



Sen. Dan Cronin

Filed: 4/26/2010

09600HB4708sam001

LRB096 16008 RLJ 40646 a

1 AMENDMENT TO HOUSE BILL 4708

2 AMENDMENT NO. _____. Amend House Bill 4708 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. If and only if Senate Bill 580 of the 96th
5 General Assembly becomes law, the Counties Code is amended by
6 changing Sections 5-43000, 5-43005, and 5-43030 as follows:

7 (55 ILCS 5/5-43000)

8 Sec. 5-43000. Purpose and findings. It is the purpose of
9 this Division 5-43 to merge and consolidate ~~county~~ water
10 commissions located in whole or in part in DuPage County and
11 created under the provisions of Division 135 of the Illinois
12 Municipal Code or the Water Commission Act of 1985 and to
13 transfer governance of those water commissions to the county
14 board of the primary county encompassing the municipality and
15 units of local government served by the county water
16 commission.

1 The General Assembly finds that numerous economic
2 challenges, unprecedented in scope and scale, confront the
3 State. The General Assembly also finds that the State has a
4 compelling interest in reducing the economic and
5 administrative inefficiencies resulting from multiple units of
6 local government conducting related public services. In
7 response to the realities of the current economic times, in an
8 effort to increase administrative efficiency, and in an effort
9 to reduce the multiplicity of units of local government
10 conducting related public services, this Division 5-43 is
11 intended to (i) preserve the separate and distinct public
12 service of a county water commission to assure the sufficient
13 and economic provision of a water distribution service within
14 those county-wide areas in need, (ii) assign, merge, and
15 consolidate governance and legislative authority assigned to
16 water commission boards to the county of primary location, and
17 (iii) maintain the independent power of municipalities to
18 provide for the retail distribution of water to their residents
19 and customers of their municipal waterworks systems.

20 The changes made by this amendatory Act of the 96th General
21 Assembly are intended to save costs by eliminating an
22 unnecessary additional level of government, make the
23 governance of the water distribution systems more responsive to
24 the electors and water users, serve more equitably the
25 municipalities receiving water, ensure the financial viability
26 of the water distribution systems, spread the costs of the

1 water distribution systems more equitably among the users,
2 ensure proper financial and operational oversight, and ensure
3 that government services are delivered in a transparent and
4 responsible manner.

5 It is not the intent of this amendatory Act of the 96th
6 General Assembly to change or permit the changing of any
7 financial covenants or obligations of a water commission
8 located in whole or in part in DuPage County and previously
9 established under Division 135 of the Illinois Municipal Code
10 or the Water Commission Act of 1985.

11 (Source: 09600SB0580eng.)

12 (55 ILCS 5/5-43005)

13 Sec. 5-43005. Consolidation and reassignment of authority.
14 Each county that is the primary county served by a water
15 commission located in whole or in part in DuPage County and
16 previously formed under Division 135 of the Illinois Municipal
17 Code or the Water Commission Act of 1985 is vested with all
18 powers vested in such water commissions whose authority is
19 abrogated under the provisions of this amendatory Act of the
20 96th General Assembly. On and after December 1, 2010, all
21 powers vested in such water commissioners or water commissions
22 with regard to the operation and maintenance of a county water
23 distribution system shall be exercised by the county of primary
24 service.

25 (Source: 09600SB0580eng.)

1 (55 ILCS 5/5-43030)

2 Sec. 5-43030. Water distribution and supply powers. On and
3 after December 1, 2010, all governance powers previously
4 delegated to a county water commission located in whole or in
5 part in DuPage County and formed under Division 135 of the
6 Illinois Municipal Code or the Water Commission Act of 1985 are
7 assigned to, transferred to, modified for, and consolidated in
8 the county board of the primary county served by the water
9 commission. As a result, the county shall have all powers,
10 functions, and taxing authority assigned to a water commission
11 located in whole or in part in DuPage County and formed under
12 Division 135 of the Illinois Municipal Code, as well as all
13 other powers, functions, and taxing authority assigned to a
14 water commission formed under the Water Commission Act of 1985,
15 and counties to which such water commission powers and
16 authorities have been reassigned may rely on Division 135 of
17 the Illinois Municipal Code and the Water Commission Act of
18 1985, as a delegation of additional State authority to act.

19 A county served by a water commission where governance and
20 legislative authority have been consolidated and transferred
21 to the county under this amendatory Act of the 96th General
22 Assembly, shall assume the assets, property, powers, rights,
23 and monetary indebtedness of the predecessor consolidated
24 water commission, including, but not limited to:

25 (1) Authority to maintain and continue to collect any

1 property tax levy or sales tax lawfully approved by the
2 predecessor consolidated water commission prior to the
3 effective date of this amendatory Act of the 96th General
4 Assembly.

5 (2) Authority to impose and receive those property
6 taxes and occupation and use taxes authorized in Sections
7 2, 4, and 5 of the Water Commission Act of 1985.

8 (3) Authority to assume the succeeding interest in the
9 Great Lakes water allocation assigned by the Illinois
10 Department of Natural Resources to the predecessor
11 consolidated water commission.

12 (4) Authority to exercise those powers delegated to
13 water commissions under Division 135 of the Illinois
14 Municipal Code or the Water Commission Act of 1985, within
15 the territory authorized by those Acts, notwithstanding
16 that some of the territory may lie outside of the county.

17 (Source: 09600SB0580eng.)

18 Section 10. If and only if Senate Bill 580 of the 96th
19 General Assembly becomes law, the Illinois Municipal Code is
20 amended by changing Sections 11-135-15 and 11-135-20 as
21 follows:

22 (65 ILCS 5/11-135-15)

23 Sec. 11-135-15. Purpose. It is the purpose of this
24 amendatory Act of the 96th General Assembly to abrogate the

1 powers of water commissions located in whole or in part in
2 DuPage County and created by this Act and to consolidate and
3 reassign those powers to the respective primary counties that
4 are served by those water commissions. The purposes and goals
5 of this amendatory Act of the 96th General Assembly are further
6 reflected and incorporated in Division 5-43 of the Counties
7 Code.

8 (Source: 09600SB0580eng.)

9 (65 ILCS 5/11-135-20)

10 Sec. 11-135-20. Consolidation and abrogation of power.
11 Notwithstanding any provision of law to the contrary, the
12 powers previously assigned to water commissions located in
13 whole or in part in DuPage County and created under this Act
14 and the Water Commission Act of 1985 are abrogated, reassigned,
15 and consolidated to the primary county serviced by such water
16 commission on December 10, 2010. The terms of abrogation,
17 reassignment, and consolidation are as set forth in Division
18 5-43 of the Counties Code.

19 (Source: 09600SB0580eng.)

20 Section 15. If and only if Senate Bill 580 of the 96th
21 General Assembly becomes law, the Water Commission Act of 1985
22 is amended by changing Sections 0.001 and 0.001a as follows:

23 (70 ILCS 3720/0.001)

1 Sec. 0.001. Purpose. It is the purpose of this amendatory
2 Act of the 96th General Assembly to abrogate the powers of
3 water commissions located in whole or in part in DuPage County
4 and created by this Act and to consolidate and reassign those
5 powers to the respective primary counties that are served by
6 those water commissions. The purposes and goals of this
7 amendatory Act of the 96th General Assembly are further
8 reflected and incorporated in Division 5-43 of the Counties
9 Code.

10 (Source: 09600SB0580eng.)

11 (70 ILCS 3720/0.001a)

12 Sec. 0.001a. Consolidation and abrogation of power.
13 Notwithstanding any provision of law to the contrary, the
14 powers previously assigned to water commissions located in
15 whole or in part in DuPage County and created under this Act
16 and Division 135 of the Illinois Municipal Code are abrogated,
17 reassigned, and consolidated to the primary county serviced by
18 such water commission on December 10, 2010. The terms of
19 abrogation, reassignment, and consolidation are as set forth in
20 Division 5-43 of the Counties Code.

21 (Source: 09600SB0580eng.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."