



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0472

Introduced 2/4/2009, by Rep. Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

70 ILCS 2605/12

from Ch. 42, par. 332

Amends the Metropolitan Water Reclamation District Act. In a Section authorizing the board of commissioners of a sanitary district to annually levy taxes for corporate purposes, provides that the percentage limitation on the aggregate amount of the levy does not include "all costs related to" the repair or replacement of any property owned by the sanitary district that is damaged under certain circumstances. Provides that the board of commissioners may levy taxes for the purpose of maintaining a reserve fund for the payment of "all costs related to" the repair or replacement of property owned by the sanitary district that is damaged under certain circumstances. Effective immediately.

LRB096 04431 RLJ 14482 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Metropolitan Water Reclamation District Act
5 is amended by changing Section 12 as follows:

6 (70 ILCS 2605/12) (from Ch. 42, par. 332)

7 Sec. 12. Power to levy taxes. The board of commissioners
8 annually may levy taxes for corporate purposes upon property
9 within the territorial limits of such sanitary district, the
10 aggregate amount of which, exclusive of the amount levied for
11 (a) the payment of bonded indebtedness and the interest on
12 bonded indebtedness (b) employees' annuity and benefit
13 purposes (c) construction purposes, and (d) for the purpose of
14 establishing and maintaining a reserve fund for the payment of
15 claims, awards, losses, judgments or liabilities which might be
16 imposed on such sanitary district under the Workers'
17 Compensation Act or the Workers' Occupational Diseases Act, and
18 any claim in tort, including but not limited to, any claim
19 imposed upon such sanitary district under the Local
20 Governmental and Governmental Employees Tort Immunity Act, and
21 for all costs related to the repair or replacement of any
22 property owned by such sanitary district which is damaged by
23 fire, flood, explosion, vandalism or any other peril, natural

1 or manmade, shall not exceed the sum produced by extending the
2 rate of .46% for each of the years 1979 through 2004 and by
3 extending the rate of 0.41% for the year 2005 and each year
4 thereafter, upon the assessed valuation of all taxable property
5 within the sanitary district as equalized and determined for
6 State and local taxes.

7 In addition, for stormwater management purposes, including
8 but not limited to those provided in subsection (f) of Section
9 7(h), the board of commissioners may levy taxes for the year
10 2005 and each year thereafter at a rate not to exceed 0.05% of
11 the assessed valuation of all taxable property within the
12 District as equalized and determined for State and local taxes.

13 And in addition thereto, for construction purposes as
14 defined in Section 5.2 of this Act, the board of commissioners
15 may levy taxes for the year 1985 and each year thereafter which
16 shall be at a rate not to exceed .10% of the assessed valuation
17 of all taxable property within the sanitary district as
18 equalized and determined for State and local taxes. Amounts
19 realized from taxes so levied for construction purposes shall
20 be limited for use to such purposes and shall not be available
21 for appropriation or used to defray the cost of repairs to or
22 expense of maintaining or operating existing or future
23 facilities, but such restrictions, however, shall not apply to
24 additions, alterations, enlargements, and replacements which
25 will add appreciably to the value, utility, or the useful life
26 of said facilities. Such rates shall be extended against the

1 assessed valuation of the taxable property within the corporate
2 limits as the same shall be assessed and equalized for the
3 county taxes for the year in which the levy is made and said
4 board shall cause the amount to be raised by taxation in each
5 year to be certified to the county clerk on or before the
6 thirtieth day of March; provided, however, that if during the
7 budget year the General Assembly authorizes an increase in such
8 rates, the board of commissioners may adopt a supplemental levy
9 and shall make such certification to the County Clerk on or
10 before the thirtieth day of December.

11 For the purpose of establishing and maintaining a reserve
12 fund for the payment of claims, awards, losses, judgments or
13 liabilities which might be imposed on such sanitary district
14 under the Workers' Compensation Act or the Workers'
15 Occupational Diseases Act, and any claim in tort, including but
16 not limited to, any claim imposed upon such sanitary district
17 under the Local Governmental and Governmental Employees Tort
18 Immunity Act, and for all costs related to the repair or
19 replacement, where the cost thereof exceeds the sum of \$10,000,
20 of any property owned by such sanitary district which is
21 damaged by fire, flood, explosion, vandalism or any other
22 peril, natural or man-made, such sanitary district may also
23 levy annually upon all taxable property within its territorial
24 limits a tax not to exceed .005% of the assessed valuation of
25 said taxable property as equalized and determined for State and
26 local taxes; provided, however, the aggregate amount which may

1 be accumulated in such reserve fund shall not exceed .05% of
2 such assessed valuation.

3 All taxes so levied and certified shall be collected and
4 enforced in the same manner and by the same officers as State
5 and county taxes, and shall be paid over by the officer
6 collecting the same to the treasurer of the sanitary district,
7 in the manner and at the time provided by the general revenue
8 law. No part of the taxes hereby authorized shall be used by
9 such sanitary district for the construction of permanent,
10 fixed, immovable bridges across any channel constructed under
11 the provisions of this Act. All bridges built across such
12 channel shall not necessarily interfere with or obstruct the
13 navigation of such channel, when the same becomes a navigable
14 stream, as provided in Section 24 of this Act, but such bridges
15 shall be so constructed that they can be raised, swung or moved
16 out of the way of vessels, tugs, boats or other water craft
17 navigating such channel. Nothing in this Act shall be so
18 construed as to compel said district to maintain or operate
19 said bridges, as movable bridges, for a period of 9 years from
20 and after the time when the water has been turned into said
21 channel pursuant to law, unless the needs of general navigation
22 of the Des Plaines and Illinois Rivers, when connected by said
23 channel, sooner require it. In levying taxes the board of
24 commissioners, in order to produce the net amount required by
25 the levies for payment of bonds and interest thereon, shall
26 include an amount or rate estimated to be sufficient to cover

1 losses in collection of taxes, the cost of collecting taxes,
2 abatements in the amount of such taxes as extended on the
3 collector's books and the amount of such taxes collection of
4 which will be deferred; the amount so added for the purpose of
5 producing the net amount required shall not exceed any
6 applicable maximum tax rate or amount.

7 (Source: P.A. 93-1049, eff. 11-17-04.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.