



Sen. Patrick Welch

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1 AMENDMENT TO SENATE BILL 2350

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2350 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Clean Water Bond Act.

6 Section 5. Findings. The General Assembly makes the  
7 following findings and determinations:

8 (1) There is a pressing need in the State to improve  
9 water quality through the making of loans or grants to  
10 local government entities and to encourage partnerships  
11 among federal, State, and local governments and  
12 not-for-profit organizations for:

13 (A) financing, repairing, upgrading, and  
14 constructing wastewater facilities;

15 (B) planning, engineering, acquiring,  
16 constructing, and improving watershed, drainage, and  
17 flood control improvements, which includes expenses  
18 related to land and easement acquisition, relocation,  
19 control structures, channel work, and clearing and  
20 appurtenant work;

21 (C) the protection, preservation, restoration,  
22 conservation, and improvement of water, including the  
23 making of grants to soil and water conservation  
24 districts for the planning and implementation of

1 conservation practices and for funding contracts with  
2 the Soil Conservation Service for watershed planning  
3 and the provision of cost-sharing for the planning and  
4 implementation of conservation practices by farmers  
5 and landowners approved under federal programs of the  
6 United States Department of Agriculture;

7 (D) capital development and improvement of water  
8 projects, including planning and engineering costs,  
9 and the acquisition, from willing sellers, of open  
10 space lands related to the protection, preservation,  
11 restoration, conservation, and improvement of water,  
12 including the acquisition of easements and other  
13 property interests of less than fee simple ownership  
14 provided that these mechanisms are all voluntary on the  
15 part of the landowners and do not involve the use of  
16 eminent domain; and

17 (E) the removal and disposition of hazardous  
18 substances, including the cost of project management,  
19 equipment, laboratory analysis, and contractual  
20 services necessary for preventative and corrective  
21 actions related to water quality.

22 (2) The issuance and sale of bonds under the General  
23 Obligation Bond Act is an economical and efficient method  
24 of financing the goals of this Act.

25 Section 7. Definitions. As used in this Act:

26 "Local government entity" means a school district, a  
27 municipality, a county, a township, a conservation district, a  
28 soil or water conservation district, a drainage district, a  
29 forest preserve district, a park district, a port district, a  
30 river conservancy district, a sanitary district, a solid waste  
31 disposal district, a surface water protection district, a  
32 public water district, a water service district, a water  
33 authority, a water commission, or any other entity defined as a

1 "unit of local government" by Section 1 of Article VII of the  
2 Illinois Constitution.

3 "Not-for-profit organization" means an entity that is  
4 organized as a not-for-profit corporation under the laws of  
5 this State and of the United States.

6 Section 10. Proceeds of bonds.

7 (a) Of the proceeds of the bonds issued under the General  
8 Obligation Bond Act for the purposes of this Act, \$35,000,000  
9 shall be deposited into the Anti-Pollution Fund and, subject to  
10 appropriation, shall be transferred to the Clean Water Trust  
11 Fund, a special fund in the State treasury, and, subject to  
12 appropriation, used by the Office of the Lieutenant Governor to  
13 fund the making of loans or grants. Loans or grants shall be  
14 awarded only to local government entities, as defined in  
15 Section 7 of this Act, however, this shall not be construed to  
16 prohibit or impede not-for-profit organizations from  
17 submitting applications for loans or grants in partnership with  
18 any entity of local government. Loans and grants shall be  
19 awarded for the following:

20 (1) the financing and construction of wastewater  
21 facilities;

22 (2) the planning, engineering, acquisition,  
23 construction, and improvement of watershed, drainage, and  
24 flood control improvements, which includes expenses  
25 related to land and easement acquisition from willing  
26 sellers, relocation, control structures, channel work, and  
27 clearing and appurtenant work;

28 (3) the protection, preservation, restoration, and  
29 conservation of water, including the making of grants to  
30 soil and water conservation districts for the planning and  
31 implementation of conservation practices and for funding  
32 contracts with the Soil Conservation Service for watershed  
33 planning and the provision of cost-sharing for the planning

1 and implementation of conservation practices by farmers  
2 and landowners approved under federal programs of the  
3 United States Department of Agriculture;

4 (4) the capital development and improvement of water  
5 projects, including planning and engineering costs, and  
6 the acquisition, from willing sellers, of open space lands  
7 related to the improvement of water quality, including the  
8 acquisition of easements and other property interests of  
9 less than fee simple ownership provided that these  
10 mechanisms are all voluntary on the part of the landowners  
11 and do not involve the use of eminent domain; and

12 (5) the removal and disposition of hazardous  
13 substances, including the cost of project management,  
14 equipment, laboratory analysis, and contractual services  
15 necessary for preventative and corrective actions related  
16 to the preservation, restoration, and conservation of  
17 water.

18 (b) Moneys derived from the repayment of loans made under  
19 this Section shall be deposited into the Clean Water Trust Fund  
20 and, subject to appropriation, shall be used to fund new loans  
21 or grants under this Section or, if they cannot be so used,  
22 shall be transferred to the General Obligation Bond Retirement  
23 and Interest Fund and shall be applied to pay the principal of,  
24 interest on, or the redemption price of bonds payable from the  
25 General Obligation Bond Retirement and Interest Fund.

26 Section 15. Acceptance of grants, loans, and  
27 appropriations. The Office of the Lieutenant Governor may  
28 apply for and accept grants, loans, or appropriations from the  
29 federal government or any of its agencies or instrumentalities,  
30 the State or any of its agencies or instrumentalities, or any  
31 unit of local government to be used for any of the purposes of  
32 this Act. Additionally, the Office of the Lieutenant Governor  
33 may enter into any agreement with the federal or State

1 government or any of their agencies or instrumentalities or  
2 with any unit of local government concerning these grants,  
3 loans, or appropriations. Any grants, donations, or  
4 appropriations must be deposited into the Clean Water Trust  
5 Fund.

6 Section 20. Grant and loan criteria.

7 (a) Priority shall be given to innovative pilot or  
8 demonstrative projects that, if proven successful, may be  
9 applied regionally or statewide.

10 (b) For all other projects, the following factors shall be  
11 taken into account:

12 (1) the necessity of the project to the health and  
13 safety of a community;

14 (2) the impending harm to the environment in the  
15 location of the proposed project; and

16 (3) the financial status of the area benefiting from  
17 the proposed project.

18 (c) Grants and loans shall be distributed throughout the  
19 State without preference to any one region, local government  
20 entity, or not-for-profit organization.

21 (d) The Office of the Lieutenant Governor shall adopt rules  
22 concerning the selection of grant or loan recipients, amount of  
23 grant or loan awards, and eligibility requirements for grants  
24 or loans under this Act. The rules must include the following  
25 additional requirements:

26 (1) funds may be used to purchase interests in land  
27 only from willing sellers;

28 (2) no real property acquired with grant or loan funds  
29 may be sold, leased, exchanged, or otherwise encumbered,  
30 unless it is used to qualify for a federal program or  
31 transferred to the federal government, the State, or a unit  
32 of local government for the protection, preservation,  
33 restoration, improvement, or conservation of water; and

1           (3) no funds, whether a grant or loan, may be used to  
2           acquire lands or interests in lands or real property by  
3           eminent domain or to fund the costs of an eminent domain  
4           proceeding.

5           Section 905. The State Finance Act is amended by adding  
6           Section 5.625 as follows:

7           (30 ILCS 105/5.625 new)

8           Sec. 5.625. The Clean Water Trust Fund.

9           Section 910. The General Obligation Bond Act is amended by  
10          changing Sections 2 and 6 as follows:

11          (30 ILCS 330/2) (from Ch. 127, par. 652)

12          Sec. 2. Authorization for Bonds. The State of Illinois is  
13          authorized to issue, sell and provide for the retirement of  
14          General Obligation Bonds of the State of Illinois for the  
15          categories and specific purposes expressed in Sections 2  
16          through 8 of this Act, in the total amount of \$27,693,149,369  
17          ~~\$27,658,149,369~~.

18          The bonds authorized in this Section 2 and in Section 16 of  
19          this Act are herein called "Bonds".

20          Of the total amount of Bonds authorized in this Act, up to  
21          \$2,200,000,000 in aggregate original principal amount may be  
22          issued and sold in accordance with the Baccalaureate Savings  
23          Act in the form of General Obligation College Savings Bonds.

24          Of the total amount of Bonds authorized in this Act, up to  
25          \$300,000,000 in aggregate original principal amount may be  
26          issued and sold in accordance with the Retirement Savings Act  
27          in the form of General Obligation Retirement Savings Bonds.

28          Of the total amount of Bonds authorized in this Act, the  
29          additional \$10,000,000,000 authorized by Public ~~this~~  
30          ~~amendatory~~ Act 93-2 ~~of the 93rd General Assembly~~ shall be used

1 solely as provided in Section 7.2.

2 The issuance and sale of Bonds pursuant to the General  
3 Obligation Bond Act is an economical and efficient method of  
4 financing the capital and general operating needs of the State.  
5 This Act will permit the issuance of a multi-purpose General  
6 Obligation Bond with uniform terms and features. This will not  
7 only lower the cost of registration but also reduce the overall  
8 cost of issuing debt by improving the marketability of Illinois  
9 General Obligation Bonds.

10 (Source: P.A. 92-13, eff. 6-22-01; 92-596, eff. 6-28-02;  
11 92-598, eff. 6-28-02; 93-2, eff. 4-7-03.)

12 (30 ILCS 330/6) (from Ch. 127, par. 656)

13 Sec. 6. Anti-Pollution.

14 (a) The amount of \$319,815,000 is authorized for allocation  
15 by the Environmental Protection Agency for grants or loans to  
16 units of local government in such amounts, at such times and  
17 for such purpose as the Agency deems necessary or desirable for  
18 the planning, financing, and construction of municipal sewage  
19 treatment works and solid waste disposal facilities and for  
20 making of deposits into the Water Revolving Fund and the U.S.  
21 Environmental Protection Fund to provide assistance in  
22 accordance with the provisions of Title IV-A of the  
23 Environmental Protection Act.

24 (b) The amount of \$160,500,000 is authorized for allocation  
25 by the Environmental Protection Agency for payment of claims  
26 submitted to the State and approved for payment under the  
27 Leaking Underground Storage Tank Program established in Title  
28 XVI of the Environmental Protection Act.

29 (c) The amount of \$35,000,000 is authorized for use by the  
30 Office of the Lieutenant Governor for the purposes stated in  
31 Section 10 of the Clean Water Bond Act.

32 (Source: P.A. 92-13, eff. 6-22-01; 92-598, eff. 6-28-02;  
33 93-650, eff. 1-8-04.)

1           Section 999. Effective date. This Act takes effect upon  
2    becoming law.".