



Sen. Susan Garrett

Filed: 2/24/2004

09300SB2196sam001

LRB093 15617 MKM 47768 a

1 AMENDMENT TO SENATE BILL 2196

2 AMENDMENT NO. _____. Amend Senate Bill 2196 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Section 18-185 as follows:

6 (35 ILCS 200/18-185)

7 Sec. 18-185. Short title; definitions. This Division 5 may
8 be cited as the Property Tax Extension Limitation Law. As used
9 in this Division 5:

10 "Consumer Price Index" means the Consumer Price Index for
11 All Urban Consumers for all items published by the United
12 States Department of Labor.

13 "Extension limitation" means (a) the lesser of 5% or the
14 percentage increase in the Consumer Price Index during the
15 12-month calendar year preceding the levy year or (b) the rate
16 of increase approved by voters under Section 18-205.

17 "Affected county" means a county of 3,000,000 or more
18 inhabitants or a county contiguous to a county of 3,000,000 or
19 more inhabitants.

20 "Taxing district" has the same meaning provided in Section
21 1-150, except as otherwise provided in this Section. For the
22 1991 through 1994 levy years only, "taxing district" includes
23 only each non-home rule taxing district having the majority of
24 its 1990 equalized assessed value within any county or counties

1 contiguous to a county with 3,000,000 or more inhabitants.
2 Beginning with the 1995 levy year, "taxing district" includes
3 only each non-home rule taxing district subject to this Law
4 before the 1995 levy year and each non-home rule taxing
5 district not subject to this Law before the 1995 levy year
6 having the majority of its 1994 equalized assessed value in an
7 affected county or counties. Beginning with the levy year in
8 which this Law becomes applicable to a taxing district as
9 provided in Section 18-213, "taxing district" also includes
10 those taxing districts made subject to this Law as provided in
11 Section 18-213.

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

1 for the retirement of bonds issued by the commission before
2 October 1, 1991, to pay for the building project; (g) made for
3 payments due under installment contracts entered into before
4 October 1, 1991; (h) made for payments of principal and
5 interest on bonds issued under the Metropolitan Water
6 Reclamation District Act to finance construction projects
7 initiated before October 1, 1991; (i) made for payments of
8 principal and interest on limited bonds, as defined in Section
9 3 of the Local Government Debt Reform Act, in an amount not to
10 exceed the debt service extension base less the amount in items
11 (b), (c), (e), and (h) of this definition for non-referendum
12 obligations, except obligations initially issued pursuant to
13 referendum; (j) made for payments of principal and interest on
14 bonds issued under Section 15 of the Local Government Debt
15 Reform Act; (k) made by a school district that participates in
16 the Special Education District of Lake County, created by
17 special education joint agreement under Section 10-22.31 of the
18 School Code, for payment of the school district's share of the
19 amounts required to be contributed by the Special Education
20 District of Lake County to the Illinois Municipal Retirement
21 Fund under Article 7 of the Illinois Pension Code; the amount
22 of any extension under this item (k) shall be certified by the
23 school district to the county clerk; and (l) made to fund
24 expenses of providing joint recreational programs for the
25 handicapped under Section 5-8 of the Park District Code or
26 Section 11-95-14 of the Illinois Municipal Code.

27 "Aggregate extension" for the taxing districts to which
28 this Law did not apply before the 1995 levy year (except taxing
29 districts subject to this Law in accordance with Section
30 18-213) means the annual corporate extension for the taxing
31 district and those special purpose extensions that are made
32 annually for the taxing district, excluding special purpose
33 extensions: (a) made for the taxing district to pay interest or
34 principal on general obligation bonds that were approved by

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

1 Government Debt Reform Act; (k) made for payments of principal
2 and interest on bonds authorized by Public Act 88-503 and
3 issued under Section 20a of the Chicago Park District Act for
4 aquarium or museum projects; (l) made for payments of principal
5 and interest on bonds authorized by Public Act 87-1191 or
6 93-601 ~~this amendatory Act of the 93rd General Assembly~~ and (i)
7 issued pursuant to Section 21.2 of the Cook County Forest
8 Preserve District Act, (ii) issued under Section 42 of the Cook
9 County Forest Preserve District Act for zoological park
10 projects, or (iii) issued under Section 44.1 of the Cook County
11 Forest Preserve District Act for botanical gardens projects;
12 (m) made pursuant to Section 34-53.5 of the School Code,
13 whether levied annually or not; (n) made to fund expenses of
14 providing joint recreational programs for the handicapped
15 under Section 5-8 of the Park District Code or Section 11-95-14
16 of the Illinois Municipal Code; and (o) made by the Chicago
17 Park District for recreational programs for the handicapped
18 under subsection (c) of Section 7.06 of the Chicago Park
19 District Act.

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

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

1 pursuant to, contracts entered into before March 1, 1996 (but
2 not including any amendments to such a contract taking effect
3 on or after that date); and (k) made to fund expenses of
4 providing joint recreational programs for the handicapped
5 under Section 5-8 of the Park District Code or Section 11-95-14
6 of the Illinois Municipal Code.

7 "Aggregate extension" for all taxing districts to which
8 this Law applies in accordance with paragraph (2) of subsection
9 (e) of Section 18-213 means the annual corporate extension for
10 the taxing district and those special purpose extensions that
11 are made annually for the taxing district, excluding special
12 purpose extensions: (a) made for the taxing district to pay
13 interest or principal on general obligation bonds that were
14 approved by referendum; (b) made for any taxing district to pay
15 interest or principal on general obligation bonds issued before
16 the effective date of this amendatory Act of 1997; (c) made for
17 any taxing district to pay interest or principal on bonds
18 issued to refund or continue to refund those bonds issued
19 before the effective date of this amendatory Act of 1997; (d)
20 made for any taxing district to pay interest or principal on
21 bonds issued to refund or continue to refund bonds issued after
22 the effective date of this amendatory Act of 1997 if the bonds
23 were approved by referendum after the effective date of this
24 amendatory Act of 1997; (e) made for any taxing district to pay
25 interest or principal on revenue bonds issued before the
26 effective date of this amendatory Act of 1997 for payment of
27 which a property tax levy or the full faith and credit of the
28 unit of local government is pledged; however, a tax for the
29 payment of interest or principal on those bonds shall be made
30 only after the governing body of the unit of local government
31 finds that all other sources for payment are insufficient to
32 make those payments; (f) made for payments under a building
33 commission lease when the lease payments are for the retirement
34 of bonds issued by the commission before the effective date of

1 this amendatory Act of 1997 to pay for the building project;
2 (g) made for payments due under installment contracts entered
3 into before the effective date of this amendatory Act of 1997;
4 (h) made for payments of principal and interest on limited
5 bonds, as defined in Section 3 of the Local Government Debt
6 Reform Act, in an amount not to exceed the debt service
7 extension base less the amount in items (b), (c), and (e) of
8 this definition for non-referendum obligations, except
9 obligations initially issued pursuant to referendum; (i) made
10 for payments of principal and interest on bonds issued under
11 Section 15 of the Local Government Debt Reform Act; (j) made
12 for a qualified airport authority to pay interest or principal
13 on general obligation bonds issued for the purpose of paying
14 obligations due under, or financing airport facilities
15 required to be acquired, constructed, installed or equipped
16 pursuant to, contracts entered into before March 1, 1996 (but
17 not including any amendments to such a contract taking effect
18 on or after that date); and (k) made to fund expenses of
19 providing joint recreational programs for the handicapped
20 under Section 5-8 of the Park District Code or Section 11-95-14
21 of the Illinois Municipal Code.

22 "Debt service extension base" means an amount equal to that
23 portion of the extension for a taxing district for the 1994
24 levy year, or for those taxing districts subject to this Law in
25 accordance with Section 18-213, except for those subject to
26 paragraph (2) of subsection (e) of Section 18-213, for the levy
27 year in which the referendum making this Law applicable to the
28 taxing district is held, or for those taxing districts subject
29 to this Law in accordance with paragraph (2) of subsection (e)
30 of Section 18-213 for the 1996 levy year, constituting an
31 extension for payment of principal and interest on bonds issued
32 by the taxing district without referendum, but not including
33 excluded non-referendum bonds. For park districts (i) that were
34 first subject to this Law in 1991 or 1995 and (ii) whose

1 extension for the 1994 levy year for the payment of principal
2 and interest on bonds issued by the park district without
3 referendum (but not including excluded non-referendum bonds)
4 was less than 51% of the amount for the 1991 levy year
5 constituting an extension for payment of principal and interest
6 on bonds issued by the park district without referendum (but
7 not including excluded non-referendum bonds), "debt service
8 extension base" means an amount equal to that portion of the
9 extension for the 1991 levy year constituting an extension for
10 payment of principal and interest on bonds issued by the park
11 district without referendum (but not including excluded
12 non-referendum bonds). The debt service extension base may be
13 established or increased as provided under Section 18-212.
14 "Excluded non-referendum bonds" means (i) bonds authorized by
15 Public Act 88-503 and issued under Section 20a of the Chicago
16 Park District Act for aquarium and museum projects; (ii) bonds
17 issued under Section 15 of the Local Government Debt Reform
18 Act; or (iii) refunding obligations issued to refund or to
19 continue to refund obligations initially issued pursuant to
20 referendum.

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

29 "Aggregate extension base" means the taxing district's
30 last preceding aggregate extension as adjusted under Sections
31 18-215 through 18-230.

32 "Levy year" has the same meaning as "year" under Section
33 1-155.

34 "New property" means (i) the assessed value, after final

1 board of review or board of appeals action, of new improvements
2 or additions to existing improvements on any parcel of real
3 property that increase the assessed value of that real property
4 during the levy year multiplied by the equalization factor
5 issued by the Department under Section 17-30, (ii) the assessed
6 value, after final board of review or board of appeals action,
7 of real property not exempt from real estate taxation, which
8 real property was exempt from real estate taxation for any
9 portion of the immediately preceding levy year, multiplied by
10 the equalization factor issued by the Department under Section
11 17-30, and (iii) in counties that classify in accordance with
12 Section 4 of Article IX of the Illinois Constitution, an
13 incentive property's additional assessed value resulting from
14 a scheduled increase in the level of assessment as applied to
15 the first year final board of review market value. In addition,
16 the county clerk in a county containing a population of
17 3,000,000 or more shall include in the 1997 recovered tax
18 increment value for any school district, any recovered tax
19 increment value that was applicable to the 1995 tax year
20 calculations.

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

25 "Recovered tax increment value" means, except as otherwise
26 provided in this paragraph, the amount of the current year's
27 equalized assessed value, in the first year after a
28 municipality terminates the designation of an area as a
29 redevelopment project area previously established under the
30 Tax Increment Allocation Development Act in the Illinois
31 Municipal Code, previously established under the Industrial
32 Jobs Recovery Law in the Illinois Municipal Code, or previously
33 established under the Economic Development Area Tax Increment
34 Allocation Act, of each taxable lot, block, tract, or parcel of

1 real property in the redevelopment project area over and above
2 the initial equalized assessed value of each property in the
3 redevelopment project area. For the taxes which are extended
4 for the 1997 levy year, the recovered tax increment value for a
5 non-home rule taxing district that first became subject to this
6 Law for the 1995 levy year because a majority of its 1994
7 equalized assessed value was in an affected county or counties
8 shall be increased if a municipality terminated the designation
9 of an area in 1993 as a redevelopment project area previously
10 established under the Tax Increment Allocation Development Act
11 in the Illinois Municipal Code, previously established under
12 the Industrial Jobs Recovery Law in the Illinois Municipal
13 Code, or previously established under the Economic Development
14 Area Tax Increment Allocation Act, by an amount equal to the
15 1994 equalized assessed value of each taxable lot, block,
16 tract, or parcel of real property in the redevelopment project
17 area over and above the initial equalized assessed value of
18 each property in the redevelopment project area. In the first
19 year after a municipality removes a taxable lot, block, tract,
20 or parcel of real property from a redevelopment project area
21 established under the Tax Increment Allocation Development Act
22 in the Illinois Municipal Code, the Industrial Jobs Recovery
23 Law in the Illinois Municipal Code, or the Economic Development
24 Area Tax Increment Allocation Act, "recovered tax increment
25 value" means the amount of the current year's equalized
26 assessed value of each taxable lot, block, tract, or parcel of
27 real property removed from the redevelopment project area over
28 and above the initial equalized assessed value of that real
29 property before removal from the redevelopment project area.

30 Except as otherwise provided in this Section, "limiting
31 rate" means a fraction the numerator of which is the last
32 preceding aggregate extension base times an amount equal to one
33 plus the extension limitation defined in this Section and the
34 denominator of which is the current year's equalized assessed

1 value of all real property in the territory under the
2 jurisdiction of the taxing district during the prior levy year.
3 For those taxing districts that reduced their aggregate
4 extension for the last preceding levy year, the highest
5 aggregate extension in any of the last 3 preceding levy years
6 shall be used for the purpose of computing the limiting rate.
7 The denominator shall not include new property. The denominator
8 shall not include the recovered tax increment value.

9 (Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04;
10 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; revised
11 12-10-03.)

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

14 (55 ILCS 5/5-1062.1) (from Ch. 34, par. 5-1062.1)

15 Sec. 5-1062.1. Stormwater management planning councils in
16 Cook County.

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

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

32 ~~(1) Setting minimum standards for floodplain and~~

1 ~~stormwater management.~~

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

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

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

34 ~~(2) Creating, by intergovernmental agreement, a~~

1 ~~county wide Stormwater Management Planning Committee with~~
2 ~~its membership consisting of the Chairman of each of the~~
3 ~~watershed management councils, the Cook County Board~~
4 ~~President or his designee, and the Northeastern Illinois~~
5 ~~Planning Commission President or his designee.~~

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

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

1 ~~County area and agreed upon stormwater planning standards.~~

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

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

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

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

24 Section 15. The Metropolitan Water Reclamation District
25 Act is amended by adding Section 7h and by changing Section 12
26 and as follows:

27 (70 ILCS 2605/7h new)

28 Sec. 7h. Stormwater management.

29 (a) Stormwater management in Cook County shall be under the
30 general supervision of the Metropolitan Water Reclamation
31 District of Greater Chicago. The District has the authority to
32 plan, manage, implement, and finance activities relating to

1 stormwater management in Cook County. The authority of the
2 District with respect to stormwater management extends
3 throughout Cook County and is not limited to the area otherwise
4 within the territory and jurisdiction of the District under
5 this Act.

6 For the purposes of this Section, the term "stormwater
7 management" includes, without limitation, the management of
8 floods and floodwaters.

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

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

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

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

33 Prior to adopting the countywide stormwater management
34 plan, the District shall hold at least one public hearing

1 thereon and shall afford interested persons an opportunity to
2 be heard.

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

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

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

31 The proceeds of any tax imposed under Section 12 for
32 stormwater management purposes and any revenues generated as a
33 result of the ownership or operation of facilities or land
34 acquired with the proceeds of taxes imposed under Section 12

1 for stormwater management purposes shall be held in a separate
2 fund and used either for implementing this Section or to abate
3 those taxes.

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

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

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

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

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

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

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

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

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

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

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

1 (j) The District may, after 10 days written notice to the
2 owner or occupant, enter upon any lands or waters within the
3 county for the purpose of inspecting stormwater facilities or
4 causing the removal of any obstruction to an affected
5 watercourse. The District shall be responsible for any damages
6 occasioned thereby.

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

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

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

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

1 county with a population of 1,500,000 or more or is located, in
2 whole or in part, within such a county, other than a
3 municipality with a population over 1,000,000.

4 (70 ILCS 2605/12) (from Ch. 42, par. 332)

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

27 In addition, for stormwater management purposes, including
28 but not limited to those provided in subsection (f) of Section
29 7(h), the board of commissioners may levy taxes for the year
30 2005 and each year thereafter at a rate not to exceed 0.05% of
31 the assessed valuation of all taxable property within the
32 District as equalized and determined for State and local taxes.

33 And in addition thereto, for construction purposes as

1 defined in Section 5.2 of this Act, the board of commissioners
2 may levy taxes for the year 1985 and each year thereafter which
3 shall be at a rate not to exceed .10% of the assessed valuation
4 of all taxable property within the sanitary district as
5 equalized and determined for State and local taxes. Amounts
6 realized from taxes so levied for construction purposes shall
7 be limited for use to such purposes and shall not be available
8 for appropriation or used to defray the cost of repairs to or
9 expense of maintaining or operating existing or future
10 facilities, but such restrictions, however, shall not apply to
11 additions, alterations, enlargements, and replacements which
12 will add appreciably to the value, utility, or the useful life
13 of said facilities. Such rates shall be extended against the
14 assessed valuation of the taxable property within the corporate
15 limits as the same shall be assessed and equalized for the
16 county taxes for the year in which the levy is made and said
17 board shall cause the amount to be raised by taxation in each
18 year to be certified to the county clerk on or before the
19 thirtieth day of March; provided, however, that if during the
20 budget year the General Assembly authorizes an increase in such
21 rates, the board of commissioners may adopt a supplemental levy
22 and shall make such certification to the County Clerk on or
23 before the thirtieth day of December.

24 For the purpose of establishing and maintaining a reserve
25 fund for the payment of claims, awards, losses, judgments or
26 liabilities which might be imposed on such sanitary district
27 under the Workers' Compensation Act or the Workers'
28 Occupational Diseases Act, and any claim in tort, including but
29 not limited to, any claim imposed upon such sanitary district
30 under the Local Governmental and Governmental Employees Tort
31 Immunity Act, and for the repair or replacement, where the cost
32 thereof exceeds the sum of \$10,000, of any property owned by
33 such sanitary district which is damaged by fire, flood,
34 explosion, vandalism or any other peril, natural or man-made,

1 such sanitary district may also levy annually upon all taxable
2 property within its territorial limits a tax not to exceed
3 .005% of the assessed valuation of said taxable property as
4 equalized and determined for State and local taxes; provided,
5 however, the aggregate amount which may be accumulated in such
6 reserve fund shall not exceed .05% of such assessed valuation.

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

1 producing the net amount required shall not exceed any
2 applicable maximum tax rate or amount.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".