



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB2782

Introduced 2/26/2007, by Rep. Timothy L. Schmitz

#### SYNOPSIS AS INTRODUCED:

75 ILCS 16/15-10  
75 ILCS 16/15-15

Amends the Public Library District Act of 1991. Provides that, prior to adopting an ordinance indicating the district's intention to annex uninhabited private property or certain territory within a municipality or school district, the district shall send notice to the president of the board of trustees of each public library located within one mile of the territory to be annexed. Provides that the district may also provide notice of the proposed annexation on the district's website. Provides for public comments on the proposed annexation.

LRB095 11407 HLH 32210 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning libraries.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 "Section 5. The Public Library District Act of 1991 is  
5 amended by changing Sections 15-10 and 15-15 as follows:

6 (75 ILCS 16/15-10)

7 Sec. 15-10. Uninhabited private property within  
8 municipality.

9 (a) Territory within the boundaries of a municipality that  
10 has no voters residing in it and that consists in whole or in  
11 part of private property may be annexed to the district as  
12 provided in this Section.

13 (b) A written petition describing the territory and signed  
14 by the owners of record of all land within the territory may be  
15 filed with the Board of Trustees of the library district. The  
16 petition, made under oath, shall request annexation and state  
17 that no voters reside within the territory. The trustees shall  
18 then, by ordinance, annex the described territory. No  
19 referendum need be held.

20 (c) The board of trustees of the library district may adopt  
21 an ordinance indicating the district's intention to annex the  
22 territory. Prior to adopting this ordinance, the board of  
23 trustees of the library district shall send notice of the

1 proposed ordinance to the president of the board of trustees of  
2 each public library located within one mile of the territory to  
3 be annexed. The library district may, in addition, provide  
4 notice of a proposed annexation ordinance on a website  
5 maintained by the library district. At any meeting of the board  
6 of trustees in which an annexation order under this Section is  
7 considered, the board shall provide a reasonable opportunity  
8 for any interested person to make public comments on the  
9 proposed annexation ordinance. The ordinance shall contain a  
10 description of the territory and a statement that no voters  
11 reside in the territory. Within 15 days of the passage of the  
12 annexation ordinance, the library district shall send notice of  
13 the adoption of the ordinance, a copy of the map showing the  
14 boundaries of the territory to be annexed, and a copy of the  
15 text of the publication notice required in this Section to the  
16 president of the board of trustees of each public library  
17 located within one mile of the territory to be annexed. Upon a  
18 60 day written notice of the ordinance to each of the owners of  
19 record of the territory to be annexed and a written receipt of  
20 the notice from each such owner, the trustees shall by  
21 ordinance annex the described territory. No referendum need be  
22 held.

23 (d) If an objection to the inclusion in the proposed  
24 annexation is filed by an owner of record or a written receipt  
25 of notice is not returned by an owner of record in the 60 day  
26 period, the property of that owner of record will be excluded

1 from the annexation.

2 (e) In no case, however, may territory not contiguous to  
3 the district or to territory being annexed to the district be  
4 annexed.

5 (Source: P.A. 87-1277.)

6 (75 ILCS 16/15-15)

7 Sec. 15-15. Territory included within municipality or  
8 school district.

9 (a) A district may, by ordinance, annex territory if that  
10 territory is:

11 (1) located within the boundaries of a municipality or  
12 school district that is included, entirely or partially,  
13 within the district;

14 (2) contiguous to the district; and

15 (3) without local, tax-supported public library  
16 service.

17 An ordinance under this subsection must describe the territory  
18 to be annexed. Prior to adopting the ordinance, the board of  
19 trustees of the library district shall send notice of the  
20 proposed ordinance to the president of the board of trustees of  
21 each public library located within one mile of the territory to  
22 be annexed. The library district may, in addition, provide  
23 notice of a proposed annexation ordinance on a website  
24 maintained by the library district. At any meeting of the board  
25 of trustees in which an annexation ordinance under this Section

1 is considered, the board shall provide a reasonable opportunity  
2 for any interested person to make public comments on the  
3 proposed annexation ordinance.

4 (b) Within 15 days of the passage of the annexation  
5 ordinance, the library district shall send notice of the  
6 adoption of the ordinance, a copy of the map showing the  
7 boundaries of the territory to be annexed, and a copy of the  
8 text of the publication notice required in this Section to the  
9 president of the board of trustees of each public library with  
10 territory within one mile of the territory to be annexed.  
11 Within 15 days after the adoption of the ordinance it shall be  
12 published as provided in Section 1-30. The board may vacate an  
13 annexation ordinance before its publication.

14 (c) The publication or posting of the ordinance shall  
15 include a notice of (i) the specific number of voters required  
16 to sign a petition requesting that the question of the adoption  
17 of the ordinance be submitted to the voters of the district or  
18 the territory to be annexed or both, (ii) the time in which the  
19 petition must be filed, and (iii) the date of the prospective  
20 referendum. The district secretary shall provide a petition  
21 form to any individual requesting one.

22 (d) If no petition is filed with the library district  
23 within 30 days after publication or posting of the ordinance,  
24 the annexation shall take effect. If, however, within the 30  
25 day period, a petition is filed with the Board of Trustees of  
26 the library district, signed by voters of the district or the

1 territory to be annexed, or both, equal in number to 10% or  
2 more of the total number of registered voters in the district,  
3 the territory to be annexed or both, asking that the question  
4 of the annexation of the territory be submitted to the voters  
5 of the territory, the board of trustees may vacate the  
6 annexation ordinance or certify the question to the proper  
7 election authority, who shall submit the question at the next  
8 regular election. Notice of this election shall be given and  
9 the election shall be conducted in accordance with the Election  
10 Code. The proposition shall be submitted to the voters in  
11 substantially the following form:

12           Shall (description of territory) be annexed to (name of  
13           public library district), (location), Illinois?

14           (e) If a majority of votes cast upon the proposition in the  
15           district, and also a majority of votes cast upon the  
16           proposition in the territory to be annexed, are in favor of the  
17           proposition, the Board of Trustees of the library district may  
18           conclude the annexation of the territory.

19           (f) If, before the effective date of this amendatory Act of  
20           the 94th General Assembly, a district has annexed territory  
21           under this Section and that annexation complies with the  
22           requirements set forth in this Section, as changed by this  
23           amendatory Act of the 94th General Assembly, then, for all  
24           purposes, that annexation is hereby validated, ratified, and  
25           declared to be in full force and effect from: (i) 30 days after  
26           publication or posting of the ordinance if no petition was

1 filed with the library district under subsection (d); or (ii)  
2 if a petition was filed, on the date that the district  
3 concluded the annexation of the territory under subsection (e).  
4 (Source: P.A. 94-899, eff. 6-22-06.)".