

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 20 as follows:

6 (70 ILCS 705/20) (from Ch. 127 1/2, par. 38.3)

7 Sec. 20. Disconnection by operation of law.

8 (a) Any territory within a fire protection district that
9 is or has been annexed to a city, village or incorporated town
10 that provides fire protection for property within such city,
11 village or incorporated town is, by operation of law,
12 disconnected from the fire protection district as of the
13 January first after such territory is annexed to the city,
14 village or incorporated town, or in case any such territory
15 has been so annexed prior to the effective date of this
16 amendatory Act of 1965, as of January 1, 1966.

17 (b) The disconnection by operation of law does not occur
18 if, within 60 days after such annexation or after the
19 effective date of this amendatory Act of 1965, whichever is
20 later, the fire protection district files with the appropriate
21 court and with the County Clerk of each county in which the
22 fire protection district is located, a petition alleging that
23 such disconnection will cause the territory remaining in the

1 district to be noncontiguous or that the loss of assessed
2 valuation by reason of such disconnection will impair the
3 ability of the district to render fully adequate fire
4 protection service to the territory remaining with the
5 district. When such a petition is filed, with the court and
6 with the County Clerk of each county in which the fire
7 protection district is located, the court shall set it for
8 hearing, and further proceedings shall be held, as provided in
9 Section 15 of this Act, except that the city, village or
10 incorporated town that annexed the territory shall be a
11 necessary party to the proceedings, and it shall be served
12 with summons in the manner for a party defendant under the
13 Civil Practice Law. At such hearing, the district has the
14 burden of proving the truth of the allegations in its
15 petition.

16 (c) If disconnection does not occur, then the city,
17 village or incorporated town in which part of a fire
18 protection district's territory is located, is prohibited from
19 levying the tax provided for by Section 11-7-1 of the
20 "Illinois Municipal Code" in such fire protection district
21 territory for services provided to the residents of such
22 territory by the fire protection district.

23 (d) If there are any general obligation bonds of the fire
24 protection district outstanding and unpaid at the time such
25 territory is disconnected from the fire protection district by
26 operation of this Section, such territory shall remain liable

1 for its proportionate share of such bonded indebtedness and
2 the fire protection district may continue to levy and extend
3 taxes upon the taxable property in such territory for the
4 purpose of amortizing such bonds until such time as sufficient
5 funds to retire such bonds have been collected.

6 (e) On and after the effective date of this amendatory Act
7 of the 91st General Assembly, when territory is disconnected
8 from a fire protection district under this Section, the
9 annexing municipality shall pay, on or before December 31 of
10 each year for a period of 5 years after the effective date of
11 the disconnection, to the fire protection district from which
12 the territory was disconnected, an amount as follows:

13 (1) In the first year after the disconnection, an
14 amount equal to the real estate tax collected on the
15 property in the disconnected territory by the fire
16 protection district in the tax year immediately preceding
17 the year in which the disconnection took effect.

18 (2) In the second year after the disconnection, an
19 amount equal to 80% of the real estate tax collected on the
20 property in the disconnected territory by the fire
21 protection district in the tax year immediately preceding
22 the year in which the disconnection took effect.

23 (3) In the third year after the disconnection, an
24 amount equal to 60% of the real estate tax collected on the
25 property in the disconnected territory by the fire
26 protection district in the tax year immediately preceding

1 the year in which the disconnection took effect.

2 (4) In the fourth year after the disconnection, an
3 amount equal to 40% of the real estate tax collected on the
4 property in the disconnected territory by the fire
5 protection district in the tax year immediately preceding
6 the year in which the disconnection took effect.

7 (5) In the fifth year after the disconnection, an
8 amount equal to 20% of the real estate tax collected on the
9 property in the disconnected territory by the fire
10 protection district in the tax year immediately preceding
11 the year in which the disconnection took effect.

12 This subsection (e) applies to a fire protection district
13 only if the corporate authorities of the district do not file a
14 petition against the disconnection under subsection (b).

15 (f) A municipality which does not timely make the payment
16 required in subsection (e) and which refuses to make such
17 payment within 30 days following a written demand by the fire
18 protection district entitled to the payment or which causes a
19 fire protection district to incur an expense in order to
20 collect the amount to which it is entitled under subsection
21 (e) shall, in addition to the amount due under subsection (e),
22 be responsible to reimburse the fire protection district for
23 all costs incurred by the fire protection district in
24 collecting the amount due, including, but not limited to,
25 reasonable legal fees and court costs.

26 (Source: P.A. 91-307, eff. 1-1-00; 91-917, eff. 1-1-01.)