



Sen. Christine Radogno

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09700SB1410sam001

LRB097 06919 KMW 55457 a

1 AMENDMENT TO SENATE BILL 1410

2 AMENDMENT NO. _____. Amend Senate Bill 1410 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 7-1-46 as follows:

6 (65 ILCS 5/7-1-46) (from Ch. 24, par. 7-1-46)

7 Sec. 7-1-46. Limitation; contesting annexation.

8 (a) Neither the People of the State of Illinois nor any
9 person, firm or corporation, public or private, nor any
10 association of persons shall commence an action contesting
11 either directly or indirectly the annexation of any territory
12 to a municipality unless initiated within one year after the
13 date such annexation becomes final or within one year of the
14 effective date of this amendatory Act of 1965 whichever date
15 occurs latest. This amendatory Act of 1965 shall apply to
16 annexations made prior to the effective date of the Act as well

1 as those made on or after the effective date. Where a
2 limitation of a shorter period is prescribed by statute such
3 shorter limitation applies. The limitation set forth in this
4 section shall apply to any annexation, even where the judge,
5 body or officer annexing the territory did not at the time of
6 such annexation have jurisdiction of the subject matter, and
7 irrespective of whether such annexation may otherwise be
8 defective or void, ~~except that the limitation of this Section~~
9 ~~shall not apply to annexations of territory which was not~~
10 ~~contiguous at the time of annexation and is not contiguous at~~
11 ~~the time an action is brought to contest such annexation.~~

12 (b) If an action contesting an annexation claims that the
13 territory is not contiguous to the annexing municipality and
14 if: (i) that municipality is located in more than one county
15 with a population of more than 3,000,000 or in a county
16 contiguous to a county with a population of more than
17 3,000,000; and (ii) the action is initiated more than one year
18 after the date the annexation becomes final, then the action
19 shall not be permitted if the annexing municipality is
20 providing, or has started construction to provide, sewer,
21 water, or other utility service to the territory and the action
22 fails to include at the time of the filing of the action
23 written acknowledgement and consent of a majority of the owners
24 of, and a majority of the electors within, the annexed
25 territory. If a unit of government is contesting an annexation
26 as provided in this subsection (b), the annexation shall be

1 sustained unless the unit of government demonstrates that the
2 annexation has, or will have, a detrimental impact on the
3 orderly growth of the unit of government.

4 (Source: P.A. 82-211.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".