

1 AMENDMENT TO SENATE BILL 1171

2 AMENDMENT NO. _____. Amend Senate Bill 1171 by replacing
3 the title with the following:

4 "AN ACT concerning local governments."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Local Government Debt Reform Act is
8 amended by changing Sections 3, 15, and 15.01 as follows:

9 (30 ILCS 350/3) (from Ch. 17, par. 6903)

10 Sec. 3. Definitions. In this Act words or terms shall
11 have the following meanings unless the context or usage
12 clearly indicates that another meaning is intended.

13 (a) "Alternate bonds" means bonds issued in lieu of
14 revenue bonds or payable from a revenue source as provided in
15 Section 15.

16 (b) "Applicable law" means any provision of law,
17 including this Act, authorizing governmental units to issue
18 bonds.

19 (c) "Backdoor referendum" means the submission of a
20 public question to the voters of a governmental unit,
21 initiated by a petition of voters, residents or property

1 owners of such governmental unit, to determine whether an
2 action by the governing body of such governmental unit shall
3 be effective, adopted or rejected.

4 (d) "Bond" means any instrument evidencing the
5 obligation to pay money authorized or issued by or on behalf
6 of a governmental unit under applicable law, including
7 without limitation, bonds, notes, installment or financing
8 contracts, leases, certificates, tax anticipation warrants or
9 notes, vouchers, and any other evidences of indebtedness.

10 (e) "Debt service" on bonds means the amount of
11 principal, interest and premium, if any, when due either at
12 stated maturity or upon mandatory redemption.

13 (f) "Enterprise revenues" means the revenues of a
14 utility or revenue producing enterprise from which revenue
15 bonds may be payable.

16 (g) "General obligation bonds" means bonds of a
17 governmental unit for the payment of which the governmental
18 unit is empowered to levy ad valorem property taxes upon all
19 taxable property in a governmental unit without limitation as
20 to rate or amount.

21 (h) "Governing body" means the legislative body,
22 council, board, commission, trustees, or any other body, by
23 whatever name it is known, having charge of the corporate
24 affairs of a governmental unit.

25 (i) "Governmental unit" means a county, township,
26 municipality, municipal corporation, unit of local
27 government, school district, special district, public
28 corporation, body corporate and politic, forest preserve
29 district, fire protection district, conservation district,
30 park district, sanitary district, and all other local
31 governmental agencies, including any entity created by
32 intergovernmental agreement among any of the foregoing
33 governmental units, but does not include any office, officer,
34 department, division, bureau, board, commission, university,

1 or similar agency of the State.

2 (j) "Ordinance" means an ordinance duly adopted by a
3 governing body or, if appropriate under applicable law, a
4 resolution so adopted.

5 (k) "Revenue bonds" means any bonds of a governmental
6 unit other than general obligation bonds, but "revenue bonds"
7 does include any debt authorized under Section 11-29.3-1 of
8 the Illinois Municipal Code.

9 (l) "Revenue source" means a source of funds, other than
10 enterprise revenues, received or available to be received by
11 a governmental unit and available for any one or more of its
12 corporate purposes, including any public building commission
13 lease rental base alternate tax levy.

14 (m) "Limited bonds" means bonds, including public
15 building commission leases, but excluding other leases,
16 notes, installment or financing contracts, certificates, tax
17 anticipation warrants or notes, vouchers, and any other
18 evidences of indebtedness, issued under Section 15.01 of this
19 Act.

20 (n) "Public building commission lease rental base" means
21 that term as defined in the Property Tax Extension Limitation
22 Law.

23 (o) "Public building commission lease rental base
24 alternate tax levy" means a special purpose levy authorized
25 to be levied by a governmental unit for the payment of
26 alternate bonds as a revenue source, which levy may be in an
27 annual amount not in excess of the public building commission
28 lease rental base less the amount of that base levied for the
29 payment of lease rentals under a public building commission
30 lease.

31 (Source: P.A. 89-385, eff. 8-18-95; 89-658, eff. 1-1-97.)

32 (30 ILCS 350/15) (from Ch. 17, par. 6915)

33 Sec. 15. Double-barrelled bonds. Whenever revenue bonds

1 have been authorized to be issued pursuant to applicable law
2 or whenever there exists for a governmental unit a revenue
3 source, the procedures set forth in this Section may be used
4 by a governing body. General obligation bonds may be issued
5 in lieu of such revenue bonds as authorized, and general
6 obligation bonds may be issued payable from any revenue
7 source. Such general obligation bonds may be referred to as
8 "alternate bonds". Alternate bonds may be issued without any
9 referendum or backdoor referendum except as provided in this
10 Section, upon the terms provided in Section 10 of this Act
11 without reference to other provisions of law, but only upon
12 the conditions provided in this Section. Alternate bonds
13 shall not be regarded as or included in any computation of
14 indebtedness for the purpose of any statutory provision or
15 limitation except as expressly provided in this Section.

16 Such conditions are:

17 (a) Alternate bonds shall be issued for a lawful
18 corporate purpose. If issued in lieu of revenue bonds,
19 alternate bonds shall be issued for the purposes for which
20 such revenue bonds shall have been authorized. If issued
21 payable from a revenue source in the manner hereinafter
22 provided, which revenue source is limited in its purposes or
23 applications, then the alternate bonds shall be issued only
24 for such limited purposes or applications. Alternate bonds
25 may be issued payable from either enterprise revenues or
26 revenue sources, or both. As a revenue source for alternate
27 bonds, any governmental unit having a public building
28 commission lease rental base is hereby authorized to levy a
29 public building commission lease rental base alternate tax
30 levy. Alternate bonds supported by the levy may be issued
31 pursuant to the provisions of this Section for any lawful
32 corporate purpose of the unit of local government.

33 (b) Alternate bonds shall be subject to backdoor
34 referendum. The provisions of Section 5 of this Act shall

1 apply to such backdoor referendum, together with the
2 provisions hereof. The authorizing ordinance shall be
3 published in a newspaper of general circulation in the
4 governmental unit. Along with or as part of the authorizing
5 ordinance, there shall be published a notice of (1) the
6 specific number of voters required to sign a petition
7 requesting that the issuance of the alternate bonds be
8 submitted to referendum, (2) the time when such petition must
9 be filed, (3) the date of the prospective referendum, and
10 (4), with respect to authorizing ordinances adopted on or
11 after January 1, 1991, a statement that identifies any
12 revenue source that will be used to pay the principal of and
13 interest on the alternate bonds. The clerk or secretary of
14 the governmental unit shall make a petition form available to
15 anyone requesting one. If no petition is filed with the
16 clerk or secretary within 30 days of publication of the
17 authorizing ordinance and notice, the alternate bonds shall
18 be authorized to be issued. But if within this 30 days
19 period, a petition is filed with such clerk or secretary
20 signed by electors numbering the greater of (i) 7.5% of the
21 registered voters in the governmental unit or (ii) 200 of
22 those registered voters or 15% of those registered voters,
23 whichever is less, asking that the issuance of such alternate
24 bonds be submitted to referendum, the clerk or secretary
25 shall certify such question for submission at an election
26 held in accordance with the general election law. The
27 question on the ballot shall include a statement of any
28 revenue source that will be used to pay the principal of and
29 interest on the alternate bonds. The alternate bonds shall be
30 authorized to be issued if a majority of the votes cast on
31 the question at such election are in favor thereof provided
32 that notice of the bond referendum, if held before July 1,
33 1999, has been given in accordance with the provisions of
34 Section 12-5 of the Election Code in effect at the time of

1 the bond referendum, at least 10 and not more than 45 days
2 before the date of the election, notwithstanding the time for
3 publication otherwise imposed by Section 12-5. Notices
4 required in connection with the submission of public
5 questions on or after July 1, 1999 shall be as set forth in
6 Section 12-5 of the Election Code. Backdoor referendum
7 proceedings for bonds and alternate bonds to be issued in
8 lieu of such bonds may be conducted at the same time.

9 (c) To the extent payable from enterprise revenues, such
10 revenues shall have been determined by the governing body to
11 be sufficient to provide for or pay in each year to final
12 maturity of such alternate bonds all of the following: (1)
13 costs of operation and maintenance of the utility or
14 enterprise, but not including depreciation, (2) debt service
15 on all outstanding revenue bonds payable from such enterprise
16 revenues, (3) all amounts required to meet any fund or
17 account requirements with respect to such outstanding revenue
18 bonds, (4) other contractual or tort liability obligations,
19 if any, payable from such enterprise revenues, and (5) in
20 each year, an amount not less than 1.25 times debt service of
21 all (i) alternate bonds payable from such enterprise revenues
22 previously issued and outstanding and (ii) alternate bonds
23 proposed to be issued. To the extent payable from one or
24 more revenue sources, such sources shall have been determined
25 by the governing body to provide in each year, an amount not
26 less than 1.25 times debt service of all alternate bonds
27 payable from such revenue sources previously issued and
28 outstanding and alternate bonds proposed to be issued. The
29 conditions enumerated in this subsection (c) need not be met
30 for that amount of debt service provided for by the setting
31 aside of proceeds of bonds or other moneys at the time of the
32 delivery of such bonds.

33 (c-1) In the case of alternate bonds issued as variable
34 rate bonds (including refunding bonds), debt service shall be

1 projected based on the rate for the most recent date shown in
2 the 20 G.O. Bond Index of average municipal bond yields as
3 published in the most recent edition of The Bond Buyer
4 published in New York, New York (or any successor publication
5 or index, or if such publication or index is no longer
6 published, then any index of long-term municipal tax-exempt
7 bond yields selected by the governmental unit), as of the
8 date of determination referred to in subsection (c) of this
9 Section. Any interest or fees that may be payable to the
10 provider of a letter of credit, line of credit, surety bond,
11 bond insurance, or other credit enhancement relating to such
12 alternate bonds and any fees that may be payable to any
13 remarketing agent need not be taken into account for purposes
14 of such projection. If the governmental unit enters into an
15 agreement in connection with such alternate bonds at the time
16 of issuance thereof pursuant to which the governmental unit
17 agrees for a specified period of time to pay an amount
18 calculated at an agreed-upon rate or index based on a
19 notional amount and the other party agrees to pay the
20 governmental unit an amount calculated at an agreed-upon rate
21 or index based on such notional amount, interest shall be
22 projected for such specified period of time on the basis of
23 the agreed-upon rate payable by the governmental unit.

24 (d) The determination of the sufficiency of enterprise
25 revenues or a revenue source, as applicable, shall be
26 supported by reference to the most recent audit of the
27 governmental unit, which shall be for a fiscal year ending
28 not earlier than 18 months previous to the time of issuance
29 of the alternate bonds. If such audit does not adequately
30 show such enterprise revenues or revenue source, as
31 applicable, or if such enterprise revenues or revenue source,
32 as applicable, are shown to be insufficient, then the
33 determination of sufficiency shall be supported by the report
34 of an independent accountant or feasibility analyst, the

1 latter having a national reputation for expertise in such
2 matters, demonstrating the sufficiency of such revenues and
3 explaining, if appropriate, by what means the revenues will
4 be greater than as shown in the audit. Whenever such
5 sufficiency is demonstrated by reference to a schedule of
6 higher rates or charges for enterprise revenues or a higher
7 tax imposition for a revenue source, such higher rates,
8 charges or taxes shall have been properly imposed by an
9 ordinance adopted prior to the time of delivery of alternate
10 bonds. The reference to and acceptance of an audit or
11 report, as the case may be, and the determination of the
12 governing body as to sufficiency of enterprise revenues or a
13 revenue source shall be conclusive evidence that the
14 conditions of this Section have been met and that the
15 alternate bonds are valid.

16 (e) The enterprise revenues or revenue source, as
17 applicable, shall be in fact pledged to the payment of the
18 alternate bonds; and the governing body shall covenant, to
19 the extent it is empowered to do so, to provide for, collect
20 and apply such enterprise revenues or revenue source, as
21 applicable, to the payment of the alternate bonds and the
22 provision of not less than an additional .25 times debt
23 service. The pledge and establishment of rates or charges
24 for enterprise revenues, or the imposition of taxes in a
25 given rate or amount, as provided in this Section for
26 alternate bonds, shall constitute a continuing obligation of
27 the governmental unit with respect to such establishment or
28 imposition and a continuing appropriation of the amounts
29 received. All covenants relating to alternate bonds and the
30 conditions and obligations imposed by this Section are
31 enforceable by any bondholder of alternate bonds affected,
32 any taxpayer of the governmental unit, and the People of the
33 State of Illinois acting through the Attorney General or any
34 designee, and in the event that any such action results in an

1 order finding that the governmental unit has not properly set
2 rates or charges or imposed taxes to the extent it is
3 empowered to do so or collected and applied enterprise
4 revenues or any revenue source, as applicable, as required by
5 this Act, the plaintiff in any such action shall be awarded
6 reasonable attorney's fees. The intent is that such
7 enterprise revenues or revenue source, as applicable, shall
8 be sufficient and shall be applied to the payment of debt
9 service on such alternate bonds so that taxes need not be
10 levied, or if levied need not be extended, for such payment.
11 Nothing in this Section shall inhibit or restrict the
12 authority of a governing body to determine the lien priority
13 of any bonds, including alternate bonds, which may be issued
14 with respect to any enterprise revenues or revenue source.

15 In the event that alternate bonds shall have been issued
16 and taxes, other than a designated revenue source, shall have
17 been extended pursuant to the general obligation, full faith
18 and credit promise supporting such alternate bonds, then the
19 amount of such alternate bonds then outstanding shall be
20 included in the computation of indebtedness of the
21 governmental unit for purposes of all statutory provisions or
22 limitations until such time as an audit of the governmental
23 unit shall show that the alternate bonds have been paid from
24 the enterprise revenues or revenue source, as applicable,
25 pledged thereto for a complete fiscal year.

26 Alternate bonds may be issued to refund or advance refund
27 alternate bonds without meeting any of the conditions set
28 forth in this Section, except that the term of the refunding
29 bonds shall not be longer than the term of the refunded bonds
30 and that the debt service payable in any year on the
31 refunding bonds shall not exceed the debt service payable in
32 such year on the refunded bonds.

33 Once issued, alternate bonds shall be and forever remain
34 until paid or defeased the general obligation of the

1 governmental unit, for the payment of which its full faith
2 and credit are pledged, and shall be payable from the levy of
3 taxes as is provided in this Act for general obligation
4 bonds.

5 The changes made by this amendatory Act of 1990 do not
6 affect the validity of bonds authorized before September 1,
7 1990.

8 (Source: P.A. 90-812, eff. 1-26-99; 91-57, eff. 6-30-99;
9 91-493, eff. 8-13-99; 91-868, eff. 6-22-00.)

10 (30 ILCS 350/15.01)

11 Sec. 15.01. Limited bonds. A governmental unit is
12 authorized to issue limited bonds payable from the debt
13 service extension base or the public building commission
14 lease rental base, or both, as defined in the Property Tax
15 Extension Limitation Law, as provided in this amendatory Act
16 of 1995. Bonds authorized by Public Act 88-503 and issued
17 under Section 20a of the Chicago Park District Act for
18 aquarium or museum projects shall not be issued as limited
19 bonds. A governmental unit issuing limited bonds authorized
20 by this Section shall provide in the bond ordinance that the
21 bonds are issued as limited bonds and are also issued
22 pursuant to applicable law, other than this amendatory Act of
23 1995, enabling the governmental unit to issue bonds. This
24 amendatory Act of 1995 shall not change the rate, amount,
25 purposes, limitations, source of funds for payment of
26 principal or interest, or method of payment or defeasance of
27 the bonds that a governmental unit may issue under any
28 applicable law; provided, that limited bonds that are
29 otherwise to be issued as general obligation bonds may be
30 payable solely from the debt service extension base or public
31 building commission lease rental base, or both. This
32 amendatory Act of 1995 provides no additional authority to
33 any governmental unit to issue bonds that the governmental

1 unit is not otherwise authorized to issue by a law other than
2 this amendatory Act of 1995.

3 (Source: P.A. 89-385, eff. 8-18-95; 89-449, eff. 6-1-96.)

4 Section 10. 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
32 with the levy year in which this Law becomes applicable to a

1 taxing district as provided in Section 18-213, "taxing
2 district" also includes those taxing districts made subject
3 to this Law as provided in 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
11 for any taxing district to pay interest or principal on
12 general obligation bonds issued before October 1, 1991; (c)
13 made for any taxing district to pay interest or principal on
14 bonds issued to refund or continue to refund those bonds
15 issued before October 1, 1991; (d) made for any taxing
16 district to pay interest or principal on bonds issued to
17 refund or continue to refund bonds issued after October 1,
18 1991 that were approved by referendum; (e) made for any
19 taxing district to pay interest or principal on revenue bonds
20 issued before October 1, 1991 for payment of which a property
21 tax levy or the full faith and credit of the unit of local
22 government is pledged; however, a tax for the payment of
23 interest or principal on those bonds shall be made only after
24 the governing body of the unit of local government finds that
25 all other sources for payment are insufficient to make those
26 payments; (f) made for payments under a building commission
27 lease when the lease payments are for the retirement of bonds
28 issued by the commission before October 1, 1991, to pay for
29 the building project, including leases between a public
30 building commission and a community college district in a
31 county with a population not less than 300,000 and not more
32 than 400,000 that are amended under subsection (n) of Section
33 14 of the Public Building Commission Act; (g) made for
34 payments due under installment contracts entered into before

1 October 1, 1991; (h) made for payments of principal and
2 interest on bonds issued under the Metropolitan Water
3 Reclamation District Act to finance construction projects
4 initiated before October 1, 1991; (h-5) made for stormwater
5 management purposes by the Metropolitan Water Reclamation
6 District of Greater Chicago under Section 12 of the
7 Metropolitan Water Reclamation District Act; (i) made for
8 payments of principal and interest on limited bonds, as
9 defined in Section 3 of the Local Government Debt Reform Act,
10 in an amount not to exceed the debt service extension base
11 less the amount in items (b), (c), (e), and (h) of this
12 definition for non-referendum obligations, except obligations
13 initially issued pursuant to referendum, plus an amount not
14 to exceed the public building commission lease rental base
15 less the amount (deductible only from the public building
16 commission lease rental base and not from the debt service
17 extension base) in item (f) of this definition for lease
18 payments; (j) made for payments of principal and interest on
19 bonds issued under Section 15 of the Local Government Debt
20 Reform Act, including the public building commission lease
21 rental base alternate tax levy allocable to those payments;
22 and (k) made by a school district that participates in the
23 Special Education District of Lake County, created by special
24 education joint agreement under Section 10-22.31 of the
25 School Code, for payment of the school district's share of
26 the amounts required to be contributed by the Special
27 Education District of Lake County to the Illinois Municipal
28 Retirement Fund under Article 7 of the Illinois Pension Code;
29 the amount of any extension under this item (k) shall be
30 certified by the school district to the county clerk.

31 "Aggregate extension" for the taxing districts to which
32 this Law did not apply before the 1995 levy year (except
33 taxing districts subject to this Law in accordance with
34 Section 18-213) means the annual corporate extension for the

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

1 definition; (j) made for payments of principal and interest
2 on bonds issued under Section 15 of the Local Government Debt
3 Reform Act; (k) made for payments of principal and interest
4 on bonds authorized by Public Act 88-503 and issued under
5 Section 20a of the Chicago Park District Act for aquarium or
6 museum projects; and (l) made for payments of principal and
7 interest on bonds authorized by Public Act 87-1191 and issued
8 under Section 42 of the Cook County Forest Preserve District
9 Act for zoological park projects.

10 "Aggregate extension" for all taxing districts to which
11 this Law applies in accordance with Section 18-213, except
12 for those taxing districts subject to paragraph (2) of
13 subsection (e) of Section 18-213, means the annual corporate
14 extension for the taxing district and those special purpose
15 extensions that are made annually for the taxing district,
16 excluding special purpose extensions: (a) made for the taxing
17 district to pay interest or principal on general obligation
18 bonds that were approved by referendum; (b) made for any
19 taxing district to pay interest or principal on general
20 obligation bonds issued before the date on which the
21 referendum making this Law applicable to the taxing district
22 is held; (c) made for any taxing district to pay interest or
23 principal on bonds issued to refund or continue to refund
24 those bonds issued before the date on which the referendum
25 making this Law applicable to the taxing district is held;
26 (d) made for any taxing district to pay interest or principal
27 on bonds issued to refund or continue to refund bonds issued
28 after the date on which the referendum making this Law
29 applicable to the taxing district is held if the bonds were
30 approved by referendum after the date on which the referendum
31 making this Law applicable to the taxing district is held;
32 (e) made for any taxing district to pay interest or principal
33 on revenue bonds issued before the date on which the
34 referendum making this Law applicable to the taxing district

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

29 "Aggregate extension" for all taxing districts to which
30 this Law applies in accordance with paragraph (2) of
31 subsection (e) of Section 18-213 means the annual corporate
32 extension for the taxing district and those special purpose
33 extensions that are made annually for the taxing district,
34 excluding special purpose extensions: (a) made for the taxing

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

1 Reform Act; and (j) made for a qualified airport authority to
2 pay interest or principal on general obligation bonds issued
3 for the purpose of paying obligations due under, or financing
4 airport facilities required to be acquired, constructed,
5 installed or equipped pursuant to, contracts entered into
6 before March 1, 1996 (but not including any amendments to
7 such a contract taking effect on or after that date).

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

1 non-referendum bonds" means (i) bonds authorized by Public
2 Act 88-503 and issued under Section 20a of the Chicago Park
3 District Act for aquarium and museum projects; (ii) bonds
4 issued under Section 15 of the Local Government Debt Reform
5 Act; and or (iii) refunding obligations issued to refund or
6 to continue to refund obligations initially issued pursuant
7 to referendum. ~~The--debt--service--extension--base--may--be~~
8 ~~established-or-increased-as-provided-under-Section-18-212.~~

9 "Special purpose extensions" include, but are not limited
10 to, extensions for levies made on an annual basis for
11 unemployment and workers' compensation, self-insurance,
12 contributions to pension plans, and extensions made pursuant
13 to Section 6-601 of the Illinois Highway Code for a road
14 district's permanent road fund whether levied annually or
15 not. The extension for a special service area is not
16 included in the aggregate extension.

17 "Aggregate extension base" means the taxing district's
18 last preceding aggregate extension as adjusted under Sections
19 18-215 through 18-230.

20 "Levy year" has the same meaning as "year" under Section
21 1-155.

22 "New property" means (i) the assessed value, after final
23 board of review or board of appeals action, of new
24 improvements or additions to existing improvements on any
25 parcel of real property that increase the assessed value of
26 that real property during the levy year multiplied by the
27 equalization factor issued by the Department under Section
28 17-30 and (ii) the assessed value, after final board of
29 review or board of appeals action, of real property not
30 exempt from real estate taxation, which real property was
31 exempt from real estate taxation for any portion of the
32 immediately preceding levy year, multiplied by the
33 equalization factor issued by the Department under Section
34 17-30. In addition, the county clerk in a county containing

1 a population of 3,000,000 or more shall include in the 1997
2 recovered tax increment value for any school district, any
3 recovered tax increment value that was applicable to the 1995
4 tax year calculations.

5 "Public building commission lease rental base" means an
6 amount equal to that portion of the extension for a taxing
7 district for the 1999 levy year constituting an extension for
8 payment of lease rentals under a public building commission
9 lease allocable to the retirement of bonds issued by the
10 commission.

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

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

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

23 Except as otherwise provided in this Section, "limiting
24 rate" means a fraction the numerator of which is the last
25 preceding aggregate extension base times an amount equal to
26 one plus the extension limitation defined in this Section and
27 the denominator of which is the current year's equalized
28 assessed value of all real property in the territory under
29 the jurisdiction of the taxing district during the prior levy
30 year. For those taxing districts that reduced their
31 aggregate extension for the last preceding levy year, the
32 highest aggregate extension in any of the last 3 preceding
33 levy years shall be used for the purpose of computing the
34 limiting rate. The denominator shall not include new

1 property. The denominator shall not include the recovered
2 tax increment value.

3 (Source: P.A. 90-485, eff. 1-1-98; 90-511, eff. 8-22-97;
4 90-568, eff. 1-1-99; 90-616, eff. 7-10-98; 90-655, eff.
5 7-30-98; 91-357, eff. 7-29-99; 91-478, eff. 11-1-99.)

6 Section 15. The Public Building Commission Act is
7 amended by changing Sections 3, 14, and 18 as follows:

8 (50 ILCS 20/3) (from Ch. 85, par. 1033)

9 Sec. 3. The following terms, wherever used, or referred
10 to in this Act, mean unless the context clearly requires a
11 different meaning:

12 (a) "Commission" means a Public Building Commission
13 created pursuant to this Act.

14 (b) "Commissioner" or "Commissioners" means a
15 Commissioner or Commissioners of a Public Building
16 Commission.

17 (c) "County seat" means a city, village or town which is
18 the county seat of a county.

19 (d) "Municipality" means any city, village or
20 incorporated town of the State of Illinois.

21 (e) "Municipal corporation" includes a county, city,
22 village, town, (including a county seat), park district,
23 school district in a county of 3,000,000 or more population,
24 board of education of a school district in a county of
25 3,000,000 or more population, sanitary district, airport
26 authority contiguous with the County Seat as of July 1, 1969
27 and any other municipal body or governmental agency of the
28 State but does not include a school district in a county of
29 less than 3,000,000 population, a board of education of a
30 school district in a county of less than 3,000,000
31 population, or a community college district in a county of
32 less than 3,000,000 population.

1 (f) "Governing body" includes a city council, county
2 board, or any other body or board, by whatever name it may be
3 known, charged with the governing of a municipal corporation.

4 (g) "Presiding officer" includes the mayor or president
5 of a city, village or town, the presiding officer of a county
6 board, or the presiding officer of any other board or
7 commission, as the case may be.

8 (h) "Oath" means oath or affirmation.

9 (i) "Building" means an improvement to real estate to be
10 made available for use by a municipal corporation for the
11 furnishing of governmental services to its citizens, together
12 with any land or interest in land necessary or useful in
13 connection with the improvement.

14 (j) "Public building commission lease rental base" means
15 that term as defined in the Property Tax Extension Limitation
16 Law.

17 (Source: P.A. 88-304.)

18 (50 ILCS 20/14) (from Ch. 85, par. 1044)

19 Sec. 14. A Public Building Commission is a municipal
20 corporation and constitutes a body both corporate and politic
21 separate and apart from any other municipal corporation or
22 any other public or governmental agency. It may sue and be
23 sued, plead and be impleaded, and have a seal and alter such
24 at pleasure, have perpetual succession, make and execute
25 contracts, leases, deeds and other instruments necessary or
26 convenient to the exercise of its powers, and make and from
27 time to time amend and repeal its by-laws, rules and
28 regulations not inconsistent with this Act. In addition, it
29 has and shall exercise the following public and essential
30 governmental powers and functions and all other powers
31 incidental or necessary, to carry out and effectuate such
32 express powers:

33 (a) To select, locate and designate, at any time and

1 from time to time, one or more areas lying wholly within the
2 territorial limits of the municipality or of the county seat
3 of the county in which the Commission is organized, or within
4 the territorial limits of the county if the site is to be
5 used for county purposes, or (in the case of a county having
6 a population of at least 20,000 but not more than 21,000 as
7 determined by the 1980 federal census) within the territorial
8 limits of the county if the site is to be used for municipal
9 purposes, as the site or sites to be acquired for the
10 erection, alteration or improvement of a building or
11 buildings, public improvement or other facilities for the
12 purposes set forth in this Section. The site or sites
13 selected shall be conveniently located within such county,
14 municipality or county seat and of an area in size
15 sufficiently large to accomplish and effectuate the purpose
16 of this Act and sufficient to provide for proper
17 architectural setting and adequate landscaping for such
18 building or buildings, public improvement or other
19 facilities.

20 (1) Where the governing body of the county seat or the
21 governing body of any municipality with 3,000 or more
22 inhabitants has adopted the original resolution for the
23 creation of the Commission, the site or sites selected, and
24 in the case of a project for an Airport Authority, the site
25 or sites selected, the project and any lease agreements, are
26 subject to approval by a majority of the members of the
27 governing body of the county seat or by a majority of the
28 members of the governing body of the municipality. However,
29 where the site is for a county project and is outside the
30 limits of a municipality, the approval of the site shall be
31 by the county board.

32 (2) Where the original resolution for the creation of
33 the Commission has been adopted by the governing body of the
34 county, the site or sites selected, and in the case of a

1 project for an Airport Authority, the site or sites selected,
2 the project and any lease agreements, are subject to approval
3 by a majority of the members of the governing body of the
4 county and to approval by 3/4 of the members of the governing
5 body of the county seat, except that approval of 3/4 of the
6 members of the governing body of the county seat is not
7 required where the site is for a county or (in the case of a
8 county having a population of at least 20,000 but not more
9 than 21,000 as determined by the 1980 federal census) a
10 municipal project and is outside the limits of the county
11 seat, in which case approval by 3/4 of the members of the
12 governing body of any municipality where the site or sites
13 will be located is required; and, if such site or sites so
14 selected, and in the case of a project for an Airport
15 Authority, the site or sites selected, the project and any
16 lease agreements, are not approved by 3/4 of the members of
17 the governing body of the county seat the Commission may by
18 resolution request that the approval of the site or sites so
19 selected, and in the case of a project for an Airport
20 Authority, the site or sites selected, the project and any
21 lease agreements, be submitted to a referendum at the next
22 general election in accordance with the general election law,
23 and shall present such resolution to the county clerk. Upon
24 receipt of such resolution the county clerk shall immediately
25 notify the board of election commissioners, if any; however,
26 referenda pursuant to such resolution shall not be called
27 more frequently than once in 4 years. The proposition shall
28 be in substantially the following form:

29 -----

30 Shall be acquired for the
31 erection, alteration or improvement of a
32 building or buildings pursuant to the YES
33 Public Building Commission Act,
34 approved July 5, 1955, which project

1 it is estimated will cost \$....., -----
 2 including the cost of the site
 3 acquisition and for the payment of which
 4 revenue bonds in the amount of \$...., NO
 5 maturing and bearing interest at
 6 the rate of% per annum, may be issued?
 7 -----

8 If a majority of the electors voting on the proposition vote
 9 in favor of the proposition, the site or sites so selected,
 10 and in the case of a project for an Airport Authority, the
 11 site or sites selected, the project and any lease agreements,
 12 shall be approved. Except where approval of the site or
 13 sites has been obtained by referendum, the area or areas may
 14 be enlarged by the Board of Commissioners, from time to time,
 15 as the need therefor arises. The selection, location and
 16 designation of more than one area may, but need not, be made
 17 at one time but may be made from time to time.

18 (b) To acquire the fee simple title to the real property
 19 located within such area or areas, including easements and
 20 reversionary interests in the streets, alleys and other
 21 public places and personal property required for its
 22 purposes, by purchase, gift, legacy, or by the exercise of
 23 the power of eminent domain, and title thereto shall be taken
 24 in the corporate name of the Commission. Eminent domain
 25 proceedings shall be in all respects in the manner provided
 26 for the exercise of the right of eminent domain under Article
 27 VII of the Code of Civil Procedure, approved August 19, 1981,
 28 as amended. All land and appurtenances thereto, acquired or
 29 owned by the Commission are to be deemed acquired or owned
 30 for a public use or public purpose.

31 Any municipal corporation which owns fee simple title to
 32 real property located within such an area, may convey such
 33 real property, or any part thereof, to the Commission with a
 34 provision in such conveyance for the reverter of such real

1 property to the transferor municipal corporation at such time
2 as all revenue bonds and other obligations of the Commission
3 incident to the real property so conveyed, have been paid in
4 full, and such Commission is hereby authorized to accept such
5 a conveyance.

6 (c) To demolish, repair, alter or improve any building
7 or buildings within the area or areas and to erect a new
8 building or buildings, improvement and other facilities
9 within the area or areas to provide space for the conduct of
10 the executive, legislative and judicial functions of
11 government, its various branches, departments and agencies
12 thereof and to provide buildings, improvements and other
13 facilities for use by local government in the furnishing of
14 essential governmental, health, safety and welfare services
15 to its citizens; to furnish and equip such building or
16 buildings, improvements and other facilities, and maintain
17 and operate them so as to effectuate the purposes of this
18 Act.

19 (d) To pave and improve streets within such area or
20 areas, and to construct, repair and install sidewalks,
21 sewers, waterpipes and other similar facilities and site
22 improvements within such area or areas and to provide for
23 adequate landscaping essential to the preparation of such
24 site or sites in accordance with the purposes of this Act.

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

26 (f) To operate, maintain, manage and to make and enter
27 into contracts for the operation, maintenance and management
28 of such buildings and other facilities and to provide rules
29 and regulations for the operation, maintenance and management
30 thereof.

31 (g) To employ and discharge without regard to any Civil
32 Services Act, engineering, architectural, construction, legal
33 and financial experts and such other employees as may be
34 necessary in its judgment to carry out the purposes of this

1 Act and to fix compensation for such employees, and enter
2 into contracts for the employment of any person, firm, or
3 corporation, and for professional services necessary or
4 desirable for the accomplishment of the objects and purposes
5 of the Commission and the proper administration, management,
6 protection and control of its property.

7 (h) To rent all or any part or parts of such building,
8 buildings, or other facilities to any municipal corporation
9 that organized or joined in the organization of the Public
10 Building Commission or to any branch, department, or agency
11 thereof, or to any branch, department, or agency of the State
12 or Federal government, or to any other state or any agency or
13 political subdivision of another state with which the
14 Commission has entered into an intergovernmental agreement or
15 contract under the Intergovernmental Cooperation Act, or to
16 any municipal corporation with which the Commission has
17 entered into an intergovernmental agreement or contract under
18 the Intergovernmental Cooperation Act, or to any other
19 municipal corporation, quasi municipal corporation, political
20 subdivision or body politic, or agency thereof, doing
21 business, maintaining an office, or rendering a public
22 service in such county for any period of time, not to exceed
23 30 years.

24 (i) To rent such space in such building or buildings as
25 from time to time may not be needed by any governmental
26 agency for such other purposes as the Board of Commissioners
27 may determine will best serve the comfort and convenience of
28 the occupants of such building or buildings, and upon such
29 terms and in such manner as the Board of Commissioners may
30 determine.

31 (j) To execute written leases evidencing the rental
32 agreements authorized in paragraphs (h) and (i) of this
33 Section.

34 (k) To procure and enter into contracts for any type of

1 insurance or indemnity against loss or damage to property
2 from any cause, including loss of use and occupancy, against
3 death or injury of any person, against employer's liability,
4 against any act of any member, officer or employee of the
5 Public Building Commission in the performance of the duties
6 of his office or employment or any other insurable risk, as
7 the Board of Commissioners in its discretion may deem
8 necessary.

9 (l) To accept donations, contributions, capital grants
10 or gifts from any individuals, associations, municipal and
11 private corporations and the United States of America, or any
12 agency or instrumentality thereof, for or in aid of any of
13 the purposes of this Act and to enter into agreements in
14 connection therewith.

15 (m) To borrow money from time to time and in evidence
16 thereof to issue and sell revenue bonds in such amount or
17 amounts as the Board of Commissioners may determine to
18 provide funds for the purpose of acquiring, erecting,
19 demolishing, improving, altering, equipping, repairing,
20 maintaining and operating buildings and other facilities and
21 to acquire sites necessary and convenient therefor and to pay
22 all costs and expenses incident thereto, including, but
23 without in any way limiting the generality of the foregoing,
24 architectural, engineering, legal and financing expense,
25 which may include an amount sufficient to meet the interest
26 charges on such revenue bonds during such period or periods
27 as may elapse prior to the time when the project or projects
28 may become revenue producing and for one year in addition
29 thereto; and to refund and refinance, from time to time,
30 revenue bonds so issued and sold, as often as may be deemed
31 to be advantageous by the Board of Commissioners.

32 (n) To enter into any agreement or contract with any
33 lessee, who, pursuant to the terms of this Act, is renting or
34 is about to rent from the Commission all or part of any

1 building or buildings or facilities, whereby under such
2 agreement or contract such lessee obligates itself to pay all
3 or part of the cost of maintaining and operating the premises
4 so leased. Such agreement may be included as a provision of
5 any lease entered into pursuant to the terms of this Act or
6 may be made the subject of a separate agreement or contract
7 between the Commission and such lessee. Notwithstanding any
8 contrary provision of the Property Tax Extension Limitation
9 Law, a lease entered into by a public building commission and
10 a community college district in a county with a population of
11 not less than 300,000 and not more than 400,000 before
12 October 1, 1991, may be amended to provide for the
13 continuation of an annual payment in an amount that is not
14 greater than the maximum annual payment under the lease on
15 the effective date of this amendatory Act of the 92nd General
16 Assembly. For the purposes of Section 18 of this Act, the
17 effective date of the amendment to the lease is the same as
18 the date of the original execution of that lease.

19 (Source: P.A. 86-325; 86-1215; 87-1208.)

20 (50 ILCS 20/18) (from Ch. 85, par. 1048)

21 Sec. 18. Whenever, and as often as, a municipal
22 corporation having taxing power enters into a lease with a
23 Public Building Commission, the governing body of such
24 municipal corporation shall provide by ordinance or
25 resolution, as the case may be, for the levy and collection
26 of a direct annual tax sufficient to pay the annual rent
27 payable under such lease as and when it becomes due and
28 payable, or, if applicable, in the amount of the public
29 building commission lease rental base levied for the lease. A
30 certified copy of the lease of such municipal corporation and
31 a certified copy of the tax levying ordinance or resolution,
32 as the case may be, of such municipal corporation shall be
33 filed in the office of the county clerk in each county in

1 which any portion of the territory of such municipal
 2 corporation is situated, which certified copies shall
 3 constitute the authority for the county clerk or clerks, in
 4 each case, to extend the taxes annually necessary to pay the
 5 annual rent payable under such lease as and when it becomes
 6 due and payable, or, if applicable, in the amount of the
 7 public building commission lease rental base levied for the
 8 lease. No taxes shall be extended for any lease entered into
 9 after the effective date of this amendatory Act of 1993,
 10 however, until after a public hearing on the lease. The clerk
 11 or secretary of the governing body of the municipal
 12 corporation shall cause notice of the time and place of the
 13 hearing to be published at least once, at least 15 days
 14 before the hearing, in a newspaper published or having
 15 general circulation within the municipal corporation. If no
 16 such newspaper exists, the clerk or secretary shall cause the
 17 notice to be posted, at least 15 days before the hearing, in
 18 at least 10 conspicuous places within the municipal
 19 corporation. The notice shall be in the following form:

20 NOTICE OF PUBLIC HEARING ON LEASE between (name of the
 21 municipal corporation) and (name of the public building
 22 commission).

23 A public hearing regarding a lease between (name of the
 24 municipal corporation) and (name of the public building
 25 commission) will be held by (name of the governing body of
 26 the municipal corporation) on (date) at (time) at (location).
 27 The largest yearly rental payment set forth in the lease is
 28 (\$ amount). The maximum length of the lease is (years).

29 The purpose of the lease is (explain in 25 words or
 30 less).

31 Dated (insert date). this-----day-of---

32 By Order of (name of the governing body
 33 of the Municipal Corporation)
 34 /s/.....

Clerk or Secretary-

At the hearing, all persons residing or owning property in the municipal corporation shall have an opportunity to be heard orally, in writing, or both.

Upon the filing of the certified copies of the lease and the tax levying ordinance or resolution in the office of the county clerk or clerks of the proper county or counties, it shall be the duty of such county clerk or clerks to ascertain the rate per cent which, upon the value of all property subject to taxation within the municipal corporation, as that property is assessed or equalized by the Department of Revenue, will produce a net amount of not less than the amount of the annual rent reserved in such lease, or, if applicable, in the amount of the public building commission lease rental base levied for the lease. The county clerk or clerks shall thereupon, and thereafter annually during the term of the lease, extend taxes against all of the taxable property contained in that municipal corporation sufficient to pay the annual rental reserved in such lease, or, if applicable, in the amount of the public building commission lease rental base levied for the lease. Such tax shall be levied and collected in like manner with the other taxes of such municipal corporation and shall be in addition to all other taxes now or hereafter authorized to be levied by that municipal corporation. This tax shall not be included within any statutory limitation of rate or amount for that municipal corporation but shall be excluded therefrom and be in addition thereto and in excess thereof. If this tax is levied after the year 1999, however, as part of a public building commission lease rental base, the tax is subject to limitation as to the amount of the public building commission lease rental base. The fund realized from such tax levy shall be set aside for the payment of the annual rent and shall not be disbursed for any other purpose until the annual rental

1 has been paid in full. This Section shall not be construed
 2 to limit the power of the Commission to enter into leases
 3 with any municipal corporation whether or not the municipal
 4 corporation has the power of taxation. This Section shall not
 5 be construed to require taxes to be levied or extended in
 6 excess of the public building commission lease rental base,
 7 if applicable.

8 (Source: P.A. 87-1208; 87-1279; revised 1-10-00.)

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

1 this Section by a home rule unit that is a county with a
 2 population of 1,500,000 or more or is located, in whole or in
 3 part, within such a county, other than a municipality with a
 4 population over 1,000,000.

5 (70 ILCS 2605/12) (from Ch. 42, par. 332)

6 Sec. 12. The board of commissioners annually may levy
 7 taxes for corporate purposes upon property within the
 8 territorial limits of such sanitary district, the aggregate
 9 amount of which, exclusive of the amount levied for (a) the
 10 payment of bonded indebtedness and the interest on bonded
 11 indebtedness (b) employees' annuity and benefit purposes (c)
 12 construction purposes, and (d) for the purpose of
 13 establishing and maintaining a reserve fund for the payment
 14 of claims, awards, losses, judgments or liabilities which
 15 might be imposed on such sanitary district under the Workers'
 16 Compensation Act or the Workers' Occupational Diseases Act,
 17 and any claim in tort, including but not limited to, any
 18 claim imposed upon such sanitary district under the Local
 19 Governmental and Governmental Employees Tort Immunity Act,
 20 and for the repair or replacement of any property owned by
 21 such sanitary district which is damaged by fire, flood,
 22 explosion, vandalism or any other peril, natural or manmade,
 23 shall not exceed the sum produced by extending the rate of
 24 .46% for each of the years year 1979 through 2001 and by
 25 extending the rate of 0.41% for the year 2002 and each year
 26 thereafter, upon the assessed valuation of all taxable
 27 property within the sanitary district as equalized and
 28 determined for State and local taxes.

29 In addition, for stormwater management purposes,
 30 including but not limited to those provided in subsection (f)
 31 of Section 7h, the board of commissioners may levy taxes for
 32 the year 2002 and each year thereafter at a rate not to
 33 exceed 0.05% of the assessed valuation of all taxable

1 property within the district as equalized and determined for
2 State and local taxes.

3 And In addition thereto, for construction purposes as
4 defined in Section 5.2 of this Act, the board of
5 commissioners may levy taxes for the year 1985 and each year
6 thereafter which shall be at a rate not to exceed .10% of the
7 assessed valuation of all taxable property within the
8 sanitary district as equalized and determined for State and
9 local taxes. Amounts realized from taxes so levied for
10 construction purposes shall be limited for use to such
11 purposes and shall not be available for appropriation or used
12 to defray the cost of repairs to or expense of maintaining or
13 operating existing or future facilities, but such
14 restrictions, however, shall not apply to additions,
15 alterations, enlargements, and replacements which will add
16 appreciably to the value, utility, or the useful life of said
17 facilities.

18 Such rates shall be extended against the assessed
19 valuation of the taxable property within the corporate limits
20 as the same shall be assessed and equalized for the county
21 taxes for the year in which the levy is made and said board
22 shall cause the amount to be raised by taxation in each year
23 to be certified to the county clerk on or before the
24 thirtieth day of March; provided, however, that if during the
25 budget year the General Assembly authorizes an increase in
26 such rates, the board of commissioners may adopt a
27 supplemental levy and shall make such certification to the
28 County Clerk on or before the thirtieth day of December.

29 For the purpose of establishing and maintaining a reserve
30 fund for the payment of claims, awards, losses, judgments or
31 liabilities which might be imposed on such sanitary district
32 under the Workers' Compensation Act or the Workers'
33 Occupational Diseases Act, and any claim in tort, including
34 but not limited to, any claim imposed upon such sanitary

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

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

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

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

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