



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2933

Introduced 1/20/2006, by Sen. John J. Cullerton - Chris Lauzen

SYNOPSIS AS INTRODUCED:

65 ILCS 5/2-3-18

from Ch. 24, par. 2-3-18

Amends the Municipal Code. Provides that, in the case of petitions filed after July 1, 2005, it shall be conclusively presumed that lands described in a petition for incorporation as a village constitute a sufficient tax base to ensure that the village is able to provide all necessary municipal services, and no finding of the county board is required regarding the tax base and ability to provide municipal services, if (i) the proposed area for incorporation contains more than 10,000 inhabitants, and (ii) the area has an aggregated equalized assessed valuation of not less than \$40,000 multiplied by the number of inhabitants within the area during the year immediately preceding the filing of the petition.

LRB094 19063 HLH 54565 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 Illinois Municipal Code is amended by
5 changing Section 2-3-18 as follows:

6 (65 ILCS 5/2-3-18) (from Ch. 24, par. 2-3-18)
7 Sec. 2-3-18.

8 In any county of between 150,000 and 1,000,000 population
9 which has adopted an official plan under "An Act to provide for
10 regional planning and for the creation, organization and powers
11 of regional planning commissions", approved June 25, 1929, as
12 amended, the county board, by resolution, may provide that
13 before the question of incorporating a village under this
14 Division is submitted to the electors in response to a petition
15 filed under Section 2-3-5 or 2-3-10 the county board must first
16 determine that (1) the proposed incorporation is compatible
17 with the official plan for the development of the county, and
18 (2) the lands described in the petition as intended to be
19 embraced in the village constitute a sufficient tax base as
20 will insure the ability of the village to provide all necessary
21 municipal services to its inhabitants; provided that, as to any
22 petition filed after July 1, 2005, whenever the area proposed
23 for incorporation contains more than 10,000 inhabitants as
24 determined by the last preceding federal census, and the
25 equalized assessed valuation of the area aggregated is not less
26 than \$40,000 multiplied by the number of inhabitants within the
27 area during the calendar year immediately preceding the year
28 during which the petition to incorporate is filed, (i) it will
29 be conclusively presumed that the lands described in the
30 petition constitute a sufficient tax base to ensure the ability
31 of the village to provide all necessary municipal services to
32 its inhabitants, and no finding of the county board shall be

1 required as to the tax base or ability to provide municipal
2 services, and (ii) any provision of the official plan of the
3 county that requires a showing of ability to provide such
4 municipal services shall be satisfied. When such a resolution
5 is in effect, the court in which such a petition is filed shall
6 first require a showing that the required ~~those~~ determinations
7 have been made by the county board. If no such showing is made,
8 the court shall deny the petition. If such a showing is made,
9 the court shall proceed as provided in Section 2-3-6 or 2-3-11,
10 as the case may be.

11 (Source: P.A. 76-676.)