



Rep. Mike Fortner

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09700HB5900ham001

LRB097 20410 KMW 67261 a

1 AMENDMENT TO HOUSE BILL 5900

2 AMENDMENT NO. _____. Amend House Bill 5900 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Sections 5-1062 and 5-1062.2 as follows:

6 (55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)

7 Sec. 5-1062. Stormwater management.

8 (a) The purpose of this Section is to allow management and
9 mitigation of the effects of urbanization on stormwater
10 drainage in metropolitan counties located in the area served by
11 the Northeastern Illinois Planning Commission, and references
12 to "county" in this Section shall apply only to those counties.
13 This Section shall not apply to any county with a population in
14 excess of 1,500,000, except as provided in subsection (c). The
15 purpose of this Section shall be achieved by:

16 (1) consolidating the existing stormwater management

1 framework into a united, countywide structure;

2 (2) setting minimum standards for floodplain and
3 stormwater management; and

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

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

19 The county board members shall be appointed by the chairman
20 of the county board. Municipal members from each county board
21 district or other represented area shall be appointed by a
22 majority vote of the mayors of those municipalities which have
23 the greatest percentage of their respective populations
24 residing in such county board district or other represented
25 area. All municipal and county board representatives shall be
26 entitled to a vote; the other members shall be nonvoting

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

16 The principal duties of the committee shall be to develop a
17 stormwater management plan for presentation to and approval by
18 the county board, and to direct the plan's implementation and
19 revision. The committee may retain engineering, legal and
20 financial advisors and inspection personnel. The committee
21 shall meet at least quarterly and shall hold at least one
22 public meeting during the preparation of the plan and prior to
23 its submittal to the county board.

24 (c) In the preparation of a stormwater management plan, a
25 county stormwater management planning committee shall
26 coordinate the planning process with each adjoining county to

1 ensure that recommended stormwater projects will have no
2 significant impact on the levels or flows of stormwaters in
3 inter-county watersheds or on the capacity of existing and
4 planned stormwater retention facilities. An adopted stormwater
5 management plan shall identify steps taken by the county to
6 coordinate the development of plan recommendations with
7 adjoining counties.

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

24 (e) Prior to recommending the plan to the county board, the
25 stormwater management planning committee shall hold at least
26 one public hearing thereon and shall afford interested persons

1 an opportunity to be heard. The hearing shall be held in the
2 county seat. Notice of the hearing shall be published at least
3 once no less than 15 days in advance thereof in a newspaper of
4 general circulation published in the county. The notice shall
5 state the time and place of the hearing and the place where
6 copies of the proposed plan will be accessible for examination
7 by interested parties. If an affected municipality having a
8 stormwater management plan adopted by ordinance wishes to
9 protest the proposed county plan provisions, it shall appear at
10 the hearing and submit in writing specific proposals to the
11 stormwater management planning committee. After consideration
12 of the matters raised at the hearing, the committee may amend
13 or approve the plan and recommend it to the county board for
14 adoption.

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

1 authorities of an affected municipality having a municipal
2 stormwater management plan, amendment of the plan shall require
3 an affirmative vote of at least two-thirds of the county board
4 members present and voting.

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

15 (g) For the purposes of implementing this Section and for
16 the development, design, planning, construction, operation,
17 and maintenance of stormwater facilities provided for in ~~In~~
18 accordance with, and if recommended in, the adopted stormwater
19 management plan, a the county board that has established a
20 stormwater management planning committee pursuant to this
21 Section or has participated in a stormwater management planning
22 process may adopt a schedule of fees applicable to all real
23 property within the county which benefits from the county's
24 stormwater management facilities and activities, and as may be
25 necessary to mitigate the effects of increased stormwater
26 runoff resulting from ~~new~~ development. The total amount of the

1 fees assessed must be specifically and uniquely attributable to
2 the actual costs of the county in the preparation,
3 administration, and implementation of the ~~shall not exceed the~~
4 ~~cost of satisfying the onsite stormwater retention or detention~~
5 ~~requirements of the~~ adopted stormwater management plan,
6 construction and maintenance of stormwater facilities, and
7 other activities related to the management of the runoff from
8 the property. The individual fees must be specifically and
9 uniquely attributable to the portion of the actual cost to the
10 county of managing the runoff from the property. The fees shall
11 be used to finance activities undertaken by the county or its
12 included municipalities to mitigate the effects of urban
13 stormwater runoff by providing and maintaining ~~regional~~
14 stormwater collection, retention, ~~or~~ detention, and
15 particulate treatment facilities and improving water bodies
16 impacted by stormwater runoff, as identified in the county
17 plan. In establishing, maintaining, or replacing the
18 facilities, the county shall not duplicate facilities operated
19 by other governmental bodies within its corporate boundaries.
20 The schedule of fees established by the county board shall
21 include a procedure for a full or partial fee waiver for
22 property owners who have taken actions or put in place
23 facilities that reduce or eliminate the cost to the county of
24 providing stormwater management services to their property.
25 The county board may also offer tax or fee rebates or incentive
26 payments to property owners who construct, maintain, and use

1 approved green infrastructure stormwater management devices or
2 any other methods that reduce or eliminate the cost to the
3 county of providing stormwater management services to the
4 property, including but not limited to facilities that reduce
5 the volume, velocity, and pollutant load of the stormwater
6 managed by the county, such as systems that infiltrate,
7 evapotranspire, or harvest stormwater for reuse, known as
8 "green infrastructure". In exercising this authority, the
9 county shall provide notice to the municipalities within their
10 jurisdictions of any fees proposed under this Section and seek
11 the input of each municipality with respect to the calculation
12 of the fees. The county shall also give property owners at
13 least 2 years' notice of the fee during which time the county
14 shall provide education on green infrastructure practices and
15 an opportunity to take action to reduce or eliminate the fee.
16 All such fees collected by the county shall be held in a
17 separate fund, and shall be expended only in the watershed
18 within which they were collected. The county may enter into
19 intergovernmental agreements with other government bodies for
20 the joint administration of stormwater management and the
21 collection of the fees authorized in this Section.

22 A fee schedule authorized by this subsection must have the
23 same limit as the lesser of the 0.20% property value provided
24 for in subsection (h) of this Section and the maximum tax
25 currently allowable in the county under State law. The fee
26 schedule shall not be adopted unless (i) at least part of the

1 county has been declared by a presidential proclamation after
2 July 1, 1986 and before December 31, 1987, to be a disaster
3 area as a result of flooding; (ii) a referendum has been passed
4 approving a stormwater tax as provided in subsection (h) of
5 this Section; or (iii) the question of the adoption of a fee
6 schedule with the same limit as the authorized stormwater tax
7 has been approved in a referendum by a majority of those voting
8 on the question.

9 (h) In the alternative, the ~~For the purpose of implementing~~
10 ~~this Section and for the development, design, planning,~~
11 ~~construction, operation and maintenance of stormwater~~
12 ~~facilities provided for in the stormwater management plan, a~~
13 county board ~~that has established a stormwater management~~
14 ~~planning committee pursuant to this Section~~ may cause an annual
15 tax of not to exceed 0.20% of the value, as equalized or
16 assessed by the Department of Revenue, of all taxable property
17 in the county to be levied upon all the taxable property in the
18 county. The tax shall be in addition to all other taxes
19 authorized by law to be levied and collected in the county and
20 shall be in addition to the maximum tax rate authorized by law
21 for general county purposes. The 0.20% limitation provided in
22 this Section may be increased or decreased by referendum in
23 accordance with the provisions of Sections 18-120, 18-125, and
24 18-130 of the Property Tax Code.

25 Any revenues generated as a result of ownership or
26 operation of facilities or land acquired with the tax funds

1 collected pursuant to this subsection (h) shall be held in a
2 separate fund and be used either to abate such property tax or
3 for implementing this Section.

4 If a county adopts a fee schedule pursuant to this Section
5 it may not also levy a tax under this subsection, except that
6 if the county has existing debt repayments to make on a
7 stormwater project, the remainder of that debt may be paid in
8 the same manner as all earlier payments.

9 However, unless at least part of the county has been
10 declared after July 1, 1986 by presidential proclamation to be
11 a disaster area as a result of flooding, the tax authorized by
12 this subsection (h) shall not be levied until the question of
13 its adoption, either for a specified period or indefinitely,
14 has been submitted to the electors thereof and approved by a
15 majority of those voting on the question. This question may be
16 submitted at any election held in the county after the adoption
17 of a resolution by the county board providing for the
18 submission of the question to the electors of the county. The
19 county board shall certify the resolution and proposition to
20 the proper election officials, who shall submit the proposition
21 at an election in accordance with the general election law. If
22 a majority of the votes cast on the question is in favor of the
23 levy of the tax, it may thereafter be levied in the county for
24 the specified period or indefinitely, as provided in the
25 proposition. The question shall be put in substantially the
26 following form:

1 which are located entirely within the area of the county
2 covered by the plan.

3 However, any active drainage district implementing a plan
4 that is consistent with and at least as stringent as the county
5 stormwater management plan may petition the stormwater
6 management planning committee for exception from dissolution.
7 Upon filing of the petition, the committee shall set a date for
8 hearing not less than 2 weeks, nor more than 4 weeks, from the
9 filing thereof, and the committee shall give at least one
10 week's notice of the hearing in one or more newspapers of
11 general circulation within the district, and in addition shall
12 cause a copy of the notice to be personally served upon each of
13 the trustees of the district. At the hearing, the committee
14 shall hear the district's petition and allow the district
15 trustees and any interested parties an opportunity to present
16 oral and written evidence. The committee shall render its
17 decision upon the petition for exception from dissolution based
18 upon the best interests of the residents of the district. In
19 the event that the exception is not allowed, the district may
20 file a petition within 30 days of the decision with the circuit
21 court. In that case, the notice and hearing requirements for
22 the court shall be the same as herein provided for the
23 committee. The court shall likewise render its decision of
24 whether to dissolve the district based upon the best interests
25 of residents of the district.

26 The dissolution of any drainage district shall not affect

1 the obligation of any bonds issued or contracts entered into by
2 the district nor invalidate the levy, extension or collection
3 of any taxes or special assessments upon the property in the
4 former drainage district. All property and obligations of the
5 former drainage district shall be assumed and managed by the
6 county, and the debts of the former drainage district shall be
7 discharged as soon as practicable.

8 If a drainage district lies only partly within a county
9 that adopts a county stormwater management plan, the county may
10 petition the circuit court to disconnect from the drainage
11 district that portion of the district that lies within that
12 county. The property of the drainage district within the
13 disconnected area shall be assumed and managed by the county.
14 The county shall also assume a portion of the drainage
15 district's debt at the time of disconnection, based on the
16 portion of the value of the taxable property of the drainage
17 district which is located within the area being disconnected.

18 The operations of any drainage district that continues to
19 exist in a county that has adopted a stormwater management plan
20 in accordance with this Section shall be in accordance with the
21 adopted plan.

22 (j) Any county that has adopted a county stormwater
23 management plan under this Section may, after 10 days written
24 notice to the owner or occupant, enter upon any lands or waters
25 within the county for the purpose of inspecting stormwater
26 facilities or causing the removal of any obstruction to an

1 affected watercourse. The county shall be responsible for any
2 damages occasioned thereby.

3 (k) Upon petition of the municipality, and based on a
4 finding of the stormwater management planning committee, the
5 county shall not enforce rules and regulations adopted by the
6 county in any municipality located wholly or partly within the
7 county that has a municipal stormwater management ordinance
8 that is consistent with and at least as stringent as the county
9 plan and ordinance, and is being enforced by the municipal
10 authorities.

11 (l) A county may issue general obligation bonds for
12 implementing any stormwater plan adopted under this Section in
13 the manner prescribed in Section 5-1012; except that the
14 referendum requirement of Section 5-1012 shall not apply to
15 bonds issued pursuant to this Section on which the principal
16 and interest are to be paid entirely out of funds generated by
17 the taxes and fees authorized by this Section.

18 (m) The powers authorized by this Section may be
19 implemented by the county board for a portion of the county
20 subject to similar stormwater management needs.

21 (n) The powers and taxes authorized by this Section are in
22 addition to the powers and taxes authorized by Division 5-15;
23 in exercising its powers under this Section, a county shall not
24 be subject to the restrictions and requirements of that
25 Division.

26 (o) Pursuant to paragraphs (g) and (i) of Section 6 of

1 Article VII of the Illinois Constitution, this Section
2 specifically denies and limits the exercise of any power which
3 is inconsistent herewith by home rule units in any county with
4 a population of less than 1,500,000 in the area served by the
5 Northeastern Illinois Planning Commission. This Section does
6 not prohibit the concurrent exercise of powers consistent
7 herewith.

8 (Source: P.A. 88-670, eff. 12-2-94; 89-445, eff. 2-7-96.)

9 (55 ILCS 5/5-1062.2)

10 Sec. 5-1062.2. Stormwater management.

11 (a) The purpose of this Section is to allow management and
12 mitigation of the effects of urbanization on stormwater
13 drainage in the metropolitan counties of Madison, St. Clair,
14 Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and Boone
15 and references to "county" in this Section apply only to those
16 counties, except that the counties of Champaign, Macon, McLean,
17 Peoria, Rock Island, Sangamon, Tazewell, Vermilion, and
18 Winnebago are authorized to adopt a schedule of fees as
19 outlined in subsection (h) of this Section. This Section does
20 not apply to any other counties in the State, including those
21 located in the area served by the Northeastern Illinois
22 Planning Commission that are granted authorities in Section
23 5-1062. The purpose of this Section shall be achieved by:

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

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

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

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

18 The county board members shall be appointed by the chairman
19 of the county board. Municipal members from each county board
20 district or other represented area shall be appointed by a
21 majority vote of the mayors of those municipalities that have
22 the greatest percentage of their respective populations
23 residing in that county board district or other represented
24 area. All municipal and county board representatives shall be
25 entitled to a vote; the other members shall be nonvoting
26 members, unless authorized to vote by the unanimous consent of

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

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

1 grant money must be consistent with the stormwater management
2 plan.

3 The committee shall not have or exercise any power of
4 eminent domain.

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

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

26 (e) Before the stormwater management planning committee

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

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

1 at the hearing and submit in writing specific proposals to the
2 stormwater management planning committee. After consideration
3 of the matters raised at the hearing, the committee may amend
4 or approve the plan and recommend it to the county board for
5 adoption.

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

22 (g) The county board may prescribe by ordinance reasonable
23 rules and regulations for floodplain management and for
24 governing the location, width, course, and release rate of all
25 stormwater runoff channels, streams, and basins in the county,
26 in accordance with the adopted stormwater management plan.

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

17 (h) For the purpose of implementing this Section and for
18 the development, design, planning, construction, operation,
19 and maintenance of stormwater facilities provided for in ~~In~~
20 accordance with, and if recommended in, the adopted stormwater
21 management plan, a ~~the~~ county board that has established a
22 stormwater management planning committee pursuant to this
23 Section or has participated in a stormwater management planning
24 process may adopt a schedule of fees applicable to all real
25 property within the county which receives benefit from the
26 county's stormwater management facilities and activities, and

1 as may be necessary to mitigate the effects of increased
2 stormwater runoff resulting from ~~new~~ development based on
3 actual costs. The total amount of the fees assessed must be
4 specifically and uniquely attributable to the actual costs of
5 the county in the preparation, administration, and
6 implementation of the ~~shall not exceed the cost of satisfying~~
7 ~~the onsite stormwater retention or detention requirements of~~
8 ~~the~~ adopted stormwater management plan, construction and
9 maintenance of stormwater facilities, and other activities
10 related to the management of the runoff from the property. The
11 individual fees must be specifically and uniquely attributable
12 to the portion of the actual cost to the county of managing the
13 runoff from the property. The fees shall be used to finance
14 activities undertaken by the county or its included
15 municipalities to mitigate the effects of urban stormwater
16 runoff by providing and maintaining ~~regional~~ stormwater
17 collection, retention, ~~or~~ detention, and particulate treatment
18 facilities and improving water bodies impacted by stormwater
19 runoff, as identified in the county plan. In establishing,
20 maintaining, or replacing such facilities, the county shall not
21 duplicate facilities operated by other governmental bodies
22 within its corporate boundaries. The schedule of fees
23 established by the county board shall include a procedure for a
24 full or partial fee waiver for property owners who have taken
25 actions or put in place facilities that reduce or eliminate the
26 cost to the county of providing stormwater management services

1 to their property. The county board may also offer tax or fee
2 rebates or incentive payments to property owners who construct,
3 maintain, and use approved green infrastructure stormwater
4 management devices or any other methods that reduce or
5 eliminate the cost to the county of providing stormwater
6 management services to the property, including but not limited
7 to facilities that reduce the volume, velocity, and pollutant
8 load of the stormwater managed by the county, such as systems
9 that infiltrate, evapotranspire, or harvest stormwater for
10 reuse, known as "green infrastructure". In exercising this
11 authority, the county shall provide notice to the
12 municipalities within their jurisdictions of any fees proposed
13 under this Section and seek the input of each municipality with
14 respect to the calculation of the fees. The county shall also
15 give property owners at least 2 years' notice of the fee during
16 which time the county shall provide education on green
17 infrastructure practices and an opportunity to take action to
18 reduce or eliminate the fee. ~~The county board shall provide for~~
19 ~~a credit or reduction in fees for any onsite retention,~~
20 ~~detention, drainage district assessments, or other similar~~
21 ~~stormwater facility that the developer is required to construct~~
22 ~~consistent with the stormwater management ordinance.~~ All these
23 fees collected by the county shall be held in a separate fund,
24 and shall be expended only in the watershed within which they
25 were collected. The county may enter into intergovernmental
26 agreements with other government bodies for the joint

1 administration of stormwater management and the collection of
2 the fees authorized in this Section.

3 A fee schedule authorized by this subsection must have the
4 same limit as the lesser of the 0.20% property value provided
5 for in subsection (i) of this Section and the maximum tax
6 currently allowable in the county under State law. The fee
7 schedule shall not be adopted unless (i) a referendum has been
8 passed approving a stormwater tax as provided in subsection (i)
9 of this Section; or (ii) the question of the adoption of a fee
10 schedule with the same limit as the authorized stormwater tax
11 has been approved in a referendum by a majority of those voting
12 on the question.

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

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

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

9 If a county adopts a fee schedule pursuant to this Section
10 it may not also levy a tax under this subsection, except that
11 if that county has existing debt repayments to make on a
12 stormwater project, the remainder of that debt may be paid in
13 the same manner as all earlier payments.

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

1 indefinitely, as provided in the proposition. The question
2 shall be put in substantially the following form:

3 Shall an annual tax be levied for stormwater management
4 purposes (for a period of not more than years) at a
5 rate not exceeding% of the equalized assessed value
6 of the taxable property of..... County?

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

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

16 Votes shall be recorded as Yes or No.

17 The following question may be submitted at any election
18 held in the county after the adoption of a resolution by the
19 county board providing for the submission of the question to
20 the electors of the county to authorize adoption of a schedule
21 of fees applicable to all real property within the county:

22 Shall the county board be authorized to adopt a
23 schedule of fees, at a rate not exceeding that of the
24 stormwater management tax, applicable to all real property
25 for preparation, administration, and implementation of an
26 adopted stormwater management plan, construction and

1 maintenance of related facilities, and management of the
2 runoff from the property?

3 Votes shall be recorded as Yes or No.

4 (j) For those counties that adopt a property tax in
5 accordance with the provisions in this Section, the stormwater
6 management committee shall offer property tax abatements or
7 incentive payments to property owners who construct, maintain,
8 and use approved stormwater management devices. For those
9 counties that adopt use and occupation taxes in accordance with
10 the provisions of this Section, the stormwater management
11 committee may offer tax rebates or incentive payments to
12 property owners who construct, maintain, and use approved
13 stormwater management devices. The stormwater management
14 committee is authorized to offer credits to the property tax,
15 if applicable, based on authorized practices consistent with
16 the stormwater management plan and approved by the committee.
17 Expenses of staff of a stormwater management committee that are
18 expended on regulatory project review may be no more than 20%
19 of the annual budget of the committee, including funds raised
20 under subsections (h) and (i).

21 (k) Any county that has adopted a county stormwater
22 management plan under this Section may, after 10 days written
23 notice receiving consent of the owner or occupant, enter upon
24 any lands or waters within the county for the purpose of
25 inspecting stormwater facilities or causing the removal of any
26 obstruction to an affected watercourse. If consent is denied or

1 cannot be reasonably obtained, the county ordinance shall
2 provide a process or procedure for an administrative warrant to
3 be obtained. The county shall be responsible for any damages
4 occasioned thereby.

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

18 (m) A county may issue general obligation bonds for
19 implementing any stormwater plan adopted under this Section in
20 the manner prescribed in Section 5-1012; except that the
21 referendum requirement of Section 5-1012 does not apply to
22 bonds issued pursuant to this Section on which the principal
23 and interest are to be paid entirely out of funds generated by
24 the taxes and fees authorized by this Section.

25 (n) The powers authorized by this Section may be
26 implemented by the county board for a portion of the county

1 subject to similar stormwater management needs.

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

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".