

HB0858



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0858

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

70 ILCS 705/3

from Ch. 127 1/2, par. 23

Amends the Fire Protection District Act. Makes a technical change in a Section concerning annexation of territory.

LRB101 06735 AWJ 51762 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 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 ~~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
17 the proposed additional territory shall become a part of any
18 contiguous fire protection district organized under this Act
19 and whether the voters of the additional territory shall assume
20 a proportionate share of the bonded indebtedness of the
21 district. The petition shall be addressed to the court and
22 shall contain a definite description of the boundaries of the
23 territory to be embraced in the proposed addition and shall

1 allege facts in support of such addition.

2 Upon filing the petition in the office of the circuit clerk
3 of the county in which the original petition for the formation
4 of the fire protection district was filed, it shall be the duty
5 of the court to fix a time and place of a hearing upon the
6 subject of the petition.

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

16 -----

17 For joining the.... Fire
18 Protection District and assuming a
19 proportionate share of bonded
20 indebtedness, if any.

21 -----

22 Against joining the.... Fire
23 Protection District and assuming a
24 proportionate share of bonded
25 indebtedness, if any.

26 -----

1 If a majority of the votes cast at the election upon the
 2 question of becoming a part of any contiguous fire protection
 3 district are in favor of becoming a part of that fire
 4 protection district and if the trustees of the fire protection
 5 district accept the proposed additional territory by
 6 resolution, the proposed additional territory shall be deemed
 7 an integral part of that fire protection district and shall be
 8 subject to all the benefits of service and responsibilities of
 9 the district as set forth in this Act.

10 (a-5) Any fire protection district organized under the
 11 provisions of this Act may be simultaneously dissolved and
 12 consolidated into an adjoining fire protection district upon
 13 like petition, hearing and election as is provided under
 14 Section 1 of this Act for the organization of such district,
 15 except that the ballot for such election shall be in
 16 substantially the following form:

17 -----
 18 Shall the ... Fire Protection District
 19 dissolve and be consolidated YES
 20 into the ... Fire
 21 -----
 22
 23 Protection District? NO
 24 -----

25
 26 If a majority of the votes cast on the question at such

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

13 (b) The owner or owners of any tract or tracts of land,
14 contiguous to an existing fire protection district and not
15 already included in a fire protection district, may file a
16 written petition, addressed to the trustees of the fire
17 protection district to which they seek to have their tract or
18 tracts of land attached, containing a definite description of
19 the boundaries of the territory and a statement that they
20 desire that their property become a part of the fire protection
21 district to which their petition is addressed, and that they
22 are willing that their property assume a proportionate share of
23 the bonded indebtedness, if any, of the fire protection
24 district.

25 When such a petition is filed with the trustees, they shall
26 immediately pass a resolution to accept or reject the territory

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

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

18 (Source: P.A. 98-1003, eff. 1-1-15.)