



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0775

Introduced 2/1/2017, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

70 ILCS 605/1.8 new	
70 ILCS 605/3-9	from Ch. 42, par. 3-9
70 ILCS 605/4-2	from Ch. 42, par. 4-2
70 ILCS 605/4-3	from Ch. 42, par. 4-3
70 ILCS 605/4-7	from Ch. 42, par. 4-7
70 ILCS 605/4-9	from Ch. 42, par. 4-9
70 ILCS 605/4-10	from Ch. 42, par. 4-10
70 ILCS 605/4-5 rep.	
70 ILCS 605/4-6 rep.	
70 ILCS 605/4-8 rep.	

Amends the Illinois Drainage Code. Provides for the appointment of all drainage commissioners by the county board. Provides that the appointment shall be made as the terms of the current drainage commissioners expire. Deletes provisions providing for the election of drainage commissioners. Makes conforming changes. Effective immediately.

LRB100 09228 AWJ 19384 b

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
5 changing Sections 3-9, 4-2, 4-3, 4-7, 4-9, and 4-10 and adding
6 Section 1.8 as follows:

7 (70 ILCS 605/1.8 new)

8 Sec. 1.8. Appointment of commissioners. After this
9 amendatory Act of the 100th General Assembly all drainage
10 commissioners shall be appointed by the county board in which
11 the district lies. If a district lies in more than one county,
12 the commissioners shall be appointed according to an
13 intergovernmental agreement of the two county boards. The
14 appointments shall be made as vacancies occur at the end of any
15 commissioner's term.

16 (70 ILCS 605/3-9) (from Ch. 42, par. 3-9)

17 Sec. 3-9. Appointment of temporary commissioners -
18 Continuance. If the Court finds for the petitioners, it shall
19 notify the appropriate appointing authority which shall be the
20 county board or in home rule counties as defined by Article
21 VII, Section 6 of the Constitution of 1970 the county chief
22 executive officer of the county in which the petition is filed

1 to appoint by majority vote as temporary commissioners 3
2 competent residents of Illinois ~~own land in the proposed~~
3 ~~district, provided, however, that for good cause shown the~~
4 ~~appropriate appointing authority may waive the requirement~~
5 ~~that the temporary commissioners own land in the proposed~~
6 ~~district. When the proposed district is situated in 2 or more~~
7 ~~counties, no more than 2 such commissioners shall be residents~~
8 ~~of any one county, provided however, that for good cause shown~~
9 ~~the appropriate appointing authority may waive this residence~~
10 ~~requirement.~~ In home rule counties appointments made by the
11 chief executive officer shall be subject to the advice and
12 consent of the county board. A commissioner thus appointed
13 shall hold office until his duties are fulfilled or his
14 successor is appointed and has qualified. Upon the appointment
15 of temporary commissioners, the cause shall be continued to a
16 day certain for the filing of their report.

17 (Source: P.A. 86-297.)

18 (70 ILCS 605/4-2) (from Ch. 42, par. 4-2)

19 Sec. 4-2. Petition for appointment of commissioners.
20 Whenever a petition signed by a majority of the total number of
21 adult landowners who together own a majority of the area
22 embraced in the district or a majority of the residents in the
23 district requesting the appointment of an individual as
24 commissioner is filed with the county clerk of the county in
25 which the greater part of the territory of the district lies

1 not more than 4 weeks nor less than 1 week before the first
2 Tuesday of September, then the county clerk shall forward the
3 petition to the appropriate appointing authority and, except
4 for good cause shown, the appropriate appointing authority
5 shall then appoint that individual as commissioner, if he is
6 otherwise qualified.

7 (Source: P.A. 88-607, eff. 1-1-95.)

8 (70 ILCS 605/4-3) (from Ch. 42, par. 4-3)

9 Sec. 4-3. Qualifications of Commissioners. No person shall
10 be appointed or elected commissioner of a district who is not
11 an adult resident of Illinois. ~~Neither shall any person be~~
12 ~~appointed or elected commissioner of a district who does not~~
13 ~~own land in the district unless (a) the court in election~~
14 ~~districts or the appointing authority in other districts finds~~
15 ~~it to be in the best interests of the district that the~~
16 ~~requirement of ownership of land in the district be waived or~~
17 ~~(b) the selection of commissioners is by appointment and a~~
18 ~~majority of the adult landowners owning a majority of the area~~
19 ~~embraced in the district have duly petitioned the appropriate~~
20 ~~appointing authority to allow the appointment as commissioner~~
21 ~~of an individual who does not own land in the district.~~

22 (Source: P.A. 86-297.)

23 (70 ILCS 605/4-7) (from Ch. 42, par. 4-7)

24 Sec. 4-7. Appointment of commissioners in districts

1 organized under Levee Act and certain other districts. In all
2 districts which, at the time this Act goes into effect, were
3 operating and existing under the provisions of the Levee Act,
4 or under the provisions of any other act repealed by this Act
5 except the Farm Drainage Act, the commissioners thereof shall
6 hereafter be appointed in the same manner and with like
7 qualifications as though the districts had been originally
8 organized under this Act ~~unless the landowners have elected to~~
9 ~~change from the appointment to the election of commissioners in~~
10 ~~the manner provided in Section 4-8.~~ The commissioners in office
11 at the time this Act goes into effect shall continue as
12 commissioners of the district under this Act until the
13 expiration of their terms of office and until their successors
14 are selected and shall have qualified as provided in this Act.
15 Commissioners appointed under this section shall, within 20
16 days after their appointment, qualify by subscribing to an oath
17 of office and giving bond, in the manner provided in Section
18 4-4.

19 (Source: P.A. 86-297.)

20 (70 ILCS 605/4-9) (from Ch. 42, par. 4-9)

21 Sec. 4-9. Single commissioner.

22 Whenever the drains, levees or other work for the
23 construction of which the district was organized are completed,
24 then the appointing authority may, upon the petition of adult
25 landowners owning a majority of the area embraced in the

1 district, or a majority of residents in the district, dispense
2 with 2 commissioners, and the appointing authority shall
3 thereafter appoint for such district a single commissioner, who
4 shall hold office for a term expiring on the first Tuesday in
5 September of the third year following his appointment and until
6 his successor is appointed and has qualified, and such single
7 commissioner shall perform the duties and be vested with and
8 exercise the powers imposed upon commissioners generally.
9 Whenever, upon the petition of one or more landowners or
10 residents in such district, it appears to the appointing
11 authority that additional work may be necessary in such
12 district, or for other good cause shown, the appointing
13 authority shall appoint 2 additional commissioners in the
14 manner provided by Section 4-10 so as to make a total of 3
15 commissioners for the district.

16 (Source: P.A. 77-701.)

17 (70 ILCS 605/4-10) (from Ch. 42, par. 4-10)

18 Sec. 4-10. Filling vacancies in appointive
19 commissioners-Removal from office. If, for any reason, a
20 vacancy occurs in the office of commissioner in a district in
21 which the commissioners are appointed the appointing authority
22 may appoint a successor, either without notice or upon such
23 notice as the appointing authority may direct, to fill the
24 vacancy until the first Tuesday of September next, on which
25 date, or as soon thereafter as may be feasible, the appropriate

1 appointing authority shall appoint a successor for the
2 remainder of the term, in accordance with Sections 3-9, 4-1 and
3 4-2. For good cause shown any commissioner, ~~whether elected or~~
4 ~~appointed,~~ may be removed from office by the appointing
5 authority upon its own motion or upon the motion of any
6 interested landowner or resident. Notice to such commissioner
7 of the hearing on such motion shall be given as the appointing
8 authority shall direct.

9 (Source: P.A. 86-297.)

10 (70 ILCS 605/4-5 rep.)

11 (70 ILCS 605/4-6 rep.)

12 (70 ILCS 605/4-8 rep.)

13 Section 10. The Illinois Drainage Code is amended by
14 repealing Sections 4-5, 4-6, and 4-8.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.