

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 Section 5-1062.1 as follows:

22 (55 ILCS 5/5-1062.1) (from Ch. 34, par. 5-1062.1)

23 Sec. 5-1062.1. Stormwater management planning councils in  
24 Cook County.

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

29 The purpose of this Section is to create planning councils,  
30 organized by watershed, to contribute to the stormwater  
31 management process by advising the Metropolitan Water  
32 Reclamation District of Greater Chicago and representing the  
33 needs and interests of the members of the public and the local  
34 governments included within their respective watersheds. ~~allow~~

1 ~~management and mitigation of the effects of urbanization on~~  
2 ~~stormwater drainage in Cook County, and this Section applies~~  
3 ~~only to Cook County. In addition, this Section is intended to~~  
4 ~~improve stormwater and floodplain management in Cook County by~~  
5 ~~the following:~~

6 ~~(1) Setting minimum standards for floodplain and~~  
7 ~~stormwater management.~~

8 ~~(2) Preparing plans for the management of floodplains~~  
9 ~~and stormwater runoff, including the management of natural~~  
10 ~~and man made drainage ways.~~

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

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

1 ~~stormwater management plan.~~ The councils may adopt bylaws  
2 to govern the functioning of the stormwater management  
3 councils and subcommittees.

4 ~~(2) Creating, by intergovernmental agreement, a~~  
5 ~~county wide Stormwater Management Planning Committee with~~  
6 ~~its membership consisting of the Chairman of each of the~~  
7 ~~watershed management councils, the Cook County Board~~  
8 ~~President or his designee, and the Northeastern Illinois~~  
9 ~~Planning Commission President or his designee.~~

10 (c) (3) The principal duties of the watershed planning  
11 councils shall be to advise the District on the development  
12 and implementation of the countywide ~~develop a~~ stormwater  
13 management plan with respect to matters relating to their  
14 respective watersheds and to advise and represent the  
15 concerns of ~~for the watershed area and to recommend the~~  
16 ~~plan for adoption to~~ the units of local government in the  
17 watershed area. The councils shall meet at least quarterly  
18 and shall hold at least one public hearing during the  
19 preparation of the plan. ~~Adoption of the watershed plan~~  
20 ~~shall be by each municipality in the watershed and by vote~~  
21 ~~of the County Board.~~

22 (d) (4) The District ~~principal duty of the county wide~~  
23 ~~Stormwater Management Committee~~ shall give careful  
24 consideration to the recommendations and concerns of the  
25 watershed planning councils throughout the planning  
26 process and shall ~~be to~~ coordinate the 6 watershed plans as  
27 developed and to coordinate the planning process with the  
28 adjoining counties to ensure that recommended stormwater  
29 projects will have no significant adverse impact on the  
30 levels or flows of stormwater in the inter-county watershed  
31 or on the capacity of existing and planned stormwater  
32 retention facilities. The District shall include cost  
33 benefit analysis in its deliberations and in evaluating  
34 priorities for projects from watershed to watershed. The  
35 District ~~committee~~ shall identify in an annual published  
36 report steps taken by the District to accommodate the

1 concerns and recommendations of the watershed planning  
2 councils. ~~committee to coordinate the development of plan~~  
3 ~~recommendations with adjoining counties. The committee~~  
4 ~~shall also publish a coordinated stormwater document of all~~  
5 ~~activity in the Cook County area and agreed upon stormwater~~  
6 ~~planning standards.~~

7 ~~(5) The stormwater management planning committee shall~~  
8 ~~submit the coordinated watershed plans to the Office of~~  
9 ~~Water Resources of the Department of Natural Resources and~~  
10 ~~to the Northeastern Illinois Planning Commission for~~  
11 ~~review and recommendation. The Office and the Commission,~~  
12 ~~in reviewing the plan, shall consider those factors as~~  
13 ~~impact on the level or flows in the rivers and streams and~~  
14 ~~the cumulative effects of stormwater discharges on flood~~  
15 ~~levels. The review comments and recommendations shall be~~  
16 ~~submitted to the watershed councils for consideration.~~

17 (e) (6) The stormwater management planning councils  
18 ~~committee~~ may recommend rules and regulations to the  
19 District watershed councils governing the location, width,  
20 course, and release rates of all stormwater runoff  
21 channels, streams, and basins in their respective  
22 watersheds ~~the county.~~

23 (f) (7) The Northwest Municipal Conference, the South  
24 Suburban Mayors and Managers Association, and the West  
25 Central Municipal Conference shall be responsible for the  
26 coordination of the planning councils created under this  
27 Section.

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

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

32 (70 ILCS 2605/7h new)

33 Sec. 7h. Stormwater management.

34 (a) Stormwater management in Cook County shall be under the

1 general supervision of the Metropolitan Water Reclamation  
2 District of Greater Chicago. The District has the authority to  
3 plan, manage, implement, and finance activities relating to  
4 stormwater management in Cook County. The authority of the  
5 District with respect to stormwater management extends  
6 throughout Cook County and is not limited to the area otherwise  
7 within the territory and jurisdiction of the District under  
8 this Act.

9 For the purposes of this Section, the term "stormwater  
10 management" includes, without limitation, the management of  
11 floods and floodwaters.

12 (b) The District may utilize the resources of cooperating  
13 local watershed councils (including the stormwater management  
14 planning councils created under Section 5-1062.1 of the  
15 Counties Code), councils of local governments, the  
16 Northeastern Illinois Planning Commission, and similar  
17 organizations and agencies. The District may provide those  
18 organizations and agencies with funding, on a contractual  
19 basis, for providing information to the District, providing  
20 information to the public, or performing other activities  
21 related to stormwater management.

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

26 The District may enter into intergovernmental agreements  
27 with Cook County or other units of local government that are  
28 located in whole or in part outside the District for the  
29 purpose of implementing the stormwater management plan and  
30 providing stormwater management services in areas not included  
31 within the territory of the District.

32 (c) The District shall prepare and adopt by ordinance a  
33 countywide stormwater management plan for Cook County. The  
34 countywide plan may incorporate one or more separate watershed  
35 plans.

36 Prior to adopting the countywide stormwater management

1 plan, the District shall hold at least one public hearing  
2 thereon and shall afford interested persons an opportunity to  
3 be heard.

4 (d) The District may prescribe by ordinance reasonable  
5 rules and regulations for floodplain and stormwater management  
6 and for governing the location, width, course, and release rate  
7 of all stormwater runoff channels, streams, and basins in Cook  
8 County, in accordance with the adopted stormwater management  
9 plan. These rules and regulations shall, at a minimum, meet the  
10 standards for floodplain management established by the Office  
11 of Water Resources of the Department of Natural Resources and  
12 the requirements of the Federal Emergency Management Agency for  
13 participation in the National Flood Insurance Program.

14 (e) The District may impose fees on areas outside the  
15 District but within Cook County to mitigate the effects of  
16 increased stormwater runoff resulting from new development.  
17 The fees shall not exceed the cost of satisfying the onsite  
18 stormwater retention or detention requirements of the adopted  
19 stormwater management plan. The fees shall be used to finance  
20 activities undertaken by the District or units of local  
21 government within the District to mitigate the effects of urban  
22 stormwater runoff by providing regional stormwater retention  
23 or detention facilities, as identified in the plan. All such  
24 fees collected by the District shall be held in a separate fund  
25 and used for implementation of this Section.

26 (f) Amounts realized from the tax levy for stormwater  
27 management purposes authorized in Section 12 may be used by the  
28 District for implementing this Section and for the development,  
29 design, planning, construction, operation, and maintenance of  
30 regional stormwater facilities provided for in the stormwater  
31 management plan.

32 The proceeds of any tax imposed under Section 12 for  
33 stormwater management purposes and any revenues generated as a  
34 result of the ownership or operation of facilities or land  
35 acquired with the proceeds of taxes imposed under Section 12  
36 for stormwater management purposes shall be held in a separate



1 fund and used either for implementing this Section or to abate  
2 those taxes.

3 (g) The District may plan, implement, finance, and operate  
4 regional stormwater management projects in accordance with the  
5 adopted countywide stormwater management plan.

6 The District shall provide for public review and comment on  
7 proposed stormwater management projects. The District shall  
8 conform to State and federal requirements concerning public  
9 information, environmental assessments, and environmental  
10 impacts for projects receiving State or federal funds.

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

13 The District shall not use Cook County Forest Preserve  
14 District land for stormwater or flood control projects without  
15 the consent of the Forest Preserve District.

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

21 However, any active drainage district implementing a plan  
22 that is consistent with and at least as stringent as the county  
23 stormwater management plan may petition the District for  
24 exception from dissolution. Upon filing of the petition, the  
25 District shall set a date for hearing not less than 2 weeks,  
26 nor more than 4 weeks, from the filing thereof, and the  
27 District shall give at least one week's notice of the hearing  
28 in one or more newspapers of general circulation within the  
29 drainage district, and in addition shall cause a copy of the  
30 notice to be personally served upon each of the trustees of the  
31 drainage district. At the hearing, the District shall hear the  
32 drainage district's petition and allow the drainage district  
33 trustees and any interested parties an opportunity to present  
34 oral and written evidence. The District shall render its  
35 decision upon the petition for exception from dissolution based  
36 upon the best interests of the residents of the drainage

1 district. In the event that the exception is not allowed, the  
2 drainage district may file a petition with the circuit court  
3 within 30 days of the decision. In that case, the notice and  
4 hearing requirements for the court shall be the same as  
5 provided in this subsection for the petition to the District.  
6 The court shall render its decision of whether to dissolve the  
7 district based upon the best interests of the residents of the  
8 drainage district.

9 The dissolution of a drainage district shall not affect the  
10 obligation of any bonds issued or contracts entered into by the  
11 drainage district nor invalidate the levy, extension, or  
12 collection of any taxes or special assessments upon the  
13 property in the former drainage district. All property and  
14 obligations of the former drainage district shall be assumed  
15 and managed by the District, and the debts of the former  
16 drainage district shall be discharged as soon as practicable.

17 If a drainage district lies only partly within the  
18 District, the District may petition the circuit court to  
19 disconnect from the drainage district that portion of the  
20 drainage district that lies within the District. The property  
21 of the drainage district within the disconnected area shall be  
22 assumed and managed by the District. The District shall also  
23 assume a portion of the drainage district's debt at the time of  
24 disconnection, based on the portion of the value of the taxable  
25 property of the drainage district which is located within the  
26 area being disconnected.

27 A drainage district that continues to exist within Cook  
28 County shall conform its operations to the countywide  
29 stormwater management plan.

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

32 (j) The District may, after 10 days written notice to the  
33 owner or occupant, enter upon any lands or waters within the  
34 county for the purpose of inspecting stormwater facilities or  
35 causing the removal of any obstruction to an affected  
36 watercourse. The District shall be responsible for any damages

1 occasioned thereby.

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

5 (l) The powers granted to the District under this Section  
6 are in addition to the other powers granted under this Act.  
7 This Section does not limit the powers of the District under  
8 any other provision of this Act or any other law.

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

14 A home rule unit located in whole or in part in Cook County  
15 (other than a municipality with a population over 1,000,000)  
16 may not regulate stormwater management or planning in Cook  
17 County in a manner inconsistent with this Section or the plans,  
18 rules, and ordinances adopted by the District under this  
19 Section; provided, within a municipality with a population over  
20 1,000,000, the stormwater management planning program of Cook  
21 County shall be conducted by that municipality or, to the  
22 extent provided in an intergovernmental agreement between the  
23 municipality and the District, by the District pursuant to this  
24 Section; provided further that the power granted to such  
25 municipality shall not be inconsistent with existing powers of  
26 the District. Pursuant to paragraph (i) of Section 6 of Article  
27 VII of the Illinois Constitution, this Section specifically  
28 denies and limits the exercise of any power that is  
29 inconsistent with this Section by a home rule unit that is a  
30 county with a population of 1,500,000 or more or is located, in  
31 whole or in part, within such a county, other than a  
32 municipality with a population over 1,000,000.

33 (70 ILCS 2605/12) (from Ch. 42, par. 332)

34 Sec. 12. The board of commissioners annually may levy taxes  
35 for corporate purposes upon property within the territorial

1 limits of such sanitary district, the aggregate amount of  
2 which, exclusive of the amount levied for (a) the payment of  
3 bonded indebtedness and the interest on bonded indebtedness (b)  
4 employees' annuity and benefit purposes (c) construction  
5 purposes, and (d) for the purpose of establishing and  
6 maintaining a reserve fund for the payment of claims, awards,  
7 losses, judgments or liabilities which might be imposed on such  
8 sanitary district under the Workers' Compensation Act or the  
9 Workers' Occupational Diseases Act, and any claim in tort,  
10 including but not limited to, any claim imposed upon such  
11 sanitary district under the Local Governmental and  
12 Governmental Employees Tort Immunity Act, and for the repair or  
13 replacement of any property owned by such sanitary district  
14 which is damaged by fire, flood, explosion, vandalism or any  
15 other peril, natural or manmade, shall not exceed the sum  
16 produced by extending the rate of .46% for each of the years  
17 year 1979 through 2004 and by extending the rate of 0.41% for  
18 the year 2005 and each year thereafter, upon the assessed  
19 valuation of all taxable property within the sanitary district  
20 as equalized and determined for State and local taxes.

21 In addition, for stormwater management purposes, including  
22 but not limited to those provided in subsection (f) of Section  
23 7(h), the board of commissioners may levy taxes for the year  
24 2005 and each year thereafter at a rate not to exceed 0.05% of  
25 the assessed valuation of all taxable property within the  
26 District as equalized and determined for State and local taxes.

27 And in addition thereto, for construction purposes as  
28 defined in Section 5.2 of this Act, the board of commissioners  
29 may levy taxes for the year 1985 and each year thereafter which  
30 shall be at a rate not to exceed .10% of the assessed valuation  
31 of all taxable property within the sanitary district as  
32 equalized and determined for State and local taxes. Amounts  
33 realized from taxes so levied for construction purposes shall  
34 be limited for use to such purposes and shall not be available  
35 for appropriation or used to defray the cost of repairs to or  
36 expense of maintaining or operating existing or future

1 facilities, but such restrictions, however, shall not apply to  
2 additions, alterations, enlargements, and replacements which  
3 will add appreciably to the value, utility, or the useful life  
4 of said facilities. Such rates shall be extended against the  
5 assessed valuation of the taxable property within the corporate  
6 limits as the same shall be assessed and equalized for the  
7 county taxes for the year in which the levy is made and said  
8 board shall cause the amount to be raised by taxation in each  
9 year to be certified to the county clerk on or before the  
10 thirtieth day of March; provided, however, that if during the  
11 budget year the General Assembly authorizes an increase in such  
12 rates, the board of commissioners may adopt a supplemental levy  
13 and shall make such certification to the County Clerk on or  
14 before the thirtieth day of December.

15 For the purpose of establishing and maintaining a reserve  
16 fund for the payment of claims, awards, losses, judgments or  
17 liabilities which might be imposed on such sanitary district  
18 under the Workers' Compensation Act or the Workers'  
19 Occupational Diseases Act, and any claim in tort, including but  
20 not limited to, any claim imposed upon such sanitary district  
21 under the Local Governmental and Governmental Employees Tort  
22 Immunity Act, and for the repair or replacement, where the cost  
23 thereof exceeds the sum of \$10,000, of any property owned by  
24 such sanitary district which is damaged by fire, flood,  
25 explosion, vandalism or any other peril, natural or man-made,  
26 such sanitary district may also levy annually upon all taxable  
27 property within its territorial limits a tax not to exceed  
28 .005% of the assessed valuation of said taxable property as  
29 equalized and determined for State and local taxes; provided,  
30 however, the aggregate amount which may be accumulated in such  
31 reserve fund shall not exceed .05% of such assessed valuation.

32 All taxes so levied and certified shall be collected and  
33 enforced in the same manner and by the same officers as State  
34 and county taxes, and shall be paid over by the officer  
35 collecting the same to the treasurer of the sanitary district,  
36 in the manner and at the time provided by the general revenue

1 law. No part of the taxes hereby authorized shall be used by  
2 such sanitary district for the construction of permanent,  
3 fixed, immovable bridges across any channel constructed under  
4 the provisions of this Act. All bridges built across such  
5 channel shall not necessarily interfere with or obstruct the  
6 navigation of such channel, when the same becomes a navigable  
7 stream, as provided in Section 24 of this Act, but such bridges  
8 shall be so constructed that they can be raised, swung or moved  
9 out of the way of vessels, tugs, boats or other water craft  
10 navigating such channel. Nothing in this Act shall be so  
11 construed as to compel said district to maintain or operate  
12 said bridges, as movable bridges, for a period of 9 years from  
13 and after the time when the water has been turned into said  
14 channel pursuant to law, unless the needs of general navigation  
15 of the Des Plaines and Illinois Rivers, when connected by said  
16 channel, sooner require it. In levying taxes the board of  
17 commissioners, in order to produce the net amount required by  
18 the levies for payment of bonds and interest thereon, shall  
19 include an amount or rate estimated to be sufficient to cover  
20 losses in collection of taxes, the cost of collecting taxes,  
21 abatements in the amount of such taxes as extended on the  
22 collector's books and the amount of such taxes collection of  
23 which will be deferred; the amount so added for the purpose of  
24 producing the net amount required shall not exceed any  
25 applicable maximum tax rate or amount.

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

27 Section 99. Effective date. This Act takes effect upon  
28 becoming law.