



Rep. Sam Yingling

Filed: 5/23/2019

10100SB0090ham002

LRB101 07422 AWJ 60984 a

1 AMENDMENT TO SENATE BILL 90

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

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

7 (70 ILCS 605/10-7.3 new)

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

9 (a) In addition to the other methods of dissolution
10 provided in this Article, if one or more municipalities account
11 for at least 75% of a drainage district's territory, the
12 drainage district may be dissolved if each municipality that
13 has territory within the drainage district and the county in
14 which the drainage district lies adopt a resolution or
15 ordinance dissolving the drainage district that states:

16 (1) that there are no outstanding debts of the district

1 that have been filed with the county clerk; and

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

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

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

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

1 report based on information available to the county and
2 from public records.

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

6 (d) On the date of dissolution of the district, all drains,
7 levees, and other works constituting the drainage system of the
8 district and the rights-of-way, if any, on which the same are
9 situated shall be deemed to be for the mutual benefit of the
10 lands formerly in the district as provided in Section 10-11.
11 Additional powers of the former district, except those in
12 Article V, shall be exercised by the respective municipalities
13 where the various parts of the former district are located and
14 by the county for any areas contained in the former district
15 outside of municipalities. Any property owned by the former
16 district becomes property of the county to be used for the
17 benefit of the drainage system of the former district unless
18 the county, by resolution, gives it to one or more of the
19 municipalities that will be exercising the powers of the former
20 district.

21 (e) If the former district had levied an assessment that is
22 still effective on the date of dissolution, then the county and
23 municipality in which the drainage district lies has the
24 authority to continue to collect, receive, and expend the
25 proceeds of the assessment within the boundaries of the former
26 drainage district, in a proportionate share to the area of the

1 dissolved drainage district contained within the county or
2 municipality, and the proceeds shall be expended or disposed of
3 by the county or municipality in the same manner as the
4 proceeds may have been expended or disposed by the former
5 drainage district. No later than 60 days after the date of
6 dissolution, the county board or city council shall, by
7 ordinance or resolution:

8 (1) reduce the assessment to an amount necessary to
9 continue operation of the former drainage district's
10 drainage structures and drainage system until the levy
11 expires; or

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

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

21 (g) If (1) the former drainage district is located in a
22 county with a county stormwater committee operating under
23 Section 5-1062 of the Counties Code, (2) the municipalities
24 accounting for at least 75% of the territory of the former
25 drainage district agree that the county stormwater committee
26 shall exercise the powers of the former drainage district

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

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