

SB0060



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0060

Introduced 1/11/2017, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

60 ILCS 1/205-140

Amends the Township Code. Provides that a township board may establish a fair and reasonable rate (currently, rate or charge) for users of waterworks systems and sewerage systems and a fair and reasonable connection charge for each new user. Provides that mayors or presidents of municipalities and customers must choose the independent entity to conduct the cost study, order the cost study, and pay for the cost study they requested. Further provides that the cost study must include an examination of residential and commercial connection charges for the waterworks system or sewerage system, whichever applies, in at least 30 units of local government in Illinois with a similar number of customers as are connected to the township's waterworks system and sewerage system (currently, examination of water main and sewer connection charges in neighboring units of local government or units of local government similar in size or population). Removes provisions concerning written quotes and payments for cost studies. Makes other changes. Effective immediately.

LRB100 06032 AWJ 16063 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT 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 Township Code is amended by changing Section
5 205-140 as follows:

6 (60 ILCS 1/205-140)

7 Sec. 205-140. Initiating proceedings for particular
8 locality; rates and charges; lien.

9 (a) A township board may initiate proceedings under
10 Sections 205-130 through 205-150 in the manner provided by
11 Section 205-20.

12 (b) The township board may establish a fair and reasonable
13 ~~the rate for or charge to~~ each user of the waterworks system or
14 sewerage system, or combined waterworks and sewerage system, or
15 improvement or extension at a rate that will be sufficient to
16 pay the principal and interest of any bonds issued to pay the
17 cost of the system, improvement, or extension and the
18 maintenance and operation of the system, improvement, or
19 extension and may provide an adequate depreciation fund for the
20 bonds. Rates ~~Charges or rates~~ shall be established, revised,
21 and maintained by ordinance and become payable as the township
22 board determines by ordinance.

23 (b-5) The township board may establish a fair and

1 reasonable connection charge for each new user added to the
2 township's waterworks system or sewerage system.

3 (c) The charges or rates are liens upon the real estate
4 upon or for which sewerage service is supplied whenever the
5 charges or rates become delinquent as provided by the ordinance
6 of the board fixing a delinquency date.

7 (d) Notwithstanding any provision of law to the contrary,
8 ~~the township shall conduct~~ a cost study shall be conducted
9 regarding the connection charge of the township:

10 (1) before the township increases or creates a
11 connection charge;

12 (2) upon the request of the supervisor or a majority of
13 the township board of the township;

14 (3) upon the request of a majority of the mayors or
15 village presidents of the municipalities located within or
16 substantially within the township or township's facility
17 planning area; or

18 (4) upon the filing with the township board of a
19 petition signed by 10% or more of the customers who have
20 paid connection charges to the township in the previous 5
21 calendar years.

22 The cost study shall be conducted by an independent entity
23 within 6 months of action taken under paragraphs (1), (2), (3),
24 or (4) of this subsection (d). If a cost study is requested
25 under paragraphs (1) or (2) of this subsection, then the
26 township shall order and pay for the cost study. If a cost

1 study is requested under paragraphs (3) or (4) of this
2 subsection, then the municipalities whose mayors or presidents
3 requested the cost study under paragraph (3), or the customers
4 who filed a petition under paragraph (4), shall choose the
5 independent entity to conduct the cost study, order the cost
6 study, and pay for the cost study. ~~For purposes of subsections~~
7 ~~(d) and (e), the term "independent entity" shall mean an~~
8 ~~engineering firm that has not entered into a contract with any~~
9 ~~State agency, unit of local government, or non governmental~~
10 ~~entity for goods or services within the township or township~~
11 ~~service area in the 24 months prior to being contracted to~~
12 ~~perform the cost study.~~ After performing a cost study under
13 this subsection (d), an independent entity may not contract
14 with any State agency, unit of local government, or
15 non-governmental entity for goods or services within the
16 township or township service area in the 24 months after
17 completion of the cost study other than to perform further cost
18 studies under this subsection (d). A township shall not be
19 required to conduct more than one cost study in a 60 month
20 period under paragraphs (3) or (4) of this subsection (d). The
21 cost study must include, at a minimum, an examination of
22 residential and commercial ~~similar water main and sewer~~
23 connection charges for the waterworks system or sewerage
24 system, whichever applies, in at least 30 units of local
25 government in Illinois with a similar number of customers as
26 are connected to the township's waterworks system and sewerage

1 ~~system in neighboring units of local government or units of~~
2 ~~local government similar in size or population.~~ Following the
3 completion of the cost study, no increase or new connection
4 charge may be imposed unless the increase or new charge is
5 justified by the cost study. If the connection charge the
6 township charged prior to completion of the cost study is
7 higher than is justified by the cost study, the township shall
8 reduce its connection charge to the amount justified by the
9 cost study. ~~For purposes of this subsection (d), "connection~~
10 ~~charge" means any charge or fee, by whatever name, assessed to~~
11 ~~recover the cost of connecting the customer's water main,~~
12 ~~sewer, or water main and sewer service line to the township's~~
13 ~~facilities, and includes only the direct and indirect costs of~~
14 ~~physically tying the service line into the township's main.~~

15 (e) (Blank). ~~If a cost study has been conducted pursuant to~~
16 ~~subsection (d) of this Section and a new cost study is~~
17 ~~requested under paragraph (3) or (4) of subsection (d), the~~
18 ~~township shall obtain a written quote from an independent~~
19 ~~entity detailing the cost of the requested cost study and one~~
20 ~~of the following shall occur prior to a new cost study~~
21 ~~beginning:~~

22 ~~(1) each township, village, and municipality whose~~
23 ~~mayor or president requested the cost study under paragraph~~
24 ~~(3) of subsection (d) shall pay a proportionate share of~~
25 ~~the entire cost of the cost study as detailed in the~~
26 ~~written quote required under this subsection (e); or~~

1 ~~(2) the customers who signed the petition under~~
2 ~~paragraph (4) of subsection (d) shall pay a pro rata share~~
3 ~~of the entire cost of the cost study as detailed in written~~
4 ~~quote required under this subsection (c).~~

5 ~~Payments required under either paragraph (1) or (2) of this~~
6 ~~subsection (c) shall be made to the township clerk, who shall~~
7 ~~forward the same to the independent entity upon receipt of~~
8 ~~entire amount of the written quote for the cost study. If the~~
9 ~~entire amount of the written quote for the cost study has not~~
10 ~~been received within 90 days from the township clerk providing~~
11 ~~public notice of the amount of the written quote, then those~~
12 ~~amounts received by the township clerk shall be refunded to the~~
13 ~~persons or entities which paid them.~~

14 (f) For purposes of this Section:

15 "Connection charge" means any nominal charge or fee, by
16 whatever name, assessed to recover the cost of connecting the
17 customer's water main, sewer, or water main and sewer service
18 line to the township's facilities, and includes only the direct
19 and indirect costs of physically tying the service line into
20 the township's main line in the adjoining utility easement.

21 "Independent entity" means an engineering firm that has not
22 entered into a contract with any State agency, unit of local
23 government, or non-governmental entity for goods or services
24 within the township or township service area in the 24 months
25 prior to being contracted to perform the cost study.

26 (Source: P.A. 99-481, eff. 9-22-15; 99-498, eff. 1-29-16.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.