

1 AN ACT in relation to 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  
8 may be cited as the Property Tax Extension Limitation Law.  
9 As used 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  
16 rate 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  
19 or more inhabitants.

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

1 with the levy year in which this Law becomes applicable to a  
2 taxing district as provided in Section 18-213, "taxing  
3 district" also includes those taxing districts made subject  
4 to this Law as provided in Section 18-213.

5 "Aggregate extension" for taxing districts to which this  
6 Law applied before the 1995 levy year means the annual  
7 corporate extension for the taxing district and those special  
8 purpose extensions that are made annually for the taxing  
9 district, excluding special purpose extensions: (a) made for  
10 the taxing district to pay interest or principal on general  
11 obligation bonds that were approved by referendum; (b) made  
12 for any taxing district to pay interest or principal on  
13 general obligation bonds issued before October 1, 1991; (c)  
14 made for any taxing district to pay interest or principal on  
15 bonds issued to refund or continue to refund those bonds  
16 issued before October 1, 1991; (d) made for any taxing  
17 district to pay interest or principal on bonds issued to  
18 refund or continue to refund bonds issued after October 1,  
19 1991 that were approved by referendum; (e) made for any  
20 taxing district to pay interest or principal on revenue bonds  
21 issued before October 1, 1991 for payment of which a property  
22 tax levy or the full faith and credit of the unit of local  
23 government is pledged; however, a tax for the payment of  
24 interest or principal on those bonds shall be made only after  
25 the governing body of the unit of local government finds that  
26 all other sources for payment are insufficient to make those  
27 payments; (f) made for payments under a building commission  
28 lease when the lease payments are for the retirement of bonds  
29 issued by the commission before October 1, 1991, to pay for  
30 the building project; (g) made for payments due under  
31 installment contracts entered into before October 1, 1991;  
32 (h) made for payments of principal and interest on bonds  
33 issued under the Metropolitan Water Reclamation District Act  
34 to finance construction projects initiated before October 1,

1 1991; (i) made for payments of principal and interest on  
2 limited bonds, as defined in Section 3 of the Local  
3 Government Debt Reform Act, in an amount not to exceed the  
4 debt service extension base less the amount in items (b),  
5 (c), (e), and (h) of this definition for non-referendum  
6 obligations, except obligations initially issued pursuant to  
7 referendum; (j) made for payments of principal and interest  
8 on bonds issued under Section 15 of the Local Government Debt  
9 Reform Act; and (k) made by a school district that  
10 participates in the Special Education District of Lake  
11 County, created by special education joint agreement under  
12 Section 10-22.31 of the School Code, for payment of the  
13 school district's share of the amounts required to be  
14 contributed by the Special Education District of Lake County  
15 to the Illinois Municipal Retirement Fund under Article 7 of  
16 the Illinois Pension Code; the amount of any extension under  
17 this item (k) shall be certified by the school district to  
18 the county clerk.

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

1 any taxing district to pay interest or principal on revenue  
2 bonds issued before March 1, 1995 for payment of which a  
3 property tax levy or the full faith and credit of the unit of  
4 local government is pledged; however, a tax for the payment  
5 of interest or principal on those bonds shall be made only  
6 after the governing body of the unit of local government  
7 finds that all other sources for payment are insufficient to  
8 make those payments; (f) made for payments under a building  
9 commission lease when the lease payments are for the  
10 retirement of bonds issued by the commission before March 1,  
11 1995 to pay for the building project; (g) made for payments  
12 due under installment contracts entered into before March 1,  
13 1995; (h) made for payments of principal and interest on  
14 bonds issued under the Metropolitan Water Reclamation  
15 District Act to finance construction projects initiated  
16 before October 1, 1991; (h-5) made for stormwater management  
17 purposes by the Metropolitan Water Reclamation District of  
18 Greater Chicago under Section 12 of the Metropolitan Water  
19 Reclamation District Act; (i) made for payments of principal  
20 and interest on limited bonds, as defined in Section 3 of the  
21 Local Government Debt Reform Act, in an amount not to exceed  
22 the debt service extension base less the amount in items (b),  
23 (c), and (e) of this definition for non-referendum  
24 obligations, except obligations initially issued pursuant to  
25 referendum and bonds described in subsection (h) of this  
26 definition; (j) made for payments of principal and interest  
27 on bonds issued under Section 15 of the Local Government Debt  
28 Reform Act; (k) made for payments of principal and interest  
29 on bonds authorized by Public Act 88-503 and issued under  
30 Section 20a of the Chicago Park District Act for aquarium or  
31 museum projects; and (l) made for payments of principal and  
32 interest on bonds authorized by Public Act 87-1191 and issued  
33 under Section 42 of the Cook County Forest Preserve District  
34 Act for zoological park projects.

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

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

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

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

33 "Debt service extension base" means an amount equal to  
34 that portion of the extension for a taxing district for the

1 1994 levy year, or for those taxing districts subject to this  
2 Law in accordance with Section 18-213, except for those  
3 subject to paragraph (2) of subsection (e) of Section 18-213,  
4 for the levy year in which the referendum making this Law  
5 applicable to the taxing district is held, or for those  
6 taxing districts subject to this Law in accordance with  
7 paragraph (2) of subsection (e) of Section 18-213 for the  
8 1996 levy year, constituting an extension for payment of  
9 principal and interest on bonds issued by the taxing district  
10 without referendum, but not including (i) bonds authorized by  
11 Public Act 88-503 and issued under Section 20a of the Chicago  
12 Park District Act for aquarium and museum projects; (ii)  
13 bonds issued under Section 15 of the Local Government Debt  
14 Reform Act; or (iii) refunding obligations issued to refund  
15 or to continue to refund obligations initially issued  
16 pursuant to referendum. The debt service extension base may  
17 be established or increased as provided under Section 18-212.

18 "Special purpose extensions" include, but are not limited  
19 to, extensions for levies made on an annual basis for  
20 unemployment and workers' compensation, self-insurance,  
21 contributions to pension plans, and extensions made pursuant  
22 to Section 6-601 of the Illinois Highway Code for a road  
23 district's permanent road fund whether levied annually or  
24 not. The extension for a special service area is not  
25 included in the aggregate extension.

26 "Aggregate extension base" means the taxing district's  
27 last preceding aggregate extension as adjusted under Sections  
28 18-215 through 18-230.

29 "Levy year" has the same meaning as "year" under Section  
30 1-155.

31 "New property" means (i) the assessed value, after final  
32 board of review or board of appeals action, of new  
33 improvements or additions to existing improvements on any  
34 parcel of real property that increase the assessed value of



1 that real property during the levy year multiplied by the  
2 equalization factor issued by the Department under Section  
3 17-30 and (ii) the assessed value, after final board of  
4 review or board of appeals action, of real property not  
5 exempt from real estate taxation, which real property was  
6 exempt from real estate taxation for any portion of the  
7 immediately preceding levy year, multiplied by the  
8 equalization factor issued by the Department under Section  
9 17-30. In addition, the county clerk in a county containing  
10 a population of 3,000,000 or more shall include in the 1997  
11 recovered tax increment value for any school district, any  
12 recovered tax increment value that was applicable to the 1995  
13 tax year calculations.

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

18 "Recovered tax increment value" means, except as  
19 otherwise provided in this paragraph, the amount of the  
20 current year's equalized assessed value, in the first year  
21 after a municipality terminates the designation of an area as  
22 a redevelopment project area previously established under the  
23 Tax Increment Allocation Development Act in the Illinois  
24 Municipal Code, previously established under the Industrial  
25 Jobs Recovery Law in the Illinois Municipal Code, or  
26 previously established under the Economic Development Area  
27 Tax Increment Allocation Act, of each taxable lot, block,  
28 tract, or parcel of real property in the redevelopment  
29 project area over and above the initial equalized assessed  
30 value of each property in the redevelopment project area.  
31 For the taxes which are extended for the 1997 levy year, the  
32 recovered tax increment value for a non-home rule taxing  
33 district that first became subject to this Law for the 1995  
34 levy year because a majority of its 1994 equalized assessed

1 value was in an affected county or counties shall be  
2 increased if a municipality terminated the designation of an  
3 area in 1993 as a redevelopment project area previously  
4 established under the Tax Increment Allocation Development  
5 Act in the Illinois Municipal Code, previously established  
6 under the Industrial Jobs Recovery Law in the Illinois  
7 Municipal Code, or previously established under the Economic  
8 Development Area Tax Increment Allocation Act, by an amount  
9 equal to the 1994 equalized assessed value of each taxable  
10 lot, block, tract, or parcel of real property in the  
11 redevelopment project area over and above the initial  
12 equalized assessed value of each property in the  
13 redevelopment project area. In the first year after a  
14 municipality removes a taxable lot, block, tract, or parcel  
15 of real property from a redevelopment project area  
16 established under the Tax Increment Allocation Development  
17 Act in the Illinois Municipal Code, the Industrial Jobs  
18 Recovery Law in the Illinois Municipal Code, or the Economic  
19 Development Area Tax Increment Allocation Act, "recovered tax  
20 increment value" means the amount of the current year's  
21 equalized assessed value of each taxable lot, block, tract,  
22 or parcel of real property removed from the redevelopment  
23 project area over and above the initial equalized assessed  
24 value of that real property before removal from the  
25 redevelopment project area.

26 Except as otherwise provided in this Section, "limiting  
27 rate" means a fraction the numerator of which is the last  
28 preceding aggregate extension base times an amount equal to  
29 one plus the extension limitation defined in this Section and  
30 the denominator of which is the current year's equalized  
31 assessed value of all real property in the territory under  
32 the jurisdiction of the taxing district during the prior levy  
33 year. For those taxing districts that reduced their  
34 aggregate extension for the last preceding levy year, the

1 highest aggregate extension in any of the last 3 preceding  
 2 levy years shall be used for the purpose of computing the  
 3 limiting rate. The denominator shall not include new  
 4 property. The denominator shall not include the recovered  
 5 tax increment value.

6 (Source: P.A. 90-485, eff. 1-1-98; 90-511, eff. 8-22-97;  
 7 90-568, eff. 1-1-99; 90-616, eff. 7-10-98; 90-655, eff.  
 8 7-30-98; 91-357, eff. 7-29-99; 91-478, eff. 11-1-99.)

9 Section 10. The Counties Code is amended by changing  
 10 Section 5-1062.1 as follows:

11 (55 ILCS 5/5-1062.1) (from Ch. 34, par. 5-1062.1)

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

14 (a) Stormwater management planning in Cook County shall  
 15 be conducted as provided in Section 7h of the Metropolitan  
 16 Water Reclamation District Act. References in this Section  
 17 to the "District" mean the Metropolitan Water Reclamation  
 18 District of Greater Chicago.

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

30 (1) ~~Setting minimum standards for floodplain and~~  
 31 ~~stormwater management.~~

32 (2) ~~Preparing plans for the management of~~

1 floodplains---and---stormwater---runoff,---including--the  
2 management-of-natural-and-man-made-drainage-ways.

3 (b) The-purpose-of-this-Section-shall-be-achieved-by-the  
4 following:

5 (1)--Creating-6 Stormwater management planning councils  
6 shall be formed for each of the following according-to-the  
7 established watersheds of the Chicago Metropolitan Area:  
8 North Branch Chicago River, Lower Des Plaines Tributaries,  
9 Cal-Sag Channel, Little Calumet River, Poplar Creek, and  
10 Upper Salt Creek. In addition, a stormwater management  
11 planning council shall be established for the combined sewer  
12 areas of Cook County. Additional stormwater management  
13 planning councils may be formed by the District Stormwater  
14 Management--Planning--Committee for other watersheds within  
15 Cook County.

16 Membership on the watershed councils shall consist of the  
17 chief elected official, or his or her designee, from each  
18 municipality and township within the watershed and the Cook  
19 County Board President, or his or her designee, if  
20 unincorporated area is included in the watershed. A  
21 municipality or township shall be a member of more than one  
22 watershed council if the corporate boundaries of that  
23 municipality, or township extend entered into more than one  
24 watershed, or if the municipality or township is served in  
25 part by separate sewers and combined sewers.

26 Subcommittees of the stormwater management planning  
27 councils may be established to assist the stormwater  
28 management planning councils in performing their duties  
29 preparing-and-implementing-a-stormwater-management-plan. The  
30 councils may adopt bylaws to govern the functioning of the  
31 stormwater management councils and subcommittees.

32 (2)--Creating,---by---intergovernmental---agreement,---a  
33 county-wide-Stormwater-Management-Planning-Committee-with-its  
34 membership--consisting--of--the--Chairman--of--each--of---the

1 watershed---management---councils,---the---Cook---County---Board  
2 President-or-his---designee,---and---the---Northeastern---Illinois  
3 Planning-Commission-President-or-his-designee.

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

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

34 (5)--The-stormwater-management-planning--committee--shall

1 submit the coordinated watershed plans to the Office of Water  
 2 Resources of the Department of Natural Resources and to the  
 3 Northeastern Illinois Planning Commission for review and  
 4 recommendation. The Office and the Commission, in reviewing  
 5 the plan, shall consider those factors as impact on the level  
 6 of flows in the rivers and streams and the cumulative effects  
 7 of stormwater discharges on flood levels. The review  
 8 comments and recommendations shall be submitted to the  
 9 watershed councils for consideration.

10 (e) (6) The stormwater management planning councils  
 11 committee may recommend rules and regulations to the District  
 12 watershed councils governing the location, width, course, and  
 13 release rates of all stormwater runoff channels, streams, and  
 14 basins in their respective watersheds the county.

15 (f) (7) The Northwest Municipal Conference, the South  
 16 Suburban Mayors and Managers Association, and the West  
 17 Central Municipal Conference shall be responsible for the  
 18 coordination of the planning councils created under this  
 19 Section.

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

21 Section 15. The Metropolitan Water Reclamation District  
 22 Act is amended by adding Section 7h as follows:

23 (70 ILCS 2605/7h new)

24 Sec. 7h. Stormwater management.

25 (a) Stormwater management in Cook County shall be under  
 26 the general supervision of the Metropolitan Water Reclamation  
 27 District of Greater Chicago. The District has the authority  
 28 to plan, manage, implement, and finance activities relating  
 29 to stormwater management in Cook County. The authority of  
 30 the District with respect to stormwater management extends  
 31 throughout Cook County and is not limited to the area  
 32 otherwise within the territory and jurisdiction of the

1 District under this Act.

2 For the purposes of this Section, the term "stormwater  
3 management" includes, without limitation, the management of  
4 floods and floodwaters.

5 (b) The District may utilize the resources of  
6 cooperating local watershed councils (including the  
7 stormwater management planning councils created under Section  
8 5-1062.1 of the Counties Code), councils of local  
9 governments, the Northeastern Illinois Planning Commission,  
10 and similar organizations and agencies. The District may  
11 provide those organizations and agencies with funding, on a  
12 contractual basis, for providing information to the District,  
13 providing information to the public, or performing other  
14 activities related to stormwater management.

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

18 The District may enter into intergovernmental agreements  
19 with Cook County or other units of local government that are  
20 located in whole or in part outside the District for the  
21 purpose of implementing the stormwater management plan and  
22 providing stormwater management services in areas not  
23 included within the territory of the District.

24 (c) The District shall prepare and adopt by ordinance a  
25 countywide stormwater management plan for Cook County. The  
26 countywide plan may incorporate one or more separate  
27 watershed plans.

28 Prior to adopting the countywide stormwater management  
29 plan, the District shall hold at least one public hearing  
30 thereon and shall afford interested persons an opportunity to  
31 be heard.

32 (d) The District may prescribe by ordinance reasonable  
33 rules and regulations for floodplain and stormwater  
34 management and for governing the location, width, course, and

1 release rate of all stormwater runoff channels, streams, and  
2 basins in Cook County, in accordance with the adopted  
3 stormwater management plan. These rules and regulations  
4 shall, at a minimum, meet the standards for floodplain  
5 management established by the Office of Water Resources of  
6 the Department of Natural Resources and the requirements of  
7 the Federal Emergency Management Agency for participation in  
8 the National Flood Insurance Program.

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

21 (f) Amounts realized from the tax levy for stormwater  
22 management purposes authorized in Section 12 may be used by  
23 the District for implementing this Section and for the  
24 development, design, planning, construction, operation, and  
25 maintenance of regional stormwater facilities provided for in  
26 the stormwater management plan.

27 The proceeds of any tax imposed under Section 12 for  
28 stormwater management purposes and any revenues generated as  
29 a result of the ownership or operation of facilities or land  
30 acquired with the proceeds of taxes imposed under Section 12  
31 for stormwater management purposes shall be held in a  
32 separate fund and used either for implementing this Section  
33 or to abate those taxes.

34 (g) The District may plan, implement, finance, and



1 operate regional stormwater management projects in accordance  
2 with the adopted countywide stormwater management plan.

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

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

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

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

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

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

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

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

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

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

34 (j) The District may, after 10 days written notice to

1 the owner or occupant, enter upon any lands or waters within  
 2 the county for the purpose of inspecting stormwater  
 3 facilities or causing the removal of any obstruction to an  
 4 affected watercourse. The District shall be responsible for  
 5 any damages occasioned thereby.

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

9 (l) The powers granted to the District under this  
 10 Section are in addition to the other powers granted under  
 11 this Act. This Section does not limit the powers of the  
 12 District under any other provision of this Act or any other  
 13 law.

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

19 A home rule unit located in whole or in part in Cook  
 20 County may not regulate stormwater management or planning in  
 21 Cook County in a manner inconsistent with this Section or the  
 22 plans, rules, and ordinances adopted by the District under  
 23 this Section. Pursuant to paragraph (i) of Section 6 of  
 24 Article VII of the Illinois Constitution, this Section  
 25 specifically denies and limits the exercise of any power that  
 26 is inconsistent with this Section by a home rule unit that is  
 27 a county with a population of 1,500,000 or more or is  
 28 located, in whole or in part, within such a county.

29 (70 ILCS 2605/12) (from Ch. 42, par. 332)  
 30 Sec. 12. The board of commissioners annually may levy  
 31 taxes for corporate purposes upon property within the  
 32 territorial limits of such sanitary district, the aggregate  
 33 amount of which, exclusive of the amount levied for (a) the

1 payment of bonded indebtedness and the interest on bonded  
2 indebtedness (b) employees' annuity and benefit purposes (c)  
3 construction purposes, and (d) for the purpose of  
4 establishing and maintaining a reserve fund for the payment  
5 of claims, awards, losses, judgments or liabilities which  
6 might be imposed on such sanitary district under the Workers'  
7 Compensation Act or the Workers' Occupational Diseases Act,  
8 and any claim in tort, including but not limited to, any  
9 claim imposed upon such sanitary district under the Local  
10 Governmental and Governmental Employees Tort Immunity Act,  
11 and for the repair or replacement of any property owned by  
12 such sanitary district which is damaged by fire, flood,  
13 explosion, vandalism or any other peril, natural or manmade,  
14 shall not exceed the sum produced by extending the rate of  
15 .46% for each of the years year 1979 through 2001 and by  
16 extending the rate of 0.41% for the year 2002 and each year  
17 thereafter, upon the assessed valuation of all taxable  
18 property within the sanitary district as equalized and  
19 determined for State and local taxes.

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

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

1 to defray the cost of repairs to or expense of maintaining or  
2 operating existing or future facilities, but such  
3 restrictions, however, shall not apply to additions,  
4 alterations, enlargements, and replacements which will add  
5 appreciably to the value, utility, or the useful life of said  
6 facilities.

7 Such rates shall be extended against the assessed  
8 valuation of the taxable property within the corporate limits  
9 as the same shall be assessed and equalized for the county  
10 taxes for the year in which the levy is made and said board  
11 shall cause the amount to be raised by taxation in each year  
12 to be certified to the county clerk on or before the  
13 thirtieth day of March; provided, however, that if during the  
14 budget year the General Assembly authorizes an increase in  
15 such rates, the board of commissioners may adopt a  
16 supplemental levy and shall make such certification to the  
17 County Clerk on or before the thirtieth day of December.

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

1 fund shall not exceed .05% of such assessed valuation.

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

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

1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.