



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1865

Introduced 2/9/2011, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

70 ILCS 2605/5.2

from Ch. 42, par. 324L

70 ILCS 2605/9.6a

from Ch. 42, par. 328.6a

Amends the Metropolitan Water Reclamation District Act. Adds to the definition of "construction purposes" alterations, enlargements, and replacements that add appreciably to the value, utility, or useful life of administrative buildings. Authorizes a sanitary district to issue bonds, notes, or other evidences of indebtedness for administrative buildings. Effective immediately.

LRB097 05382 RLJ 45439 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 Sections 5.2 and 9.6a as follows:

6 (70 ILCS 2605/5.2) (from Ch. 42, par. 324L)

7 Sec. 5.2. Definitions. Where used in this law, "budget
8 year" shall mean the fiscal year for which a budget is made.
9 "Current year" shall mean the fiscal year in progress, i.e.,
10 the fiscal year next preceding the budget year. "Preceding
11 year" shall mean the fiscal year preceding the current year.

12 The "Clerk" shall mean that officer so designated as
13 provided in Section 4.

14 "Fund" shall mean a sum of money or other resources set
15 aside for the purpose of carrying on specific activities or
16 attaining certain objectives in accordance with special
17 regulations, restrictions, or limitations. A fund shall be a
18 distinct financial or fiscal entity.

19 "Accountant" shall mean a public accountant or certified
20 public accountant licensed under the laws of this State.

21 "Expenditure" shall mean the amount of obligations
22 incurred either paid or to be paid from the appropriations for
23 the budget year for all purposes, including current expenses,

1 retirement of debt, and capital outlays.

2 "Disbursement" shall mean the actual payment in cash for
3 any purpose.

4 "Receipt" shall mean cash actually received and shall
5 include appropriable cash on hand at the beginning of any
6 specified year.

7 "Estimated receipt" shall mean cash estimated to be
8 received within the budget year and shall include the cash
9 surplus estimated to be appropriable at the beginning of the
10 budget year.

11 "Cash basis" shall mean that system of accounting wherein
12 revenues are accounted for when received in cash and
13 expenditures are accounted for when paid.

14 "Accrual basis" shall mean that system of accounting
15 wherein revenues are accounted for when earned or due, even
16 though not collected, and expenditures are accounted for as
17 soon as liabilities are incurred, whether paid or not.

18 "Function" (activity) of expenditure shall mean the
19 particular purpose or group of services aimed at accomplishing
20 a certain end for which an expenditure is made.

21 "Line Item" or item shall mean a particular type of
22 expenditure within a class or related group of such
23 expenditures, i. e., testing service, hospital service, towel
24 and laundry service, within the class titled "Impersonal
25 Services."

26 "Object" of expenditure shall mean specific articles, or

1 classes of things for which an expenditure is made, i. e.,
2 personal services, impersonal services, materials and
3 supplies, machinery and equipment, fixed charges and any such
4 other classes of articles or things as may be desirable.

5 "Character" of expenditure shall refer to the relationship
6 of total expenditures to current, prior, and future fiscal
7 periods, i. e., whether the expenditure is a current expense,
8 provision for the retirement of debt, or a capital outlay.

9 "Organization units" shall be the administrative units of
10 the district, i. e., departments, major sewage treatment
11 plants, and such other operating units or groups of operating
12 units as may be deemed desirable by the authorities of the
13 Sanitary District.

14 The "committee on finance" shall be any committee so
15 appointed and so designated by the board of commissioners for
16 the purpose of considering financial matters affecting the
17 district.

18 "Sinking Fund Requirements" shall mean the amounts that
19 will be needed to pay interest on and principal of bonds.

20 "Construction Fund" shall mean the amounts to be used for
21 paying the costs incurred for construction purposes.

22 "Construction Purposes" shall mean the replacement,
23 remodeling, completion, alteration, construction, and
24 enlargement, including alterations, enlargements and
25 replacements which will add appreciably to the value, utility,
26 or the useful life of sewage treatment works, administrative

1 buildings, ~~or~~ flood control facilities, or water quality
2 improvement projects, and additions therefor, pumping
3 stations, tunnels, conduits and intercepting sewers connecting
4 therewith, and outlet sewers together with the equipment and
5 appurtenances necessary thereto, and for the acquisition of the
6 sites and rights of way necessary thereto, and for engineering
7 expenses for designing and supervising the construction of the
8 works above described, and for removal of the rock ledge in the
9 bed of the Des Plaines River (Illinois Waterway) through the
10 City of Joliet.

11 Prior to the commencing of work involved in the removal of
12 the rock ledge in the bed of the Des Plaines River formal
13 approval shall be obtained for the design and plans for
14 accomplishing this work from the Corps of Engineers, U. S.
15 Army, and the State of Illinois Department of Natural
16 Resources.

17 The Metropolitan Sanitary District of Greater Chicago, its
18 agents, successors or assigns shall save the State of Illinois
19 harmless from any and all claims of whatever nature which may
20 arise as a result of or in consequence of any work which may be
21 performed by the District.

22 The rights, powers, and authorities granted in this Act
23 shall be subject to the provisions of Section 18 of the Rivers,
24 Lakes, and Streams Act.

25 It is the intent and purpose of this Act to provide a legal
26 basis which will authorize and require all Sanitary Districts

1 organized under the provisions hereof to make and execute the
2 budgets of their Corporate Funds and Construction Funds in such
3 manner that the budgets may be planned and balanced with
4 receipts on an actual cash basis and expenditures on an accrual
5 basis, and all definitions, terms, provisions and procedures
6 set forth in this Act shall be thus construed as applied to
7 corporate funds and construction funds.

8 (Source: P.A. 95-125, eff. 8-13-07; 95-412, eff. 8-24-07.)

9 (70 ILCS 2605/9.6a) (from Ch. 42, par. 328.6a)

10 Sec. 9.6a. Bonds for sewage treatment and water quality
11 improvements. The corporate authorities of a sanitary
12 district, in order to provide funds required for the replacing,
13 remodeling, completing, altering, constructing and enlarging
14 of sewage treatment works, administrative buildings, water
15 quality improvement projects, or flood control facilities, and
16 additions therefor, pumping stations, tunnels, conduits,
17 intercepting sewers and outlet sewers, together with the
18 equipment, including air pollution equipment, and
19 appurtenances thereto, to acquire property, real, personal or
20 mixed, necessary for said purposes, for costs and expenses for
21 the acquisition of the sites and rights-of-way necessary
22 thereto, and for engineering expenses for designing and
23 supervising the construction of such works, may issue on or
24 before December 31, 2024, in addition to all other obligations
25 heretofore or herein authorized, bonds, notes or other

1 evidences of indebtedness for such purposes in an aggregate
2 amount at any one time outstanding not to exceed 3.35% of the
3 equalized assessed valuation of all taxable property within the
4 sanitary district, to be ascertained by the last assessment for
5 State and local taxes previous to the issuance of any such
6 obligations. Such obligations shall be issued without
7 submitting the question of such issuance to the legal voters of
8 such sanitary district for approval.

9 The corporate authorities may sell such obligations at
10 private or public sale and enter into any contract or agreement
11 necessary, appropriate or incidental to the exercise of the
12 powers granted by this Act, including, without limitation,
13 contracts or agreements for the sale and purchase of such
14 obligations and the payment of costs and expenses incident
15 thereto. The corporate authorities may pay such costs and
16 expenses, in whole or in part, from the corporate fund.

17 Such obligations shall be issued from time to time only in
18 amounts as may be required for such purposes but the amount of
19 such obligations issued during any one budget year shall not
20 exceed \$150,000,000 plus the amount of any obligations
21 authorized by this Act to be issued during the 3 budget years
22 next preceding the year of issuance but which were not issued,
23 provided, however, that this limitation shall not be applicable
24 (i) to the issuance of obligations to refund bonds, notes or
25 other evidences of indebtedness, (ii) to obligations issued to
26 provide for the repayment of money received from the Water

1 Pollution Control Revolving Fund for the construction or repair
2 of wastewater treatment works, and (iii) to obligations issued
3 as part of the American Recovery and Reinvestment Act of 2009,
4 issued prior to January 1, 2011, that are commonly known as
5 "Build America Bonds" as authorized by Section 54AA of the
6 Internal Revenue Code of 1986, as amended. Each ordinance
7 authorizing the issuance of the obligations shall state the
8 general purpose or purposes for which they are to be issued,
9 and the corporate authorities may at any time thereafter pass
10 supplemental appropriations ordinances appropriating the
11 proceeds from the sale of such obligations for such purposes.

12 The corporate authorities may issue bonds, notes or other
13 evidences of indebtedness in an amount necessary to provide
14 funds to refund outstanding obligations issued pursuant to this
15 Section, including interest accrued or to accrue thereon.

16 (Source: P.A. 95-125, eff. 8-13-07; 95-412, eff. 8-24-07;
17 96-828, eff. 12-2-09; 96-1308, eff. 1-1-11.)

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