

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. Both the fire protection district  
4 from which the territory seeks to be transferred and the fire  
5 protection district to which the territory seeks to be  
6 transferred are necessary parties in any action to disconnect  
7 under this Section.

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19 once given may not be withdrawn without leave of court for good  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

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

1           If the court shall, upon hearing the petition, find that  
 2 the territory described in the petition would receive equal or  
 3 greater benefits by being so transferred and meet the  
 4 conditions hereinbefore set forth, it shall certify to the  
 5 proper election officials the question of whether the territory  
 6 shall be transferred, and its order, and such officials shall  
 7 submit that question at an election in such territory in  
 8 accordance with the general election law. The proposition shall  
 9 be in substantially the following form:

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

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

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33           If a majority of the votes cast upon the question of making  
 34 the transfer shall be in favor of the transfer, the territory  
 35 shall thenceforth cease to be a part of the fire protection  
 36 district or districts to which it has been attached and shall

1 become an integral part of the fire protection district to  
2 which the transfer shall have been sought and shall be subject  
3 to all the enjoyments and responsibilities of the latter  
4 district. In each case in which a transfer is effected pursuant  
5 to the provisions hereof, the circuit clerk in whose court the  
6 transfer proceedings have been conducted, shall certify copies  
7 of all orders entered in effecting such transfer and file or  
8 send them to the proper county clerk or clerks for filing and  
9 to the Office of the State Fire Marshal.

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

11 Section 90. The State Mandates Act is amended by adding  
12 Section 8.30 as follows:

13 (30 ILCS 805/8.30 new)

14 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8  
15 of this Act, no reimbursement by the State is required for the  
16 implementation of any mandate created by this amendatory Act of  
17 the 94th General Assembly.