



Rep. Fred Crespo

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LRB100 17399 AWJ 39661 a

1 AMENDMENT TO SENATE BILL 2598

2 AMENDMENT NO. _____. Amend Senate Bill 2598 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Fire Protection District Act is amended by
5 adding Sections 15c and 15d as follows:

6 (70 ILCS 705/15c new)

7 Sec. 15c. Disconnection of fire protection district
8 territory within a home rule municipality.

9 Whenever any property within a fire protection district is
10 located in a home rule municipality that provides fire service
11 to at least 80% of the territory within the municipality's
12 corporate limits, the home rule municipality may detach and
13 disconnect that property from the fire protection district in
14 the following manner:

15 The municipality may petition the court, setting forth in
16 the petition the following: a description of the property

1 sought to be detached and disconnected; a statement that the
2 detachment and disconnection will not cause the property
3 remaining in the district to be noncontiguous, that the loss of
4 assessed valuation by reason of the disconnection of the
5 described property will not impair the ability of the district
6 to render fully adequate fire protection service to the
7 property remaining with the district, that the property to be
8 detached and disconnected will remain liable for its
9 proportionate share of any outstanding bonded indebtedness of
10 the district, and that it is a home rule municipality that
11 provides for its own fire service to at least 80% of the
12 territory within the municipality; and asking that the
13 described property be detached and disconnected from the fire
14 protection district. The petition shall be signed and sworn to
15 by the mayor or village president pursuant to a resolution of
16 the corporate authorities of the municipality authorizing the
17 filing of the petition.

18 For the purpose of meeting the requirement of this Section
19 that the detachment and disconnection will not cause the
20 remaining property to be noncontiguous, property shall be
21 considered to be contiguous if the only separation between
22 parts of the property is land owned by the United States, the
23 State, or any agency or instrumentality of either, or any
24 regional airport authority.

25 Upon the filing of the petition, the court shall set the
26 same for hearing on a day not less than 2 weeks nor more than 4

1 weeks from the filing thereof and shall give 2 weeks' notice of
2 such hearing in the manner provided in Section 1 of this Act.
3 The fire protection district shall be a necessary party to the
4 proceedings and it shall be served with summons in the manner
5 prescribed for a party defendant under the Civil Practice Law.
6 All property owners in such district, the district from which
7 the transfer of property is to be made, and all persons
8 interested therein may file objections, and at the hearing may
9 appear and contest the detachment and disconnection of the
10 property from the fire protection district, and both objectors
11 and petitioners may offer any competent evidence in regard
12 thereto. If the court, upon hearing such petition, finds that
13 the petition complies with this Section 15c and that the
14 allegations of the petition are true, the court shall enter an
15 order detaching and disconnecting the property from the
16 district, and upon entry of the order the property shall cease
17 to be a part of the fire protection district and shall be
18 serviced by the home rule municipality, except that the
19 property remains liable for its proportionate share of any
20 outstanding bonded indebtedness of the district. The circuit
21 clerk shall transmit a certified copy of the order to the
22 county clerk of each county in which any of the affected
23 property is situated and to the Office of the State Fire
24 Marshal.

1 Sec. 15d. Disconnection of fire protection district
2 territory by a municipality; economic impact analysis.

3 (a) As used in this Section, "economic impact analysis"
4 means a written report concerning the effect of a
5 municipality's disconnection of territory located both within
6 a municipality and a fire protection district.

7 (b) Notwithstanding any other provision of law, a
8 municipality shall file an economic impact analysis with the
9 county clerk of each county in which a fire protection district
10 is located no less than 90 days prior to filing any action to
11 disconnect territory located both within the municipality and
12 the fire protection district. Each economic impact analysis
13 shall include the following:

14 (1) a statement of existing and projected residential,
15 nonresidential, and commercial growth in the territory
16 within the fire protection district sought to be
17 disconnected by the municipality for a 10-year period, a
18 20-year period, and a 30-year period;

19 (2) a statement of the costs of service incurred by the
20 municipality in providing fire protection or emergency
21 medical services after disconnecting the territory within
22 the fire protection district;

23 (3) a statement that the loss of assessed valuation by
24 reason of the disconnection of the territory will not
25 impair the ability of the fire protection district to
26 render fully adequate fire protection service to the

1 territory remaining with the district;

2 (4) a statement of the probable positive or negative
3 economic effect on businesses within the territory sought
4 to be disconnected; and

5 (5) a statement of the probable positive or negative
6 economic effect on residents within the territory sought to
7 be disconnected.

8 (c) Within 30 days after the filing of an economic impact
9 analysis required by subsection (b), a municipality shall serve
10 a copy of the economic impact analysis on the board of trustees
11 of each impacted fire protection district by certified or
12 registered mail. An affidavit that service of the economic
13 impact analysis has been had as provided by this subsection
14 must be filed with the clerk of the court in which the
15 disconnection proceedings will be instituted. Disconnection of
16 territory is not effective unless service is certified by
17 affidavit filed as provided in this subsection.

18 (d) The territory is disconnected from the Fire Protection
19 District and annexed to the municipality effective on January 1
20 following the entry of a final court order finding that the
21 petition meets the criteria set forth in this Section.

22 (e) A municipality, including a home rule municipality, may
23 not disconnect territory from a fire protection district in a
24 manner inconsistent with this Section. This Section is a
25 limitation under subsection (i) of Section 6 of Article VII of
26 the Illinois Constitution on the concurrent exercise by home

1 rule units of powers and functions exercised by the State.".