



Sen. William R. Haine

Filed: 3/17/2010

09600SB3064sam002

LRB096 15292 JDS 39194 a

1 AMENDMENT TO SENATE BILL 3064

2 AMENDMENT NO. _____. Amend Senate Bill 3064, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The General Not For Profit Corporation Act of
6 1986 is amended by adding Section 103.35 as follows:

7 (805 ILCS 105/103.35 new)

8 Sec. 103.35. Homeowners' association; dredging.

9 (a) Except as provided in subsection (c), a homeowners'
10 association organized under this Act may not, in its own
11 capacity or through its members or any other entity, dredge any
12 sediment or silt from a body of water located, in whole or
13 part, within a common area of the association or redeposit any
14 dredged materials on property within any area of the
15 association, unless the association complies with all of the
16 following:

1 (1) The association must conduct the physical,
2 biological, chemical, and toxicological testing necessary
3 to establish that neither the disturbance of sediments and
4 silt by dredging nor the redepositing of dredged materials
5 on property within any area of the association will
6 threaten human health, safety, or the environment.

7 (2) The association must hold a meeting to vote on
8 whether to proceed with dredging, redepositing dredged
9 materials, or both. At least 30 days before the meeting,
10 the association must serve on each of its members a written
11 notice that identifies (i) the estimated quantity of
12 sediment, silt, and waste water that will be generated by
13 the dredging operation, (ii) the proposed plan to dispose
14 of the dredged materials, (iii) the estimated costs of
15 dredging and disposal, (iv) the areas that will be affected
16 by dredging and redepositing dredged materials, (v) the
17 statistically significant findings, if any, that are
18 revealed by the testing required under item (1) of this
19 subsection, (vi) the short-term and long-term health,
20 safety, and environmental risks associated with dredging
21 and redepositing dredged material on property within any
22 area of the association, and (vii) the date, time, and
23 place of the meeting.

24 (3) At the meeting, each member of the association who
25 wishes to do so shall be given an opportunity to present
26 testimony and other evidence about his or her concerns with

1 the proposed action, including any concerns about the
2 impact of that action on the value of property held by
3 members of the association. Thereafter, each household of
4 the association may vote by written ballot to determine
5 whether to proceed with the proposed action. The dredging
6 and redepositing of dredged materials within any common
7 area of the association may not proceed, unless 33% of the
8 members of the homeowners' association give their written
9 approval to do so.

10 (4) The association must compensate its members for
11 reasonable costs incurred as a result of property damage
12 resulting from either dredging or redepositing dredged
13 material within any area of the association.

14 (5) The association must ensure that dredged materials
15 are not redeposited any closer than 150 feet from property
16 owned by a member of the association.

17 (b) If the requirements of this Section are not met, any
18 member of the association may obtain injunctive relief against
19 the association and its officers.

20 (c) This Section applies to all dredging and redepositing
21 of sediment and silt on and after the effective date, but this
22 Section does not apply to a homeowners' association that has
23 more than 400 members.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."