



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1556

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

New Act

Creates the Water Rate Protection Act. Creates the Water Rate Protection Board to exercise specified powers and duties, including holding hearings and regulating water rates that a municipal water provider with a population over 500,000 may impose upon units of local government that purchase water from the municipal water provider for delivery to consumers. Contains provisions regarding: appointment of board members and election of board officers; employment of hearing examiners and staff by the board; mailings; prohibited acts; conflicts of interest; records; water rates and rate schedules; judicial review; costs; expenses; construction; liability; and other matters. Limits home rule powers.

LRB099 08274 JLS 28426 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning water.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Water
5 Rate Protection Act.

6 Section 5. Purpose. The purpose of this Act is to promote
7 the health, welfare, and prosperity of Illinois residents by
8 ensuring that safe and reliable water service is provided to
9 municipalities at rates that bear a reasonable relationship to
10 the actual costs incurred in providing and delivering the
11 water, establishing a quasi-judicial body to regulate certain
12 water rates that are not subject to regulation by the Illinois
13 Commerce Commission, and providing education on water rates and
14 on benefits and methods of water conservation. Such purpose
15 shall be deemed a statewide interest and not a private or
16 special concern.

17 Section 10. Definitions. As used in this Act:

18 "Agency" means the Water Rate Protection Board.

19 "Board" means the board of directors of the agency.

20 "Director" means a member of the board.

21 "Municipal water consumer" means any unit of local
22 government that purchases its water supply from a municipal

1 water provider and thereafter transmits, delivers or furnishes
2 such water to consumers.

3 "Municipal water provider" means a political subdivision
4 or municipal corporation of this State with a population
5 exceeding 500,000 inhabitants that owns, operates, manages, or
6 controls any plant or equipment, or any part of a plant or
7 equipment, within this State, regardless of whether such plant
8 or equipment is operated by a lessee or operating agent, for
9 the production, transmission, delivery, or furnishing of water
10 either directly or indirectly to a municipal water consumer.

11 Section 15. Water rate protection board: formation. There
12 is created a public body corporate and politic to be known as
13 the Water Rate Protection Board.

14 Section 20. Powers and duties.

15 (1) The agency shall represent and protect the interests of
16 municipal water consumers of this State. All actions by the
17 agency under this Act shall be directed toward such duty;
18 provided that the agency may also give due consideration to the
19 interests of business in the State.

20 (2) The agency shall have all the powers necessary or
21 convenient for the effective representation and protection of
22 the interests of municipal water consumers and to implement
23 this Act, including the following powers in addition to all
24 other powers granted by this Act:

1 (A) To make, amend and repeal bylaws and rules for the
2 regulation of its affairs and the conduct of its business;
3 to adopt an official seal and alter it at its pleasure; to
4 maintain an office; to sue and be sued in its own name,
5 plead and be impleaded; and to make and execute contracts
6 and other instruments necessary or convenient to the
7 exercise of the powers of the agency.

8 (B) To employ such hearing examiners, agents,
9 employees and special advisors as it finds necessary and to
10 fix their compensation.

11 (C) To solicit and accept gifts, loans, or other aid in
12 order to support activities concerning the interests of
13 municipal water consumers.

14 (D) To conduct hearings to determine the
15 appropriateness of water rates charged to municipal water
16 consumers and to otherwise participate in any proceeding
17 which affects the interest of municipal water consumers.

18 (E) To represent the interests of municipal water
19 consumers before the courts, administrative agencies and
20 other public bodies, except that no director, employee or
21 agent of the agency may engage in lobbying without first
22 complying with any applicable statute, administrative rule
23 or other regulation relating to lobbying.

24 (F) To implement solicitation for agency funding.

25 (G) To provide information and advice to municipal
26 water consumers on any matter with respect to water

1 service, including but not limited to information and
2 advice on benefits and methods of water conservation.

3 (H) To promulgate such additional rules, regulations,
4 and procedures as are necessary to carry out the intent of
5 this Act.

6 (3) The powers, duties, rights, and privileges conferred or
7 imposed upon the agency by this Act may not be transferred.

8 (4) The agency shall refrain from interfering with
9 collective bargaining rights of any employees of a municipal
10 water provider.

11 Section 25. Board. The agency shall be managed by, and its
12 powers, functions, and duties shall be exercised through, a
13 board to be composed as follows:

14 (1) Appointment and term.

15 (A) The Board shall be composed of 5 directors
16 appointed by the Governor as follows: the Governor
17 shall appoint one director from among the
18 recommendations of the President of the Senate; the
19 Governor shall appoint one director from among the
20 recommendations of the Senate Minority Leader; the
21 Governor shall appoint one director from among the
22 recommendations of the Speaker of the House; the
23 Governor shall appoint one director from among the
24 recommendations of the House Minority Leader; and the
25 Governor shall appoint one director at large.

1 (B) Terms of directors. Directors shall be
2 appointed for 4-year terms.

3 (C) Directors shall serve until their successors
4 are appointed and have qualified.

5 (2) Qualifications. A director shall be a resident of a
6 municipal water consumer. No person who is an employee in
7 any managerial or supervisory capacity, director, officer
8 or agent or who is a member of the immediate family of any
9 such employee, director, officer or agent of any municipal
10 water provider is eligible to be a director. No director
11 may hold any elective position, be a candidate for any
12 elective position, be a State public official or be
13 employed in a governmental position exempt from the
14 Personnel Code.

15 (3) Director, family member employment. No director,
16 or member of his or her immediate family shall, either
17 directly or indirectly, be employed for compensation as a
18 staff member or consultant of the agency.

19 (4) Meetings. The board shall hold regular meetings at
20 least once every 3 months on such dates and at such places
21 as it may determine. Special meetings may be called by the
22 president or by a majority of the directors. Unless
23 otherwise provided in the bylaws, a majority of the board
24 of directors shall constitute a quorum. The act of the
25 majority of the directors, present at a meeting at which a
26 quorum is present, shall be the act of the board of

1 directors unless the act of a greater number is required by
2 this Act or bylaws. Meetings of the board shall be
3 conducted in compliance with the Open Meetings Act.

4 (5) Expenses. A director may not receive any
5 compensation for his or her services but shall be
6 reimbursed for necessary expenses, including travel
7 expenses incurred in the discharge of duties. The board
8 shall establish standard allowances for mileage, room and
9 meals and the purposes for which such allowances may be
10 made and shall determine the reasonableness and necessity
11 for such reimbursements. The board shall include the
12 schedule of such standard allowances in the annual report
13 under Section 30.

14 (6) Bonding. Directors and employees eligible to
15 disburse funds shall be bonded. The costs of such bonds
16 shall be paid by the agency.

17 Section 30. Duties of directors. The board shall have the
18 following duties:

19 (1) To establish the policy of the agency regarding
20 appearances before regulatory agencies, legislative bodies
21 and other public authorities, and regarding other
22 activities which the agency has the authority to perform
23 under this Act.

24 (2) To employ an executive director who shall have the
25 following powers and duties, subject at all times to the

1 direction and supervision of the board:

2 (A) To implement the policy established by the
3 board under subsection (1).

4 (B) To employ and discharge employees of the
5 agency.

6 (C) To supervise the offices, facilities and work
7 of the employees of the agency.

8 (D) To have custody of and maintain the books and
9 records of the agency under this Act.

10 (E) To prepare and submit to the board annual and
11 quarterly statements of the financial and substantive
12 operations of the agency, and financial estimates for
13 the future operations of the agency.

14 (F) To attend and participate in meetings of the
15 board, but without a vote.

16 (G) To file annually with the board a current
17 financial statement that includes the information
18 required under Section 35.

19 (H) To exercise such other powers and perform such
20 other duties as the board delegates.

21 (3) To ensure preparation of:

22 (A) Quarterly statements of the financial and
23 substantive operations of the agency.

24 (B) An audit of the agency's books at least once
25 each fiscal year. The audit shall be by a certified
26 public accountant.

1 (C) An annual report of the agency's financial and
2 substantive operations. The agency shall prepare the
3 report at the close of the agency's fiscal year.

4 (4) To carry out all other duties and responsibilities
5 imposed upon the agency and the board under this Act.

6 Section 35. Executive director: qualifications;
7 appointment; financial statement.

8 (1) The executive director hired by the board under Section
9 30 shall have the same qualifications as a director under
10 Section 25, except that the executive director need not be a
11 resident of a municipal water consumer.

12 (2) To hire the executive director under Section 30, the
13 board shall adhere to all applicable State or federal laws
14 prohibiting discrimination in employment.

15 (3) The board shall require all applicants for the position
16 of executive director of the agency to file a financial
17 statement which includes the following information:

18 (A) The occupation, employer and position at place of
19 employment of the applicant and of his or her immediate
20 family members.

21 (B) A list of all corporate directorships or other
22 offices, and of all fiduciary relationships, held in the
23 past 3 years by the applicant and by his or her immediate
24 family members.

25 (C) The name of any creditor to whom the applicant or a

1 member of the applicant's immediate family owes \$10,000 or
2 more.

3 (D) The name of any corporation in which the applicant
4 holds a security, the current market value of which is
5 \$5,000 or more.

6 (E) An affirmation, subject to penalty of perjury, that
7 the information contained in the statement of financial
8 interests is true and complete.

9 (F) A statement concerning his or her personal
10 background and positions on issues relating to publicly and
11 privately owned utilities or the operations of the agency.
12 The statement shall contain an affirmation, subject to
13 penalty of perjury, that the candidate meets the
14 qualifications prescribed for directors in subsection (2)
15 of Section 25.

16 (4) The board shall require the executive director to file
17 a current financial statement annually.

18 Section 40. Hearing examiners. The executive director
19 shall employ hearing examiners to estimate proper rates of
20 service of municipal water providers or to examine other
21 questions coming before the agency, by taking testimony or by
22 independent investigation. Hearing examiners shall take
23 testimony of witnesses, examine accounts, records, books,
24 papers, and physical properties, either by holding hearings or
25 making independent investigations and attend hearings before

1 the agency when so directed, for the purpose of explaining
2 their investigations and the result thereof to the agency and
3 the parties interested; and perform such other duties as the
4 executive director may direct. All hearing examiners shall be
5 licensed to practice law in the State of Illinois and
6 thoroughly familiar with applicable rules of evidence,
7 procedure, and administrative law.

8 Section 45. Mailing procedure.

9 (1) As used in this Section:

10 "Enclosure" means a card, leaflet, envelope or combination
11 thereof furnished by the agency under this Section.

12 "Mailing" means any communication by a State agency which
13 is sent through the United States Postal Service to more than
14 50,000 persons within a 12-month period.

15 "State agency" means any officer, department, board,
16 commission, institution, or entity of the executive or
17 legislative branches of State government.

18 (2) To accomplish its powers and duties under Section 20,
19 the agency, subject to the following limitations, may prepare
20 and furnish to any State agency an enclosure to be included
21 with a mailing by that agency.

22 (A) A State agency furnished with an enclosure shall
23 include the enclosure within the mailing designated by the
24 agency.

25 (B) An enclosure furnished by the agency under this

1 Section shall be provided to the State agency a reasonable
2 period of time in advance of the mailing.

3 (C) An enclosure furnished by the agency under this
4 Section shall be limited to informing the reader of the
5 purpose, nature and activities of the agency as set forth
6 in this Act and informing the reader that it may contribute
7 money to the agency directly.

8 (D) Prior to furnishing an enclosure to the State
9 agency, the board or its designee shall approve of the
10 content of the enclosure, which approval may be granted if
11 the board or its designee determines that the enclosure (i)
12 is not false or misleading and (ii) satisfies the
13 requirements of this Act.

14 (3) The agency shall reimburse each State agency for all
15 reasonable incremental costs incurred by the State agency in
16 complying with this Section above the agency's normal mailing
17 and handling costs, provided that:

18 (A) The State agency shall first furnish the agency
19 with an itemized accounting of such additional cost; and

20 (B) The agency shall not be required to reimburse the
21 State agency for postage costs if the weight of the
22 agency's enclosure does not exceed 0.35 ounce avoirdupois.
23 If the agency's enclosure exceeds that weight, then it
24 shall be required to reimburse the State agency only for
25 postage cost over and above what the agency's postage cost
26 would have been had the enclosure weighed only 0.35 ounce

1 avoirdupois.

2 Section 50. Prohibited acts.

3 (1) No person may interfere or threaten to interfere with
4 or cause any interference with water service or with the water
5 service of or penalize any person who contributes to the agency
6 or participates in any of its activities, in retribution for
7 such contribution or participation.

8 (2) No person may act with intent to prevent, interfere
9 with, or hinder the activities permitted under this Act.

10 (3) A person who violates this Section commits a petty
11 offense and may be fined not more than \$1,000. Each such
12 violation shall constitute a separate and continuing violation
13 of this Act. A person who knowingly and willfully violates this
14 Section commits a Class B misdemeanor.

15 Section 55. Public records. The records of the agency shall
16 be subject to the Freedom of Information Act.

17 Section 60. Board officers.

18 (1) Election. The board of directors, at the first regular
19 meeting at which a quorum is present, shall elect by a majority
20 vote of the directors present and voting a president, vice
21 president, secretary, and treasurer. The board may elect such
22 other officers as it deems necessary.

23 (2) Term of office.

1 (A) Board officers shall begin serving immediately
2 upon their election and their term of office shall be 2
3 years. After his or her term of office has expired, a board
4 officer shall continue to serve until his or her successor
5 is elected and certified.

6 (B) If a board office is vacant, the board shall elect
7 a successor to serve out the term of the office.

8 (3) Powers and duties. Board officers shall exercise powers
9 and perform duties as prescribed by this Act or as delegated to
10 them by the board.

11 Section 65. Corrupt practices and conflicts of interest.

12 (1) No person may offer or give anything of monetary value
13 to any director, hearing examiner, employee, or agent of the
14 agency if the offer or gift influences, or is intended to
15 influence, the action or judgment of the director, hearing
16 examiner, employee, or agent of the agency in his or her
17 capacity as director, hearing examiner, employee, or agent of
18 the agency.

19 (2) No director, hearing examiner, employee, or agent of
20 the agency may solicit or accept anything of monetary value
21 from any person if the solicitation or acceptance influences,
22 or is intended to influence, the official action or judgment of
23 the director, hearing examiner, employee, or agent in his or
24 her capacity as director, hearing examiner, employee, or agent
25 of the agency.

1 (3) Any person who knowingly and willfully violates this
2 Section commits a Class B misdemeanor with a maximum fine of
3 \$1,000.

4 (4) The Governor shall remove from office any director
5 convicted under this Section.

6 Section 70. Rates. All water rates or other charges made by
7 a municipal water provider and demanded from a municipal water
8 consumer shall be reasonably related to the municipal water
9 provider's actual costs in providing and delivering the water.
10 Any water rates that are not reasonably related to the actual
11 costs of providing and delivering the water are hereby
12 prohibited and declared unlawful. All rules and regulations
13 made by a municipal water provider affecting or pertaining to
14 its charges to municipal water consumers shall be just and
15 reasonable.

16 Section 75. Rate schedules; posting.

17 (1) Every municipal water provider shall file with the
18 agency and shall print and keep open to public inspection
19 schedules showing all rates and other charges, and
20 classifications, which are in force at the time and applicable
21 to municipal water consumers. Every municipal water provider
22 shall file with and as a part of such schedule and shall state
23 separately all rules, regulations, storage or other charges,
24 privileges, and contracts that in any manner affect the rates

1 charged or to be charged to municipal water consumers. But
2 nothing in this Section shall prevent the agency from approving
3 or fixing rates or other charges or classifications, from time
4 to time, in excess of or less than those shown by said
5 schedules.

6 (2) Subject to such rules and regulations as the agency may
7 prescribe, the schedules referred to in this Section shall be
8 posted or kept on file in the main office of the municipal
9 water provider. Any or all of such schedules kept as aforesaid
10 shall be immediately produced by such municipal water provider
11 for inspection upon the demand of any person. A notice printed
12 in bold type, in size prescribed by the agency, stating that
13 such schedules are on file with the agent and open to
14 inspection by any person, and that the agent will assist any
15 person to determine from such schedules any rates or other
16 charges, classification, rules, or regulations in force, shall
17 be kept posted by the municipal water provider in 2 public and
18 conspicuous places in every such office.

19 Section 80. Changes to water rates.

20 (1) Unless the agency otherwise orders, and except as
21 otherwise provided in this Section, no change shall be made by
22 any municipal water provider in any rate or other charge or
23 classification, or in any rule, regulation, practice, or
24 contract relating to or affecting any municipal water consumer,
25 except after 45 days' notice to the agency and to the public as

1 herein provided. Such notice shall be given by filing with the
2 agency and keeping open for public inspection new schedules or
3 supplements stating plainly the change or changes to be made in
4 the schedule or schedules then in force, and the time when the
5 change or changes will go into effect, and by publication in a
6 newspaper of general circulation or such other notice to
7 persons affected by such change as may be prescribed by rule of
8 the agency. In addition to the other notice requirements of
9 this Act, a municipal water provider shall provide notice of
10 such change to all customers potentially affected by including
11 a notice and description of such change, and of agency
12 procedures for intervention, in the first bill sent to each
13 such customer after the filing of the proposed change. The
14 agency, for good cause shown, may allow changes without
15 requiring the 45 days' notice herein provided for, by an order
16 specifying the changes so to be made and the time when they
17 shall take effect and the manner in which they shall be filed
18 and published.

19 (2) Whenever there shall be filed with the agency any
20 schedule stating a change to a rate or other charge,
21 classification, contract, practice, rule, or regulation
22 affecting a municipal water consumer, the agency shall have
23 power, and it is hereby given authority, either upon complaint
24 or upon its own initiative without complaint, at once, and if
25 it so orders, without answer or other formal pleadings by the
26 municipal water provider, but upon reasonable notice, to enter

1 upon a hearing concerning the propriety of such rate or other
2 charge, classification, contract, practice, rule, or
3 regulation, and pending the hearing and decision thereon, such
4 rate or other charge, classification, contract, practice,
5 rule, or regulation shall not go into effect. The period of
6 suspension of such rate or other charge, classification,
7 contract, practice, rule, or regulation shall not extend more
8 than 105 days beyond the time when such rate or other charge,
9 classification, contract, practice, rule, or regulation would
10 otherwise go into effect unless the agency, in its discretion,
11 extends the period of suspension for a further period not
12 exceeding 6 months.

13 (3) All rates or other charges, classifications,
14 contracts, practices, rules, or regulations not so suspended
15 shall, on the expiration of 45 days from the time of filing the
16 same with the agency, or of such lesser time as the agency may
17 grant, go into effect and be the established and effective
18 rates or other charges, classifications, contracts, practices,
19 rules, and regulations, subject to the power of the agency,
20 after a hearing had on its own motion or upon complaint, as
21 herein provided, to alter or modify the same.

22 (4) Within 30 days after such changes have been authorized
23 by the agency, copies of the new or revised schedules shall be
24 posted or filed in accordance with the terms of this Act, in
25 such a manner that all changes shall be plainly indicated. The
26 agency shall incorporate into the period of suspension a review

1 period of 4 business days during which the agency may review
2 and determine whether the new or revised schedules comply with
3 the agency's decision approving a change to the municipal water
4 provider's rates. Such review period shall not extend the
5 suspension period by more than 2 days. Absent notification to
6 the contrary within the 4 business day period, the new or
7 revised schedules shall be deemed approved.

8 (5) If the agency enters upon a hearing concerning the
9 propriety of any proposed rate or other charge, classification,
10 contract, practice, rule, or regulation, the agency shall
11 establish the rates or other charges, classifications,
12 contracts, practices, rules, or regulations proposed, in whole
13 or in part, or others in lieu thereof, which it shall find to
14 be just and reasonable. In such hearing, the burden of proof to
15 establish the justness and reasonableness of the proposed rates
16 or other charges, classifications, contracts, practices, rules
17 or regulations, in whole and in part, shall be upon the
18 municipal water provider. The municipal water provider, the
19 staff of the agency, or any party to a proceeding initiated
20 under this Section who has been granted intervenor status and
21 submitted a post-hearing brief must be given the opportunity to
22 present oral argument, if requested no later than the date for
23 filing exceptions, on the propriety of any proposed rate or
24 other charge, classification, contract, practice, rule, or
25 regulation. No rate or other charge, classification, contract,
26 practice, rule, or regulation shall be found just and

1 reasonable unless it is consistent with this Act.

2 (6) The agency shall have power, upon a hearing, had upon
3 its own motion or upon complaint, to investigate a single rate
4 or other charge, classification, rule, regulation, contract or
5 practice, or any number thereof, or the entire schedule or
6 schedules of rates or other charges, classifications, rules,
7 regulations, contracts and practices, or any thereof of any
8 municipal water provider, and to establish new rates or other
9 charges, classifications, rules, regulations, contracts, or
10 practices or schedule or schedules, in lieu thereof.

11 Section 85. Agency determinations.

12 (1) Whenever the agency, after a hearing had upon its own
13 motion or upon complaint, shall find that the rates or other
14 charges, or classifications, or any of them, demanded,
15 observed, charged, or collected by a municipal water provider
16 for water to municipal water consumer, or that the rules,
17 regulations, contracts, or practices or any of them, affecting
18 such rates or other charges, or classifications, are unjust,
19 unreasonable, discriminatory, or preferential, or in any way in
20 violation of any provisions of law, or that such rates or other
21 charges or classifications are insufficient, the agency shall
22 determine the just, reasonable, or sufficient rates or other
23 charges, classifications, rules, regulations, contracts, or
24 practices to be thereafter observed and in force, and shall fix
25 the same by order.

1 (2) When the agency finds, after a hearing, that the
2 municipal water provider has charged a municipal water consumer
3 water rates that are excessive or unjustly discriminatory, the
4 agency may order that the municipal water provider make due
5 reparation to the complainant therefor, with interest at the
6 legal rate from the date of payment of such excessive or
7 unjustly discriminatory amount.

8 (3) If the municipal water provider does not comply with an
9 order of the agency for the payment of money within the time
10 fixed in such order, the complainant, or any person for whose
11 benefit such order was made, may file in a circuit court a
12 complaint setting forth briefly the causes for which the person
13 claims damages and the order of the agency in the premises.
14 Such action shall proceed in all respects like other civil
15 actions for damages, except that on the trial of such action
16 the order of the agency shall be prima facie evidence of the
17 facts therein stated. If the plaintiff shall finally prevail,
18 he or she shall be allowed a reasonable attorney's fee to be
19 taxed and collected as a part of the costs of the action.

20 (4) All complaints for the recovery of damages shall be
21 filed with the agency within 2 years from the time the water
22 supply as to which complaint is made was furnished, and a
23 petition for the enforcement of an order of the agency for the
24 payment of money shall be filed in the proper court within one
25 year from the date of the order, except that if an appeal is
26 taken from the order of the agency, the time from the taking of

1 the appeal until its final adjudication shall be excluded in
2 computing the one year allowed for filing the complaint to
3 enforce such order.

4 (5) The remedy provided in this Section shall be cumulative
5 and in addition to any other remedy or remedies in this Act
6 provided in case of failure of a municipal water provider to
7 obey a rule, regulation, order, or decision of the agency.

8 Section 90. Uniform application of water rates. No
9 municipal water provider shall charge, demand, collect, or
10 receive a greater or less or different compensation for water
11 furnished or to be furnished to a municipal water consumer, or
12 for any service rendered or to be rendered to a municipal water
13 consumer, than the rates or other charges as specified in its
14 schedules on file and in effect at the time, nor shall any such
15 municipal water provider refund or remit, directly or
16 indirectly, in any manner or by any device, any portion of the
17 rates or other charges so specified, nor extend to any
18 municipal water consumer any form of contract or agreement or
19 any rule or regulation or any facility or privilege except such
20 as are regularly and uniformly extended to all municipal water
21 consumers.

22 Section 95. Review by the courts. Any decision of the
23 agency shall be reviewable only under and in accordance with
24 the provisions of the Administrative Review Law, provided that

1 judicial review thereof shall be permitted only after any party
2 claiming to be aggrieved thereby has exhausted his or her
3 administrative remedies as provided by this Act.

4 Section 100. Costs. The reasonable costs of any hearing
5 convened by the agency to carry out the purposes of this Act
6 shall be borne by the applicable municipal water provider.

7 Section 105. Expenses. In addition to funds already
8 appropriated to the Department of Natural Resources,
9 appropriate funds necessary for expenses and liabilities
10 incurred in carrying out the purposes of this Act.

11 Section 110. Construction.

12 (1) This Act, being necessary for the welfare of the State
13 and its inhabitants, shall be liberally construed to effect its
14 purposes.

15 (2) Nothing in this Act shall be construed to limit the
16 right of any person to initiate, intervene in, or otherwise
17 participate in any regulatory agency proceeding or court
18 action, nor to require any petition or notification to the
19 agency as a condition precedent to the exercise of such right,
20 nor to relieve any regulatory agency or court of any
21 obligation, or to affect its discretion, to permit intervention
22 or participation by any person in any proceeding or action.

23 (3) This Act shall be interpreted consistently with the

1 Department of Natural Resources Act.

2 Section 115. Liability of municipal water provider. No
3 municipal water provider shall be liable on any claim based on
4 any action it is required to take to be in compliance with this
5 Act.

6 Section 120. Home rule preemption. The provisions of this
7 Act are declared to be an exclusive exercise of power by the
8 State of Illinois pursuant to paragraphs (h) or (i) of Section
9 6 of Article VII of the Illinois Constitution. No home rule
10 unit may impose any requirement or regulation inconsistent with
11 or in addition to the requirements or regulations set forth in
12 this Act.