



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2964

Introduced 2/4/2020, by Sen. Steven M. Landek

#### SYNOPSIS AS INTRODUCED:

70 ILCS 2305/16  
70 ILCS 2405/16

from Ch. 42, par. 292  
from Ch. 42, par. 315

Amends the North Shore Water Reclamation District Act and the Sanitary District Act of 1917. Provides that if a sanitary district, by a two-thirds affirmative vote of its board of trustees, determines an emergency affecting the public health, safety, or welfare of its service area residents exists, the sanitary district, for the sole purpose of addressing the public health emergency, shall immediately acquire the necessary right-of-way and authority to work within or adjacent to a public highway right-of-way or easement, public or private utility property, railroad right-of-way, or other public property or easement. Provides that, if access onto property of an entity or governmental unit is required to address an emergency, only reasonable fees solely related to the cost incurred by the entity or governmental unit to review work performed and implement required safety measures may be charged to the sanitary district. Effective immediately.

LRB101 16426 AWJ 65805 b

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 North Shore Water Reclamation District Act  
5 is amended by changing Section 16 as follows:

6 (70 ILCS 2305/16) (from Ch. 42, par. 292)

7 Sec. 16. Entering other property for improvements;  
8 emergency improvements.

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

22 (b) If a sanitary district, by a two-thirds affirmative  
23 vote of its board of trustees, determines an emergency

1 affecting the public health, safety, or welfare of its service  
2 area residents exists, the sanitary district, for the sole  
3 purpose of addressing the public health emergency, shall  
4 immediately acquire the necessary right-of-way and authority  
5 to work within or adjacent to a public highway right-of-way or  
6 easement, public or private utility property, railroad  
7 right-of-way, or other public property or easement. If access  
8 onto property of an entity or governmental unit is required to  
9 address an emergency, only reasonable fees solely related to  
10 the cost incurred by the entity or governmental unit to review  
11 work performed and implement required safety measures may be  
12 charged to the sanitary district.

13 Nothing in this subsection waives emergency notice  
14 provisions under Section 2.02 of the Open Meetings Act before a  
15 sanitary district convenes to determine if an emergency  
16 situation exists.

17 (Source: Laws 1911, p. 299.)

18 Section 10. The Sanitary District Act of 1917 is amended by  
19 changing Section 16 as follows:

20 (70 ILCS 2405/16) (from Ch. 42, par. 315)

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

23 (a) When, in making any improvements which any district is  
24 authorized by this Act to make, it shall be necessary to enter

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

12 (b) If a sanitary district, by a two-thirds affirmative  
13 vote of its board of trustees, determines an emergency  
14 affecting the public health, safety, or welfare of its service  
15 area residents exists, the sanitary district, for the sole  
16 purpose of addressing the public health emergency, shall  
17 immediately acquire the necessary right-of-way and authority  
18 to work within or adjacent to a public highway right-of-way or  
19 easement, public or private utility property, railroad  
20 right-of-way, or other public property or easement. If access  
21 onto property of an entity or governmental unit is required to  
22 address an emergency, only reasonable fees solely related to  
23 the cost incurred by the entity or governmental unit to review  
24 work performed and implement required safety measures may be  
25 charged to the sanitary district.

26 Nothing in this subsection waives emergency notice

1 provisions under Section 2.02 of the Open Meetings Act before a  
2 sanitary district convenes to determine if an emergency  
3 situation exists.

4 (Source: Laws 1917, p. 396.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.