

SB0090



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0090

Introduced 1/23/2019, by Sen. Dan McConchie

SYNOPSIS AS INTRODUCED:

70 ILCS 605/10-7.3 new

Amends the Illinois Drainage Code. Provides that if one or more municipalities account for at least 50% of a drainage district's territory, the drainage district may be dissolved if each municipality that has territory within the drainage district and the county in which the drainage district lies adopt a resolution or ordinance dissolving the district. Provides that the resolution or ordinance must state: that there are no outstanding debts of the district that have been filed with the county clerk; that federal or State permits or grants will not be impaired by dissolution of the district; and the date of dissolution of the district. Provides for transfer of powers and real property of the former drainage district to the municipalities and county. Provides that if the former district had levied a tax that is still effective on the date of dissolution, then the county in which the drainage district lies has the authority to continue to collect, receive, and expend the proceeds of the tax within the boundaries of the former drainage district and the proceeds shall be expended or disposed of by the county in the same manner as the proceeds may have been expended or disposed of by the former drainage district. Provides that the county board shall, by ordinance or resolution, reduce or eliminate the tax levy under specified conditions. Provides that the county shall notify the Illinois Environmental Protection Agency of the dissolution of the district no later than 60 days after the date of dissolution of the district.

LRB101 07422 AWJ 52464 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Drainage Code is amended by adding
5 Section 10-7.3 as follows:

6 (70 ILCS 605/10-7.3 new)

7 Sec. 10-7.3. Dissolution by resolution ordinance.

8 (a) In addition to the other methods of dissolution
9 provided in this Article, if one or more municipalities account
10 for at least 50% of a drainage district's territory, the
11 drainage district may be dissolved if each municipality that
12 has territory within the drainage district and the county in
13 which the drainage district lies adopt a resolution or
14 ordinance dissolving the drainage district that states:

15 (1) that there are no outstanding debts of the district
16 that have been filed with the county clerk;

17 (2) that federal or State permits or grants will not be
18 impaired by dissolution of the district; and

19 (3) the date of dissolution of the district.

20 (b) On the date of dissolution of the district, all drains,
21 levees, and other works constituting the drainage system of the
22 district and the rights-of-way, if any, on which the same are
23 situated shall be deemed to be for the mutual benefit of the

1 lands formerly in the district as provided in Section 10-11.
2 Additional powers of the former district, except those in
3 Article V, shall be exercised by the respective municipalities
4 where the various parts of the former district are located and
5 by the county for any areas contained in the former district
6 outside of municipalities. Any property owned by the former
7 district becomes property of the county to be used for the
8 benefit of the drainage system of the former district unless
9 the county, by resolution, gives it to one or more of the
10 municipalities that will be exercising the powers of the former
11 district.

12 (c) If the former district had levied a tax that is still
13 effective on the date of dissolution, then the county in which
14 the drainage district lies has the authority to continue to
15 collect, receive, and expend the proceeds of the tax within the
16 boundaries of the former drainage district and the proceeds
17 shall be expended or disposed of by the county in the same
18 manner as the proceeds may have been expended or disposed by
19 the former drainage district. No later than 60 days after the
20 date of dissolution, the county board shall, by ordinance or
21 resolution: (1) reduce the tax levy to an amount necessary to
22 continue operation of the former drainage district's drainage
23 structures and drainage system until the levy expires; or (2)
24 eliminate the tax levy if the county board determines the
25 municipality or municipalities and county have sufficient
26 revenue to operate the drainage structures and drainage system

1 within each respective unit's boundaries.

2 (d) No later than 60 days after the date of dissolution of
3 the district, the county shall notify the Illinois
4 Environmental Protection Agency of the dissolution of the
5 district.