



Sen. Sue Rezin

Filed: 2/28/2017

10000SB1337sam001

LRB100 07731 AWJ 21570 a

1 AMENDMENT TO SENATE BILL 1337

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1337 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing  
5 Section 5-1062.2 as follows:

6 (55 ILCS 5/5-1062.2)

7 Sec. 5-1062.2. Stormwater management.

8 (a) The purpose of this Section is to allow management and  
9 mitigation of the effects of urbanization on stormwater  
10 drainage in all counties not granted authority under Section  
11 5-1062 or Section 5-1062.3 of this Code ~~the metropolitan~~  
12 ~~counties of Madison, St. Clair, Monroe, Kankakee, Grundy,~~  
13 ~~LaSalle, DeKalb, Kendall, and Boone and references to "county"~~  
14 ~~in this Section apply only to those counties. This Section does~~  
15 ~~not apply to counties in the Northeastern Illinois Planning~~  
16 ~~Commission that are granted authorities in Section 5-1062. The~~

1 purpose of this Section shall be achieved by:

2 (1) Consolidating the existing stormwater management  
3 framework into a united, countywide structure.

4 (2) Setting minimum standards for floodplain and  
5 stormwater management.

6 (3) Preparing a countywide plan for the management of  
7 stormwater runoff, including the management of natural and  
8 man-made drainageways. The countywide plan may incorporate  
9 watershed plans.

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

21 The county board members shall be appointed by the chairman  
22 of the county board. Municipal members from each county board  
23 district or other represented area shall be appointed by a  
24 majority vote of the mayors of those municipalities that have  
25 the greatest percentage of their respective populations  
26 residing in that county board district or other represented

1 area. All municipal and county board representatives shall be  
2 entitled to a vote; the other members shall be nonvoting  
3 members, unless authorized to vote by the unanimous consent of  
4 the municipal and county board representatives. A municipality  
5 that is located in more than one county may choose, at the time  
6 of formation of the stormwater management planning committee  
7 and based on watershed boundaries, to participate in the  
8 stormwater management planning program of either or both of the  
9 counties. Subcommittees of the stormwater management planning  
10 committee may be established to serve a portion of the county  
11 or a particular drainage basin that has similar stormwater  
12 management needs. The stormwater management planning committee  
13 shall adopt bylaws, by a majority vote of the county and  
14 municipal members, to govern the functions of the committee and  
15 its subcommittees. Officers of the committee shall include a  
16 chair and vice chair, one of whom shall be a county  
17 representative and one a municipal representative.

18 The principal duties of the committee shall be to develop a  
19 stormwater management plan for presentation to and approval by  
20 the county board, and to direct the plan's implementation and  
21 revision. The committee may retain engineering, legal, and  
22 financial advisors and inspection personnel. The committee  
23 shall meet at least quarterly and shall hold at least one  
24 public meeting during the preparation of the plan and prior to  
25 its submittal to the county board. The committee may make  
26 grants to units of local government that have adopted an

1 ordinance requiring actions consistent with the stormwater  
2 management plan and to landowners for the purposes of  
3 stormwater management, including special projects; use of the  
4 grant money must be consistent with the stormwater management  
5 plan.

6 The committee shall not have or exercise any power of  
7 eminent domain.

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

18 (d) The stormwater management committee may not enforce any  
19 rules or regulations that would interfere with (i) any power  
20 granted by the Illinois Drainage Code (70 ILCS 605/) to  
21 operate, construct, maintain, or improve drainage systems or  
22 (ii) the ability to operate, maintain, or improve the drainage  
23 systems used on or by land or a facility used for production  
24 agriculture purposes, as defined in the Use Tax Act (35 ILCS  
25 105/), except newly constructed buildings and newly installed  
26 impervious paved surfaces. Disputes regarding an exception

1 shall be determined by a mutually agreed upon arbitrator paid  
2 by the disputing party or parties.

3 (e) Before the stormwater management planning committee  
4 recommends to the county board a stormwater management plan for  
5 the county or a portion thereof, it shall submit the plan to  
6 the Office of Water Resources of the Department of Natural  
7 Resources for review and recommendations. The Office, in  
8 reviewing the plan, shall consider such factors as impacts on  
9 the levels or flows in rivers and streams and the cumulative  
10 effects of stormwater discharges on flood levels. The Office of  
11 Water Resources shall determine whether the plan or ordinances  
12 enacted to implement the plan complies with the requirements of  
13 subsection (f). Within a period not to exceed 60 days, the  
14 review comments and recommendations shall be submitted to the  
15 stormwater management planning committee for consideration.  
16 Any amendments to the plan shall be submitted to the Office for  
17 review.

18 (f) Prior to recommending the plan to the county board, the  
19 stormwater management planning committee shall hold at least  
20 one public hearing thereon and shall afford interested persons  
21 an opportunity to be heard. The hearing shall be held in the  
22 county seat. Notice of the hearing shall be published at least  
23 once no less than 15 days in advance of the hearing in a  
24 newspaper of general circulation published in the county. The  
25 notice shall state the time and place of the hearing and the  
26 place where copies of the proposed plan will be accessible for

1 examination by interested parties. If an affected municipality  
2 having a stormwater management plan adopted by ordinance wishes  
3 to protest the proposed county plan provisions, it shall appear  
4 at the hearing and submit in writing specific proposals to the  
5 stormwater management planning committee. After consideration  
6 of the matters raised at the hearing, the committee may amend  
7 or approve the plan and recommend it to the county board for  
8 adoption.

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

25 (g) The county board may prescribe by ordinance reasonable  
26 rules and regulations for floodplain management and for

1 governing the location, width, course, and release rate of all  
2 stormwater runoff channels, streams, and basins in the county,  
3 in accordance with the adopted stormwater management plan.  
4 Land, facilities, and drainage district facilities used for  
5 production agriculture as defined in subsection (d) shall not  
6 be subjected to regulation by the county board or stormwater  
7 management committee under this Section for floodplain  
8 management and for governing location, width, course,  
9 maintenance, and release rate of stormwater runoff channels,  
10 streams and basins, or water discharged from a drainage  
11 district. These rules and regulations shall, at a minimum, meet  
12 the standards for floodplain management established by the  
13 Office of Water Resources and the requirements of the Federal  
14 Emergency Management Agency for participation in the National  
15 Flood Insurance Program. The Commission may not impose more  
16 stringent regulations regarding water quality on entities  
17 discharging in accordance with a valid National Pollution  
18 Discharge Elimination System permit issued under the  
19 Environmental Protection Act.

20 (h) In accordance with, and if recommended in, the adopted  
21 stormwater management plan, the county board may adopt a  
22 schedule of fees as may be necessary to mitigate the effects of  
23 increased stormwater runoff resulting from new development  
24 based on actual costs. The fees shall not exceed the cost of  
25 satisfying the onsite stormwater retention or detention  
26 requirements of the adopted stormwater management plan. The

1 fees shall be used to finance activities undertaken by the  
2 county or its included municipalities to mitigate the effects  
3 of urban stormwater runoff by providing regional stormwater  
4 retention or detention facilities, as identified in the county  
5 plan. The county board shall provide for a credit or reduction  
6 in fees for any onsite retention, detention, drainage district  
7 assessments, or other similar stormwater facility that the  
8 developer is required to construct consistent with the  
9 stormwater management ordinance. All these fees collected by  
10 the county shall be held in a separate fund, and shall be  
11 expended only in the watershed within which they were  
12 collected.

13 (i) For the purpose of implementing this Section and for  
14 the development, design, planning, construction, operation,  
15 and maintenance of stormwater facilities provided for in the  
16 stormwater management plan, a county board that has established  
17 a stormwater management planning committee pursuant to this  
18 Section may cause an annual tax of not to exceed 0.20% of the  
19 value, as equalized or assessed by the Department of Revenue,  
20 of all taxable property in the county to be levied upon all the  
21 taxable property in the county or occupation and use taxes of  
22 1/10 of one cent. The property tax shall be in addition to all  
23 other taxes authorized by law to be levied and collected in the  
24 county and shall be in addition to the maximum tax rate  
25 authorized by law for general county purposes. The 0.20%  
26 limitation provided in this Section may be increased or



1 decreased by referendum in accordance with the provisions of  
2 Sections 18-120, 18-125, and 18-130 of the Property Tax Code  
3 (35 ILCS 200/).

4 Any revenues generated as a result of ownership or  
5 operation of facilities or land acquired with the tax funds  
6 collected pursuant to this subsection shall be held in a  
7 separate fund and be used either to abate such property tax or  
8 for implementing this Section.

9 However, the tax authorized by this subsection shall not be  
10 levied until the question of its adoption, either for a  
11 specified period or indefinitely, has been submitted to the  
12 electors thereof and approved by a majority of those voting on  
13 the question. This question may be submitted at any election  
14 held in the county after the adoption of a resolution by the  
15 county board providing for the submission of the question to  
16 the electors of the county. The county board shall certify the  
17 resolution and proposition to the proper election officials,  
18 who shall submit the proposition at an election in accordance  
19 with the general election law. If a majority of the votes cast  
20 on the question is in favor of the levy of the tax, it may  
21 thereafter be levied in the county for the specified period or  
22 indefinitely, as provided in the proposition. The question  
23 shall be put in substantially the following form:

24 Shall an annual tax be levied for stormwater management  
25 purposes (for a period of not more than ..... years) at a  
26 rate not exceeding .....% of the equalized assessed value

1 of the taxable property of ..... County?

2 Or this question may be submitted at any election held in the  
3 county after the adoption of a resolution by the county board  
4 providing for the submission of the question to the electors of  
5 the county to authorize use and occupation taxes of 1/10 of one  
6 cent:

7 Shall use and occupation taxes be raised for stormwater  
8 management purposes (for a period of not more than .....  
9 years) at a rate of 1/10 of one cent for taxable goods in  
10 ..... County?

11 Votes shall be recorded as Yes or No.

12 (j) For those counties that adopt a property tax in  
13 accordance with the provisions in this Section, the stormwater  
14 management committee shall offer property tax abatements or  
15 incentive payments to property owners who construct, maintain,  
16 and use approved stormwater management devices. For those  
17 counties that adopt use and occupation taxes in accordance with  
18 the provisions of this Section, the stormwater management  
19 committee may offer tax rebates or incentive payments to  
20 property owners who construct, maintain, and use approved  
21 stormwater management devices. The stormwater management  
22 committee is authorized to offer credits to the property tax,  
23 if applicable, based on authorized practices consistent with  
24 the stormwater management plan and approved by the committee.  
25 Expenses of staff of a stormwater management committee that are  
26 expended on regulatory project review may be no more than 20%

1 of the annual budget of the committee, including funds raised  
2 under subsections (h) and (i).

3 (k) Any county that has adopted a county stormwater  
4 management plan under this Section may, after 10 days written  
5 notice receiving consent of the owner or occupant, enter upon  
6 any lands or waters within the county for the purpose of  
7 inspecting stormwater facilities or causing the removal of any  
8 obstruction to an affected watercourse. If consent is denied or  
9 cannot be reasonably obtained, the county ordinance shall  
10 provide a process or procedure for an administrative warrant to  
11 be obtained. The county shall be responsible for any damages  
12 occasioned thereby.

13 (l) Upon petition of the municipality, and based on a  
14 finding of the stormwater management planning committee, the  
15 county shall not enforce rules and regulations adopted by the  
16 county in any municipality located wholly or partly within the  
17 county that has a municipal stormwater management ordinance  
18 that is consistent with and at least as stringent as the county  
19 plan and ordinance, and is being enforced by the municipal  
20 authorities. On issues that the county ordinance is more  
21 stringent as deemed by the committee, the county shall only  
22 enforce rules and regulations adopted by the county on the more  
23 stringent issues and accept municipal permits. The county shall  
24 have no more than 60 days to review permits or the permits  
25 shall be deemed approved.

26 (m) A county may issue general obligation bonds for

1 implementing any stormwater plan adopted under this Section in  
2 the manner prescribed in Section 5-1012; except that the  
3 referendum requirement of Section 5-1012 does not apply to  
4 bonds issued pursuant to this Section on which the principal  
5 and interest are to be paid entirely out of funds generated by  
6 the taxes and fees authorized by this Section.

7 (n) The powers authorized by this Section may be  
8 implemented by the county board for a portion of the county  
9 subject to similar stormwater management needs.

10 (o) The powers and taxes authorized by this Section are in  
11 addition to the powers and taxes authorized by Division 5-15;  
12 in exercising its powers under this Section, a county shall not  
13 be subject to the restrictions and requirements of that  
14 Division.

15 (Source: P.A. 94-675, eff. 8-23-05.)".