

1 AMENDMENT TO SENATE BILL 284

2 AMENDMENT NO. _____. Amend Senate Bill 284 on page 1,
3 line 4, after "by", by inserting "adding Section 7-31 and";
4 and

5 on page 1, immediately below line 5, by inserting the
6 following:

7 "(105 ILCS 5/7-31 new)

8 Sec. 7-31. Annexation of contiguous portion of
9 elementary or high school district.

10 (a) Notwithstanding any other provision of this Code,
11 any contiguous portion of an elementary school district must
12 be detached from that district and annexed to an adjoining
13 elementary school district to which the portion is also
14 contiguous and any contiguous portion of a high school
15 district must be detached from that district and annexed to
16 an adjoining school district to which the portion is also
17 contiguous (herein referred to as "the Territory") upon a
18 petition or petitions filed under this Section if all of the
19 following conditions are met with respect to each petition:

20 (1) The Territory is to be detached from a school
21 district that is located predominantly (meaning more than
22 50% of the district's area) in a county of not less

1 than 2,000,000 and is to be annexed into a school
2 district located overwhelmingly (meaning more than 75% of
3 its area) in a county of not less than 750,000 and not
4 more than 1,500,000, and, on the effective date of this
5 amendatory Act of the 92nd General Assembly, the
6 Territory consists of not more than 500 acres of which
7 not more than 325 acres is vacant land and of which not
8 more than 175 acres is either platted for or improved
9 with residences and is located predominately (meaning
10 more than 50% of its area) within one municipality that
11 is (i) located predominantly (meaning more than 50% of
12 the area of the municipality) outside the elementary or
13 high school district from which the Territory is to be
14 detached and (ii) located partly or wholly within the
15 territorial boundaries of the adjoining elementary or
16 high school district to which the Territory is to be
17 annexed. Conclusive proof of the boundaries of each
18 school district and each municipality is a document or
19 documents setting forth the boundaries and certified by
20 the county clerk of each county as being a correct copy
21 of records on file with the county clerk as of a date not
22 more than 60 days before the filing of a petition under
23 this Section. If the records of the 2 county clerks show
24 boundaries as of different dates, those records are
25 deemed contemporaneous for purposes of this Section.

26 (2) The equalized assessed valuation of the taxable
27 property of the Territory constitutes less than 5% of
28 the equalized assessed valuation of the taxable property
29 of the school district from which it is be detached.
30 Conclusive proof of the equalized assessed valuation of
31 each district is a document or documents stating the
32 equalized assessed valuation and certified, by the county
33 clerk of a county of not less than 2,000,000 and by the
34 county or township assessor in a county of not less than

1 750,000 and not more than 1,500,000, as correct by the
2 certifying office as of a date not more than 60 days
3 before the filing of a petition under this Section. If
4 the records from the 2 counties show equalized assessed
5 valuation as of different dates, those records are deemed
6 contemporaneous for purposes of this Section.

7 (3) The Territory is predominately (meaning more
8 than 50% of its area) within a municipality that is
9 predominantly (meaning more than 50% of the area of the
10 municipality) within a county of not less than 750,000
11 and not more than 1,500,000. Conclusive proof of
12 boundaries of the municipality is a document or
13 documents setting forth the boundaries and certified by
14 the county clerk of the county as correct as of a date
15 not more than 60 days before the filing of a petition
16 under this Section.

17 (4) The Territory, as of a date not more than 60
18 days before the filing of a petition, has not been
19 developed with structures for commercial, office, or
20 industrial uses, except for temporary buildings or
21 structures constructed pursuant to a permit or permits by
22 the applicable permitting authority for an initial term
23 of not more than 15 years. Conclusive proof of the
24 development of the land is a notarized statement, as of a
25 date not more than 60 days before the filing of a
26 petition under this Section, by a specially qualified
27 professional land surveyor licensed by the State of
28 Illinois. In this Section, "specially qualified
29 professional land surveyor" means a specially qualified
30 professional land surveyor whose credentials include
31 serving or having served as a paid advisor or consultant
32 to at least 2 of the following: any department, board,
33 commission, authority, or other agency of the State of
34 Illinois.

1 (5) The area of the Territory is 5% or less of the
2 area of the school district from which it is to be
3 detached. Conclusive proof of the areas is a notarized
4 written statement by a specially qualified professional
5 land surveyor licensed by the State of Illinois.

6 (6) Travel on public roads within 5 miles from the
7 Territory to schools in the school district from which
8 the Territory is to be detached requires crossing an
9 interstate highway. Travel on public roads within 5 miles
10 from the Territory to schools in the school district to
11 which the Territory is to be annexed does not require
12 crossing an interstate highway. Conclusive proof of the
13 facts in this paragraph (6) is a notarized written
14 statement by a specially qualified professional land
15 surveyor licensed by the State of Illinois.

16 (b) No school district may lose more than 5% of its
17 equalized assessed valuation nor more than 5% of its
18 territory through petitions filed under this Section. If a
19 petition seeks to detach territory that would result in a
20 cumulative total of more than 5% of the district's equalized
21 assessed valuation or more than 5% of the district's
22 territory being detached under this Section, the petition
23 shall be denied without prejudice to its being filed pursuant
24 to Section 7-6 of this Code.

25 (c) Conclusive proof of the population of a county is
26 the most recent federal decennial census.

27 (d) A petition filed under this Section with respect to
28 the Territory must be filed with the regional board of school
29 trustees of the county where the Territory is located (herein
30 referred to as the Regional Board) at its regular offices not
31 later than the 24 months after the effective date of this
32 amendatory Act of the 92nd General Assembly and (i) in the
33 case of any portion of the Territory not developed with
34 residences, signed by or on behalf of the taxpayers of record

1 of properties constituting 60% or more of the land not so
2 developed and (ii) in the case of any portion of the
3 Territory developed by residences, signed by 60% or more of
4 registered voters residing in the residences. Conclusive
5 proof of who are the taxpayers of record is a document
6 certified by the assessor of the county or township in which
7 the property is located as of a date not more than 60 days
8 before the filing of a petition under this Section.
9 Conclusive proof of who are registered voters is a document
10 certified by the board of election commissioners for the
11 county in which the registered voters reside as of a date not
12 earlier than 60 days before the filing of the petition.
13 Conclusive proof of the area of the Territory and the area of
14 properties within the Territory is a survey or notarized
15 statement, as of a date not more than 60 days before the
16 filing of the petition, by a specially qualified professional
17 land surveyor licensed by the State of Illinois.

18 (e) The Regional Board must (1) hold a hearing on each
19 petition at its regular offices within 90 days after the date
20 of filing; (2) render a decision granting or denying the
21 petition within 30 days after the hearing; and (3) within 14
22 days after the decision, serve a copy of the decision by
23 certified mail, return receipt requested, upon the
24 petitioners and upon the school boards of the school
25 districts from which the territory described in the petition
26 is sought to be detached and to which the territory is sought
27 to be annexed. If petitions are filed pertaining to an
28 elementary school district and a high school district
29 described in this Section, if the petitions pertain to land
30 not developed with residences, and if the 2 petitions are
31 filed within 28 days of each other, the petitions must be
32 consolidated for hearing and heard at the same hearing. If
33 petitions are filed pertaining to an elementary school
34 district and a high school district described in this

1 Section, if the petitions pertain to land developed with
2 residences, and if the petitions are filed within 28 days of
3 each other, the 2 petitions must be consolidated for hearing
4 and heard at the same hearing. If the Regional Board does not
5 serve a copy of the decision within the time and in the
6 manner required, any petitioner has the right to obtain, in
7 the circuit court of the county in which the petition was
8 filed, a mandamus requiring the Regional Board to serve the
9 decision immediately to the parties in the manner required.
10 Upon proof that the Regional Board has not served the
11 decision to the parties or in the manner required, the
12 circuit court must immediately issue the order.

13 The Regional Board has no authority or discretion to hear
14 any evidence or consider any issues at the hearing except
15 those that may be necessary to determine whether the
16 conditions and limitations of this Section have been met. If
17 the Regional Board finds that such conditions and limitations
18 have been met, the Regional Board must grant the petition.

19 The Regional Board must (i) give written notice of the
20 time and place of the hearing not less than 30 days prior to
21 the date of the hearing to the school board of the school
22 district from which the territory described in the petition
23 is to be detached and to the school board of the school
24 district to which the territory is to be annexed and (ii)
25 publish notice of the hearing in a newspaper that is
26 circulated within the county in which the territory described
27 in the petition is located and is circulated within the
28 school districts whose school boards are entitled to notice.

29 (f) If the granting of a petition filed under this
30 Section has become final either through failure to seek
31 administrative review or by the final decision of a court on
32 review, the change in boundaries becomes effective forthwith
33 and for all purposes, except that if granting of the petition
34 becomes final between September 1 of any year and June 30 of

1 the following year, the administration of and attendance at
2 the schools are not affected until July 1 of the following
3 year, at which time the change becomes effective for all
4 purposes. After the granting of the petition becomes final,
5 the date when the change becomes effective for purposes of
6 administration and attendance may, in the case of land
7 improved with residences, be accelerated or postponed either
8 (i) by stipulation of the school boards of the school
9 districts from which the territory described in the petition
10 is detached and to which the territory is annexed or (ii) by
11 stipulation of the registered voters who signed the
12 petition. Their stipulation may be contained in the petition
13 or a separate document signed by them. Their stipulation must
14 be filed with the Regional Board not later than 120 days
15 after approval of their petition.

16 (g) The decision of the Regional Board is a final
17 "administrative decision" as defined in Section 3-101 of the
18 Code of Civil Procedure, and any petitioner or the school
19 board of the school district from which the land is to be
20 detached or of the school district to which the land is to be
21 annexed may, within 35 days after a copy of the decision
22 sought to be reviewed was served by certified mail upon the
23 affected party thereby or upon an attorney of record for such
24 party, apply for a review of the decision in accordance with
25 the Administrative Review Law and the rules adopted pursuant
26 to the Administrative Review Law. Standing to apply for or in
27 any manner seek review of the decision is limited exclusively
28 to a petitioner or school district described in this Section.

29 The commencement of any action for review operates as a
30 supersedeas, and no further proceedings are allowed until
31 final disposition of the review. The circuit court of the
32 county in which the petition is filed with the Regional Board
33 has sole jurisdiction to entertain a complaint for review.

34 (h) This Section (i) is not limited by and operates

1 independently of all other provisions of this Article and
2 (ii) constitutes complete authority for the granting or
3 denial by the Regional Board of a petition filed under this
4 Section when the conditions prescribed by this Section for
5 the filing of that petition are met or not met as the case
6 may be."