



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB0482

by Rep. C.D. Davidsmeyer

#### SYNOPSIS AS INTRODUCED:

75 ILCS 16/15-15  
75 ILCS 16/15-20

Amends the Public Library District Act. Provides that territory annexed by a public library district included within a municipality or school district shall be approved by ordinance of the board and voter referendum (currently, only by ordinance of the board with the option for a back-door referendum to prevent the annexation). Provides that a petition and referendum for disconnection of annexed territory may occur at any time after the annexation (currently, within 1 year after annexation or 30 days after the date that the first tax bill reflecting the tax levied by the district are sent). Removes a prohibition of more than one petition and referendum for disconnection of the annexed territory. Further provides that any area disconnected by petition and referendum will not be liable for any general obligation bonds of the public library district, or other obligations or liabilities, issued or incurred after a petition for disconnection has been under filed if the referendum for disconnection is approved. Effective immediately.

LRB100 00026 AWJ 10027 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

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 Sections 15-15 and 15-20 as follows:

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 and referendum, annex  
10 territory if that 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

1 maintained by the library district. At any meeting of the board  
2 of trustees in which an annexation ordinance under this Section  
3 is considered, the board shall provide a reasonable opportunity  
4 for any interested person to make public comments on the  
5 proposed annexation ordinance.

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

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

25 (d) Before the effective date of this amendatory Act of the  
26 100th General Assembly, if ~~if~~ no petition is filed with the

1 library district within 30 days after publication or posting of  
2 the ordinance, the annexation shall take effect. If, however,  
3 within the 30 day period, a petition is filed with the Board of  
4 Trustees of the library district, signed by voters of the  
5 district or the territory to be annexed, or both, equal in  
6 number to 10% or more of the total number of registered voters  
7 in the district, the territory to be annexed or both, asking  
8 that the question of the annexation of the territory be  
9 submitted to the voters of the territory, the board of trustees  
10 may vacate the annexation ordinance or certify the question to  
11 the proper election authority, who shall submit the question at  
12 the next regular election. Notice of this election shall be  
13 given and the election shall be conducted in accordance with  
14 the Election Code. The proposition shall be submitted to the  
15 voters in substantially the following form:

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

18           (d-5) On and after the effective date of this amendatory  
19 Act of the 100th General Assembly, within 7 days after  
20 publication or posting of the ordinance, the board of trustees  
21 shall certify the question to the proper election authority,  
22 who shall submit the question at the next regular election.  
23 Notice of this election shall be given and the election shall  
24 be conducted in accordance with the Election Code. The  
25 proposition shall be submitted to the voters in substantially  
26 the following form:

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

3           (e) If a majority of votes cast upon the proposition in the  
4           district, and also a majority of votes cast upon the  
5           proposition in the territory to be annexed, are in favor of the  
6           proposition, the Board of Trustees of the library district may  
7           conclude the annexation of the territory.

8           (f) If, before June 22, 2006 (the effective date of Public  
9           Act 94-899) ~~this amendatory Act of the 94th General Assembly~~, a  
10          district has annexed territory under this Section and that  
11          annexation complies with the requirements set forth in this  
12          Section, as changed by Public Act 94-899 ~~this amendatory Act of~~  
13          ~~the 94th General Assembly~~, then, for all purposes, that  
14          annexation is hereby validated, ratified, and declared to be in  
15          full force and effect from: (i) 30 days after publication or  
16          posting of the ordinance if no petition was filed with the  
17          library district under subsection (d); or (ii) if a petition  
18          was filed, on the date that the district concluded the  
19          annexation of the territory under subsection (e).

20          (Source: P.A. 94-899, eff. 6-22-06; 95-161, eff. 1-1-08.)

21                   (75 ILCS 16/15-20)

22           Sec. 15-20. Referendum for disconnection of annexed  
23           territory.

24           (a) A referendum for disconnection may be held whenever  
25           territory is annexed by ordinance and ~~without the submission of~~

1 ~~the question to a~~ referendum as provided in Section 15-15. A  
2 referendum for disconnection of this annexed territory shall be  
3 held upon the filing of a petition, signed by voters in the  
4 annexed territory equal to 10% or more of the total number of  
5 registered voters residing within the annexed territory. The  
6 petition shall be addressed to and filed with the secretary of  
7 the district.

8 (b) (Blank). ~~The referendum must be held within one year~~  
9 ~~after the date the territory was annexed. The referendum may~~  
10 ~~also be held, however, as set forth in this Section if the~~  
11 ~~petition is filed within 30 days after the date that the first~~  
12 ~~tax bills reflecting the tax levied by the district are sent to~~  
13 ~~the property owners of the annexed territory.~~

14 (c) Upon the filing of a petition, the district shall  
15 certify the question to the proper election authority, who  
16 shall submit the proposition of disconnection to the voters  
17 residing within the territory to be disconnected at an election  
18 held in accordance with the Election Code. The proposition  
19 shall be in substantially the following form:

20 Shall (description of territory) be disconnected from  
21 (name of public library district), (location), Illinois?

22 (d) If a majority of the votes cast upon the question are  
23 in favor of disconnection, the territory shall be disconnected.  
24 In that event, the district shall file with the circuit court  
25 of the county in which the majority of the disconnected  
26 territory lies an appropriate petition and a certificate by the

1 election authority of the results of the election. The petition  
2 shall request entry of an order of disconnection and the  
3 preparation of an appraisal setting forth the value of the  
4 tangible property of the district, the liabilities of the  
5 district, and the excess of liabilities over tangible assets.  
6 Notice of the petition shall be published within the  
7 disconnected territory.

8 (e) The court shall, after a hearing upon the merits, enter  
9 its order revising the boundaries of the district and setting  
10 forth the liability, if any, yet to be retired and paid by the  
11 property owners of the disconnected territory but only if the  
12 liability was incurred before the filing of the petition to  
13 disconnect.

14 (f) If there are any general obligation bonds of the public  
15 library district (or other obligations incurred instead of  
16 general obligation bonds under this Act) that are outstanding  
17 and unpaid at the time the territory is disconnected from the  
18 public library district by operation of this Section, that  
19 territory shall remain liable for its proportionate share of  
20 the bonded indebtedness or other outstanding obligations  
21 incurred instead of bonded indebtedness, and the public library  
22 district may continue to levy and extend taxes upon the taxable  
23 property in that territory for the purpose of amortizing the  
24 bonds or of satisfying the other outstanding obligations until  
25 sufficient funds to retire the bonds or to satisfy the other  
26 outstanding obligations have been collected. However, the

1 territory shall not be liable for any general obligation bonds  
2 of the public library district (or other obligations incurred  
3 instead of general obligation bonds under this Act) issued  
4 after a petition for disconnection has been under filed under  
5 subsection (a) if the referendum for disconnection is approved.

6 (g) The district secretary shall record a certified copy of  
7 the disconnection order with the county recorder and file it  
8 with the county clerk of each county affected.

9 (h) (Blank). ~~A proposition for disconnection from a~~  
10 ~~district may not be submitted to the legal voters of any~~  
11 ~~annexed territory more than once.~~

12 (i) Annexed territory shall not be disconnected under this  
13 Section if the disconnection would result in the district  
14 becoming noncontiguous.

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

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.