

AN ACT concerning local government.

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

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

(70 ILCS 605/10-7.3 new)

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

(a) In addition to the other methods of dissolution provided in this Article, if one or more municipalities account for at least 75% 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 drainage district that states:

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

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

(b) Upon adoption of the required resolutions or ordinances under subsection (a), the county shall file a petition for dissolution of the drainage district with the circuit court. The court shall set a time for an initial hearing on the petition for dissolution with written notice to be provided to

all municipalities that have territory within the drainage district and to the commissioners of the drainage district. If the court is satisfied after conducting the initial hearing that the conditions required for dissolution have been met, the court shall enter an order providing:

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

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

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

(d) On the date of dissolution of the district, all drains, levees, and other works constituting the drainage system of the district and the rights-of-way, if any, on which the same are

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

(e) If the former district had levied an assessment that is still effective on the date of dissolution, then the county and municipality in which the drainage district lies has the authority to continue to collect, receive, and expend the proceeds of the assessment within the boundaries of the former drainage district, in a proportionate share to the area of the dissolved drainage district contained within the county or municipality, and the proceeds shall be expended or disposed of by the county or municipality in the same manner as the proceeds may have been expended or disposed by the former drainage district. No later than 60 days after the date of dissolution, the county board or city council shall, by ordinance or resolution:

(1) reduce the assessment to an amount necessary to

continue operation of the former drainage district's drainage structures and drainage system until the levy expires; or

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

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

(g) If (1) the former drainage district is located in a county with a county stormwater committee operating under Section 5-1062 of the Counties Code, (2) the municipalities accounting for at least 75% of the territory of the former drainage district agree that the county stormwater committee shall exercise the powers of the former drainage district within the municipalities and county for the drainage system of the former drainage district, and (3) delegation of authority to the county stormwater committee is included in the resolution or ordinance to dissolve the drainage district by each municipality and county accounting for at least 75% of the territory of the former drainage district, then the county shall have the authority to continue to levy the former drainage district assessment in the territory of the former

drainage district to be used by the county stormwater committee for the benefit of the former drainage district's drainage system. Funds from this levy shall be budgeted and appropriated separate from the county stormwater committee's other operations. If resolutions or ordinances are adopted as provided in this subsection, the former drainage district levy shall not expire and, if extended, the county shall not exceed the rate of the last assessment of the former drainage district.

(h) This Section only applies to drainage districts: (1) wholly or partially contained within the Lake Michigan Watershed, Chicago/Calumet Watershed, Des Plaines River Watershed, or Fox River Watershed; and (2) wholly contained within a county with a stormwater management planning committee operating under Section 5-1062 of the Counties Code.