

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by adding  
5 Section 11-150-2 as follows:

6 (65 ILCS 5/11-150-2 new)

7 Sec. 11-150-2. Billing for services.

8 (a) On or after the effective date of this amendatory Act  
9 of the 100th General Assembly, the corporate authorities of any  
10 municipality operating a waterworks or combined waterworks and  
11 sewerage system:

12 (1) shall bill for any utility service, including  
13 previously unbilled service: (A) within 12 months after the  
14 provision of that service to the customer if the service is  
15 supplied to a residential customer; or (B) within 24 months  
16 after the provision of that service to that customer if the  
17 service is supplied to a non-residential customer;  
18 however, the corporate authorities of a municipality may  
19 bill for unpaid amounts that were billed to a customer or  
20 if the customer was notified that there is an unpaid amount  
21 before the effective date of this amendatory Act of the  
22 100th General Assembly for service that was supplied to the  
23 customer before January 1, 2016;

1           (2) shall not intentionally delay billing beyond the  
2           normal billing cycle;

3           (3) shall label any amount attributed to previously  
4           unbilled service as such on the customer's bill and include  
5           the beginning and ending dates for the period during which  
6           the previously unbilled amount accrued;

7           (4) shall issue the makeup billing amount calculated on  
8           a prorated basis to reflect the varying rates for  
9           previously unbilled service accrued over a period of time  
10          when the rates for service have varied; and

11          (5) shall provide the customer with the option of a  
12          payment arrangement to retire the makeup bill for  
13          previously unbilled service by periodic payments, without  
14          interest or late fees, over a time equal to the amount of  
15          time the billing was delayed.

16          (b) The time limit of paragraph (1) of subsection (a) shall  
17          not apply to previously unbilled service attributed to  
18          tampering, theft of service, fraud, or the customer preventing  
19          the utility's recorded efforts to obtain an accurate reading of  
20          the meter.

21           Section 10. The Public Water District Act is amended by  
22           adding Section 7.4 as follows:

23           (70 ILCS 3705/7.4 new)

24           Sec. 7.4. Billing for services.

1       (a) On or after the effective date of this amendatory Act  
2 of the 100th General Assembly, a public water district:

3           (1) shall bill for any utility service, including  
4 previously unbilled service: (A) within 12 months after the  
5 provision of that service to the customer if the service is  
6 supplied to a residential customer; or (B) within 24 months  
7 after the provision of that service to that customer if the  
8 service is supplied to a non-residential customer;  
9 however, the public water district may bill for unpaid  
10 amounts that were billed to a customer or if the customer  
11 was notified that there is an unpaid amount before the  
12 effective date of this amendatory Act of the 100th General  
13 Assembly for service that was supplied to the customer  
14 before January 1, 2016;

15           (2) shall not intentionally delay billing beyond the  
16 normal billing cycle;

17           (3) shall label any amount attributed to previously  
18 unbilled service as such on the customer's bill and include  
19 the beginning and ending dates for the period during which  
20 the previously unbilled amount accrued;

21           (4) shall issue the makeup billing amount calculated on  
22 a prorated basis to reflect the varying rates for  
23 previously unbilled service accrued over a period of time  
24 when the rates for service have varied; and

25           (5) shall provide the customer with the option of a  
26 payment arrangement to retire the makeup bill for

1 previously unbilled service by periodic payments, without  
2 interest or late fees, over a time equal to the amount of  
3 time the billing was delayed.

4 (b) The time limit of paragraph (1) of subsection (a) shall  
5 not apply to previously unbilled service attributed to  
6 tampering, theft of service, fraud, or the customer preventing  
7 the utility's recorded efforts to obtain an accurate reading of  
8 the meter.

9 Section 15. The Water Service District Act is amended by  
10 adding Section 5.3 as follows:

11 (70 ILCS 3710/5.3 new)

12 Sec. 5.3. Billing for services.

13 (a) On or after the effective date of this amendatory Act  
14 of the 100th General Assembly, a water service district:

15 (1) shall bill for any utility service, including  
16 previously unbilled service: (A) within 12 months after the  
17 provision of that service to the customer if the service is  
18 supplied to a residential customer; or (B) within 24 months  
19 after the provision of that service to that customer if the  
20 service is supplied to a non-residential customer;  
21 however, the water service district may bill for unpaid  
22 amounts that were billed to a customer or if the customer  
23 was notified that there is an unpaid amount before the  
24 effective date of this amendatory Act of the 100th General

1 Assembly for service that was supplied to the customer  
2 before January 1, 2016;

3 (2) shall not intentionally delay billing beyond the  
4 normal billing cycle;

5 (3) shall label any amount attributed to previously  
6 unbilled service as such on the customer's bill and include  
7 the beginning and ending dates for the period during which  
8 the previously unbilled amount accrued;

9 (4) shall issue the makeup billing amount calculated on  
10 a prorated basis to reflect the varying rates for  
11 previously unbilled service accrued over a period of time  
12 when the rates for service have varied; and

13 (5) shall provide the customer with the option of a  
14 payment arrangement to retire the makeup bill for  
15 previously unbilled service by periodic payments, without  
16 interest or late fees, over a time equal to the amount of  
17 time the billing was delayed.

18 (b) The time limit of paragraph (1) of subsection (a) shall  
19 not apply to previously unbilled service attributed to  
20 tampering, theft of service, fraud, or the customer preventing  
21 the utility's recorded efforts to obtain an accurate reading of  
22 the meter.

23 Section 20. The Water Authorities Act is amended by  
24 changing Section 6 as follows:

1 (70 ILCS 3715/6) (from Ch. 111 2/3, par. 228)

2 Sec. 6. Such board of trustees shall have the following  
3 powers:

4 1. To make inspections of wells or other withdrawal  
5 facilities and to require information and data from the owners  
6 or operators thereof concerning the supply, withdrawal and use  
7 of water.

8 2. To require the registration with them of all wells or  
9 other withdrawal facilities in accordance with such form or  
10 forms as they deem advisable.

11 3. To require permits from them for all additional wells or  
12 withdrawal facilities or for the deepening, extending or  
13 enlarging existing wells or withdrawal facilities.

14 4. To require the plugging of abandoned wells or the repair  
15 of any well or withdrawal facility to prevent loss of water or  
16 contamination of supply.

17 5. To reasonably regulate the use of water and during any  
18 period of actual or threatened shortage to establish limits  
19 upon or priorities as to the use of water. In issuing any such  
20 regulation, limitation, or priority, such board shall seek to  
21 promote the common welfare by considering the public interest,  
22 the average amount of present withdrawals, relative benefits or  
23 importance of use, economy or efficiency of use and any other  
24 reasonable differentiation. Appropriate consideration shall  
25 also be given to any user, who has theretofore reduced the  
26 volume of ground water previously consumed by such user or who

1 has taken care of increased requirements by installing and  
2 using equipment and facilities permitting the use of surface  
3 water by such user.

4 6. To supplement the existing water supply or provide  
5 additional water supply by such means as may be practicable or  
6 feasible. They may acquire property or property rights either  
7 within or without the boundaries of the authority by purchase,  
8 lease, condemnation proceedings or otherwise, and they may  
9 construct, maintain and operate wells, reservoirs, pumping  
10 stations, purification plants, infiltration pits, recharging  
11 wells and such other facilities as may be necessary to insure  
12 an adequate supply of water for the present and future needs of  
13 the authority. They shall have the right to sell water to  
14 municipalities or public utilities operating water  
15 distribution systems either within or without the authority.

16 7. To levy and collect a general tax on all of the taxable  
17 property within the corporate limits of the authority, the  
18 aggregate amount of which for one year, exclusive of the amount  
19 levied for bonded indebtedness or interest thereon, shall not  
20 exceed .08 per cent of the value as equalized or assessed by  
21 the Department of Revenue. For the purpose of acquiring  
22 necessary property or facilities, to issue general obligation  
23 bonds bearing interest at the rate of not to exceed the maximum  
24 rate authorized by the Bond Authorization Act, as amended at  
25 the time of the making of the contract, and payable over a  
26 period of not to exceed 20 years, the aggregate principal

1 amount of which at any one time outstanding shall not exceed  
2 one-half of 1% of the value as equalized or assessed by the  
3 Department of Revenue of all taxable property located within  
4 the corporate limits of the authority and to levy and collect a  
5 further or additional direct annual tax upon all the taxable  
6 property within the corporate limits of such authority  
7 sufficient to meet the principal and interest of such bonds as  
8 the same mature. They shall also have authority to issue  
9 revenue bonds payable solely out of anticipated revenues.

10 8. To consult with and receive available information  
11 concerning their duties and responsibilities from the State  
12 Water Survey, the State Geological Survey, the Board of Natural  
13 Resources and Conservation, the Water Resources and Flood  
14 Control Board and any other board or commission of the State.  
15 Before constructing any facility for providing additional  
16 water supply, the plans therefor shall be submitted to and  
17 approved by the Environmental Protection Agency or its  
18 successor and all operations of such facilities shall be  
19 conducted in accordance with such rules and regulations as may  
20 from time to time be prescribed by the Pollution Control Board.

21 9. To have the right by appropriate action in the circuit  
22 court of any county in which such authority, or any part  
23 thereof, is located to restrain any violation or threatened  
24 violation of any of their orders, rules, regulations or  
25 ordinances.

26 10. To provide by ordinance that the violation of any

1 provision of any rule, regulation or ordinance adopted by them  
2 shall constitute a misdemeanor subject to a fine by the circuit  
3 court of not to exceed \$50 for each act of violation and that  
4 each day's violation shall constitute a separate offense.

5 11. On or after the effective date of this amendatory Act  
6 of the 100th General Assembly, to bill for any utility service,  
7 including previously unbilled service, supplied to a  
8 residential customer within 12 months, or a non-residential  
9 customer within 24 months, after the provision of that service  
10 to the customer; however, the water authority may bill for  
11 unpaid amounts that were billed to a customer or if the  
12 customer was notified that there is an unpaid amount before the  
13 effective date of this amendatory Act of the 100th General  
14 Assembly for service that was supplied to the customer before  
15 January 1, 2016. The time limit of this paragraph shall not  
16 apply to previously unbilled service attributed to tampering,  
17 theft of service, fraud, or the customer preventing the  
18 utility's recorded efforts to obtain an accurate reading of the  
19 meter. The trustees shall: (i) label any amount attributed to  
20 previously unbilled service as such on the customer's bill and  
21 include the beginning and ending dates for the period during  
22 which the previously unbilled amount accrued; (ii) issue the  
23 makeup billing amount calculated on a prorated basis to reflect  
24 the varying rates for previously unbilled service accrued over  
25 a period of time when the rates for service have varied; and  
26 (iii) provide the customer with the option of a payment

1 arrangement to retire the makeup bill for previously unbilled  
2 service by periodic payments, without interest or late fees,  
3 over a time equal to the amount of time the billing was  
4 delayed. The trustees shall not intentionally delay billing  
5 beyond the normal bill cycle.

6 With respect to instruments for the payment of money issued  
7 under this Section either before, on, or after the effective  
8 date of this amendatory Act of 1989, it is and always has been  
9 the intention of the General Assembly (i) that the Omnibus Bond  
10 Acts are and always have been supplementary grants of power to  
11 issue instruments in accordance with the Omnibus Bond Acts,  
12 regardless of any provision of this Act that may appear to be  
13 or to have been more restrictive than those Acts, (ii) that the  
14 provisions of this Section are not a limitation on the  
15 supplementary authority granted by the Omnibus Bond Acts, and  
16 (iii) that instruments issued under this Section within the  
17 supplementary authority granted by the Omnibus Bond Acts are  
18 not invalid because of any provision of this Act that may  
19 appear to be or to have been more restrictive than those Acts.

20 (Source: P.A. 86-4.)

21 Section 25. The Water Commission Act of 1985 is amended by  
22 changing Section 0.001b as follows:

23 (70 ILCS 3720/0.001b)

24 Sec. 0.001b. Powers and duties. A water commission has the

1 power and duty to:

2 (1) establish and define the responsibilities of the  
3 commission and its committees;

4 (2) establish and define the responsibilities of the  
5 commission's management and staff;

6 (3) establish a finance committee to conduct monthly  
7 meetings to supervise staff's handling of financial  
8 matters and budgeting;

9 (4) require the finance director and treasurer to  
10 report to the finance committee the status of all  
11 commission funds and obligations;

12 (5) require the treasurer to report to the commission  
13 any improper or unnecessary expenditures, budgetary  
14 errors, or accounting irregularities;

15 (6) require commission staff to document and comply  
16 with standard accounting policies, procedures, and  
17 controls to ensure accurate reporting to the finance  
18 committee and commission and to identify improper or  
19 unnecessary expenditures, budgetary errors, or accounting  
20 irregularities;

21 (7) require the commission's finance director to  
22 provide monthly reports regarding the commission's cash  
23 and investment position including whether the commission  
24 has sufficient cash and investments to pay its debt  
25 service, operating expenses, and capital expenditures and  
26 maintain required reserve levels. The information shall

1 include the required funding levels for restricted funds  
2 and unrestricted cash and investment balances with  
3 comparisons to unrestricted reserves. The information  
4 shall also include the type and performance of the  
5 commission's investments and description as to whether  
6 those investments are in compliance with the commission's  
7 investment policies;

8 (8) require the commission's finance director to  
9 provide the commission with detailed information  
10 concerning the commission's operating performance  
11 including the budgeted and actual monthly amounts for water  
12 sales, water costs, and other operating expenses;

13 (9) require commission staff to provide the commission  
14 with detailed information regarding the progress of  
15 capital projects including whether the percentage of  
16 completion and costs incurred are timely;

17 (10) require the commission's staff accountant to  
18 perform bank reconciliations and general ledger account  
19 reconciliations on a monthly basis; the finance director  
20 shall review these reconciliations and provide them to the  
21 treasurer and the finance committee on a monthly basis;

22 (11) establish policies to ensure the proper  
23 segregation of the financial duties performed by  
24 employees;

25 (12) restrict access to the established accounting  
26 systems and general ledger systems and provide for adequate

1 segregation of duties so that no single person has sole  
2 access and control over the accounting system or the  
3 general ledger system;

4 (13) require that the finance director review and  
5 approve all manual journal entries and supporting  
6 documentation; the treasurer shall review and approve the  
7 finance director's review and approval of manual journal  
8 entries and supporting documentation;

9 (14) require that the finance director closely monitor  
10 the progress of construction projects;

11 (15) require that the finance director carefully  
12 document any GAAP analysis or communications with GASB and  
13 provide full and timely reports for the same to the finance  
14 committee; ~~and~~

15 (16) retain an outside independent auditor to perform a  
16 comprehensive audit of the water commission's financial  
17 activities for each fiscal year in conformance with the  
18 standard practices of the Association of Governmental  
19 Auditors; within 30 days after the independent audit is  
20 completed, the results of the audit must be sent to the  
21 county auditor; and.

22 (17) on or after the effective date of this amendatory  
23 Act of the 100th General Assembly, bill for any utility  
24 service, including previously unbilled service, supplied  
25 to a residential customer within 12 months, or a  
26 non-residential customer within 24 months, after the

1 provision of that service to the customer; however, the  
2 water commission may bill for unpaid amounts that were  
3 billed to a customer or if the customer was notified that  
4 there is an unpaid amount before the effective date of this  
5 amendatory Act of the 100th General Assembly for service  
6 that was supplied to the customer before January 1, 2016.  
7 The time limit of this paragraph shall not apply to  
8 previously unbilled service attributed to tampering, theft  
9 of service, fraud, or the customer preventing the utility's  
10 recorded efforts to obtain an accurate reading of the  
11 meter. The commission shall: (i) label any amount  
12 attributed to previously unbilled service as such on the  
13 customer's bill and include the beginning and ending dates  
14 for the period during which the previously unbilled amount  
15 accrued; (ii) issue the makeup billing amount calculated on  
16 a prorated basis to reflect the varying rates for  
17 previously unbilled service accrued over a period of time  
18 when the rates for service have varied; and (iii) provide  
19 the customer with the option of a payment arrangement to  
20 retire the makeup bill for previously unbilled service by  
21 periodic payments, without interest or late fees, over a  
22 time equal to the amount of time the billing was delayed.  
23 The commission shall not intentionally delay billing  
24 beyond the normal bill cycle.

25 (Source: P.A. 96-1389, eff. 7-29-10.)

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

1 becoming law.