



Sen. Terry Link

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10100HB2862sam001

LRB101 10300 AWJ 58823 a

1 AMENDMENT TO HOUSE BILL 2862

2 AMENDMENT NO. _____. Amend House Bill 2862 on page 1, line
3 5, by replacing "7.6 and 11" with "4, 7.6, 11, and 16"; and

4 on page 1, immediately below line 6, by inserting the
5 following:

6 "(70 ILCS 2305/4) (from Ch. 42, par. 280)

7 Sec. 4. Board of trustees; powers; compensation. The
8 trustees shall constitute a board of trustees for the district.
9 The board of trustees is the corporate authority of the
10 district, and shall exercise all the powers and manage and
11 control all the affairs and property of the district. The board
12 shall elect a president and vice-president from among their own
13 number. In case of the death, resignation, absence from the
14 state, or other disability of the president, the powers, duties
15 and emoluments of the office of the president shall devolve
16 upon the vice-president, until the disability is removed or

1 until a successor to the president is appointed and chosen in
2 the manner provided in this Act. The board may select a
3 secretary, treasurer, executive director, and attorney, and
4 may provide by ordinance for the employment of other employees
5 as the board may deem necessary for the municipality. The board
6 may appoint such other officers and hire such employees to
7 manage and control the operations of the district as it deems
8 necessary; provided, however, that the board shall not employ
9 an individual as a wastewater operator whose Certificate of
10 Technical Competency is suspended or revoked under rules
11 adopted by the Pollution Control Board under item (4) of
12 subsection (a) of Section 13 of the Environmental Protection
13 Act. All employees selected by the board shall hold their
14 respective offices during the pleasure of the board, and give
15 such bond as may be required by the board. The board may
16 prescribe the duties and fix the compensation of all the
17 officers and employees of the sanitary district. However, ~~the~~
18 ~~president of the board of trustees shall not receive more than~~
19 ~~\$10,000 per year and the other members of the board shall not~~
20 ~~receive more than \$7,000 per year. However, beginning with the~~
21 ~~commencement of the new term of each board member in 1993, the~~
22 ~~president shall not receive more than \$11,000 per year and each~~
23 ~~other member of the board shall not receive more than \$8,000~~
24 ~~per year. Beginning with the commencement of the first new term~~
25 ~~after the effective date of this amendatory Act of the 95th~~
26 ~~General Assembly,~~ the president of the board shall not receive

1 more than \$18,000 ~~\$14,000~~ per year, and each other member of
2 the board shall not receive more than \$15,000 ~~\$11,000~~ per year.
3 The board of trustees has full power to pass all necessary
4 ordinances, rules and regulations for the proper management and
5 conduct of the business of the board and of the corporation,
6 and for carrying into effect the objects for which the sanitary
7 district was formed. The ordinances may provide for a fine for
8 each offense of not less than \$100 or more than \$1,000. Each
9 day's continuance of a violation shall be a separate offense.
10 Fines under this Section are recoverable by the sanitary
11 district in a civil action. The sanitary district is authorized
12 to apply to the circuit court for injunctive relief or mandamus
13 when, in the opinion of the chief administrative officer, the
14 relief is necessary to protect the sewerage system of the
15 sanitary district.

16 The board of trustees shall have the authority to change
17 the name of the District, by ordinance, to the North Shore
18 Water Reclamation District. Any such name change shall not
19 impair the legal status of any act by the sanitary district. If
20 an ordinance is passed pursuant to this paragraph, all
21 provisions of this Act shall apply to the newly renamed
22 district. No rights, duties, or privilege of such sanitary
23 district or of any person existing before the change of name
24 shall be affected by the change in the name of the sanitary
25 district. All proceedings pending in any court relating to such
26 sanitary district may continue to final consummation under the

1 name in which they were commenced.

2 (Source: P.A. 98-162, eff. 8-2-13; 99-669, eff. 7-29-16.)"; and

3 on page 1, line 13, by replacing "fees owed at the time of a
4 property's sale" with "fee or connection-related fee"; and

5 on page 2, line 11, after the period, by inserting "The payment
6 of connection fees or connection-related fees by the user or
7 any other interested party is a condition for the continued
8 connection of the real property or any structure thereon. The
9 sanitary district shall have the authority to terminate all
10 connections and service to any real property or structure
11 thereon if any connection fee or connection-related fee is not
12 paid within 60 days from the date such payment is due by the
13 user or any other party that has an interest or subsequently
14 acquires an interest in the property."; and

15 on page 2, lines 14 and 15, by replacing "fees owed at the time
16 of a property's sale" with "fee or connection-related fee"; and

17 on page 9, immediately below line 21, by inserting the
18 following:

19 "(70 ILCS 2305/16) (from Ch. 42, par. 292)

20 Sec. 16. Entering other property for improvements;
21 emergency improvements.

1 (a) When, in making any improvements which any district is
2 authorized by this act to make, it shall be necessary to enter
3 upon and take possession of any existing drains, sewers, sewer
4 outlets, plants for the purification of sewage or water, or any
5 other public property, or property held for public use, the
6 board of trustees of such district shall have the power so to
7 do and may acquire the necessary right of way over any other
8 property held for public use in the same manner as is herein
9 provided for acquiring private property, and may enter upon,
10 and use the same for the purposes aforesaid: Provided, the
11 public use thereof shall not be unnecessarily interrupted or
12 interfered with, and that the same shall be restored to its
13 former usefulness as soon as practicable.

14 (b) If a board of trustees determines there is an emergency
15 affecting the public health or safety and the emergency
16 requires approval from the governing authority of any public
17 property, public or private utility, or railroad for permission
18 to enter upon the property, right-of-way, or easement and if
19 the approval is not acted upon within 48 hours from the time
20 the sanitary district's request is served on the entity, then
21 the request for entry is deemed granted. If the sanitary
22 district is to perform work within 50 feet of railroad
23 right-of-way for work that does not require entry onto the
24 railroad right-of-way and requires approval from the railroad
25 to satisfy a requirement imposed upon the sanitary district or
26 its contractors or subcontractors in order to obtain a policy

1 or endorsement for special railroad protective liability
2 insurance, then the approval is deemed granted if the request
3 is not acted upon within 48 hours from the time that the
4 request was served. A request is served when submitted in
5 accordance with a method established by a receiving entity for
6 such requests or may be made by sending the request by United
7 States Postal Service, by certified mail or by overnight or
8 express mail which provides tracking and acknowledgment of
9 delivery, or by private carrier providing tracking and
10 acknowledgment of delivery. A sworn statement executed by the
11 executive director stating that the requirements of this
12 paragraph have been satisfied and that the entity has failed to
13 act after service of a request shall be sufficient evidence
14 that the request has been deemed approved due to the entity's
15 failure to act as required by law.

16 Railroads may not charge the sanitary district any fee or
17 charge if the work does not require actual entry upon the
18 railroad's property. If access onto the entity's property is
19 required, any fee charged shall be reasonable and shall be
20 solely related to the cost incurred by the entity to review the
21 work to be performed by the sanitary district and to implement
22 required safety provisions.

23 (Source: Laws 1911, p. 299.)".