



Sen. Sue Rezin

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LRB102 11187 AWJ 24881 a

1 AMENDMENT TO SENATE BILL 1410

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1410 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Revenue Sharing Act is amended by  
5 changing Section 2 and by adding Section 13.2 as follows:

6 (30 ILCS 115/2) (from Ch. 85, par. 612)

7 Sec. 2. Allocation and Disbursement.

8 (a) As soon as may be after the first day of each month,  
9 the Department of Revenue shall allocate among the several  
10 municipalities and counties of this State the amount available  
11 in the Local Government Distributive Fund and in the Income  
12 Tax Surcharge Local Government Distributive Fund, determined  
13 as provided in Sections 1 and 1a above. Except as provided in  
14 Sections 13, ~~and 13.1,~~ and 13.2 of this Act, the Department  
15 shall then certify such allocations to the State Comptroller,  
16 who shall pay over to the several municipalities and counties

1 the respective amounts allocated to them. The amount of such  
2 Funds allocable to each such municipality and county shall be  
3 in proportion to the number of individual residents of such  
4 municipality or county to the total population of the State,  
5 determined in each case on the basis of the latest census of  
6 the State, municipality or county conducted by the Federal  
7 government and certified by the Secretary of State and for  
8 annexations to municipalities, the latest Federal, State or  
9 municipal census of the annexed area which has been certified  
10 by the Department of Revenue. Allocations to the City of  
11 Chicago under this Section are subject to Section 6 of the  
12 Hotel Operators' Occupation Tax Act. For the purpose of this  
13 Section, the number of individual residents of a county shall  
14 be reduced by the number of individuals residing therein in  
15 municipalities, but the number of individual residents of the  
16 State, county and municipality shall reflect the latest census  
17 of any of them. The amounts transferred into the Local  
18 Government Distributive Fund pursuant to Section 9 of the Use  
19 Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the  
20 Service Occupation Tax Act, and Section 3 of the Retailers'  
21 Occupation Tax Act, each as now or hereafter amended, pursuant  
22 to the amendments of such Sections by Public Act 85-1135,  
23 shall be distributed as provided in said Sections.

24 (b) It is the intent of the General Assembly that  
25 allocations made under this Section shall be made in a fair and  
26 equitable manner. Accordingly, the clerk of any municipality

1 to which territory has been annexed, or from which territory  
2 has been disconnected, shall notify the Department of Revenue  
3 in writing of that annexation or disconnection and shall (1)  
4 state the number of residents within the territory that was  
5 annexed or disconnected, based on the last census conducted by  
6 the federal, State, or municipal government and certified by  
7 the Illinois Secretary of State, and (2) furnish therewith a  
8 certified copy of the plat of annexation or, in the case of  
9 disconnection, the ordinance, final judgment, or resolution of  
10 disconnection together with an accurate depiction of the  
11 territory disconnected. The county in which the annexed or  
12 disconnected territory is located shall verify that the number  
13 of residents stated on the written notice that is to be sent to  
14 the Department of Revenue is true and accurate. The verified  
15 statement of the county shall accompany the written notice.  
16 However, if the county does not respond to the municipality's  
17 request for verification within 30 days, this verification  
18 requirement shall be waived. The written notice shall be  
19 provided to the Department of Revenue (1) within 30 days after  
20 the effective date of this amendatory Act of the 96th General  
21 Assembly for disconnections occurring after January 1, 2007  
22 and before the effective date of this amendatory Act of the  
23 96th General Assembly or (2) within 30 days after the  
24 annexation or disconnection for annexations or disconnections  
25 occurring on or after the effective date of this amendatory  
26 Act of the 96th General Assembly. For purposes of this

1 Section, a disconnection or annexation through court order is  
2 deemed to be effective 30 days after the entry of a final  
3 judgment order, unless stayed pending appeal. Thereafter, the  
4 monthly allocation made to the municipality and to any other  
5 municipality or county affected by the annexation or  
6 disconnection shall be adjusted in accordance with this  
7 Section to reflect the change in residency of the residents of  
8 the territory that was annexed or disconnected. The adjustment  
9 shall be made no later than 30 days after the Department of  
10 Revenue's receipt of the written notice of annexation or  
11 disconnection described in this Section.

12 (Source: P.A. 96-1040, eff. 7-14-10.)

13 (30 ILCS 115/13.2 new)

14 Sec. 13.2. Amounts due to a fire protection district. A  
15 fire protection district may notify the Department of Revenue  
16 of amounts due to a fire protection district under subsection  
17 (f) of Section 20 of the Fire Protection District Act. Once  
18 notice is received by the Department from a fire protection  
19 district, the Department shall remit such amounts, up to the  
20 allocation that would have been distributed to the  
21 municipality, to the fire protection district under subsection  
22 (f) of Section 20 of the Fire Protection District Act.

23 Section 10. The Fire Protection District Act is amended by  
24 changing Section 20 as follows:

1 (70 ILCS 705/20) (from Ch. 127 1/2, par. 38.3)

2 Sec. 20. Disconnection by operation of law.

3 (a) Any territory within a fire protection district that  
4 is or has been annexed to a city, village or incorporated town  
5 that provides fire protection for property within such city,  
6 village or incorporated town is, by operation of law,  
7 disconnected from the fire protection district as of the  
8 January first after such territory is annexed to the city,  
9 village or incorporated town, or in case any such territory  
10 has been so annexed prior to the effective date of this  
11 amendatory Act of 1965, as of January 1, 1966.

12 (b) The disconnection by operation of law does not occur  
13 if, within 60 days after such annexation or after the  
14 effective date of this amendatory Act of 1965, whichever is  
15 later, the fire protection district files with the appropriate  
16 court and with the County Clerk of each county in which the  
17 fire protection district is located, a petition alleging that  
18 such disconnection will cause the territory remaining in the  
19 district to be noncontiguous or that the loss of assessed  
20 valuation by reason of such disconnection will impair the  
21 ability of the district to render fully adequate fire  
22 protection service to the territory remaining with the  
23 district. When such a petition is filed, with the court and  
24 with the County Clerk of each county in which the fire  
25 protection district is located, the court shall set it for

1 hearing, and further proceedings shall be held, as provided in  
2 Section 15 of this Act, except that the city, village or  
3 incorporated town that annexed the territory shall be a  
4 necessary party to the proceedings, and it shall be served  
5 with summons in the manner for a party defendant under the  
6 Civil Practice Law. At such hearing, the district has the  
7 burden of proving the truth of the allegations in its  
8 petition.

9 (c) If disconnection does not occur, then the city,  
10 village or incorporated town in which part of a fire  
11 protection district's territory is located, is prohibited from  
12 levying the tax provided for by Section 11-7-1 of the  
13 "Illinois Municipal Code" in such fire protection district  
14 territory for services provided to the residents of such  
15 territory by the fire protection district.

16 (d) If there are any general obligation bonds of the fire  
17 protection district outstanding and unpaid at the time such  
18 territory is disconnected from the fire protection district by  
19 operation of this Section, such territory shall remain liable  
20 for its proportionate share of such bonded indebtedness and  
21 the fire protection district may continue to levy and extend  
22 taxes upon the taxable property in such territory for the  
23 purpose of amortizing such bonds until such time as sufficient  
24 funds to retire such bonds have been collected.

25 (e) On and after the effective date of this amendatory Act  
26 of the 91st General Assembly, when territory is disconnected

1 from a fire protection district under this Section, the  
2 annexing municipality shall pay, on or before December 31 of  
3 each year for a period of 5 years after the effective date of  
4 the disconnection, to the fire protection district from which  
5 the territory was disconnected, an amount as follows:

6 (1) In the first year after the disconnection, an  
7 amount equal to the real estate tax collected on the  
8 property in the disconnected territory by the fire  
9 protection district in the tax year immediately preceding  
10 the year in which the disconnection took effect.

11 (2) In the second year after the disconnection, an  
12 amount equal to 80% of the real estate tax collected on the  
13 property in the disconnected territory by the fire  
14 protection district in the tax year immediately preceding  
15 the year in which the disconnection took effect.

16 (3) In the third year after the disconnection, an  
17 amount equal to 60% of the real estate tax collected on the  
18 property in the disconnected territory by the fire  
19 protection district in the tax year immediately preceding  
20 the year in which the disconnection took effect.

21 (4) In the fourth year after the disconnection, an  
22 amount equal to 40% of the real estate tax collected on the  
23 property in the disconnected territory by the fire  
24 protection district in the tax year immediately preceding  
25 the year in which the disconnection took effect.

26 (5) In the fifth year after the disconnection, an

1 amount equal to 20% of the real estate tax collected on the  
2 property in the disconnected territory by the fire  
3 protection district in the tax year immediately preceding  
4 the year in which the disconnection took effect.

5 This subsection (e) applies to a fire protection district  
6 only if the corporate authorities of the district do not file a  
7 petition against the disconnection under subsection (b).

8 (f) A municipality which does not timely make the payments  
9 required in subsection (e) shall be subject to a reduction in  
10 its allocation from the Local Government Distributive Fund by  
11 the amount due to the fire protection district under  
12 subsection (e) and which amount shall be remitted to the fire  
13 protection district from the Local Government Distributive  
14 Fund upon notice by the fire protection district to the  
15 Department of Revenue that the required payment has not been  
16 made.

17 (Source: P.A. 91-307, eff. 1-1-00; 91-917, eff. 1-1-01.)".