



Sen. Wendell E. Jones

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1 AMENDMENT TO SENATE BILL 599

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 599 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Sections 6-19, 28-2, and 28-5 as follows:

6 (10 ILCS 5/6-19) (from Ch. 46, par. 6-19)

7 Sec. 6-19. The election officials canvassing returns shall  
8 cause a statement of the result of such election on the  
9 rejection of this Article 6 and Articles 14 and 18 of this Act  
10 to be certified to the court. If a majority of the electors  
11 voting on the question vote ~~total votes cast at such election~~  
12 ~~is~~ in the affirmative, the court shall enter an order declaring  
13 said Articles rejected and shall file a copy of the order in  
14 the office of the Secretary of State. Thereupon said Articles  
15 shall cease to be operative and binding in such city.

16 (Source: Laws 1965, p. 3481.)

17 (10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

18 Sec. 28-2. (a) Except as otherwise provided in this  
19 Section, petitions for the submission of public questions to  
20 referendum must be filed with the appropriate officer or board  
21 not less than 78 days prior to a regular election to be  
22 eligible for submission on the ballot at such election; and  
23 petitions for the submission of a question under Section 18-120

1 of the Property Tax Code must be filed with the appropriate  
2 officer or board not more than 10 months nor less than 6 months  
3 prior to the election at which such question is to be submitted  
4 to the voters.

5 (b) However, petitions for the submission of a public  
6 question to referendum which proposes the creation or formation  
7 of a political subdivision must be filed with the appropriate  
8 officer or board not less than 108 days prior to a regular  
9 election to be eligible for submission on the ballot at such  
10 election.

11 (c) Resolutions or ordinances of governing boards of  
12 political subdivisions which initiate the submission of public  
13 questions pursuant to law must be adopted not less than 65 days  
14 before a regularly scheduled election to be eligible for  
15 submission on the ballot at such election.

16 (d) A petition, resolution or ordinance initiating the  
17 submission of a public question may specify a regular election  
18 at which the question is to be submitted, and must so specify  
19 if the statute authorizing the public question requires  
20 submission at a particular election. However, no petition,  
21 resolution or ordinance initiating the submission of a public  
22 question, other than a legislative resolution initiating an  
23 amendment to the Constitution, may specify such submission at  
24 an election more than one year, or 15 months in the case of a  
25 back door referendum as defined in subsection (f), after the  
26 date on which it is filed or adopted, as the case may be. A  
27 petition, resolution or ordinance initiating a public question  
28 which specifies a particular election at which the question is  
29 to be submitted shall be so limited, and shall not be valid as  
30 to any other election, other than an emergency referendum  
31 ordered pursuant to Section 2A-1.4.

32 (e) If a petition initiating a public question does not  
33 specify a regularly scheduled election, the public question  
34 shall be submitted to referendum at the next regular election

1 occurring not less than 78 days after the filing of the  
2 petition, or not less than 108 days after the filing of a  
3 petition for referendum to create a political subdivision. If a  
4 resolution or ordinance initiating a public question does not  
5 specify a regularly scheduled election, the public question  
6 shall be submitted to referendum at the next regular election  
7 occurring not less than 65 days after the adoption of the  
8 resolution or ordinance.

9 (f) In the case of back door referenda, any limitations in  
10 another statute authorizing such a referendum which restrict  
11 the time in which the initiating petition may be validly filed  
12 shall apply to such petition, in addition to the filing  
13 deadlines specified in this Section for submission at a  
14 particular election. In the case of any back door referendum,  
15 the publication of the ordinance or resolution of the political  
16 subdivision shall include a notice of (1) the specific number  
17 of voters required to sign a petition requesting that a public  
18 question be submitted to the voters of the subdivision; (2) the  
19 time within which the petition must be filed; and (3) the date  
20 of the prospective referendum. The secretary or clerk of the  
21 political subdivision shall provide a petition form to any  
22 individual requesting one. As used herein, a "back door  
23 referendum" is the submission of a public question to the  
24 voters of a political subdivision, initiated by a petition of  
25 voters or residents of such political subdivision, to determine  
26 whether an action by the governing body of such subdivision  
27 shall be adopted or rejected.

28 (g) A petition for the incorporation or formation of a new  
29 political subdivision whose officers are to be elected rather  
30 than appointed must have attached to it an affidavit attesting  
31 that at least 108 days and no more than 138 days prior to such  
32 election notice of intention to file such petition was  
33 published in a newspaper published within the proposed  
34 political subdivision, or if none, in a newspaper of general

1 circulation within the territory of the proposed political  
2 subdivision in substantially the following form:

3 NOTICE OF PETITION TO FORM A NEW.....

4 Residents of the territory described below are notified  
5 that a petition will or has been filed in the Office  
6 of.....requesting a referendum to establish a  
7 new....., to be called the.....

8 \*The officers of the new.....will be elected on the  
9 same day as the referendum. Candidates for the governing board  
10 of the new.....may file nominating petitions with the officer  
11 named above until.....

12 The territory proposed to comprise the new.....is  
13 described as follows:

14 (description of territory included in petition)

15 (signature).....

16 Name and address of person or persons proposing  
17 the new political subdivision.

18 \* Where applicable.

19 Failure to file such affidavit, or failure to publish the  
20 required notice with the correct information contained therein  
21 shall render the petition, and any referendum held pursuant to  
22 such petition, null and void.

23 Notwithstanding the foregoing provisions of this  
24 subsection (g) or any other provisions of this Code, the  
25 publication of notice and affidavit requirements of this  
26 subsection (g) shall not apply to any petition filed under  
27 Article 7, 7A, 11A, 11B, or 11D of the School Code nor to any  
28 referendum held pursuant to any such petition, and neither any  
29 petition filed under any of those Articles nor any referendum  
30 held pursuant to any such petition shall be rendered null and  
31 void because of the failure to file an affidavit or publish a  
32 notice with respect to the petition or referendum as required  
33 under this subsection (g) for petitions that are not filed  
34 under any of those Articles of the School Code.

1 (Source: P.A. 90-459, eff. 8-17-97.)

2 (10 ILCS 5/28-5) (from Ch. 46, par. 28-5)

3 Sec. 28-5. Not less than 61 days before a regularly  
4 scheduled election, each local election official shall certify  
5 the public questions to be submitted to the voters of or within  
6 his political subdivision at that election which have been  
7 initiated by petitions filed in his office or by action of the  
8 governing board of his political subdivision.

9 Not less than 61 days before a regularly scheduled  
10 election, each circuit court clerk shall certify the public  
11 questions to be submitted to the voters of a political  
12 subdivision at that election which have been ordered to be so  
13 submitted by the circuit court pursuant to law. Not less than  
14 30 days before the date set by the circuit court for the  
15 conduct of an emergency referendum pursuant to Section 2A-1.4,  
16 the circuit court clerk shall certify the public question as  
17 herein required.

18 Local election officials and circuit court clerks shall  
19 make their certifications, as required by this Section, to each  
20 election authority having jurisdiction over any of the  
21 territory of the respective political subdivision in which the  
22 public question is to be submitted to referendum.

23 Not less than 61 days before the next regular election, the  
24 county clerk shall certify the public questions to be submitted  
25 to the voters of the entire county at that election, which have  
26 been initiated by petitions filed in his office or by action of  
27 the county board, to the board of election commissioners, if  
28 any, in his county.

29 Not less than 67 days before the general election, the  
30 State Board of Elections shall certify any questions proposing  
31 an amendment to Article IV of the Constitution pursuant to  
32 Section 3, Article XIV of the Constitution and any advisory  
33 public questions to be submitted to the voters of the entire

1 State, which have been initiated by petitions received or filed  
2 at its office, to the respective county clerks. Not less than  
3 61 days before the general election, the county clerk shall  
4 certify such questions to the board of election commissioners,  
5 if any, in his county.

6 The certifications shall include the form of the public  
7 question to be placed on the ballot, the date on which the  
8 public question was initiated by either the filing of a  
9 petition or the adoption of a resolution or ordinance by a  
10 governing body, as the case may be, and a certified copy of any  
11 court order or political subdivision resolution or ordinance  
12 requiring the submission of the public question.  
13 Certifications of propositions for annexation to,  
14 disconnection from, or formation of political subdivisions or  
15 for other purposes shall include a description of the territory  
16 in which the proposition is required to be submitted, whenever  
17 such territory is not coterminous with an existing political  
18 subdivision.

19 The certification of a public question described in  
20 subsection (b) of Section 28-6 shall include the precincts  
21 included in the territory concerning which the public question  
22 is to be submitted, as well as a common description of such  
23 territory, in plain and nonlegal language, and specify the  
24 election at which the question is to be submitted. The  
25 description of the territory shall be prepared by the local  
26 election official as set forth in the resolution or ordinance  
27 initiating the public question.

28 Whenever a local election official, an election authority,  
29 or the State Board of Elections is in receipt of an initiating  
30 petition, or a certification for the submission of a public  
31 question at an election at which the public question may not be  
32 placed on the ballot or submitted because of the limitations of  
33 Section 28-1, such officer or board shall give notice of such  
34 prohibition, by registered mail, as follows:

1 (a) in the case of a petition, to any person designated on  
2 a certificate attached thereto as the proponent or as the  
3 proponents' attorney for purposes of notice of objections;

4 (b) in the case of a certificate from a local election  
5 authority, to such local election authority, who shall  
6 thereupon give notice as provided in subparagraph (a), or  
7 notify the governing board which adopted the initiating  
8 resolution or ordinance;

9 (c) in the case of a certification from a circuit court  
10 clerk of a court order, to such court, which shall thereupon  
11 give notice as provided in subparagraph (a) and shall modify  
12 its order in accordance with the provisions of this Act.

13 If the petition, resolution or ordinance initiating such  
14 prohibited public question did not specify a particular  
15 election for its submission, the officer or board responsible  
16 for certifying the question to the election authorities shall  
17 certify or recertify the question, in the manner required  
18 herein, for submission on the ballot at the next regular  
19 election no more than one year, or 15 months in the case of a  
20 back door referendum as defined in subsection (f) of Section  
21 28-2, subsequent to the filing of the initiating petition or  
22 the adoption of the initiating resolution or ordinance and at  
23 which the public question may be submitted, and the appropriate  
24 election authorities shall submit the question at such  
25 election, unless the public question is ordered submitted as an  
26 emergency referendum pursuant to Section 2A-1.4 or is withdrawn  
27 as may be provided by law.

28 (Source: P.A. 86-875.)

29 Section 10. The Counties Code is amended by changing  
30 Sections 1-3001, 1-3002, and 1-4004 as follows:

31 (55 ILCS 5/1-3001) (from Ch. 34, par. 1-3001)

32 Sec. 1-3001. Petition to form new county. Whenever it is

1 desired to form a new county out of one or more of the then  
2 existing counties, ~~and~~ a petition praying for the erection of  
3 such new county, stating and describing the territory proposed  
4 to be taken for such new county, together with the name of such  
5 proposed new county, must be signed by a majority of the legal  
6 voters residing in the territory to be stricken from such  
7 county or counties equal in number to 1% of the total votes  
8 cast in the affected territory for candidates for Governor in  
9 the preceding gubernatorial election. The petition must be  
10 signed by the petitioners not more than 24 months preceding the  
11 date of the general election at which the question is to be  
12 submitted and shall be presented to the county board of each  
13 county to be affected by such division. If it appears ~~and it~~  
14 ~~appearing~~ that such new county can be constitutionally formed,  
15 it shall be the duty of such county board or county boards to  
16 make an order providing for the submission of the question of  
17 the erection of such new county to a vote of the people of the  
18 counties to be affected. The County Board or boards shall  
19 certify the question to the proper election officials, who  
20 shall submit the question to the voters at a general election,  
21 in accordance with the general election law. The form of the  
22 proposition shall be as follows: "For new county," and "Against  
23 new county."

24 (Source: P.A. 86-962.)

25 (55 ILCS 5/1-3002) (from Ch. 34, par. 1-3002)

26 Sec. 1-3002. Election; effect. If it shall appear that a  
27 majority of the electors voting on the question ~~all the votes~~  
28 ~~cast at such election~~, in each of the counties interested, is  
29 in favor of the erection of such new county, the county clerk  
30 of each of said counties shall certify the same to the  
31 Secretary of State, stating in such certificate the name,  
32 territorial contents and boundaries of such new county;  
33 whereupon the Secretary of State shall notify the Governor of



1 the result of such election, whose duty it shall be to order an  
2 election of county officers for such new county in accordance  
3 with the general election law for the election of county  
4 officers. At such election the qualified voters of said new  
5 county shall elect all county officers for said county, except  
6 as hereinafter excepted, who shall be commissioned and  
7 qualified in the same manner as such officers are in other  
8 counties in this State, and who shall continue in office until  
9 the next regular election for such officers, and until their  
10 successors are elected and qualified, and who shall have all  
11 the jurisdiction and perform all the duties which are or may be  
12 conferred upon such officers in other counties of this State.

13 (Source: P.A. 86-962.)

14 (55 ILCS 5/1-4004) (from Ch. 34, par. 1-4004)

15 Sec. 1-4004. Effect of vote. If a majority of the electors  
16 voting on the question, in each of the counties, is ~~votes~~  
17 ~~polled in each of such counties at such election shall be~~ in  
18 favor of said proposition, all that territory included within  
19 the established boundaries of the petitioning county, shall be  
20 united and annexed to the adjoining county, and such  
21 petitioning county, shall cease to have any separate existence  
22 as a county, but shall be merged into and form an integral part  
23 of such adjoining county, in fact and in name, at the time and  
24 in the manner hereinafter provided.

25 (Source: P.A. 86-962.)

26 Section 15. The Illinois Municipal Code is amended by  
27 changing Sections 2-2-3, 2-2-8, 2-3-6, 5-5-1, 11-66-3, and  
28 11-112-1 as follows:

29 (65 ILCS 5/2-2-3) (from Ch. 24, par. 2-2-3)

30 Sec. 2-2-3. The question shall be in substantially the  
31 following form:

1 -----

2 Shall the city of.... YES

3 incorporate as a city under -----

4 the general law? NO

5 -----

6 The corporate authorities shall cause the result of the canvass  
7 to be entered on the records of the city. If a majority of the  
8 electors voting on the question ~~votes cast at the election~~  
9 favor incorporation as a city under the general law, the city  
10 is incorporated under this Code. Thereupon, the city officers  
11 then in office shall exercise the powers conferred upon like  
12 officers in this Code, until their successors are elected and  
13 have qualified.

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

15 (65 ILCS 5/2-2-8) (from Ch. 24, par. 2-2-8)

16 Sec. 2-2-8. The proposition shall be in substantially the  
17 following form:

18 -----

19 Shall the territory (here describe YES

20 it) be incorporated as a city under -----

21 the general law? NO

22 -----

23 The result of the election shall be entered of record in  
24 the court. If a majority of the electors voting on the  
25 proposition ~~votes cast at the election~~ favor incorporation as a  
26 city under the general law, the inhabitants of the territory  
27 described in the petition are incorporated as a city under this  
28 Code, with the name stated in the petition.

29 Appeals may be taken as in other civil cases.

30 (Source: P.A. 83-343.)

31 (65 ILCS 5/2-3-6) (from Ch. 24, par. 2-3-6)

32 Sec. 2-3-6. Upon the filing of such a petition with the

1 circuit clerk, the court shall hear testimony and rule that the  
 2 area under consideration is or is not a village in fact. The  
 3 ruling of the court shall be entered of record in the court. If  
 4 the court rules that the area does not constitute a village in  
 5 fact, the petition to incorporate the area as a village is  
 6 denied and no subsequent petition concerning village  
 7 incorporation of any of the land described in the earlier  
 8 petition may be filed within one year. If the court rules that  
 9 the area does constitute a village in fact, such court shall  
 10 enter an order so finding and the proposition shall be  
 11 certified and submitted to the electors of such area in the  
 12 manner provided by the general election law. The proposition  
 13 shall be in substantially the following form:

14 -----  
 15 Shall the territory (here YES  
 16 describe it) be incorporated as -----  
 17 a village under the general law? NO  
 18 -----

19 The result of the election shall be entered of record in  
 20 the court. If a majority of the electors voting on the  
 21 proposition ~~votes cast at the election~~ favor incorporation as a  
 22 village under the general law the inhabitants of the territory  
 23 described in the petition are incorporated as a village under  
 24 this Code with the name stated in the petition.

25 (Source: P.A. 83-343.)

26 (65 ILCS 5/5-5-1) (from Ch. 24, par. 5-5-1)

27 Sec. 5-5-1. Petition for abandonment of managerial form;  
 28 referendum; succeeding elections of officers and aldermen or  
 29 trustees.

30 (a) A city or village that has operated for 4 years or more  
 31 under the managerial form of municipal government may abandon  
 32 that organization as provided in this Section. For the purposes  
 33 of this Article, the operation of the managerial form of

1 municipal government shall be deemed to begin on the date of  
2 the appointment of the first manager in the city or village.  
3 When a petition for abandonment signed by electors of the  
4 municipality equal in number to at least 10% of the number of  
5 votes cast for candidates for mayor at the preceding general  
6 quadrennial municipal election is filed with the circuit court  
7 for the county in which that city or village is located, the  
8 court shall set a date not less than 10 nor more than 30 days  
9 thereafter for a hearing on the sufficiency of the petition.  
10 Notice of the filing of the petition and of the date of the  
11 hearing shall be given in writing to the city or village clerk  
12 and to the mayor or village president at least 7 days before  
13 the date of the hearing. If the petition is found sufficient,  
14 the court shall enter an order directing that the proposition  
15 be submitted at an election other than a primary election for  
16 the municipality. The clerk of the court shall certify the  
17 proposition to the proper election authorities for submission.  
18 The proposition shall be in substantially the following form:

19           Shall (name of city or village) retain the managerial  
20           form of municipal government?

21           (b) If the majority of the electors voting on the  
22 proposition vote in the affirmative ~~votes at the election are~~  
23 ~~"yes"~~, then the proposition to abandon is rejected and the  
24 municipality shall continue operating under this Article 5. If  
25 the majority of the electors voting on the proposition vote in  
26 the negative ~~of the votes are "no"~~, then the proposition to  
27 abandon operation under this Article 5 is approved.

28           (c) If the proposition for abandonment is approved, the  
29 city or village shall become subject to Article 3.1 or Article  
30 4, whichever Article was in force in the city or village  
31 immediately before the adoption of the plan authorized by this  
32 Article 5, upon the election and qualification of officers to  
33 be elected at the next succeeding general municipal election.  
34 Those officers shall be those prescribed by Article 3.1 or

1 Article 4, as the case may be, but the change shall not in any  
2 manner or degree affect the property rights or liabilities of  
3 the city or village. The mayor, clerk, and treasurer and all  
4 other elected officers of a city or village in office at the  
5 time the proposition for abandonment is approved shall continue  
6 in office until the expiration of the term for which they were  
7 elected.

8 (d) If a city or village operating under this Article 5 has  
9 aldermen or trustees elected from wards or districts and a  
10 proposition to abandon operation under this Article 5 is  
11 approved, then the officers to be elected at the next  
12 succeeding general municipal election shall be elected from the  
13 same wards or districts as exist immediately before the  
14 abandonment.

15 (e) If a city or village operating under this Article 5 has  
16 a council or village board elected from the municipality at  
17 large and a proposition to abandon operation under this Article  
18 5 is approved, then the first group of aldermen, board of  
19 trustees, or commissioners so elected shall be of the same  
20 number as was provided for in the municipality at the time of  
21 the adoption of a plan under this Article 5, with the same ward  
22 or district boundaries in cities or villages that immediately  
23 before the adoption of this Article 5 had wards or districts,  
24 unless the municipal boundaries have been changed. If there has  
25 been such a change, the council or village board shall so alter  
26 the former ward or district boundaries so as to conform as  
27 nearly as possible to the former division. If the plan  
28 authorized by this Article 5 is abandoned, the next general  
29 municipal election for officers shall be held at the time  
30 specified in Section 3.1-10-75 or 3.1-25-15 for that election.  
31 The aldermen or trustees elected at that election shall, if the  
32 city or village was operating under Article 3 at the time of  
33 adoption of this Article 5 and had at that time staggered 4  
34 year terms of office for the aldermen or trustees, choose by

1 lot which shall serve initial 2 year terms as provided by  
2 Section 3.1-20-35 or 3.1-15-5, whichever may be applicable, in  
3 the case of election of those officers at the first election  
4 after a municipality is incorporated.

5 (f) The proposition to abandon the managerial form of  
6 municipal government shall not be submitted in any city or  
7 village oftener than once in 12 months.

8 (Source: P.A. 93-847, eff. 7-30-04.)

9 (65 ILCS 5/11-66-3) (from Ch. 24, par. 11-66-3)

10 Sec. 11-66-3. If a majority of the electors voting on the  
11 question ~~all votes cast at the election~~ are in favor of the tax  
12 levy for a municipal coliseum, the corporate authorities, in  
13 the next annual tax levy, shall include a tax not to exceed  
14 .25% of the value, as equalized or assessed by the Department  
15 of Revenue, on all the taxable property of the municipality for  
16 the establishment of a municipal coliseum in the municipality,  
17 and thereafter may annually levy a tax not to exceed .05% of  
18 the value, as equalized or assessed by the Department of  
19 Revenue, on all the taxable property of the municipality, for  
20 the maintenance thereof and for the payment for the use of any  
21 money loaned or advanced to the municipality for the purpose of  
22 buying a site and building the municipal coliseum, and for the  
23 repayment of any money so loaned or advanced. Payment for the  
24 use of money so loaned or advanced shall be in such form and  
25 manner as the board of directors may determine, and the amount  
26 so paid shall not exceed 5% annually on any money so loaned or  
27 advanced. The corporate authorities of such a municipality,  
28 when real estate owned by the municipality is not necessary for  
29 any other municipal purpose, may authorize the use of the real  
30 estate for the municipal coliseum.

31 The foregoing limitations upon tax rates may be increased  
32 or decreased according to the referendum provisions of the  
33 General Revenue Law of Illinois.

1 (Source: P.A. 86-1028.)

2 (65 ILCS 5/11-112-1) (from Ch. 24, par. 11-112-1)

3 Sec. 11-112-1. When a vote has been taken under "An Act to  
4 enable cities, villages and towns threatened with overflow or  
5 inundation to levy taxes by vote of the electors thereof, to  
6 strengthen, build, raise or repair the levees around same and  
7 to issue anticipation warrants on such taxes," approved June  
8 11, 1897, as amended, or when a vote is taken under this  
9 Section and Section 11-112-2 at a general municipal election in  
10 a municipality that is protected by levees or embankments, or  
11 that may deem it necessary to be so protected, and a majority  
12 of the electors voting on the question ~~legal votes cast at the~~  
13 ~~election~~ were or are for a tax to build, raise, strengthen, or  
14 repair the levees around the municipality, not exceeding the  
15 rate of .1666% annually, to be levied annually for a period of  
16 not exceeding 7 years on the taxable property of the  
17 municipality, the corporate authorities of the municipality  
18 may (1) make an appropriation by ordinance of the proceeds of  
19 the tax so authorized, (2) pass an ordinance levying the tax  
20 for the whole period as authorized by the vote to be annually  
21 extended, and (3) draw tax anticipation warrants thereon to the  
22 amount that the tax levy will produce based on the assessment  
23 of the preceding year of all the taxable property of the  
24 municipality. These warrants shall draw interest at not to  
25 exceed the rate authorized by the vote authorizing the tax, not  
26 exceeding 7% annually, but the warrants shall not be sold below  
27 par.

28 The foregoing limitation upon tax rate may be increased or  
29 decreased according to the referendum provisions of the General  
30 Revenue Law of Illinois.

31 (Source: P.A. 76-845.)

32 Section 20. The Fire Protection District Act is amended by

1 changing Sections 1 and 3 as follows:

2 (70 ILCS 705/1) (from Ch. 127 1/2, par. 21)

3 Sec. 1. It is hereby declared as a matter of legislative  
4 determination that in order to promote and protect the health,  
5 safety, welfare and convenience of the public, it is necessary  
6 in the public interest to provide for the creation of municipal  
7 corporations known as fire protection districts and to confer  
8 upon and vest in the fire protection districts all powers  
9 necessary or appropriate in order that they may engage in the  
10 acquisition, establishment, maintenance and operation of fire  
11 stations, facilities, vehicles, apparatus and equipment for  
12 the prevention and control of fire therein and the underwater  
13 recovery of drowning victims, and provide as nearly adequate  
14 protection from fire for lives and property within the  
15 districts as possible and regulate the prevention and control  
16 of fire therein; and that the powers herein conferred upon such  
17 fire protection districts are public objects and governmental  
18 functions in the public interest.

19 Whenever any territory is (1) an area of contiguous  
20 territory in a county, or in more than one but in not more than  
21 5 counties; (2) so situated that the destruction by fire of the  
22 buildings and other property therein is hazardous to the lives  
23 and property of the public; (3) so situated that the  
24 acquisition, establishment, maintenance and operation of a  
25 fire station or stations, facilities, vehicles, apparatus and  
26 equipment for the prevention and control of fire therein will  
27 conduce to the promotion and protection of the health, safety,  
28 welfare and convenience of the public; (4) so situated that it  
29 does not divide any city, village or incorporated town, but, in  
30 the case of a city, village or incorporated town situated  
31 partly within and partly without one or more existing fire  
32 protection districts, such territory shall not be considered as  
33 dividing the city, village or incorporated town if it includes



1 all of the city, village or incorporated town situated outside  
2 of any existing fire protection district; (5) so situated that  
3 such territory contains no territory included in any other fire  
4 protection district, or if any territory is disconnected in the  
5 manner provided in Section 16c of this Act, the same may be  
6 incorporated as a fire protection district. For the purpose of  
7 meeting the requirement of item (1) that the territory be  
8 contiguous, territory shall be considered to be contiguous if  
9 the only separation between parts of such territory is land  
10 owned by the United States, the State of Illinois, or any  
11 agency or instrumentality of either. In the case of territory  
12 disconnected from an existing district pursuant to Section 16c  
13 of this Act, such territory may be incorporated as provided in  
14 that Section; otherwise such districts may be incorporated  
15 under this Act in the manner following:

16 Fifty or more of the legal voters resident within the  
17 limits of the proposed district, or a majority thereof if less  
18 than 100, may petition the circuit court for the county which  
19 contains all or the largest portion of the proposed district to  
20 cause the question to be submitted to the legal voters of the  
21 proposed district, whether the proposed territory shall be  
22 organized as a fire protection district under this Act; the  
23 petition shall be addressed to the court and shall contain a  
24 definite description of the boundaries of the territory to be  
25 embraced in the proposed district, and the name of the proposed  
26 district and shall allege facts in support of the organization  
27 and incorporation.

28 Upon filing a petition in the office of the circuit clerk  
29 of the county in which the petition is made, the court shall  
30 fix a time and place for a hearing upon the subject of the  
31 petition.

32 Notice shall be given by the court to which the petition is  
33 addressed, or by the circuit clerk or sheriff of the county in  
34 which the petition is made at the order and direction of the

1 court, of the time and place of the hearing upon the subject of  
 2 the petition at least 20 days prior thereto by one publication  
 3 thereof in one or more daily or weekly papers published within  
 4 the proposed fire protection district (or if no daily or weekly  
 5 newspaper is published within such proposed fire protection  
 6 district, then either by one publication thereof in any  
 7 newspaper of general circulation within that territory or by  
 8 posting at least 10 copies of the notice in the district at  
 9 least 20 days before the hearing in conspicuous places as far  
 10 separated from each other as consistently possible), and by  
 11 mailing a copy of the notice to the mayor or president of the  
 12 board of trustees of all cities, villages and incorporated  
 13 towns in whole or in part within the proposed fire protection  
 14 district.

15 At the hearing all persons residing in or owning property  
 16 situated in the proposed fire protection district shall have an  
 17 opportunity to be heard; and if the court finds that the  
 18 petition does not comply with the provisions of this Act or  
 19 that the allegations of the petition are not true, the court  
 20 shall dismiss the petition; but if the court finds that the  
 21 petition complies with the provisions of this Act and that the  
 22 allegations of the petition are true, the same shall be  
 23 incorporated in an order which shall be filed of record in the  
 24 court. Upon the entering of such order the court shall order  
 25 the submission to the legal voters of the proposed fire  
 26 protection district the question of organization and  
 27 establishment of the proposed fire protection district at an  
 28 election. The circuit clerk shall certify the question and the  
 29 order to the proper election officials who shall submit the  
 30 question at an election in accordance with the general election  
 31 law. The notice of the referendum shall specify the purpose of  
 32 such election with a description of the proposed district.

33 The question shall be in substantially the following form:

34 -----

1 For Fire Protection District.

2 -----  
3 Against Fire Protection District.

4 -----  
5 The court shall cause a written statement of the results of  
6 such election to be filed of record in the court. If no city or  
7 village or incorporated town nor any part thereof is included  
8 in the territory proposed as a district and the majority of the  
9 electors voting ~~votes cast at such election~~ upon the question  
10 shall be in favor of the incorporation of the proposed fire  
11 protection district, or if a city or village or incorporated  
12 town or any part thereof is included in the territory proposed  
13 as a district and a majority of the electors voting ~~votes cast~~  
14 ~~at such election~~ upon the question, within the limits of each  
15 city or village or incorporated town and also a majority of the  
16 electors voting on the question ~~those cast~~ outside the limits  
17 of each such city or village or incorporated town shall be in  
18 favor of the proposed fire protection district, or if a city or  
19 village or incorporated town is included in the territory  
20 proposed as a district and a majority of the electors voting  
21 ~~votes cast at such election~~ upon the question within the limits  
22 of such city or village or incorporated town or in any other  
23 city or village or incorporated town which is included in the  
24 proposed territory shall be in favor of the proposed fire  
25 protection district, and even if a majority of the electors  
26 voting upon the question ~~votes cast~~ outside the limits of such  
27 city or cities or village or villages or incorporated town or  
28 towns, are not in favor of the proposed fire protection  
29 district, in each city or village or incorporated town in which  
30 a majority of the electors voting on the question are ~~casts a~~  
31 ~~majority of votes~~ in favor of the proposed district, the  
32 proposed district or portion of the proposed district in which  
33 a majority of the electors voting on the question ~~votes cast at~~  
34 ~~the election~~ are in favor of the proposition as provided in

1 this amendatory Act of 1986 and this amendatory Act of the 94th  
2 General Assembly shall thenceforth be deemed an organized fire  
3 protection district under this Act, and the court shall enter  
4 an order accordingly and cause the same to be filed of record  
5 in the court and shall also cause to be sent to the county  
6 clerk of any and all other counties in which any portion of the  
7 district lies and the Office of the State Fire Marshal a  
8 certified copy of the order organizing the district and a plat  
9 of the same indicating what lands of the district lie in such  
10 other county or counties. The circuit clerk shall also file  
11 with the Office of the State Fire Marshal a certified copy of  
12 any other order organizing any other fire protection district  
13 which may have been theretofore organized in the county.

14 (Source: P.A. 85-1434.)

15 (70 ILCS 705/3) (from Ch. 127 1/2, par. 23)

16 Sec. 3. Additional contiguous territory having the  
17 qualifications set forth in Section 1 may be added to any fire  
18 protection district as provided for in this Act in the manner  
19 following:

20 (a) One percent or more of the legal voters resident within  
21 the limits of the proposed addition to the fire protection  
22 district may petition the court of the county in which the  
23 original petition for the formation of the fire protection  
24 district was filed, to cause the question to be submitted to  
25 the legal voters of the proposed additional territory whether  
26 the proposed additional territory shall become a part of any  
27 contiguous fire protection district organized under this Act  
28 and whether the voters of the additional territory shall assume  
29 a proportionate share of the bonded indebtedness of the  
30 district. The petition shall be addressed to the court and  
31 shall contain a definite description of the boundaries of the  
32 territory to be embraced in the proposed addition and shall  
33 allege facts in support of such addition.

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

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

15           -----  
 16           For joining the.... Fire  
 17 Protection District and assuming a  
 18 proportionate share of bonded  
 19 indebtedness, if any.

20           -----  
 21           Against joining the.... Fire  
 22 Protection District and assuming a  
 23 proportionate share of bonded  
 24 indebtedness, if any.

25           -----  
 26           If a majority of the electors voting ~~votes cast at the~~  
 27 ~~election~~ upon the question of becoming a part of any contiguous  
 28 fire protection district are in favor of becoming a part of  
 29 that fire protection district and if the trustees of the fire  
 30 protection district accept the proposed additional territory  
 31 by resolution, the proposed additional territory shall be  
 32 deemed an integral part of that fire protection district and  
 33 shall be subject to all the benefits of service and  
 34 responsibilities of the district as set forth in this Act.

1           (b) The owner or owners of any tract or tracts of land,  
2 contiguous to an existing fire protection district and not  
3 already included in a fire protection district, may file a  
4 written petition, addressed to the trustees of the fire  
5 protection district to which they seek to have their tract or  
6 tracts of land attached, containing a definite description of  
7 the boundaries of the territory and a statement that they  
8 desire that their property become a part of the fire protection  
9 district to which their petition is addressed, and that they  
10 are willing that their property assume a proportionate share of  
11 the bonded indebtedness, if any, of the fire protection  
12 district.

13           When such a petition is filed with the trustees, they shall  
14 immediately pass a resolution to accept or reject the territory  
15 proposed to be attached. If the trustees resolve in favor of  
16 accepting the territory, they shall file with the court of the  
17 county where the fire protection district was organized the  
18 original petition and a certified copy of the resolution, and  
19 the court shall then enter an order stating that the proposed  
20 annexed territory shall be deemed an integral part of that fire  
21 protection district and subject to all of the benefits of  
22 service and responsibilities of the district. The circuit clerk  
23 shall transmit a certified copy of the order to the county  
24 clerk of each county in which any of the territory affected is  
25 situated and to the State Fire Marshal.

26           (c) Upon the annexation of territory by a district, the  
27 boundary shall extend to the far side of any adjacent highway  
28 and shall include all of every highway within the area annexed.  
29 These highways shall be considered to be annexed even though  
30 not included in the legal description set forth in the petition  
31 for annexation.

32           (Source: P.A. 85-556; 86-1191.)

33           Section 25. The River Conservancy Districts Act is amended

1 by changing Section 1 as follows:

2 (70 ILCS 2105/1) (from Ch. 42, par. 383)

3 Sec. 1. Whenever the unified control of a lake or of a  
4 river system or a portion thereof shall be deemed conducive to  
5 the prevention of stream pollution development, conservation  
6 and protection of water supply, preservation of water levels,  
7 control or prevention of floods, reclamation of wet and  
8 overflowed lands, development of irrigation, conservation of  
9 soil, provision of domestic, industrial or public water  
10 supplies, collection and disposal of sewage and other public  
11 liquid wastes, provision of forests, wildlife areas, parks and  
12 recreational facilities, and to the promotion of the public  
13 health, comfort and convenience the same may be organized as a  
14 conservancy district under this Act in the manner following:

15 One per cent or more of the legal voters resident within  
16 the limits of such proposed district, and, with respect to  
17 petitions filed on or after the effective date of this  
18 amendatory Act of 1990, one percent of the legal voters  
19 resident in each county in which the proposed district is  
20 situated, may petition the circuit court for the county which  
21 contains all or the largest portion of the proposed district to  
22 cause the question to be submitted to the legal voters of such  
23 proposed district, whether such proposed territory shall be  
24 organized as a conservancy district under this Act, which  
25 petition shall be addressed to the court and shall contain a  
26 general description of the boundaries of the territory to be  
27 embraced in the proposed district and the name of such proposed  
28 district. The description need not be given by metes and bounds  
29 or by legal subdivisions, but it shall be sufficient if a  
30 generally accurate description is given of the territory to be  
31 organized as a district. Such territory need not be contiguous,  
32 provided that it be so situated that the public health, safety,  
33 convenience or welfare will be promoted by the organization as

1 a single district of the territory described.

2 Upon filing such petition in the office of the circuit  
3 clerk of the county in which such petition is filed as  
4 aforesaid it shall be the duty of the court to consider the  
5 boundaries of any such proposed conservancy district, whether  
6 the same shall be those stated in the petition or otherwise.  
7 The decision of the court is appealable as in other civil  
8 cases.

9 The court shall by order fix a time and place for a hearing  
10 on the petition not less than 60 days after the date of such  
11 order. Notice shall be given by the court to whom the petition  
12 is addressed of the time and place where such commissioners  
13 shall meet for such hearing by a publication inserted once in  
14 one or more daily or weekly papers published within the  
15 proposed conservancy district, or if no daily or weekly  
16 newspaper is published within such proposed conservancy  
17 district, then by posting such notice, at least 10 copies, in  
18 such proposed district at least 20 days before such meeting, in  
19 conspicuous public places as far separated from each other as  
20 consistently possible.

21 At such hearing all persons in such proposed conservancy  
22 district shall have an opportunity to be heard, touching upon  
23 the location and boundaries of such proposed district and to  
24 make suggestions regarding the same, and the court, after  
25 hearing statements, evidence and suggestions, shall fix and  
26 determine the limits and boundaries of such proposed district,  
27 and for that purpose and to that extent, may alter and amend  
28 such petition. After such determination by the court, the same  
29 shall be incorporated in an order which shall be entered of  
30 record in the circuit court or courts of the counties situate  
31 in the proposed district and the court shall also by the order  
32 provide for the holding of a referendum as herein provided.

33 Upon the entering of such order the court shall certify the  
34 question of organization and establishment of the proposed



1 conservancy district as determined by the court to the proper  
 2 election officials who shall submit the question at an election  
 3 in accordance with the general election law. In addition to the  
 4 requirements of the general election law, notice of the  
 5 referendum shall specify the purpose of the referendum and  
 6 contain a description of such proposed district. The clerk of  
 7 the court shall send notice of the referendum to the county  
 8 board of each county in which the proposed district is  
 9 situated.

10 Each legal voter resident within such proposed conservancy  
 11 district shall have the right to cast a ballot at such  
 12 election. The question shall be in substantially the following  
 13 form:

14 -----  
 15 Shall a Conservancy District  
 16 be organized, with authority to levy  
 17 an annual tax at a maximum rate of YES  
 18 ... % (maximum rate authorized under  
 19 Section 17 of the River Conservancy -----  
 20 Districts Act) of the value of all  
 21 taxable property within the limits of NO  
 22 the District as equalized or assessed  
 23 by the Department of Revenue?  
 24 -----

25 The ballots cast on the question in each county shall be  
 26 returned and canvassed by the county clerk of the county in  
 27 which the same are cast and such county clerks respectively  
 28 shall file with the county clerk of the county, in which the  
 29 petition is filed, a true copy of the return and canvass of the  
 30 votes cast in each of said counties and thereupon the county  
 31 clerk of the county in which such petition is filed shall  
 32 canvass the entire vote cast in the election from the returns  
 33 furnished by such respective county clerks and shall ascertain  
 34 the result of such referendum and certify the same to the

1 court. The court shall cause a statement of the results of such  
2 referendum to be entered of record in the court. If a majority  
3 of the electors voting ~~votes cast at such election~~ upon the  
4 question shall be in favor of the organization of the proposed  
5 conservancy district such proposed district shall thenceforth  
6 be deemed an organized conservancy district under this Act and  
7 a municipal corporation with the powers and duties herein  
8 conferred and bearing the name set forth in the petition.

9 (Source: P.A. 86-1307.)

10 Section 30. The North Shore Sanitary District Act is  
11 amended by changing Sections 26 and 27 as follows:

12 (70 ILCS 2305/26) (from Ch. 42, par. 296.6)

13 Sec. 26. Additional contiguous territory may be added to  
14 any sanitary district organized under this Act in the manner  
15 following:

16 Ten per cent or more of the legal voters resident within  
17 the limits of such proposed addition to such sanitary district  
18 may petition the circuit court for the county in which such  
19 sanitary district is located to cause the question to be  
20 submitted to the legal voters of such proposed additional  
21 territory whether such proposed additional territory shall  
22 become a part of any contiguous sanitary district organized  
23 under this Act and whether such additional territory and the  
24 taxpayers thereof shall assume a proportionate share of the  
25 bonded indebtedness, if any, of such sanitary district. Such  
26 petition shall be addressed to the court and shall contain a  
27 definite description of the boundaries of the territory sought  
28 to be added. Provided that no territory disqualified in Section  
29 1 of this Act shall be included.

30 Upon filing such petition in the office of the circuit  
31 clerk of the county in which such sanitary district is located  
32 it shall be the duty of the court to consider the boundaries of

1 such proposed additional territory, whether the same shall be  
2 those stated in the petition or otherwise. The decision of the  
3 court shall be a final order and appealable as in other civil  
4 cases.

5 Notice shall be given by the court of the time and place  
6 when and where all persons interested will be heard  
7 substantially as provided in and by Section 1 of this Act. The  
8 court shall certify its order and the proposition to the proper  
9 election officials who shall submit the proposition at an  
10 election in accordance with the general election law. The  
11 proposition shall be in substantially the following form:

12 -----  
13 For joining sanitary district and  
14 assuming a proportionate share  
15 of bonded indebtedness, if any.

16 -----  
17 Against joining sanitary district  
18 and assuming a proportionate  
19 share of bonded indebtedness,  
20 if any.

21 -----  
22 If a majority of the electors voting on the question ~~votes cast~~  
23 ~~at such election~~ shall be in favor of becoming a part of such  
24 sanitary district and if the trustees of such sanitary district  
25 accept the proposed additional territory by ordinance annexing  
26 the same, the court shall enter an appropriate order of record  
27 in the court, and such additional territory shall thenceforth  
28 be deemed an integral part of such sanitary district. Any such  
29 additional contiguous territory may be annexed to such sanitary  
30 district upon petition addressed to such court, signed by a  
31 majority of the owners of lands constituting such territory  
32 who, in the case of natural persons, shall have arrived at  
33 lawful age and who represent a majority in area of such  
34 territory, which said petition shall contain a definite

1 description of the boundaries of such territory and shall set  
2 forth the willingness of the petitioners that such territory  
3 and the taxpayers thereof assume a proportionate share of the  
4 bonded indebtedness, if any, of such sanitary district. Upon  
5 the filing of such petition and notice of and hearing and  
6 decision upon the same by the aforesaid commissioners, all as  
7 hereinbefore provided, such commissioners or a majority of  
8 them, shall enter an order containing their findings and  
9 decision as to the boundaries of the territory to be annexed;  
10 and thereupon, if the trustees of such sanitary district shall  
11 pass an ordinance annexing the territory described in such  
12 order to said sanitary district, the court shall enter an  
13 appropriate order as hereinabove provided, and such additional  
14 territory shall thenceforth be deemed an integral part of such  
15 sanitary district.

16 (Source: P.A. 83-343.)

17 (70 ILCS 2305/27) (from Ch. 42, par. 296.7)

18 Sec. 27. Any contiguous territory located within the  
19 boundaries of any sanitary district organized under this Act,  
20 and upon the border of such district, may become disconnected  
21 from such district in the manner following, to wit: 10% or more  
22 of the legal voters resident in the territory sought to be  
23 disconnected from such district, may petition the circuit court  
24 for the county in which such sanitary district is located to  
25 cause the question of whether such territory shall be  
26 disconnected to be submitted to the legal voters of such  
27 territory. Such petition shall be addressed to the court and  
28 shall contain a definite description of the boundaries of such  
29 territory and recite as a fact, that there is no outstanding  
30 bonded indebtedness of such sanitary district which was  
31 incurred or assumed while such territory was a part of such  
32 sanitary district and that no special assessments for local  
33 improvements were levied upon or assessed against any of the

1 lands within such territory or, if so levied or assessed, that  
 2 all of such assessments have been fully paid and discharged and  
 3 that such territory is not, at the time of the filing of such  
 4 petition, and will not be, either benefited or served by any  
 5 work or improvements either then existing or then authorized by  
 6 said sanitary district. Upon filing such petition in the office  
 7 of the circuit clerk of the county in which such sanitary  
 8 district is located it shall be the duty of the court to  
 9 consider the boundaries of such territory and the facts upon  
 10 which the petition is founded. The court may alter the  
 11 boundaries of such territory and shall deny the prayer of the  
 12 petition, if the material allegations therein contained are not  
 13 founded in fact; a decision of said commissioners or a majority  
 14 of them shall be conclusive and not subject to review.

15 Notice shall be given by the court of the time and place  
 16 when and where all persons interested will be heard  
 17 substantially as provided in and by Section 1 of this Act. The  
 18 court shall certify its order and the question to the proper  
 19 election officials who shall submit the question at an election  
 20 in accordance with the general election law. The proposition  
 21 shall be in substantially the following form:

22 -----  
 23 For disconnection from  
 24 sanitary district.

25 -----  
 26 Against disconnection from  
 27 sanitary district.

28 -----  
 29 If a majority of the electors voting on the proposition ~~votes~~  
 30 ~~cast at such election~~ shall be in favor of disconnection, and  
 31 if the trustees of such sanitary district shall, by ordinance,  
 32 disconnect such territory, thereupon the court shall enter an  
 33 appropriate order of record in the court and thereafter such  
 34 territory shall thenceforth be deemed disconnected from such

1 sanitary district.

2 (Source: P.A. 83-343.)

3 Section 35. The Street Light District Act is amended by  
4 changing Section 2a as follows:

5 (70 ILCS 3305/2a) (from Ch. 121, par. 356a)

6 Sec. 2a. Additional territory having the qualifications  
7 set forth in Section 1 may be added to any street lighting  
8 district as provided for in this Act in the manner following:

9 Fifty or more of the legal voters resident within the  
10 limits of such proposed addition to such street lighting  
11 district may petition the circuit court of the county in which  
12 the original petition for the formation of said street lighting  
13 district was filed, to cause the question to be submitted to  
14 the legal voters of such proposed additional territory whether  
15 such proposed additional territory shall become a part of any  
16 street lighting district organized under this Act and whether  
17 the voters of the additional territory shall assume a  
18 proportionate share of the bonded indebtedness of such  
19 district. The petition shall be addressed to the court and  
20 shall contain a definite description of the boundaries of the  
21 territory to be embraced in the proposed addition and shall  
22 allege facts in support of the addition.

23 Upon filing the petition in the office of the circuit clerk  
24 of the county in which the original petition for the formation  
25 of such street lighting district was filed, it shall be the  
26 duty of the court to fix a time and place of a hearing upon the  
27 subject of said petition.

28 Notice shall be given by the circuit court, or by the  
29 circuit clerk or sheriff upon order of the circuit court of the  
30 county in which such petition is filed, of the time and place  
31 of a hearing upon the petition in the manner as provided in  
32 Section 1. The conduct of the hearing and the manner of

1 conducting a subsequent referendum on the question whether the  
 2 proposed additional territory shall become a part of the street  
 3 lighting district, shall be carried out in the manner described  
 4 in Section 1, as nearly as may be, and in accordance with the  
 5 general election law but the question shall be in substantially  
 6 the following form, to-wit:

7 -----

8 For joining the.... Street  
 9 Lighting District and assuming a  
 10 proportionate share of bonded  
 11 indebtedness, if any.

12 -----

13 Against joining the.... Street  
 14 Lighting District and assuming a  
 15 proportionate share of bonded  
 16 indebtedness, if any.

17 -----

18 If a majority of the electors voting ~~votes cast at the~~  
 19 ~~election~~ upon the question of becoming a part of any street  
 20 lighting district shall be in favor of becoming a part of such  
 21 street lighting district and if the trustees of said street  
 22 lighting district accept the proposed additional territory by  
 23 resolution, such proposed additional territory shall  
 24 thenceforth be deemed an integral part of such street lighting  
 25 district and shall be subject to all the benefits of service  
 26 and responsibilities of said district as herein set forth.

27 The owner or owners of any tract or tracts of land not  
 28 included in a street lighting district, may file a written  
 29 petition, addressed to the trustees of the street lighting  
 30 district to which they seek to have their tract or tracts of  
 31 land attached, containing a definite description of the  
 32 boundaries of the territory and a statement that they desire  
 33 that their property become a part of the street lighting  
 34 district to which their petition is addressed, and that they

1 are willing that their property assume a proportionate share of  
2 the bonded indebtedness, if any, of such street lighting  
3 district.

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

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

18 Section 40. The School Code is amended by changing Section  
19 32-1 as follows:

20 (105 ILCS 5/32-1) (from Ch. 122, par. 32-1)

21 Sec. 32-1. May vote to organize under general law.

22 (a) Any special charter district may, by vote of its  
23 electors, cease to control its school under the Act under which  
24 it was organized, and become part of the school township or  
25 townships in which it is situated. Upon petition of 50 voters  
26 of the district, presented to the board having the control and  
27 management of the schools, the board shall order submitted to  
28 the voters at an election to be held in the district, in  
29 accordance with the general election law, the question of  
30 "organizing under the general school law". The secretary of the  
31 board shall make certification to the proper election authority  
32 in accordance with the general election law. If, however, a



1 majority of the electors ~~votes cast at any such election~~ in any  
2 school district subject to Sections 32-3 through 32-4.11 voting  
3 on the question is against organizing the district under the  
4 general school law, the question may not again be submitted in  
5 the district for 22 months thereafter, and then only upon  
6 petition signed by at least 2% of the voters of the school  
7 district. Notice shall be given in accordance with the general  
8 election law, which notice shall be in the following form:

9 NOTICE OF REFERENDUM

10 Notice is hereby given that on (insert date), a referendum  
11 will be held at.... for the purpose of deciding the question of  
12 organizing under the general school law. The polls will be  
13 opened at .... o'clock ..m and closed at .... o'clock ..m.

14 Signed .....

15 If a majority of the electors voting ~~votes cast~~ on the  
16 proposition is in favor of organizing under the general school  
17 law, then the board having the control and management of  
18 schools in the district, shall declare the proposition carried.

19 When such a proposition is declared to have so carried, the  
20 board of education shall continue to exercise its powers and  
21 duties under the general school law. Each member of the board  
22 of education selected under the provisions of the special  
23 charter shall continue in office until his term has expired.  
24 Before the term of each of these members expires, the board  
25 shall give notice of an election to be held on the date of the  
26 next regular school election, in accordance with the general  
27 election law to fill the vacancy which is created. Nomination  
28 papers filed under this Section are not valid unless the  
29 candidate named therein files with the secretary of the board  
30 of education a receipt from the county clerk showing that the  
31 candidate has filed a statement of economic interests as  
32 required by the Illinois Governmental Ethics Act. Such receipt  
33 shall be so filed either previously during the calendar year in

1 which his nomination papers were filed or within the period for  
2 the filing of nomination papers in accordance with the general  
3 election law.

4 (b) Notwithstanding the foregoing, any special charter  
5 district whose board is appointed by the mayor or other  
6 corporate authority of that municipality may, by resolution  
7 adopted by the corporate authorities of that municipality cease  
8 to control its school under the Act under which it was  
9 organized, become a part of the school township or townships in  
10 which it is situated and become organized under the general  
11 school law. If such a resolution is adopted, the board of  
12 education shall continue to exercise its powers and duties  
13 under the general school law. Each member of the board of  
14 education selected under the provisions of the special charter  
15 shall continue in office until his term has expired. Before the  
16 term of each of these members expires, the board shall give  
17 notice of an election to be held on the date of the next  
18 regular school election, in accordance with the general  
19 election law to fill the vacancy which is created.

20 (Source: P.A. 91-357, eff. 7-29-99.)

21 Section 45. The Public Community College Act is amended by  
22 changing Section 3-5 as follows:

23 (110 ILCS 805/3-5) (from Ch. 122, par. 103-5)

24 Sec. 3-5. The proposition shall be in substantially the  
25 following form:

26 FOR the establishment of a community college district with  
27 authority to levy taxes at the rate of.... per cent for  
28 educational purposes, and.... per cent for operations and  
29 maintenance of facilities purposes.

30 AGAINST the establishment of a community college district  
31 with authority to levy taxes at the rate of.... per cent for  
32 educational purposes, and.... per cent for operations and

1 maintenance of facilities purposes.

2 In order for the proposition to be approved, a majority of  
3 the electors voting on the proposition ~~votes cast in the~~  
4 ~~territory at the election~~ must be in favor of the proposition  
5 of establishing a community college district; provided,  
6 however, that if the territory described in the petition  
7 includes one or more community college districts, the  
8 proposition has not received a majority of the votes cast on  
9 the proposition unless it also receives a majority of the votes  
10 cast on the proposition within the territory included within  
11 each such district, the count to be taken separately within  
12 such districts.

13 (Source: P.A. 85-1335.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.".