

1                                    AMENDMENT TO HOUSE BILL 120

2                    AMENDMENT NO. \_\_\_\_\_. Amend House Bill 120 on page 1,  
3 immediately below line 28, by inserting the following:

4                    "Section 10. The Fire Protection District Act is amended  
5 by changing Section 15 as follows:

6                    (70 ILCS 705/15) (from Ch. 127 1/2, par. 35)

7                    Sec. 15. Whenever any property within a fire protection  
8 district, organized under this Act, does not have the  
9 territorial qualifications described in Section 1 of this  
10 Act, or is not reasonably protected by the district from the  
11 hazards of fire or would receive greater benefit of service  
12 from another such district or other municipal corporation,  
13 any legal voter within such district or the owner or owners  
14 of such property may detach and disconnect such property from  
15 such fire protection district in the following manner:

16                    The owner or owners of such property within such fire  
17 protection district or any legal voter within such district  
18 may file his petition in the court in which such district was  
19 organized setting forth therein the description of the  
20 property sought to be detached and disconnected, a statement  
21 that the detachment and disconnection will not cause the  
22 territory remaining in the district to be noncontiguous; that

1 the loss of assessed valuation by reason of the disconnection  
2 of such territory will not impair the ability of the district  
3 to render fully adequate fire protection service to the  
4 territory remaining with the district; that the territory  
5 will remain liable for its proportionate share of any  
6 outstanding bonded indebtedness of the district; and  
7 alleging facts in support of such detachment and  
8 disconnection, and praying that such property be detached and  
9 disconnected from such fire protection district. The  
10 petition shall be signed and sworn to by the petitioner or  
11 petitioners. For the purpose of meeting the requirement of  
12 this Section that the detachment and disconnection will not  
13 cause the remaining territory to be noncontiguous, territory  
14 shall be considered to be contiguous if the only separation  
15 between parts of the territory is land owned by the United  
16 States, the State of Illinois, any agency or instrumentality  
17 of either, or any regional airport authority. Upon the  
18 filing of such petition, the court shall set the same for  
19 hearing on a day not less than 2 weeks nor more than 4 weeks  
20 from the filing thereof and shall give 2 weeks notice of such  
21 hearing in the manner provided in Section 1 of this Act. The  
22 fire protection district shall be a necessary party to the  
23 proceedings and it shall be served with summons in the manner  
24 prescribed for a party defendant under the Civil Practice  
25 Law. All property owners in such district, the district from  
26 which such transfer of territory is to be made, and all  
27 persons interested therein may file objections, and at the  
28 hearing may appear and contest the detachment and  
29 disconnection of the property from such fire protection  
30 district, and both objectors and petitioners may offer any  
31 competent evidence in regard thereto. If the court, upon  
32 hearing such petition, finds that the petition complies with  
33 this Act and that the allegations of the petition are true  
34 the court shall enter an order detaching and disconnecting

1 such property from such district, and thereupon such property  
2 shall cease to be a part of such fire protection district,  
3 except that the property remains liable for its proportionate  
4 share of any outstanding bonded indebtedness of the  
5 district. The circuit clerk shall transmit a certified copy  
6 of the order to the county clerk of each county in which any  
7 of territory affected is situated and to the Office of the  
8 State Fire Marshal.

9 (Source: P.A. 91-323, eff. 1-1-00.)".