

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.

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18 if, within 60 days after such annexation or after the
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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.