



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4960

Introduced 1/19/2006, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

70 ILCS 705/16

from Ch. 127 1/2, par. 37

30 ILCS 805/8.30 new

Amends the Fire Protection District Act. Provides that notice of a hearing on a petition to disconnect certain territory from a fire protection district and transfer the territory to another fire protection district must be personally served upon each trustee of the district from which the transfer is sought to be made. Amends the State Mandates Act to require implementation without reimbursement by the State.

LRB094 16306 HLH 51554 b

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

26 One per cent or more of the legal voters residing within
27 the limits of the territory proposed to be transferred may file
28 a petition, in the court of the county where the district to
29 which it seeks to be transferred is organized, setting forth:
30 the description of the territory sought to be transferred; that
31 the territory would receive equal or greater benefits by the
32 transfer; that the transfer will not cause a serious injury to

1 the district or districts from which the transfer is proposed
2 to be made; and the amount of any outstanding bonded
3 indebtedness against the district or districts in which the
4 territory is then situated which has been incurred pursuant to
5 this Act; and praying that the question whether the transfer
6 shall be made, and whether the voters of such territory shall
7 remain liable for a proportionate share of the bonded
8 indebtedness outstanding as of the date of disconnection, if
9 any, of the district from which it was disconnected and also
10 assume a proportionate share of the bonded indebtedness, if
11 any, of the district to which the transfer is to be made, be
12 submitted to the voters of the territory sought to be
13 transferred.

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

1 given to the trustees if they file in the proceeding their
2 written appearances or written consent to a transfer of the
3 territory to their district.

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

22 All property owners in the district from which the transfer
23 is sought and all persons interested therein, may file
24 objections, and at the hearing may appear and contest the
25 transfer and the matters averred in the petition, and both
26 objectors and petitioners may offer any competent evidence in
27 regard thereto. In addition, all persons residing in or
28 interested in any of the property situated in the territory
29 sought to be transferred shall have an opportunity to be heard
30 touching the location and boundary of the territory to be voted
31 upon for such transfer, and may make suggestions regarding the
32 same.

33 If the court shall, upon hearing the petition, find that
34 the territory described in the petition would receive equal or
35 greater benefits by being so transferred and meet the
36 conditions hereinbefore set forth, it shall certify to the

1 proper election officials the question of whether the territory
 2 shall be transferred, and its order, and such officials shall
 3 submit that question at an election in such territory in
 4 accordance with the general election law. The proposition shall
 5 be in substantially the following form:

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

17 -----

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

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29 If a majority of the votes cast upon the question of making
 30 the transfer shall be in favor of the transfer, the territory
 31 shall thenceforth cease to be a part of the fire protection
 32 district or districts to which it has been attached and shall
 33 become an integral part of the fire protection district to
 34 which the transfer shall have been sought and shall be subject
 35 to all the enjoyments and responsibilities of the latter
 36 district. In each case in which a transfer is effected pursuant

1 to the provisions hereof, the circuit clerk in whose court the
2 transfer proceedings have been conducted, shall certify copies
3 of all orders entered in effecting such transfer and file or
4 send them to the proper county clerk or clerks for filing and
5 to the Office of the State Fire Marshal.

6 (Source: P.A. 85-556.)

7 Section 90. The State Mandates Act is amended by adding
8 Section 8.30 as follows:

9 (30 ILCS 805/8.30 new)

10 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8
11 of this Act, no reimbursement by the State is required for the
12 implementation of any mandate created by this amendatory Act of
13 the 94th General Assembly.