



Sen. William R. Haine

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LRB095 20364 HLH 47738 a

1 AMENDMENT TO SENATE BILL 2052

2 AMENDMENT NO. _____. Amend Senate Bill 2052 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Flood
5 Prevention District Act.

6 Section 5. Creation; purpose.

7 (a) Madison, Monroe, and St. Clair Counties may each be
8 designated independently and separately as a flood prevention
9 district for the purpose of performing emergency levee repair
10 and flood prevention in order to prevent the loss of life or
11 property. The county board of any such county may declare an
12 emergency and create a flood prevention district by the
13 affirmative vote of the majority of the members of the county
14 board.

15 (b) Two or more flood prevention districts may join
16 together through an intergovernmental agreement, pursuant to

1 the Intergovernmental Cooperation Act.

2 (c) Any district created under this Act shall be dissolved
3 upon the later of (i) 25 years after the date the district is
4 created or (ii) the payment of all obligations of the district
5 under Section 20 of this Act and any federal reimbursement
6 moneys to the county treasurer under Section 30 of this Act. A
7 district may be dissolved earlier if all federal reimbursement
8 moneys have been paid to the county treasurer and all
9 obligations of the district have been paid, including its
10 obligations related to bonds issued under Section 20 of this
11 Act and any obligations incurred pursuant to an
12 intergovernmental agreement.

13 Section 10. Commissioners.

14 The affairs of the district shall be managed by a board of
15 3 commissioners who shall be appointed by the chairman of the
16 county board of the county in which the district is situated.
17 All initial appointments under this Section must be made within
18 90 days after the district is organized. Of the initial
19 appointments, one commissioner shall serve for a one-year term,
20 one commissioner shall serve for a 2-year term, and one
21 commissioner shall serve for a 3-year term, as determined by
22 lot. Their successors shall be appointed for 3-year terms. No
23 commissioner may serve for more than 20 years. All appointments
24 must be made so that no more than 2 commissioners are from the
25 same political party at the time of the appointment. With

1 respect to appointments representing the minority party in the
2 county, the minority party members of the county board may
3 submit names for consideration to the chairman of the county
4 board. Each commissioner must be a legal voter in the district.
5 Commissioners shall serve without compensation, but may be
6 reimbursed for reasonable expenses incurred in the performance
7 of their duties.

8 Section 20. Powers of the district. A district formed under
9 this Act shall have the following powers:

10 (1) To sue or be sued.

11 (2) To apply for and accept gifts, grants, and loans
12 from any public agency or private entity.

13 (3) To enter into intergovernmental agreements to
14 further ensure levee repair, levee construction or
15 reconstruction, and flood prevention, including agreements
16 with the United States Army Corps of Engineers or any other
17 agency or department of the federal government.

18 (4) To undertake evaluation, planning, design,
19 construction, and related activities that are determined
20 to be urgently needed to stabilize, repair, restore,
21 improve, or replace existing levees and other flood control
22 systems.

23 (5) To address underseepage problems and old and
24 deteriorating pumps, gates, pipes, electrical controls,
25 and other infrastructure.

1 (6) To conduct evaluations of levees and other flood
2 control facilities that protect urban areas, including the
3 performance of floodplain mapping studies.

4 (7) To provide capital moneys for levee or
5 river-related scientific studies, including the
6 construction of facilities for such purposes.

7 (8) To borrow money or receive money from the United
8 States Government or any agency thereof, or from any other
9 public or private source, for the purposes of the District.

10 (9) To enter into agreements with private property
11 owners.

12 (10) To issue revenue bonds, payable from revenue
13 received from a retailers' occupation tax imposed under
14 Section 25 of this Act, and from any other revenue sources
15 available to the flood prevention district. These bonds may
16 be issued with maturities not exceeding 25 years from the
17 date of the bonds, and in such amounts as may be necessary
18 to provide sufficient funds, together with interest, for
19 the purposes of the District. These bonds shall bear
20 interest at a rate of not more than the maximum rate
21 authorized by the Bond Authorization Act, as amended at the
22 time of the making of the contract of sale, payable
23 semi-annually, may be made registerable as to principal,
24 and may be made payable and callable as provided on any
25 date at a price of par and accrued interest under such
26 terms and conditions as may be fixed by the ordinance

1 authorizing the issuance of the bonds. Bonds issued under
2 this Section are negotiable instruments. In case any
3 officer whose signature appears on the bonds or coupons
4 ceases to hold that office before the bonds are delivered,
5 such officer's signature, shall nevertheless be valid and
6 sufficient for all purposes, the same as though such
7 officer had remained in office until the bonds were
8 delivered. The bonds shall be sold in such manner and upon
9 such terms as the board of commissioners shall determine,
10 except that the selling price shall be such that the
11 interest cost to the District of the proceeds of the bonds
12 shall not exceed the maximum rate authorized by the Bond
13 Authorization Act, as amended at the time of the making of
14 the contract of sale, payable semi-annually, computed to
15 maturity according to the standard table of bond values. A
16 request to issue revenue bonds by the Commission must be
17 submitted for approval to the county board of the county in
18 which the district is situated. The county board has 30
19 calendar days to approve the issuance of such bonds. If the
20 county board does not approve or disapprove the issuance of
21 the bonds within 30 calendar days after the receipt of such
22 request, the request shall be deemed approved.

23 (11) To acquire property by gift, grant, or eminent
24 domain, in accordance with the Eminent Domain Act. Any
25 action by the District to acquire property by eminent
26 domain requires the express approval of the county board.

1 (12) To retain professional staff to carry out the
2 functions of the District. Any flood prevention district
3 shall employ a Chief Supervisor of Construction and the
4 Works with appropriate professional qualifications,
5 including a degree in engineering, construction,
6 hydrology, or a related field, or an equivalent combination
7 of education and experience. The Chief Supervisor of
8 Construction and the Works shall be vested with the
9 authority to carry out the duties and mission of the Flood
10 Prevention District, pursuant to the direction and
11 supervision of the Board of Commissioners. The Chief
12 Supervisor of Construction and the Works may hire
13 additional staff as necessary to carry out the duties and
14 mission of the district, including administrative support
15 personnel. Two or more districts may, through an
16 intergovernmental agreement, share the services of a Chief
17 Supervisor of Construction and the Works, support staff, or
18 both. If 2 districts are adjoining and share a common
19 federal levee, they must retain the services of the same
20 person as Chief Supervisor of Construction and the Works.

21 (13) To conduct an audit of any drainage, levee, or
22 sanitary district within the territory of the flood
23 prevention district.

24 Section 25. Retailers' occupation tax.

25 (a) If the Board of a flood prevention district determines

1 that an emergency situation exists regarding levee repair or
2 flood prevention, and upon an ordinance or resolution adopted
3 by the affirmative vote of a majority of the members of the
4 county board of the county in which the district is situated,
5 it may impose a retailers' occupation tax upon all persons
6 engaged in the business of selling tangible personal property
7 at retail within the territory of the district for a period not
8 to exceed 25 years or as required to repay the bonds issued
9 pursuant to Section 20 of this Act. The tax rate shall be 0.25%
10 of the gross receipts from all taxable sales made in the course
11 of that business. The tax imposed under this Section and all
12 civil penalties that may be assessed as an incident thereof
13 shall be collected and enforced by the State Department of
14 Revenue. The Department shall have full power to administer and
15 enforce this Section; to collect all taxes and penalties so
16 collected in the manner hereinafter provided; and to determine
17 all rights to credit memoranda arising on account of the
18 erroneous payment of tax or penalty hereunder.

19 In the administration of and compliance with this
20 subsection, the Department and persons who are subject to this
21 subsection (i) have the same rights, remedies, privileges,
22 immunities, powers, and duties, (ii) are subject to the same
23 conditions, restrictions, limitations, penalties, and
24 definitions of terms, and (iii) shall employ the same modes of
25 procedure as are set forth in Sections 1 through 10, 2 through
26 2-70 (in respect to all provisions contained in those Sections

1 other that the State rate of tax), 2a through 2h, 3 (except as
2 to the disposition of taxes and penalties collected), 4, 5, 5a,
3 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10,
4 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and
5 all provisions of the Uniform Penalty and Interest Act as if
6 those provisions were set forth in this subsection.

7 Persons subject to any tax imposed under this Section may
8 reimburse themselves for their seller's tax liability
9 hereunder by separately stating the tax as an additional
10 charge, which charge may be stated in combination in a single
11 amount with State taxes that sellers are required to collect
12 under the Use Tax Act, under any bracket schedules the
13 Department may prescribe.

14 If a tax is imposed under this subsection (a), a tax shall
15 also be imposed under subsection (b) of this Section.

16 (b) If a tax has been imposed under subsection (a), a
17 service occupation tax shall also be imposed upon all persons
18 within the territory of the district engaged in the business of
19 making sales of service, who, as an incident to making the
20 sales of service, transfer tangible personal property within
21 the territory of the district, either in the form of tangible
22 personal property or in the form of real estate as an incident
23 to a sale of service. The tax rate shall be 0.25% of the
24 selling price of all tangible personal property transferred.

25 The tax imposed under this subsection and all civil
26 penalties that may be assessed as an incident thereof shall be

1 collected and enforced by the State Department of Revenue. The
2 Department shall have full power to administer and enforce this
3 subsection; to collect all taxes and penalties due hereunder;
4 to dispose of taxes and penalties collected in the manner
5 hereinafter provided; and to determine all rights to credit
6 memoranda arising on account of the erroneous payment of tax or
7 penalty hereunder.

8 In the administration of and compliance with this
9 subsection, the Department and persons who are subject to this
10 subsection (i) have the same rights, remedies, privileges,
11 immunities, powers, and duties, (ii) be subject to the same
12 conditions, restrictions, limitations, penalties, and
13 definitions of terms, and (iii) employ the same modes of
14 procedure as are set forth in Sections 2 (except that that
15 reference to State in the definition of supplier maintaining a
16 place of business in this State means the district), 2a through
17 2d, 3 through 3-50 (in respect to all provisions contained in
18 those Sections other than the State rate of tax), 4 (except
19 that the reference to the State shall be to the district), 5,
20 7, 8 (except that the jurisdiction to which the tax is a debt
21 to the extent indicated in that Section 8 is the district), 9
22 (except as to the disposition of taxes and penalties
23 collected), 10, 11, 12 (except the reference therein to Section
24 2b of the Retailers' Occupation Tax Act), 13 (except that any
25 reference to the State means the district), Section 15, 16, 17,
26 18, 19, and 20 of the Service Occupation Tax Act and all

1 provisions of the Uniform Penalty and Interest Act, as fully as
2 if those provisions were set forth herein.

3 Persons subject to any tax imposed under the authority
4 granted in this subsection may reimburse themselves for their
5 serviceman's tax liability hereunder by separately stating the
6 tax as an additional charge, that charge may be stated in
7 combination in a single amount with State tax that servicemen
8 are authorized to collect under the Service Use Tax Act, under
9 any bracket schedules the Department may prescribe.

10 (c) This additional tax may not be imposed on personal
11 property titled or registered with an agency of the State; food
12 for human consumption that is to be consumed off the premises
13 where it is sold (other than alcoholic beverages, soft drinks,
14 and food that has been prepared for immediate consumption);
15 prescription and non-prescription medicines, drugs, and
16 medical appliances; or insulin, urine testing materials, and
17 syringes and needles used by diabetics.

18 (d) Nothing in this Section shall be construed to authorize
19 the district to impose a tax upon the privilege of engaging in
20 any business that under the Constitution of the United States
21 may not be made the subject of taxation by the State.

22 (e) The certificate of registration that is issued by the
23 Department to a retailer under the Retailers' Occupation Tax
24 Act or a serviceman under the Service Occupation Tax Act
25 permits the retailer or serviceman to engage in a business that
26 is taxable without registering separately with the Department

1 under an ordinance or resolution under this Section.

2 (f) The Department shall immediately pay over to the State
3 Treasurer, ex officio, as trustee, all taxes and penalties
4 collected under this Section to be deposited into the Flood
5 Prevention Occupation Tax Fund, which shall be an
6 unappropriated trust fund held outside the State treasury.

7 On or before the 25th day of each calendar month, the
8 Department shall prepare and certify to the Comptroller that
9 disbursement of stated sums of money to the counties from which
10 retailers or servicemen have paid taxes or penalties to the
11 Department during the second preceding calendar month. The
12 amount to be paid to each county is equal to the amount (not
13 including credit memoranda) collected from the county under
14 this Section during the second preceding calendar month by the
15 Department, (i) less 2% of that amount, which shall be
16 deposited into the Tax Compliance and Administration Fund and
17 shall be used by the Department in administering and enforcing
18 the provisions of this Section on behalf of the county, (ii)
19 plus an amount that the Department determines is necessary to
20 offset any amounts that were erroneously paid to a different
21 taxing body; (iii) less an amount equal to the amount of
22 refunds made during the second preceding calendar month by the
23 Department on behalf of the county; and (iv) less any amount
24 that the Department determines is necessary to offset any
25 amounts that were payable to a different taxing body but were
26 erroneously paid to the county. When certifying the amount of a

1 monthly disbursement to a county under this Section, the
2 Department shall increase or decrease the amounts by an amount
3 necessary to offset any miscalculation of previous
4 disbursements within the previous 6 months from the time a
5 miscalculation is discovered.

6 Within 10 days after receipt by the Comptroller from the
7 Department of the disbursement certification to the counties
8 provided for in this Section, the Comptroller shall cause the
9 orders to be drawn for the respective amounts in accordance
10 with directions contained in the certification.

11 If the Department determines that a refund should be made
12 under this Section to a claimant instead of issuing a credit
13 memorandum, then the Department shall notify the Comptroller,
14 who shall cause the order to be drawn for the amount specified
15 and to the person named in the notification from the
16 Department. The refund shall be paid by the Treasurer out of
17 the Flood Prevention Occupation Tax Fund.

18 (g) If a flood prevention district board imposes a tax
19 under this Section, then the board shall, by ordinance,
20 discontinue the tax upon the payment of all bonded indebtedness
21 of the District. The tax shall not be discontinued until all
22 bonded indebtedness of the District has been paid.

23 (h) Any ordinance imposing the tax under this Section, or
24 any ordinance that discontinues the tax, must be certified by
25 the county clerk and filed with the Illinois Department of
26 Revenue either (i) on or before the first day of April,

1 whereupon the Department shall proceed to administer and
2 enforce the tax or change in the rate as of the first day of
3 July next following the filing; or (ii) on or before the first
4 day of October, whereupon the Department shall proceed to
5 administer and enforce the tax or change in the rate as of the
6 first day of January next following the filing.

7 (j) This Section may be cited as the Flood Prevention
8 Occupation Tax Law.

9 Section 30. Disbursement of federal funds.

10 (a) Any reimbursements for the construction of flood
11 protection facilities shall be appropriated to each county
12 flood prevention district in accordance with the location of
13 the specific facility for which the federal appropriation is
14 made.

15 (b) If there are federal reimbursements to a county flood
16 prevention district for construction of flood protection
17 facilities that were built using revenues authorized by this
18 Act, those funds shall be used for early retirement of bonds
19 issued in accordance with this Act.

20 (c) When all bond obligations of the District have been
21 paid, any remaining federal reimbursement moneys shall be
22 remitted to the county treasurer for deposit into a special
23 fund for the continued long-term maintenance of federal levees
24 and flood protection facilities, pursuant to the direction of
25 the county board.

1 Section 35. Financial audit of the Commission. A financial
2 audit of the Commission shall be conducted annually by a
3 certified public accountant (CPA) that is licensed at the time
4 of the audit by the Illinois Department of Financial and
5 Professional Regulation. The CPA shall meet all of the general
6 standards concerning qualifications, independence, due
7 professional care, and quality control as required by the
8 Government Auditing Standards, 1994 Revision, Chapter 3,
9 including the requirements for continuing professional
10 education and external peer review. The financial audit is to
11 be performed in accordance with generally accepted auditing
12 standards issued by the American Institute of Certified Public
13 Accountants (AICPA) for field work and reporting, generally
14 accepted government auditing standards (GAGAS) and AICPA
15 Statements on Auditing Standards (SAS) current at the time the
16 audit is commenced. The audit shall be made publicly available
17 and sent to the county board chairman of the county in which
18 the district is situated and to the Illinois Secretary of
19 State.

20 Section 40. Budget of the Commission. The Commission shall
21 adopt an annual budget by August 31 of each year for the fiscal
22 year beginning October 1. Such budget shall include expected
23 revenues by source and expenditures by project or by function
24 for the following year. The budget must be approved by the

1 county board of the county in which the district is situated
2 prior to any expenditure by the Commission for the fiscal year
3 beginning October 1. The county board must approve or
4 disapprove the budget of the commission within 30 calendar days
5 after the budget is received by the county board. If the county
6 board does not act to approve or disapprove the budget within
7 30 calendar days of receipt, it shall stand as approved.

8 In addition, the Commission shall submit an annual report
9 to the county board by August 31 of each year detailing the
10 activities of the district. This report must also include any
11 information submitted to the flood prevention district by a
12 drainage, levee, or sanitary district in accordance with
13 Section 4-45 of the Illinois Drainage Code or Section 2-2 of
14 the Metro-East Sanitary District Act.

15 Section 45. Procurement. The Commission shall conduct all
16 procurements in accordance with the requirements of the Local
17 Government Professional Services Selection Act and any
18 competitive bid requirements contained in Section 5-1022 of the
19 Counties Code.

20 Section 50. Contracts for construction. A request for any
21 construction contract of more than \$10,000 by the Commission
22 must be submitted for approval to the county board of the
23 county in which the district is situated. The county board has
24 30 calendar days to approve the construction contract. If the

1 county board does not approve or disapprove the construction
2 contract within 30 calendar days after the receipt of such
3 request, the request shall be deemed approved.

4 Section 60. The Intergovernmental Cooperation Act is
5 amended by adding Section 3.9 as follows:

6 (5 ILCS 220/3.9 new)

7 Sec. 3.9. Flood prevention. Two or more county flood
8 prevention districts may enter into an intergovernmental
9 agreement to provide any services authorized in the Flood
10 Prevention District Act.

11 Section 70. The Illinois Governmental Ethics Act is amended
12 by changing Section 4A-101 as follows:

13 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

14 Sec. 4A-101. Persons required to file. The following
15 persons shall file verified written statements of economic
16 interests, as provided in this Article:

17 (a) Members of the General Assembly and candidates for
18 nomination or election to the General Assembly.

19 (b) Persons holding an elected office in the Executive
20 Branch of this State, and candidates for nomination or
21 election to these offices.

22 (c) Members of a Commission or Board created by the

1 Illinois Constitution, and candidates for nomination or
2 election to such Commission or Board.

3 (d) Persons whose appointment to office is subject to
4 confirmation by the Senate.

5 (e) Holders of, and candidates for nomination or
6 election to, the office of judge or associate judge of the
7 Circuit Court and the office of judge of the Appellate or
8 Supreme Court.

9 (f) Persons who are employed by any branch, agency,
10 authority or board of the government of this State,
11 including but not limited to, the Illinois State Toll
12 Highway Authority, the Illinois Housing Development
13 Authority, the Illinois Community College Board, and
14 institutions under the jurisdiction of the Board of
15 Trustees of the University of Illinois, Board of Trustees
16 of Southern Illinois University, Board of Trustees of
17 Chicago State University, Board of Trustees of Eastern
18 Illinois University, Board of Trustees of Governor's State
19 University, Board of Trustees of Illinois State
20 University, Board of Trustees of Northeastern Illinois
21 University, Board of Trustees of Northern Illinois
22 University, Board of Trustees of Western Illinois
23 University, or Board of Trustees of the Illinois
24 Mathematics and Science Academy, and are compensated for
25 services as employees and not as independent contractors
26 and who:

1 (1) are, or function as, the head of a department,
2 commission, board, division, bureau, authority or
3 other administrative unit within the government of
4 this State, or who exercise similar authority within
5 the government of this State;

6 (2) have direct supervisory authority over, or
7 direct responsibility for the formulation,
8 negotiation, issuance or execution of contracts
9 entered into by the State in the amount of \$5,000 or
10 more;

11 (3) have authority for the issuance or
12 promulgation of rules and regulations within areas
13 under the authority of the State;

14 (4) have authority for the approval of
15 professional licenses;

16 (5) have responsibility with respect to the
17 financial inspection of regulated nongovernmental
18 entities;

19 (6) adjudicate, arbitrate, or decide any judicial
20 or administrative proceeding, or review the
21 adjudication, arbitration or decision of any judicial
22 or administrative proceeding within the authority of
23 the State;

24 (7) have supervisory responsibility for 20 or more
25 employees of the State; or

26 (8) negotiate, assign, authorize, or grant naming

1 rights or sponsorship rights regarding any property or
2 asset of the State, whether real, personal, tangible,
3 or intangible.

4 (g) Persons who are elected to office in a unit of
5 local government, and candidates for nomination or
6 election to that office, including regional
7 superintendents of school districts.

8 (h) Persons appointed to the governing board of a unit
9 of local government, or of a special district, and persons
10 appointed to a zoning board, or zoning board of appeals, or
11 to a regional, county, or municipal plan commission, or to
12 a board of review of any county, and persons appointed to
13 the Board of the Metropolitan Pier and Exposition Authority
14 and any Trustee appointed under Section 22 of the
15 Metropolitan Pier and Exposition Authority Act, and
16 persons appointed to a board or commission of a unit of
17 local government who have authority to authorize the
18 expenditure of public funds. This subsection does not apply
19 to members of boards or commissions who function in an
20 advisory capacity.

21 (i) Persons who are employed by a unit of local
22 government and are compensated for services as employees
23 and not as independent contractors and who:

24 (1) are, or function as, the head of a department,
25 division, bureau, authority or other administrative
26 unit within the unit of local government, or who

1 exercise similar authority within the unit of local
2 government;

3 (2) have direct supervisory authority over, or
4 direct responsibility for the formulation,
5 negotiation, issuance or execution of contracts
6 entered into by the unit of local government in the
7 amount of \$1,000 or greater;

8 (3) have authority to approve licenses and permits
9 by the unit of local government; this item does not
10 include employees who function in a ministerial
11 capacity;

12 (4) adjudicate, arbitrate, or decide any judicial
13 or administrative proceeding, or review the
14 adjudication, arbitration or decision of any judicial
15 or administrative proceeding within the authority of
16 the unit of local government;

17 (5) have authority to issue or promulgate rules and
18 regulations within areas under the authority of the
19 unit of local government; or

20 (6) have supervisory responsibility for 20 or more
21 employees of the unit of local government.

22 (j) Persons on the Board of Trustees of the Illinois
23 Mathematics and Science Academy.

24 (k) Persons employed by a school district in positions
25 that require that person to hold an administrative or a
26 chief school business official endorsement.

1 (1) Special government agents. A "special government
2 agent" is a person who is directed, retained, designated,
3 appointed, or employed, with or without compensation, by or
4 on behalf of a statewide executive branch constitutional
5 officer to make an ex parte communication under Section
6 5-50 of the State Officials and Employees Ethics Act or
7 Section 5-165 of the Illinois Administrative Procedure
8 Act.

9 (m) Members of the board of commissioners of any flood
10 prevention district.

11 This Section shall not be construed to prevent any unit of
12 local government from enacting financial disclosure
13 requirements that mandate more information than required by
14 this Act.

15 (Source: P.A. 93-617, eff. 12-9-03; 93-816, eff. 7-27-04.)

16 Section 75. The Illinois Drainage Code is amended by adding
17 Section 4-45 as follows:

18 (70 ILCS 605/4-45 new)

19 Sec. 4-45. Flood prevention districts; reporting
20 requirement; control. If a flood prevention district has been
21 formed under the Flood Prevention District Act, the flood
22 prevention district shall have the exclusive authority to
23 repair, construct, or reconstruct levees within the territory
24 of the flood prevention district. If any part of the territory

1 of a drainage district, levee district, or sanitary district
2 overlaps with the territory of a flood prevention district, the
3 drainage district, levee district, or sanitary district shall
4 operate under the direction of the board of commissioners of
5 the flood prevention district with respect to the repair,
6 construction, or reconstruction of levees. In addition, the
7 board of commissioners of any such drainage, levee, or sanitary
8 district must comply with any requests for information by the
9 board of commissioners of the flood prevention district,
10 including, but not limited to, requests for information
11 concerning past, present, and future contracts; employees of
12 the drainage, levee, or sanitary district; finances of the
13 drainage, levee, or sanitary district; and other activities of
14 the drainage, levee, or sanitary district. This information
15 must be submitted to the board of commissioners of the flood
16 prevention district within 30 days after the request is
17 received.

18 Section 80. The Metro-East Sanitary District Act of 1974 is
19 amended by changing Section 2-2 as follows:

20 (70 ILCS 2905/2-2) (from Ch. 42, par. 502-2)

21 Sec. 2-2.

22 To lay out, locate, establish and construct one or more
23 levees or embankments of such size, material and character as
24 may be required to protect the district against overflow from

1 any river, or tributary stream, or water-course, and to lay
2 out, establish and construct all such other or additional
3 improvements or works as may be auxiliary or incidental
4 thereto, or promotive of the sanitary purposes contemplated in
5 this Act; and to maintain, repair, change, enlarge and add to
6 such levees, embankments, improvements and work as may be
7 necessary or proper to meet future requirements for the
8 accomplishment of the purposes aforesaid.

9 To the extent that any part of the territory of the
10 District overlaps with a flood prevention district that is
11 formed under the Flood Prevention District Act, the flood
12 prevention district shall have the exclusive authority to
13 repair, construct, or reconstruct levees within the territory
14 of the flood prevention district. The District shall operate
15 under the direction of the board of commissioners of the flood
16 prevention district with respect to the repair, construction,
17 or reconstruction of levees within the territory of the flood
18 prevention district. In addition, the board of the District
19 must comply with any requests for information by the board of
20 commissioners of the flood prevention district, including, but
21 not limited to, requests for information concerning past,
22 present, and future contracts; employees of the District;
23 finances of the District; and other activities of the District.
24 This information must be submitted to the board of
25 commissioners of the flood prevention district within 30 days
26 after the request is received.

1 (Source: P.A. 78-1017.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".