



Sen. Pamela J. Althoff

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LRB099 19395 AWJ 48624 a

1 AMENDMENT TO HOUSE BILL 5711

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5711 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 adding Section 11-150-2 as follows:

6 (65 ILCS 5/11-150-2 new)

7 Sec. 11-150-2. Billing for services.

8 (a) On or after the effective date of this amendatory Act  
9 of the 99th General Assembly, the corporate authorities of any  
10 municipality operating a waterworks or combined waterworks and  
11 sewerage system:

12 (1) shall bill for any utility service, including  
13 previously unbilled service: (A) within 12 months after the  
14 provision of that service to the customer if the service is  
15 supplied to a residential customer; or (B) within 24 months  
16 after the provision of that service to that customer if the

1 service is supplied to a non-residential customer;

2 (2) shall not intentionally delay billing beyond the  
3 normal billing cycle;

4 (3) shall label any amount attributed to previously  
5 unbilled service as such on the customer's bill and include  
6 the beginning and ending dates for the period during which  
7 the previously unbilled amount accrued;

8 (4) shall issue the makeup billing amount calculated on  
9 a prorated basis to reflect the varying rates for  
10 previously unbilled service accrued over a period of time  
11 when the rates for service have varied; and

12 (5) shall provide the customer with the option of a  
13 payment arrangement to retire the makeup bill for  
14 previously unbilled service by periodic payments, without  
15 interest or late fees, over a time equal to the amount of  
16 time the billing was delayed.

17 (b) The time limit of paragraph (1) of subsection (a) shall  
18 not apply to previously unbilled service attributed to  
19 tampering, theft of service, fraud, or the customer preventing  
20 the utility's recorded efforts to obtain an accurate reading of  
21 the meter.

22 Section 10. The Public Water District Act is amended by  
23 adding Section 7.4 as follows:

24 (70 ILCS 3705/7.4 new)

1       Sec. 7.4. Billing for services.

2       (a) On or after the effective date of this amendatory Act  
3 of the 99th General Assembly, a public water district:

4           (1) shall bill for any utility service, including  
5 previously unbilled service: (A) within 12 months after the  
6 provision of that service to the customer if the service is  
7 supplied to a residential customer; or (B) within 24 months  
8 after the provision of that service to that customer if the  
9 service is supplied to a non-residential customer;

10          (2) shall not intentionally delay billing beyond the  
11 normal billing cycle;

12          (3) shall label any amount attributed to previously  
13 unbilled service as such on the customer's bill and include  
14 the beginning and ending dates for the period during which  
15 the previously unbilled amount accrued;

16          (4) shall issue the makeup billing amount calculated on  
17 a prorated basis to reflect the varying rates for  
18 previously unbilled service accrued over a period of time  
19 when the rates for service have varied; and

20          (5) shall provide the customer with the option of a  
21 payment arrangement to retire the makeup bill for  
22 previously unbilled service by periodic payments, without  
23 interest or late fees, over a time equal to the amount of  
24 time the billing was delayed.

25       (b) The time limit of paragraph (1) of subsection (a) shall  
26 not apply to previously unbilled service attributed to

1 tampering, theft of service, fraud, or the customer preventing  
2 the utility's recorded efforts to obtain an accurate reading of  
3 the meter.

4 Section 15. The Water Service District Act is amended by  
5 adding Section 5.3 as follows:

6 (70 ILCS 3710/5.3 new)

7 Sec. 5.3. Billing for services.

8 (a) On or after the effective date of this amendatory Act  
9 of the 99th General Assembly, a water service district:

10 (1) shall bill for any utility service, including  
11 previously unbilled service: (A) within 12 months after the  
12 provision of that service to the customer if the service is  
13 supplied to a residential customer; or (B) within 24 months  
14 after the provision of that service to that customer if the  
15 service is supplied to a non-residential customer;

16 (2) shall not intentionally delay billing beyond the  
17 normal billing cycle;

18 (3) shall label any amount attributed to previously  
19 unbilled service as such on the customer's bill and include  
20 the beginning and ending dates for the period during which  
21 the previously unbilled amount accrued;

22 (4) shall issue the makeup billing amount calculated on  
23 a prorated basis to reflect the varying rates for  
24 previously unbilled service accrued over a period of time

1           when the rates for service have varied; and

2           (5) shall provide the customer with the option of a  
3           payment arrangement to retire the makeup bill for  
4           previously unbilled service by periodic payments, without  
5           interest or late fees, over a time equal to the amount of  
6           time the billing was delayed.

7           (b) The time limit of paragraph (1) of subsection (a) shall  
8           not apply to previously unbilled service attributed to  
9           tampering, theft of service, fraud, or the customer preventing  
10           the utility's recorded efforts to obtain an accurate reading of  
11           the meter.

12           Section 20. The Water Authorities Act is amended by  
13           changing Section 6 as follows:

14           (70 ILCS 3715/6) (from Ch. 111 2/3, par. 228)

15           Sec. 6. Such board of trustees shall have the following  
16           powers:

17           1. To make inspections of wells or other withdrawal  
18           facilities and to require information and data from the owners  
19           or operators thereof concerning the supply, withdrawal and use  
20           of water.

21           2. To require the registration with them of all wells or  
22           other withdrawal facilities in accordance with such form or  
23           forms as they deem advisable.

24           3. To require permits from them for all additional wells or

1 withdrawal facilities or for the deepening, extending or  
2 enlarging existing wells or withdrawal facilities.

3 4. To require the plugging of abandoned wells or the repair  
4 of any well or withdrawal facility to prevent loss of water or  
5 contamination of supply.

6 5. To reasonably regulate the use of water and during any  
7 period of actual or threatened shortage to establish limits  
8 upon or priorities as to the use of water. In issuing any such  
9 regulation, limitation, or priority, such board shall seek to  
10 promote the common welfare by considering the public interest,  
11 the average amount of present withdrawals, relative benefits or  
12 importance of use, economy or efficiency of use and any other  
13 reasonable differentiation. Appropriate consideration shall  
14 also be given to any user, who has theretofore reduced the  
15 volume of ground water previously consumed by such user or who  
16 has taken care of increased requirements by installing and  
17 using equipment and facilities permitting the use of surface  
18 water by such user.

19 6. To supplement the existing water supply or provide  
20 additional water supply by such means as may be practicable or  
21 feasible. They may acquire property or property rights either  
22 within or without the boundaries of the authority by purchase,  
23 lease, condemnation proceedings or otherwise, and they may  
24 construct, maintain and operate wells, reservoirs, pumping  
25 stations, purification plants, infiltration pits, recharging  
26 wells and such other facilities as may be necessary to insure

1 an adequate supply of water for the present and future needs of  
2 the authority. They shall have the right to sell water to  
3 municipalities or public utilities operating water  
4 distribution systems either within or without the authority.

5 7. To levy and collect a general tax on all of the taxable  
6 property within the corporate limits of the authority, the  
7 aggregate amount of which for one year, exclusive of the amount  
8 levied for bonded indebtedness or interest thereon, shall not  
9 exceed .08 per cent of the value as equalized or assessed by  
10 the Department of Revenue. For the purpose of acquiring  
11 necessary property or facilities, to issue general obligation  
12 bonds bearing interest at the rate of not to exceed the maximum  
13 rate authorized by the Bond Authorization Act, as amended at  
14 the time of the making of the contract, and payable over a  
15 period of not to exceed 20 years, the aggregate principal  
16 amount of which at any one time outstanding shall not exceed  
17 one-half of 1% of the value as equalized or assessed by the  
18 Department of Revenue of all taxable property located within  
19 the corporate limits of the authority and to levy and collect a  
20 further or additional direct annual tax upon all the taxable  
21 property within the corporate limits of such authority  
22 sufficient to meet the principal and interest of such bonds as  
23 the same mature. They shall also have authority to issue  
24 revenue bonds payable solely out of anticipated revenues.

25 8. To consult with and receive available information  
26 concerning their duties and responsibilities from the State

1 Water Survey, the State Geological Survey, the Board of Natural  
2 Resources and Conservation, the Water Resources and Flood  
3 Control Board and any other board or commission of the State.  
4 Before constructing any facility for providing additional  
5 water supply, the plans therefor shall be submitted to and  
6 approved by the Environmental Protection Agency or its  
7 successor and all operations of such facilities shall be  
8 conducted in accordance with such rules and regulations as may  
9 from time to time be prescribed by the Pollution Control Board.

10 9. To have the right by appropriate action in the circuit  
11 court of any county in which such authority, or any part  
12 thereof, is located to restrain any violation or threatened  
13 violation of any of their orders, rules, regulations or  
14 ordinances.

15 10. To provide by ordinance that the violation of any  
16 provision of any rule, regulation or ordinance adopted by them  
17 shall constitute a misdemeanor subject to a fine by the circuit  
18 court of not to exceed \$50 for each act of violation and that  
19 each day's violation shall constitute a separate offense.

20 11. On or after the effective date of this amendatory Act  
21 of the 99th General Assembly, to bill for any utility service,  
22 including previously unbilled service, supplied to a  
23 residential customer within 12 months, or a non-residential  
24 customer within 24 months, after the provision of that service  
25 to the customer. The time limit of this paragraph shall not  
26 apply to previously unbilled service attributed to tampering,

1 theft of service, fraud, or the customer preventing the  
2 utility's recorded efforts to obtain an accurate reading of the  
3 meter. The trustees shall: (i) label any amount attributed to  
4 previously unbilled service as such on the customer's bill and  
5 include the beginning and ending dates for the period during  
6 which the previously unbilled amount accrued; (ii) issue the  
7 makeup billing amount calculated on a prorated basis to reflect  
8 the varying rates for previously unbilled service accrued over  
9 a period of time when the rates for service have varied; and  
10 (iii) provide the customer with the option of a payment  
11 arrangement to retire the makeup bill for previously unbilled  
12 service by periodic payments, without interest or late fees,  
13 over a time equal to the amount of time the billing was  
14 delayed. The trustees shall not intentionally delay billing  
15 beyond the normal bill cycle.

16 With respect to instruments for the payment of money issued  
17 under this Section either before, on, or after the effective  
18 date of this amendatory Act of 1989, it is and always has been  
19 the intention of the General Assembly (i) that the Omnibus Bond  
20 Acts are and always have been supplementary grants of power to  
21 issue instruments in accordance with the Omnibus Bond Acts,  
22 regardless of any provision of this Act that may appear to be  
23 or to have been more restrictive than those Acts, (ii) that the  
24 provisions of this Section are not a limitation on the  
25 supplementary authority granted by the Omnibus Bond Acts, and  
26 (iii) that instruments issued under this Section within the

1 supplementary authority granted by the Omnibus Bond Acts are  
2 not invalid because of any provision of this Act that may  
3 appear to be or to have been more restrictive than those Acts.

4 (Source: P.A. 86-4.)

5 Section 25. The Water Commission Act of 1985 is amended by  
6 changing Section 0.001b as follows:

7 (70 ILCS 3720/0.001b)

8 Sec. 0.001b. Powers and duties. A water commission has the  
9 power and duty to:

10 (1) establish and define the responsibilities of the  
11 commission and its committees;

12 (2) establish and define the responsibilities of the  
13 commission's management and staff;

14 (3) establish a finance committee to conduct monthly  
15 meetings to supervise staff's handling of financial  
16 matters and budgeting;

17 (4) require the finance director and treasurer to  
18 report to the finance committee the status of all  
19 commission funds and obligations;

20 (5) require the treasurer to report to the commission  
21 any improper or unnecessary expenditures, budgetary  
22 errors, or accounting irregularities;

23 (6) require commission staff to document and comply  
24 with standard accounting policies, procedures, and

1 controls to ensure accurate reporting to the finance  
2 committee and commission and to identify improper or  
3 unnecessary expenditures, budgetary errors, or accounting  
4 irregularities;

5 (7) require the commission's finance director to  
6 provide monthly reports regarding the commission's cash  
7 and investment position including whether the commission  
8 has sufficient cash and investments to pay its debt  
9 service, operating expenses, and capital expenditures and  
10 maintain required reserve levels. The information shall  
11 include the required funding levels for restricted funds  
12 and unrestricted cash and investment balances with  
13 comparisons to unrestricted reserves. The information  
14 shall also include the type and performance of the  
15 commission's investments and description as to whether  
16 those investments are in compliance with the commission's  
17 investment policies;

18 (8) require the commission's finance director to  
19 provide the commission with detailed information  
20 concerning the commission's operating performance  
21 including the budgeted and actual monthly amounts for water  
22 sales, water costs, and other operating expenses;

23 (9) require commission staff to provide the commission  
24 with detailed information regarding the progress of  
25 capital projects including whether the percentage of  
26 completion and costs incurred are timely;

1           (10) require the commission's staff accountant to  
2 perform bank reconciliations and general ledger account  
3 reconciliations on a monthly basis; the finance director  
4 shall review these reconciliations and provide them to the  
5 treasurer and the finance committee on a monthly basis;

6           (11) establish policies to ensure the proper  
7 segregation of the financial duties performed by  
8 employees;

9           (12) restrict access to the established accounting  
10 systems and general ledger systems and provide for adequate  
11 segregation of duties so that no single person has sole  
12 access and control over the accounting system or the  
13 general ledger system;

14           (13) require that the finance director review and  
15 approve all manual journal entries and supporting  
16 documentation; the treasurer shall review and approve the  
17 finance director's review and approval of manual journal  
18 entries and supporting documentation;

19           (14) require that the finance director closely monitor  
20 the progress of construction projects;

21           (15) require that the finance director carefully  
22 document any GAAP analysis or communications with GASB and  
23 provide full and timely reports for the same to the finance  
24 committee; ~~and~~

25           (16) retain an outside independent auditor to perform a  
26 comprehensive audit of the water commission's financial

1 activities for each fiscal year in conformance with the  
2 standard practices of the Association of Governmental  
3 Auditors; within 30 days after the independent audit is  
4 completed, the results of the audit must be sent to the  
5 county auditor; and.

6 (17) on or after the effective date of this amendatory  
7 Act of the 99th General Assembly, bill for any utility  
8 service, including previously unbilled service, supplied  
9 to a residential customer within 12 months, or a  
10 non-residential customer within 24 months, after the  
11 provision of that service to the customer. The time limit  
12 of this paragraph shall not apply to previously unbilled  
13 service attributed to tampering, theft of service, fraud,  
14 or the customer preventing the utility's recorded efforts  
15 to obtain an accurate reading of the meter. The commission  
16 shall: (i) label any amount attributed to previously  
17 unbilled service as such on the customer's bill and include  
18 the beginning and ending dates for the period during which  
19 the previously unbilled amount accrued; (ii) issue the  
20 makeup billing amount calculated on a prorated basis to  
21 reflect the varying rates for previously unbilled service  
22 accrued over a period of time when the rates for service  
23 have varied; and (iii) provide the customer with the option  
24 of a payment arrangement to retire the makeup bill for  
25 previously unbilled service by periodic payments, without  
26 interest or late fees, over a time equal to the amount of

1       time the billing was delayed. The commission shall not  
2       intentionally delay billing beyond the normal bill cycle.

3       (Source: P.A. 96-1389, eff. 7-29-10.)

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