



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Elaine Nekritz

SYNOPSIS AS INTRODUCED:

35 ILCS 200/18-185	
55 ILCS 5/5-1062	from Ch. 34, par. 5-1062
55 ILCS 5/5-1062.1	from Ch. 34, par. 5-1062.1
70 ILCS 2605/7h new	
70 ILCS 2605/12	from Ch. 42, par. 332

Amends the Counties Code and the Metropolitan Water Reclamation District Act. Requires counties located within the area served by the Northeastern Illinois Planning Commission and having a population over 400,000 to enter into intergovernmental agreements setting standards to control stormwater runoff so as not to cause flood damage in adjacent counties. Directs the Department of Transportation, upon petition, to adopt the standards if an agreement is not created. Provides for the adoption and implementation of a Cook County stormwater management plan by the Metropolitan Water Reclamation District. Authorizes the District to implement the plan throughout the county. Authorizes the District to impose fees on areas outside the District but within the County. Authorizes a special tax levy for stormwater management purposes and reduces the District's authorized tax levy for general corporate purposes by a corresponding amount. Preempts some home rule powers. Amends the Property Tax Code to exclude the stormwater management tax from the tax caps imposed under the Property Tax Extension Limitation Law. Effective immediately.

LRB093 15618 MKM 41225 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning stormwater management.

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

4 Section 5. The Property Tax Code is amended by changing
5 Section 18-185 as follows:

6 (35 ILCS 200/18-185)

7 Sec. 18-185. Short title; definitions. This Division 5 may
8 be cited as the Property Tax Extension Limitation Law. As used
9 in this Division 5:

10 "Consumer Price Index" means the Consumer Price Index for
11 All Urban Consumers for all items published by the United
12 States Department of Labor.

13 "Extension limitation" means (a) the lesser of 5% or the
14 percentage increase in the Consumer Price Index during the
15 12-month calendar year preceding the levy year or (b) the rate
16 of increase approved by voters under Section 18-205.

17 "Affected county" means a county of 3,000,000 or more
18 inhabitants or a county contiguous to a county of 3,000,000 or
19 more inhabitants.

20 "Taxing district" has the same meaning provided in Section
21 1-150, except as otherwise provided in this Section. For the
22 1991 through 1994 levy years only, "taxing district" includes
23 only each non-home rule taxing district having the majority of
24 its 1990 equalized assessed value within any county or counties
25 contiguous to a county with 3,000,000 or more inhabitants.
26 Beginning with the 1995 levy year, "taxing district" includes
27 only each non-home rule taxing district subject to this Law
28 before the 1995 levy year and each non-home rule taxing
29 district not subject to this Law before the 1995 levy year
30 having the majority of its 1994 equalized assessed value in an
31 affected county or counties. Beginning with the levy year in
32 which this Law becomes applicable to a taxing district as

1 provided in Section 18-213, "taxing district" also includes
2 those taxing districts made subject to this Law as provided in
3 Section 18-213.

4 "Aggregate extension" for taxing districts to which this
5 Law applied before the 1995 levy year means the annual
6 corporate extension for the taxing district and those special
7 purpose extensions that are made annually for the taxing
8 district, excluding special purpose extensions: (a) made for
9 the taxing district to pay interest or principal on general
10 obligation bonds that were approved by referendum; (b) made for
11 any taxing district to pay interest or principal on general
12 obligation bonds issued before October 1, 1991; (c) made for
13 any taxing district to pay interest or principal on bonds
14 issued to refund or continue to refund those bonds issued
15 before October 1, 1991; (d) made for any taxing district to pay
16 interest or principal on bonds issued to refund or continue to
17 refund bonds issued after October 1, 1991 that were approved by
18 referendum; (e) made for any taxing district to pay interest or
19 principal on revenue bonds issued before October 1, 1991 for
20 payment of which a property tax levy or the full faith and
21 credit of the unit of local government is pledged; however, a
22 tax for the payment of interest or principal on those bonds
23 shall be made only after the governing body of the unit of
24 local government finds that all other sources for payment are
25 insufficient to make those payments; (f) made for payments
26 under a building commission lease when the lease payments are
27 for the retirement of bonds issued by the commission before
28 October 1, 1991, to pay for the building project; (g) made for
29 payments due under installment contracts entered into before
30 October 1, 1991; (h) made for payments of principal and
31 interest on bonds issued under the Metropolitan Water
32 Reclamation District Act to finance construction projects
33 initiated before October 1, 1991; (i) made for payments of
34 principal and interest on limited bonds, as defined in Section
35 3 of the Local Government Debt Reform Act, in an amount not to
36 exceed the debt service extension base less the amount in items

1 (b), (c), (e), and (h) of this definition for non-referendum
2 obligations, except obligations initially issued pursuant to
3 referendum; (j) made for payments of principal and interest on
4 bonds issued under Section 15 of the Local Government Debt
5 Reform Act; (k) made by a school district that participates in
6 the Special Education District of Lake County, created by
7 special education joint agreement under Section 10-22.31 of the
8 School Code, for payment of the school district's share of the
9 amounts required to be contributed by the Special Education
10 District of Lake County to the Illinois Municipal Retirement
11 Fund under Article 7 of the Illinois Pension Code; the amount
12 of any extension under this item (k) shall be certified by the
13 school district to the county clerk; and (l) made to fund
14 expenses of providing joint recreational programs for the
15 handicapped under Section 5-8 of the Park District Code or
16 Section 11-95-14 of the Illinois Municipal Code.

17 "Aggregate extension" for the taxing districts to which
18 this Law did not apply before the 1995 levy year (except taxing
19 districts subject to this Law in accordance with Section
20 18-213) means the annual corporate extension for the taxing
21 district and those special purpose extensions that are made
22 annually for the taxing district, excluding special purpose
23 extensions: (a) made for the taxing district to pay interest or
24 principal on general obligation bonds that were approved by
25 referendum; (b) made for any taxing district to pay interest or
26 principal on general obligation bonds issued before March 1,
27 1995; (c) made for any taxing district to pay interest or
28 principal on bonds issued to refund or continue to refund those
29 bonds issued before March 1, 1995; (d) made for any taxing
30 district to pay interest or principal on bonds issued to refund
31 or continue to refund bonds issued after March 1, 1995 that
32 were approved by referendum; (e) made for any taxing district
33 to pay interest or principal on revenue bonds issued before
34 March 1, 1995 for payment of which a property tax levy or the
35 full faith and credit of the unit of local government is
36 pledged; however, a tax for the payment of interest or

1 principal on those bonds shall be made only after the governing
2 body of the unit of local government finds that all other
3 sources for payment are insufficient to make those payments;
4 (f) made for payments under a building commission lease when
5 the lease payments are for the retirement of bonds issued by
6 the commission before March 1, 1995 to pay for the building
7 project; (g) made for payments due under installment contracts
8 entered into before March 1, 1995; (h) made for payments of
9 principal and interest on bonds issued under the Metropolitan
10 Water Reclamation District Act to finance construction
11 projects initiated before October 1, 1991; (h-4) made for
12 stormwater management purposes by the Metropolitan Water
13 Reclamation District of Greater Chicago under Section 12 of the
14 Metropolitan Water Reclamation District Act; (i) made for
15 payments of principal and interest on limited bonds, as defined
16 in Section 3 of the Local Government Debt Reform Act, in an
17 amount not to exceed the debt service extension base less the
18 amount in items (b), (c), and (e) of this definition for
19 non-referendum obligations, except obligations initially
20 issued pursuant to referendum and bonds described in subsection
21 (h) of this definition; (j) made for payments of principal and
22 interest on bonds issued under Section 15 of the Local
23 Government Debt Reform Act; (k) made for payments of principal
24 and interest on bonds authorized by Public Act 88-503 and
25 issued under Section 20a of the Chicago Park District Act for
26 aquarium or museum projects; (l) made for payments of principal
27 and interest on bonds authorized by Public Act 87-1191 or
28 93-601 ~~this amendatory Act of the 93rd General Assembly~~ and (i)
29 issued pursuant to Section 21.2 of the Cook County Forest
30 Preserve District Act, (ii) issued under Section 42 of the Cook
31 County Forest Preserve District Act for zoological park
32 projects, or (iii) issued under Section 44.1 of the Cook County
33 Forest Preserve District Act for botanical gardens projects;
34 (m) made pursuant to Section 34-53.5 of the School Code,
35 whether levied annually or not; (n) made to fund expenses of
36 providing joint recreational programs for the handicapped

1 under Section 5-8 of the Park District Code or Section 11-95-14
2 of the Illinois Municipal Code; and (o) made by the Chicago
3 Park District for recreational programs for the handicapped
4 under subsection (c) of Section 7.06 of the Chicago Park
5 District Act.

6 "Aggregate extension" for all taxing districts to which
7 this Law applies in accordance with Section 18-213, except for
8 those taxing districts subject to paragraph (2) of subsection
9 (e) of Section 18-213, means the annual corporate extension for
10 the taxing district and those special purpose extensions that
11 are made annually for the taxing district, excluding special
12 purpose extensions: (a) made for the taxing district to pay
13 interest or principal on general obligation bonds that were
14 approved by referendum; (b) made for any taxing district to pay
15 interest or principal on general obligation bonds issued before
16 the date on which the referendum making this Law applicable to
17 the taxing district is held; (c) made for any taxing district
18 to pay interest or principal on bonds issued to refund or
19 continue to refund those bonds issued before the date on which
20 the referendum making this Law applicable to the taxing
21 district is held; (d) made for any taxing district to pay
22 interest or principal on bonds issued to refund or continue to
23 refund bonds issued after the date on which the referendum
24 making this Law applicable to the taxing district is held if
25 the bonds were approved by referendum after the date on which
26 the referendum making this Law applicable to the taxing
27 district is held; (e) made for any taxing district to pay
28 interest or principal on revenue bonds issued before the date
29 on which the referendum making this Law applicable to the
30 taxing district is held for payment of which a property tax
31 levy or the full faith and credit of the unit of local
32 government is pledged; however, a tax for the payment of
33 interest or principal on those bonds shall be made only after
34 the governing body of the unit of local government finds that
35 all other sources for payment are insufficient to make those
36 payments; (f) made for payments under a building commission

1 lease when the lease payments are for the retirement of bonds
2 issued by the commission before the date on which the
3 referendum making this Law applicable to the taxing district is
4 held to pay for the building project; (g) made for payments due
5 under installment contracts entered into before the date on
6 which the referendum making this Law applicable to the taxing
7 district is held; (h) made for payments of principal and
8 interest on limited bonds, as defined in Section 3 of the Local
9 Government Debt Reform Act, in an amount not to exceed the debt
10 service extension base less the amount in items (b), (c), and
11 (e) of this definition for non-referendum obligations, except
12 obligations initially issued pursuant to referendum; (i) made
13 for payments of principal and interest on bonds issued under
14 Section 15 of the Local Government Debt Reform Act; (j) made
15 for a qualified airport authority to pay interest or principal
16 on general obligation bonds issued for the purpose of paying
17 obligations due under, or financing airport facilities
18 required to be acquired, constructed, installed or equipped
19 pursuant to, contracts entered into before March 1, 1996 (but
20 not including any amendments to such a contract taking effect
21 on or after that date); and (k) made to fund expenses of
22 providing joint recreational programs for the handicapped
23 under Section 5-8 of the Park District Code or Section 11-95-14
24 of the Illinois Municipal Code.

25 "Aggregate extension" for all taxing districts to which
26 this Law applies in accordance with paragraph (2) of subsection
27 (e) of Section 18-213 means the annual corporate extension for
28 the taxing district and those special purpose extensions that
29 are made annually for the taxing district, excluding special
30 purpose extensions: (a) made for the taxing district to pay
31 interest or principal on general obligation bonds that were
32 approved by referendum; (b) made for any taxing district to pay
33 interest or principal on general obligation bonds issued before
34 the effective date of this amendatory Act of 1997; (c) made for
35 any taxing district to pay interest or principal on bonds
36 issued to refund or continue to refund those bonds issued

1 before the effective date of this amendatory Act of 1997; (d)
2 made for any taxing district to pay interest or principal on
3 bonds issued to refund or continue to refund bonds issued after
4 the effective date of this amendatory Act of 1997 if the bonds
5 were approved by referendum after the effective date of this
6 amendatory Act of 1997; (e) made for any taxing district to pay
7 interest or principal on revenue bonds issued before the
8 effective date of this amendatory Act of 1997 for payment of
9 which a property tax levy or the full faith and credit of the
10 unit of local government is pledged; however, a tax for the
11 payment of interest or principal on those bonds shall be made
12 only after the governing body of the unit of local government
13 finds that all other sources for payment are insufficient to
14 make those payments; (f) made for payments under a building
15 commission lease when the lease payments are for the retirement
16 of bonds issued by the commission before the effective date of
17 this amendatory Act of 1997 to pay for the building project;
18 (g) made for payments due under installment contracts entered
19 into before the effective date of this amendatory Act of 1997;
20 (h) made for payments of principal and interest on limited
21 bonds, as defined in Section 3 of the Local Government Debt
22 Reform Act, in an amount not to exceed the debt service
23 extension base less the amount in items (b), (c), and (e) of
24 this definition for non-referendum obligations, except
25 obligations initially issued pursuant to referendum; (i) made
26 for payments of principal and interest on bonds issued under
27 Section 15 of the Local Government Debt Reform Act; (j) made
28 for a qualified airport authority to pay interest or principal
29 on general obligation bonds issued for the purpose of paying
30 obligations due under, or financing airport facilities
31 required to be acquired, constructed, installed or equipped
32 pursuant to, contracts entered into before March 1, 1996 (but
33 not including any amendments to such a contract taking effect
34 on or after that date); and (k) made to fund expenses of
35 providing joint recreational programs for the handicapped
36 under Section 5-8 of the Park District Code or Section 11-95-14

1 of the Illinois Municipal Code.

2 "Debt service extension base" means an amount equal to that
3 portion of the extension for a taxing district for the 1994
4 levy year, or for those taxing districts subject to this Law in
5 accordance with Section 18-213, except for those subject to
6 paragraph (2) of subsection (e) of Section 18-213, for the levy
7 year in which the referendum making this Law applicable to the
8 taxing district is held, or for those taxing districts subject
9 to this Law in accordance with paragraph (2) of subsection (e)
10 of Section 18-213 for the 1996 levy year, constituting an
11 extension for payment of principal and interest on bonds issued
12 by the taxing district without referendum, but not including
13 excluded non-referendum bonds. For park districts (i) that were
14 first subject to this Law in 1991 or 1995 and (ii) whose
15 extension for the 1994 levy year for the payment of principal
16 and interest on bonds issued by the park district without
17 referendum (but not including excluded non-referendum bonds)
18 was less than 51% of the amount for the 1991 levy year
19 constituting an extension for payment of principal and interest
20 on bonds issued by the park district without referendum (but
21 not including excluded non-referendum bonds), "debt service
22 extension base" means an amount equal to that portion of the
23 extension for the 1991 levy year constituting an extension for
24 payment of principal and interest on bonds issued by the park
25 district without referendum (but not including excluded
26 non-referendum bonds). The debt service extension base may be
27 established or increased as provided under Section 18-212.
28 "Excluded non-referendum bonds" means (i) bonds authorized by
29 Public Act 88-503 and issued under Section 20a of the Chicago
30 Park District Act for aquarium and museum projects; (ii) bonds
31 issued under Section 15 of the Local Government Debt Reform
32 Act; or (iii) refunding obligations issued to refund or to
33 continue to refund obligations initially issued pursuant to
34 referendum.

35 "Special purpose extensions" include, but are not limited
36 to, extensions for levies made on an annual basis for

1 unemployment and workers' compensation, self-insurance,
2 contributions to pension plans, and extensions made pursuant to
3 Section 6-601 of the Illinois Highway Code for a road
4 district's permanent road fund whether levied annually or not.
5 The extension for a special service area is not included in the
6 aggregate extension.

7 "Aggregate extension base" means the taxing district's
8 last preceding aggregate extension as adjusted under Sections
9 18-215 through 18-230.

10 "Levy year" has the same meaning as "year" under Section
11 1-155.

12 "New property" means (i) the assessed value, after final
13 board of review or board of appeals action, of new improvements
14 or additions to existing improvements on any parcel of real
15 property that increase the assessed value of that real property
16 during the levy year multiplied by the equalization factor
17 issued by the Department under Section 17-30, (ii) the assessed
18 value, after final board of review or board of appeals action,
19 of real property not exempt from real estate taxation, which
20 real property was exempt from real estate taxation for any
21 portion of the immediately preceding levy year, multiplied by
22 the equalization factor issued by the Department under Section
23 17-30, and (iii) in counties that classify in accordance with
24 Section 4 of Article IX of the Illinois Constitution, an
25 incentive property's additional assessed value resulting from
26 a scheduled increase in the level of assessment as applied to
27 the first year final board of review market value. In addition,
28 the county clerk in a county containing a population of
29 3,000,000 or more shall include in the 1997 recovered tax
30 increment value for any school district, any recovered tax
31 increment value that was applicable to the 1995 tax year
32 calculations.

33 "Qualified airport authority" means an airport authority
34 organized under the Airport Authorities Act and located in a
35 county bordering on the State of Wisconsin and having a
36 population in excess of 200,000 and not greater than 500,000.

1 "Recovered tax increment value" means, except as otherwise
2 provided in this paragraph, the amount of the current year's
3 equalized assessed value, in the first year after a
4 municipality terminates the designation of an area as a
5 redevelopment project area previously established under the
6 Tax Increment Allocation Development Act in the Illinois
7 Municipal Code, previously established under the Industrial
8 Jobs Recovery Law in the Illinois Municipal Code, or previously
9 established under the Economic Development Area Tax Increment
10 Allocation Act, of each taxable lot, block, tract, or parcel of
11 real property in the redevelopment project area over and above
12 the initial equalized assessed value of each property in the
13 redevelopment project area. For the taxes which are extended
14 for the 1997 levy year, the recovered tax increment value for a
15 non-home rule taxing district that first became subject to this
16 Law for the 1995 levy year because a majority of its 1994
17 equalized assessed value was in an affected county or counties
18 shall be increased if a municipality terminated the designation
19 of an area in 1993 as a redevelopment project area previously
20 established under the Tax Increment Allocation Development Act
21 in the Illinois Municipal Code, previously established under
22 the Industrial Jobs Recovery Law in the Illinois Municipal
23 Code, or previously established under the Economic Development
24 Area Tax Increment Allocation Act, by an amount equal to the
25 1994 equalized assessed value of each taxable lot, block,
26 tract, or parcel of real property in the redevelopment project
27 area over and above the initial equalized assessed value of
28 each property in the redevelopment project area. In the first
29 year after a municipality removes a taxable lot, block, tract,
30 or parcel of real property from a redevelopment project area
31 established under the Tax Increment Allocation Development Act
32 in the Illinois Municipal Code, the Industrial Jobs Recovery
33 Law in the Illinois Municipal Code, or the Economic Development
34 Area Tax Increment Allocation Act, "recovered tax increment
35 value" means the amount of the current year's equalized
36 assessed value of each taxable lot, block, tract, or parcel of

1 real property removed from the redevelopment project area over
2 and above the initial equalized assessed value of that real
3 property before removal from the redevelopment project area.

4 Except as otherwise provided in this Section, "limiting
5 rate" means a fraction the numerator of which is the last
6 preceding aggregate extension base times an amount equal to one
7 plus the extension limitation defined in this Section and the
8 denominator of which is the current year's equalized assessed
9 value of all real property in the territory under the
10 jurisdiction of the taxing district during the prior levy year.
11 For those taxing districts that reduced their aggregate
12 extension for the last preceding levy year, the highest
13 aggregate extension in any of the last 3 preceding levy years
14 shall be used for the purpose of computing the limiting rate.
15 The denominator shall not include new property. The denominator
16 shall not include the recovered tax increment value.

17 (Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04;
18 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; revised
19 12-10-03.)

20 Section 10. The Counties Code is amended by changing
21 Sections 5-1062 and 5-1062.1 as follows:

22 (55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)

23 Sec. 5-1062. Stormwater management.

24 (a) The purpose of this Section is to allow management and
25 mitigation of the effects of urbanization on stormwater
26 drainage in metropolitan counties located in the area served by
27 the Northeastern Illinois Planning Commission, and references
28 to "county" in this Section shall apply only to those counties.
29 This Section shall not apply to any county with a population in
30 excess of 1,500,000, except as provided in subsection (c). The
31 purpose of this Section shall be achieved by:

32 (1) consolidating the existing stormwater management
33 framework into a united, countywide structure;

34 (2) setting minimum standards for floodplain and

1 stormwater management; and

2 (3) preparing a countywide plan for the management of
3 stormwater runoff, including the management of natural and
4 man-made drainageways. The countywide plan may incorporate
5 watershed plans.

6 (b) A stormwater management planning committee shall be
7 established by county board resolution, with its membership
8 consisting of equal numbers of county board and municipal
9 representatives from each county board district, and such other
10 members as may be determined by the county and municipal
11 members. However, if the county has more than 6 county board
12 districts, the county board may by ordinance divide the county
13 into not less than 6 areas of approximately equal population,
14 to be used instead of county board districts for the purpose of
15 determining representation on the stormwater management
16 planning committee.

17 The county board members shall be appointed by the chairman
18 of the county board. Municipal members from each county board
19 district or other represented area shall be appointed by a
20 majority vote of the mayors of those municipalities which have
21 the greatest percentage of their respective populations
22 residing in such county board district or other represented
23 area. All municipal and county board representatives shall be
24 entitled to a vote; the other members shall be nonvoting
25 members, unless authorized to vote by the unanimous consent of
26 the municipal and county board representatives. A municipality
27 that is located in more than one county may choose, at the time
28 of formation of the stormwater management planning committee
29 and based on watershed boundaries, to participate in the
30 stormwater management planning program of either or both of the
31 counties. Subcommittees of the stormwater management planning
32 committee may be established to serve a portion of the county
33 or a particular drainage basin that has similar stormwater
34 management needs. The stormwater management planning committee
35 shall adopt by-laws, by a majority vote of the county and
36 municipal members, to govern the functions of the committee and

1 its subcommittees. Officers of the committee shall include a
2 chair and vice chair, one of whom shall be a county
3 representative and one a municipal representative.

4 The principal duties of the committee shall be to develop a
5 stormwater management plan for presentation to and approval by
6 the county board, and to direct the plan's implementation and
7 revision. The committee may retain engineering, legal and
8 financial advisors and inspection personnel. The committee
9 shall meet at least quarterly and shall hold at least one
10 public meeting during the preparation of the plan and prior to
11 its submittal to the county board.

12 (c) In the preparation of a stormwater management plan, a
13 county stormwater management planning committee shall
14 coordinate the planning process with each adjoining county to
15 ensure that recommended stormwater projects will have no
16 significant impact on the levels or flows of stormwaters in
17 inter-county watersheds or on the capacity of existing and
18 planned stormwater retention facilities. An adopted stormwater
19 management plan shall identify steps taken by the county to
20 coordinate the development of plan recommendations with
21 adjoining counties.

22 Within one year after the effective date of this amendatory
23 Act of the 93rd General Assembly, each of those counties
24 located within the area served by the Northeastern Illinois
25 Planning Commission having a population in excess of 400,000
26 shall have entered into an agreement with each of the other
27 such counties setting standards to control stormwater runoff so
28 as not to cause flood damage to adjacent counties. In the case
29 of any county having a population in excess of 1,500,000, the
30 agreement shall be negotiated and entered into by the sanitary
31 district in that county organized under the Metropolitan Water
32 Reclamation District Act, rather than by the county board. If
33 any such county and the sanitary district do not enter into an
34 agreement within the time specified, then upon petition by any
35 such county or sanitary district to the Department of
36 Transportation, the Department shall set the standards not

1 later than 6 months following the date of the petition. The
2 petition to the Department shall include a history of the
3 attempts that were made to reach agreement, recommended
4 standards to control stormwater so as not to increase flood
5 damage, and technical information to support the recommended
6 standards to control stormwater runoff. The Department may, at
7 its discretion, hold a hearing to obtain information from
8 counties, sanitary districts, and other interested and
9 affected parties on the proposed standards to control
10 stormwater runoff. A home rule unit may not regulate stormwater
11 runoff in a manner inconsistent with this paragraph. This
12 paragraph is a limitation under subsection (i) of Section 6 of
13 Article VII of the Illinois Constitution on the concurrent
14 exercise by home rule units of powers and functions exercised
15 by the State.

16 (d) Before the stormwater management planning committee
17 recommends to the county board a stormwater management plan for
18 the county or a portion thereof, it shall submit the plan to
19 the Office of Water Resources of the Department of Natural
20 Resources and to the Northeastern Illinois Planning Commission
21 for review and recommendations. The Office and the Commission,
22 in reviewing the plan, shall consider such factors as impacts
23 on the levels or flows in rivers and streams and the cumulative
24 effects of stormwater discharges on flood levels. The Office of
25 Water Resources shall determine whether the plan or ordinances
26 enacted to implement the plan complies with the requirements of
27 subsection (f). Within a period not to exceed 60 days, the
28 review comments and recommendations shall be submitted to the
29 stormwater management planning committee for consideration.
30 Any amendments to the plan shall be submitted to the Office and
31 the Commission for review.

32 (e) Prior to recommending the plan to the county board, the
33 stormwater management planning committee shall hold at least
34 one public hearing thereon and shall afford interested persons
35 an opportunity to be heard. The hearing shall be held in the
36 county seat. Notice of the hearing shall be published at least

1 once no less than 15 days in advance thereof in a newspaper of
2 general circulation published in the county. The notice shall
3 state the time and place of the hearing and the place where
4 copies of the proposed plan will be accessible for examination
5 by interested parties. If an affected municipality having a
6 stormwater management plan adopted by ordinance wishes to
7 protest the proposed county plan provisions, it shall appear at
8 the hearing and submit in writing specific proposals to the
9 stormwater management planning committee. After consideration
10 of the matters raised at the hearing, the committee may amend
11 or approve the plan and recommend it to the county board for
12 adoption.

13 The county board may enact the proposed plan by ordinance.
14 If the proposals for modification of the plan made by an
15 affected municipality having a stormwater management plan are
16 not included in the proposed county plan, and the municipality
17 affected by the plan opposes adoption of the county plan by
18 resolution of its corporate authorities, approval of the county
19 plan shall require an affirmative vote of at least two-thirds
20 of the county board members present and voting. If the county
21 board wishes to amend the county plan, it shall submit in
22 writing specific proposals to the stormwater management
23 planning committee. If the proposals are not approved by the
24 committee, or are opposed by resolution of the corporate
25 authorities of an affected municipality having a municipal
26 stormwater management plan, amendment of the plan shall require
27 an affirmative vote of at least two-thirds of the county board
28 members present and voting.

29 (f) The county board may prescribe by ordinance reasonable
30 rules and regulations for floodplain management and for
31 governing the location, width, course and release rate of all
32 stormwater runoff channels, streams and basins in the county,
33 in accordance with the adopted stormwater management plan.
34 These rules and regulations shall, at a minimum, meet the
35 standards for floodplain management established by the Office
36 of Water Resources and the requirements of the Federal

1 Emergency Management Agency for participation in the National
2 Flood Insurance Program.

3 (g) In accordance with, and if recommended in, the adopted
4 stormwater management plan, the county board may adopt a
5 schedule of fees as may be necessary to mitigate the effects of
6 increased stormwater runoff resulting from new development.
7 The fees shall not exceed the cost of satisfying the onsite
8 stormwater retention or detention requirements of the adopted
9 stormwater management plan. The fees shall be used to finance
10 activities undertaken by the county or its included
11 municipalities to mitigate the effects of urban stormwater
12 runoff by providing regional stormwater retention or detention
13 facilities, as identified in the county plan. All such fees
14 collected by the county shall be held in a separate fund, and
15 shall be expended only in the watershed within which they were
16 collected.

17 (h) For the purpose of implementing this Section and for
18 the development, design, planning, construction, operation and
19 maintenance of stormwater facilities provided for in the
20 stormwater management plan, a county board that has established
21 a stormwater management planning committee pursuant to this
22 Section may cause an annual tax of not to exceed 0.20% of the
23 value, as equalized or assessed by the Department of Revenue,
24 of all taxable property in the county to be levied upon all the
25 taxable property in the county. The tax shall be in addition to
26 all other taxes authorized by law to be levied and collected in
27 the county and shall be in addition to the maximum tax rate
28 authorized by law for general county purposes. The 0.20%
29 limitation provided in this Section may be increased or
30 decreased by referendum in accordance with the provisions of
31 Sections 18-120, 18-125, and 18-130 of the Property Tax Code.

32 Any revenues generated as a result of ownership or
33 operation of facilities or land acquired with the tax funds
34 collected pursuant to this subsection (h) shall be held in a
35 separate fund and be used either to abate such property tax or
36 for implementing this Section.

1 However, unless at least part of the county has been
 2 declared after July 1, 1986 by presidential proclamation to be
 3 a disaster area as a result of flooding, the tax authorized by
 4 this subsection (h) shall not be levied until the question of
 5 its adoption, either for a specified period or indefinitely,
 6 has been submitted to the electors thereof and approved by a
 7 majority of those voting on the question. This question may be
 8 submitted at any election held in the county after the adoption
 9 of a resolution by the county board providing for the
 10 submission of the question to the electors of the county. The
 11 county board shall certify the resolution and proposition to
 12 the proper election officials, who shall submit the proposition
 13 at an election in accordance with the general election law. If
 14 a majority of the votes cast on the question is in favor of the
 15 levy of the tax, it may thereafter be levied in the county for
 16 the specified period or indefinitely, as provided in the
 17 proposition. The question shall be put in substantially the
 18 following form:

19 -----
 20 Shall an annual tax be levied
 21 for stormwater management purposes YES
 22 (for a period of not more than
 23 years) at a rate not exceeding -----
 24% of the equalized assessed
 25 value of the taxable property of NO
 26 County?
 27 -----

28 (i) Upon the creation and implementation of a county
 29 stormwater management plan, the county may petition the circuit
 30 court to dissolve any or all drainage districts created
 31 pursuant to the Illinois Drainage Code or predecessor Acts
 32 which are located entirely within the area of the county
 33 covered by the plan.

34 However, any active drainage district implementing a plan
 35 that is consistent with and at least as stringent as the county
 36 stormwater management plan may petition the stormwater

1 management planning committee for exception from dissolution.
2 Upon filing of the petition, the committee shall set a date for
3 hearing not less than 2 weeks, nor more than 4 weeks, from the
4 filing thereof, and the committee shall give at least one
5 week's notice of the hearing in one or more newspapers of
6 general circulation within the district, and in addition shall
7 cause a copy of the notice to be personally served upon each of
8 the trustees of the district. At the hearing, the committee
9 shall hear the district's petition and allow the district
10 trustees and any interested parties an opportunity to present
11 oral and written evidence. The committee shall render its
12 decision upon the petition for exception from dissolution based
13 upon the best interests of the residents of the district. In
14 the event that the exception is not allowed, the district may
15 file a petition within 30 days of the decision with the circuit
16 court. In that case, the notice and hearing requirements for
17 the court shall be the same as herein provided for the
18 committee. The court shall likewise render its decision of
19 whether to dissolve the district based upon the best interests
20 of residents of the district.

21 The dissolution of any drainage district shall not affect
22 the obligation of any bonds issued or contracts entered into by
23 the district nor invalidate the levy, extension or collection
24 of any taxes or special assessments upon the property in the
25 former drainage district. All property and obligations of the
26 former drainage district shall be assumed and managed by the
27 county, and the debts of the former drainage district shall be
28 discharged as soon as practicable.

29 If a drainage district lies only partly within a county
30 that adopts a county stormwater management plan, the county may
31 petition the circuit court to disconnect from the drainage
32 district that portion of the district that lies within that
33 county. The property of the drainage district within the
34 disconnected area shall be assumed and managed by the county.
35 The county shall also assume a portion of the drainage
36 district's debt at the time of disconnection, based on the

1 portion of the value of the taxable property of the drainage
2 district which is located within the area being disconnected.

3 The operations of any drainage district that continues to
4 exist in a county that has adopted a stormwater management plan
5 in accordance with this Section shall be in accordance with the
6 adopted plan.

7 (j) Any county that has adopted a county stormwater
8 management plan under this Section may, after 10 days written
9 notice to the owner or occupant, enter upon any lands or waters
10 within the county for the purpose of inspecting stormwater
11 facilities or causing the removal of any obstruction to an
12 affected watercourse. The county shall be responsible for any
13 damages occasioned thereby.

14 (k) Upon petition of the municipality, and based on a
15 finding of the stormwater management planning committee, the
16 county shall not enforce rules and regulations adopted by the
17 county in any municipality located wholly or partly within the
18 county that has a municipal stormwater management ordinance
19 that is consistent with and at least as stringent as the county
20 plan and ordinance, and is being enforced by the municipal
21 authorities.

22 (l) A county may issue general obligation bonds for
23 implementing any stormwater plan adopted under this Section in
24 the manner prescribed in Section 5-1012; except that the
25 referendum requirement of Section 5-1012 shall not apply to
26 bonds issued pursuant to this Section on which the principal
27 and interest are to be paid entirely out of funds generated by
28 the taxes and fees authorized by this Section.

29 (m) The powers authorized by this Section may be
30 implemented by the county board for a portion of the county
31 subject to similar stormwater management needs.

32 (n) The powers and taxes authorized by this Section are in
33 addition to the powers and taxes authorized by Division 5-15;
34 in exercising its powers under this Section, a county shall not
35 be subject to the restrictions and requirements of that
36 Division.

1 (o) Pursuant to paragraphs (g) and (i) of Section 6 of
2 Article VII of the Illinois Constitution, this Section
3 specifically denies and limits the exercise of any power which
4 is inconsistent herewith by home rule units in any county with
5 a population of less than 1,500,000 in the area served by the
6 Northeastern Illinois Planning Commission. This Section does
7 not prohibit the concurrent exercise of powers consistent
8 herewith.

9 (Source: P.A. 88-670, eff. 12-2-94; 89-445, eff. 2-7-96.)

10 (55 ILCS 5/5-1062.1) (from Ch. 34, par. 5-1062.1)

11 Sec. 5-1062.1. Stormwater management planning councils in
12 Cook County.

13 (a) Stormwater management in Cook County shall be conducted
14 as provided in Section 7h of the Metropolitan Water Reclamation
15 District Act. As used in this Section, "District" means the
16 Metropolitan Water Reclamation District of Greater Chicago.

17 The purpose of this Section is to create planning councils,
18 organized by watershed, to contribute to the stormwater
19 management process by advising the Metropolitan Water
20 Reclamation District of Greater Chicago and representing the
21 needs and interests of the members of the public and the local
22 governments included within their respective watersheds. ~~allow~~
23 ~~management and mitigation of the effects of urbanization on~~
24 ~~stormwater drainage in Cook County, and this Section applies~~
25 ~~only to Cook County. In addition, this Section is intended to~~
26 ~~improve stormwater and floodplain management in Cook County by~~
27 ~~the following:~~

28 ~~(1) Setting minimum standards for floodplain and~~
29 ~~stormwater management.~~

30 ~~(2) Preparing plans for the management of floodplains~~
31 ~~and stormwater runoff, including the management of natural~~
32 ~~and man-made drainage ways.~~

33 (b) ~~The purpose of this Section shall be achieved by the~~
34 ~~following:~~

35 ~~(1) Creating 6 Stormwater management planning councils~~

1 shall be formed for each of the following ~~according to the~~
2 established watersheds of the Chicago Metropolitan Area:
3 North Branch Chicago River, Lower Des Plaines Tributaries,
4 Cal-Sag Channel, Little Calumet River, Poplar Creek, and
5 Upper Salt Creek. In addition a stormwater management
6 planning council shall be established for the combined
7 sewer areas of Cook County. Additional stormwater
8 management planning councils may be formed by the District
9 ~~Stormwater Management Planning Committee~~ for other
10 watersheds within Cook County. Membership on the watershed
11 councils shall consist of the chief elected official, or
12 his or her designee, from each municipality and township
13 within the watershed and the Cook County Board President,
14 or his or her designee, if unincorporated area is included
15 in the watershed. A municipality or township shall be a
16 member of more than one watershed council if the corporate
17 boundaries of that municipality~~7~~ or township extend
18 ~~entered~~ into more than one watershed, or if the
19 municipality or township is served in part by separate
20 sewers and combined sewers. Subcommittees of the
21 stormwater management planning councils may be established
22 to assist the stormwater management planning councils in
23 performing their duties ~~preparing and implementing a~~
24 ~~stormwater management plan~~. The councils may adopt bylaws
25 to govern the functioning of the stormwater management
26 councils and subcommittees.

27 ~~(2) Creating, by intergovernmental agreement, a~~
28 ~~county wide Stormwater Management Planning Committee with~~
29 ~~its membership consisting of the Chairman of each of the~~
30 ~~watershed management councils, the Cook County Board~~
31 ~~President or his designee, and the Northeastern Illinois~~
32 ~~Planning Commission President or his designee.~~

33 (c) (3) The principal duties of the watershed planning
34 councils shall be to advise the District on the development
35 and implementation of the countywide ~~develop a~~ stormwater
36 management plan with respect to matters relating to their

1 respective watersheds and to advise and represent the
2 concerns of ~~for the watershed area and to recommend the~~
3 ~~plan for adoption to~~ the units of local government in the
4 watershed area. The councils shall meet at least quarterly
5 and shall hold at least one public hearing during the
6 preparation of the plan. ~~Adoption of the watershed plan~~
7 ~~shall be by each municipality in the watershed and by vote~~
8 ~~of the County Board.~~

9 (d) ~~(4)~~ The District ~~principal duty of the county wide~~
10 ~~Stormwater Management Committee~~ shall give careful
11 consideration to the recommendations and concerns of the
12 watershed planning councils throughout the planning
13 process and shall be to coordinate the 6 watershed plans as
14 developed and to coordinate the planning process with the
15 adjoining counties to ensure that recommended stormwater
16 projects will have no significant adverse impact on the
17 levels or flows of stormwater in the inter-county watershed
18 or on the capacity of existing and planned stormwater
19 retention facilities. The District ~~committee~~ shall
20 identify in an annual published report steps taken by the
21 District to accommodate the concerns and recommendations
22 of the watershed planning councils. ~~committee to~~
23 ~~coordinate the development of plan recommendations with~~
24 ~~adjoining counties. The committee shall also publish a~~
25 ~~coordinated stormwater document of all activity in the Cook~~
26 ~~County area and agreed upon stormwater planning standards.~~

27 ~~(5) The stormwater management planning committee shall~~
28 ~~submit the coordinated watershed plans to the Office of~~
29 ~~Water Resources of the Department of Natural Resources and~~
30 ~~to the Northeastern Illinois Planning Commission for~~
31 ~~review and recommendation. The Office and the Commission,~~
32 ~~in reviewing the plan, shall consider those factors as~~
33 ~~impact on the level or flows in the rivers and streams and~~
34 ~~the cumulative effects of stormwater discharges on flood~~
35 ~~levels. The review comments and recommendations shall be~~
36 ~~submitted to the watershed councils for consideration.~~

1 (e) ~~(6)~~ The stormwater management planning councils
2 ~~committee~~ may recommend rules and regulations to the
3 District watershed councils governing the location, width,
4 course, and release rates of all stormwater runoff
5 channels, streams, and basins in their respective
6 watersheds the county.

7 (f) ~~(7)~~ The Northwest Municipal Conference, the South
8 Suburban Mayors and Managers Association, and the West
9 Central Municipal Conference shall be responsible for the
10 coordination of the planning councils created under this
11 Section.

12 (Source: P.A. 88-649, eff. 9-16-94; 89-445, eff. 2-7-96.)

13 Section 15. The Metropolitan Water Reclamation District
14 Act is amended by adding Section 7h and by changing Section 12
15 and as follows:

16 (70 ILCS 2605/7h new)

17 Sec. 7h. Stormwater management.

18 (a) Stormwater management in Cook County shall be under the
19 general supervision of the Metropolitan Water Reclamation
20 District of Greater Chicago. The District has the authority to
21 plan, manage, implement, and finance activities relating to
22 stormwater management in Cook County. The authority of the
23 District with respect to stormwater management extends
24 throughout Cook County and is not limited to the area otherwise
25 within the territory and jurisdiction of the District under
26 this Act.

27 For the purposes of this Section, the term "stormwater
28 management" includes, without limitation, the management of
29 floods and floodwaters.

30 (b) The District may utilize the resources of cooperating
31 local watershed councils (including the stormwater management
32 planning councils created under Section 5-1062.1 of the
33 Counties Code), councils of local governments, the
34 Northeastern Illinois Planning Commission, and similar

1 organizations and agencies. The District may provide those
2 organizations and agencies with funding, on a contractual
3 basis, for providing information to the District, providing
4 information to the public, or performing other activities
5 related to stormwater management.

6 The District, in addition to other powers vested in it, may
7 negotiate and enter into agreements with any county for the
8 management of stormwater runoff in accordance with subsection
9 (c) of Section 5-1062 of the Counties Code.

10 The District may enter into intergovernmental agreements
11 with Cook County or other units of local government that are
12 located in whole or in part outside the District for the
13 purpose of implementing the stormwater management plan and
14 providing stormwater management services in areas not included
15 within the territory of the District.

16 (c) The District shall prepare and adopt by ordinance a
17 countywide stormwater management plan for Cook County. The
18 countywide plan may incorporate one or more separate watershed
19 plans.

20 Prior to adopting the countywide stormwater management
21 plan, the District shall hold at least one public hearing
22 thereon and shall afford interested persons an opportunity to
23 be heard.

24 (d) The District may prescribe by ordinance reasonable
25 rules and regulations for floodplain and stormwater management
26 and for governing the location, width, course, and release rate
27 of all stormwater runoff channels, streams, and basins in Cook
28 County, in accordance with the adopted stormwater management
29 plan. These rules and regulations shall, at a minimum, meet the
30 standards for floodplain management established by the Office
31 of Water Resources of the Department of Natural Resources and
32 the requirements of the Federal Emergency Management Agency for
33 participation in the National Flood Insurance Program.

34 (e) The District may impose fees on areas outside the
35 District but within Cook County to mitigate the effects of
36 increased stormwater runoff resulting from new development.

1 The fees shall not exceed the cost of satisfying the onsite
2 stormwater retention or detention requirements of the adopted
3 stormwater management plan. The fees shall be used to finance
4 activities undertaken by the District or units of local
5 government within the District to mitigate the effects of urban
6 stormwater runoff by providing regional stormwater retention
7 or detention facilities, as identified in the plan. All such
8 fees collected by the District shall be held in a separate fund
9 and used for implementation of this Section.

10 (f) Amounts realized from the tax levy for stormwater
11 management purposes authorized in Section 12 may be used by the
12 District for implementing this Section and for the development,
13 design, planning, construction, operation, and maintenance of
14 regional stormwater facilities provided for in the stormwater
15 management plan.

16 The proceeds of any tax imposed under Section 12 for
17 stormwater management purposes and any revenues generated as a
18 result of the ownership or operation of facilities or land
19 acquired with the proceeds of taxes imposed under Section 12
20 for stormwater management purposes shall be held in a separate
21 fund and used either for implementing this Section or to abate
22 those taxes.

23 (g) The District may plan, implement, finance, and operate
24 regional stormwater management projects in accordance with the
25 adopted countywide stormwater management plan.

26 The District shall provide for public review and comment on
27 proposed stormwater management projects. The District shall
28 conform to State and federal requirements concerning public
29 information, environmental assessments, and environmental
30 impacts for projects receiving State or federal funds.

31 The District may issue bonds under Section 9.6a of this Act
32 for the purpose of funding stormwater management projects.

33 The District shall not use Cook County Forest Preserve
34 District land for stormwater or flood control projects without
35 the consent of the Forest Preserve District.

36 (h) Upon the creation and implementation of a county

1 stormwater management plan, the District may petition the
2 circuit court to dissolve any or all drainage districts created
3 pursuant to the Illinois Drainage Code or predecessor Acts that
4 are located entirely within the District.

5 However, any active drainage district implementing a plan
6 that is consistent with and at least as stringent as the county
7 stormwater management plan may petition the District for
8 exception from dissolution. Upon filing of the petition, the
9 District shall set a date for hearing not less than 2 weeks,
10 nor more than 4 weeks, from the filing thereof, and the
11 District shall give at least one week's notice of the hearing
12 in one or more newspapers of general circulation within the
13 drainage district, and in addition shall cause a copy of the
14 notice to be personally served upon each of the trustees of the
15 drainage district. At the hearing, the District shall hear the
16 drainage district's petition and allow the drainage district
17 trustees and any interested parties an opportunity to present
18 oral and written evidence. The District shall render its
19 decision upon the petition for exception from dissolution based
20 upon the best interests of the residents of the drainage
21 district. In the event that the exception is not allowed, the
22 drainage district may file a petition with the circuit court
23 within 30 days of the decision. In that case, the notice and
24 hearing requirements for the court shall be the same as
25 provided in this subsection for the petition to the District.
26 The court shall render its decision of whether to dissolve the
27 district based upon the best interests of the residents of the
28 drainage district.

29 The dissolution of a drainage district shall not affect the
30 obligation of any bonds issued or contracts entered into by the
31 drainage district nor invalidate the levy, extension, or
32 collection of any taxes or special assessments upon the
33 property in the former drainage district. All property and
34 obligations of the former drainage district shall be assumed
35 and managed by the District, and the debts of the former
36 drainage district shall be discharged as soon as practicable.

1 If a drainage district lies only partly within the
2 District, the District may petition the circuit court to
3 disconnect from the drainage district that portion of the
4 drainage district that lies within the District. The property
5 of the drainage district within the disconnected area shall be
6 assumed and managed by the District. The District shall also
7 assume a portion of the drainage district's debt at the time of
8 disconnection, based on the portion of the value of the taxable
9 property of the drainage district which is located within the
10 area being disconnected.

11 A drainage district that continues to exist within Cook
12 County shall conform its operations to the countywide
13 stormwater management plan.

14 (i) The District may assume responsibility for maintaining
15 any stream within Cook County.

16 (j) The District may, after 10 days written notice to the
17 owner or occupant, enter upon any lands or waters within the
18 county for the purpose of inspecting stormwater facilities or
19 causing the removal of any obstruction to an affected
20 watercourse. The District shall be responsible for any damages
21 occasioned thereby.

22 (k) The District shall report to the public annually on its
23 activities and expenditures under this Section and the adopted
24 countywide stormwater management plan.

25 (l) The powers granted to the District under this Section
26 are in addition to the other powers granted under this Act.
27 This Section does not limit the powers of the District under
28 any other provision of this Act or any other law.

29 (m) This Section does not affect the power or duty of any
30 unit of local government to take actions relating to flooding
31 or stormwater, so long as those actions conform with this
32 Section and the plans, rules, and ordinances adopted by the
33 District under this Section.

34 A home rule unit located in whole or in part in Cook County
35 (other than a municipality with a population over 1,000,000)
36 may not regulate stormwater management or planning in Cook

1 County in a manner inconsistent with this Section or the plans,
2 rules, and ordinances adopted by the District under this
3 Section; provided, within a municipality with a population over
4 1,000,000, the stormwater management planning program of Cook
5 County shall be conducted by that municipality or, to the
6 extent provided in an intergovernmental agreement between the
7 municipality and the District, by the District pursuant to this
8 Section; provided further that the power granted to such
9 municipality shall not be inconsistent with existing powers of
10 the District. Pursuant to paragraph (i) of Section 6 of Article
11 VII of the Illinois Constitution, this Section specifically
12 denies and limits the exercise of any power that is
13 inconsistent with this Section by a home rule unit that is a
14 county with a population of 1,500,000 or more or is located, in
15 whole or in part, within such a county, other than a
16 municipality with a population over 1,000,000.

17 (70 ILCS 2605/12) (from Ch. 42, par. 332)

18 Sec. 12. The board of commissioners annually may levy taxes
19 for corporate purposes upon property within the territorial
20 limits of such sanitary district, the aggregate amount of
21 which, exclusive of the amount levied for (a) the payment of
22 bonded indebtedness and the interest on bonded indebtedness (b)
23 employees' annuity and benefit purposes (c) construction
24 purposes, and (d) for the purpose of establishing and
25 maintaining a reserve fund for the payment of claims, awards,
26 losses, judgments or liabilities which might be imposed on such
27 sanitary district under the Workers' Compensation Act or the
28 Workers' Occupational Diseases Act, and any claim in tort,
29 including but not limited to, any claim imposed upon such
30 sanitary district under the Local Governmental and
31 Governmental Employees Tort Immunity Act, and for the repair or
32 replacement of any property owned by such sanitary district
33 which is damaged by fire, flood, explosion, vandalism or any
34 other peril, natural or manmade, shall not exceed the sum
35 produced by extending the rate of .46% for each of the years

1 ~~year~~ 1979 through 2004 and by extending the rate of 0.41% for
2 the year 2005 and each year thereafter, upon the assessed
3 valuation of all taxable property within the sanitary district
4 as equalized and determined for State and local taxes.

5 In addition, for stormwater management purposes, including
6 but not limited to those provided in subsection (f) of Section
7 7(h), the board of commissioners may levy taxes for the year
8 2005 and each year thereafter at a rate not to exceed 0.05% of
9 the assessed valuation of all taxable property within the
10 District as equalized and determined for State and local taxes.

11 And in addition thereto, for construction purposes as
12 defined in Section 5.2 of this Act, the board of commissioners
13 may levy taxes for the year 1985 and each year thereafter which
14 shall be at a rate not to exceed .10% of the assessed valuation
15 of all taxable property within the sanitary district as
16 equalized and determined for State and local taxes. Amounts
17 realized from taxes so levied for construction purposes shall
18 be limited for use to such purposes and shall not be available
19 for appropriation or used to defray the cost of repairs to or
20 expense of maintaining or operating existing or future
21 facilities, but such restrictions, however, shall not apply to
22 additions, alterations, enlargements, and replacements which
23 will add appreciably to the value, utility, or the useful life
24 of said facilities. Such rates shall be extended against the
25 assessed valuation of the taxable property within the corporate
26 limits as the same shall be assessed and equalized for the
27 county taxes for the year in which the levy is made and said
28 board shall cause the amount to be raised by taxation in each
29 year to be certified to the county clerk on or before the
30 thirtieth day of March; provided, however, that if during the
31 budget year the General Assembly authorizes an increase in such
32 rates, the board of commissioners may adopt a supplemental levy
33 and shall make such certification to the County Clerk on or
34 before the thirtieth day of December.

35 For the purpose of establishing and maintaining a reserve
36 fund for the payment of claims, awards, losses, judgments or

1 liabilities which might be imposed on such sanitary district
2 under the Workers' Compensation Act or the Workers'
3 Occupational Diseases Act, and any claim in tort, including but
4 not limited to, any claim imposed upon such sanitary district
5 under the Local Governmental and Governmental Employees Tort
6 Immunity Act, and for the repair or replacement, where the cost
7 thereof exceeds the sum of \$10,000, of any property owned by
8 such sanitary district which is damaged by fire, flood,
9 explosion, vandalism or any other peril, natural or man-made,
10 such sanitary district may also levy annually upon all taxable
11 property within its territorial limits a tax not to exceed
12 .005% of the assessed valuation of said taxable property as
13 equalized and determined for State and local taxes; provided,
14 however, the aggregate amount which may be accumulated in such
15 reserve fund shall not exceed .05% of such assessed valuation.

16 All taxes so levied and certified shall be collected and
17 enforced in the same manner and by the same officers as State
18 and county taxes, and shall be paid over by the officer
19 collecting the same to the treasurer of the sanitary district,
20 in the manner and at the time provided by the general revenue
21 law. No part of the taxes hereby authorized shall be used by
22 such sanitary district for the construction of permanent,
23 fixed, immovable bridges across any channel constructed under
24 the provisions of this Act. All bridges built across such
25 channel shall not necessarily interfere with or obstruct the
26 navigation of such channel, when the same becomes a navigable
27 stream, as provided in Section 24 of this Act, but such bridges
28 shall be so constructed that they can be raised, swung or moved
29 out of the way of vessels, tugs, boats or other water craft
30 navigating such channel. Nothing in this Act shall be so
31 construed as to compel said district to maintain or operate
32 said bridges, as movable bridges, for a period of 9 years from
33 and after the time when the water has been turned into said
34 channel pursuant to law, unless the needs of general navigation
35 of the Des Plaines and Illinois Rivers, when connected by said
36 channel, sooner require it. In levying taxes the board of

1 commissioners, in order to produce the net amount required by
2 the levies for payment of bonds and interest thereon, shall
3 include an amount or rate estimated to be sufficient to cover
4 losses in collection of taxes, the cost of collecting taxes,
5 abatements in the amount of such taxes as extended on the
6 collector's books and the amount of such taxes collection of
7 which will be deferred; the amount so added for the purpose of
8 producing the net amount required shall not exceed any
9 applicable maximum tax rate or amount.

10 (Source: P.A. 84-630.)

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