

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 Public Labor Relations Act is  
5 amended by changing Section 3 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the  
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,  
10 with respect to a matter over which the jurisdiction of the  
11 Board is assigned to the State Panel or the Local Panel under  
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms  
14 and conditions of employment, including hours, wages, and other  
15 conditions of employment, as detailed in Section 7 and which  
16 are not excluded by Section 4.

17 (c) "Confidential employee" means an employee who, in the  
18 regular course of his or her duties, assists and acts in a  
19 confidential capacity to persons who formulate, determine, and  
20 effectuate management policies with regard to labor relations  
21 or who, in the regular course of his or her duties, has  
22 authorized access to information relating to the effectuation  
23 or review of the employer's collective bargaining policies.

1 (d) "Craft employees" means skilled journeymen, crafts  
2 persons, and their apprentices and helpers.

3 (e) "Essential services employees" means those public  
4 employees performing functions so essential that the  
5 interruption or termination of the function will constitute a  
6 clear and present danger to the health and safety of the  
7 persons in the affected community.

8 (f) "Exclusive representative", except with respect to  
9 non-State fire fighters and paramedics employed by fire  
10 departments and fire protection districts, non-State peace  
11 officers, and peace officers in the Department of State Police,  
12 means the labor organization that has been (i) designated by  
13 the Board as the representative of a majority of public  
14 employees in an appropriate bargaining unit in accordance with  
15 the procedures contained in this Act, (ii) historically  
16 recognized by the State of Illinois or any political  
17 subdivision of the State before July 1, 1984 (the effective  
18 date of this Act) as the exclusive representative of the  
19 employees in an appropriate bargaining unit, (iii) after July  
20 1, 1984 (the effective date of this Act) recognized by an  
21 employer upon evidence, acceptable to the Board, that the labor  
22 organization has been designated as the exclusive  
23 representative by a majority of the employees in an appropriate  
24 bargaining unit; (iv) recognized as the exclusive  
25 representative of personal care attendants or personal  
26 assistants under Executive Order 2003-8 prior to the effective

1 date of this amendatory Act of the 93rd General Assembly, and  
2 the organization shall be considered to be the exclusive  
3 representative of the personal care attendants or personal  
4 assistants as defined in this Section; or (v) recognized as the  
5 exclusive representative of child and day care home providers,  
6 including licensed and license exempt providers, pursuant to an  
7 election held under Executive Order 2005-1 prior to the  
8 effective date of this amendatory Act of the 94th General  
9 Assembly, and the organization shall be considered to be the  
10 exclusive representative of the child and day care home  
11 providers as defined in this Section.

12 With respect to non-State fire fighters and paramedics  
13 employed by fire departments and fire protection districts,  
14 non-State peace officers, and peace officers in the Department  
15 of State Police, "exclusive representative" means the labor  
16 organization that has been (i) designated by the Board as the  
17 representative of a majority of peace officers or fire fighters  
18 in an appropriate bargaining unit in accordance with the  
19 procedures contained in this Act, (ii) historically recognized  
20 by the State of Illinois or any political subdivision of the  
21 State before January 1, 1986 (the effective date of this  
22 amendatory Act of 1985) as the exclusive representative by a  
23 majority of the peace officers or fire fighters in an  
24 appropriate bargaining unit, or (iii) after January 1, 1986  
25 (the effective date of this amendatory Act of 1985) recognized  
26 by an employer upon evidence, acceptable to the Board, that the

1 labor organization has been designated as the exclusive  
2 representative by a majority of the peace officers or fire  
3 fighters in an appropriate bargaining unit.

4 Where a historical pattern of representation exists for the  
5 workers of a water system that was owned by a public utility,  
6 as defined in Section 3-105 of the Public Utilities Act, prior  
7 to becoming certified employees of a municipality or  
8 municipalities once the municipality or municipalities have  
9 acquired the water system as authorized in Section 11-124-5 of  
10 the Illinois Municipal Code, the Board shall find the labor  
11 organization that has historically represented the workers to  
12 be the exclusive representative under this Act, and shall find  
13 the unit represented by the exclusive representative to be the  
14 appropriate unit.

15 (g) "Fair share agreement" means an agreement between the  
16 employer and an employee organization under which all or any of  
17 the employees in a collective bargaining unit are required to  
18 pay their proportionate share of the costs of the collective  
19 bargaining process, contract administration, and pursuing  
20 matters affecting wages, hours, and other conditions of  
21 employment, but not to exceed the amount of dues uniformly  
22 required of members. The amount certified by the exclusive  
23 representative shall not include any fees for contributions  
24 related to the election or support of any candidate for  
25 political office. Nothing in this subsection (g) shall preclude  
26 an employee from making voluntary political contributions in

1 conjunction with his or her fair share payment.

2 (g-1) "Fire fighter" means, for the purposes of this Act  
3 only, any person who has been or is hereafter appointed to a  
4 fire department or fire protection district or employed by a  
5 state university and sworn or commissioned to perform fire  
6 fighter duties or paramedic duties, except that the following  
7 persons are not included: part-time fire fighters, auxiliary,  
8 reserve or voluntary fire fighters, including paid on-call fire  
9 fighters, clerks and dispatchers or other civilian employees of  
10 a fire department or fire protection district who are not  
11 routinely expected to perform fire fighter duties, or elected  
12 officials.

13 (g-2) "General Assembly of the State of Illinois" means the  
14 legislative branch of the government of the State of Illinois,  
15 as provided for under Article IV of the Constitution of the  
16 State of Illinois, and includes but is not limited to the House  
17 of Representatives, the Senate, the Speaker of the House of  
18 Representatives, the Minority Leader of the House of  
19 Representatives, the President of the Senate, the Minority  
20 Leader of the Senate, the Joint Committee on Legislative  
21 Support Services and any legislative support services agency  
22 listed in the Legislative Commission Reorganization Act of  
23 1984.

24 (h) "Governing body" means, in the case of the State, the  
25 State Panel of the Illinois Labor Relations Board, the Director  
26 of the Department of Central Management Services, and the

1 Director of the Department of Labor; the county board in the  
2 case of a county; the corporate authorities in the case of a  
3 municipality; and the appropriate body authorized to provide  
4 for expenditures of its funds in the case of any other unit of  
5 government.

6 (i) "Labor organization" means any organization in which  
7 public employees participate and that exists for the purpose,  
8 in whole or in part, of dealing with a public employer  
9 concerning wages, hours, and other terms and conditions of  
10 employment, including the settlement of grievances.

11 (j) "Managerial employee" means an individual who is  
12 engaged predominantly in executive and management functions  
13 and is charged with the responsibility of directing the  
14 effectuation of management policies and practices.

15 (k) "Peace officer" means, for the purposes of this Act  
16 only, any persons who have been or are hereafter appointed to a  
17 police force, department, or agency and sworn or commissioned  
18 to perform police duties, except that the following persons are  
19 not included: part-time police officers, special police  
20 officers, auxiliary police as defined by Section 3.1-30-20 of  
21 the Illinois Municipal Code, night watchmen, "merchant  
22 police", court security officers as defined by Section 3-6012.1  
23 of the Counties Code, temporary employees, traffic guards or  
24 wardens, civilian parking meter and parking facilities  
25 personnel or other individuals specially appointed to aid or  
26 direct traffic at or near schools or public functions or to aid

1 in civil defense or disaster, parking enforcement employees who  
2 are not commissioned as peace officers and who are not armed  
3 and who are not routinely expected to effect arrests, parking  
4 lot attendants, clerks and dispatchers or other civilian  
5 employees of a police department who are not routinely expected  
6 to effect arrests, or elected officials.

7 (l) "Person" includes one or more individuals, labor  
8 organizations, public employees, associations, corporations,  
9 legal representatives, trustees, trustees in bankruptcy,  
10 receivers, or the State of Illinois or any political  
11 subdivision of the State or governing body, but does not  
12 include the General Assembly of the State of Illinois or any  
13 individual employed by the General Assembly of the State of  
14 Illinois.

15 (m) "Professional employee" means any employee engaged in  
16 work predominantly intellectual and varied in character rather  
17 than routine mental, manual, mechanical or physical work;  
18 involving the consistent exercise of discretion and adjustment  
19 in its performance; of such a character that the output  
20 produced or the result accomplished cannot be standardized in  
21 relation to a given period of time; and requiring advanced  
22 knowledge in a field of science or learning customarily  
23 acquired by a prolonged course of specialized intellectual  
24 instruction and study in an institution of higher learning or a  
25 hospital, as distinguished from a general academic education or  
26 from apprenticeship or from training in the performance of

1 routine mental, manual, or physical processes; or any employee  
2 who has completed the courses of specialized intellectual  
3 instruction and study prescribed in this subsection (m) and is  
4 performing related work under the supervision of a professional  
5 person to qualify to become a professional employee as defined  
6 in this subsection (m).

7 (n) "Public employee" or "employee", for the purposes of  
8 this Act, means any individual employed by a public employer,  
9 including (i) interns and residents at public hospitals, (ii)  
10 as of the effective date of this amendatory Act of the 93rd  
11 General Assembly, but not before, personal care attendants and  
12 personal assistants working under the Home Services Program  
13 under Section 3 of the Disabled Persons Rehabilitation Act,  
14 subject to the limitations set forth in this Act and in the  
15 Disabled Persons Rehabilitation Act, and (iii) as of the  
16 effective date of this amendatory Act of the 94th General  
17 Assembly, but not before, child and day care home providers  
18 participating in the child care assistance program under  
19 Section 9A-11 of the Illinois Public Aid Code, subject to the  
20 limitations set forth in this Act and in Section 9A-11 of the  
21 Illinois Public Aid Code, but excluding all of the following:  
22 employees of the General Assembly of the State of Illinois;  
23 elected officials; executive heads of a department; members of  
24 boards or commissions; the Executive Inspectors General; any  
25 special Executive Inspectors General; employees of each Office  
26 of an Executive Inspector General; commissioners and employees



1 of the Executive Ethics Commission; the Auditor General's  
2 Inspector General; employees of the Office of the Auditor  
3 General's Inspector General; the Legislative Inspector  
4 General; any special Legislative Inspectors General; employees  
5 of the Office of the Legislative Inspector General;  
6 commissioners and employees of the Legislative Ethics  
7 Commission; employees of any agency, board or commission  
8 created by this Act; employees appointed to State positions of  
9 a temporary or emergency nature; all employees of school  
10 districts and higher education institutions except  
11 firefighters and peace officers employed by a state university  
12 and except peace officers employed by a school district in its  
13 own police department in existence on the effective date of  
14 this amendatory Act of the 96th General Assembly; managerial  
15 employees; short-term employees; confidential employees;  
16 independent contractors; and supervisors except as provided in  
17 this Act.

18 Personal care attendants and personal assistants shall not  
19 be considered public employees for any purposes not  
20 specifically provided for in the amendatory Act of the 93rd  
21 General Assembly, including but not limited to, purposes of  
22 vicarious liability in tort and purposes of statutory  
23 retirement or health insurance benefits. Personal care  
24 attendants and personal assistants shall not be covered by the  
25 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

26 Child and day care home providers shall not be considered

1 public employees for any purposes not specifically provided for  
2 in this amendatory Act of the 94th General Assembly, including  
3 but not limited to, purposes of vicarious liability in tort and  
4 purposes of statutory retirement or health insurance benefits.  
5 Child and day care home providers shall not be covered by the  
6 State Employees Group Insurance Act of 1971.

7 Notwithstanding Section 9, subsection (c), or any other  
8 provisions of this Act, all peace officers above the rank of  
9 captain in municipalities with more than 1,000,000 inhabitants  
10 shall be excluded from this Act.

11 (o) Except as otherwise in subsection (o-5), "public  
12 employer" or "employer" means the State of Illinois; any  
13 political subdivision of the State, unit of local government or  
14 school district; authorities including departments, divisions,  
15 bureaus, boards, commissions, or other agencies of the  
16 foregoing entities; and any person acting within the scope of  
17 his or her authority, express or implied, on behalf of those  
18 entities in dealing with its employees. As of the effective  
19 date of the amendatory Act of the 93rd General Assembly, but  
20 not before, the State of Illinois shall be considered the  
21 employer of the personal care attendants and personal  
22 assistants working under the Home Services Program under  
23 Section 3 of the Disabled Persons Rehabilitation Act, subject  
24 to the limitations set forth in this Act and in the Disabled  
25 Persons Rehabilitation Act. The State shall not be considered  
26 to be the employer of personal care attendants and personal

1 assistants for any purposes not specifically provided for in  
2 this amendatory Act of the 93rd General Assembly, including but  
3 not limited to, purposes of vicarious liability in tort and  
4 purposes of statutory retirement or health insurance benefits.  
5 Personal care attendants and personal assistants shall not be  
6 covered by the State Employees Group Insurance Act of 1971 (5  
7 ILCS 375/). As of the effective date of this amendatory Act of  
8 the 94th General Assembly but not before, the State of Illinois  
9 shall be considered the employer of the day and child care home  
10 providers participating in the child care assistance program  
11 under Section 9A-11 of the Illinois Public Aid Code, subject to  
12 the limitations set forth in this Act and in Section 9A-11 of  
13 the Illinois Public Aid Code. The State shall not be considered  
14 to be the employer of child and day care home providers for any  
15 purposes not specifically provided for in this amendatory Act  
16 of the 94th General Assembly, including but not limited to,  
17 purposes of vicarious liability in tort and purposes of  
18 statutory retirement or health insurance benefits. Child and  
19 day care home providers shall not be covered by the State  
20 Employees Group Insurance Act of 1971.

21 "Public employer" or "employer" as used in this Act,  
22 however, does not mean and shall not include the General  
23 Assembly of the State of Illinois, the Executive Ethics  
24 Commission, the Offices of the Executive Inspectors General,  
25 the Legislative Ethics Commission, the Office of the  
26 Legislative Inspector General, the Office of the Auditor

1 General's Inspector General, and educational employers or  
2 employers as defined in the Illinois Educational Labor  
3 Relations Act, except with respect to a state university in its  
4 employment of firefighters and peace officers and except with  
5 respect to a school district in the employment of peace  
6 officers in its own police department in existence on the  
7 effective date of this amendatory Act of the 96th General  
8 Assembly. County boards and county sheriffs shall be designated  
9 as joint or co-employers of county peace officers appointed  
10 under the authority of a county sheriff. Nothing in this  
11 subsection (o) shall be construed to prevent the State Panel or  
12 the Local Panel from determining that employers are joint or  
13 co-employers.

14 (o-5) With respect to wages, fringe benefits, hours,  
15 holidays, vacations, proficiency examinations, sick leave, and  
16 other conditions of employment, the public employer of public  
17 employees who are court reporters, as defined in the Court  
18 Reporters Act, shall be determined as follows:

19 (1) For court reporters employed by the Cook County  
20 Judicial Circuit, the chief judge of the Cook County  
21 Circuit Court is the public employer and employer  
22 representative.

23 (2) For court reporters employed by the 12th, 18th,  
24 19th, and, on and after December 4, 2006, the 22nd judicial  
25 circuits, a group consisting of the chief judges of those  
26 circuits, acting jointly by majority vote, is the public

1 employer and employer representative.

2 (3) For court reporters employed by all other judicial  
3 circuits, a group consisting of the chief judges of those  
4 circuits, acting jointly by majority vote, is the public  
5 employer and employer representative.

6 (p) "Security employee" means an employee who is  
7 responsible for the supervision and control of inmates at  
8 correctional facilities. The term also includes other  
9 non-security employees in bargaining units having the majority  
10 of employees being responsible for the supervision and control  
11 of inmates at correctional facilities.

12 (q) "Short-term employee" means an employee who is employed  
13 for less than 2 consecutive calendar quarters during a calendar  
14 year and who does not have a reasonable assurance that he or  
15 she will be rehired by the same employer for the same service  
16 in a subsequent calendar year.

17 (r) "Supervisor" is an employee whose principal work is  
18 substantially different from that of his or her subordinates  
19 and who has authority, in the interest of the employer, to  
20 hire, transfer, suspend, lay off, recall, promote, discharge,  
21 direct, reward, or discipline employees, to adjust their  
22 grievances, or to effectively recommend any of those actions,  
23 if the exercise of that authority is not of a merely routine or  
24 clerical nature, but requires the consistent use of independent  
25 judgment. Except with respect to police employment, the term  
26 "supervisor" includes only those individuals who devote a

1 preponderance of their employment time to exercising that  
2 authority, State supervisors notwithstanding. In addition, in  
3 determining supervisory status in police employment, rank  
4 shall not be determinative. The Board shall consider, as  
5 evidence of bargaining unit inclusion or exclusion, the common  
6 law enforcement policies and relationships between police  
7 officer ranks and certification under applicable civil service  
8 law, ordinances, personnel codes, or Division 2.1 of Article 10  
9 of the Illinois Municipal Code, but these factors shall not be  
10 the sole or predominant factors considered by the Board in  
11 determining police supervisory status.

12 Notwithstanding the provisions of the preceding paragraph,  
13 in determining supervisory status in fire fighter employment,  
14 no fire fighter shall be excluded as a supervisor who has  
15 established representation rights under Section 9 of this Act.  
16 Further, in new fire fighter units, employees shall consist of  
17 fire fighters of the rank of company officer and below. If a  
18 company officer otherwise qualifies as a supervisor under the  
19 preceding paragraph, however, he or she shall not be included  
20 in the fire fighter unit. If there is no rank between that of  
21 chief and the highest company officer, the employer may  
22 designate a position on each shift as a Shift Commander, and  
23 the persons occupying those positions shall be supervisors. All  
24 other ranks above that of company officer shall be supervisors.

25 (s) (1) "Unit" means a class of jobs or positions that are  
26 held by employees whose collective interests may suitably

1 be represented by a labor organization for collective  
2 bargaining. Except with respect to non-State fire fighters  
3 and paramedics employed by fire departments and fire  
4 protection districts, non-State peace officers, and peace  
5 officers in the Department of State Police, a bargaining  
6 unit determined by the Board shall not include both  
7 employees and supervisors, or supervisors only, except as  
8 provided in paragraph (2) of this subsection (s) and except  
9 for bargaining units in existence on July 1, 1984 (the  
10 effective date of this Act). With respect to non-State fire  
11 fighters and paramedics employed by fire departments and  
12 fire protection districts, non-State peace officers, and  
13 peace officers in the Department of State Police, a  
14 bargaining unit determined by the Board shall not include  
15 both supervisors and nonsupervisors, or supervisors only,  
16 except as provided in paragraph (2) of this subsection (s)  
17 and except for bargaining units in existence on January 1,  
18 1986 (the effective date of this amendatory Act of 1985). A  
19 bargaining unit determined by the Board to contain peace  
20 officers shall contain no employees other than peace  
21 officers unless otherwise agreed to by the employer and the  
22 labor organization or labor organizations involved.  
23 Notwithstanding any other provision of this Act, a  
24 bargaining unit, including a historical bargaining unit,  
25 containing sworn peace officers of the Department of  
26 Natural Resources (formerly designated the Department of

1 Conservation) shall contain no employees other than such  
2 sworn peace officers upon the effective date of this  
3 amendatory Act of 1990 or upon the expiration date of any  
4 collective bargaining agreement in effect upon the  
5 effective date of this amendatory Act of 1990 covering both  
6 such sworn peace officers and other employees.

7 (2) Notwithstanding the exclusion of supervisors from  
8 bargaining units as provided in paragraph (1) of this  
9 subsection (s), a public employer may agree to permit its  
10 supervisory employees to form bargaining units and may  
11 bargain with those units. This Act shall apply if the  
12 public employer chooses to bargain under this subsection.

13 (3) Public employees who are court reporters, as  
14 defined in the Court Reporters Act, shall be divided into 3  
15 units for collective bargaining purposes. One unit shall be  
16 court reporters employed by the Cook County Judicial  
17 Circuit; one unit shall be court reporters employed by the  
18 12th, 18th, 19th, and, on and after December 4, 2006, the  
19 22nd judicial circuits; and one unit shall be court  
20 reporters employed by all other judicial circuits.

21 (Source: P.A. 95-331, eff. 8-21-07; 96-1257, eff. 7-23-10.)

22 Section 10. The Illinois Municipal Code is amended by  
23 changing Section 11-124-5 as follows:

24 (65 ILCS 5/11-124-5)



1           Sec. 11-124-5. Acquisition of water systems by eminent  
2 domain.

3           (a) In addition to other provisions providing for the  
4 acquisition of water systems or water works, whenever a public  
5 utility subject to the Public Utilities Act utilizes public  
6 property (including, but not limited to, right-of-way) of a  
7 municipality for the installation or maintenance of all or part  
8 of its water distribution system, the municipality has the  
9 right to exercise eminent domain to acquire all or part of the  
10 water system, in accordance with this Section. Unless it  
11 complies with the provisions set forth in this Section, a  
12 municipality is not permitted to acquire by eminent domain that  
13 portion of a system located in another incorporated  
14 municipality without agreement of that municipality, but this  
15 provision shall not prevent the acquisition of that portion of  
16 the water system existing within the acquiring municipality.

17           (b) Where a water system that is owned by a public utility  
18 (as defined in the Public 16 Utilities Act) provides water to  
19 customers located in 2 or more municipalities, the system may  
20 be acquired by a majority ~~either or all~~ of the municipalities  
21 by eminent domain ~~if there is in existence an intergovernmental~~  
22 ~~agreement between the municipalities served providing for~~  
23 ~~acquisition.~~ If the system is to be acquired by more than one  
24 municipality, then there must be an intergovernmental  
25 agreement in existence between the acquiring municipalities  
26 providing for the acquisition.

1           (c) If a water system that is owned by a public utility  
2 provides water to customers located in one or more  
3 municipalities and also to customers in an unincorporated area  
4 and if at least 70% of the customers of the system or portion  
5 thereof are located within the municipality or municipalities,  
6 then the system, or portion thereof as determined by the  
7 corporate authorities, may be acquired, using eminent domain or  
8 otherwise, by either a municipality under subsection (a) or an  
9 entity created by agreement between municipalities where at  
10 least 70% of the customers reside. For the purposes of  
11 determining "customers of the system", only retail customers  
12 directly billed by the company shall be included in the  
13 computation. The number of customers of the system most  
14 recently reported to the Illinois Commerce Commission for any  
15 calendar year preceding the year a resolution is passed by a  
16 municipality or municipalities expressing preliminary intent  
17 to purchase the water system or portion thereof shall be  
18 presumed to be the total number of customers within the system.  
19 The public utility shall provide information relative to the  
20 number of customers within each municipality and within the  
21 system within 60 days after any such request by a municipality.

22           (d) In the case of acquisition by a municipality or  
23 municipalities or a public entity created by law to own or  
24 operate a water system under this Section, service and water  
25 supply must be provided to persons who are customers of the  
26 system on the effective date of this amendatory Act of the 94th

1 General Assembly without discrimination based on whether the  
2 customer is located within or outside of the boundaries of the  
3 acquiring municipality or municipalities or entity, and a  
4 supply contract existing on the effective date of this  
5 amendatory Act of the 94th General Assembly must be honored by  
6 an acquiring municipality, municipalities, or entity according  
7 to the terms so long as the agreement does not conflict with  
8 any other existing agreement.

9 (e) For the purposes of this Section, "system" includes all  
10 assets reasonably necessary to provide water service to a  
11 contiguous or compact geographical service area or to an area  
12 served by a common pipeline and include, but are not limited  
13 to, interests in real estate, all wells, pipes, treatment  
14 plants, pumps and other physical apparatus, data and records of  
15 facilities and customers, fire hydrants, equipment, or  
16 vehicles and also includes service agreements and obligations  
17 derived from use of the assets, whether or not the assets are  
18 contiguous to the municipality, municipalities, or entity  
19 created for the purpose of owning or operating a water system.

20 (f) Before making a good faith offer, a municipality may  
21 pass a resolution of intent to study the feasibility of  
22 purchasing or exercising its power of eminent domain to acquire  
23 any water system or water works, sewer system or sewer works,  
24 or combined water and sewer system or works, or part thereof.  
25 Upon the passage of such a resolution, the municipality shall  
26 have the right to review and inspect all financial and other

1 records, and both corporeal and incorporeal assets of such  
2 utility related to the condition and the operation of the  
3 system or works, or part thereof, as part of the study and  
4 determination of feasibility of the proposed acquisition by  
5 purchase or exercise of the power of eminent domain, and the  
6 utility shall make knowledgeable persons who have access to all  
7 relevant facts and information regarding the subject system or  
8 works available to answer inquiries related to the study and  
9 determination.

10 The right to review and inspect shall be upon reasonable  
11 notice to the utility, with reasonable inspection and review  
12 time limitations and reasonable response times for production,  
13 copying, and answer. In addition, the utility may utilize a  
14 reasonable security protocol for personnel on the  
15 municipality's physical inspection team.

16 In the absence of other agreement, the utility must respond  
17 to any notice by the municipality concerning its review and  
18 inspection within 21 days after receiving the notice. The  
19 review and inspection of the assets of the company shall be  
20 over such period of time and carried out in such manner as is  
21 reasonable under the circumstances.

22 Information requested that is not privileged or protected  
23 from discovery under the Illinois Code of Civil Procedure but  
24 is reasonably claimed to be proprietary, including, without  
25 limitation, information that constitutes trade secrets or  
26 information that involves system security concerns, shall be

1 provided, but shall not be considered a public record and shall  
2 be kept confidential by the municipality.

3 In addition, the municipality must, upon request,  
4 reimburse the utility for the actual, reasonable costs and  
5 expenses, excluding attorneys' fees, incurred by the utility as  
6 a result of the municipality's inspection and requests for  
7 information. Upon written request, the utility shall issue a  
8 statement itemizing, with reasonable detail, the costs and  
9 expenses for which reimbursement is sought by the utility.  
10 Where such written request for a statement has been made, no  
11 payment shall be required until 30 days after receipt of the  
12 statement. Such reimbursement by the municipality shall be  
13 considered income for purposes of any rate proceeding or other  
14 financial request before the Illinois Commerce Commission by  
15 the utility.

16 The municipality and the utility shall cooperate to resolve  
17 any dispute arising under this subsection. In the event the  
18 dispute under this subsection cannot be resolved, either party  
19 may request relief from the circuit court in any county in  
20 which the water system is located, with the prevailing party to  
21 be awarded such relief as the court deems appropriate under the  
22 discovery abuse sanctions currently set forth in the Illinois  
23 Code of Civil Procedure.

24 The municipality's right to inspect physical assets and  
25 records in connection with the purpose of this Section shall  
26 not be exercised with respect to any system more than one time

1 during a 5-year period, unless a substantial change in the size  
2 of the system or condition of the operating assets of the  
3 system has occurred since the previous inspection. Rights under  
4 franchise agreements and other agreements or statutory or  
5 regulatory provisions are not limited by this Section and are  
6 preserved.

7 The passage of time between an inspection of the utilities  
8 and physical assets and the making of a good faith offer or  
9 initiation of an eminent domain action because of the limit  
10 placed on inspections by this subsection shall not be used as a  
11 basis for challenging the good faith of any offer or be used as  
12 the basis for attacking any appraisal, expert, argument, or  
13 position before a court related to an acquisition by purchase  
14 or eminent domain.

15 (g) Notwithstanding any other provision of law, the  
16 Illinois Commerce Commission has no approval authority of any  
17 eminent domain action brought by any governmental entity or  
18 combination of such entities to acquire water systems or water  
19 works.

20 (h) The provisions of this Section are severable under  
21 Section 1.31 of the Statute on Statutes.

22 (i) This Section does not apply to any public utility  
23 company that, on January 1, 2006, supplied a total of 70,000 or  
24 fewer meter connections in the State unless and until (i) that  
25 public utility company receives approval from the Illinois  
26 Commerce Commission under Section 7-204 of the Public Utilities

1 Act for the reorganization of the public utility company or  
2 (ii) the majority control of the company changes through a  
3 stock sale, a sale of assets, a merger (other than an internal  
4 reorganization) or otherwise. For the purpose of this Section,  
5 "public utility company" means the public utility providing  
6 water service and includes any of its corporate parents,  
7 subsidiaries, or affiliates possessing a franchised water  
8 service in the State.

9 (j) Any contractor or subcontractor that performs work on a  
10 water system acquired by a municipality or municipalities under  
11 this Section shall comply with the requirements of Section  
12 30-22 of the Illinois Procurement Code. The contractor or  
13 subcontractor shall submit evidence of compliance with Section  
14 30-22 to the municipality or municipalities.

15 (k) The municipality or municipalities acquiring the water  
16 system shall offer available employee positions to the  
17 qualified employees of the acquired water system.

18 (Source: P.A. 94-1007, eff. 1-1-07.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.