



Rep. Renée Kosel

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09600HB5485ham002

LRB096 16763 RLJ 39619 a

1 AMENDMENT TO HOUSE BILL 5485

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5485 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Section 11-139-12 as follows:

6 (65 ILCS 5/11-139-12) (from Ch. 24, par. 11-139-12)

7 Sec. 11-139-12. For the purpose of acquiring,  
8 constructing, extending, or improving any combined waterworks  
9 and sewerage system under this Division 139, or any property  
10 necessary or appropriate therefor, any municipality has the  
11 right of eminent domain, as provided by the Eminent Domain Act.

12 The fair cash market value of an existing waterworks and  
13 sewerage system, or portion thereof, acquired under this  
14 Division 139, which existing system is a special use property,  
15 may be determined by considering Section 15 of Article I of the  
16 Illinois Constitution, the Eminent Domain Act, and the Uniform

1 Standards of Professional Appraisal Practice and giving due  
2 consideration to the income, cost, and market approaches to  
3 valuation based on the type and character of the assets being  
4 acquired. In making the valuation determination, the  
5 historical and projected revenue attributable to the assets,  
6 the costs of the assets, and the condition and remaining useful  
7 life of the assets may be considered while giving due account  
8 to the special use nature of the property as used for water and  
9 sewerage purposes. ~~in accordance with the following valuation~~  
10 ~~principles.~~

11 Additionally, in determining the fair market value of  
12 existing utility facilities, whether real or personal,  
13 consideration may be given to the depreciated value of all  
14 facilities and fixtures constructed by the utility company and  
15 payments made by the utility company in connection with the  
16 acquisition or donation of any waterworks or sanitary sewage  
17 system.

18 ~~The fair cash market value of existing facilities, whether~~  
19 ~~real or personal, may be determined by utilizing the net~~  
20 ~~earnings which are attributable to the facilities in question~~  
21 ~~for the preceding fiscal year on the date the condemnation~~  
22 ~~petition is filed, over the remaining useful life of the~~  
23 ~~facilities. Said earnings may be capitalized under an annuity~~  
24 ~~capitalization method and discounted to present value. The fair~~  
25 ~~cash market value of any extensions, additions or improvements~~  
26 ~~of the existing system made subsequent to the date that the~~

1 ~~condemnation petition is filed may be determined by utilizing~~  
2 ~~the probable net earnings attributable to the facilities in~~  
3 ~~question over the remaining life of the facilities. The~~  
4 ~~probable earnings may be capitalized under an annuity~~  
5 ~~capitalization method and discounted to present value.~~

6 ~~The value of the land and easements upon which the~~  
7 ~~facilities are situated may be determined in accordance with~~  
8 ~~the foregoing principles, giving due account to the special use~~  
9 ~~of the property for water and sewerage purposes.~~

10 For the purposes of this Section no prior approval of the  
11 Illinois Commerce Commission, or any other body having  
12 jurisdiction over the existing system, shall be required.

13 (Source: P.A. 94-1055, eff. 1-1-07.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law."