



Sen. Dan McConchie

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LRB101 07422 AWJ 57983 a

1 AMENDMENT TO SENATE BILL 90

2 AMENDMENT NO. _____. Amend Senate Bill 90 by replacing
3 everything after the enacting clause with the following:

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 or 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 75% 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; and

1 (2) that federal or State permits or grants will not be
2 impaired by dissolution of the district.

3 (b) Upon adoption of the required resolutions or ordinances
4 under subsection (a), the county shall file a petition for
5 dissolution of the drainage district with the circuit court.
6 The court shall set a time for an initial hearing on the
7 petition for dissolution with written notice to be provided to
8 all municipalities that have territory within the drainage
9 district and to the commissioners of the drainage district. If
10 the court is satisfied after conducting the initial hearing
11 that the conditions required for dissolution have been met, the
12 court shall enter an order providing:

13 (1) that the commissioners of the district shall file
14 within 60 days a final financial report of commissioners.
15 If a final financial report of commissioners is not timely
16 filed, the county shall file a verified statement
17 indicating the amount of any funds held by the county
18 treasurer belonging to the drainage district; and

19 (2) that the commissioners of the district shall file a
20 report within 60 days to the court listing all property of
21 the district, both real and personal, including the title
22 to any drains, levees, rights-of-ways, or other works upon
23 which the district's drainage system is located. Should the
24 commissioners of the drainage district fail to file a
25 report listing all property, the county shall file its own
26 report based on information available to the county and

1 from public records.

2 (c) After all reports have been filed, the court shall set
3 a hearing to determine and enter requested transfer orders and
4 enter an order dissolving the drainage district.

5 (d) On the date of dissolution of the district, all drains,
6 levees, and other works constituting the drainage system of the
7 district and the rights-of-way, if any, on which the same are
8 situated shall be deemed to be for the mutual benefit of the
9 lands formerly in the district as provided in Section 10-11.

10 Additional powers of the former district, except those in
11 Article V, shall be exercised by the respective municipalities
12 where the various parts of the former district are located and
13 by the county for any areas contained in the former district
14 outside of municipalities. Any property owned by the former
15 district becomes property of the county to be used for the
16 benefit of the drainage system of the former district unless
17 the county, by resolution, gives it to one or more of the
18 municipalities that will be exercising the powers of the former
19 district.

20 (e) If the former district had levied an assessment that is
21 still effective on the date of dissolution, then the county in
22 which the drainage district lies has the authority to continue
23 to collect, receive, and expend the proceeds of the assessment
24 within the boundaries of the former drainage district and the
25 proceeds shall be expended or disposed of by the county in the
26 same manner as the proceeds may have been expended or disposed

1 by the former drainage district. No later than 60 days after
2 the date of dissolution, the county board shall, by ordinance
3 or resolution:

4 (1) reduce the assessment to an amount necessary to
5 continue operation of the former drainage district's
6 drainage structures and drainage system until the levy
7 expires; or

8 (2) eliminate the assessment if the county board
9 determines the municipality or municipalities and county
10 have sufficient revenue to operate the drainage structures
11 and drainage system within each respective unit's
12 boundaries.

13 (f) No later than 60 days after the date of dissolution of
14 the district, the county shall notify the Illinois
15 Environmental Protection Agency of the dissolution of the
16 district.

17 (g) If (1) the former drainage district is located in a
18 county with a county stormwater committee operating under
19 Section 5-1062 of the Counties Code, (2) the municipalities
20 accounting for at least 75% of the territory of the former
21 drainage district agree that the county stormwater committee
22 shall exercise the powers of the former drainage district
23 within the municipalities and county for the drainage system of
24 the former drainage district, and (3) delegation of authority
25 to the county stormwater committee is included in the
26 resolution or ordinance to dissolve the drainage district by

1 each municipality and county accounting for at least 75% of the
2 territory of the former drainage district, then the county
3 shall have the authority to continue to levy the former
4 drainage district assessment in the territory of the former
5 drainage district to be used by the county stormwater committee
6 for the benefit of the former drainage district's drainage
7 system. Funds from this levy shall be budgeted and appropriated
8 separated from the county stormwater committee's other
9 operations. If resolutions or ordinances are adopted as
10 provided in this subsection, the former drainage district levy
11 shall not expire and, if extended, the county shall not exceed
12 the rate of the last assessment of the former drainage
13 district.

14 (h) This Section only applies to drainage districts wholly
15 or partially contained within the Lake Michigan Watershed,
16 Chicago/Calumet Watershed, Des Plaines River Watershed, or Fox
17 River Watershed."