

1 AN ACT concerning safety.

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

4 Section 5. The Illinois Municipal Code is amended by adding
5 Division 150.1 to Article 11 as follows:

6 (65 ILCS 5/Art. 11 Div. 150.1 heading new)

7 DIVISION 150.1. LEAD HAZARD COST RECOVERY FEE

8 (65 ILCS 5/11-150.1-1 new)

9 Sec. 11-150.1-1. Lead hazard cost recovery fee. The
10 corporate authorities of any municipality that operates a
11 waterworks system and that incurs reasonable costs to comply
12 with Section 35.5 of the Illinois Plumbing License Law shall
13 have the authority, by ordinance, to collect a fair and
14 reasonable fee from users of the system in order to recover
15 those reasonable costs. Fees collected pursuant to this Section
16 shall be used exclusively for the purpose of complying with
17 Section 35.5 of the Illinois Plumbing License Law.

18 Section 10. The School Code is amended by changing Sections
19 17-2.11 and 17-2A as follows:

20 (105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

1 Sec. 17-2.11. School board power to levy a tax or to borrow
2 money and issue bonds for fire prevention, safety, energy
3 conservation, accessibility, school security, and specified
4 repair purposes.

5 (a) Whenever, as a result of any lawful order of any
6 agency, other than a school board, having authority to enforce
7 any school building code applicable to any facility that houses
8 students, or any law or regulation for the protection and
9 safety of the environment, pursuant to the Environmental
10 Protection Act, any school district having a population of less
11 than 500,000 inhabitants is required to alter or reconstruct
12 any school building or permanent, fixed equipment; the district
13 may, by proper resolution, levy a tax for the purpose of making
14 such alteration or reconstruction, based on a survey report by
15 an architect or engineer licensed in this State, upon all of
16 the taxable property of the district at the value as assessed
17 by the Department of Revenue and at a rate not to exceed 0.05%
18 per year for a period sufficient to finance such alteration or
19 reconstruction, upon the following conditions:

20 (1) When there are not sufficient funds available in
21 the operations and maintenance fund of the school district,
22 the school facility occupation tax fund of the district, or
23 the fire prevention and safety fund of the district, as
24 determined by the district on the basis of rules adopted by
25 the State Board of Education, to make such alteration or
26 reconstruction or to purchase and install such permanent,

1 fixed equipment so ordered or determined as necessary.
2 Appropriate school district records must be made available
3 to the State Superintendent of Education, upon request, to
4 confirm this insufficiency.

5 (2) When a certified estimate of an architect or
6 engineer licensed in this State stating the estimated
7 amount necessary to make the alteration or reconstruction
8 or to purchase and install the equipment so ordered has
9 been secured by the school district, and the estimate has
10 been approved by the regional superintendent of schools
11 having jurisdiction over the district and the State
12 Superintendent of Education. Approval must not be granted
13 for any work that has already started without the prior
14 express authorization of the State Superintendent of
15 Education. If the estimate is not approved or is denied
16 approval by the regional superintendent of schools within 3
17 months after the date on which it is submitted to him or
18 her, the school board of the district may submit the
19 estimate directly to the State Superintendent of Education
20 for approval or denial.

21 In the case of an emergency situation, where the estimated
22 cost to effectuate emergency repairs is less than the amount
23 specified in Section 10-20.21 of this Code, the school district
24 may proceed with such repairs prior to approval by the State
25 Superintendent of Education, but shall comply with the
26 provisions of subdivision (2) of this subsection (a) as soon

1 thereafter as may be as well as Section 10-20.21 of this Code.
2 If the estimated cost to effectuate emergency repairs is
3 greater than the amount specified in Section 10-20.21 of this
4 Code, then the school district shall proceed in conformity with
5 Section 10-20.21 of this Code and with rules established by the
6 State Board of Education to address such situations. The rules
7 adopted by the State Board of Education to deal with these
8 situations shall stipulate that emergency situations must be
9 expedited and given priority consideration. For purposes of
10 this paragraph, an emergency is a situation that presents an
11 imminent and continuing threat to the health and safety of
12 students or other occupants of a facility, requires complete or
13 partial evacuation of a building or part of a building, or
14 consumes one or more of the 5 emergency days built into the
15 adopted calendar of the school or schools or would otherwise be
16 expected to cause such school or schools to fall short of the
17 minimum school calendar requirements.

18 (b) Whenever any such district determines that it is
19 necessary for energy conservation purposes that any school
20 building or permanent, fixed equipment should be altered or
21 reconstructed and that such alterations or reconstruction will
22 be made with funds not necessary for the completion of approved
23 and recommended projects contained in any safety survey report
24 or amendments thereto authorized by Section 2-3.12 of this Act;
25 the district may levy a tax or issue bonds as provided in
26 subsection (a) of this Section.

1 (c) Whenever any such district determines that it is
2 necessary for accessibility purposes and to comply with the
3 school building code that any school building or equipment
4 should be altered or reconstructed and that such alterations or
5 reconstruction will be made with funds not necessary for the
6 completion of approved and recommended projects contained in
7 any safety survey report or amendments thereto authorized under
8 Section 2-3.12 of this Act, the district may levy a tax or
9 issue bonds as provided in subsection (a) of this Section.

10 (d) Whenever any such district determines that it is
11 necessary for school security purposes and the related
12 protection and safety of pupils and school personnel that any
13 school building or property should be altered or reconstructed
14 or that security systems and equipment (including but not
15 limited to intercom, early detection and warning, access
16 control and television monitoring systems) should be purchased
17 and installed, and that such alterations, reconstruction or
18 purchase and installation of equipment will be made with funds
19 not necessary for the completion of approved and recommended
20 projects contained in any safety survey report or amendment
21 thereto authorized by Section 2-3.12 of this Act and will deter
22 and prevent unauthorized entry or activities upon school
23 property by unknown or dangerous persons, assure early
24 detection and advance warning of any such actual or attempted
25 unauthorized entry or activities and help assure the continued
26 safety of pupils and school staff if any such unauthorized

1 entry or activity is attempted or occurs; the district may levy
2 a tax or issue bonds as provided in subsection (a) of this
3 Section.

4 (e) If a school district does not need funds for other fire
5 prevention and safety projects, including the completion of
6 approved and recommended projects contained in any safety
7 survey report or amendments thereto authorized by Section
8 2-3.12 of this Act, and it is determined after a public hearing
9 (which is preceded by at least one published notice (i)
10 occurring at least 7 days prior to the hearing in a newspaper
11 of general circulation within the school district and (ii)
12 setting forth the time, date, place, and general subject matter
13 of the hearing) that there is a substantial, immediate, and
14 otherwise unavoidable threat to the health, safety, or welfare
15 of pupils due to disrepair of school sidewalks, playgrounds,
16 parking lots, or school bus turnarounds and repairs must be
17 made; then the district may levy a tax or issue bonds as
18 provided in subsection (a) of this Section.

19 (f) For purposes of this Section a school district may
20 replace a school building or build additions to replace
21 portions of a building when it is determined that the
22 effectuation of the recommendations for the existing building
23 will cost more than the replacement costs. Such determination
24 shall be based on a comparison of estimated costs made by an
25 architect or engineer licensed in the State of Illinois. The
26 new building or addition shall be equivalent in area (square

1 feet) and comparable in purpose and grades served and may be on
2 the same site or another site. Such replacement may only be
3 done upon order of the regional superintendent of schools and
4 the approval of the State Superintendent of Education.

5 (g) The filing of a certified copy of the resolution
6 levying the tax when accompanied by the certificates of the
7 regional superintendent of schools and State Superintendent of
8 Education shall be the authority of the county clerk to extend
9 such tax.

10 (h) The county clerk of the county in which any school
11 district levying a tax under the authority of this Section is
12 located, in reducing raised levies, shall not consider any such
13 tax as a part of the general levy for school purposes and shall
14 not include the same in the limitation of any other tax rate
15 which may be extended.

16 Such tax shall be levied and collected in like manner as
17 all other taxes of school districts, subject to the provisions
18 contained in this Section.

19 (i) The tax rate limit specified in this Section may be
20 increased to .10% upon the approval of a proposition to effect
21 such increase by a majority of the electors voting on that
22 proposition at a regular scheduled election. Such proposition
23 may be initiated by resolution of the school board and shall be
24 certified by the secretary to the proper election authorities
25 for submission in accordance with the general election law.

26 (j) When taxes are levied by any school district for fire

1 prevention, safety, energy conservation, and school security
2 purposes as specified in this Section, and the purposes for
3 which the taxes have been levied are accomplished and paid in
4 full, and there remain funds on hand in the Fire Prevention and
5 Safety Fund from the proceeds of the taxes levied, including
6 interest earnings thereon, the school board by resolution shall
7 use such excess and other board restricted funds, excluding
8 bond proceeds and earnings from such proceeds, as follows:

9 (1) for other authorized fire prevention, safety,
10 energy conservation, required safety inspections, ~~and~~
11 school security purposes, sampling for lead in drinking
12 water in schools, and for repair and mitigation due to lead
13 levels in the drinking water supply ~~and for required safety~~
14 ~~inspections;~~ or

15 (2) for transfer to the Operations and Maintenance Fund
16 for the purpose of abating an equal amount of operations
17 and maintenance purposes taxes.

18 Notwithstanding subdivision (2) of this subsection (j) and
19 subsection (k) of this Section, through June 30, 2019, the
20 school board may, by proper resolution following a public
21 hearing set by the school board or the president of the school
22 board (that is preceded (i) by at least one published notice
23 over the name of the clerk or secretary of the board, occurring
24 at least 7 days and not more than 30 days prior to the hearing,
25 in a newspaper of general circulation within the school
26 district and (ii) by posted notice over the name of the clerk

1 or secretary of the board, at least 48 hours before the
2 hearing, at the principal office of the school board or at the
3 building where the hearing is to be held if a principal office
4 does not exist, with both notices setting forth the time, date,
5 place, and subject matter of the hearing), transfer surplus
6 life safety taxes and interest earnings thereon to the
7 Operations and Maintenance Fund for building repair work.

8 (k) If any transfer is made to the Operation and
9 Maintenance Fund, the secretary of the school board shall
10 within 30 days notify the county clerk of the amount of that
11 transfer and direct the clerk to abate the taxes to be extended
12 for the purposes of operations and maintenance authorized under
13 Section 17-2 of this Act by an amount equal to such transfer.

14 (l) If the proceeds from the tax levy authorized by this
15 Section are insufficient to complete the work approved under
16 this Section, the school board is authorized to sell bonds
17 without referendum under the provisions of this Section in an
18 amount that, when added to the proceeds of the tax levy
19 authorized by this Section, will allow completion of the
20 approved work.

21 (m) Any bonds issued pursuant to this Section shall bear
22 interest at a rate not to exceed the maximum rate authorized by
23 law at the time of the making of the contract, shall mature
24 within 20 years from date, and shall be signed by the president
25 of the school board and the treasurer of the school district.

26 (n) In order to authorize and issue such bonds, the school

1 board shall adopt a resolution fixing the amount of bonds, the
2 date thereof, the maturities thereof, rates of interest
3 thereof, place of payment and denomination, which shall be in
4 denominations of not less than \$100 and not more than \$5,000,
5 and provide for the levy and collection of a direct annual tax
6 upon all the taxable property in the school district sufficient
7 to pay the principal and interest on such bonds to maturity.
8 Upon the filing in the office of the county clerk of the county
9 in which the school district is located of a certified copy of
10 the resolution, it is the duty of the county clerk to extend
11 the tax therefor in addition to and in excess of all other
12 taxes heretofore or hereafter authorized to be levied by such
13 school district.

14 (o) After the time such bonds are issued as provided for by
15 this Section, if additional alterations or reconstructions are
16 required to be made because of surveys conducted by an
17 architect or engineer licensed in the State of Illinois, the
18 district may levy a tax at a rate not to exceed .05% per year
19 upon all the taxable property of the district or issue
20 additional bonds, whichever action shall be the most feasible.

21 (p) This Section is cumulative and constitutes complete
22 authority for the issuance of bonds as provided in this Section
23 notwithstanding any other statute or law to the contrary.

24 (q) With respect to instruments for the payment of money
25 issued under this Section either before, on, or after the
26 effective date of Public Act 86-004 (June 6, 1989), it is, and

1 always has been, the intention of the General Assembly (i) that
2 the Omnibus Bond Acts are, and always have been, supplementary
3 grants of power to issue instruments in accordance with the
4 Omnibus Bond Acts, regardless of any provision of this Act that
5 may appear to be or to have been more restrictive than those
6 Acts, (ii) that the provisions of this Section are not a
7 limitation on the supplementary authority granted by the
8 Omnibus Bond Acts, and (iii) that instruments issued under this
9 Section within the supplementary authority granted by the
10 Omnibus Bond Acts are not invalid because of any provision of
11 this Act that may appear to be or to have been more restrictive
12 than those Acts.

13 (r) When the purposes for which the bonds are issued have
14 been accomplished and paid for in full and there remain funds
15 on hand from the proceeds of the bond sale and interest
16 earnings therefrom, the board shall, by resolution, use such
17 excess funds in accordance with the provisions of Section
18 10-22.14 of this Act.

19 (s) Whenever any tax is levied or bonds issued for fire
20 prevention, safety, energy conservation, and school security
21 purposes, such proceeds shall be deposited and accounted for
22 separately within the Fire Prevention and Safety Fund.

23 (Source: P.A. 98-26, eff. 6-21-13; 98-1066, eff. 8-26-14;
24 99-143, eff. 7-27-15; 99-713, eff. 8-5-16.)

25 (105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

1 Sec. 17-2A. Interfund transfers.

2 (a) The school board of any district having a population of
3 less than 500,000 inhabitants may, by proper resolution
4 following a public hearing set by the school board or the
5 president of the school board (that is preceded (i) by at least
6 one published notice over the name of the clerk or secretary of
7 the board, occurring at least 7 days and not more than 30 days
8 prior to the hearing, in a newspaper of general circulation
9 within the school district and (ii) by posted notice over the
10 name of the clerk or secretary of the board, at least 48 hours
11 before the hearing, at the principal office of the school board
12 or at the building where the hearing is to be held if a
13 principal office does not exist, with both notices setting
14 forth the time, date, place, and subject matter of the
15 hearing), transfer money from (1) the Educational Fund to the
16 Operations and Maintenance Fund or the Transportation Fund, (2)
17 the Operations and Maintenance Fund to the Educational Fund or
18 the Transportation Fund, ~~or~~ (3) the Transportation Fund to the
19 Educational Fund or the Operations and Maintenance Fund, or (4)
20 the Tort Immunity Fund to the Operations and Maintenance Fund
21 of said district, provided that, except during the period from
22 July 1, 2003 through June 30, 2019, such transfer is made
23 solely for the purpose of meeting one-time, non-recurring
24 expenses. Except during the period from July 1, 2003 through
25 June 30, 2019 and except as otherwise provided in subsection
26 (b) of this Section, any other permanent interfund transfers

1 authorized by any provision or judicial interpretation of this
2 Code for which the transferee fund is not precisely and
3 specifically set forth in the provision of this Code
4 authorizing such transfer shall be made to the fund of the
5 school district most in need of the funds being transferred, as
6 determined by resolution of the school board.

7 (b) (Blank). ~~Notwithstanding subsection (a) of this~~
8 ~~Section or any other provision of this Code to the contrary,~~
9 ~~the school board of any school district (i) that is subject to~~
10 ~~the Property Tax Extension Limitation Law, (ii) that has a~~
11 ~~population of less than 500,000 inhabitants, (iii) that is~~
12 ~~levying at its maximum tax rate, (iv) whose total equalized~~
13 ~~assessed valuation has declined 20% in the prior 2 years, (v)~~
14 ~~in which 80% or more of its students receive free or~~
15 ~~reduced-price lunch, and (vi) that had an equalized assessed~~
16 ~~valuation of less than \$207 million but more than \$203 million~~
17 ~~in the 2011 levy year may annually, until July 1, 2016,~~
18 ~~transfer money from any fund of the district, other than the~~
19 ~~Illinois Municipal Retirement Fund and the Bonds and Interest~~
20 ~~Fund, to the educational fund, the operations and maintenance~~
21 ~~fund, or the transportation fund of the district by proper~~
22 ~~resolution following a public hearing set by the school board~~
23 ~~or the president of the school board, with notice as provided~~
24 ~~in subsection (a) of this Section, so long as the district~~
25 ~~meets the qualifications set forth in this subsection (b) on~~
26 ~~the effective date of this amendatory Act of the 98th General~~

1 ~~Assembly even if the district does not meet those~~
2 ~~qualifications at the time a given transfer is made.~~

3 (Source: P.A. 98-26, eff. 6-21-13; 98-131, eff. 1-1-14; 99-713,
4 eff. 8-5-16.)

5 Section 15. The Public Utilities Act is amended by adding
6 Section 9-246 as follows:

7 (220 ILCS 5/9-246 new)

8 Sec. 9-246. Rates; lead hazard cost recovery by
9 investor-owned water utilities. In determining the rates for an
10 investor-owned public utility engaged in providing water
11 service, the Commission shall allow the utility to recover
12 annually any reasonable costs incurred by the utility to comply
13 with Section 35.5 of the Illinois Plumbing License Law.

14 Section 20. The Child Care Act of 1969 is amended by adding
15 Section 5.9 as follows:

16 (225 ILCS 10/5.9 new)

17 Sec. 5.9. Lead testing of water in licensed day care
18 centers, day care homes and group day care homes.

19 (a) On or before January 1, 2018, the Department, in
20 consultation with the Department of Public Health, shall adopt
21 rules that prescribe the procedures and standards to be used by
22 the Department in assessing levels of lead in water in licensed

1 day care centers, day care homes, and group day care homes
2 constructed on or before January 1, 2000 that serve children
3 under the age of 6. Such rules shall, at a minimum, include
4 provisions regarding testing parameters, the notification of
5 sampling results, training requirements for lead exposure and
6 mitigation.

7 (b) After adoption of the rules required by subsection (a),
8 and as part of an initial application or application for
9 renewal of a license for day care centers, day care homes, and
10 group day care homes, the Department shall require proof that
11 the applicant has complied with all such rules.

12 Section 25. The Illinois Plumbing License Law is amended by
13 adding Section 35.5 as follows:

14 (225 ILCS 320/35.5 new)

15 Sec. 35.5. Lead in drinking water prevention.

16 (a) The General Assembly finds that lead has been detected
17 in the drinking water of schools in this State. The General
18 Assembly also finds that infants and young children may suffer
19 adverse health effects and developmental delays as a result of
20 exposure to even low levels of lead. The General Assembly
21 further finds that it is in the best interests of the people of
22 the State to require school districts or chief school
23 administrators, or the designee of the school district or chief
24 school administrator, to test for lead in drinking water in

1 school buildings and provide written notification of the test
2 results.

3 The purpose of this Section is to require (i) school
4 districts or chief school administrators, or the designees of
5 the school districts or chief school administrators, to test
6 for lead with the goal of providing school building occupants
7 with an adequate supply of safe, potable water; and (ii) school
8 districts or chief school administrators, or the designees of
9 the school districts or chief school administrators, to notify
10 the parents and legal guardians of enrolled students of the
11 sampling results from their respective school buildings.

12 (b) For the purposes of this Section:

13 "Community water system" has the meaning provided in 35
14 Ill. Adm. Code 611.101.

15 "School building" means any facility or portion thereof
16 that was constructed on or before January 1, 2000 and may be
17 occupied by more than 10 children or students, pre-kindergarten
18 through grade 5, under the control of (a) a school district or
19 (b) a public, private, charter, or nonpublic day or residential
20 educational institution.

21 "Source of potable water" means the point at which
22 non-bottled water that may be ingested by children or used for
23 food preparation exits any tap, faucet, drinking fountain, wash
24 basin in a classroom occupied by children or students under
25 grade 1, or similar point of use; provided, however, that all
26 (a) bathroom sinks and (b) wash basins used by janitorial staff

1 are excluded from this definition.

2 (c) Each school district or chief school administrator, or
3 the designee of each school district or chief school
4 administrator, shall test each source of potable water in a
5 school building for lead contamination as required in this
6 subsection.

7 (1) Each school district or chief school
8 administrator, or the designee of each school district or
9 chief school administrator, shall, at a minimum, (a)
10 collect a first-draw 250 milliliter sample of water, (b)
11 flush for 30 seconds, and (c) collect a second-draw 250
12 milliliter sample from each source of potable water located
13 at each corresponding school building; provided, however,
14 that to the extent that multiple sources of potable water
15 utilize the same drain, (i) the foregoing collection
16 protocol is required for one such source of potable water,
17 and (ii) only a first-draw 250 milliliter sample of water
18 is required from the remaining such sources of potable
19 water. The water corresponding to the first-draw 250
20 milliliter sample from each source of potable water shall
21 have been standing in the plumbing pipes for at least 8
22 hours, but not more than 18 hours, without any flushing of
23 the source of potable water before sample collection.

24 (2) Each school district or chief school
25 administrator, or the designee of each school district or
26 chief school administrator, shall submit or cause to be

1 submitted (A) the samples to an Illinois Environmental
2 Protection Agency-accredited laboratory for analysis for
3 lead in accordance with the instructions supplied by an
4 Illinois Environmental Protection Agency-accredited
5 laboratory and (B) the written sampling results to the
6 Department within 7 business days of receipt of the
7 results.

8 (3) If any of the samples taken in the school exceed 5
9 parts per billion, the school district or chief school
10 administrator, or the designee of the school district or
11 chief school administrator, shall promptly provide an
12 individual notification of the sampling results, via
13 written or electronic communication, to the parents or
14 legal guardians of all enrolled students and include the
15 following information: the corresponding sampling location
16 within the school building and the United States
17 Environmental Protection Agency's website for information
18 about lead in drinking water. If any of the samples taken
19 at the school are at or below 5 parts per billion,
20 notification may be made as provided in this paragraph or
21 by posting on the school's website.

22 (4) Sampling and analysis required under this Section
23 shall be completed by the following applicable deadlines:
24 for school buildings constructed prior to January 1, 1987,
25 by December 31, 2017; and for school buildings constructed
26 between January 2, 1987 and January 1, 2000, by December

1 31, 2018.

2 (5) A school district or chief school administrator, or
3 the designee of the school district or chief school
4 administrator, may seek a waiver of the requirements of
5 this subsection from the Department, if (A) the school
6 district or chief school administrator, or the designee of
7 the school district or chief school administrator,
8 collected at least one 250 milliliter or greater sample of
9 water from each source of potable water that had been
10 standing in the plumbing pipes for at least 6 hours and
11 that was collected without flushing the source of potable
12 water before collection, (B) an Illinois Environmental
13 Protection Agency-accredited laboratory analyzed the
14 samples, (C) test results were obtained prior to the
15 effective date of this amendatory Act of the 99th General
16 Assembly, but after January 1, 2013, and (D) test results
17 were submitted to the Department within 120 days of the
18 effective date of this amendatory Act of the 99th General
19 Assembly.

20 (6) The owner or operator of a community water system
21 may agree to pay for the cost of the laboratory analysis of
22 the samples required under this Section and may utilize the
23 lead hazard cost recovery fee under Section 11-150.1-1 of
24 the Illinois Municipal Code or other available funds to
25 defray said costs.

26 (7) Lead sampling results obtained shall not be used

1 for purposes of determining compliance with the Board's
2 rules that implement the national primary drinking water
3 regulations for lead and copper.

4 (d) By no later than June 30, 2019, the Department shall
5 determine whether it is necessary and appropriate to protect
6 public health to require schools constructed in whole or in
7 part after January 1, 2000 to conduct testing for lead from
8 sources of potable water, taking into account, among other
9 relevant information, the results of testing conducted
10 pursuant to this Section.

11 (e) Within 90 days of the effective date of this amendatory
12 Act of the 99th General Assembly, the Department shall post on
13 its website guidance on mitigation actions for lead in drinking
14 water, and ongoing water management practices, in schools. In
15 preparing such guidance, the Department may, in part, reference
16 the United States Environmental Protection Agency's 3Ts for
17 Reducing Lead in Drinking Water in Schools.

18 Section 30. The Environmental Protection Act is amended by
19 changing Section 19.3 and by adding Section 17.11 as follows:

20 (415 ILCS 5/17.11 new)

21 Sec. 17.11. Lead in drinking water notifications and
22 inventories.

23 (a) The purpose of this Section is to require the owners
24 and operators of community water systems to (i) create a

1 comprehensive lead service line inventory; and (ii) provide
2 notice to occupants of potentially affected residences of
3 construction or repair work on water mains, lead service lines,
4 or water meters.

5 (b) For the purposes of this Section:

6 "Community water system" has the meaning provided in 35
7 Ill. Adm. Code 611.101.

8 "Potentially affected residence" means any residence
9 where water service is or may be temporarily interrupted or
10 shut off by or on behalf of an owner or operator of a
11 community water system because construction or repair work
12 is to be performed by or on behalf of the owner or operator
13 of a community water system on or affecting a water main,
14 service line, or water meter.

15 "Small system" has the meaning provided in 35 Ill. Adm.
16 Code 611.350.

17 (c) The owner or operator of each community water system in
18 the State shall develop a water distribution system material
19 inventory that shall be submitted in written or electronic form
20 to the Agency on an annual basis commencing on April 15, 2018
21 and continuing on each April 15 thereafter until the water
22 distribution system material inventory is completed. In
23 addition to meeting the requirements for water distribution
24 system material inventories that are mandated by the United
25 States Environmental Protection Agency, each water
26 distribution system material inventory shall identify:

1 (1) the total number of service lines within or
2 connected to the distribution system, including privately
3 owned service lines;

4 (2) the number of all known lead service lines within
5 or connected to the distribution system, including
6 privately owned lead service lines; and

7 (3) the number of the lead service lines that were
8 added to the inventory after the previous year's
9 submission.

10 Nothing in this subsection shall be construed to require
11 that service lines be unearthed.

12 (d) Beginning on January 1, 2018, when conducting routine
13 inspections of community water systems as required under this
14 Act, the Agency may conduct a separate audit to identify
15 progress that the community water system has made toward
16 completing the water distribution system material inventories
17 required under subsection (c) of this Section.

18 (e) The owner or operator of the community water system
19 shall provide notice of construction or repair work on a water
20 main service line, or water meter in accordance with the
21 following requirements:

22 (1) At least 14 days prior to beginning planned work to
23 repair or replace any water mains or lead service lines,
24 the owner or operator of a community water system shall
25 notify, through an individual written notice, each
26 potentially affected residence of the planned work. In

1 cases where a community water system must perform
2 construction or repair work on an emergency basis or where
3 such work is not scheduled at least 14 days prior to work
4 taking place, the community water system shall notify each
5 potentially affected residence as soon as reasonably
6 possible. When work is to repair or replace a water meter,
7 the notification shall be provided at the time the work is
8 initiated.

9 (2) Such notification shall include, at a minimum:

10 (A) a warning that the work may result in sediment,
11 possibly containing lead, in the residence's water
12 supply; and

13 (B) information concerning best practices for
14 preventing the consumption of any lead in drinking
15 water, including a recommendation to flush water lines
16 during and after the completion of the repair or
17 replacement work and to clean faucet aerator screens;
18 and

19 (C) information regarding the dangers of lead in
20 young children.

21 (3) To the extent that the owner or operator of a
22 community water system serves a significant proportion of
23 non-English speaking consumers, the notification must
24 contain information in the appropriate languages regarding
25 the importance of the notice, and it must contain a
26 telephone number or address where a person served may

1 contact the owner or operator of the community water system
2 to obtain a translated copy of the notification or to
3 request assistance in the appropriate language.

4 (4) Notwithstanding anything to the contrary set forth
5 in this Section, to the extent that (a) notification is
6 required for the entire community served by a community
7 water system, (b) notification is required for
8 construction or repairs occurring on an emergency basis, or
9 (c) the community water system is a small system,
10 publication notification, through a local media, social
11 media or other similar means, may be utilized in lieu of an
12 individual written notification.

13 (5) If an owner or operator is required to provide an
14 individual written notification to a residence that is a
15 multidwelling building, posting a written notification on
16 the primary entrance way to the building shall be
17 sufficient.

18 (6) The notification requirements in this subsection
19 (e) do not apply to work performed on water mains that are
20 used to transmit treated water between community water
21 systems and have no service connections.

22 (7) The owner or operator of a community water system
23 may seek a full or partial waiver of the requirements of
24 this subsection from the Agency if (i) the community water
25 system was originally constructed without lead, (ii) the
26 residential structures were constructed under local

1 building codes that categorically prohibited lead
2 construction materials or the owner or operator of a
3 community water system certifies that any residential
4 structures requiring notification were constructed without
5 lead, and (iii) no lead sediment is likely to be present
6 within the community water system or residential
7 structures. The owner or operator of a community water
8 system may seek a time-limited or permanent waiver.

9 (8) The owner and operator of a community water system
10 shall not be required to comply with this subsection (e) to
11 the extent that the corresponding water distribution
12 system material inventory has been completed that
13 demonstrates the water distribution system does not
14 contain any lead.

15 (415 ILCS 5/19.3) (from Ch. 111 1/2, par. 1019.3)

16 Sec. 19.3. Water Revolving Fund.

17 (a) There is hereby created within the State Treasury a
18 Water Revolving Fund, consisting of 3 interest-bearing special
19 programs to be known as the Water Pollution Control Loan
20 Program, the Public Water Supply Loan Program, and the Loan
21 Support Program, which shall be used and administered by the
22 Agency.

23 (b) The Water Pollution Control Loan Program shall be used
24 and administered by the Agency to provide assistance for the
25 following purposes:

1 (1) to accept and retain funds from grant awards,
2 appropriations, transfers, and payments of interest and
3 principal;

4 (2) to make direct loans at or below market interest
5 rates and to provide additional subsidization, including,
6 but not limited to, forgiveness of principal, negative
7 interest rates, and grants, to any eligible local
8 government unit to finance the construction of treatments
9 works, including storm water treatment systems that are
10 treatment works, and projects that fulfill federal State
11 Revolving Fund grant requirements for a green project
12 reserve;

13 (2.5) with respect to funds provided under the American
14 Recovery and Reinvestment Act of 2009:

15 (A) to make direct loans at or below market
16 interest rates to any eligible local government unit
17 and to provide additional subsidization to any
18 eligible local government unit, including, but not
19 limited to, forgiveness of principal, negative
20 interest rates, and grants;

21 (B) to make direct loans at or below market
22 interest rates to any eligible local government unit to
23 buy or refinance debt obligations for treatment works
24 incurred on or after October 1, 2008; and

25 (C) to provide additional subsidization,
26 including, but not limited to, forgiveness of

1 principal, negative interest rates, and grants for
2 treatment works incurred on or after October 1, 2008;

3 (3) to make direct loans at or below market interest
4 rates and to provide additional subsidization, including,
5 but not limited to, forgiveness of principal, negative
6 interest rates, and grants, to any eligible local
7 government unit to buy or refinance debt obligations for
8 costs incurred after March 7, 1985, for the construction of
9 treatment works, including storm water treatment systems
10 that are treatment works, and projects that fulfill federal
11 State Revolving Fund grant requirements for a green project
12 reserve;

13 (3.5) to make loans, including, but not limited to,
14 loans through a linked deposit program, at or below market
15 interest rates for the implementation of a management
16 program established under Section 319 of the Federal Water
17 Pollution Control Act, as amended;

18 (4) to guarantee or purchase insurance for local
19 obligations where such action would improve credit market
20 access or reduce interest rates;

21 (5) as a source of revenue or security for the payment
22 of principal and interest on revenue or general obligation
23 bonds issued by the State or any political subdivision or
24 instrumentality thereof, if the proceeds of such bonds will
25 be deposited in the Fund;

26 (6) to finance the reasonable costs incurred by the

1 Agency in the administration of the Fund;

2 (7) to transfer funds to the Public Water Supply Loan
3 Program; and

4 (8) notwithstanding any other provision of this
5 subsection (b), to provide, in accordance with rules
6 adopted under this Title, any other financial assistance
7 that may be provided under Section 603 of the Federal Water
8 Pollution Control Act for any other projects or activities
9 eligible for assistance under that Section or federal rules
10 adopted to implement that Section.

11 (c) The Loan Support Program shall be used and administered
12 by the Agency for the following purposes:

13 (1) to accept and retain funds from grant awards and
14 appropriations;

15 (2) to finance the reasonable costs incurred by the
16 Agency in the administration of the Fund, including
17 activities under Title III of this Act, including the
18 administration of the State construction grant program;

19 (3) to transfer funds to the Water Pollution Control
20 Loan Program and the Public Water Supply Loan Program;

21 (4) to accept and retain a portion of the loan
22 repayments;

23 (5) to finance the development of the low interest loan
24 programs for water pollution control and public water
25 supply projects;

26 (6) to finance the reasonable costs incurred by the

1 Agency to provide technical assistance for public water
2 supplies; and

3 (7) to finance the reasonable costs incurred by the
4 Agency for public water system supervision programs, to
5 administer or provide for technical assistance through
6 source water protection programs, to develop and implement
7 a capacity development strategy, to delineate and assess
8 source water protection areas, and for an operator
9 certification program in accordance with Section 1452 of
10 the federal Safe Drinking Water Act.

11 (d) The Public Water Supply Loan Program shall be used and
12 administered by the Agency to provide assistance to local
13 government units and privately owned community water supplies
14 for public water supplies for the following public purposes:

15 (1) to accept and retain funds from grant awards,
16 appropriations, transfers, and payments of interest and
17 principal;

18 (2) to make direct loans at or below market interest
19 rates and to provide additional subsidization, including,
20 but not limited to, forgiveness of principal, negative
21 interest rates, and grants, to any eligible local
22 government unit or to any eligible privately owned
23 community water supply to finance the construction of water
24 supplies and projects that fulfill federal State Revolving
25 Fund grant requirements for a green project reserve;

26 (2.5) with respect to funds provided under the American

1 Recovery and Reinvestment Act of 2009:

2 (A) to make direct loans at or below market
3 interest rates to any eligible local government unit or
4 to any eligible privately owned community water
5 supply, and to provide additional subsidization to any
6 eligible local government unit or to any eligible
7 privately owned community water supply, including, but
8 not limited to, forgiveness of principal, negative
9 interest rates, and grants;

10 (B) to buy or refinance the debt obligation of a
11 local government unit for costs incurred on or after
12 October 1, 2008; and

13 (C) to provide additional subsidization,
14 including, but not limited to, forgiveness of
15 principal, negative interest rates, and grants for a
16 local government unit for costs incurred on or after
17 October 1, 2008;

18 (3) to make direct loans at or below market interest
19 rates and to provide additional subsidization, including,
20 but not limited to, forgiveness of principal, negative
21 interest rates, and grants, to any eligible local
22 government unit or to any eligible privately owned
23 community water supply to buy or refinance debt obligations
24 for costs incurred on or after July 17, 1997, for the
25 construction of water supplies and projects that fulfill
26 federal State Revolving Fund requirements for a green

1 project reserve;

2 (4) to guarantee local obligations where such action
3 would improve credit market access or reduce interest
4 rates;

5 (5) as a source of revenue or security for the payment
6 of principal and interest on revenue or general obligation
7 bonds issued by the State or any political subdivision or
8 instrumentality thereof, if the proceeds of such bonds will
9 be deposited into the Fund; ~~and~~

10 (6) to transfer funds to the Water Pollution Control
11 Loan Program; and -

12 (7) notwithstanding any other provision of this
13 subsection (d), to provide to local government units and
14 privately owned community water supplies any other
15 financial assistance that may be provided under Section
16 1452 of the federal Safe Drinking Water Act for any
17 expenditures eligible for assistance under that Section or
18 federal rules adopted to implement that Section.

19 (e) The Agency is designated as the administering agency of
20 the Fund. The Agency shall submit to the Regional Administrator
21 of the United States Environmental Protection Agency an
22 intended use plan which outlines the proposed use of funds
23 available to the State. The Agency shall take all actions
24 necessary to secure to the State the benefits of the federal
25 Water Pollution Control Act and the federal Safe Drinking Water
26 Act, as now or hereafter amended.

1 (f) The Agency shall have the power to enter into
2 intergovernmental agreements with the federal government or
3 the State, or any instrumentality thereof, for purposes of
4 capitalizing the Water Revolving Fund. Moneys on deposit in the
5 Water Revolving Fund may be used for the creation of reserve
6 funds or pledged funds that secure the obligations of repayment
7 of loans made pursuant to this Section. For the purpose of
8 obtaining capital for deposit into the Water Revolving Fund,
9 the Agency may also enter into agreements with financial
10 institutions and other persons for the purpose of selling loans
11 and developing a secondary market for such loans. The Agency
12 shall have the power to create and establish such reserve funds
13 and accounts as may be necessary or desirable to accomplish its
14 purposes under this subsection and to allocate its available
15 moneys into such funds and accounts. Investment earnings on
16 moneys held in the Water Revolving Fund, including any reserve
17 fund or pledged fund, shall be deposited into the Water
18 Revolving Fund.

19 (Source: P.A. 98-782, eff. 7-23-14; 99-187, eff. 7-29-15.)

20 Section 35. The Local Governmental and Governmental
21 Employees Tort Immunity Act is amended by changing Section
22 9-107 as follows:

23 (745 ILCS 10/9-107) (from Ch. 85, par. 9-107)

24 Sec. 9-107. Policy; tax levy.

1 (a) The General Assembly finds that the purpose of this
2 Section is to provide an extraordinary tax for funding expenses
3 relating to (i) tort liability, (ii) liability relating to
4 actions brought under the federal Comprehensive Environmental
5 Response, Compensation, and Liability Act of 1980 or the
6 Environmental Protection Act, but only until December 31, 2010,
7 (iii) insurance, and (iv) risk management programs. Thus, the
8 tax has been excluded from various limitations otherwise
9 applicable to tax levies. Notwithstanding the extraordinary
10 nature of the tax authorized by this Section, however, it has
11 become apparent that some units of local government are using
12 the tax revenue to fund expenses more properly paid from
13 general operating funds. These uses of the revenue are
14 inconsistent with the limited purpose of the tax authorization.

15 Therefore, the General Assembly declares, as a matter of
16 policy, that (i) the use of the tax revenue authorized by this
17 Section for purposes not expressly authorized under this Act is
18 improper and (ii) the provisions of this Section shall be
19 strictly construed consistent with this declaration and the
20 Act's express purposes.

21 (b) A local public entity may annually levy or have levied
22 on its behalf taxes upon all taxable property within its
23 territory at a rate that will produce a sum that will be
24 sufficient to: (i) pay the cost of insurance, individual or
25 joint self-insurance (including reserves thereon), including
26 all operating and administrative costs and expenses directly

1 associated therewith, claims services and risk management
2 directly attributable to loss prevention and loss reduction,
3 legal services directly attributable to the insurance,
4 self-insurance, or joint self-insurance program, and
5 educational, inspectional, and supervisory services directly
6 relating to loss prevention and loss reduction, participation
7 in a reciprocal insurer as provided in Sections 72, 76, and 81
8 of the Illinois Insurance Code, or participation in a
9 reciprocal insurer, all as provided in settlements or judgments
10 under Section 9-102, including all costs and reserves directly
11 attributable to being a member of an insurance pool, under
12 Section 9-103; (ii) pay the costs of and principal and interest
13 on bonds issued under Section 9-105; (iii) pay judgments and
14 settlements under Section 9-104 of this Act; (iv) discharge
15 obligations under Section 34-18.1 of the School Code or make
16 transfers under Section 17-2A of the School Code; (v) pay
17 judgments and settlements under the federal Comprehensive
18 Environmental Response, Compensation, and Liability Act of
19 1980 and the Environmental Protection Act, but only until
20 December 31, 2010; (vi) pay the costs authorized by the
21 Metro-East Sanitary District Act of 1974 as provided in
22 subsection (a) of Section 5-1 of that Act ~~(70 ILCS 2905/5-1)~~;
23 and (vii) pay the cost of risk management programs. Provided it
24 complies with any other applicable statutory requirements, the
25 local public entity may self-insure and establish reserves for
26 expected losses for any property damage or for any liability or

1 loss for which the local public entity is authorized to levy or
2 have levied on its behalf taxes for the purchase of insurance
3 or the payment of judgments or settlements under this Section.
4 The decision of the board to establish a reserve shall be based
5 on reasonable actuarial or insurance underwriting evidence and
6 subject to the limits and reporting provisions in Section
7 9-103.

8 If a school district was a member of a
9 joint-self-health-insurance cooperative that had more
10 liability in outstanding claims than revenue to pay those
11 claims, the school board of that district may by resolution
12 make a one-time transfer from any fund in which tort immunity
13 moneys are maintained to the fund or funds from which payments
14 to a joint-self-health-insurance cooperative can be or have
15 been made of an amount not to exceed the amount of the
16 liability claim that the school district owes to the
17 joint-self-health-insurance cooperative or that the school
18 district paid within the 2 years immediately preceding the
19 effective date of this amendatory Act of the 92nd General
20 Assembly.

21 Funds raised pursuant to this Section shall, unless
22 lawfully transferred as provided in Section 17-2A of the School
23 Code, only be used for the purposes specified in this Act,
24 including protection against and reduction of any liability or
25 loss described hereinabove and under Federal or State common or
26 statutory law, the Workers' Compensation Act, the Workers'

1 Occupational Diseases Act and the Unemployment Insurance Act.
2 Funds raised pursuant to this Section may be invested in any
3 manner in which other funds of local public entities may be
4 invested under Section 2 of the Public Funds Investment Act.
5 Interest on such funds shall be used only for purposes for
6 which the funds can be used or, if surplus, must be used for
7 abatement of property taxes levied by the local taxing entity.

8 A local public entity may enter into intergovernmental
9 contracts with a term of not to exceed 12 years for the
10 provision of joint self-insurance which contracts may include
11 an obligation to pay a proportional share of a general
12 obligation or revenue bond or other debt instrument issued by a
13 local public entity which is a party to the intergovernmental
14 contract and is authorized by the terms of the contract to
15 issue the bond or other debt instrument. Funds due under such
16 contracts shall not be considered debt under any constitutional
17 or statutory limitation and the local public entity may levy or
18 have levied on its behalf taxes to pay for its proportional
19 share under the contract. Funds raised pursuant to
20 intergovernmental contracts for the provision of joint
21 self-insurance may only be used for the payment of any cost,
22 liability or loss against which a local public entity may
23 protect itself or self-insure pursuant to Section 9-103 or for
24 the payment of which such entity may levy a tax pursuant to
25 this Section, including tort judgments or settlements, costs
26 associated with the issuance, retirement or refinancing of the

1 bonds or other debt instruments, the repayment of the principal
2 or interest of the bonds or other debt instruments, the costs
3 of the administration of the joint self-insurance fund,
4 consultant, and risk care management programs or the costs of
5 insurance. Any surplus returned to the local public entity
6 under the terms of the intergovernmental contract shall be used
7 only for purposes set forth in subsection (a) of Section 9-103
8 and Section 9-107 or for abatement of property taxes levied by
9 the local taxing entity.

10 Any tax levied under this Section shall be levied and
11 collected in like manner with the general taxes of the entity
12 and shall be exclusive of and in addition to the amount of tax
13 that entity is now or may hereafter be authorized to levy for
14 general purposes under any statute which may limit the amount
15 of tax which that entity may levy for general purposes. The
16 county clerk of the county in which any part of the territory
17 of the local taxing entity is located, in reducing tax levies
18 under the provisions of any Act concerning the levy and
19 extension of taxes, shall not consider any tax provided for by
20 this Section as a part of the general tax levy for the purposes
21 of the entity nor include such tax within any limitation of the
22 percent of the assessed valuation upon which taxes are required
23 to be extended for such entity.

24 With respect to taxes levied under this Section, either
25 before, on, or after the effective date of this amendatory Act
26 of 1994:

1 (1) Those taxes are excepted from and shall not be
2 included within the rate limitation imposed by law on taxes
3 levied for general corporate purposes by the local public
4 entity authorized to levy a tax under this Section.

5 (2) Those taxes that a local public entity has levied
6 in reliance on this Section and that are excepted under
7 paragraph (1) from the rate limitation imposed by law on
8 taxes levied for general corporate purposes by the local
9 public entity are not invalid because of any provision of
10 the law authorizing the local public entity's tax levy for
11 general corporate purposes that may be construed or may
12 have been construed to restrict or limit those taxes
13 levied, and those taxes are hereby validated. This
14 validation of taxes levied applies to all cases pending on
15 or after the effective date of this amendatory Act of 1994.

16 (3) Paragraphs (1) and (2) do not apply to a hospital
17 organized under Article 170 or 175 of the Township Code,
18 under the Town Hospital Act, or under the Township
19 Non-Sectarian Hospital Act and do not give any authority to
20 levy taxes on behalf of such a hospital in excess of the
21 rate limitation imposed by law on taxes levied for general
22 corporate purposes. A hospital organized under Article 170
23 or 175 of the Township Code, under the Town Hospital Act,
24 or under the Township Non-Sectarian Hospital Act is not
25 prohibited from levying taxes in support of tort liability
26 bonds if the taxes do not cause the hospital's aggregate

1 tax rate from exceeding the rate limitation imposed by law
2 on taxes levied for general corporate purposes.

3 Revenues derived from such tax shall be paid to the
4 treasurer of the local taxing entity as collected and used for
5 the purposes of this Section and of Section 9-102, 9-103, 9-104
6 or 9-105, as the case may be. If payments on account of such
7 taxes are insufficient during any year to meet such purposes,
8 the entity may issue tax anticipation warrants against the
9 current tax levy in the manner provided by statute.

10 (Source: P.A. 95-244, eff. 8-17-07; 95-723, eff. 6-23-08.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.