

1 AN ACT concerning local government.

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

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

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

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

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

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

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

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

3 "Board" means the Alexander-Cairo Port District Board.

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

7 "District" or "Port District" means the Alexander-Cairo
8 Port District created by this Act.

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

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

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

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

25 "Mayor" means the Mayor of the City of Cairo.

26 "Navigable waters" means any public waters that are or can

1 be made usable for water commerce.

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

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

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

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

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

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

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

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

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

23 Section 10. Alexander-Cairo Port District. The
24 Alexander-Cairo Port District is created as a political
25 subdivision, body politic, and municipal corporation. The

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

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

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

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

21 (a) To issue permits for the following purposes: (i) the
22 construction of all wharves, piers, dolphins, booms, weirs,
23 breakwaters, bulkheads, jetties, bridges, or other structures
24 of any kind, over, under, in, or within 40 feet of any

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

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

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

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

22 (e) To acquire, own, construct, lease, operate, and
23 maintain terminals, terminal facilities, and port facilities,
24 and to fix and collect just, reasonable, and nondiscriminatory
25 charges for the use of the facilities. The charges collected
26 pursuant to this subsection (e) shall be used to defray the

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

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

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

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

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

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

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

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

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

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

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

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

1 properties of the District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 thereof.

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

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

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

1 principal and interest thereof?

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

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

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

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

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

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

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

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

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

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

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

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

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

12 The question shall be in substantially the following form:

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

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

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

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

1 restrictions, or rentals or require and compel any changes,
2 modifications, and repairs as shall be necessary to protect the
3 interest of the Port District.

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

18 Section 100. Board appointments; terms. The Governor shall
19 appoint 4 members of the Board, the Mayor of the City of Cairo
20 shall appoint one member of the Board, and the chairperson of
21 the Alexander County Board, with the advice and consent of the
22 Alexander County Board, shall appoint 2 members of the Board.
23 All initial appointments shall be made within 60 days after
24 this Act takes effect. Of the 4 members initially appointed by

1 the Governor, 2 shall be appointed for initial terms expiring
2 June 1, 2012 and 2 shall be appointed for initial terms
3 expiring June 1, 2013. The term of the member initially
4 appointed by the Mayor shall expire June 1, 2013. Of the 2
5 members appointed by the Alexander County Board Chairperson,
6 one shall be appointed for an initial term expiring June 1,
7 2012, and one shall be appointed for an initial term expiring
8 June 1, 2013. At the expiration of the term of any member, his
9 or her successor shall be appointed by the Governor, Mayor, or
10 Alexander County Board Chairperson in like manner and with like
11 regard to place of residence of the appointee, as in the case
12 of appointments for the initial terms.

13 After the expiration of initial terms, each successor shall
14 hold office for the term of 3 years beginning the first day of
15 June of the year in which the term of office commences. In the
16 case of a vacancy during the term of office of any member
17 appointed by the Governor, the Governor shall make an
18 appointment for the remainder of the term vacant and until a
19 successor is appointed and qualified. In the case of a vacancy
20 during the term of office of any member appointed by the Mayor,
21 the Mayor shall make an appointment for the remainder of the
22 term vacant and until a successor is appointed and qualified.
23 In the case of a vacancy during the term of office of any
24 member appointed by the Alexander County Board Chairperson, the
25 Alexander County Board Chairperson shall make an appointment
26 for the remainder of the term vacant and until a successor is

1 appointed and qualified. The Governor, Mayor, and Alexander
2 County Board Chairperson shall certify their respective
3 appointments to the Secretary of State. Within 30 days after
4 certification of his or her appointment, and before entering
5 upon the duties of his or her office, each member of the Board
6 shall take and subscribe the constitutional oath of office and
7 file it in the office of the Secretary of State.

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

1 Section 110. Organization of the Board. As soon as possible
2 after the appointment of the initial members, the Board shall
3 organize for the transaction of business, select a chairperson
4 and a temporary secretary from its own number, and adopt bylaws
5 and regulations to govern its proceedings. The initial
6 chairperson and successors shall be elected by the Board from
7 time to time for the term of his or her office as a member of
8 the Board.

9 Section 115. Meetings. Regular meetings of the Board shall
10 be held at least once in each calendar month, the time and
11 place of the meetings to be fixed by the Board. Four members of
12 the Board shall constitute a quorum for the transaction of
13 business. All action of the Board shall be by ordinance or
14 resolution and the affirmative vote of at least 4 members shall
15 be necessary for the adoption of any ordinance or resolution.
16 All such ordinances and resolutions before taking effect shall
17 be approved by the chairperson of the Board, and if he or she
18 approves, the chairperson shall sign the same, and if the
19 chairperson does not approve, the chairperson shall return to
20 the Board with his or her objections in writing at the next
21 regular meeting of the Board occurring after the passage. But
22 in the case the chairperson fails to return any ordinance or
23 resolution with his or her objections within the prescribed
24 time, the chairperson shall be deemed to have approved the
25 ordinance and it shall take effect accordingly. Upon the return

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

12 Section 120. Secretary and treasurer; oath and bond. The
13 Board shall appoint a secretary and a treasurer, who need not
14 be members of the Board, to hold office during the pleasure of
15 the Board, and fix their duties and compensation. The secretary
16 and treasurer shall be residents of the District. Before
17 entering upon the duties of their respective offices, they
18 shall take and subscribe the constitutional oath of office, and
19 the treasurer shall execute a bond with corporate sureties to
20 be approved by the Board. The bond shall be payable to the
21 District in whatever penal sum may be directed by the Board
22 conditioned upon the faithful performance of the duties of the
23 office and the payment of all money received by him or her
24 according to law and the orders of the Board. The Board may, at
25 any time, require a new bond from the treasurer in such penal

1 sum as may then be determined by the Board. The obligation of
2 the sureties shall not extend to any loss sustained by the
3 insolvency, failure, or closing of any savings and loan
4 association or national or State bank wherein the treasurer has
5 deposited funds if the bank or savings and loan association has
6 been approved by the Board as a depository for these funds. The
7 oaths of office and the treasurer's bond shall be filed in the
8 principal office of the District.

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

22 No bank or savings and loan association shall receive
23 public funds as permitted by this Section, unless it has
24 complied with the requirements established pursuant to Section
25 6 of the Public Funds Investment Act.

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

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

1 consultants, agents, and employees shall be fixed by the Board.

2 Section 135. Fines and penalties. The Board has the power
3 to pass all ordinances and make all rules and regulations
4 proper or necessary, and to carry into effect the powers
5 granted to the District, with such fines or penalties as may be
6 deemed proper. All fines and penalties shall be imposed by
7 ordinances, which shall be published in a newspaper of general
8 circulation in the area embraced by the District. No ordinance
9 shall take effect until 10 days after its publication.

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

22 Section 145. Investigations. The Board may investigate
23 conditions in which it has an interest within the area of the

1 District, the enforcement of its ordinances, rules, and
2 regulations, and the action, conduct, and efficiency of all
3 officers, agents, and employees of the District. In the conduct
4 of such investigations, the Board may hold public hearings on
5 its own motion, and shall do so on complaint of any
6 municipality within the District. Each member of the Board
7 shall have power to administer oaths, and the secretary, by
8 order of the Board, shall issue subpoenas to secure the
9 attendance and testimony of witnesses and the production of
10 books and papers relevant to such investigations and to any
11 hearing before the Board or any member of the Board.

12 Any circuit court of this State, upon application of the
13 Board, or any member of the Board, may in its discretion compel
14 the attendance of witnesses, the production of books and
15 papers, and the giving of testimony before the Board or before
16 any member of the Board or any officers' committee appointed by
17 the Board, by attachment for contempt or otherwise in the same
18 manner as the production of evidence may be compelled before
19 the court.

20 Section 150. Administrative Review Law. All final
21 administrative decisions of the Board hereunder shall be
22 subject to judicial review pursuant to the provisions of the
23 Administrative Review Law, and all amendments and
24 modifications thereof, and the rules adopted pursuant thereto.
25 The term "administrative decision" is defined as in Section

1 3-101 of the Code of Civil Procedure.

2 Section 155. Records. In the conduct of any investigation
3 authorized by Section 145, the Port District shall, at its
4 expense, provide a stenographer to take down all testimony and
5 shall preserve a record of the proceedings. The notice of
6 hearing, complaint, and all other documents in the nature of
7 pleadings and written motions filed in the proceedings, the
8 transcript of testimony, and the orders or decision of the
9 Board constitutes the record of the proceedings.

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

17 Section 160. Annexation. Territory which is contiguous to
18 the District and which is not included within any other port
19 district may be annexed to and become a part of the District in
20 the manner provided in Section 165 or 170, whichever may be
21 applicable.

22 Section 165. Petition for annexation. At least 5% of the
23 legal voters resident within the limits of the proposed

1 addition to the District may petition the circuit court for the
2 county in which the major part of the District is situated, to
3 cause the question to be submitted to the legal voters of the
4 proposed additional territory, whether such proposed
5 additional territory shall become a part of the District and
6 assume a proportionate share of the general obligation bonded
7 indebtedness, if any, of the District. The petition shall be
8 addressed to the court and shall contain a definite description
9 of the boundaries of the territory to be embraced in the
10 proposed addition.

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

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

23 At the hearing, all persons residing in or owning property
24 situated in the area proposed to be annexed to the District may
25 appear and be heard touching upon the sufficiency of the
26 petition. If the court finds that the petition does not comply

1 with the requirements of the law, the court shall dismiss the
2 petition; but if the court finds that the petition is
3 sufficient, the court shall certify the proposition to the
4 proper election officials, who shall submit the proposition to
5 the voters at an election in accordance with the general
6 election law. In addition to the requirements of the general
7 election law, the notice of the referendum shall specify the
8 purpose of the referendum and include a description of the area
9 proposed to be annexed to the District.

10 The proposition shall be in substantially the following
11 form:

12 Shall (description of the territory proposed to be
13 annexed) join the Alexander-Cairo Port District?

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

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

17 If a majority of the votes cast upon the question of
18 annexation to the District are in favor of becoming a part of
19 the District, the court shall then enter an order stating that
20 the additional territory shall thenceforth be an integral part
21 of the Alexander-Cairo Port District and subject to all of the
22 benefits of service and responsibilities of the District. The
23 circuit clerk shall transmit a certified copy of the order to
24 the circuit clerk of any other county in which any of the
25 territory affected is situated.

1 Section 170. Annexation of territory having no legal
2 voters. If there is territory contiguous to the District that
3 has no legal voters residing therein, a petition to annex the
4 territory, signed by all the owners of record of the territory,
5 may be filed with the circuit court for the county in which the
6 major part of the District is situated. A time and place for a
7 hearing on the subject of the petition shall be fixed and
8 notice shall be given in the manner provided in Section 165. At
9 the hearing, any owner of land in the territory proposed to be
10 annexed, the District, and any resident of the District may
11 appear and be heard touching on the sufficiency of the
12 petition. If the court finds that the petition satisfies the
13 requirements of this Section, it shall enter an order stating
14 that thenceforth the territory shall be an integral part of the
15 Alexander-Cairo Port District and subject to all of the
16 benefits of service and responsibilities, including the
17 assumption of a proportionate share of the general obligation
18 bonded indebtedness, if any, of the District. The circuit clerk
19 shall transmit a certified copy of the order of the court to
20 the circuit clerk of any other county in which the annexed
21 territory is situated.

22 Section 175. Non-applicability. The provisions of the
23 Illinois Municipal Code, the Airport Authorities Act, and the
24 General County Airport and Landing Field Act, shall not be
25 effective within the area of the District insofar as the

1 provisions of those Acts conflict with the provisions of this
2 Act or grant substantially the same powers to any municipal
3 corporation or political subdivision as are granted to the
4 District by this Act.

5 The provisions of this Act shall not be considered as
6 impairing, altering, modifying, repealing, or superseding any
7 of the jurisdiction or powers of the Illinois Commerce
8 Commission or of the Department of Natural Resources under the
9 Rivers, Lakes, and Streams Act. Nothing in this Act or done
10 under its authority shall apply to, restrict, limit, or
11 interfere with the use of any terminal facility or port
12 facility owned or operated by any private person for the
13 storage, handling, or transfer of any commodity moving in
14 interstate commerce or the use of the land and facilities of a
15 common carrier or other public utility and the space above such
16 land and facilities in the business of such common carrier or
17 other public utility, without approval of the Illinois Commerce
18 Commission and without the payment of just compensation to any
19 such common carrier or other public utility for damages
20 resulting from any such restriction, limitation, or
21 interference.

22 Section 180. Severability. The provisions of this Act are
23 severable under Section 1.31 of the Statute on Statutes.

24 Section 185. The Jackson-Union Counties Regional Port

1 District Act is amended by changing Section 16 as follows:

2 (70 ILCS 1820/16) (from Ch. 19, par. 866)

3 Sec. 16. Appointment; vacancies. The Governor shall
4 appoint 4 members of the Board, each Mayor of the
5 municipalities of Grand Tower, Jonesboro, Gorham, Murphysboro,
6 Carbondale, Anna, Cobden, Makanda, Ava, Mill Creek, Elkhville,
7 Alto Pass, Vergennes, Dowell, DeSoto, Campbell Hill, and
8 Dongola shall appoint one member of the Board, and each County
9 Board of Jackson County and Union County shall appoint one
10 member of the Board. All initial appointments shall be made
11 within 60 days after this Act takes effect. Of the 4 members
12 initially appointed by the Governor 2 shall be appointed for
13 initial terms expiring June 1, 1978, and 2 for an initial term
14 expiring June 1, 1979. The terms of the members initially
15 appointed by the respective Mayors and County Boards shall
16 expire June 1, 1979. At the expiration of the term of any
17 member, his or her successor shall be appointed by the
18 Governor, the respective Mayors, or the respective County
19 Boards in like manner and with like regard to place of
20 residence of the appointee, as in the case of appointments for
21 the initial terms.

22 After the expiration of initial terms, each successor shall
23 hold office for the term of 3 years beginning the first day of
24 June of the year in which the term of office commences. In the
25 case of a vacancy during the term of office of any member

1 appointed by the Governor, the Governor shall make an
2 appointment for the remainder of the term vacant and until a
3 successor is appointed and qualified. In case of a vacancy
4 during the term of office of any member appointed by a Mayor,
5 the proper Mayor shall make an appointment for the remainder of
6 the term vacant and until a successor is appointed and
7 qualified. In case of a vacancy during the term of office of
8 any member appointed by a County Board, the proper County Board
9 shall make an appointment for the remainder of the term vacant
10 and until a successor is appointed and qualified. The Governor,
11 each Mayor, and each County Board shall certify their
12 respective appointments to the Secretary of State. Within 30
13 days after certification of his or her appointment, and before
14 entering upon the duties of his or her 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 Notwithstanding any provision of this Section to the
18 contrary, if there is a vacancy for 3 months or more in the
19 office of a member appointed by a mayor, then the Board may
20 request that the county board of the county in which the
21 municipality is located appoint a person to fill the vacancy
22 for the remainder of the term or until a successor is appointed
23 and qualified. Before requesting that the county board fill the
24 vacancy, the Board must notify the mayor authorized to fill the
25 vacancy by first class mail. The notice must be sent no later
26 than 30 days after the vacancy occurs. Any Board member

1 appointed under this paragraph must be a resident of the county
2 making the appointment to fill the vacancy.

3 Every person appointed to the Board after the effective
4 date of this amendatory Act of 1981 shall be a resident of the
5 unit of local government which makes the appointment. Persons
6 appointed by the Governor shall reside in the district.

7 (Source: P.A. 90-655, eff. 7-30-98.)

8 Section 190. The Eminent Domain Act is amended by changing
9 Section 15-5-45 as follows:

10 (735 ILCS 30/15-5-45)

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

14 Massac-Metropolis Port District Act; Massac-Metropolis Port
15 District; for general purposes.

16 Alexander-Cairo Port District Act; Alexander-Cairo Port
17 District; for general purposes.

18 (Source: P.A. 96-838, eff. 12-16-09.)

19 Section 999. Effective date. This Act takes effect upon
20 becoming law.