

HB0831



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0831

Introduced 2/2/2005, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

70 ILCS 2605/9e new

Amends the Metropolitan Water Reclamation District Act. Authorizes the creation and use of a Stormwater Working Cash Fund. Effective immediately.

LRB094 06152 EFG 36217 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning the Metropolitan Water Reclamation
2 District.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 5. The Metropolitan Water Reclamation District Act
6 is amended by adding Section 9e as follows:

7 (70 ILCS 2605/9e new)

8 Sec. 9e. Stormwater working cash fund. The corporate
9 authorities of any such sanitary district may by ordinance
10 establish a fund to be known as the "stormwater working cash
11 fund", which shall be maintained and administered in the manner
12 provided by this Act for the purpose of enabling the corporate
13 authorities to have in the treasury at all times sufficient
14 money to meet demands for ordinary and necessary expenditures
15 for stormwater management purposes as defined in Section 7h of
16 this Act.

17 To create the stormwater working cash fund, the corporate
18 authorities may transfer funds allowed to be transferred under
19 this Act into the stormwater working cash fund, in an amount
20 not to exceed 100% of the amount produced by multiplying the
21 maximum tax rate permitted under this Act for stormwater
22 purposes by the last known assessed valuation of all taxable
23 property within the territorial boundaries of the sanitary
24 district, as equalized and determined for State and local
25 taxes. All such moneys, when received by the treasurer of the
26 district, shall be set apart in the stormwater working cash
27 fund.

28 The moneys in the stormwater working cash fund shall not be
29 regarded as current assets available for appropriation and
30 shall not be appropriated by the corporate authorities in the
31 annual sanitary district budget.

32 In order to provide moneys with which to meet ordinary and

1 necessary disbursements for salaries and other stormwater
2 purposes, moneys in the stormwater working cash fund may be
3 transferred, in whole or in part, to the stormwater fund of the
4 sanitary district and so disbursed therefrom in anticipation of
5 the collection of any taxes lawfully levied for stormwater
6 purposes. Moneys shall be transferred from the stormwater
7 working cash fund to the stormwater fund only upon the
8 authority of the corporate authorities, which shall by
9 resolution direct the treasurer of the sanitary district to
10 make transfers. The resolution shall set forth (1) the entire
11 amount of real estate taxes extended or estimated to be
12 extended from which the stormwater working cash fund will be
13 reimbursed, and (2) the aggregate amount of moneys theretofore
14 transferred from the stormwater working cash fund to the
15 stormwater fund in anticipation of the collection of such
16 taxes. The amount that the resolution directs the treasurer of
17 the sanitary district to transfer in anticipation of the
18 collection of taxes levied, when added to the aggregate amount
19 of any such transfers theretofore made, shall not exceed the
20 aggregate of 100% of the actual or estimated amount of such
21 taxes extended or to be extended.

22 Upon the receipt by the treasurer of the sanitary district
23 of any taxes in anticipation of the collection of which moneys
24 of the stormwater working cash fund have been so transferred
25 for disbursement, that fund shall immediately be reimbursed
26 from those taxes until the full amount so transferred has been
27 retransferred to the fund. If the taxes in anticipation of the
28 collection of which such a transfer was made are not collected
29 in sufficient amounts to effect a complete reimbursement of the
30 stormwater working cash fund within the second budget year
31 following the year in which the transfer was made, the
32 deficiencies between the amounts so transferred and the amounts
33 repaid shall be general obligations of the stormwater fund
34 until repaid from taxes in anticipation of which such transfers
35 were made or from appropriations which may be made in annual
36 sanitary district budgets of sums of money to apply on such

1 general obligations.

2 Any member of the board of commissioners of the sanitary
3 district, any officer thereof, and any other person holding any
4 other position of trust or employment under that board who is
5 guilty of the willful violation of any of the provisions of
6 this Section commits a business offense and shall be fined an
7 amount not exceeding \$10,000 and shall forfeit the right to his
8 or her office, trust, or employment and be removed therefrom.
9 Any such member, officer, or person shall be liable for any sum
10 that he or she may cause to be unlawfully diverted from the
11 stormwater working cash fund or otherwise improperly used, to
12 be recovered by the corporate authorities of the sanitary
13 district or by any taxpayer in the name and for the benefit of
14 the board of commissioners in an appropriate civil action. A
15 taxpayer so suing shall file a bond for, and shall be liable
16 for, all costs taxed against the board of commissioners in the
17 suit. Nothing herein shall bar any other remedies.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.