



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5584

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

70 ILCS 2405/27
70 ILCS 2805/33

from Ch. 42, par. 317i
from Ch. 42, par. 444

Amends the Sanitary District Act of 1917. Provides that the Round Lake Sanitary District may dissolve itself upon entering into an agreement with Lake County to assume all of the District's assets and responsibilities. Provides that upon dissolution, the county board of Lake County shall assume the statutory powers of the former District. Requires Lake County to notify the Illinois Environmental Protection Agency of the dissolution and agreement within the 60 days following the effective date of such dissolution. Amends the Sanitary District Act of 1936. Provides that Lake County may dissolve the Fox Lake Hills Sanitary District and assume all of the District's assets and responsibilities upon passage of a specified resolution. Provides that upon dissolution, the county board of Lake County shall assume the statutory powers of the former District. Requires Lake County to notify the Illinois Environmental Protection Agency of the dissolution within the 60 days following its effective date. Effective immediately.

LRB099 18820 MJP 43205 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 Sanitary District Act of 1917 is amended by
5 changing Section 27 as follows:

6 (70 ILCS 2405/27) (from Ch. 42, par. 317i)

7 Sec. 27. (a) Any sanitary district created under this Act
8 which does not have any outstanding and unpaid revenue bonds
9 issued under the provisions of this Act and which has a
10 population not in excess of 5000 persons and where that
11 sanitary district has entered into an intergovernmental
12 agreement with a municipality for the mutual expenditure of
13 funds in joint work and for the transfer of assets under the
14 Municipality and Sanitary District Mutual Expenditure Act may
15 be dissolved as follows:

16 The board of trustees of a sanitary district may petition
17 the circuit court to dissolve the district. Such petition must
18 show: (1) the reasons for dissolving the district; (2) that
19 there are no debts of the district outstanding or that there
20 are sufficient funds on hand or available to satisfy such
21 debts; (3) that no contract or federal or state permit or grant
22 will be impaired by the dissolution of the sanitary district;
23 (4) that all assets and responsibilities of the sanitary

1 district have been properly assigned to the successor
2 municipality; and (5) that the sanitary district will pay any
3 court costs incurred in connection with the petition.

4 Upon adequate notice, including appropriate notice to the
5 Illinois Environmental Protection Agency, the circuit court
6 shall hold a hearing to determine whether there is good reason
7 for dissolving the district and whether the allegations of the
8 petition are true. If the court finds for the petitioners it
9 shall order the district dissolved but if the court finds
10 against the petitioners the petition shall be dismissed. In
11 either event, the costs shall be taxed against the sanitary
12 district. The order shall be final. Separate or joint appeals
13 may be taken by any of the parties affected thereby or by the
14 trustees of the sanitary district, as in other civil cases.

15 (b) The Village of Rockton has the power to dissolve and
16 acquire all of the assets and responsibilities of a sanitary
17 district (i) that is located wholly within Winnebago County and
18 (ii) that has 90% of its service area within the corporate
19 limits of the Village of Rockton. The corporate authorities of
20 the Village of Rockton, after providing at least 60 days' prior
21 written notice to the sanitary district, may vote to dissolve
22 and acquire the existing sanitary district formed pursuant to
23 this Act upon showing: (1) the reasons for dissolving the
24 district; (2) that there are no outstanding debts of the
25 district or that the Village of Rockton has sufficient funds on
26 hand or available to satisfy any such debts; (3) that no

1 federal or state permit or grant will be impaired by
2 dissolution of the existing sanitary district; (4) that the
3 Village of Rockton agrees to assume all assets and
4 responsibilities of the sanitary district; and (5) that
5 adequate notice has been given to the Illinois Environmental
6 Protection Agency regarding the dissolution of the sanitary
7 district. Any costs associated with the dissolution of the
8 existing sanitary district may be taxed against the sanitary
9 district once the Village of Rockton has acquired all the
10 assets and responsibilities of the district. The sanitary
11 district may file an appeal with the circuit court, which shall
12 hold a hearing, to determine whether the requirements of this
13 section has been met. If the court finds that the requirements
14 of this section have been met, it shall uphold the action of
15 the Village of Rockton to dissolve the district. If the court
16 finds that said requirements have not been met, it shall order
17 that the sanitary district not be dissolved.

18 (c) The Round Lake Sanitary District may dissolve itself
19 upon entering into an agreement with the County of Lake for the
20 County to acquire all of the assets and responsibilities of the
21 Round Lake Sanitary District. Upon dissolution of the District,
22 the statutory powers of the former District shall be exercised
23 by the county board of Lake County. Within 60 days after the
24 effective date of such dissolution and agreement, the County of
25 Lake shall notify the Illinois Environmental Protection Agency
26 regarding the dissolution of the Round Lake Sanitary District

1 and the dissolution agreement.

2 (Source: P.A. 93-567, eff. 8-20-03.)

3 Section 10. The Sanitary District Act of 1936 is amended by
4 changing Section 33 as follows:

5 (70 ILCS 2805/33) (from Ch. 42, par. 444)

6 Sec. 33. Any sanitary district created under this Act which
7 does not have outstanding and unpaid any revenue bonds issued
8 under the provisions of this Act may be dissolved as follows:

9 (a) Any 50 electors residing within the area of any
10 sanitary district may file with the circuit clerk of the county
11 in which the area is situated, a petition addressed to the
12 circuit court to cause submission of the question whether the
13 sanitary district shall be dissolved. Upon the filing of the
14 petition with the clerk, the court shall certify the question
15 to the proper election officials who shall submit the question
16 at an election in accordance with the general election law, and
17 give notice of the election in the manner provided by the
18 general election law.

19 The question shall be in substantially the following form:

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21 "Shall the sanitary 22 district of.... be	YES
23 dissolved"?	NO

24 -----

1 If a majority of the votes cast on this question are in
2 favor of dissolution of the sanitary district, then such
3 organization shall cease, and the sanitary district is
4 dissolved, and the court shall direct the sanitary district to
5 discharge all outstanding obligations.

6 (b) The County of Lake may dissolve the Fox Lake Hills
7 Sanitary District, thereby acquiring all of the District's
8 assets and responsibilities, upon adopting a resolution
9 stating: (1) the reasons for dissolving the District; (2) that
10 there are no outstanding debts of the District or that the
11 County has sufficient funds on hand or available to satisfy
12 such debts; (3) that no federal or State permit or grant will
13 be impaired by dissolution of the District; and (4) that the
14 County assumes all assets and responsibilities of the District.
15 Upon dissolution of the District, the statutory powers of the
16 former District shall be exercised by the county board of the
17 Lake County. Within 60 days after the effective date of such
18 resolution, the County of Lake shall notify the Illinois
19 Environmental Protection Agency regarding the dissolution of
20 the Fox Hills Sanitary District.

21 (Source: P.A. 81-1489.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.