



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB4461**

Introduced 1/21/2022, by Rep. Lawrence Walsh, Jr.

#### SYNOPSIS AS INTRODUCED:

70 ILCS 705/20

from Ch. 127 1/2, par. 38.3

Amends the Fire Protection District Act. In provisions relating to amounts a municipality must pay to a fire protection district after disconnection of district territory, provides that a municipality that does not timely make the payment required and which refuses to make such payment within 30 days following a written demand by the fire protection district entitled to the payment or which causes a fire protection district to incur an expense in order to collect the amount to which it is entitled shall, in addition to the amount due, be responsible to reimburse the fire protection district for all costs incurred by the fire protection district in collecting the amount due, including, but not limited to, reasonable legal fees and court costs.

LRB102 22736 AWJ 31882 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 Fire Protection District Act is amended by  
5 changing Section 20 as follows:

6 (70 ILCS 705/20) (from Ch. 127 1/2, par. 38.3)

7 (Text of Section before amendment by P.A. 102-574)

8 Sec. 20. Disconnection by operation of law.

9 (a) Any territory within a fire protection district that  
10 is or has been annexed to a city, village or incorporated town  
11 that provides fire protection for property within such city,  
12 village or incorporated town is, by operation of law,  
13 disconnected from the fire protection district as of the  
14 January first after such territory is annexed to the city,  
15 village or incorporated town, or in case any such territory  
16 has been so annexed prior to the effective date of this  
17 amendatory Act of 1965, as of January 1, 1966.

18 (b) The disconnection by operation of law does not occur  
19 if, within 60 days after such annexation or after the  
20 effective date of this amendatory Act of 1965, whichever is  
21 later, the fire protection district files with the appropriate  
22 court and with the County Clerk of each county in which the  
23 fire protection district is located, a petition alleging that

1 such disconnection will cause the territory remaining in the  
2 district to be noncontiguous or that the loss of assessed  
3 valuation by reason of such disconnection will impair the  
4 ability of the district to render fully adequate fire  
5 protection service to the territory remaining with the  
6 district. When such a petition is filed, with the court and  
7 with the County Clerk of each county in which the fire  
8 protection district is located, the court shall set it for  
9 hearing, and further proceedings shall be held, as provided in  
10 Section 15 of this Act, except that the city, village or  
11 incorporated town that annexed the territory shall be a  
12 necessary party to the proceedings, and it shall be served  
13 with summons in the manner for a party defendant under the  
14 Civil Practice Law. At such hearing, the district has the  
15 burden of proving the truth of the allegations in its  
16 petition.

17 (c) If disconnection does not occur, then the city,  
18 village or incorporated town in which part of a fire  
19 protection district's territory is located, is prohibited from  
20 levying the tax provided for by Section 11-7-1 of the  
21 "Illinois Municipal Code" in such fire protection district  
22 territory for services provided to the residents of such  
23 territory by the fire protection district.

24 (d) If there are any general obligation bonds of the fire  
25 protection district outstanding and unpaid at the time such  
26 territory is disconnected from the fire protection district by

1 operation of this Section, such territory shall remain liable  
2 for its proportionate share of such bonded indebtedness and  
3 the fire protection district may continue to levy and extend  
4 taxes upon the taxable property in such territory for the  
5 purpose of amortizing such bonds until such time as sufficient  
6 funds to retire such bonds have been collected.

7 (e) On and after the effective date of this amendatory Act  
8 of the 91st General Assembly, when territory is disconnected  
9 from a fire protection district under this Section, the  
10 annexing municipality shall pay, on or before December 31 of  
11 each year for a period of 5 years after the effective date of  
12 the disconnection, to the fire protection district from which  
13 the territory was disconnected, an amount as follows:

14 (1) In the first year after the disconnection, an  
15 amount equal to the real estate tax collected on the  
16 property in the disconnected territory by the fire  
17 protection district in the tax year immediately preceding  
18 the year in which the disconnection took effect.

19 (2) In the second year after the disconnection, an  
20 amount equal to 80% of the real estate tax collected on the  
21 property in the disconnected territory by the fire  
22 protection district in the tax year immediately preceding  
23 the year in which the disconnection took effect.

24 (3) In the third year after the disconnection, an  
25 amount equal to 60% of the real estate tax collected on the  
26 property in the disconnected territory by the fire

1 protection district in the tax year immediately preceding  
2 the year in which the disconnection took effect.

3 (4) In the fourth year after the disconnection, an  
4 amount equal to 40% of the real estate tax collected on the  
5 property in the disconnected territory by the fire  
6 protection district in the tax year immediately preceding  
7 the year in which the disconnection took effect.

8 (5) In the fifth year after the disconnection, an  
9 amount equal to 20% of the real estate tax collected on the  
10 property in the disconnected territory by the fire  
11 protection district in the tax year immediately preceding  
12 the year in which the disconnection took effect.

13 This subsection (e) applies to a fire protection district  
14 only if the corporate authorities of the district do not file a  
15 petition against the disconnection under subsection (b).

16 (f) A municipality that does not timely make the payment  
17 required in subsection (e) and which refuses to make such  
18 payment within 30 days following a written demand by the fire  
19 protection district entitled to the payment or which causes a  
20 fire protection district to incur an expense in order to  
21 collect the amount to which it is entitled under subsection  
22 (e) shall, in addition to the amount due under subsection (e),  
23 be responsible to reimburse the fire protection district for  
24 all costs incurred by the fire protection district in  
25 collecting the amount due, including, but not limited to,  
26 reasonable legal fees and court costs.

1 (Source: P.A. 91-307, eff. 1-1-00; 91-917, eff. 1-1-01.)

2 (Text of Section after amendment by P.A. 102-574)

3 Sec. 20. Disconnection by operation of law.

4 (a) Any territory within a fire protection district that  
5 is or has been annexed to a municipality that provides fire  
6 protection for property within such city, village or  
7 incorporated town is, by operation of law, disconnected from  
8 the fire protection district as of the January first after  
9 such territory is annexed to the municipality as long as the  
10 municipality has conducted a response-time study that shows,  
11 at a minimum, estimated response times from the fire  
12 protection district to the territory and estimated response  
13 times of the municipal fire department from the territory or  
14 in case any such territory has been so annexed prior to the  
15 effective date of this amendatory Act of 1965, as of January 1,  
16 1966.

17 (b) The disconnection by operation of law does not occur  
18 if, within 60 days after such annexation or after the  
19 effective date of this amendatory Act of 1965, whichever is  
20 later, the fire protection district files with the appropriate  
21 court and with the County Clerk of each county in which the  
22 fire protection district is located, a petition alleging that  
23 such disconnection will cause the territory remaining in the  
24 district to be noncontiguous or that the loss of assessed  
25 valuation by reason of such disconnection will impair the

1 ability of the district to render fully adequate fire  
2 protection service to the territory remaining with the  
3 district. When such a petition is filed, with the court and  
4 with the County Clerk of each county in which the fire  
5 protection district is located, the court shall set it for  
6 hearing, and further proceedings shall be held, as provided in  
7 Section 15 of this Act, except that the city, village or  
8 incorporated town that annexed the territory shall be a  
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10 with summons in the manner for a party defendant under the  
11 Civil Practice Law. At such hearing, the district has the  
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17 levying the tax provided for by Section 11-7-1 of the  
18 "Illinois Municipal Code" in such fire protection district  
19 territory for services provided to the residents of such  
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21 (d) If there are any general obligation bonds of the fire  
22 protection district outstanding and unpaid at the time such  
23 territory is disconnected from the fire protection district by  
24 operation of this Section, such territory shall remain liable  
25 for its proportionate share of such bonded indebtedness and  
26 the fire protection district may continue to levy and extend

1 taxes upon the taxable property in such territory for the  
2 purpose of amortizing such bonds until such time as sufficient  
3 funds to retire such bonds have been collected.

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21 (3) In the third year after the disconnection, an  
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24 protection district in the tax year immediately preceding  
25 the year in which the disconnection took effect.

26 (4) In the fourth year after the disconnection, an



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3 protection district in the tax year immediately preceding  
4 the year in which the disconnection took effect.

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20 be responsible to reimburse the fire protection district for  
21 all costs incurred by the fire protection district in  
22 collecting the amount due, including, but not limited to,  
23 reasonable legal fees and court costs.

24 (Source: P.A. 102-574, eff. 1-1-22.)

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text  
2 that is not yet or no longer in effect (for example, a Section  
3 represented by multiple versions), the use of that text does  
4 not accelerate or delay the taking effect of (i) the changes  
5 made by this Act or (ii) provisions derived from any other  
6 Public Act.