



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2500

Introduced 2/17/2005, by Rep. Naomi D. Jakobsson

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/Art. 11 Div. 15.2 heading new  
65 ILCS 5/11-15.2-1 new  
65 ILCS 5/11-15.2-2 new

Amends the Illinois Municipal Code. Provides that territory in a drainage district that has been annexed to a municipality is disconnected from the drainage district, by operation of law, as of the effective date of the annexation, provided that the drainage district does not contain territory that drains directly into the Illinois, Ohio, or Mississippi River; the municipality has a population of 35,000 or more; and there is a disconnection agreement between the municipality and the drainage district that is in effect as of the time of the annexation or the municipality has on file with the county clerk and circuit clerk proof of mailing a notice to the drainage district commissioners. Provides that if there is no agreement between the parties after 180 days after the proof of mailing was filed, either party may petition the circuit court for a determination of the assessment that the municipality should pay. Provides that a drainage district and municipality may enter into an intergovernmental agreement dividing the responsibilities of the municipality and the district for maintenance of the drainage facilities.

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FISCAL NOTE ACT  
MAY APPLY

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 Municipal Code is amended by adding  
5 Division 15.2 to Article 11 as follows:

6 (65 ILCS 5/Art. 11 Div. 15.2 heading new)

7 DIVISION 15.2. ANNEXATION; DRAINAGE DISTRICTS

8 (65 ILCS 5/11-15.2-1 new)

9 Sec. 11-15.2-1. Disconnection upon municipal annexation.

10 (a) Any territory within a drainage district that is or has  
11 been annexed to a municipality is, by operation of law,  
12 disconnected from the drainage district as of the effective  
13 date of the annexation, which, for the purposes of this  
14 Section, is the date the annexation ordinance is filed with the  
15 county clerk, or in the case any such territory has been so  
16 annexed before the effective date of this amendatory Act of the  
17 94th General Assembly, as of the effective date of this  
18 Section, provided that:

19 (1) the drainage district does not contain territory  
20 that drains directly into the Illinois, Ohio, or  
21 Mississippi River;

22 (2) the territory is or has been annexed to a  
23 municipality with a population of 35,000 or more;

24 (3) the municipality has placed on file with the county  
25 clerk a certification by the city engineer that the  
26 municipality has regulations in effect to manage and  
27 control stormwater; and

28 (4) (i) the municipality and the drainage district have  
29 entered into an agreement concerning disconnection, and  
30 the agreement is in effect at the time of the annexation;  
31 or (ii) the municipality has on file with the county clerk

1       and the circuit clerk proof of mailing by certified mail a  
2       notice of intent to commence negotiations for an agreement  
3       concerning disconnection to each of the drainage district  
4       commissioners.

5       (b) If more than 180 days have elapsed since the  
6       municipality filed the proof of mailing with the county clerk  
7       and circuit clerk pursuant to item (a) (4) (ii) and the parties  
8       have not reached an agreement, either party may petition the  
9       circuit court to determine the assessment that the municipality  
10      must pay to the drainage district pursuant to Section 11-2 of  
11      the Illinois Drainage Code (70 ILCS 605/11-2).

12           (65 ILCS 5/11-15.2-2 new)

13      Sec. 11-15.2-2. Intergovernmental agreements. When  
14      drainage district and municipal facilities are interconnected,  
15      such as when a drainage district channel or tile exits or  
16      enters a municipality's territory, the drainage district and  
17      the municipality may enter into an agreement pursuant to the  
18      Intergovernmental Cooperation Act to establish the respective  
19      responsibilities of the district and the municipality to  
20      maintain, replace, improve, or reroute facilities within the  
21      drainage district's jurisdiction. The agreement need not be  
22      presented for approval to a court to be effective.