

HB1650



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1650

Introduced 2/18/2009, by Rep. Michael J. Madigan - Barbara Flynn Currie - Paul D. Froehlich

SYNOPSIS AS INTRODUCED:

75 ILCS 16/15-85

Amends the Public Library District Act of 1991. Makes a technical change in a Section concerning the automatic disconnection of territory.

LRB096 05228 RLJ 15294 b

A BILL FOR

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 Public Library District Act of 1991 is
5 amended by changing Section 15-85 as follows:

6 (75 ILCS 16/15-85)

7 Sec. 15-85. Automatic disconnection from district.

8 (a) Any territory within a public library district that
9 ~~that~~ is or has been annexed to a municipality (where that
10 municipality maintains a public library) is, by operation of
11 law, disconnected from the public library district as of the
12 January first next after the territory is annexed.

13 (b) A disconnection by operation of law under this Section
14 does not occur if, within 60 days after the annexation, the
15 public library district files with the appropriate circuit
16 court a petition alleging that the disconnection will cause the
17 territory remaining in the district to be noncontiguous or that
18 the loss of assessed valuation by reason of the disconnection
19 will impair the ability of the district to render fully
20 adequate library service to the territory remaining in the
21 district.

22 (c) When a petition is filed under subsection (b), the
23 court shall set it for hearing. At the hearing, the district

1 has the burden of proving the truth of the allegations in its
2 petition. In determining whether to grant the petition, the
3 court may consider at least the following factors:

4 (i) whether disconnection will cause the territory
5 remaining in the district to be noncontiguous;

6 (ii) whether the loss of assessed valuation by reason
7 of the disconnection will impair the ability of the
8 district to render fully adequate library service to the
9 territory remaining in the district;

10 (iii) the convenience of the residents of the annexed
11 territory and whether a plan exists enabling the residents
12 of the annexed territory to use either the public library
13 district facilities or the library facilities of the city,
14 village, or incorporated town to which the territory has
15 been annexed; and

16 (iv) whether the city, village, or incorporated town
17 has annexed any other territory within the district within
18 the preceding 2 years and the cumulative effect of those
19 annexations on the financial viability of the district.

20 The Court may consider comments by the Illinois State
21 Library, the annexing municipality and its public library, and
22 the library system or systems to which the affected libraries
23 belong. This does not create a right of intervention in these
24 parties.

25 (d) After the hearing, the Court may grant the relief it
26 deems appropriate, including, but not limited to, any of the

1 following: (i) denial of the disconnection; (ii) disconnection
2 of the territory from the public library district; (iii)
3 disconnection of the territory from the public library district
4 in parts over a specific period of time not to exceed 5 years;
5 (iv) court approval of a voluntary agreement between the
6 parties that provides for the sharing of real estate tax
7 revenues from the annexed territory for a limited period of
8 time not to exceed 5 years unless extended by mutual agreement
9 of the parties; or (v) submission of the question of
10 disconnection of the territory to the electors of the annexed
11 territory at a referendum to be held at the next general
12 election in accordance with the general election law. The
13 proposition at such a referendum shall be in substantially the
14 following form:

15 Shall (describe annexed territory) be disconnected
16 from (name of public library district)?

17 If a referendum is held, the result of the election shall
18 be entered of record in the Court. If a majority of votes cast
19 upon the question in the annexed territory are for
20 disconnection of the annexed territory from the public library
21 district, the territory shall be disconnected from the public
22 library district.

23 (e) If there are any general obligation bonds of the public
24 library district outstanding and unpaid at the time the
25 territory is disconnected from the public library district by
26 operation of this Section, the disconnected territory shall

1 remain liable for its proportionate share of that bonded
2 indebtedness, and the public library district may continue to
3 levy and extend taxes upon the taxable property in the
4 territory for the purpose of amortizing the bonds until
5 sufficient funds to retire the bonds have been collected.

6 (f) The county clerk must extend taxes to pay the principal
7 of and interest on any general obligation bonds issued to
8 refund any bond described in subsection (e), as provided in the
9 bond ordinances on file in the office of the county clerk,
10 against all taxable property in the district, including taxable
11 property that was in the district on the date that the bonds
12 being refunded were issued; provided, however, that (i) the net
13 interest rate on the refunding bonds may not exceed the net
14 interest rate on the refunded bonds, (ii) the final maturity
15 date of the refunding bonds may not extend beyond the final
16 maturity date of the refunded bonds, and (iii) the debt service
17 payable on the refunding bonds in any year may not exceed the
18 debt service that would have been payable on the refunded bonds
19 in that year. This subsection is inoperative after June 30,
20 2002.

21 (Source: P.A. 92-368, eff. 8-15-01.)