

SB0650



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0650

Introduced 1/28/2015, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

70 ILCS 705/16

from Ch. 127 1/2, par. 37

Amends the Fire Protection District Act. Defines "serious injury". Provides that if a court should find that if any of the requirements of a petition to disconnect territory from a fire protection district are not met, the petition shall be dismissed. Effective immediately.

LRB099 06056 AWJ 26110 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. For purposes of this Section, "serious injury"
20 includes, but is not limited to, a loss of real estate tax
21 revenues by the district from which the transfer is sought of
22 10% or more by reason of the disconnection. If a court should
23 find any of the above items (1), (2), (3), or (4) not to be

1 true, then the petition to transfer territory from a district
2 shall be dismissed.

3 Territory disconnected pursuant to this Section shall
4 remain liable for its proportionate share of the bonded
5 indebtedness outstanding as of the date of disconnection, if
6 any, of the district from which it was disconnected and shall
7 assume a proportionate share of the bonded indebtedness, if
8 any, of the district to which it is transferred.

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

1 submitted to the voters of the territory sought to be
2 transferred.

3 Upon the filing of the petition, the court shall set a day
4 for hearing, not less than 2 weeks nor more than 4 weeks from
5 the filing thereof, and the court, or the circuit clerk or
6 sheriff upon order of the court, (i) shall give 2 weeks notice
7 of such hearing in one or more daily or weekly newspapers of
8 general circulation in the county or in each county wherein the
9 district or districts from which the territory sought to be
10 transferred is organized and by posting at least 10 copies of
11 the notice in conspicuous places in the district or in each of
12 the districts from which the territory is sought to be
13 transferred, (ii) shall cause a copy of the notice to be
14 personally served upon each trustee of the district from which
15 the transfer is sought to be made, and (iii) in addition shall
16 cause a copy of the notice to be personally served upon each of
17 the trustees of the district to which the transfer is sought to
18 be made at least one week before the date set for the hearing,
19 and in the notice, or in any accompanying notice to be served
20 upon the Trustees at the same time, a recital shall be made
21 stating that the Trustees may at any time prior to the date of
22 the hearing, or within such additional time as may be granted
23 by the court upon request in writing filed on or before such
24 date, file a written refusal to accept the territory as a part
25 of their district, provided, that such notification need not be
26 given to the trustees if they file in the proceeding their

1 written appearances or written consent to a transfer of the
2 territory to their district. Both the fire protection district
3 from which the territory seeks to be transferred and the fire
4 protection district to which the territory seeks to be
5 transferred are necessary parties in any action to disconnect
6 under this Section.

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

25 All property owners in the district from which the transfer
26 is sought and all persons interested therein, may file

1 objections, and at the hearing may appear and contest the
 2 transfer and the matters averred in the petition, and both
 3 objectors and petitioners may offer any competent evidence in
 4 regard thereto. In addition, all persons residing in or
 5 interested in any of the property situated in the territory
 6 sought to be transferred shall have an opportunity to be heard
 7 touching the location and boundary of the territory to be voted
 8 upon for such transfer, and may make suggestions regarding the
 9 same.

10 If the court shall, upon hearing the petition, find that
 11 the territory described in the petition would receive equal or
 12 greater benefits by being so transferred and meet the
 13 conditions hereinbefore set forth, it shall certify to the
 14 proper election officials the question of whether the territory
 15 shall be transferred, and its order, and such officials shall
 16 submit that question at an election in such territory in
 17 accordance with the general election law. The proposition shall
 18 be in substantially the following form:

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

1 assuming a proportionate share of the bonded
2 indebtedness, if any, of the district
3 to which transfer is proposed.

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

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

1 send them to the proper county clerk or clerks for filing and
2 to the Office of the State Fire Marshal.

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

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