

HB5608



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5608

by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

70 ILCS 705/16

from Ch. 127 1/2, par. 37

Amends the Fire Protection District Act. Provides that the voters of the entire fire protection district may vote on whether a territory of that district may be disconnected and transferred to another district (rather than just the voters of the territory sought to be transferred). Effective immediately.

LRB099 19386 AWJ 43778 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 16 as follows:

6 (70 ILCS 705/16) (from Ch. 127 1/2, par. 37)

7 Sec. 16. Territory included within the limits of any fire
8 protection district may be disconnected from the district and
9 added to another district to which the territory is contiguous,
10 in the manner hereinafter set forth; (1) if the territory would
11 receive equal or greater benefits from the district to which it
12 seeks to be transferred; (2) if the transfer will not cause the
13 territory remaining in the district from which the transfer is
14 to be made, to be noncontiguous; (3) if the transfer will not
15 cause a serious injury to the district from which the transfer
16 is to be made; and, (4) if the trustees of the district to
17 which the transfer is sought to be made do not file a written
18 refusal to accept the territory within the time hereinafter
19 provided.

20 Territory disconnected pursuant to this Section shall
21 remain liable for its proportionate share of the bonded
22 indebtedness outstanding as of the date of disconnection, if
23 any, of the district from which it was disconnected and shall

1 assume a proportionate share of the bonded indebtedness, if
2 any, of the district to which it is transferred.

3 One per cent or more of the legal voters residing within
4 the limits of the territory proposed to be transferred may file
5 a petition, in the court of the county where the district to
6 which it seeks to be transferred is organized, setting forth:
7 the description of the territory sought to be transferred; that
8 the territory would receive equal or greater benefits by the
9 transfer; that the transfer will not cause a serious injury to
10 the district or districts from which the transfer is proposed
11 to be made; and the amount of any outstanding bonded
12 indebtedness against the district or districts in which the
13 territory is then situated which has been incurred pursuant to
14 this Act; and praying that the question whether the transfer
15 shall be made, and whether the voters of such territory shall
16 remain liable for a proportionate share of the bonded
17 indebtedness outstanding as of the date of disconnection, if
18 any, of the district from which it was disconnected and also
19 assume a proportionate share of the bonded indebtedness, if
20 any, of the district to which the transfer is to be made, be
21 submitted to the voters of the entire district from which the
22 transfer is sought to be made ~~territory sought to be~~
23 ~~transferred~~.

24 Upon the filing of the petition, the court shall set a day
25 for hearing, not less than 2 weeks nor more than 4 weeks from
26 the filing thereof, and the court, or the circuit clerk or

1 sheriff upon order of the court, (i) shall give 2 weeks notice
2 of such hearing in one or more daily or weekly newspapers of
3 general circulation in the county or in each county wherein the
4 district or districts from which the territory sought to be
5 transferred is organized and by posting at least 10 copies of
6 the notice in conspicuous places in the district or in each of
7 the districts from which the territory is sought to be
8 transferred, (ii) shall cause a copy of the notice to be
9 personally served upon each trustee of the district from which
10 the transfer is sought to be made, and (iii) in addition shall
11 cause a copy of the notice to be personally served upon each of
12 the trustees of the district to which the transfer is sought to
13 be made at least one week before the date set for the hearing,
14 and in the notice, or in any accompanying notice to be served
15 upon the Trustees at the same time, a recital shall be made
16 stating that the Trustees may at any time prior to the date of
17 the hearing, or within such additional time as may be granted
18 by the court upon request in writing filed on or before such
19 date, file a written refusal to accept the territory as a part
20 of their district, provided, that such notification need not be
21 given to the trustees if they file in the proceeding their
22 written appearances or written consent to a transfer of the
23 territory to their district. Both the fire protection district
24 from which the territory seeks to be transferred and the fire
25 protection district to which the territory seeks to be
26 transferred are necessary parties in any action to disconnect

1 under this Section.

2 At any time prior to the date set for the hearing, or
3 within such additional time as may be granted by the court, the
4 trustees of the district to which the transfer is sought to be
5 made may file a written refusal to accept the territory as a
6 part of their district and in case of such refusal the court
7 shall enter an order dismissing the petition for the transfer.
8 The trustees may withdraw their refusal at any time prior to
9 the entry of an order dismissing the petition. In case the
10 trustees fail to file a written refusal within the time
11 hereinbefore authorized, they shall be deemed to have consented
12 to a transfer of the territory to their district, and consent
13 once given may not be withdrawn without leave of court for good
14 cause shown. In case of such consent, the court shall proceed
15 with the matter as herein provided but if the court finds that
16 any of the conditions herein required for the making of a
17 transfer do not exist it shall enter an order dismissing the
18 petition. In taking any action upon the petition the findings
19 of the court shall be filed of record in the case.

20 All property owners in the district from which the transfer
21 is sought and all persons interested therein, may file
22 objections, and at the hearing may appear and contest the
23 transfer and the matters averred in the petition, and both
24 objectors and petitioners may offer any competent evidence in
25 regard thereto. In addition, all persons residing in or
26 interested in any of the property situated in the territory

1 sought to be transferred shall have an opportunity to be heard
 2 touching the location and boundary of the territory to be voted
 3 upon for such transfer, and may make suggestions regarding the
 4 same.

5 If the court shall, upon hearing the petition, find that
 6 the territory described in the petition would receive equal or
 7 greater benefits by being so transferred and meet the
 8 conditions hereinbefore set forth, it shall certify to the
 9 proper election officials the question of whether the territory
 10 shall be transferred, and its order, and such officials shall
 11 submit that question at an election in the entire district from
 12 which the transfer is sought to be made ~~such territory~~ in
 13 accordance with the general election law. The proposition shall
 14 be in substantially the following form:

15 -----
 16 For making the transfer from the
 17 Fire Protection District to the
 18 Fire Protection District, remaining
 19 liable for a proportionate share of the
 20 bonded indebtedness outstanding as of the
 21 date of disconnection, if any, of the district
 22 from which disconnection is proposed and also
 23 assuming a proportionate share of the bonded
 24 indebtedness, if any, of the district
 25 to which transfer is proposed.
 26 -----

1 Against making the transfer from the
 2 Fire Protection District to the
 3 Fire Protection District, remaining
 4 liable for a proportionate share of the
 5 bonded indebtedness outstanding as of the
 6 date of disconnection, if any, of the district
 7 from which disconnection is proposed and also
 8 assuming a proportionate share of the bonded
 9 indebtedness, if any, of the district
 10 to which transfer is proposed.

11 -----

12 If a majority of the votes cast upon the question of making
 13 the transfer shall be in favor of the transfer, the territory
 14 shall thenceforth cease to be a part of the fire protection
 15 district or districts to which it has been attached and shall
 16 become an integral part of the fire protection district to
 17 which the transfer shall have been sought and shall be subject
 18 to all the enjoyments and responsibilities of the latter
 19 district. In each case in which a transfer is effected pursuant
 20 to the provisions hereof, the circuit clerk in whose court the
 21 transfer proceedings have been conducted, shall certify copies
 22 of all orders entered in effecting such transfer and file or
 23 send them to the proper county clerk or clerks for filing and
 24 to the Office of the State Fire Marshal.

25 (Source: P.A. 94-806, eff. 1-1-07.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.