

SB1024



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1024

Introduced 2/25/2021, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

75 ILCS 16/15-85

Amends the Public Library District Act of 1991. Makes a technical change in a Section concerning the automatic disconnection of territory.

LRB102 04834 AWJ 14853 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 Public Library District Act of 1991 is
5 amended by changing Section 15-85 as follows:

6 (75 ILCS 16/15-85)

7 Sec. 15-85. Automatic disconnection from district.

8 (a) Any territory within a public library district that
9 ~~that~~ is or has been annexed to a municipality (where that
10 municipality maintains a public library) is, by operation of
11 law, disconnected from the public library district as of the
12 January first next after the territory is annexed.

13 (a-5) If at anytime prior to, on, or after the effective
14 date of this amendatory Act of the 96th General Assembly, the
15 City of Springfield, Illinois, annexes territory within the
16 Chatham Area Public Library District, or any successor
17 thereto, for the development and construction of the proposed
18 Hunter Lake to serve as an additional water supply for the City
19 of Springfield and under subsection (a) that territory is
20 disconnected from the Chatham Area Public Library District,
21 then all remaining territory of the Chatham Area Public
22 Library District is nevertheless deemed contiguous for the
23 purposes of this Act. The remaining territory continues to be

1 a part of the Chatham Area Public Library District or any
2 successor thereto.

3 (b) A disconnection by operation of law under this Section
4 does not occur if, within 60 days after the annexation, the
5 public library district files with the appropriate circuit
6 court a petition alleging that the disconnection will cause
7 the territory remaining in the district to be noncontiguous or
8 that the loss of assessed valuation by reason of the
9 disconnection will impair the ability of the district to
10 render fully adequate library service to the territory
11 remaining in the district.

12 (c) When a petition is filed under subsection (b), the
13 court shall set it for hearing. At the hearing, the district
14 has the burden of proving the truth of the allegations in its
15 petition. In determining whether to grant the petition, the
16 court may consider at least the following factors:

17 (i) whether disconnection will cause the territory
18 remaining in the district to be noncontiguous;

19 (ii) whether the loss of assessed valuation by reason
20 of the disconnection will impair the ability of the
21 district to render fully adequate library service to the
22 territory remaining in the district;

23 (iii) the convenience of the residents of the annexed
24 territory and whether a plan exists enabling the residents
25 of the annexed territory to use either the public library
26 district facilities or the library facilities of the city,

1 village, or incorporated town to which the territory has
2 been annexed; and

3 (iv) whether the city, village, or incorporated town
4 has annexed any other territory within the district within
5 the preceding 2 years and the cumulative effect of those
6 annexations on the financial viability of the district.

7 The Court may consider comments by the Illinois State
8 Library, the annexing municipality and its public library, and
9 the library system or systems to which the affected libraries
10 belong. This does not create a right of intervention in these
11 parties.

12 (d) After the hearing, the Court may grant the relief it
13 deems appropriate, including, but not limited to, any of the
14 following: (i) denial of the disconnection; (ii) disconnection
15 of the territory from the public library district; (iii)
16 disconnection of the territory from the public library
17 district in parts over a specific period of time not to exceed
18 5 years; (iv) court approval of a voluntary agreement between
19 the parties that provides for the sharing of real estate tax
20 revenues from the annexed territory for a limited period of
21 time not to exceed 5 years unless extended by mutual agreement
22 of the parties; or (v) submission of the question of
23 disconnection of the territory to the electors of the annexed
24 territory at a referendum to be held at the next general
25 election in accordance with the general election law. The
26 proposition at such a referendum shall be in substantially the

1 following form:

2 Shall (describe annexed territory) be disconnected
3 from (name of public library district)?

4 If a referendum is held, the result of the election shall
5 be entered of record in the Court. If a majority of votes cast
6 upon the question in the annexed territory are for
7 disconnection of the annexed territory from the public library
8 district, the territory shall be disconnected from the public
9 library district.

10 (e) If there are any general obligation bonds of the
11 public library district outstanding and unpaid at the time the
12 territory is disconnected from the public library district by
13 operation of this Section, the disconnected territory shall
14 remain liable for its proportionate share of that bonded
15 indebtedness, and the public library district may continue to
16 levy and extend taxes upon the taxable property in the
17 territory for the purpose of amortizing the bonds until
18 sufficient funds to retire the bonds have been collected.

19 (f) The county clerk must extend taxes to pay the
20 principal of and interest on any general obligation bonds
21 issued to refund any bond described in subsection (e), as
22 provided in the bond ordinances on file in the office of the
23 county clerk, against all taxable property in the district,
24 including taxable property that was in the district on the
25 date that the bonds being refunded were issued; provided,
26 however, that (i) the net interest rate on the refunding bonds

1 may not exceed the net interest rate on the refunded bonds,
2 (ii) the final maturity date of the refunding bonds may not
3 extend beyond the final maturity date of the refunded bonds,
4 and (iii) the debt service payable on the refunding bonds in
5 any year may not exceed the debt service that would have been
6 payable on the refunded bonds in that year. This subsection is
7 inoperative after June 30, 2002.

8 (Source: P.A. 96-249, eff. 8-11-09.)