



Sen. Julie A. Morrison

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09900SB3109sam001

LRB099 20690 AWJ 46777 a

1 AMENDMENT TO SENATE BILL 3109

2 AMENDMENT NO. _____. Amend Senate Bill 3109 by replacing
3 everything after the enacting clause with the following:

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 99th 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.

1 (70 ILCS 605/3-9) (from Ch. 42, par. 3-9)

2 Sec. 3-9. Appointment of temporary commissioners -
3 Continuance. If the Court finds for the petitioners, it shall
4 notify the appropriate appointing authority which shall be the
5 county board or in home rule counties as defined by Article
6 VII, Section 6 of the Constitution of 1970 the county chief
7 executive officer of the county in which the petition is filed
8 to appoint by majority vote as temporary commissioners 3
9 competent residents of Illinois ~~own land in the proposed~~
10 ~~district, provided, however, that for good cause shown the~~
11 ~~appropriate appointing authority may waive the requirement~~
12 ~~that the temporary commissioners own land in the proposed~~
13 ~~district. When the proposed district is situated in 2 or more~~
14 ~~counties, no more than 2 such commissioners shall be residents~~
15 ~~of any one county, provided however, that for good cause shown~~
16 ~~the appropriate appointing authority may waive this residence~~
17 ~~requirement.~~ In home rule counties appointments made by the
18 chief executive officer shall be subject to the advice and
19 consent of the county board. A commissioner thus appointed
20 shall hold office until his duties are fulfilled or his
21 successor is appointed and has qualified. Upon the appointment
22 of temporary commissioners, the cause shall be continued to a
23 day certain for the filing of their report.

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

25 (70 ILCS 605/4-2) (from Ch. 42, par. 4-2)

1 Sec. 4-2. Petition for appointment of commissioners.
2 Whenever a petition signed by a majority of the total number of
3 adult landowners who together own a majority of the area
4 embraced in the district or a majority of the residents in the
5 district requesting the appointment of an individual as
6 commissioner is filed with the county clerk of the county in
7 which the greater part of the territory of the district lies
8 not more than 4 weeks nor less than 1 week before the first
9 Tuesday of September, then the county clerk shall forward the
10 petition to the appropriate appointing authority and, except
11 for good cause shown, the appropriate appointing authority
12 shall then appoint that individual as commissioner, if he is
13 otherwise qualified.

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

15 (70 ILCS 605/4-3) (from Ch. 42, par. 4-3)

16 Sec. 4-3. Qualifications of Commissioners. No person shall
17 be appointed or elected commissioner of a district who is not
18 an adult resident of Illinois. ~~Neither shall any person be~~
19 ~~appointed or elected commissioner of a district who does not~~
20 ~~own land in the district unless (a) the court in election~~
21 ~~districts or the appointing authority in other districts finds~~
22 ~~it to be in the best interests of the district that the~~
23 ~~requirement of ownership of land in the district be waived or~~
24 ~~(b) the selection of commissioners is by appointment and a~~
25 ~~majority of the adult landowners owning a majority of the area~~

1 ~~embraced in the district have duly petitioned the appropriate~~
2 ~~appointing authority to allow the appointment as commissioner~~
3 ~~of an individual who does not own land in the district.~~

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

5 (70 ILCS 605/4-7) (from Ch. 42, par. 4-7)

6 Sec. 4-7. Appointment of commissioners in districts
7 organized under Levee Act and certain other districts. In all
8 districts which, at the time this Act goes into effect, were
9 operating and existing under the provisions of the Levee Act,
10 or under the provisions of any other act repealed by this Act
11 except the Farm Drainage Act, the commissioners thereof shall
12 hereafter be appointed in the same manner and with like
13 qualifications as though the districts had been originally
14 organized under this Act ~~unless the landowners have elected to~~
15 ~~change from the appointment to the election of commissioners in~~
16 ~~the manner provided in Section 4-8.~~ The commissioners in office
17 at the time this Act goes into effect shall continue as
18 commissioners of the district under this Act until the
19 expiration of their terms of office and until their successors
20 are selected and shall have qualified as provided in this Act.
21 Commissioners appointed under this section shall, within 20
22 days after their appointment, qualify by subscribing to an oath
23 of office and giving bond, in the manner provided in Section
24 4-4.

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

1 (70 ILCS 605/4-9) (from Ch. 42, par. 4-9)

2 Sec. 4-9. Single commissioner.

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

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

23 (70 ILCS 605/4-10) (from Ch. 42, par. 4-10)

24 Sec. 4-10. Filling vacancies in appointive

1 commissioners-Removal from office. If, for any reason, a
2 vacancy occurs in the office of commissioner in a district in
3 which the commissioners are appointed the appointing authority
4 may appoint a successor, either without notice or upon such
5 notice as the appointing authority may direct, to fill the
6 vacancy until the first Tuesday of September next, on which
7 date, or as soon thereafter as may be feasible, the appropriate
8 appointing authority shall appoint a successor for the
9 remainder of the term, in accordance with Sections 3-9, 4-1 and
10 4-2. For good cause shown any commissioner, ~~whether elected or~~
11 ~~appointed,~~ may be removed from office by the appointing
12 authority upon its own motion or upon the motion of any
13 interested landowner or resident. Notice to such commissioner
14 of the hearing on such motion shall be given as the appointing
15 authority shall direct.

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

17 (70 ILCS 605/4-5 rep.)

18 (70 ILCS 605/4-6 rep.)

19 (70 ILCS 605/4-8 rep.)

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

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