

1 AN ACT concerning libraries.

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 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 (b) A disconnection by operation of law under this  
14 Section does not occur if, within 60 days after the  
15 annexation, the public library district files with the  
16 appropriate circuit court a petition alleging that the  
17 disconnection will cause the territory remaining in the  
18 district to be noncontiguous or that the loss of assessed  
19 valuation by reason of the disconnection will impair the  
20 ability of the district to render fully adequate library  
21 service to the territory remaining in the district.

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

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

29 (ii) whether the loss of assessed valuation by  
30 reason of the disconnection will impair the ability of  
31 the district to render fully adequate library service to

1 the territory remaining in the district;

2 (iii) the convenience of the residents of the  
3 annexed territory and whether a plan exists enabling the  
4 residents of the annexed territory to use either the  
5 public library district facilities or the library  
6 facilities of the city, village, or incorporated town to  
7 which the territory has been annexed; and

8 (iv) whether the city, village, or incorporated  
9 town has annexed any other territory within the district  
10 within the preceding 2 years and the cumulative effect of  
11 those annexations on the financial viability of the  
12 district.

13 The Court may consider comments by the Illinois State  
14 Library, the annexing municipality and its public library,  
15 and the library system or systems to which the affected  
16 libraries belong. This does not create a right of  
17 intervention in these parties.

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

34 Shall (describe annexed territory) be disconnected

1 from (name of public library district)?

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

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

18 (f) The county clerk must extend taxes to pay the  
19 principal of and interest on any general obligation bonds  
20 issued to refund any bond described in subsection (e), as  
21 provided in the bond ordinances on file in the office of the  
22 county clerk, against all taxable property in the district,  
23 including taxable property that was in the district on the  
24 date that the bonds being refunded were issued; provided,  
25 however, that (i) the net interest rate on the refunding  
26 bonds may not exceed the net interest rate on the refunded  
27 bonds, (ii) the final maturity date of the refunding bonds  
28 may not extend beyond the final maturity date of the refunded  
29 bonds, and (iii) the debt service payable on the refunding  
30 bonds in any year may not exceed the debt service that would  
31 have been payable on the refunded bonds in that year. This  
32 subsection is inoperative after June 30, 2002.

33 (Source: P.A. 92-368, eff. 8-15-01.)