

SB2155



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2155

Introduced 2/15/2013, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

70 ILCS 2605/12

from Ch. 42, par. 332

Amends the Metropolitan Water Reclamation District Act. Provides that settlements and demands, including associated attorney's fees and costs, together with claims for deprivation of any constitutional or statutory right, are added to the list of costs which may not be included in the district's annual tax levy. Provides that the board may levy a tax for the purpose of establishing and maintaining a reserve fund to satisfy these additional expenses. Effective immediately.

LRB098 08610 OMW 38728 b

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, ~~or~~
16 settlements, or demands and associated attorney's fees and
17 costs that ~~which~~ might be imposed on or incurred by such
18 sanitary district in matters including, but not limited to,
19 ~~under~~ the Workers' Compensation Act or the Workers'
20 Occupational Diseases Act, ~~and~~ any claim in tort, ~~including but~~
21 ~~not limited to, any claim imposed upon such sanitary district~~
22 ~~under the Local Governmental and Governmental Employees Tort~~
23 ~~Immunity Act,~~ any claim of deprivation of any constitutional or

1 statutory right or protection, for all expenses, fees, and
2 costs, both direct and in support of ~~and for all costs related~~
3 ~~to~~ the repair or replacement of any property owned by such
4 sanitary district which is damaged by fire, flood, explosion,
5 vandalism or any other peril, natural or manmade, shall not
6 exceed the sum produced by extending the rate of .46% for each
7 of the years 1979 through 2004 and by extending the rate of
8 0.41% for the year 2005 and each year thereafter, upon the
9 assessed valuation of all taxable property within the sanitary
10 district as equalized and determined for State and local taxes.

11 In addition, for stormwater management purposes, including
12 but not limited to those provided in subsection (f) of Section
13 7(h), the board of commissioners may levy taxes for the year
14 2005 and each year thereafter at a rate not to exceed 0.05% of
15 the assessed valuation of all taxable property within the
16 District as equalized and determined for State and local taxes.

17 And in addition thereto, for construction purposes as
18 defined in Section 5.2 of this Act, the board of commissioners
19 may levy taxes for the year 1985 and each year thereafter which
20 shall be at a rate not to exceed .10% of the assessed valuation
21 of all taxable property within the sanitary district as
22 equalized and determined for State and local taxes. Amounts
23 realized from taxes so levied for construction purposes shall
24 be limited for use to such purposes and shall not be available
25 for appropriation or used to defray the cost of repairs to or
26 expense of maintaining or operating existing or future

1 facilities, but such restrictions, however, shall not apply to
2 additions, alterations, enlargements, and replacements which
3 will add appreciably to the value, utility, or the useful life
4 of said facilities. Such rates shall be extended against the
5 assessed valuation of the taxable property within the corporate
6 limits as the same shall be assessed and equalized for the
7 county taxes for the year in which the levy is made and said
8 board shall cause the amount to be raised by taxation in each
9 year to be certified to the county clerk on or before the
10 thirtieth day of March; provided, however, that if during the
11 budget year the General Assembly authorizes an increase in such
12 rates, the board of commissioners may adopt a supplemental levy
13 and shall make such certification to the County Clerk on or
14 before the thirtieth day of December.

15 For the purpose of establishing and maintaining a reserve
16 fund for the payment of claims, awards, losses, judgments, ~~or~~
17 liabilities, settlements, or demands and associated attorney's
18 fees and costs that ~~which~~ might be imposed on or incurred by
19 such sanitary district in matters including, but not limited
20 to, under the Workers' Compensation Act or the Workers'
21 Occupational Diseases Act, ~~and~~ any claim in tort, including but
22 not limited to, any claim imposed upon such sanitary district
23 under the Local Governmental and Governmental Employees Tort
24 Immunity Act, any claim of deprivation of any constitutional or
25 statutory right or protection, for all expenses, fees, and
26 costs, both direct and in support ~~and for all costs related to~~

1 ~~the repair or replacement, where the cost thereof exceeds the~~
2 ~~sum of \$10,000,~~ of any property owned by such sanitary district
3 which is damaged by fire, flood, explosion, vandalism or any
4 other peril, natural or man-made, such sanitary district may
5 also levy annually upon all taxable property within its
6 territorial limits a tax not to exceed .005% of the assessed
7 valuation of said taxable property as equalized and determined
8 for State and local taxes; provided, however, the aggregate
9 amount which may be accumulated in such reserve fund shall not
10 exceed .05% of such assessed valuation.

11 All taxes so levied and certified shall be collected and
12 enforced in the same manner and by the same officers as State
13 and county taxes, and shall be paid over by the officer
14 collecting the same to the treasurer of the sanitary district,
15 in the manner and at the time provided by the general revenue
16 law. No part of the taxes hereby authorized shall be used by
17 such sanitary district for the construction of permanent,
18 fixed, immovable bridges across any channel constructed under
19 the provisions of this Act. All bridges built across such
20 channel shall not necessarily interfere with or obstruct the
21 navigation of such channel, when the same becomes a navigable
22 stream, as provided in Section 24 of this Act, but such bridges
23 shall be so constructed that they can be raised, swung or moved
24 out of the way of vessels, tugs, boats or other water craft
25 navigating such channel. Nothing in this Act shall be so
26 construed as to compel said district to maintain or operate

1 said bridges, as movable bridges, for a period of 9 years from
2 and after the time when the water has been turned into said
3 channel pursuant to law, unless the needs of general navigation
4 of the Des Plaines and Illinois Rivers, when connected by said
5 channel, sooner require it. In levying taxes the board of
6 commissioners, in order to produce the net amount required by
7 the levies for payment of bonds and interest thereon, shall
8 include an amount or rate estimated to be sufficient to cover
9 losses in collection of taxes, the cost of collecting taxes,
10 abatements in the amount of such taxes as extended on the
11 collector's books and the amount of such taxes collection of
12 which will be deferred; the amount so added for the purpose of
13 producing the net amount required shall not exceed any
14 applicable maximum tax rate or amount.

15 (Source: P.A. 96-164, eff. 8-10-09.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.