



Rep. Jay Hoffman

Filed: 10/19/2015

09900SB0377ham001

LRB099 03137 AWJ 39041 a

1 AMENDMENT TO SENATE BILL 377

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 377 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Township Code is amended by changing  
5 Section 205-140 as follows:

6 (60 ILCS 1/205-140)

7 Sec. 205-140. Initiating proceedings for particular  
8 locality; rates and charges; lien.

9 (a) A township board may initiate proceedings under  
10 Sections 205-130 through 205-150 in the manner provided by  
11 Section 205-20.

12 (b) The township board may establish the rate or charge to  
13 each user of the waterworks system or sewerage system, or  
14 combined waterworks and sewerage system, or improvement or  
15 extension at a rate that will be sufficient to pay the  
16 principal and interest of any bonds issued to pay the cost of

1 the system, improvement, or extension and the maintenance and  
2 operation of the system, improvement, or extension and may  
3 provide an adequate depreciation fund for the bonds. Charges or  
4 rates shall be established, revised, and maintained by  
5 ordinance and become payable as the township board determines  
6 by ordinance.

7 (c) The charges or rates are liens upon the real estate  
8 upon or for which sewerage service is supplied whenever the  
9 charges or rates become delinquent as provided by the ordinance  
10 of the board fixing a delinquency date.

11 (d) Notwithstanding any provision of law to the contrary,  
12 the township shall conduct a cost study regarding the  
13 connection charge of the township:

14 (1) before the township increases or creates a  
15 connection charge;

16 (2) upon the request of the supervisor or a majority of  
17 the township board of the township;

18 (3) upon the request of a majority of the mayors or  
19 village presidents of the municipalities located within or  
20 substantially within the township or township's facility  
21 planning area; or

22 (4) upon the filing with the township board of a  
23 petition signed by 10% or more of the customers who have  
24 paid connection charges to the township in the previous 5  
25 calendar years.

26 The cost study shall be conducted by an independent entity

1 within 6 months of action taken under paragraphs (1), (2), (3),  
2 or (4) of this subsection (d). For purposes of subsections ~~this~~  
3 ~~subsection~~ (d) and (e), the term "independent entity" shall  
4 mean an engineering firm that has not entered into a contract  
5 with any State agency, unit of local government, or  
6 non-governmental entity for goods or services within the  
7 township or township service area in the 24 months prior to  
8 being contracted to perform the cost study. After performing a  
9 cost study under this subsection (d), an independent entity may  
10 not contract with any State agency, unit of local government,  
11 or non-governmental entity for goods or services within the  
12 township or township service area in the 24 months after  
13 completion of the cost study other than to perform further cost  
14 studies under this subsection (d). A township shall not be  
15 required to conduct more than one cost study in a 60 ~~24~~ month  
16 period under paragraphs ~~(1), (2),~~ (3) ~~or~~ (4) of this  
17 subsection (d). The cost study must include, at a minimum, an  
18 examination of similar water main and sewer connection charges  
19 in neighboring units of local government or units of local  
20 government similar in size or population. Following the  
21 completion of the cost study, no increase or new connection  
22 charge may be imposed unless the increase or new charge is  
23 justified by the cost study. If the connection charge the  
24 township charged prior to completion of the cost study is  
25 higher than is justified by the cost study, the township shall  
26 reduce its connection charge to the amount justified by the

1 cost study. For purposes of this subsection (d), "connection  
2 charge" means any charge or fee, by whatever name, assessed to  
3 recover the cost of connecting the customer's water main,  
4 sewer, or water main and sewer service line to the township's  
5 facilities, and includes only the direct and indirect costs of  
6 physically tying the service line into the township's main.

7 (e) If a cost study has been conducted pursuant to  
8 subsection (d) of this Section and a new cost study is  
9 requested under paragraph (3) or (4) of subsection (d), the  
10 township shall obtain a written quote from an independent  
11 entity detailing the cost of the requested cost study and one  
12 of the following shall occur prior to a new cost study  
13 beginning:

14 (1) each township, village, and municipality whose  
15 mayor or president requested the cost study under paragraph  
16 (3) of subsection (d) shall pay a proportionate share of  
17 the entire cost of the cost study as detailed in the  
18 written quote required under this subsection (e); or

19 (2) the customers who signed the petition under  
20 paragraph (4) of subsection (d) shall pay a pro rata share  
21 of the entire cost of the cost study as detailed in written  
22 quote required under this subsection (e).

23 Payments required under either paragraph (1) or (2) of this  
24 subsection (e) shall be made to the township clerk, who shall  
25 forward the same to the independent entity upon receipt of  
26 entire amount of the written quote for the cost study. If the

1 entire amount of the written quote for the cost study has not  
2 been received within 90 days from the township clerk providing  
3 public note of the amount of the written quote, then those  
4 amounts received by the township clerk shall be refunded to the  
5 persons or entities which paid them.

6 (Source: P.A. 99-481, eff. 9-22-15.)

7 Section 99. Effective date. This Act takes effect January  
8 1, 2016."