

1 AMENDMENT TO HOUSE BILL 914

2 AMENDMENT NO. _____. Amend House Bill 914 on page 12,
3 line 16, after "project", by inserting the following:

4 ", including leases between a public building commission and
5 a community college district in a county with a population
6 not less than 300,000 and not more than 400,000 that are
7 amended under subsection (n) of Section 14 of the Public
8 Building Commission Act"; and

9 on page 12, line 21, after "1991;", by inserting the
10 following:

11 "(h-5) made for stormwater management purposes by the
12 Metropolitan Water Reclamation District of Greater Chicago
13 under Section 12 of the Metropolitan Water Reclamation
14 District Act"; and

15 on page 21, line 5, by replacing "Sections 3 and 18" with
16 "Sections 3, 14, and 18"; and

17 on page 22, immediately below line 15, by inserting the
18 following:

19 "(50 ILCS 20/14) (from Ch. 85, par. 1044)

20 Sec. 14. A Public Building Commission is a municipal
21 corporation and constitutes a body both corporate and politic

1 separate and apart from any other municipal corporation or
2 any other public or governmental agency. It may sue and be
3 sued, plead and be impleaded, and have a seal and alter such
4 at pleasure, have perpetual succession, make and execute
5 contracts, leases, deeds and other instruments necessary or
6 convenient to the exercise of its powers, and make and from
7 time to time amend and repeal its by-laws, rules and
8 regulations not inconsistent with this Act. In addition, it
9 has and shall exercise the following public and essential
10 governmental powers and functions and all other powers
11 incidental or necessary, to carry out and effectuate such
12 express powers:

13 (a) To select, locate and designate, at any time and
14 from time to time, one or more areas lying wholly within the
15 territorial limits of the municipality or of the county seat
16 of the county in which the Commission is organized, or within
17 the territorial limits of the county if the site is to be
18 used for county purposes, or (in the case of a county having
19 a population of at least 20,000 but not more than 21,000 as
20 determined by the 1980 federal census) within the territorial
21 limits of the county if the site is to be used for municipal
22 purposes, as the site or sites to be acquired for the
23 erection, alteration or improvement of a building or
24 buildings, public improvement or other facilities for the
25 purposes set forth in this Section. The site or sites
26 selected shall be conveniently located within such county,
27 municipality or county seat and of an area in size
28 sufficiently large to accomplish and effectuate the purpose
29 of this Act and sufficient to provide for proper
30 architectural setting and adequate landscaping for such
31 building or buildings, public improvement or other
32 facilities.

33 (1) Where the governing body of the county seat or the
34 governing body of any municipality with 3,000 or more

1 inhabitants has adopted the original resolution for the
2 creation of the Commission, the site or sites selected, and
3 in the case of a project for an Airport Authority, the site
4 or sites selected, the project and any lease agreements, are
5 subject to approval by a majority of the members of the
6 governing body of the county seat or by a majority of the
7 members of the governing body of the municipality. However,
8 where the site is for a county project and is outside the
9 limits of a municipality, the approval of the site shall be
10 by the county board.

11 (2) Where the original resolution for the creation of
12 the Commission has been adopted by the governing body of the
13 county, the site or sites selected, and in the case of a
14 project for an Airport Authority, the site or sites selected,
15 the project and any lease agreements, are subject to approval
16 by a majority of the members of the governing body of the
17 county and to approval by 3/4 of the members of the governing
18 body of the county seat, except that approval of 3/4 of the
19 members of the governing body of the county seat is not
20 required where the site is for a county or (in the case of a
21 county having a population of at least 20,000 but not more
22 than 21,000 as determined by the 1980 federal census) a
23 municipal project and is outside the limits of the county
24 seat, in which case approval by 3/4 of the members of the
25 governing body of any municipality where the site or sites
26 will be located is required; and, if such site or sites so
27 selected, and in the case of a project for an Airport
28 Authority, the site or sites selected, the project and any
29 lease agreements, are not approved by 3/4 of the members of
30 the governing body of the county seat the Commission may by
31 resolution request that the approval of the site or sites so
32 selected, and in the case of a project for an Airport
33 Authority, the site or sites selected, the project and any
34 lease agreements, be submitted to a referendum at the next

1 general election in accordance with the general election law,
 2 and shall present such resolution to the county clerk. Upon
 3 receipt of such resolution the county clerk shall immediately
 4 notify the board of election commissioners, if any; however,
 5 referenda pursuant to such resolution shall not be called
 6 more frequently than once in 4 years. The proposition shall
 7 be in substantially the following form:

8 -----

9 Shall be acquired for the
 10 erection, alteration or improvement of a
 11 building or buildings pursuant to the YES
 12 Public Building Commission Act,
 13 approved July 5, 1955, which project
 14 it is estimated will cost \$....., -----
 15 including the cost of the site
 16 acquisition and for the payment of which
 17 revenue bonds in the amount of \$....., NO
 18 maturing and bearing interest at
 19 the rate of% per annum, may be issued?

20 -----

21 If a majority of the electors voting on the proposition vote
 22 in favor of the proposition, the site or sites so selected,
 23 and in the case of a project for an Airport Authority, the
 24 site or sites selected, the project and any lease agreements,
 25 shall be approved. Except where approval of the site or
 26 sites has been obtained by referendum, the area or areas may
 27 be enlarged by the Board of Commissioners, from time to time,
 28 as the need therefor arises. The selection, location and
 29 designation of more than one area may, but need not, be made
 30 at one time but may be made from time to time.

31 (b) To acquire the fee simple title to the real property
 32 located within such area or areas, including easements and
 33 reversionary interests in the streets, alleys and other
 34 public places and personal property required for its

1 purposes, by purchase, gift, legacy, or by the exercise of
2 the power of eminent domain, and title thereto shall be taken
3 in the corporate name of the Commission. Eminent domain
4 proceedings shall be in all respects in the manner provided
5 for the exercise of the right of eminent domain under Article
6 VII of the Code of Civil Procedure, approved August 19, 1981,
7 as amended. All land and appurtenances thereto, acquired or
8 owned by the Commission are to be deemed acquired or owned
9 for a public use or public purpose.

10 Any municipal corporation which owns fee simple title to
11 real property located within such an area, may convey such
12 real property, or any part thereof, to the Commission with a
13 provision in such conveyance for the reverter of such real
14 property to the transferor municipal corporation at such time
15 as all revenue bonds and other obligations of the Commission
16 incident to the real property so conveyed, have been paid in
17 full, and such Commission is hereby authorized to accept such
18 a conveyance.

19 (c) To demolish, repair, alter or improve any building
20 or buildings within the area or areas and to erect a new
21 building or buildings, improvement and other facilities
22 within the area or areas to provide space for the conduct of
23 the executive, legislative and judicial functions of
24 government, its various branches, departments and agencies
25 thereof and to provide buildings, improvements and other
26 facilities for use by local government in the furnishing of
27 essential governmental, health, safety and welfare services
28 to its citizens; to furnish and equip such building or
29 buildings, improvements and other facilities, and maintain
30 and operate them so as to effectuate the purposes of this
31 Act.

32 (d) To pave and improve streets within such area or
33 areas, and to construct, repair and install sidewalks,
34 sewers, waterpipes and other similar facilities and site

1 improvements within such area or areas and to provide for
2 adequate landscaping essential to the preparation of such
3 site or sites in accordance with the purposes of this Act.

4 (e) To make provisions for offstreet parking facilities.

5 (f) To operate, maintain, manage and to make and enter
6 into contracts for the operation, maintenance and management
7 of such buildings and other facilities and to provide rules
8 and regulations for the operation, maintenance and management
9 thereof.

10 (g) To employ and discharge without regard to any Civil
11 Services Act, engineering, architectural, construction, legal
12 and financial experts and such other employees as may be
13 necessary in its judgment to carry out the purposes of this
14 Act and to fix compensation for such employees, and enter
15 into contracts for the employment of any person, firm, or
16 corporation, and for professional services necessary or
17 desirable for the accomplishment of the objects and purposes
18 of the Commission and the proper administration, management,
19 protection and control of its property.

20 (h) To rent all or any part or parts of such building,
21 buildings, or other facilities to any municipal corporation
22 that organized or joined in the organization of the Public
23 Building Commission or to any branch, department, or agency
24 thereof, or to any branch, department, or agency of the State
25 or Federal government, or to any other state or any agency or
26 political subdivision of another state with which the
27 Commission has entered into an intergovernmental agreement or
28 contract under the Intergovernmental Cooperation Act, or to
29 any municipal corporation with which the Commission has
30 entered into an intergovernmental agreement or contract under
31 the Intergovernmental Cooperation Act, or to any other
32 municipal corporation, quasi municipal corporation, political
33 subdivision or body politic, or agency thereof, doing
34 business, maintaining an office, or rendering a public

1 service in such county for any period of time, not to exceed
2 30 years.

3 (i) To rent such space in such building or buildings as
4 from time to time may not be needed by any governmental
5 agency for such other purposes as the Board of Commissioners
6 may determine will best serve the comfort and convenience of
7 the occupants of such building or buildings, and upon such
8 terms and in such manner as the Board of Commissioners may
9 determine.

10 (j) To execute written leases evidencing the rental
11 agreements authorized in paragraphs (h) and (i) of this
12 Section.

13 (k) To procure and enter into contracts for any type of
14 insurance or indemnity against loss or damage to property
15 from any cause, including loss of use and occupancy, against
16 death or injury of any person, against employer's liability,
17 against any act of any member, officer or employee of the
18 Public Building Commission in the performance of the duties
19 of his office or employment or any other insurable risk, as
20 the Board of Commissioners in its discretion may deem
21 necessary.

22 (l) To accept donations, contributions, capital grants
23 or gifts from any individuals, associations, municipal and
24 private corporations and the United States of America, or any
25 agency or instrumentality thereof, for or in aid of any of
26 the purposes of this Act and to enter into agreements in
27 connection therewith.

28 (m) To borrow money from time to time and in evidence
29 thereof to issue and sell revenue bonds in such amount or
30 amounts as the Board of Commissioners may determine to
31 provide funds for the purpose of acquiring, erecting,
32 demolishing, improving, altering, equipping, repairing,
33 maintaining and operating buildings and other facilities and
34 to acquire sites necessary and convenient therefor and to pay

1 all costs and expenses incident thereto, including, but
2 without in any way limiting the generality of the foregoing,
3 architectural, engineering, legal and financing expense,
4 which may include an amount sufficient to meet the interest
5 charges on such revenue bonds during such period or periods
6 as may elapse prior to the time when the project or projects
7 may become revenue producing and for one year in addition
8 thereto; and to refund and refinance, from time to time,
9 revenue bonds so issued and sold, as often as may be deemed
10 to be advantageous by the Board of Commissioners.

11 (n) To enter into any agreement or contract with any
12 lessee, who, pursuant to the terms of this Act, is renting or
13 is about to rent from the Commission all or part of any
14 building or buildings or facilities, whereby under such
15 agreement or contract such lessee obligates itself to pay all
16 or part of the cost of maintaining and operating the premises
17 so leased. Such agreement may be included as a provision of
18 any lease entered into pursuant to the terms of this Act or
19 may be made the subject of a separate agreement or contract
20 between the Commission and such lessee. Notwithstanding any
21 contrary provision of the Property Tax Extension Limitation
22 Law, a lease entered into by a public building commission and
23 a community college district in a county with a population of
24 not less than 300,000 and not more than 400,000 before
25 October 1, 1991, may be amended to provide for the
26 continuation of an annual payment in an amount that is not
27 greater than the maximum annual payment under the lease on
28 the effective date of this amendatory Act of the 92nd General
29 Assembly. For the purposes of Section 18 of this Act, the
30 effective date of the amendment to the lease is the same as
31 the date of the original execution of that lease.

32 (Source: P.A. 86-325; 86-1215; 87-1208.)"; and

33 on page 25, immediately below line 4, by inserting the
34 following:

1 "Section 20. The Counties Code is amended by changing
2 Section 5-1062.1 as follows:

3 (55 ILCS 5/5-1062.1) (from Ch. 34, par. 5-1062.1)
4 Sec. 5-1062.1. Stormwater management planning councils
5 in Cook County.

6 (a) Stormwater management planning in Cook County shall
7 be conducted as provided in Section 7h of the Metropolitan
8 Water Reclamation District Act. References in this Section
9 to the "District" mean the Metropolitan Water Reclamation
10 District of Greater Chicago.

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

22 (1) ~~Setting--minimum--standards--for-floodplain-and~~
23 ~~stormwater-management.~~

24 (2) ~~Preparing--plans--for--the--management--of~~
25 ~~floodplains--and--stormwater--runoff,--including--the~~
26 ~~management-of-natural-and-man-made-drainage-ways.~~

27 (b) ~~The-purpose-of-this-Section-shall-be-achieved-by-the~~
28 ~~following:~~

29 (1) ~~Creating--6~~ Stormwater management planning councils
30 shall be formed for each of the following according--to--the
31 established watersheds of the Chicago Metropolitan Area:
32 North Branch Chicago River, Lower Des Plaines Tributaries,
33 Cal-Sag Channel, Little Calumet River, Poplar Creek, and

1 Upper Salt Creek. In addition, a stormwater management
 2 planning council shall be established for the combined sewer
 3 areas of Cook County. Additional stormwater management
 4 planning councils may be formed by the District Stormwater
 5 Management-Planning-Committee for other watersheds within
 6 Cook County.

7 Membership on the watershed councils shall consist of the
 8 chief elected official, or his or her designee, from each
 9 municipality and township within the watershed and the Cook
 10 County Board President, or his or her designee, if
 11 unincorporated area is included in the watershed. A
 12 municipality or township shall be a member of more than one
 13 watershed council if the corporate boundaries of that
 14 municipality, or township extend entered into more than one
 15 watershed, or if the municipality or township is served in
 16 part by separate sewers and combined sewers.

17 Subcommittees of the stormwater management planning
 18 councils may be established to assist the stormwater
 19 management planning councils in performing their duties
 20 preparing-and-implementing-a-stormwater-management-plan. The
 21 councils may adopt bylaws to govern the functioning of the
 22 stormwater management councils and subcommittees.

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

29 (c) (3) The principal duties of the watershed planning
 30 councils shall be to advise the District on the development
 31 and implementation of the countywide develop--a stormwater
 32 management plan with respect to matters relating to their
 33 respective watersheds and to advise and represent the
 34 concerns of for-the-watershed-area-and-to-recommend-the-plan

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

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

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

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

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

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

12 Section 25. The Metropolitan Water Reclamation District
13 Act is amended by adding Section 7h as follows:

14 (70 ILCS 2605/7h new)

15 Sec. 7h. Stormwater management.

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

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

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

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

6 The District may enter into agreements with responsible
7 agencies in adjoining counties for the purpose of
8 accommodating planning activities on a watershed basis.

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

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

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

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

34 (e) The District may impose fees on areas outside the

1 District but within Cook County to mitigate the effects of
2 increased stormwater runoff resulting from new development.
3 The fees shall not exceed the cost of satisfying the onsite
4 stormwater retention or detention requirements of the adopted
5 stormwater management plan. The fees shall be used to
6 finance activities undertaken by the District or units of
7 local government within the District to mitigate the effects
8 of urban stormwater runoff by providing regional stormwater
9 retention or detention facilities, as identified in the plan.
10 All such fees collected by the District shall be held in a
11 separate fund.

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

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

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

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

34 The District may issue bonds under Section 9.6a of this

1 Act for the purpose of funding stormwater management
2 projects.

3 The District shall not use Cook County Forest Preserve
4 District land for stormwater or flood control projects
5 without the consent of the Forest Preserve District.

6 (h) Upon the creation and implementation of a county
7 stormwater management plan, the District may petition the
8 circuit court to dissolve any or all drainage districts
9 created pursuant to the Illinois Drainage Code or predecessor
10 Acts that are located entirely within the District.

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

1 district.

2 The dissolution of a drainage district shall not affect
3 the obligation of any bonds issued or contracts entered into
4 by the drainage district nor invalidate the levy, extension,
5 or collection of any taxes or special assessments upon the
6 property in the former drainage district. All property and
7 obligations of the former drainage district shall be assumed
8 and managed by the District, and the debts of the former
9 drainage district shall be discharged as soon as practicable.

10 If a drainage district lies only partly within the
11 District, the District may petition the circuit court to
12 disconnect from the drainage district that portion of the
13 drainage district that lies within the District. The
14 property of the drainage district within the disconnected
15 area shall be assumed and managed by the District. The
16 District shall also assume a portion of the drainage
17 district's debt at the time of disconnection, based on the
18 portion of the value of the taxable property of the drainage
19 district which is located within the area being disconnected.

20 A drainage district that continues to exist within Cook
21 County shall conform its operations to the countywide
22 stormwater management plan.

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

25 (j) The District may, after 10 days written notice to
26 the owner or occupant, enter upon any lands or waters within
27 the county for the purpose of inspecting stormwater
28 facilities or causing the removal of any obstruction to an
29 affected watercourse. The District shall be responsible for
30 any damages occasioned thereby.

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

34 (l) The powers granted to the District under this

1 Section are in addition to the other powers granted under
2 this Act. This Section does not limit the powers of the
3 District under any other provision of this Act or any other
4 law.

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

10 A home rule unit located in whole or in part in Cook
11 County may not regulate stormwater management or planning in
12 Cook County in a manner inconsistent with this Section or the
13 plans, rules, and ordinances adopted by the District under
14 this Section. Pursuant to paragraph (i) of Section 6 of
15 Article VII of the Illinois Constitution, this Section
16 specifically denies and limits the exercise of any power that
17 is inconsistent with this Section by a home rule unit that is
18 a county with a population of 1,500,000 or more or is
19 located, in whole or in part, within such a county.

20 (70 ILCS 2605/12) (from Ch. 42, par. 332)

21 Sec. 12. The board of commissioners annually may levy
22 taxes for corporate purposes upon property within the
23 territorial limits of such sanitary district, the aggregate
24 amount of which, exclusive of the amount levied for (a) the
25 payment of bonded indebtedness and the interest on bonded
26 indebtedness (b) employees' annuity and benefit purposes (c)
27 construction purposes, and (d) for the purpose of
28 establishing and maintaining a reserve fund for the payment
29 of claims, awards, losses, judgments or liabilities which
30 might be imposed on such sanitary district under the Workers'
31 Compensation Act or the Workers' Occupational Diseases Act,
32 and any claim in tort, including but not limited to, any
33 claim imposed upon such sanitary district under the Local

1 Governmental and Governmental Employees Tort Immunity Act,
2 and for the repair or replacement of any property owned by
3 such sanitary district which is damaged by fire, flood,
4 explosion, vandalism or any other peril, natural or manmade,
5 shall not exceed the sum produced by extending the rate of
6 .46% for each of the years year 1979 through 2001 and by
7 extending the rate of 0.41% for the year 2002 and each year
8 thereafter, upon the assessed valuation of all taxable
9 property within the sanitary district as equalized and
10 determined for State and local taxes.

11 In addition, for stormwater management purposes as
12 provided in subsection (f) of Section 7h, the board of
13 commissioners may levy taxes for the year 2002 and each year
14 thereafter at a rate not to exceed 0.05% of the assessed
15 valuation of all taxable property within the district as
16 equalized and determined for State and local taxes.

17 ~~And~~ In addition thereto, for construction purposes as
18 defined in Section 5.2 of this Act, the board of
19 commissioners may levy taxes for the year 1985 and each year
20 thereafter which shall be at a rate not to exceed .10% of the
21 assessed valuation of all taxable property within the
22 sanitary district as equalized and determined for State and
23 local taxes. Amounts realized from taxes so levied for
24 construction purposes shall be limited for use to such
25 purposes and shall not be available for appropriation or used
26 to defray the cost of repairs to or expense of maintaining or
27 operating existing or future facilities, but such
28 restrictions, however, shall not apply to additions,
29 alterations, enlargements, and replacements which will add
30 appreciably to the value, utility, or the useful life of said
31 facilities.

32 Such rates shall be extended against the assessed
33 valuation of the taxable property within the corporate limits
34 as the same shall be assessed and equalized for the county

1 taxes for the year in which the levy is made and said board
2 shall cause the amount to be raised by taxation in each year
3 to be certified to the county clerk on or before the
4 thirtieth day of March; provided, however, that if during the
5 budget year the General Assembly authorizes an increase in
6 such rates, the board of commissioners may adopt a
7 supplemental levy and shall make such certification to the
8 County Clerk on or before the thirtieth day of December.

9 For the purpose of establishing and maintaining a reserve
10 fund for the payment of claims, awards, losses, judgments or
11 liabilities which might be imposed on such sanitary district
12 under the Workers' Compensation Act or the Workers'
13 Occupational Diseases Act, and any claim in tort, including
14 but not limited to, any claim imposed upon such sanitary
15 district under the Local Governmental and Governmental
16 Employees Tort Immunity Act, and for the repair or
17 replacement, where the cost thereof exceeds the sum of
18 \$10,000, of any property owned by such sanitary district
19 which is damaged by fire, flood, explosion, vandalism or any
20 other peril, natural or man-made, such sanitary district may
21 also levy annually upon all taxable property within its
22 territorial limits a tax not to exceed .005% of the assessed
23 valuation of said taxable property as equalized and
24 determined for State and local taxes; provided, however, the
25 aggregate amount which may be accumulated in such reserve
26 fund shall not exceed .05% of such assessed valuation.

27 All taxes so levied and certified shall be collected and
28 enforced in the same manner and by the same officers as State
29 and county taxes, and shall be paid over by the officer
30 collecting the same to the treasurer of the sanitary
31 district, in the manner and at the time provided by the
32 general revenue law. No part of the taxes hereby authorized
33 shall be used by such sanitary district for the construction
34 of permanent, fixed, immovable bridges across any channel

1 constructed under the provisions of this Act. All bridges
2 built across such channel shall not necessarily interfere
3 with or obstruct the navigation of such channel, when the
4 same becomes a navigable stream, as provided in Section 24 of
5 this Act, but such bridges shall be so constructed that they
6 can be raised, swung or moved out of the way of vessels,
7 tugs, boats or other water craft navigating such channel.
8 Nothing in this Act shall be so construed as to compel said
9 district to maintain or operate said bridges, as movable
10 bridges, for a period of 9 years from and after the time when
11 the water has been turned into said channel pursuant to law,
12 unless the needs of general navigation of the Des Plaines and
13 Illinois Rivers, when connected by said channel, sooner
14 require it. In levying taxes the board of commissioners, in
15 order to produce the net amount required by the levies for
16 payment of bonds and interest thereon, shall include an
17 amount or rate estimated to be sufficient to cover losses in
18 collection of taxes, the cost of collecting taxes, abatements
19 in the amount of such taxes as extended on the collector's
20 books and the amount of such taxes collection of which will
21 be deferred; the amount so added for the purpose of producing
22 the net amount required shall not exceed any applicable
23 maximum tax rate or amount.

24 (Source: P.A. 84-630.)".