



Rep. Donald L. Moffitt

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09800HB5856ham002

LRB098 19102 JLK 56846 a

1 AMENDMENT TO HOUSE BILL 5856

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5856 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Fire Protection District Act is amended by  
5 changing Section 3 as follows:

6 (70 ILCS 705/3) (from Ch. 127 1/2, par. 23)

7 Sec. 3. Additional contiguous territory having the  
8 qualifications set forth in Section 1 may be added to any fire  
9 protection district as provided for in this Act in the manner  
10 following:

11 (a) One percent or more of the legal voters resident within  
12 the limits of the proposed addition to the fire protection  
13 district may petition the court of the county in which the  
14 original petition for the formation of the fire protection  
15 district was filed, to cause the question to be submitted to  
16 the legal voters of the proposed additional territory whether

1 the proposed additional territory shall become a part of any  
2 contiguous fire protection district organized under this Act  
3 and whether the voters of the additional territory shall assume  
4 a proportionate share of the bonded indebtedness of the  
5 district. The petition shall be addressed to the court and  
6 shall contain a definite description of the boundaries of the  
7 territory to be embraced in the proposed addition and shall  
8 allege facts in support of such addition.

9 Upon filing the petition in the office of the circuit clerk  
10 of the county in which the original petition for the formation  
11 of the fire protection district was filed, it shall be the duty  
12 of the court to fix a time and place of a hearing upon the  
13 subject of the petition.

14 Notice shall be given by the court, or by the circuit clerk  
15 or sheriff upon order of the court of the county in which the  
16 petition is filed, of the time and place of a hearing upon the  
17 petition in the manner as provided in Section 1. The conduct of  
18 the hearing on the question whether the proposed additional  
19 territory shall become a part of the fire protection district  
20 shall be carried out in the manner described in Section 1, as  
21 nearly as may be. The question shall be in substantially the  
22 following form:

23 -----

24 For joining the.... Fire  
25 Protection District and assuming a  
26 proportionate share of bonded

1 indebtedness, if any.

2 -----

3 Against joining the.... Fire  
4 Protection District and assuming a  
5 proportionate share of bonded  
6 indebtedness, if any.

7 -----

8 If a majority of the votes cast at the election upon the  
9 question of becoming a part of any contiguous fire protection  
10 district are in favor of becoming a part of that fire  
11 protection district and if the trustees of the fire protection  
12 district accept the proposed additional territory by  
13 resolution, the proposed additional territory shall be deemed  
14 an integral part of that fire protection district and shall be  
15 subject to all the benefits of service and responsibilities of  
16 the district as set forth in this Act.

17 (a-5) Any fire protection district organized under the  
18 provisions of this Act may be simultaneously dissolved and  
19 consolidated into an adjoining fire protection district upon  
20 like petition, hearing and election as is provided under  
21 Section 1 of this Act for the organization of such district,  
22 except that the ballot for such election shall be in  
23 substantially the following form:

24 -----

25 Shall the ... Fire Protection District  
26 dissolve and be consolidated YES

1 into the ... Fire-----  
2 Protection District? NO

3 -----  
4 If a majority of the votes cast on the question at such  
5 election are in favor of such dissolution and consolidation,  
6 and if the board of trustees of the adjoining district agrees  
7 by resolution to accept the territory comprising the dissolved  
8 district, the clerk of the circuit court of the county in which  
9 the petition was filed shall enter an order on the records of  
10 the court dissolving and consolidating such district. On the  
11 effective date of the of the simultaneous dissolution and  
12 consolidation, all the rights, powers, duties, assets,  
13 property, liabilities, indebtedness, obligations, bonding  
14 authority, taxing authority, and responsibilities of the  
15 former district shall vest in and be assumed by the fire  
16 protection district assuming the territory of the former  
17 district.

18 (b) The owner or owners of any tract or tracts of land,  
19 contiguous to an existing fire protection district and not  
20 already included in a fire protection district, may file a  
21 written petition, addressed to the trustees of the fire  
22 protection district to which they seek to have their tract or  
23 tracts of land attached, containing a definite description of  
24 the boundaries of the territory and a statement that they  
25 desire that their property become a part of the fire protection  
26 district to which their petition is addressed, and that they

1 are willing that their property assume a proportionate share of  
2 the bonded indebtedness, if any, of the fire protection  
3 district.

4 When such a petition is filed with the trustees, they shall  
5 immediately pass a resolution to accept or reject the territory  
6 proposed to be attached. If the trustees resolve in favor of  
7 accepting the territory, they shall file with the court of the  
8 county where the fire protection district was organized the  
9 original petition and a certified copy of the resolution, and  
10 the court shall then enter an order stating that the proposed  
11 annexed territory shall be deemed an integral part of that fire  
12 protection district and subject to all of the benefits of  
13 service and responsibilities of the district. The circuit clerk  
14 shall transmit a certified copy of the order to the county  
15 clerk of each county in which any of the territory affected is  
16 situated and to the State Fire Marshal.

17 (c) Upon the annexation of territory by a district, the  
18 boundary shall extend to the far side of any adjacent highway  
19 and shall include all of every highway within the area annexed.  
20 These highways shall be considered to be annexed even though  
21 not included in the legal description set forth in the petition  
22 for annexation.

23 (Source: P.A. 85-556; 86-1191.)".