

HB1177



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1177

Introduced 1/31/2023, by Rep. Lawrence "Larry" Walsh, Jr.

SYNOPSIS AS INTRODUCED:

70 ILCS 705/3

from Ch. 127 1/2, par. 23

Amends the Fire Protection District Act. Makes a technical change in a Section concerning annexation of territory.

LRB103 04964 AWJ 49975 b

A BILL FOR

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 3 as follows:

6 (70 ILCS 705/3) (from Ch. 127 1/2, par. 23)

7 Sec. 3. Additional contiguous territory having the ~~the~~
8 qualifications set forth in Section 1 may be added to any fire
9 protection district as provided for in this Act in the manner
10 following:

11 (a) One percent or more of the legal voters resident
12 within the limits of the proposed addition to the fire
13 protection district may petition the court of the county in
14 which the original petition for the formation of the fire
15 protection district was filed, to cause the question to be
16 submitted to the legal voters of the proposed additional
17 territory whether the proposed additional territory shall
18 become a part of any contiguous fire protection district
19 organized under this Act and whether the voters of the
20 additional territory shall assume a proportionate share of the
21 bonded indebtedness of the district. The petition shall be
22 addressed to the court and shall contain a definite
23 description of the boundaries of the territory to be embraced

1 in the proposed addition and shall allege facts in support of
2 such addition.

3 Upon filing the petition in the office of the circuit
4 clerk of the county in which the original petition for the
5 formation of the fire protection district was filed, it shall
6 be the duty of the court to fix a time and place of a hearing
7 upon the subject of the petition.

8 Notice shall be given by the court, or by the circuit clerk
9 or sheriff upon order of the court of the county in which the
10 petition is filed, of the time and place of a hearing upon the
11 petition in the manner as provided in Section 1. The conduct of
12 the hearing on the question whether the proposed additional
13 territory shall become a part of the fire protection district
14 shall be carried out in the manner described in Section 1, as
15 nearly as may be. The question shall be in substantially the
16 following form:

17 -----

18 For joining the.... Fire
19 Protection District and assuming a
20 proportionate share of bonded
21 indebtedness, if any.

22 -----

23 Against joining the.... Fire
24 Protection District and assuming a
25 proportionate share of bonded
26 indebtedness, if any.

1 -----

2 If a majority of the votes cast at the election upon the
3 question of becoming a part of any contiguous fire protection
4 district are in favor of becoming a part of that fire
5 protection district and if the trustees of the fire protection
6 district accept the proposed additional territory by
7 resolution, the proposed additional territory shall be deemed
8 an integral part of that fire protection district and shall be
9 subject to all the benefits of service and responsibilities of
10 the district as set forth in this Act.

11 (a-5) Any fire protection district organized under the
12 provisions of this Act may be simultaneously dissolved and
13 consolidated into an adjoining fire protection district upon
14 like petition, hearing and election as is provided under
15 Section 1 of this Act for the organization of such district,
16 except that the ballot for such election shall be in
17 substantially the following form:

18 -----

19 Shall the ... Fire Protection District
20 dissolve and be consolidated YES
21 into the ... Fire

22 -----

23
24 Protection District? NO

25 -----

26

1 If a majority of the votes cast on the question at such
2 election are in favor of such dissolution and consolidation,
3 and if the board of trustees of the adjoining district agrees
4 by resolution to accept the territory comprising the dissolved
5 district, the circuit court of the county in which the
6 petition was filed shall enter an order on the records of the
7 court dissolving and consolidating such district. On the
8 effective date of the simultaneous dissolution and
9 consolidation, all the rights, powers, duties, assets,
10 property, liabilities, indebtedness, obligations, bonding
11 authority, taxing authority, and responsibilities of the
12 former district shall vest in and be assumed by the fire
13 protection district assuming the territory of the former
14 district.

15 (b) The owner or owners of any tract or tracts of land,
16 contiguous to an existing fire protection district and not
17 already included in a fire protection district, may file a
18 written petition, addressed to the trustees of the fire
19 protection district to which they seek to have their tract or
20 tracts of land attached, containing a definite description of
21 the boundaries of the territory and a statement that they
22 desire that their property become a part of the fire
23 protection district to which their petition is addressed, and
24 that they are willing that their property assume a
25 proportionate share of the bonded indebtedness, if any, of the
26 fire protection district.

1 When such a petition is filed with the trustees, they
2 shall immediately pass a resolution to accept or reject the
3 territory proposed to be attached. If the trustees resolve in
4 favor of accepting the territory, they shall file with the
5 court of the county where the fire protection district was
6 organized the original petition and a certified copy of the
7 resolution, and the court shall then enter an order stating
8 that the proposed annexed territory shall be deemed an
9 integral part of that fire protection district and subject to
10 all of the benefits of service and responsibilities of the
11 district. The circuit clerk shall transmit a certified copy of
12 the order to the county clerk of each county in which any of
13 the territory affected is situated and to the State Fire
14 Marshal.

15 (c) Upon the annexation of territory by a district, the
16 boundary shall extend to the far side of any adjacent highway
17 and shall include all of every highway within the area
18 annexed. These highways shall be considered to be annexed even
19 though not included in the legal description set forth in the
20 petition for annexation.

21 (Source: P.A. 98-1003, eff. 1-1-15.)