



Sen. Chuck Weaver

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10000SB1093sam001

LRB100 07642 RJF 26119 a

1 AMENDMENT TO SENATE BILL 1093

2 AMENDMENT NO. _____. Amend Senate Bill 1093 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by adding
5 Section 5-119 as follows:

6 (220 ILCS 5/5-119 new)

7 Sec. 5-119. Prevent unfairness in pricing of water assets
8 acquired by governmental purchasers.

9 (a) In this Section:

10 "Illinois governmental purchaser" means the State of
11 Illinois, any State agency, department, or division, or any
12 municipality, county, city, township, water district, or other
13 body politic or political subdivision of the State of Illinois.

14 "Water assets" means a water utility or water distribution
15 company or any of its assets, facilities, piping, pumping and
16 lift stations, water sources and rights, real estate,

1 easements, intangibles, franchises, or other properties.

2 (b) In determining the value or price for the purchase or
3 acquisition of water assets by an Illinois governmental
4 purchaser, whether in an eminent domain proceeding or any other
5 exercise of a right possessed by an Illinois governmental
6 purchaser to purchase or acquire water assets (by contract or
7 statute), the determination of value or price to be paid for
8 the water assets:

9 (1) may not distinguish, penalize, or increase the
10 value or price to be paid by an Illinois governmental
11 purchaser for the purchase or acquisition of water assets
12 because the purchaser or acquirer: is an Illinois
13 governmental purchaser or public body; does not pay income,
14 property, or other taxes; has or may have taxing or
15 ratemaking authority; or has other supposed or real
16 advantages as an Illinois governmental purchaser over a
17 private purchaser; or

18 (2) may not use as a factor any excess of replacement
19 cost new minus depreciation over the value or price based
20 on fair market value of the water assets to be acquired or
21 purchased, as determined by what a willing buyer in the
22 private sector would value, price, or pay for the water
23 assets.

24 (c) The intent of paragraphs (1) and (2) of subsection (b)
25 is to put an Illinois governmental purchaser on equal footing
26 for valuation and price determination purposes with private

1 purchasers in a free and open marketplace with respect to
2 determining values or prices to be paid for water assets and
3 actual valuing, pricing, and purchasing water assets.

4 (d) This Section shall apply to all valuations or price
5 determinations made or to be made or determined after the
6 effective date of this amendatory Act of the 100th General
7 Assembly, except: (1) in the case of paragraph (1) of
8 subsection (b), for contracts already in place on the effective
9 date of this amendatory Act of the 100th General Assembly that
10 expressly require or provide that the value of the water assets
11 be priced or valued on a basis that takes into account that the
12 benefits of the purchaser as a public body over or as opposed
13 to a private body; and (2) in the case of paragraph (2) of
14 subsection (b), for contracts already in place on the effective
15 date of this amendatory Act of the 100th General Assembly that
16 expressly require or provide that the value or price to be paid
17 for water assets may or must take into account the replacement
18 cost new minus depreciation of the water assets to be valued or
19 priced, even though such cost is in excess of a fair market
20 price that a private purchaser would value, price, or pay for
21 such assets.

22 Section 97. Severability. The provisions of this Act are
23 severable under Section 1.31 of the Statute on Statutes.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".