



Sen. Sue Rezin

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10200SB1410sam002

LRB102 11187 AWJ 26225 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 Fire Protection District Act is amended by
5 changing Section 20 as follows:

6 (70 ILCS 705/20) (from Ch. 127 1/2, par. 38.3)

7 Sec. 20. Disconnection by operation of law.

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

1 (b) The disconnection by operation of law does not occur
2 if, within 60 days after such annexation or after the
3 effective date of this amendatory Act of 1965, whichever is
4 later, the fire protection district files with the appropriate
5 court and with the County Clerk of each county in which the
6 fire protection district is located, a petition alleging that
7 such disconnection will cause the territory remaining in the
8 district to be noncontiguous or that the loss of assessed
9 valuation by reason of such disconnection will impair the
10 ability of the district to render fully adequate fire
11 protection service to the territory remaining with the
12 district. When such a petition is filed, with the court and
13 with the County Clerk of each county in which the fire
14 protection district is located, the court shall set it for
15 hearing, and further proceedings shall be held, as provided in
16 Section 15 of this Act, except that the city, village or
17 incorporated town that annexed the territory shall be a
18 necessary party to the proceedings, and it shall be served
19 with summons in the manner for a party defendant under the
20 Civil Practice Law. At such hearing, the district has the
21 burden of proving the truth of the allegations in its
22 petition.

23 (c) If disconnection does not occur, then the city,
24 village or incorporated town in which part of a fire
25 protection district's territory is located, is prohibited from
26 levying the tax provided for by Section 11-7-1 of the

1 "Illinois Municipal Code" in such fire protection district
2 territory for services provided to the residents of such
3 territory by the fire protection district.

4 (d) If there are any general obligation bonds of the fire
5 protection district outstanding and unpaid at the time such
6 territory is disconnected from the fire protection district by
7 operation of this Section, such territory shall remain liable
8 for its proportionate share of such bonded indebtedness and
9 the fire protection district may continue to levy and extend
10 taxes upon the taxable property in such territory for the
11 purpose of amortizing such bonds until such time as sufficient
12 funds to retire such bonds have been collected.

13 (e) On and after the effective date of this amendatory Act
14 of the 91st General Assembly, when territory is disconnected
15 from a fire protection district under this Section, the
16 annexing municipality shall pay, on or before December 31 of
17 each year for a period of 5 years after the effective date of
18 the disconnection, to the fire protection district from which
19 the territory was disconnected, an amount as follows:

20 (1) In the first year after the disconnection, an
21 amount equal to the real estate tax collected on the
22 property in the disconnected territory by the fire
23 protection district in the tax year immediately preceding
24 the year in which the disconnection took effect.

25 (2) In the second year after the disconnection, an
26 amount equal to 80% of the real estate tax collected on the

1 property in the disconnected territory by the fire
2 protection district in the tax year immediately preceding
3 the year in which the disconnection took effect.

4 (3) In the third year after the disconnection, an
5 amount equal to 60% of the real estate tax collected on the
6 property in the disconnected territory by the fire
7 protection district in the tax year immediately preceding
8 the year in which the disconnection took effect.

9 (4) In the fourth year after the disconnection, an
10 amount equal to 40% of the real estate tax collected on the
11 property in the disconnected territory by the fire
12 protection district in the tax year immediately preceding
13 the year in which the disconnection took effect.

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

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

22 (f) A municipality which does not timely make the payment
23 required in subsection (e) and which refuses to make such
24 payment within 30 days following a written demand by the fire
25 protection district entitled to the payment or which causes a
26 fire protection district to incur an expense in order to

1 collect the amount to which it is entitled under subsection
2 (e) shall, in addition to the amount due under subsection (e),
3 be responsible to reimburse the fire protection district for
4 all costs incurred by the fire protection district in
5 collecting the amount due, including, but not limited to,
6 reasonable legal fees and court costs.

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