



Sen. William R. Haine

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1 AMENDMENT TO SENATE BILL 337

2 AMENDMENT NO. _____. Amend Senate Bill 337 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Metro-East Sanitary District Act of 1974 is
5 amended by changing Sections 5-1 and 5-2 and by adding Section
6 2-11 as follows:

7 (70 ILCS 2905/2-11 new)

8 Sec. 2-11. Annexation. Notwithstanding any other provision
9 of law, the board of commissioners of a sanitary district may,
10 by ordinance, annex property within any unit of local
11 government, including a home rule unit, if the property is
12 contiguous to the corporate limits of the sanitary district and
13 served by the sanitary district. The ordinance must describe
14 the property to be annexed. A copy of the ordinance with an
15 accurate map of the annexed property, certified as correct by
16 either the clerk or the executive director of the district,

1 shall be filed with the county clerk of the county in which the
2 annexed property is located or the county clerk of the county
3 in which the predecessor district was organized. For the
4 purposes of this Act, property is served by a sanitary district
5 if (i) the property is served by any work or improvements of
6 the sanitary district either then existing or then authorized
7 by the sanitary district; or (ii) the property is within the
8 boundaries of any work or improvements of such sanitary
9 district including but not limited to levees, flood walls, and
10 embankments that protect or reduce the risk to the property
11 from overflow from any river, tributary stream, or
12 water-course. Upon annexation into the corporate limits of the
13 sanitary district under this Section, the property shall be
14 subject to the all powers and rights of the district and its
15 board of commissioners for all purposes, including but not
16 limited to taxation, and subject to all ordinances of the
17 district as though the property had been within the corporate
18 limits when the district was organized under this Act.

19 (70 ILCS 2905/5-1) (from Ch. 42, par. 505-1)

20 Sec. 5-1. Taxes; levy.

21 (a) The board may levy and collect taxes for corporate purposes
22 on taxable property within the corporate boundaries of the
23 district including property annexed pursuant to Section 2-11.

24 Such taxes shall be levied by ordinance specifying the purposes
25 for which the same are required, and a certified copy of such

1 ordinance shall be filed with the county clerk of the county in
2 which the predecessor district was organized, on or before the
3 second Tuesday in August, as provided in Section 122 of the
4 Revenue Act of 1939 (superseded by Section 14-10 of the
5 Property Tax Code). Any excess funds accumulated prior to
6 January 1, 2008 by the sanitary district that are collected by
7 levying taxes pursuant to 745 ILCS 10/9-107 may be expended by
8 the sanitary district to maintain, repair, improve, or
9 construct levees or any part of the levee system and to provide
10 capital moneys for levee or river-related scientific studies,
11 including the construction of facilities for such purposes. For
12 the purposes of this subsection (a), the excess funds withdrawn
13 from the Local Governmental and Governmental Employees Tort
14 Immunity Fund may not be more than 90% of the balance of that
15 fund on December 31, 2007. After the assessment for the current
16 year has been equalized by the Department of Revenue, the board
17 shall, as soon as may be, ascertain and certify to such county
18 clerk the total value of all taxable property lying within the
19 corporate limits of such districts in each of the counties in
20 which the district is situated, as the same is assessed and
21 equalized for tax purposes for the current year. The county
22 clerk shall ascertain the rate per cent which, upon the total
23 valuation of all such property, ascertained as above stated,
24 would produce a net amount not less than the amount so directed
25 to be levied; and the clerk shall, without delay, certify under
26 his signature and seal of office to the county clerk of such

1 other county, in which a portion of the district is situated
2 such rate per cent; and it shall be the duty of each of the
3 county clerks to extend such tax in a separate column upon the
4 books of the collector or collectors of the county taxes for
5 the counties, against all property in their respective
6 counties, within the limits of the district. All taxes so
7 levied and certified shall be collected and enforced in the
8 same manner, and by the same officers as county taxes, and
9 shall be paid over by the officers collecting the same, to the
10 treasurer of the sanitary district, in the manner and at the
11 time provided by the Property Tax Code. The aggregate amount of
12 taxes levied for any one year, exclusive of the amount levied
13 for the payment of bonded indebtedness and interest thereon,
14 shall not exceed the rate of .20%, or the rate limitation of
15 the predecessor district in effect on July 1, 1967, or the rate
16 limitation set by subsection (b) whichever is greater, of
17 value, as equalized or assessed by the Department of Revenue.
18 The foregoing limitations upon tax rates may be increased or
19 decreased under the referendum provisions of the Property Tax
20 Code.

21 (b) The tax rate limit of the district may be changed to
22 .478% of the value of property as equalized or assessed by the
23 Department of Revenue for a period of 5 years and to .312% of
24 such value thereafter upon the approval of the electors of the
25 district of such a proposition submitted at any regular
26 election pursuant to a resolution of the board of commissioners

1 or submitted at an election for officers of the counties of St.
 2 Clair and Madison in accordance with the general election law
 3 upon a petition signed by not fewer than 10% of the legal
 4 voters in the district, which percentage shall be determined on
 5 the basis of the number of votes cast at the last general
 6 election preceding the filing of such petition specifying the
 7 tax rate to be submitted. Such petition shall be filed with the
 8 executive director of the district not more than 10 months nor
 9 less than 5 months prior to the election at which the question
 10 is to be submitted to the voters of the district, and its
 11 validity shall be determined as provided by the general
 12 election law. The executive director shall certify the question
 13 to the proper election officials, who shall submit the question
 14 to the voters.

15 Notice shall be given in the manner provided by the general
 16 election law.

17 Referenda initiated under this subsection shall be subject
 18 to the provisions and limitations of the general election law.

19 The question shall be in substantially the following form:

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21 Shall the maximum tax rate
 22 for the Metro-East Sanitary
 23 District be established at YES
 24 .478% of the equalized assessed
 25 value for 5 years and then at .312% -----
 26 of the equalized assessed value

1 Sec. 5-2. Bonds. Subject to the referendum provided for in
2 Section 5-3, the board may borrow money for corporate purposes
3 on the credit of the corporation, and issue bonds therefor, in
4 such amounts and form, and on such conditions as it shall
5 prescribe, but shall not become indebted in any manner, or for
6 any purpose, to an amount, including existing indebtedness, in
7 the aggregate to exceed 5.75% of the value of the taxable
8 property, including property annexed pursuant to Section 2-11,
9 in said district, to be ascertained by the last assessment for
10 taxes previous to the incurring of such indebtedness or, until
11 January 1, 1983, if greater, the sum that is produced by
12 multiplying the district's 1978 equalized assessed valuation
13 by the debt limitation percentage in effect on January 1, 1979
14 ; and before or at the time of incurring any indebtedness,
15 shall provide for the collection of a direct annual tax
16 sufficient to pay the interest on such debt, as it falls due,
17 and also to pay and discharge the principal thereof, within 20
18 years after contracting the same.

19 The bonds shall be sold to the highest and best responsible
20 bidder therefor. Notice of the time and place bids will be
21 publicly opened shall be given by publication in a newspaper
22 having general circulation in the district, once each week for
23 3 successive weeks, the last publication to be at least one
24 week prior to the time specified in the notice for the opening
25 of bids.

26 (Source: P.A. 81-165.)".