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09400HB0975ham001

LRB094 06076 AJ0 40956 a

1 AMENDMENT TO HOUSE BILL 975

2 AMENDMENT NO. _____. Amend House Bill 975 on page 1, line
3 5 by replacing "Section 7" with "Sections 7 and 16"; and

4 on page 1, below line 25, by inserting the following:

5 "(70 ILCS 705/16) (from Ch. 127 1/2, par. 37)

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

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

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

21 Upon the filing of the petition, the court shall set a day
22 for hearing, not less than 2 weeks nor more than 4 weeks from
23 the filing thereof, and the court, or the circuit clerk or
24 sheriff upon order of the court, shall give 2 weeks notice of
25 such hearing in one or more daily or weekly newspapers of
26 general circulation in the county or in each county wherein the
27 district or districts from which the territory sought to be
28 transferred is organized and by posting at least 10 copies of
29 the notice in conspicuous places in the district or in each of
30 the districts from which the territory is sought to be
31 transferred, and in addition shall cause a copy of the notice
32 to be personally served upon each of the trustees of the
33 district to which the transfer is sought to be made at least
34 one week before the date set for the hearing, and in the

1 notice, or in any accompanying notice to be served upon the
2 Trustees at the same time, a recital shall be made stating that
3 the Trustees may at any time prior to the date of the hearing,
4 or within such additional time as may be granted by the court
5 upon request in writing filed on or before such date, file a
6 written refusal to accept the territory as a part of their
7 district, provided, that such notification need not be given to
8 the trustees if they file in the proceeding their written
9 appearances or written consent to a transfer of the territory
10 to their district. Both the fire protection district from which
11 the territory seeks to be transferred and the fire protection
12 district to which the territory seeks to be transferred are
13 necessary parties in any action to disconnect under this
14 Section.

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

33 All property owners in the district from which the transfer
34 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:

19 -----
 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
 27 assuming a proportionate share of the bonded
 28 indebtedness, if any, of the district
 29 to which transfer is proposed.

30 -----
 31 Against making the transfer from the
 32 Fire Protection District to the
 33 Fire Protection District, remaining
 34 liable for a proportionate share of the

1 bonded indebtedness outstanding as of the
2 date of disconnection, if any, of the district
3 from which disconnection is proposed and also
4 assuming a proportionate share of the bonded
5 indebtedness, if any, of the district
6 to which transfer is proposed.

7 -----

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

21 (Source: P.A. 85-556.)".