract, stock
17 ownership, or otherwise, to receive more than 7.5% of the
18 total distributable net income from having, acquiring,
19 obtaining, or holding the contract, work, or business or any
20 private financial interest. It is unlawful for any firm,
21 partnership, association, or corporation from which a listed
22 person, together with his or her wife, husband, or minor child
23 or children, or any combination, who shall by contract, stock
24 ownership, or otherwise be entitled to receive, in the
25 aggregate, more than 15% of the total distributable income

1 from having, acquiring, obtaining, or holding the contract,
2 work, or business or any private financial interest. Any
3 person, firm, partnership, association, or corporation that
4 violates the provisions of this Section shall forfeit any and
5 all sums paid or to be paid by the Port District under the
6 contract, sale, or lease and, if found guilty of a violation,
7 shall be guilty of a business offense and shall be fined not to
8 exceed \$2,500.

9 Section 80. Organization for the transaction of business.
10 As soon as practicable after the effective date of this Act and
11 as soon as practicable after the annexation of any property
12 into the Port District, the Rock Island City Council or the
13 city council of any subsequent municipality annexed into the
14 Port District, as applicable, shall determine how the
15 municipality will organize for the transaction of business
16 either as part of normal meetings of the municipality's city
17 council or special meetings to conduct business related to the
18 Port District that falls within the municipality's corporate
19 limits, and the city council shall determine whether separate
20 bylaws and procedures should be adopted to regulate and govern
21 proceedings of that portion of the Port District within the
22 participating municipality's corporate limits.

23 Section 85. Meetings; actions of the Port District.

24 (a) All city councils of participating municipalities

1 shall meet in a joint session at least once every calendar year
2 to discuss Port District business. Additionally, all city
3 councils of participating municipalities shall meet in a joint
4 session no later than 60 days following the annexation of a
5 municipality into the Port District.

6 (b) The city council of a participating municipality shall
7 meet to discuss Port District business at least once each
8 calendar month, the time and place of the meetings to be fixed
9 by the city council of the participating municipality. Special
10 meetings may be called as allowed in the ordinances of the
11 participating municipality.

12 (c) The Port District may act (i) through its governing
13 and administrative body for the Port District as a whole, as
14 provided in this subsection or (ii) individually through the
15 actions of a city council of a participating municipality
16 solely for the portion of Port District within that
17 participating municipality's corporate limits, as provided in
18 subsection (d).

19 All actions by the governing and administrative body shall
20 be by ordinance or resolution by the affirmative vote of a
21 majority of the city councils of the participating
22 municipalities. However, the governing and administrative body
23 may not take any action solely within one participating
24 municipality without the approval of the majority of members
25 on that participating municipality's city council. If an
26 ordinance or resolution adopted by the governing and

1 administrative body conflicts with an ordinance or resolution
2 relating to Port District purposes adopted of a city council
3 of a participating municipality, the ordinance or resolution
4 adopted by the city council of the participating municipality
5 controls unless the majority of members on that participating
6 municipality's city council approved the ordinance or
7 resolution of the governing and administrative body.

8 (d) All actions regarding the Port District within each
9 participating municipality shall be by ordinance or resolution
10 and, except as otherwise provided in this Act, the affirmative
11 vote of a majority of the city council of the participating
12 municipality. The chief elected officer of the city council of
13 a participating municipality is entitled to vote on all
14 matters coming before the city council related to the Port
15 District within the participating municipality,
16 notwithstanding any other provision of law.

17 All ordinances, resolutions, and proceedings of the city
18 council of a participating municipality and all documents and
19 records in its possession are public records and open to
20 public inspection at the office of the participating
21 municipality, except documents and records that are kept or
22 prepared by the participating municipality for the Port
23 District within the municipality's corporate limits for use in
24 negotiations, legal actions, or proceedings related to that
25 portion of the Port District within the municipality's
26 corporate limits.

1 Section 90. Treasurer and secretary. A participating
2 municipality's secretary and treasurer are assigned to those
3 same duties for Port District business within the
4 participating municipality. Their respective municipal
5 offices' constitutional oaths and corporate sureties shall
6 serve as the same for the conduct of work related to the Port
7 District within the participating municipality. Whatever penal
8 sum may be directed by the participating municipality's city
9 council conditioned upon the faithful performance of the
10 duties of the office and the payment of all money received by
11 him or her according to law shall be the same for work related
12 to the Port District within the participating municipality's
13 corporate limits. The city council may, at any time, require a
14 new bond from the treasurer in a penal sum determined by the
15 city council within the municipality's existing ordinances.
16 The obligation of the sureties shall not extend to any loss
17 sustained by the insolvency, failure, or closing of any
18 savings or loan association or national or State bank where
19 the treasurer has deposited funds if the bank or savings and
20 loan association has been approved by the city council as a
21 depository for these funds. The oaths and corporate sureties
22 shall be filed in the principal office of the participating
23 municipality.

24 Section 95. Funds of the Port District; check and draft

1 signatures.

2 (a) All funds deposited by the treasurer in a bank or
3 savings and loan association shall be placed in the name of the
4 Port District for the participating municipality and shall be
5 withdrawn or paid out only by check or draft upon the bank or
6 savings and loan association, signed by the treasurer and
7 countersigned by the chief elected official of the
8 municipality in which the funds were derived for the Port
9 District or in the same manner as required by the municipality
10 within the municipality's ordinances.

11 A bank or savings and loan association may not receive
12 public funds as permitted by this subsection unless it has
13 complied with the requirements under Section 6 of the Public
14 Funds Investment Act.

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

22 Section 100. General manager; general attorney; chief
23 engineer. A participating municipality may appoint a
24 general manager, who shall be a person of recognized ability
25 and business experience, to hold this position at the pleasure

1 of that municipality and within the municipal corporate limits
2 inside the Port District. The same general manager may be
3 appointed by more than one participating municipality. The
4 general manager may manage the properties and business of the
5 Port District and the employees of the Port District, subject
6 to the general control of the municipality or municipalities,
7 may direct the enforcement of all ordinances and resolutions
8 of the municipality or municipalities related to the Port
9 District, and may perform other duties prescribed by the
10 municipality or municipalities.

11 A participating municipality may appoint a general
12 attorney, a chief engineer, and other officers, attorneys,
13 engineers, consultants, agents, and employees as may be
14 necessary and define their duties and may require bonds of
15 them as the municipality may designate. The same officers,
16 attorneys, engineers, consultants, agents, and employees
17 manager may be appointed by more than one participating
18 municipality.

19 The general manager, general attorney, chief engineer and
20 all other employees provided for by this Section are exempt
21 from taking and subscribing to any oath of office and may not
22 be members of the city council of a participating
23 municipality. The compensation of the general manager, general
24 attorney, chief engineer, and all other officers, attorneys,
25 consultants, agents, and employees shall be fixed by the
26 participating municipality or municipalities employing the

1 individual. All employees are subject to the provisions of
2 Section 75.

3 Section 105. Fines and Penalties. The city council of a
4 participating municipality may adopt any fines or penalties as
5 it deems proper. All fines and penalties shall be imposed by
6 ordinance, which shall be published in a newspaper of general
7 circulation in the area of the Port District within the
8 municipality's corporate limits. An ordinance imposing fines
9 or penalties may not take effect until 10 days after its
10 publication.

11 Section 110. Report and financial statement. Within 60
12 days after the end of a fiscal year, a participating
13 municipality's city council shall have prepared by a certified
14 public accountant a complete and detailed report and financial
15 statement of the operations and assets and liabilities of the
16 Port District within the municipality's corporate limits.
17 Copies of the report shall be prepared for distribution to
18 persons interested, upon request, and a copy of the report and
19 financial statement shall be filed with the Governor and with
20 the Rock Island County Clerk.

21 Section 115. Investigations; administrative decisions.

22 (a) A participating municipality may investigate
23 conditions of the Port District within the municipality's

1 corporate limits and investigate the enforcement of the
2 municipality's ordinances relating to the Port District within
3 the municipality's corporate limits. When conducting an
4 investigation, the municipality may hold public hearings on
5 its own motion.

6 A circuit court, upon application of a participating
7 municipality, may compel the attendance of witnesses, the
8 production of books and papers, and giving of testimony before
9 the municipality's city council by attachment for contempt or
10 otherwise in the same manner as the production of evidence may
11 be compelled before the court.

12 When conducting an investigation authorized by this
13 Section, the participating municipality shall, at its expense,
14 provide a stenographer to take down all testimony and shall
15 preserve a record of the proceedings. The notice of hearing,
16 complaint, and all other documents in the nature of pleadings
17 and written motions filed in the proceedings, the transcript
18 of testimony, and the orders or decision of the city council
19 constitutes the record of the proceedings.

20 (b) The city council of the participating municipality is
21 not required to certify any record or file any answer or
22 otherwise appear in any proceeding for judicial review of an
23 administrative decision unless the party asking for review
24 deposits with the clerk of the court the sum of \$1 per page of
25 the record representing the costs of the certification.
26 Failure to make this deposit is ground for dismissal of the

1 action.

2 A final administrative decision of a participating
3 municipality is subject to judicial review under the
4 Administrative Review Law and the rules adopted pursuant to
5 that Law.

6 Section 120. Severability; interaction with other laws and
7 parties.

8 (a) The provisions of this Act are severable under Section
9 1.31 of the Statute on Statutes.

10 (b) The provisions of this Act do not impair, alter,
11 modify, repeal, or supersede the jurisdiction or powers of the
12 Illinois Commerce Commission or of the Department of Natural
13 Resources under the Rivers, Lakes, and Streams Act.

14 (c) Nothing in this Act or done under its authority shall
15 apply to, restrict, limit, or interfere with the use of any
16 terminal facility or port facility owned or operated by any
17 private person for the storage or handling or transfer of any
18 commodity moving in interstate commerce or the use of the land
19 and facilities of a common carrier or other public utility and
20 the space above the land and facilities in the business of the
21 common carrier or other public utility without approval of the
22 Illinois Commerce Commission and without the payment of just
23 compensation to the common carrier or other public utility for
24 damages resulting from the restriction, limitation, or
25 interference.

1 (d) The provisions of the Illinois Municipal Code shall
2 not be effective inside the Port District insofar as that Code
3 conflicts with this Act or grants substantially the same
4 powers to any municipality or political subdivision as are
5 granted to the Port District by this Act.

6 Section 900. Home rule.

7 (a) A participating municipality that is a home rule
8 municipality may not regulate or act in a manner inconsistent
9 with this Act as those regulations or acts apply to the Rock
10 Island Regional Port District. This Act is a limitation under
11 subsection (i) of Section 6 of Article VII of the Illinois
12 Constitution on the concurrent exercise by home rule units of
13 powers and functions exercised by the State.

14 (b) Nothing in this Section prohibits regulations or
15 actions by a municipality that are otherwise lawful and not
16 expressly prohibited by or in conflict with this Act.

17 Section 905. The Foreign Trade Zones Act is amended by
18 changing Section 1 as follows:

19 (50 ILCS 40/1) (from Ch. 24, par. 1361)

20 Sec. 1. Each of the following units of State or local
21 government and public or private corporations shall have the
22 power to apply to proper authorities of the United States of
23 America pursuant to appropriate law for the right to

1 establish, operate, maintain and lease foreign trade zones and
2 sub-zones within its corporate limits or within limits
3 established pursuant to agreement with proper authorities of
4 the United States of America, as the case may be, and to
5 establish, operate, maintain and lease such foreign trade
6 zones and sub-zones:

7 (a) The City of East St. Louis.

8 (b) The Bi-State Authority, Lawrenceville - Vincennes
9 Airport.

10 (c) The Waukegan Port district.

11 (d) The Illinois Valley Regional Port District.

12 (e) The Economic Development Council, Inc. located in the
13 area of the United States Customs Port of Entry for Peoria,
14 pursuant to authorization granted by the county boards in the
15 geographic area served by the proposed foreign trade zone.

16 (f) The Greater Rockford Airport Authority.

17 (f-1) The Rock Island Regional Port District,

18 (f-5) The Illinois Department of Transportation, with
19 respect to the South Suburban Airport.

20 (g) After the effective date of this amendatory Act of
21 1984, any county, city, village or town within the State or a
22 public or private corporation authorized or licensed to do
23 business in the State or any combination thereof may apply to
24 the Foreign Trade Zones Board, United States Department of
25 Commerce, for the right to establish, operate and maintain a
26 foreign trade zone and sub-zones. For the purposes of this

1 Section, such foreign trade zone or sub-zones may be
2 incorporated outside the corporate boundaries or be made up of
3 areas from adjoining counties or states.

4 (h) No foreign trade zone may be established within 50
5 miles of an existing zone situated in a county with 3,000,000
6 or more inhabitants or within 35 miles of an existing zone
7 situated in a county with less than 3,000,000 inhabitants,
8 such zones having been created pursuant to this Act without
9 the permission of the authorities which established the
10 existing zone.

11 (Source: P.A. 98-109, eff. 7-25-13.)

12 Section 910. The Eminent Domain Act is amended by changing
13 Section 15-5-46 as follows:

14 (735 ILCS 30/15-5-46)

15 Sec. 15-5-46. Eminent domain powers in new Acts. The
16 following provisions of law may include express grants of the
17 power to acquire property by condemnation or eminent domain:

18 Rock Island Regional Port District Act; Rock Island Regional
19 Port District and participating municipalities; for
20 general Port District purposes. ~~(Reserved).~~

21 (Source: P.A. 96-1522, eff. 2-14-11; 97-813, eff. 7-13-12.)