



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4365

Introduced 1/14/2026, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

20 ILCS 801/5-10	
70 ILCS 750/40	
70 ILCS 1710/5	from Ch. 85, par. 1155
70 ILCS 2205/29	from Ch. 42, par. 274.1
70 ILCS 2205/29.1	from Ch. 42, par. 274.2
70 ILCS 2205/29.3	from Ch. 42, par. 274.4
70 ILCS 2305/19.1	from Ch. 42, par. 295.1
70 ILCS 2405/1	from Ch. 42, par. 299
70 ILCS 2405/17.1	from Ch. 42, par. 316.1
70 ILCS 2905/Act title	
70 ILCS 2905/1-1	from Ch. 42, par. 501-1
70 ILCS 2905/5-1	from Ch. 42, par. 505-1
220 ILCS 5/5-106	from Ch. 111 2/3, par. 5-106
735 ILCS 30/15-5-15	
745 ILCS 10/9-107	from Ch. 85, par. 9-107

Amends the Metro-East Sanitary District Act of 1974. Changes the Act's short title to the Metro-East Flood Prevention District Act. Changes the name of the Metro-East Sanitary District to the Metro-East Flood Prevention District. Makes conforming changes in the Department of Natural Resources Act, the Flood Prevention District Act, the Southwestern Illinois Metropolitan and Regional Planning Act, the Sanitary District Act of 1907, the North Shore Water Reclamation District Act, the Sanitary District Act of 1917, the Public Utilities Act, the Eminent Domain Act, and the Local Governmental and Governmental Employees Tort Immunity Act.

LRB104 17396 RTM 30821 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 Department of Natural Resources Act is
5 amended by changing Section 5-10 as follows:

6 (20 ILCS 801/5-10)

7 Sec. 5-10. Additional powers. With respect to the water
8 resources of the State, the Office of Water Resources shall
9 have the following powers:

10 (a) To study and investigate ways and means by which the
11 various water uses may be coordinated to the end that the water
12 resources of the State be put to their maximum beneficial use
13 and, in connection therewith, to request any department or
14 agency of the State to make surveys, studies, investigations,
15 prepare plans, reports and furnish such data and information
16 as may be necessary.

17 (b) To coordinate, determine and provide ways and means
18 for the equitable reconciliation and adjustment of the various
19 conflicting claims and rights to water by users or uses.

20 (c) To recommend legislation for the most feasible method
21 or methods of conserving water resources and putting them to
22 the maximum possible use, taking into account the problems of
23 navigation, flood control, river flow control and

1 stabilization, reclamation, drainage and recapture, and
2 further utilization of water after use for any purpose,
3 domestic and industrial use, irrigation of land, municipal
4 use, development of electric energy, public health,
5 recreational, fish and game life, and other beneficial use.

6 (d) To undertake regulatory flood hazard mapping within
7 this State.

8 (e) To inspect and prescribe standards of repair,
9 maintenance and improvement of the facilities and properties
10 of the Metro-East Flood Prevention District ~~Metro-East~~
11 ~~Sanitary District~~.

12 (Source: P.A. 89-445, eff. 2-7-96; 90-14, eff. 7-1-97.)

13 Section 10. The Flood Prevention District Act is amended
14 by changing Section 40 as follows:

15 (70 ILCS 750/40)

16 Sec. 40. Budget of the District. The District shall adopt
17 an annual budget by August 31 of each year for the fiscal year
18 beginning October 1. Such budget shall include expected
19 revenues by source and expenditures by project or by function
20 for the following year. The budget must be approved by the
21 county board of the county in which the district is situated
22 prior to any expenditure by the District for the fiscal year
23 beginning October 1. The county board must approve or
24 disapprove the budget of the District within 30 calendar days

1 after the budget is received by the county board. If the county
2 board does not act to approve or disapprove the budget within
3 30 calendar days of receipt, it shall stand as approved.

4 In addition, the District shall submit an annual report to
5 the county board by August 31 of each year detailing the
6 activities of the district. This report must also include any
7 information submitted to the flood prevention district ~~by a~~
8 ~~drainage, levee, or sanitary district~~ in accordance with
9 Section 4-45 of the Illinois Drainage Code or Section 2-2 of
10 the Metro-East Flood Prevention District Act ~~Metro-East~~
11 ~~Sanitary District Act~~.

12 (Source: P.A. 95-719, eff. 5-21-08; 95-723, eff. 6-23-08.)

13 Section 15. The Southwestern Illinois Metropolitan and
14 Regional Planning Act is amended by changing Section 5 as
15 follows:

16 (70 ILCS 1710/5) (from Ch. 85, par. 1155)

17 Sec. 5. The corporate authorities of the Southwestern
18 Illinois Metropolitan and Regional Planning Commission shall
19 consist of commissioners selected as follows:

20 Eight commissioners appointed by the Governor, at
21 least 4 of whom shall be elected officials of a unit of
22 government and at least 7 of whom shall be residents of the
23 Metropolitan and Regional Counties Area. No more than 4 of
24 the Governor's appointees shall be of the same political

1 party.

2 One member from among the Illinois Commissioners of
3 the Bi-State Development Agency, elected by said
4 commissioners of said Agency, provided that preference
5 shall be given in this appointment to the Chairman or Vice
6 Chairman of said Agency if either or both of those
7 officers is an Illinois resident.

8 The Chairman or presiding officer of each statutory
9 Port District existing or operating within the
10 Metropolitan and Regional Counties Area, or a member of
11 the governing board of each such Port District appointed
12 by the Chairman or presiding officer thereof to serve in
13 his stead.

14 The President of the Metro-East Flood Prevention
15 District ~~Metro-East Sanitary District~~ or a member of the
16 governing board of such District appointed by the
17 President thereto to serve in his stead.

18 Two members from each of the county boards of counties
19 within the Area of operation having a population of less
20 than 100,000, such members to be appointed by the chairman
21 or presiding officer of such counties and in such manner
22 that one of the 2 members so appointed is the chairman or
23 presiding officer of the relevant county board or an
24 elected member of such board appointed to serve in the
25 stead of such chairman or presiding officer.

26 Three members from each of the county boards of

1 counties within the Area of operation having a population
2 in excess of 100,000, such members to be appointed by the
3 chairman or presiding officer of such counties and in such
4 manner that one of the 3 members so appointed is the
5 chairman or presiding officer of the relevant county board
6 or an elected member of such board appointed to serve in
7 the stead of such chairman or presiding officer; provided,
8 further, that at least one member so appointed from each
9 county having a population in excess of 100,000 shall be a
10 resident in an area of such county outside any city,
11 village or incorporated town, and at least one member so
12 appointed from such counties shall be a resident of a
13 city, village or incorporated town of such county.

14 The Mayor or Village Board President from each city,
15 village or incorporated town in the Area of operation
16 having 4,500 or more inhabitants, or a member of the
17 Council or Village Board appointed by such Mayor or Board
18 President to serve in his stead.

19 One Mayor or Village Board President in each county
20 within the Area of operation from a city, village or
21 incorporated town having fewer than 4,500 inhabitants to
22 be selected by all Mayors or Village Board Presidents of
23 such cities, villages or incorporated towns in each such
24 county.

25 Two members from each township-organized county in the
26 Area of operation who shall be township supervisors

1 appointed by the Chairman of the relevant county board in
2 such a manner that one of the 2 shall represent a township
3 having fewer than 4,500 inhabitants and one of the 2 shall
4 represent a township having more than 4,500 inhabitants,
5 provided that in the event no township in any such county
6 has in excess of 4,500 inhabitants the supervisor of the
7 township in such county which has the largest number of
8 inhabitants shall be one of the 2 members so appointed by
9 that county.

10 Two members from each commission-organized county in
11 the Area of operation who shall be elected officials of
12 either the county board or of a unit of government in such
13 county and who shall be appointed by the Chairman of the
14 County Board of such county.

15 The President of the Southwestern Illinois Council of
16 Mayors or a Mayor of a community within the Area of
17 operation appointed by such President to serve in his
18 stead.

19 One member from among the Illinois members of the
20 East-West Gateway Coordinating Council, elected by said
21 members of said council, provided preference shall be
22 given in this appointment to the Chairman or Vice Chairman
23 of said Council if either or both of those officers is an
24 Illinois resident.

25 Each selecting authority shall give notice of his, or her,
26 or its selections to each other selecting authority, to the

1 Executive Director of the Commission, and to the Secretary of
2 State. Selections or appointments to be made for the first
3 time pursuant to this amendatory Act of 1975 shall be made no
4 later than October 1, 1975 and notice given thereon by that
5 date.

6 In addition to the commissioners provided for above, the
7 following shall also be commissioners selected or appointed
8 and notice thereon given as contemplated by the preceding
9 paragraph:

10 Two members from each county in the Area of operation
11 who shall be a chairman of a county planning commission, a
12 chairman of a municipal planning commission, or a county
13 engineer, such members to be appointed by the Chairman of
14 the County Board.

15 The regional superintendent of schools for each
16 educational service region located in whole or in part
17 within the Area of operation.

18 The President of Southern Illinois University at
19 Edwardsville or a person appointed by him to serve in his
20 stead.

21 The Director of Commerce and Economic Opportunity or a
22 person appointed by him to serve in his stead.

23 The district highway engineer for the Illinois
24 Department of Transportation.

25 The Chairman of the Southwestern Illinois Council on
26 Economic Development composed of the Counties of Madison,

1 St. Clair, Monroe, Randolph, Washington, Bond and Clinton.

2 One representative from each County within the Area of
3 operation who shall be other than an elected official and
4 who shall be appointed by the Chairman of each County
5 Board, provided that each representative so appointed
6 shall be from disadvantaged or minority groups within the
7 County's population.

8 Five Commissioners, appointed by the President of the
9 Commission, with the concurrence of the Executive
10 Committee, one to be selected from each of 5 civic,
11 fraternal, cultural or religious organizations which meet
12 all of the following criteria:

13 (1) has a written charter or constitution and
14 written bylaws;

15 (2) has filed or is eligible to file articles of
16 incorporation pursuant to the General Not for Profit
17 Corporation Act;

18 (3) has been in existence for at least 5 years; and

19 (4) is generally recognized as being substantially
20 representative of the minority population within the
21 Commission's area of operation.

22 The Commission shall develop a fair and reasonable
23 procedure for determining the organizations from which
24 appointments will be made.

25 Within 30 days after selection and before entering upon
26 the duties of his or her office, each commissioner shall take

1 and subscribe to the constitutional oath of office and file it
2 with the Secretary of State.

3 The Commission shall maintain a level of minority
4 membership equal to or greater than proportionate level of
5 minority population which exists within the area of the
6 Commission.

7 (Source: P.A. 94-793, eff. 5-19-06.)

8 Section 20. The Sanitary District Act of 1907 is amended
9 by changing Sections 29. 29.1, and 29.3 as follows:

10 (70 ILCS 2205/29) (from Ch. 42, par. 274.1)

11 Sec. 29. Any sanitary district organized and operated
12 under this Act and having an equalized assessed valuation for
13 tax purposes of \$100,000,000 or more may, by referendum as
14 provided in Sections 29.1 through 29.3, be dissolved and a new
15 district created in accordance with the Metro-East Flood
16 Prevention District Act ~~"Metro East Sanitary District Act of~~
17 ~~1974", enacted by the 78th General Assembly.~~

18 (Source: P.A. 78-1017.)

19 (70 ILCS 2205/29.1) (from Ch. 42, par. 274.2)

20 Sec. 29.1. When a petition, signed by at least 300
21 registered voters residing within such sanitary district is
22 filed with the State Board of Elections before the November
23 general election in an even-numbered year, and within the time

1 provided in the general election law, but other than a year in
2 which a regular election for trustees of the district is held,
3 requesting that the proposition that that sanitary district be
4 dissolved and be replaced by a ~~sanitary~~ district organized
5 under the Metro-East Flood Prevention District Act ~~Metro-East~~
6 ~~Sanitary District Act of 1974~~, the Board shall certify the
7 proposition to the proper election officials who shall submit
8 the proposition to the voters of the district at that general
9 election in accordance with the general election law. The
10 proposition shall be in substantially the following form:

11 Shall the.... Sanitary District be dissolved and be
12 replaced by a ~~sanitary~~ district organized under the Metro-East
13 Flood Prevention District Act ~~Metro-East Sanitary District Act~~
14 ~~of 1974~~?

15 (Source: P.A. 81-1489.)

16 (70 ILCS 2205/29.3) (from Ch. 42, par. 274.4)

17 Sec. 29.3. The State Board of Elections shall proclaim and
18 certify the results of the vote on the proposition. If a
19 majority of those electors properly marking ballots on the
20 proposition vote in favor thereof, the district organized
21 under this Act shall be dissolved, effective upon the
22 expiration of the terms of office of the incumbent trustees,
23 and a new district created as provided in Article I of the
24 Metro-East Flood Prevention District Act ~~Metro-East Sanitary~~
25 ~~District Act of 1974~~.

1 (Source: P.A. 78-1017.)

2 Section 25. The North Shore Water Reclamation District Act
3 is amended by changing Section 19.1 as follows:

4 (70 ILCS 2305/19.1) (from Ch. 42, par. 295.1)

5 Sec. 19.1. Acquiring district or municipal treatment
6 works.

7 (a) After incorporation, any district organized under this
8 Act may, in accordance with this Act and an intergovernmental
9 agreement with the sanitary district being acquired or the
10 municipality from whom the treatment works and lines are to be
11 acquired, acquire the territory, treatment works, lines,
12 appurtenances, and other property of (i) any ~~sanitary~~ district
13 organized under this Act, the Sanitary District Act of 1907,
14 the Sanitary District Act of 1917, the Sanitary District Act
15 of 1936, or the Metro-East Flood Prevention District Act
16 ~~Metro East Sanitary District Act of 1974~~ or (ii) any
17 municipality whose treatment works were established under the
18 Illinois Municipal Code or the Municipal Wastewater Disposal
19 Zones Act, regardless of whether that district or municipality
20 is contiguous to the acquiring sanitary district. The distance
21 between the sanitary district being acquired or municipality
22 and the acquiring sanitary district, however, as measured
23 between the points on their corporate boundaries that are
24 nearest to each other, shall not exceed 20 miles. In the case

1 of a municipality, only that property used by the municipality
2 for transport, treatment, and discharge of wastewater and for
3 disposal of sewage sludge shall be transferred to the
4 acquiring sanitary district.

5 (b) The board of trustees of the sanitary district being
6 acquired, or the corporate authorities of a municipality whose
7 treatment works is being acquired, shall, jointly with the
8 board of trustees of the acquiring sanitary district, petition
9 the circuit court of the county containing all or the larger
10 portion of the sanitary district being acquired or the
11 municipality to permit the acquisition. The petition shall
12 show the following:

13 (1) The reason for the acquisition.

14 (2) That there are no debts of the sanitary district
15 being acquired or municipality outstanding, or that there
16 are sufficient funds on hand or available to satisfy those
17 debts.

18 (3) That no contract or federal or State permit or
19 grant will be impaired by the acquisition.

20 (4) That all assets and responsibilities of the
21 sanitary district being acquired or municipality, as they
22 relate to wastewater treatment, have been properly
23 assigned to the acquiring sanitary district.

24 (5) That the acquiring sanitary district will pay any
25 court costs incurred in connection with the petition.

26 (6) The boundaries of the acquired sanitary district

1 or municipality as of the date of the petition.

2 (c) Upon adequate notice, including appropriate notice to
3 the Illinois Environmental Protection Agency, the circuit
4 court shall hold a hearing to determine whether there is good
5 cause for the acquisition by the acquiring district and
6 whether the allegations of the petition are true. If the court
7 finds that there is good cause and that the allegations are
8 true, it shall order the acquisition to proceed. If the court
9 finds that there is not good cause for the acquisition or that
10 the allegations of the petition are not true, the court shall
11 dismiss the petition. In either event, the costs shall be
12 taxed against the acquiring sanitary district. The order shall
13 be final. Separate or joint appeals may be taken by any party
14 affected by the order as in other civil cases.

15 (d) If the court orders the acquisition contemplated in
16 the petition, there shall be no further appointments of
17 trustees if the acquired agency is a sanitary district. The
18 trustees of the acquired sanitary district acting at the time
19 of the order shall close up the business affairs of the
20 sanitary district and make the necessary conveyances of title
21 to the sanitary district property in accordance with the
22 intergovernmental agreement between the acquiring and acquired
23 sanitary districts. In the case of a municipality, the
24 governing body of the municipality shall make the necessary
25 conveyances of title to municipal property to the acquiring
26 sanitary district in accordance with the intergovernmental

1 agreement between the municipality and the acquiring sanitary
2 district. The acquiring sanitary district's ordinances shall
3 take effect in the acquired territory upon entry of the order.

4 (e) The acquisition of any sanitary district by another
5 sanitary district or the acquisition of a treatment works from
6 a municipality by another sanitary district shall not affect
7 the obligation of any bonds issued or contracts entered into
8 by the acquired sanitary district or the municipality, nor
9 invalidate the levy, extension, or collection of any taxes or
10 special assessments upon a property in the acquired sanitary
11 district, but all those bonds and contracts shall be
12 discharged. The general obligation indebtedness of the
13 acquired sanitary district shall be paid from the proceeds of
14 continuing taxes and special assessments as provided in this
15 Act.

16 All money remaining after the business affairs of the
17 acquired sanitary district or acquired treatment works of the
18 municipality have been closed up and all debts and obligations
19 of the entities paid shall be paid to the acquiring sanitary
20 district in accordance with the intergovernmental agreement
21 between the parties.

22 (f) The board of trustees of the acquiring sanitary
23 district required to provide sewer service under this Act may
24 levy and collect, for that purpose, a tax on the taxable
25 property within that district. The aggregate amount of the tax
26 shall be as provided in this Act.

1 (g) Any intergovernmental agreement entered into by the
2 parties under this Section shall provide for the imposition or
3 continuance of a user charge system in accordance with the
4 acquiring district's ordinance, the Illinois Environmental
5 Protection Act, and the federal Clean Water Act.

6 (h) All courts shall take judicial notice of the
7 acquisition of the sanitary district being acquired or
8 municipal treatment works by the acquiring sanitary district.

9 (Source: P.A. 87-1060.)

10 Section 30. The Sanitary District Act of 1917 is amended
11 by changing Sections 1 and 17.1 as follows:

12 (70 ILCS 2405/1) (from Ch. 42, par. 299)

13 Sec. 1. Whenever any area of contiguous territory shall
14 contain one or more incorporated cities, towns or villages or
15 parts of one or more incorporated cities, towns or villages,
16 and shall be so situated that the construction and maintenance
17 of a plant or plants for the purification and treatment of
18 sewage and the maintenance of one or more outlets for the
19 drainage thereof, after having been so treated and purified by
20 and through such plant or plants will conduce to the
21 preservation of the public health, comfort and convenience,
22 the same may be incorporated as a sanitary district under this
23 Act in the manner following:

24 Any 100 legal voters, resident within the limits of such

1 proposed sanitary district, may petition the Circuit Court in
2 the county in which the proposed district or the major portion
3 thereof is located, to cause the question to be submitted to
4 the legal voters of such proposed district whether such
5 proposed territory shall be organized as a sanitary district
6 under this Act, such petition shall be addressed to the
7 Circuit Court and shall contain a definite description of the
8 territory to be embraced in such district, and the name of such
9 proposed sanitary district: However, no territory shall be
10 included in any municipal corporation formed hereunder which
11 is not situated within the limits of a city, incorporated town
12 or village, or within 6 miles outside thereof, and no
13 territory shall be included within more than one sanitary
14 district organized under this Act or any other Act, except
15 that territory included within a ~~sanitary~~ district organized
16 under the Metro-East Flood Prevention District Act ~~Metro-East~~
17 ~~Sanitary District Act of 1974~~ may also be included within a
18 sanitary district organized under this Act. Upon filing of
19 such petition in the office of the circuit clerk in the county
20 in which such territory or the major portion thereof is
21 situated, it shall be the duty of the Circuit Court to name 3
22 judges of such Court who shall constitute a board of
23 commissioners which shall have power and authority to consider
24 the boundaries of any such proposed sanitary district, whether
25 the same shall be as described in such petition or otherwise,
26 and the decision of 2 of such commissioners shall be

1 conclusive and not subject to review in any manner, directly
2 or indirectly.

3 Notice shall be given by such court of the time and place
4 where such commissioners will meet, by a publication inserted
5 in one or more daily or weekly papers published in such
6 proposed district, at least 20 days prior to such meeting and
7 if no such newspaper is published in such proposed district,
8 then by posting at least 5 copies of such notice in such
9 proposed district at least 20 days before such hearing.

10 At such meeting all persons in such proposed district
11 shall have an opportunity to be heard touching the location
12 and boundary of such proposed district and to make suggestions
13 regarding the same, and such commissioners, after hearing
14 statements, evidence and suggestions, shall fix and determine
15 the limits and boundaries of such proposed district, and for
16 that purpose and to that extent may alter and amend such
17 petition. After such determination by the commissioners or a
18 majority of them, the same shall be incorporated in an order
19 which shall be entered of record in the Circuit Court. Upon the
20 entering of such order, the Circuit Court shall certify the
21 question to the proper election officials who shall submit the
22 question of organization and establishment of the proposed
23 sanitary district as determined by the commissioners, at an
24 election in accordance with the general election law.

25 Each legal voter resident within such proposed sanitary
26 district shall have the right to cast a ballot at such

1 election. The proposition shall be in substantially the
2 following form:

3 -----

4 For Sanitary District

5 -----

6 Against Sanitary District

7 -----

8 The Circuit Court shall cause a statement of the result of
9 such election to be entered of record in the Circuit Court. If
10 a majority of the votes cast upon the question of
11 incorporation of the proposed sanitary district shall be in
12 favor of the proposed sanitary district, such proposed
13 district shall thenceforth be deemed an organized sanitary
14 district under this Act.

15 (Source: P.A. 83-1425.)

16 (70 ILCS 2405/17.1) (from Ch. 42, par. 316.1)

17 Sec. 17.1. Acquiring district or municipal treatment
18 works.

19 (a) After incorporation, any district organized under this
20 Act may, in accordance with this Act and an intergovernmental
21 agreement with the sanitary district being acquired or the
22 municipality from whom the treatment works and lines are to be
23 acquired, acquire the territory, treatment works, lines,
24 appurtenances, and other property of (i) any ~~sanitary~~ district
25 organized under this Act, the Sanitary District Act of 1907,

1 the North Shore Water Reclamation District Act, the Sanitary
2 District Act of 1936, or the Metro-East Flood Prevention
3 District Act ~~Metro-East Sanitary District Act of 1974~~ or (ii)
4 any municipality whose treatment works were established under
5 the Illinois Municipal Code or the Municipal Wastewater
6 Disposal Zones Act, regardless of whether that district or
7 municipality is contiguous to the acquiring sanitary district.
8 The distance between the sanitary district being acquired or
9 municipality and the acquiring sanitary district, however, as
10 measured between the points on their corporate boundaries that
11 are nearest to each other, shall not exceed 20 miles. In the
12 case of a municipality, only that property used by the
13 municipality for transport, treatment, and discharge of
14 wastewater and for disposal of sewage sludge shall be
15 transferred to the acquiring sanitary district.

16 (b) The board of trustees of the sanitary district being
17 acquired, or the corporate authorities of a municipality whose
18 treatment works is being acquired, shall, jointly with the
19 board of trustees of the acquiring sanitary district, petition
20 the circuit court of the county containing all or the larger
21 portion of the sanitary district being acquired or the
22 municipality to permit the acquisition. The petition shall
23 show the following:

24 (1) The reason for the acquisition.

25 (2) That there are no debts of the sanitary district
26 being acquired or municipality outstanding, or that there

1 are sufficient funds on hand or available to satisfy those
2 debts.

3 (3) That no contract or federal or State permit or
4 grant will be impaired by the acquisition.

5 (4) That all assets and responsibilities of the
6 sanitary district being acquired or municipality, as they
7 relate to wastewater treatment, have been properly
8 assigned to the acquiring sanitary district.

9 (5) That the acquiring sanitary district will pay any
10 court costs incurred in connection with the petition.

11 (6) The boundaries of the acquired sanitary district
12 or municipality as of the date of the petition.

13 (c) Upon adequate notice, including appropriate notice to
14 the Illinois Environmental Protection Agency, the circuit
15 court shall hold a hearing to determine whether there is good
16 cause for the acquisition by the acquiring district and
17 whether the allegations of the petition are true. If the court
18 finds that there is good cause and that the allegations are
19 true, it shall order the acquisition to proceed. If the court
20 finds that there is not good cause for the acquisition or that
21 the allegations of the petition are not true, the court shall
22 dismiss the petition. In either event, the costs shall be
23 taxed against the acquiring sanitary district. The order shall
24 be final. Separate or joint appeals may be taken by any party
25 affected by the order as in other civil cases.

26 (d) If the court orders the acquisition contemplated in

1 the petition, there shall be no further appointments of
2 trustees if the acquired agency is a sanitary district. The
3 trustees of the acquired sanitary district acting at the time
4 of the order shall close up the business affairs of the
5 sanitary district and make the necessary conveyances of title
6 to the sanitary district property in accordance with the
7 intergovernmental agreement between the acquiring and acquired
8 sanitary districts. In the case of a municipality, the
9 governing body of the municipality shall make the necessary
10 conveyances of title to municipal property to the acquiring
11 sanitary district in accordance with the intergovernmental
12 agreement between the municipality and the acquiring sanitary
13 district. The acquiring sanitary district's ordinances take
14 effect in the acquired territory upon entry of the order.

15 (e) The acquisition of any sanitary district by another
16 sanitary district or the acquisition of a treatment works from
17 a municipality by another sanitary district shall not affect
18 the obligation of any bonds issued or contracts entered into
19 by the acquired sanitary district or the municipality, nor
20 invalidate the levy, extension, or collection of any taxes or
21 special assessments upon a property in the acquired sanitary
22 district, but all those bonds and contracts shall be
23 discharged. The general obligation indebtedness of the
24 acquired sanitary district shall be paid from the proceeds of
25 continuing taxes and special assessments as provided in this
26 Act.

1 All money remaining after the business affairs of the
2 acquired sanitary district or acquired treatment works of the
3 municipality have been closed up and all debts and obligations
4 of the entities paid shall be paid to the acquiring sanitary
5 district in accordance with the intergovernmental agreement
6 between the parties.

7 (f) The board of trustees of the acquiring sanitary
8 district required to provide sewer service under this Act may
9 levy and collect, for that purpose, a tax on the taxable
10 property within that district. The aggregate amount of the tax
11 shall be as provided in this Act.

12 (g) Any intergovernmental agreement entered into by the
13 parties under this Section shall provide for the imposition or
14 continuance of a user charge system in accordance with the
15 acquiring district's ordinance, the Illinois Environmental
16 Protection Act, and the federal Clean Water Act.

17 (h) All courts shall take judicial notice of the
18 acquisition of the sanitary district being acquired or
19 municipal treatment works by the acquiring sanitary district.

20 (Source: P.A. 99-669, eff. 7-29-16.)

21 Section 35. The Metro-East Sanitary District Act of 1974
22 is amended by changing the Act title and Sections 1-1 and 5-1
23 as follows:

24 (70 ILCS 2905/Act title)

1 An Act concerning local government ~~authorizing the~~
2 ~~reorganization of certain sanitary districts.~~

3 (70 ILCS 2905/1-1) (from Ch. 42, par. 501-1)

4 Sec. 1-1. This Act shall be known and may be cited as the
5 Metro-East Flood Prevention District Act ~~"Metro East Sanitary~~
6 ~~District Act of 1974"~~.

7 (Source: P.A. 78-1017.)

8 (70 ILCS 2905/5-1) (from Ch. 42, par. 505-1)

9 Sec. 5-1. Taxes; levy.

10 (a) The board may levy and collect taxes for corporate
11 purposes on taxable property within the corporate boundaries
12 of the district including property annexed pursuant to Section
13 2-11. Such taxes shall be levied by ordinance specifying the
14 purposes for which the same are required, and a certified copy
15 of such ordinance shall be filed with the county clerk of the
16 county in which the predecessor district was organized, on or
17 before the second Tuesday in August, as provided in Section
18 122 of the Revenue Act of 1939 (superseded by Section 14-10 of
19 the Property Tax Code). Any excess funds accumulated prior to
20 January 1, 2008 by the sanitary district that are collected by
21 levying taxes pursuant to 745 ILCS 10/9-107 may be expended by
22 the sanitary district to maintain, repair, improve, or
23 construct levees or any part of the levee system and to provide
24 capital moneys for levee or river-related scientific studies,

1 including the construction of facilities for such purposes.
2 For the purposes of this subsection (a), the excess funds
3 withdrawn from the Local Governmental and Governmental
4 Employees Tort Immunity Fund may not be more than 90% of the
5 balance of that fund on December 31, 2007. After the
6 assessment for the current year has been equalized by the
7 Department of Revenue, the board shall, as soon as may be,
8 ascertain and certify to such county clerk the total value of
9 all taxable property lying within the corporate limits of such
10 districts in each of the counties in which the district is
11 situated, as the same is assessed and equalized for tax
12 purposes for the current year. The county clerk shall
13 ascertain the rate per cent which, upon the total valuation of
14 all such property, ascertained as above stated, would produce
15 a net amount not less than the amount so directed to be levied;
16 and the clerk shall, without delay, certify under his
17 signature and seal of office to the county clerk of such other
18 county, in which a portion of the district is situated such
19 rate per cent; and it shall be the duty of each of the county
20 clerks to extend such tax in a separate column upon the books
21 of the collector or collectors of the county taxes for the
22 counties, against all property in their respective counties,
23 within the limits of the district. All taxes so levied and
24 certified shall be collected and enforced in the same manner,
25 and by the same officers as county taxes, and shall be paid
26 over by the officers collecting the same, to the treasurer of

1 the sanitary district, in the manner and at the time provided
2 by the Property Tax Code. The aggregate amount of taxes levied
3 for any one year, exclusive of the amount levied for the
4 payment of bonded indebtedness and interest thereon, shall not
5 exceed the rate of .20%, or the rate limitation of the
6 predecessor district in effect on July 1, 1967, or the rate
7 limitation set by subsection (b) whichever is greater, of
8 value, as equalized or assessed by the Department of Revenue.
9 The foregoing limitations upon tax rates may be increased or
10 decreased under the referendum provisions of the Property Tax
11 Code.

12 (b) The tax rate limit of the district may be changed to
13 .478% of the value of property as equalized or assessed by the
14 Department of Revenue for a period of 5 years and to .312% of
15 such value thereafter upon the approval of the electors of the
16 district of such a proposition submitted at any regular
17 election pursuant to a resolution of the board of
18 commissioners or submitted at an election for officers of the
19 counties of St. Clair and Madison in accordance with the
20 general election law upon a petition signed by not fewer than
21 10% of the legal voters in the district, which percentage
22 shall be determined on the basis of the number of votes cast at
23 the last general election preceding the filing of such
24 petition specifying the tax rate to be submitted. Such
25 petition shall be filed with the executive director of the
26 district not more than 10 months nor less than 5 months prior

1 to the election at which the question is to be submitted to the
 2 voters of the district, and its validity shall be determined
 3 as provided by the general election law. The executive
 4 director shall certify the question to the proper election
 5 officials, who shall submit the question to the voters.

6 Notice shall be given in the manner provided by the
 7 general election law.

8 Referenda initiated under this subsection shall be subject
 9 to the provisions and limitations of the general election law.

10 The question shall be in substantially the following form:

11 -----

12 Shall the maximum tax rate
 13 for the Metro-East Flood Prevention District ~~Metro-East~~
 14 ~~Sanitary~~
 15 ~~District~~ be established at YES
 16 .478% of the equalized assessed
 17 value for 5 years and then at .312% -----
 18 of the equalized assessed value
 19 thereafter, instead of .2168%, the NO
 20 maximum rate otherwise applicable
 21 to the next taxes to be extended?

22 -----

23 The ballot shall have printed thereon, but not as a part of
 24 the proposition submitted, an estimate of the approximate
 25 amount extendable under the proposed rate and of the
 26 approximate amount extendable under the rate otherwise

1 applicable to the next taxes to be extended, such amounts
2 being computed upon the last known equalized assessed value;
3 provided, that any error, miscalculation or inaccuracy in
4 computing such amounts shall not invalidate or affect the
5 validity of any tax rate limit so adopted.

6 If a majority of all ballots cast on such proposition
7 shall be in favor of the proposition, the tax rate limit so
8 established shall become effective with the levy next
9 following the referendum; provided that nothing in this
10 subsection shall be construed as precluding the extension of
11 taxes at rates less than that authorized by such referendum.

12 Except as herein otherwise provided, the referenda
13 authorized by the terms of this subsection shall be conducted
14 in all respects in the manner provided by the general election
15 law.

16 (Source: P.A. 95-723, eff. 6-23-08; 96-1070, eff. 1-1-11.)

17 Section 40. The Public Utilities Act is amended by
18 changing Section 5-106 as follows:

19 (220 ILCS 5/5-106) (from Ch. 111 2/3, par. 5-106)

20 Sec. 5-106. Each public utility shall have an office in
21 one of the cities, villages or incorporated towns in this
22 State in which its property or some part thereof is located,
23 and shall keep in said office all such books, accounts,
24 papers, records and memoranda as shall be ordered by the

1 Commission to be kept within the State. The address of such
2 office shall be filed with the Commission. No books, accounts,
3 papers, records or memoranda ordered by the Commission to be
4 kept within the State shall be at any time removed from the
5 State, except upon such conditions as may be prescribed by the
6 Commission.

7 Each public utility shall be liable for, and upon proper
8 invoice from the Commission shall promptly reimburse the
9 Commission for, the reasonable costs and expenses associated
10 with the audit or inspection of any books, accounts, papers,
11 records and memoranda kept outside the State.

12 In the case of a public utility that provides drinking
13 water services, upon the request of a municipal wastewater
14 agency or unit of local government organized under the
15 Sanitary District Act of 1907, the North Shore Water
16 Reclamation District Act, the Sanitary District Act of 1917,
17 the Metropolitan Water Reclamation District Act, the Sanitary
18 District Act of 1936, the Metro-East Flood Prevention District
19 Act ~~Metro East Sanitary District Act of 1974~~, or the Eastern
20 Will Sanitary District Act, such public utility shall provide
21 timely and accurate water usage data, in a format identifiable
22 to the requester, for purposes of calculating wastewater
23 billings. The public utility shall be entitled to collect its
24 reasonable costs incurred to provide such data.

25 (Source: P.A. 103-716, eff. 1-1-25.)

1 Section 45. The Eminent Domain Act is amended by changing
2 Section 15-5-15 as follows:

3 (735 ILCS 30/15-5-15)

4 Sec. 15-5-15. Eminent domain powers in ILCS Chapters 70
5 through 75. The following provisions of law may include
6 express grants of the power to acquire property by
7 condemnation or eminent domain:

8 (70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport
9 authorities; for public airport facilities.

10 (70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport
11 authorities; for removal of airport hazards.

12 (70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport
13 authorities; for reduction of the height of objects or
14 structures.

15 (70 ILCS 10/4); Interstate Airport Authorities Act; interstate
16 airport authorities; for general purposes.

17 (70 ILCS 15/3); Kankakee River Valley Area Airport Authority
18 Act; Kankakee River Valley Area Airport Authority; for
19 acquisition of land for airports.

20 (70 ILCS 200/2-20); Civic Center Code; civic center
21 authorities; for grounds, centers, buildings, and parking.

22 (70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center
23 Authority; for grounds, centers, buildings, and parking.

24 (70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan

1 Exposition, Auditorium and Office Building Authority; for
2 grounds, centers, buildings, and parking.

3 (70 ILCS 200/15-40); Civic Center Code; Benton Civic Center
4 Authority; for grounds, centers, buildings, and parking.

5 (70 ILCS 200/20-15); Civic Center Code; Bloomington Civic
6 Center Authority; for grounds, centers, buildings, and
7 parking.

8 (70 ILCS 200/35-35); Civic Center Code; Brownstown Park
9 District Civic Center Authority; for grounds, centers,
10 buildings, and parking.

11 (70 ILCS 200/40-35); Civic Center Code; Carbondale Civic
12 Center Authority; for grounds, centers, buildings, and
13 parking.

14 (70 ILCS 200/55-60); Civic Center Code; Chicago South Civic
15 Center Authority; for grounds, centers, buildings, and
16 parking.

17 (70 ILCS 200/60-30); Civic Center Code; Collinsville
18 Metropolitan Exposition, Auditorium and Office Building
19 Authority; for grounds, centers, buildings, and parking.

20 (70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic
21 Center Authority; for grounds, centers, buildings, and
22 parking.

23 (70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan
24 Exposition, Auditorium and Office Building Authority; for
25 grounds, centers, buildings, and parking.

26 (70 ILCS 200/80-15); Civic Center Code; DuPage County

1 Metropolitan Exposition, Auditorium and Office Building
2 Authority; for grounds, centers, buildings, and parking.
3 (70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan
4 Exposition, Auditorium and Office Building Authority; for
5 grounds, centers, buildings, and parking.
6 (70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan
7 Exposition, Auditorium and Office Building Authority; for
8 grounds, centers, buildings, and parking.
9 (70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic
10 Center Authority; for grounds, centers, buildings, and
11 parking.
12 (70 ILCS 200/115-35); Civic Center Code; Jasper County Civic
13 Center Authority; for grounds, centers, buildings, and
14 parking.
15 (70 ILCS 200/120-25); Civic Center Code; Jefferson County
16 Metropolitan Exposition, Auditorium and Office Building
17 Authority; for grounds, centers, buildings, and parking.
18 (70 ILCS 200/125-15); Civic Center Code; Jo Daviess County
19 Civic Center Authority; for grounds, centers, buildings,
20 and parking.
21 (70 ILCS 200/130-30); Civic Center Code; Katherine Dunham
22 Metropolitan Exposition, Auditorium and Office Building
23 Authority; for grounds, centers, buildings, and parking.
24 (70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center
25 Authority; for grounds, centers, buildings, and parking.
26 (70 ILCS 200/150-35); Civic Center Code; Mason County Civic

1 Center Authority; for grounds, centers, buildings, and
2 parking.

3 (70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan
4 Civic Center Authority; for grounds, centers, buildings,
5 and parking.

6 (70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center
7 Authority; for grounds, centers, buildings, and parking.

8 (70 ILCS 200/165-35); Civic Center Code; Melrose Park
9 Metropolitan Exposition Auditorium and Office Building
10 Authority; for grounds, centers, buildings, and parking.

11 (70 ILCS 200/170-20); Civic Center Code; certain Metropolitan
12 Exposition, Auditorium and Office Building Authorities;
13 for general purposes.

14 (70 ILCS 200/180-35); Civic Center Code; Normal Civic Center
15 Authority; for grounds, centers, buildings, and parking.

16 (70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center
17 Authority; for grounds, centers, buildings, and parking.

18 (70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center
19 Authority; for grounds, centers, buildings, and parking.

20 (70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center
21 Authority; for grounds, centers, buildings, and parking.

22 (70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center
23 Authority; for grounds, centers, buildings, and parking.

24 (70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center
25 Authority; for grounds, centers, buildings, and parking.

26 (70 ILCS 200/215-15); Civic Center Code; Illinois Quad City

1 Civic Center Authority; for grounds, centers, buildings,
2 and parking.

3 (70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan
4 Exposition, Auditorium and Office Building Authority; for
5 grounds, centers, buildings, and parking.

6 (70 ILCS 200/225-35); Civic Center Code; Randolph County Civic
7 Center Authority; for grounds, centers, buildings, and
8 parking.

9 (70 ILCS 200/230-35); Civic Center Code; River Forest
10 Metropolitan Exposition, Auditorium and Office Building
11 Authority; for grounds, centers, buildings, and parking.

12 (70 ILCS 200/235-40); Civic Center Code; Riverside Civic
13 Center Authority; for grounds, centers, buildings, and
14 parking.

15 (70 ILCS 200/245-35); Civic Center Code; Salem Civic Center
16 Authority; for grounds, centers, buildings, and parking.

17 (70 ILCS 200/255-20); Civic Center Code; Springfield
18 Metropolitan Exposition and Auditorium Authority; for
19 grounds, centers, and parking.

20 (70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan
21 Exposition, Auditorium and Office Building Authority; for
22 grounds, centers, buildings, and parking.

23 (70 ILCS 200/265-20); Civic Center Code; Vermilion County
24 Metropolitan Exposition, Auditorium and Office Building
25 Authority; for grounds, centers, buildings, and parking.

26 (70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center

1 Authority; for grounds, centers, buildings, and parking.
2 (70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic
3 Center Authority; for grounds, centers, buildings, and
4 parking.

5 (70 ILCS 200/280-20); Civic Center Code; Will County
6 Metropolitan Exposition and Auditorium Authority; for
7 grounds, centers, and parking.

8 (70 ILCS 210/5); Metropolitan Pier and Exposition Authority
9 Act; Metropolitan Pier and Exposition Authority; for
10 general purposes, including quick-take power.

11 (70 ILCS 405/22.04); Soil and Water Conservation Districts
12 Act; soil and water conservation districts; for general
13 purposes.

14 (70 ILCS 410/10 and 410/12); Conservation District Act;
15 conservation districts; for open space, wildland, scenic
16 roadway, pathway, outdoor recreation, or other
17 conservation benefits.

18 (70 ILCS 503/25); Chanute-Rantoul National Aviation Center
19 Redevelopment Commission Act; Chanute-Rantoul National
20 Aviation Center Redevelopment Commission; for general
21 purposes.

22 (70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act;
23 Fort Sheridan Redevelopment Commission; for general
24 purposes or to carry out comprehensive or redevelopment
25 plans.

26 (70 ILCS 520/8); Southwestern Illinois Development Authority

1 Act; Southwestern Illinois Development Authority; for
2 general purposes, including quick-take power.

3 (70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code;
4 drainage districts; for general purposes.

5 (70 ILCS 615/5 and 615/6); Chicago Drainage District Act;
6 corporate authorities; for construction and maintenance of
7 works.

8 (70 ILCS 705/10); Fire Protection District Act; fire
9 protection districts; for general purposes.

10 (70 ILCS 750/20); Flood Prevention District Act; flood
11 prevention districts; for general purposes.

12 (70 ILCS 805/6); Downstate Forest Preserve District Act;
13 certain forest preserve districts; for general purposes.

14 (70 ILCS 805/18.8); Downstate Forest Preserve District Act;
15 certain forest preserve districts; for recreational and
16 cultural facilities.

17 (70 ILCS 810/8); Cook County Forest Preserve District Act;
18 Forest Preserve District of Cook County; for general
19 purposes.

20 (70 ILCS 810/38); Cook County Forest Preserve District Act;
21 Forest Preserve District of Cook County; for recreational
22 facilities.

23 (70 ILCS 910/15 and 910/16); Hospital District Law; hospital
24 districts; for hospitals or hospital facilities.

25 (70 ILCS 915/3); Illinois Medical District Act; Illinois
26 Medical District Commission; for general purposes.

1 (70 ILCS 915/4.5); Illinois Medical District Act; Illinois
2 Medical District Commission; quick-take power for the
3 Illinois State Police Forensic Science Laboratory
4 (obsolete).

5 (70 ILCS 920/5); Tuberculosis Sanitarium District Act;
6 tuberculosis sanitarium districts; for tuberculosis
7 sanitariums.

8 (70 ILCS 925/20); Mid-Illinois Medical District Act;
9 Mid-Illinois Medical District; for general purposes.

10 (70 ILCS 930/20); Mid-America Medical District Act;
11 Mid-America Medical District Commission; for general
12 purposes.

13 (70 ILCS 935/20); Roseland Community Medical District Act;
14 medical district; for general purposes.

15 (70 ILCS 1005/7); Mosquito Abatement District Act; mosquito
16 abatement districts; for general purposes.

17 (70 ILCS 1105/8); Museum District Act; museum districts; for
18 general purposes.

19 (70 ILCS 1205/7-1); Park District Code; park districts; for
20 streets and other purposes.

21 (70 ILCS 1205/8-1); Park District Code; park districts; for
22 parks.

23 (70 ILCS 1205/9-2 and 1205/9-4); Park District Code; park
24 districts; for airports and landing fields.

25 (70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park
26 districts; for State land abutting public water and

1 certain access rights.

2 (70 ILCS 1205/11.1-3); Park District Code; park districts; for
3 harbors.

4 (70 ILCS 1225/2); Park Commissioners Land Condemnation Act;
5 park districts; for street widening.

6 (70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water
7 Control Act; park districts; for parks, boulevards,
8 driveways, parkways, viaducts, bridges, or tunnels.

9 (70 ILCS 1250/2); Park Commissioners Street Control (1889)
10 Act; park districts; for boulevards or driveways.

11 (70 ILCS 1290/1); Park District Aquarium and Museum Act;
12 municipalities or park districts; for aquariums or
13 museums.

14 (70 ILCS 1305/2); Park District Airport Zoning Act; park
15 districts; for restriction of the height of structures.

16 (70 ILCS 1310/5); Park District Elevated Highway Act; park
17 districts; for elevated highways.

18 (70 ILCS 1505/15); Chicago Park District Act; Chicago Park
19 District; for parks and other purposes.

20 (70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park
21 District; for parking lots or garages.

22 (70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park
23 District; for harbors.

24 (70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation
25 Act; Lincoln Park Commissioners; for land and interests in
26 land, including riparian rights.

1 (70 ILCS 1801/30); Alexander-Cairo Port District Act;
2 Alexander-Cairo Port District; for general purposes.

3 (70 ILCS 1805/8); Havana Regional Port District Act; Havana
4 Regional Port District; for general purposes.

5 (70 ILCS 1810/7); Illinois International Port District Act;
6 Illinois International Port District; for general
7 purposes.

8 (70 ILCS 1815/13); Illinois Valley Regional Port District Act;
9 Illinois Valley Regional Port District; for general
10 purposes.

11 (70 ILCS 1820/4); Jackson-Union Counties Regional Port
12 District Act; Jackson-Union Counties Regional Port
13 District; for removal of airport hazards or reduction of
14 the height of objects or structures.

15 (70 ILCS 1820/5); Jackson-Union Counties Regional Port
16 District Act; Jackson-Union Counties Regional Port
17 District; for general purposes.

18 (70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet
19 Regional Port District; for removal of airport hazards.

20 (70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet
21 Regional Port District; for reduction of the height of
22 objects or structures.

23 (70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet
24 Regional Port District; for removal of hazards from ports
25 and terminals.

26 (70 ILCS 1825/5); Joliet Regional Port District Act; Joliet

1 Regional Port District; for general purposes.
2 (70 ILCS 1830/7.1); Kaskaskia Regional Port District Act;
3 Kaskaskia Regional Port District; for removal of hazards
4 from ports and terminals.
5 (70 ILCS 1830/14); Kaskaskia Regional Port District Act;
6 Kaskaskia Regional Port District; for general purposes.
7 (70 ILCS 1831/30); Massac-Metropolis Port District Act;
8 Massac-Metropolis Port District; for general purposes.
9 (70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act;
10 Mt. Carmel Regional Port District; for removal of airport
11 hazards.
12 (70 ILCS 1835/5.11); Mt. Carmel Regional Port District Act;
13 Mt. Carmel Regional Port District; for reduction of the
14 height of objects or structures.
15 (70 ILCS 1835/6); Mt. Carmel Regional Port District Act; Mt.
16 Carmel Regional Port District; for general purposes.
17 (70 ILCS 1837/30); Ottawa Port District Act; Ottawa Port
18 District; for general purposes.
19 (70 ILCS 1842/30 and 1842/35); Rock Island Regional Port
20 District Act; Rock Island Regional Port District and
21 participating municipalities; for general Port District
22 purposes.
23 (70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca
24 Regional Port District; for removal of airport hazards.
25 (70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca
26 Regional Port District; for reduction of the height of

1 objects or structures.

2 (70 ILCS 1845/5); Seneca Regional Port District Act; Seneca
3 Regional Port District; for general purposes.

4 (70 ILCS 1850/4); Shawneetown Regional Port District Act;
5 Shawneetown Regional Port District; for removal of airport
6 hazards or reduction of the height of objects or
7 structures.

8 (70 ILCS 1850/5); Shawneetown Regional Port District Act;
9 Shawneetown Regional Port District; for general purposes.

10 (70 ILCS 1855/4); Southwest Regional Port District Act;
11 Southwest Regional Port District; for removal of airport
12 hazards or reduction of the height of objects or
13 structures.

14 (70 ILCS 1855/5); Southwest Regional Port District Act;
15 Southwest Regional Port District; for general purposes.

16 (70 ILCS 1860/4); Tri-City Regional Port District Act;
17 Tri-City Regional Port District; for removal of airport
18 hazards.

19 (70 ILCS 1860/5); Tri-City Regional Port District Act;
20 Tri-City Regional Port District; for the development of
21 facilities.

22 (70 ILCS 1863/11); Upper Mississippi River International Port
23 District Act; Upper Mississippi River International Port
24 District; for general purposes.

25 (70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port
26 District; for removal of airport hazards.

1 (70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port
2 District; for restricting the height of objects or
3 structures.

4 (70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port
5 District; for the development of facilities.

6 (70 ILCS 1870/8); White County Port District Act; White County
7 Port District; for the development of facilities.

8 (70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad
9 Terminal Authority (Chicago); for general purposes.

10 (70 ILCS 1915/25); Grand Avenue Railroad Relocation Authority
11 Act; Grand Avenue Railroad Relocation Authority; for
12 general purposes, including quick-take power (now
13 obsolete).

14 (70 ILCS 1935/25); Elmwood Park Grade Separation Authority
15 Act; Elmwood Park Grade Separation Authority; for general
16 purposes.

17 (70 ILCS 2105/9b); River Conservancy Districts Act; river
18 conservancy districts; for general purposes.

19 (70 ILCS 2105/10a); River Conservancy Districts Act; river
20 conservancy districts; for corporate purposes.

21 (70 ILCS 2205/15); Sanitary District Act of 1907; sanitary
22 districts; for corporate purposes.

23 (70 ILCS 2205/18); Sanitary District Act of 1907; sanitary
24 districts; for improvements and works.

25 (70 ILCS 2205/19); Sanitary District Act of 1907; sanitary
26 districts; for access to property.

1 (70 ILCS 2305/8); North Shore Water Reclamation District Act;
2 North Shore Water Reclamation District; for corporate
3 purposes.

4 (70 ILCS 2305/15); North Shore Water Reclamation District Act;
5 North Shore Water Reclamation District; for improvements.

6 (70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary
7 District of Decatur; for carrying out agreements to sell,
8 convey, or disburse treated wastewater to a private
9 entity.

10 (70 ILCS 2405/8); Sanitary District Act of 1917; sanitary
11 districts; for corporate purposes.

12 (70 ILCS 2405/15); Sanitary District Act of 1917; sanitary
13 districts; for improvements.

14 (70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of
15 1917; sanitary districts; for waterworks.

16 (70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary
17 districts; for public sewer and water utility treatment
18 works.

19 (70 ILCS 2405/18); Sanitary District Act of 1917; sanitary
20 districts; for dams or other structures to regulate water
21 flow.

22 (70 ILCS 2605/8); Metropolitan Water Reclamation District Act;
23 Metropolitan Water Reclamation District; for corporate
24 purposes.

25 (70 ILCS 2605/16); Metropolitan Water Reclamation District
26 Act; Metropolitan Water Reclamation District; quick-take

1 power for improvements.

2 (70 ILCS 2605/17); Metropolitan Water Reclamation District
3 Act; Metropolitan Water Reclamation District; for bridges.

4 (70 ILCS 2605/35); Metropolitan Water Reclamation District
5 Act; Metropolitan Water Reclamation District; for widening
6 and deepening a navigable stream.

7 (70 ILCS 2805/10); Sanitary District Act of 1936; sanitary
8 districts; for corporate purposes.

9 (70 ILCS 2805/24); Sanitary District Act of 1936; sanitary
10 districts; for improvements.

11 (70 ILCS 2805/26i and 2805/26j); Sanitary District Act of
12 1936; sanitary districts; for drainage systems.

13 (70 ILCS 2805/27); Sanitary District Act of 1936; sanitary
14 districts; for dams or other structures to regulate water
15 flow.

16 (70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary
17 districts; for water supply.

18 (70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary
19 districts; for waterworks.

20 (70 ILCS 2905/2-7); Metro-East Flood Prevention District Act
21 ~~Metro East Sanitary District Act of 1974~~; Metro-East Flood
22 Prevention District ~~Metro East Sanitary District~~; for
23 corporate purposes.

24 (70 ILCS 2905/2-8); Metro-East Flood Prevention District Act
25 ~~Metro East Sanitary District Act of 1974~~; Metro-East Flood
26 Prevention District ~~Metro East Sanitary District~~; for

1 access to property.

2 (70 ILCS 3010/10); Sanitary District Revenue Bond Act;
3 sanitary districts; for sewerage systems.

4 (70 ILCS 3205/12); Illinois Sports Facilities Authority Act;
5 Illinois Sports Facilities Authority; quick-take power for
6 its corporate purposes (obsolete).

7 (70 ILCS 3405/16); Surface Water Protection District Act;
8 surface water protection districts; for corporate
9 purposes.

10 (70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago
11 Transit Authority; for transportation systems.

12 (70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago
13 Transit Authority; for general purposes.

14 (70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago
15 Transit Authority; for general purposes, including
16 railroad property.

17 (70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act;
18 local mass transit districts; for general purposes.

19 (70 ILCS 3615/2.13); Regional Transportation Authority Act;
20 Regional Transportation Authority; for general purposes.

21 (70 ILCS 3705/8 and 3705/12); Public Water District Act;
22 public water districts; for waterworks.

23 (70 ILCS 3705/23a); Public Water District Act; public water
24 districts; for sewerage properties.

25 (70 ILCS 3705/23e); Public Water District Act; public water
26 districts; for combined waterworks and sewerage systems.

1 (70 ILCS 3715/6); Water Authorities Act; water authorities;
2 for facilities to ensure adequate water supply.

3 (70 ILCS 3715/27); Water Authorities Act; water authorities;
4 for access to property.

5 (75 ILCS 5/4-7); Illinois Local Library Act; boards of library
6 trustees; for library buildings.

7 (75 ILCS 16/30-55.80); Public Library District Act of 1991;
8 public library districts; for general purposes.

9 (75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate
10 authorities of city or park district, or board of park
11 commissioners; for free public library buildings.

12 (Source: Incorporates 98-564, eff. 8-27-13; P.A. 98-756, eff.
13 7-16-14; 99-669, eff. 7-29-16; revised 6-23-25.)

14 Section 50. The Local Governmental and Governmental
15 Employees Tort Immunity Act is amended by changing Section
16 9-107 as follows:

17 (745 ILCS 10/9-107) (from Ch. 85, par. 9-107)

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

19 (a) The General Assembly finds that the purpose of this
20 Section is to provide an extraordinary tax for funding
21 expenses relating to (i) tort liability, (ii) liability
22 relating to actions brought under the federal Comprehensive
23 Environmental Response, Compensation, and Liability Act of
24 1980 or the Environmental Protection Act, but only until

1 December 31, 2010, (iii) insurance, and (iv) risk management
2 programs. Thus, the tax has been excluded from various
3 limitations otherwise applicable to tax levies.
4 Notwithstanding the extraordinary nature of the tax authorized
5 by this Section, however, it has become apparent that some
6 units of local government are using the tax revenue to fund
7 expenses more properly paid from general operating funds.
8 These uses of the revenue are inconsistent with the limited
9 purpose of the tax authorization.

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

16 (b) A local public entity may annually levy or have levied
17 on its behalf taxes upon all taxable property within its
18 territory at a rate that will produce a sum that will be
19 sufficient to: (i) pay the cost of insurance, individual or
20 joint self-insurance (including reserves thereon), including
21 all operating and administrative costs and expenses directly
22 associated therewith, claims services and risk management
23 directly attributable to loss prevention and loss reduction,
24 legal services directly attributable to the insurance,
25 self-insurance, or joint self-insurance program, and
26 educational, inspectional, and supervisory services directly

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

1 reasonable actuarial or insurance underwriting evidence and
2 subject to the limits and reporting provisions in Section
3 9-103.

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

17 Funds raised pursuant to this Section shall, unless
18 lawfully transferred as provided in Section 17-2A of the
19 School Code, only be used for the purposes specified in this
20 Act, including protection against and reduction of any
21 liability or loss described hereinabove and under Federal or
22 State common or statutory law, the Workers' Compensation Act,
23 the Workers' Occupational Diseases Act and the Unemployment
24 Insurance Act. Funds raised pursuant to this Section may be
25 invested in any manner in which other funds of local public
26 entities may be invested under Section 2 of the Public Funds

1 Investment Act. Interest on such funds shall be used only for
2 purposes for which the funds can be used or, if surplus, must
3 be used for abatement of property taxes levied by the local
4 taxing entity.

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

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

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

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

- 25 (1) Those taxes are excepted from and shall not be
26 included within the rate limitation imposed by law on

1 taxes levied for general corporate purposes by the local
2 public entity authorized to levy a tax under this Section.

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

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

1 on taxes levied for general corporate purposes.

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

10 (Source: P.A. 99-922, eff. 1-17-17.)