



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB0495

Introduced 2/16/2005, by Sen. Wendell E. Jones

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/6-19	from Ch. 46, par. 6-19
10 ILCS 5/28-1.5 new	
55 ILCS 5/1-3002	from Ch. 34, par. 1-3002
55 ILCS 5/1-4004	from Ch. 34, par. 1-4004
65 ILCS 5/2-2-3	from Ch. 24, par. 2-2-3
65 ILCS 5/2-2-8	from Ch. 24, par. 2-2-8
65 ILCS 5/2-3-6	from Ch. 24, par. 2-3-6
65 ILCS 5/5-5-1	from Ch. 24, par. 5-5-1
65 ILCS 5/11-66-3	from Ch. 24, par. 11-66-3
65 ILCS 5/11-112-1	from Ch. 24, par. 11-112-1
70 ILCS 705/1	from Ch. 127 1/2, par. 21
70 ILCS 705/3	from Ch. 127 1/2, par. 23
70 ILCS 2105/1	from Ch. 42, par. 383
70 ILCS 2305/26	from Ch. 42, par. 296.6
70 ILCS 2305/27	from Ch. 42, par. 296.7
70 ILCS 3305/2a	from Ch. 121, par. 356a
105 ILCS 5/32-1	from Ch. 122, par. 32-1
110 ILCS 805/3-5	from Ch. 122, par. 103-5

Amends the Election Code. Provides that referenda may be placed on the ballot only at the general primary election and the general election. Amends the Election Code, the Counties Code, the Illinois Municipal Code, the Fire Protection District Act, the River Conservancy District Act, the North Shore Sanitary District Act, the Street Light District Act, the Surface Water Protection District Act, the School Code, and the Public Community College Act. Requires that certain referenda be approved by a majority of the electors voting on the question.

LRB094 09964 JAM 40222 b

1 AN ACT concerning referenda.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section  
5 6-19 and adding Section 28-1.5 as follows:

6 (10 ILCS 5/6-19) (from Ch. 46, par. 6-19)

7 Sec. 6-19. The election officials canvassing returns shall  
8 cause a statement of the result of such election on the  
9 rejection of this Article 6 and Articles 14 and 18 of this Act  
10 to be certified to the court. If a majority of the electors  
11 voting on the question vote ~~total votes cast at such election~~  
12 ~~is~~ in the affirmative, the court shall enter an order declaring  
13 said Articles rejected and shall file a copy of the order in  
14 the office of the Secretary of State. Thereupon said Articles  
15 shall cease to be operative and binding in such city.

16 (Source: Laws 1965, p. 3481.)

17 (10 ILCS 5/28-1.5 new)

18 Sec. 28-1.5. Referenda; general primary and general  
19 elections. Notwithstanding any other law to the contrary,  
20 referenda may be placed on the ballot only at the general  
21 primary election and the general election.

22 Section 10. The Counties Code is amended by changing  
23 Sections 1-3002 and 1-4004 as follows:

24 (55 ILCS 5/1-3002) (from Ch. 34, par. 1-3002)

25 Sec. 1-3002. Election; effect. If it shall appear that a  
26 majority of the electors voting on the question ~~all the votes~~  
27 ~~east at such election~~, in each of the counties interested, is  
28 in favor of the erection of such new county, the county clerk  
29 of each of said counties shall certify the same to the

1 Secretary of State, stating in such certificate the name,  
2 territorial contents and boundaries of such new county;  
3 whereupon the Secretary of State shall notify the Governor of  
4 the result of such election, whose duty it shall be to order an  
5 election of county officers for such new county in accordance  
6 with the general election law for the election of county  
7 officers. At such election the qualified voters of said new  
8 county shall elect all county officers for said county, except  
9 as hereinafter excepted, who shall be commissioned and  
10 qualified in the same manner as such officers are in other  
11 counties in this State, and who shall continue in office until  
12 the next regular election for such officers, and until their  
13 successors are elected and qualified, and who shall have all  
14 the jurisdiction and perform all the duties which are or may be  
15 conferred upon such officers in other counties of this State.

16 (Source: P.A. 86-962.)

17 (55 ILCS 5/1-4004) (from Ch. 34, par. 1-4004)

18 Sec. 1-4004. Effect of vote. If a majority of the electors  
19 voting on the question, in each of the counties, is ~~votes~~  
20 ~~polled in each of such counties at such election shall be~~ in  
21 favor of said proposition, all that territory included within  
22 the established boundaries of the petitioning county, shall be  
23 united and annexed to the adjoining county, and such  
24 petitioning county, shall cease to have any separate existence  
25 as a county, but shall be merged into and form an integral part  
26 of such adjoining county, in fact and in name, at the time and  
27 in the manner hereinafter provided.

28 (Source: P.A. 86-962.)

29 Section 15. The Illinois Municipal Code is amended by  
30 changing Sections 2-2-3, 2-2-8, 2-3-6, 5-5-1, 11-66-3, and  
31 11-112-1 as follows:

32 (65 ILCS 5/2-2-3) (from Ch. 24, par. 2-2-3)

33 Sec. 2-2-3. The question shall be in substantially the

1 following form:

2 -----  
 3 Shall the city of.... YES  
 4 incorporate as a city under -----  
 5 the general law? NO  
 6 -----

7 The corporate authorities shall cause the result of the canvass  
 8 to be entered on the records of the city. If a majority of the  
 9 electors voting on the question ~~votes cast at the election~~  
 10 favor incorporation as a city under the general law, the city  
 11 is incorporated under this Code. Thereupon, the city officers  
 12 then in office shall exercise the powers conferred upon like  
 13 officers in this Code, until their successors are elected and  
 14 have qualified.

15 (Source: P.A. 81-1489.)

16 (65 ILCS 5/2-2-8) (from Ch. 24, par. 2-2-8)

17 Sec. 2-2-8. The proposition shall be in substantially the  
18 following form:

19 -----  
 20 Shall the territory (here describe YES  
 21 it) be incorporated as a city under -----  
 22 the general law? NO  
 23 -----

24 The result of the election shall be entered of record in  
 25 the court. If a majority of the electors voting on the  
 26 proposition ~~votes cast at the election~~ favor incorporation as a  
 27 city under the general law, the inhabitants of the territory  
 28 described in the petition are incorporated as a city under this  
 29 Code, with the name stated in the petition.

30 Appeals may be taken as in other civil cases.

31 (Source: P.A. 83-343.)

32 (65 ILCS 5/2-3-6) (from Ch. 24, par. 2-3-6)

33 Sec. 2-3-6. Upon the filing of such a petition with the  
34 circuit clerk, the court shall hear testimony and rule that the

1 area under consideration is or is not a village in fact. The  
 2 ruling of the court shall be entered of record in the court. If  
 3 the court rules that the area does not constitute a village in  
 4 fact, the petition to incorporate the area as a village is  
 5 denied and no subsequent petition concerning village  
 6 incorporation of any of the land described in the earlier  
 7 petition may be filed within one year. If the court rules that  
 8 the area does constitute a village in fact, such court shall  
 9 enter an order so finding and the proposition shall be  
 10 certified and submitted to the electors of such area in the  
 11 manner provided by the general election law. The proposition  
 12 shall be in substantially the following form:

13 -----  
 14 Shall the territory (here YES  
 15 describe it) be incorporated as -----  
 16 a village under the general law? NO  
 17 -----

18 The result of the election shall be entered of record in  
 19 the court. If a majority of the electors voting on the  
 20 proposition ~~votes cast at the election~~ favor incorporation as a  
 21 village under the general law the inhabitants of the territory  
 22 described in the petition are incorporated as a village under  
 23 this Code with the name stated in the petition.

24 (Source: P.A. 83-343.)

25 (65 ILCS 5/5-5-1) (from Ch. 24, par. 5-5-1)

26 Sec. 5-5-1. Petition for abandonment of managerial form;  
 27 referendum; succeeding elections of officers and aldermen or  
 28 trustees.

29 (a) A city or village that has operated for 4 years or more  
 30 under the managerial form of municipal government may abandon  
 31 that organization as provided in this Section. For the purposes  
 32 of this Article, the operation of the managerial form of  
 33 municipal government shall be deemed to begin on the date of  
 34 the appointment of the first manager in the city or village.  
 35 When a petition for abandonment signed by electors of the

1 municipality equal in number to at least 10% of the number of  
2 votes cast for candidates for mayor at the preceding general  
3 quadrennial municipal election is filed with the circuit court  
4 for the county in which that city or village is located, the  
5 court shall set a date not less than 10 nor more than 30 days  
6 thereafter for a hearing on the sufficiency of the petition.  
7 Notice of the filing of the petition and of the date of the  
8 hearing shall be given in writing to the city or village clerk  
9 and to the mayor or village president at least 7 days before  
10 the date of the hearing. If the petition is found sufficient,  
11 the court shall enter an order directing that the proposition  
12 be submitted at an election other than a primary election for  
13 the municipality. The clerk of the court shall certify the  
14 proposition to the proper election authorities for submission.  
15 The proposition shall be in substantially the following form:

16           Shall (name of city or village) retain the managerial  
17           form of municipal government?

18           (b) If the majority of the electors voting on the  
19 proposition vote in the affirmative ~~votes at the election are~~  
20 ~~"yes"~~, then the proposition to abandon is rejected and the  
21 municipality shall continue operating under this Article 5. If  
22 the majority of the electors voting on the proposition vote in  
23 the negative ~~of the votes are "no"~~, then the proposition to  
24 abandon operation under this Article 5 is approved.

25           (c) If the proposition for abandonment is approved, the  
26 city or village shall become subject to Article 3.1 or Article  
27 4, whichever Article was in force in the city or village  
28 immediately before the adoption of the plan authorized by this  
29 Article 5, upon the election and qualification of officers to  
30 be elected at the next succeeding general municipal election.  
31 Those officers shall be those prescribed by Article 3.1 or  
32 Article 4, as the case may be, but the change shall not in any  
33 manner or degree affect the property rights or liabilities of  
34 the city or village. The mayor, clerk, and treasurer and all  
35 other elected officers of a city or village in office at the  
36 time the proposition for abandonment is approved shall continue

1 in office until the expiration of the term for which they were  
2 elected.

3 (d) If a city or village operating under this Article 5 has  
4 aldermen or trustees elected from wards or districts and a  
5 proposition to abandon operation under this Article 5 is  
6 approved, then the officers to be elected at the next  
7 succeeding general municipal election shall be elected from the  
8 same wards or districts as exist immediately before the  
9 abandonment.

10 (e) If a city or village operating under this Article 5 has  
11 a council or village board elected from the municipality at  
12 large and a proposition to abandon operation under this Article  
13 5 is approved, then the first group of aldermen, board of  
14 trustees, or commissioners so elected shall be of the same  
15 number as was provided for in the municipality at the time of  
16 the adoption of a plan under this Article 5, with the same ward  
17 or district boundaries in cities or villages that immediately  
18 before the adoption of this Article 5 had wards or districts,  
19 unless the municipal boundaries have been changed. If there has  
20 been such a change, the council or village board shall so alter  
21 the former ward or district boundaries so as to conform as  
22 nearly as possible to the former division. If the plan  
23 authorized by this Article 5 is abandoned, the next general  
24 municipal election for officers shall be held at the time  
25 specified in Section 3.1-10-75 or 3.1-25-15 for that election.  
26 The aldermen or trustees elected at that election shall, if the  
27 city or village was operating under Article 3 at the time of  
28 adoption of this Article 5 and had at that time staggered 4  
29 year terms of office for the aldermen or trustees, choose by  
30 lot which shall serve initial 2 year terms as provided by  
31 Section 3.1-20-35 or 3.1-15-5, whichever may be applicable, in  
32 the case of election of those officers at the first election  
33 after a municipality is incorporated.

34 (f) The proposition to abandon the managerial form of  
35 municipal government shall not be submitted in any city or  
36 village oftener than once in 12 months.

1 (Source: P.A. 93-847, eff. 7-30-04.)

2 (65 ILCS 5/11-66-3) (from Ch. 24, par. 11-66-3)

3 Sec. 11-66-3. If a majority of the electors voting on the  
4 question ~~all votes cast at the election~~ are in favor of the tax  
5 levy for a municipal coliseum, the corporate authorities, in  
6 the next annual tax levy, shall include a tax not to exceed  
7 .25% of the value, as equalized or assessed by the Department  
8 of Revenue, on all the taxable property of the municipality for  
9 the establishment of a municipal coliseum in the municipality,  
10 and thereafter may annually levy a tax not to exceed .05% of  
11 the value, as equalized or assessed by the Department of  
12 Revenue, on all the taxable property of the municipality, for  
13 the maintenance thereof and for the payment for the use of any  
14 money loaned or advanced to the municipality for the purpose of  
15 buying a site and building the municipal coliseum, and for the  
16 repayment of any money so loaned or advanced. Payment for the  
17 use of money so loaned or advanced shall be in such form and  
18 manner as the board of directors may determine, and the amount  
19 so paid shall not exceed 5% annually on any money so loaned or  
20 advanced. The corporate authorities of such a municipality,  
21 when real estate owned by the municipality is not necessary for  
22 any other municipal purpose, may authorize the use of the real  
23 estate for the municipal coliseum.

24 The foregoing limitations upon tax rates may be increased  
25 or decreased according to the referendum provisions of the  
26 General Revenue Law of Illinois.

27 (Source: P.A. 86-1028.)

28 (65 ILCS 5/11-112-1) (from Ch. 24, par. 11-112-1)

29 Sec. 11-112-1. When a vote has been taken under "An Act to  
30 enable cities, villages and towns threatened with overflow or  
31 inundation to levy taxes by vote of the electors thereof, to  
32 strengthen, build, raise or repair the levees around same and  
33 to issue anticipation warrants on such taxes," approved June  
34 11, 1897, as amended, or when a vote is taken under this



1 Section and Section 11-112-2 at a general municipal election in  
2 a municipality that is protected by levees or embankments, or  
3 that may deem it necessary to be so protected, and a majority  
4 of the electors voting on the question ~~legal votes cast at the~~  
5 ~~election~~ were or are for a tax to build, raise, strengthen, or  
6 repair the levees around the municipality, not exceeding the  
7 rate of .1666% annually, to be levied annually for a period of  
8 not exceeding 7 years on the taxable property of the  
9 municipality, the corporate authorities of the municipality  
10 may (1) make an appropriation by ordinance of the proceeds of  
11 the tax so authorized, (2) pass an ordinance levying the tax  
12 for the whole period as authorized by the vote to be annually  
13 extended, and (3) draw tax anticipation warrants thereon to the  
14 amount that the tax levy will produce based on the assessment  
15 of the preceding year of all the taxable property of the  
16 municipality. These warrants shall draw interest at not to  
17 exceed the rate authorized by the vote authorizing the tax, not  
18 exceeding 7% annually, but the warrants shall not be sold below  
19 par.

20 The foregoing limitation upon tax rate may be increased or  
21 decreased according to the referendum provisions of the General  
22 Revenue Law of Illinois.

23 (Source: P.A. 76-845.)

24 Section 20. The Fire Protection District Act is amended by  
25 changing Sections 1 and 3 as follows:

26 (70 ILCS 705/1) (from Ch. 127 1/2, par. 21)

27 Sec. 1. It is hereby declared as a matter of legislative  
28 determination that in order to promote and protect the health,  
29 safety, welfare and convenience of the public, it is necessary  
30 in the public interest to provide for the creation of municipal  
31 corporations known as fire protection districts and to confer  
32 upon and vest in the fire protection districts all powers  
33 necessary or appropriate in order that they may engage in the  
34 acquisition, establishment, maintenance and operation of fire

1 stations, facilities, vehicles, apparatus and equipment for  
2 the prevention and control of fire therein and the underwater  
3 recovery of drowning victims, and provide as nearly adequate  
4 protection from fire for lives and property within the  
5 districts as possible and regulate the prevention and control  
6 of fire therein; and that the powers herein conferred upon such  
7 fire protection districts are public objects and governmental  
8 functions in the public interest.

9 Whenever any territory is (1) an area of contiguous  
10 territory in a county, or in more than one but in not more than  
11 5 counties; (2) so situated that the destruction by fire of the  
12 buildings and other property therein is hazardous to the lives  
13 and property of the public; (3) so situated that the  
14 acquisition, establishment, maintenance and operation of a  
15 fire station or stations, facilities, vehicles, apparatus and  
16 equipment for the prevention and control of fire therein will  
17 conduce to the promotion and protection of the health, safety,  
18 welfare and convenience of the public; (4) so situated that it  
19 does not divide any city, village or incorporated town, but, in  
20 the case of a city, village or incorporated town situated  
21 partly within and partly without one or more existing fire  
22 protection districts, such territory shall not be considered as  
23 dividing the city, village or incorporated town if it includes  
24 all of the city, village or incorporated town situated outside  
25 of any existing fire protection district; (5) so situated that  
26 such territory contains no territory included in any other fire  
27 protection district, or if any territory is disconnected in the  
28 manner provided in Section 16c of this Act, the same may be  
29 incorporated as a fire protection district. For the purpose of  
30 meeting the requirement of item (1) that the territory be  
31 contiguous, territory shall be considered to be contiguous if  
32 the only separation between parts of such territory is land  
33 owned by the United States, the State of Illinois, or any  
34 agency or instrumentality of either. In the case of territory  
35 disconnected from an existing district pursuant to Section 16c  
36 of this Act, such territory may be incorporated as provided in

1 that Section; otherwise such districts may be incorporated  
2 under this Act in the manner following:

3 Fifty or more of the legal voters resident within the  
4 limits of the proposed district, or a majority thereof if less  
5 than 100, may petition the circuit court for the county which  
6 contains all or the largest portion of the proposed district to  
7 cause the question to be submitted to the legal voters of the  
8 proposed district, whether the proposed territory shall be  
9 organized as a fire protection district under this Act; the  
10 petition shall be addressed to the court and shall contain a  
11 definite description of the boundaries of the territory to be  
12 embraced in the proposed district, and the name of the proposed  
13 district and shall allege facts in support of the organization  
14 and incorporation.

15 Upon filing a petition in the office of the circuit clerk  
16 of the county in which the petition is made, the court shall  
17 fix a time and place for a hearing upon the subject of the  
18 petition.

19 Notice shall be given by the court to which the petition is  
20 addressed, or by the circuit clerk or sheriff of the county in  
21 which the petition is made at the order and direction of the  
22 court, of the time and place of the hearing upon the subject of  
23 the petition at least 20 days prior thereto by one publication  
24 thereof in one or more daily or weekly papers published within  
25 the proposed fire protection district (or if no daily or weekly  
26 newspaper is published within such proposed fire protection  
27 district, then either by one publication thereof in any  
28 newspaper of general circulation within that territory or by  
29 posting at least 10 copies of the notice in the district at  
30 least 20 days before the hearing in conspicuous places as far  
31 separated from each other as consistently possible), and by  
32 mailing a copy of the notice to the mayor or president of the  
33 board of trustees of all cities, villages and incorporated  
34 towns in whole or in part within the proposed fire protection  
35 district.

36 At the hearing all persons residing in or owning property

1 situated in the proposed fire protection district shall have an  
 2 opportunity to be heard; and if the court finds that the  
 3 petition does not comply with the provisions of this Act or  
 4 that the allegations of the petition are not true, the court  
 5 shall dismiss the petition; but if the court finds that the  
 6 petition complies with the provisions of this Act and that the  
 7 allegations of the petition are true, the same shall be  
 8 incorporated in an order which shall be filed of record in the  
 9 court. Upon the entering of such order the court shall order  
 10 the submission to the legal voters of the proposed fire  
 11 protection district the question of organization and  
 12 establishment of the proposed fire protection district at an  
 13 election. The circuit clerk shall certify the question and the  
 14 order to the proper election officials who shall submit the  
 15 question at an election in accordance with the general election  
 16 law. The notice of the referendum shall specify the purpose of  
 17 such election with a description of the proposed district.

18 The question shall be in substantially the following form:

19 -----

20 For Fire Protection District.

21 -----

22 Against Fire Protection District.

23 -----

24 The court shall cause a written statement of the results of  
 25 such election to be filed of record in the court. If no city or  
 26 village or incorporated town nor any part thereof is included  
 27 in the territory proposed as a district and the majority of the  
 28 electors voting ~~votes cast at such election~~ upon the question  
 29 shall be in favor of the incorporation of the proposed fire  
 30 protection district, or if a city or village or incorporated  
 31 town or any part thereof is included in the territory proposed  
 32 as a district and a majority of the electors voting ~~votes cast~~  
 33 ~~at such election~~ upon the question, within the limits of each  
 34 city or village or incorporated town and also a majority of the  
 35 electors voting on the question ~~those cast~~ outside the limits  
 36 of each such city or village or incorporated town shall be in

1 favor of the proposed fire protection district, or if a city or  
2 village or incorporated town is included in the territory  
3 proposed as a district and a majority of the electors voting  
4 ~~votes cast at such election~~ upon the question within the limits  
5 of such city or village or incorporated town or in any other  
6 city or village or incorporated town which is included in the  
7 proposed territory shall be in favor of the proposed fire  
8 protection district, and even if a majority of the electors  
9 voting upon the question ~~votes cast~~ outside the limits of such  
10 city or cities or village or villages or incorporated town or  
11 towns, are not in favor of the proposed fire protection  
12 district, in each city or village or incorporated town in which  
13 a majority of the electors voting on the question are ~~casts a~~  
14 ~~majority of votes~~ in favor of the proposed district, the  
15 proposed district or portion of the proposed district in which  
16 a majority of the electors voting on the question ~~votes cast at~~  
17 ~~the election~~ are in favor of the proposition as provided in  
18 this amendatory Act of 1986 and this amendatory Act of the 94th  
19 General Assembly shall thenceforth be deemed an organized fire  
20 protection district under this Act, and the court shall enter  
21 an order accordingly and cause the same to be filed of record  
22 in the court and shall also cause to be sent to the county  
23 clerk of any and all other counties in which any portion of the  
24 district lies and the Office of the State Fire Marshal a  
25 certified copy of the order organizing the district and a plat  
26 of the same indicating what lands of the district lie in such  
27 other county or counties. The circuit clerk shall also file  
28 with the Office of the State Fire Marshal a certified copy of  
29 any other order organizing any other fire protection district  
30 which may have been theretofore organized in the county.

31 (Source: P.A. 85-1434.)

32 (70 ILCS 705/3) (from Ch. 127 1/2, par. 23)

33 Sec. 3. Additional contiguous territory having the  
34 qualifications set forth in Section 1 may be added to any fire  
35 protection district as provided for in this Act in the manner

1 following:

2 (a) One percent or more of the legal voters resident within  
3 the limits of the proposed addition to the fire protection  
4 district may petition the court of the county in which the  
5 original petition for the formation of the fire protection  
6 district was filed, to cause the question to be submitted to  
7 the legal voters of the proposed additional territory whether  
8 the proposed additional territory shall become a part of any  
9 contiguous fire protection district organized under this Act  
10 and whether the voters of the additional territory shall assume  
11 a proportionate share of the bonded indebtedness of the  
12 district. The petition shall be addressed to the court and  
13 shall contain a definite description of the boundaries of the  
14 territory to be embraced in the proposed addition and shall  
15 allege facts in support of such addition.

16 Upon filing the petition in the office of the circuit clerk  
17 of the county in which the original petition for the formation  
18 of the fire protection district was filed, it shall be the duty  
19 of the court to fix a time and place of a hearing upon the  
20 subject of the petition.

21 Notice shall be given by the court, or by the circuit clerk  
22 or sheriff upon order of the court of the county in which the  
23 petition is filed, of the time and place of a hearing upon the  
24 petition in the manner as provided in Section 1. The conduct of  
25 the hearing on the question whether the proposed additional  
26 territory shall become a part of the fire protection district  
27 shall be carried out in the manner described in Section 1, as  
28 nearly as may be. The question shall be in substantially the  
29 following form:

30 -----

31 For joining the.... Fire  
32 Protection District and assuming a  
33 proportionate share of bonded  
34 indebtedness, if any.

35 -----

36 Against joining the.... Fire

1 Protection District and assuming a  
 2 proportionate share of bonded  
 3 indebtedness, if any.

4 -----

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

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

26 When such a petition is filed with the trustees, they shall  
 27 immediately pass a resolution to accept or reject the territory  
 28 proposed to be attached. If the trustees resolve in favor of  
 29 accepting the territory, they shall file with the court of the  
 30 county where the fire protection district was organized the  
 31 original petition and a certified copy of the resolution, and  
 32 the court shall then enter an order stating that the proposed  
 33 annexed territory shall be deemed an integral part of that fire  
 34 protection district and subject to all of the benefits of  
 35 service and responsibilities of the district. The circuit clerk  
 36 shall transmit a certified copy of the order to the county

1 clerk of each county in which any of the territory affected is  
2 situated and to the State Fire Marshal.

3 (c) Upon the annexation of territory by a district, the  
4 boundary shall extend to the far side of any adjacent highway  
5 and shall include all of every highway within the area annexed.  
6 These highways shall be considered to be annexed even though  
7 not included in the legal description set forth in the petition  
8 for annexation.

9 (Source: P.A. 85-556; 86-1191.)

10 Section 25. The River Conservancy Districts Act is amended  
11 by changing Section 1 as follows:

12 (70 ILCS 2105/1) (from Ch. 42, par. 383)

13 Sec. 1. Whenever the unified control of a lake or of a  
14 river system or a portion thereof shall be deemed conducive to  
15 the prevention of stream pollution development, conservation  
16 and protection of water supply, preservation of water levels,  
17 control or prevention of floods, reclamation of wet and  
18 overflowed lands, development of irrigation, conservation of  
19 soil, provision of domestic, industrial or public water  
20 supplies, collection and disposal of sewage and other public  
21 liquid wastes, provision of forests, wildlife areas, parks and  
22 recreational facilities, and to the promotion of the public  
23 health, comfort and convenience the same may be organized as a  
24 conservancy district under this Act in the manner following:

25 One per cent or more of the legal voters resident within  
26 the limits of such proposed district, and, with respect to  
27 petitions filed on or after the effective date of this  
28 amendatory Act of 1990, one percent of the legal voters  
29 resident in each county in which the proposed district is  
30 situated, may petition the circuit court for the county which  
31 contains all or the largest portion of the proposed district to  
32 cause the question to be submitted to the legal voters of such  
33 proposed district, whether such proposed territory shall be  
34 organized as a conservancy district under this Act, which



1 petition shall be addressed to the court and shall contain a  
2 general description of the boundaries of the territory to be  
3 embraced in the proposed district and the name of such proposed  
4 district. The description need not be given by metes and bounds  
5 or by legal subdivisions, but it shall be sufficient if a  
6 generally accurate description is given of the territory to be  
7 organized as a district. Such territory need not be contiguous,  
8 provided that it be so situated that the public health, safety,  
9 convenience or welfare will be promoted by the organization as  
10 a single district of the territory described.

11 Upon filing such petition in the office of the circuit  
12 clerk of the county in which such petition is filed as  
13 aforesaid it shall be the duty of the court to consider the  
14 boundaries of any such proposed conservancy district, whether  
15 the same shall be those stated in the petition or otherwise.  
16 The decision of the court is appealable as in other civil  
17 cases.

18 The court shall by order fix a time and place for a hearing  
19 on the petition not less than 60 days after the date of such  
20 order. Notice shall be given by the court to whom the petition  
21 is addressed of the time and place where such commissioners  
22 shall meet for such hearing by a publication inserted once in  
23 one or more daily or weekly papers published within the  
24 proposed conservancy district, or if no daily or weekly  
25 newspaper is published within such proposed conservancy  
26 district, then by posting such notice, at least 10 copies, in  
27 such proposed district at least 20 days before such meeting, in  
28 conspicuous public places as far separated from each other as  
29 consistently possible.

30 At such hearing all persons in such proposed conservancy  
31 district shall have an opportunity to be heard, touching upon  
32 the location and boundaries of such proposed district and to  
33 make suggestions regarding the same, and the court, after  
34 hearing statements, evidence and suggestions, shall fix and  
35 determine the limits and boundaries of such proposed district,  
36 and for that purpose and to that extent, may alter and amend

1 such petition. After such determination by the court, the same  
 2 shall be incorporated in an order which shall be entered of  
 3 record in the circuit court or courts of the counties situate  
 4 in the proposed district and the court shall also by the order  
 5 provide for the holding of a referendum as herein provided.

6 Upon the entering of such order the court shall certify the  
 7 question of organization and establishment of the proposed  
 8 conservancy district as determined by the court to the proper  
 9 election officials who shall submit the question at an election  
 10 in accordance with the general election law. In addition to the  
 11 requirements of the general election law, notice of the  
 12 referendum shall specify the purpose of the referendum and  
 13 contain a description of such proposed district. The clerk of  
 14 the court shall send notice of the referendum to the county  
 15 board of each county in which the proposed district is  
 16 situated.

17 Each legal voter resident within such proposed conservancy  
 18 district shall have the right to cast a ballot at such  
 19 election. The question shall be in substantially the following  
 20 form:

21 -----  
 22 Shall a Conservancy District  
 23 be organized, with authority to levy  
 24 an annual tax at a maximum rate of YES  
 25 ... % (maximum rate authorized under  
 26 Section 17 of the River Conservancy -----  
 27 Districts Act) of the value of all  
 28 taxable property within the limits of NO  
 29 the District as equalized or assessed  
 30 by the Department of Revenue?  
 31 -----

32 The ballots cast on the question in each county shall be  
 33 returned and canvassed by the county clerk of the county in  
 34 which the same are cast and such county clerks respectively  
 35 shall file with the county clerk of the county, in which the  
 36 petition is filed, a true copy of the return and canvass of the

1 votes cast in each of said counties and thereupon the county  
2 clerk of the county in which such petition is filed shall  
3 canvass the entire vote cast in the election from the returns  
4 furnished by such respective county clerks and shall ascertain  
5 the result of such referendum and certify the same to the  
6 court. The court shall cause a statement of the results of such  
7 referendum to be entered of record in the court. If a majority  
8 of the electors voting ~~votes cast at such election~~ upon the  
9 question shall be in favor of the organization of the proposed  
10 conservancy district such proposed district shall thenceforth  
11 be deemed an organized conservancy district under this Act and  
12 a municipal corporation with the powers and duties herein  
13 conferred and bearing the name set forth in the petition.

14 (Source: P.A. 86-1307.)

15 Section 30. The North Shore Sanitary District Act is  
16 amended by changing Sections 26 and 27 as follows:

17 (70 ILCS 2305/26) (from Ch. 42, par. 296.6)

18 Sec. 26. Additional contiguous territory may be added to  
19 any sanitary district organized under this Act in the manner  
20 following:

21 Ten per cent or more of the legal voters resident within  
22 the limits of such proposed addition to such sanitary district  
23 may petition the circuit court for the county in which such  
24 sanitary district is located to cause the question to be  
25 submitted to the legal voters of such proposed additional  
26 territory whether such proposed additional territory shall  
27 become a part of any contiguous sanitary district organized  
28 under this Act and whether such additional territory and the  
29 taxpayers thereof shall assume a proportionate share of the  
30 bonded indebtedness, if any, of such sanitary district. Such  
31 petition shall be addressed to the court and shall contain a  
32 definite description of the boundaries of the territory sought  
33 to be added. Provided that no territory disqualified in Section  
34 1 of this Act shall be included.

1           Upon filing such petition in the office of the circuit  
 2 clerk of the county in which such sanitary district is located  
 3 it shall be the duty of the court to consider the boundaries of  
 4 such proposed additional territory, whether the same shall be  
 5 those stated in the petition or otherwise. The decision of the  
 6 court shall be a final order and appealable as in other civil  
 7 cases.

8           Notice shall be given by the court of the time and place  
 9 when and where all persons interested will be heard  
 10 substantially as provided in and by Section 1 of this Act. The  
 11 court shall certify its order and the proposition to the proper  
 12 election officials who shall submit the proposition at an  
 13 election in accordance with the general election law. The  
 14 proposition shall be in substantially the following form:

15 -----

16 For joining sanitary district and  
 17 assuming a proportionate share  
 18 of bonded indebtedness, if any.

19 -----

20 Against joining sanitary district  
 21 and assuming a proportionate  
 22 share of bonded indebtedness,  
 23 if any.

24 -----

25 If a majority of the electors voting on the question ~~votes cast~~  
 26 ~~at such election~~ shall be in favor of becoming a part of such  
 27 sanitary district and if the trustees of such sanitary district  
 28 accept the proposed additional territory by ordinance annexing  
 29 the same, the court shall enter an appropriate order of record  
 30 in the court, and such additional territory shall thenceforth  
 31 be deemed an integral part of such sanitary district. Any such  
 32 additional contiguous territory may be annexed to such sanitary  
 33 district upon petition addressed to such court, signed by a  
 34 majority of the owners of lands constituting such territory  
 35 who, in the case of natural persons, shall have arrived at  
 36 lawful age and who represent a majority in area of such

1 territory, which said petition shall contain a definite  
2 description of the boundaries of such territory and shall set  
3 forth the willingness of the petitioners that such territory  
4 and the taxpayers thereof assume a proportionate share of the  
5 bonded indebtedness, if any, of such sanitary district. Upon  
6 the filing of such petition and notice of and hearing and  
7 decision upon the same by the aforesaid commissioners, all as  
8 hereinbefore provided, such commissioners or a majority of  
9 them, shall enter an order containing their findings and  
10 decision as to the boundaries of the territory to be annexed;  
11 and thereupon, if the trustees of such sanitary district shall  
12 pass an ordinance annexing the territory described in such  
13 order to said sanitary district, the court shall enter an  
14 appropriate order as hereinabove provided, and such additional  
15 territory shall thenceforth be deemed an integral part of such  
16 sanitary district.

17 (Source: P.A. 83-343.)

18 (70 ILCS 2305/27) (from Ch. 42, par. 296.7)

19 Sec. 27. Any contiguous territory located within the  
20 boundaries of any sanitary district organized under this Act,  
21 and upon the border of such district, may become disconnected  
22 from such district in the manner following, to wit: 10% or more  
23 of the legal voters resident in the territory sought to be  
24 disconnected from such district, may petition the circuit court  
25 for the county in which such sanitary district is located to  
26 cause the question of whether such territory shall be  
27 disconnected to be submitted to the legal voters of such  
28 territory. Such petition shall be addressed to the court and  
29 shall contain a definite description of the boundaries of such  
30 territory and recite as a fact, that there is no outstanding  
31 bonded indebtedness of such sanitary district which was  
32 incurred or assumed while such territory was a part of such  
33 sanitary district and that no special assessments for local  
34 improvements were levied upon or assessed against any of the  
35 lands within such territory or, if so levied or assessed, that

1 all of such assessments have been fully paid and discharged and  
 2 that such territory is not, at the time of the filing of such  
 3 petition, and will not be, either benefited or served by any  
 4 work or improvements either then existing or then authorized by  
 5 said sanitary district. Upon filing such petition in the office  
 6 of the circuit clerk of the county in which such sanitary  
 7 district is located it shall be the duty of the court to  
 8 consider the boundaries of such territory and the facts upon  
 9 which the petition is founded. The court may alter the  
 10 boundaries of such territory and shall deny the prayer of the  
 11 petition, if the material allegations therein contained are not  
 12 founded in fact; a decision of said commissioners or a majority  
 13 of them shall be conclusive and not subject to review.

14 Notice shall be given by the court of the time and place  
 15 when and where all persons interested will be heard  
 16 substantially as provided in and by Section 1 of this Act. The  
 17 court shall certify its order and the question to the proper  
 18 election officials who shall submit the question at an election  
 19 in accordance with the general election law. The proposition  
 20 shall be in substantially the following form:

21 -----

22 For disconnection from  
 23 sanitary district.

24 -----

25 Against disconnection from  
 26 sanitary district.

27 -----

28 If a majority of the electors voting on the proposition ~~votes~~  
 29 ~~cast at such election~~ shall be in favor of disconnection, and  
 30 if the trustees of such sanitary district shall, by ordinance,  
 31 disconnect such territory, thereupon the court shall enter an  
 32 appropriate order of record in the court and thereafter such  
 33 territory shall thenceforth be deemed disconnected from such  
 34 sanitary district.

35 (Source: P.A. 83-343.)

1 Section 35. The Street Light District Act is amended by  
2 changing Section 2a as follows:

3 (70 ILCS 3305/2a) (from Ch. 121, par. 356a)

4 Sec. 2a. Additional territory having the qualifications  
5 set forth in Section 1 may be added to any street lighting  
6 district as provided for in this Act in the manner following:

7 Fifty or more of the legal voters resident within the  
8 limits of such proposed addition to such street lighting  
9 district may petition the circuit court of the county in which  
10 the original petition for the formation of said street lighting  
11 district was filed, to cause the question to be submitted to  
12 the legal voters of such proposed additional territory whether  
13 such proposed additional territory shall become a part of any  
14 street lighting district organized under this Act and whether  
15 the voters of the additional territory shall assume a  
16 proportionate share of the bonded indebtedness of such  
17 district. The petition shall be addressed to the court and  
18 shall contain a definite description of the boundaries of the  
19 territory to be embraced in the proposed addition and shall  
20 allege facts in support of the addition.

21 Upon filing the petition in the office of the circuit clerk  
22 of the county in which the original petition for the formation  
23 of such street lighting district was filed, it shall be the  
24 duty of the court to fix a time and place of a hearing upon the  
25 subject of said petition.

26 Notice shall be given by the circuit court, or by the  
27 circuit clerk or sheriff upon order of the circuit court of the  
28 county in which such petition is filed, of the time and place  
29 of a hearing upon the petition in the manner as provided in  
30 Section 1. The conduct of the hearing and the manner of  
31 conducting a subsequent referendum on the question whether the  
32 proposed additional territory shall become a part of the street  
33 lighting district, shall be carried out in the manner described  
34 in Section 1, as nearly as may be, and in accordance with the  
35 general election law but the question shall be in substantially

1 the following form, to-wit:

2 -----

3 For joining the.... Street  
4 Lighting District and assuming a  
5 proportionate share of bonded  
6 indebtedness, if any.

7 -----

8 Against joining the.... Street  
9 Lighting District and assuming a  
10 proportionate share of bonded  
11 indebtedness, if any.

12 -----

13 If a majority of the electors voting ~~votes cast at the~~  
14 ~~election~~ upon the question of becoming a part of any street  
15 lighting district shall be in favor of becoming a part of such  
16 street lighting district and if the trustees of said street  
17 lighting district accept the proposed additional territory by  
18 resolution, such proposed additional territory shall  
19 thenceforth be deemed an integral part of such street lighting  
20 district and shall be subject to all the benefits of service  
21 and responsibilities of said district as herein set forth.

22 The owner or owners of any tract or tracts of land not  
23 included in a street lighting district, may file a written  
24 petition, addressed to the trustees of the street lighting  
25 district to which they seek to have their tract or tracts of  
26 land attached, containing a definite description of the  
27 boundaries of the territory and a statement that they desire  
28 that their property become a part of the street lighting  
29 district to which their petition is addressed, and that they  
30 are willing that their property assume a proportionate share of  
31 the bonded indebtedness, if any, of such street lighting  
32 district.

33 When such a petition is filed with the trustees, they shall  
34 immediately pass a resolution to accept or reject the territory  
35 proposed to be attached. If the trustees resolve in favor of  
36 accepting such territory, they shall file with the court of the



1 county where the street lighting district was organized the  
2 original petition and a certified copy of the resolution and  
3 the circuit clerk shall then enter an order stating that such  
4 proposed annexed territory shall thenceforth be deemed an  
5 integral part of such street lighting district and subject to  
6 all of the benefits of service and responsibilities of the  
7 district. The circuit clerk shall transmit a certified copy of  
8 the order to the county clerk of each county in which any of  
9 the territory affected is situated.

10 (Source: P.A. 81-1489.)

11 Section 40. The School Code is amended by changing Section  
12 32-1 as follows:

13 (105 ILCS 5/32-1) (from Ch. 122, par. 32-1)

14 Sec. 32-1. May vote to organize under general law.

15 (a) Any special charter district may, by vote of its  
16 electors, cease to control its school under the Act under which  
17 it was organized, and become part of the school township or  
18 townships in which it is situated. Upon petition of 50 voters  
19 of the district, presented to the board having the control and  
20 management of the schools, the board shall order submitted to  
21 the voters at an election to be held in the district, in  
22 accordance with the general election law, the question of  
23 "organizing under the general school law". The secretary of the  
24 board shall make certification to the proper election authority  
25 in accordance with the general election law. If, however, a  
26 majority of the electors ~~votes cast at any such election~~ in any  
27 school district subject to Sections 32-3 through 32-4.11 voting  
28 on the question are ~~is~~ against organizing the district under  
29 the general school law, the question may not again be submitted  
30 in the district for 22 months thereafter, and then only upon  
31 petition signed by at least 2% of the voters of the school  
32 district. Notice shall be given in accordance with the general  
33 election law, which notice shall be in the following form:

34 NOTICE OF REFERENDUM

1 Notice is hereby given that on (insert date), a referendum  
2 will be held at.... for the purpose of deciding the question of  
3 organizing under the general school law. The polls will be  
4 opened at .... o'clock ..m and closed at .... o'clock ..m.

5 Signed .....

6 If a majority of the electors voting ~~votes cast~~ on the  
7 proposition is in favor of organizing under the general school  
8 law, then the board having the control and management of  
9 schools in the district, shall declare the proposition carried.

10 When such a proposition is declared to have so carried, the  
11 board of education shall continue to exercise its powers and  
12 duties under the general school law. Each member of the board  
13 of education selected under the provisions of the special  
14 charter shall continue in office until his term has expired.  
15 Before the term of each of these members expires, the board  
16 shall give notice of an election to be held on the date of the  
17 next regular school election, in accordance with the general  
18 election law to fill the vacancy which is created. Nomination  
19 papers filed under this Section are not valid unless the  
20 candidate named therein files with the secretary of the board  
21 of education a receipt from the county clerk showing that the  
22 candidate has filed a statement of economic interests as  
23 required by the Illinois Governmental Ethics Act. Such receipt  
24 shall be so filed either previously during the calendar year in  
25 which his nomination papers were filed or within the period for  
26 the filing of nomination papers in accordance with the general  
27 election law.

28 (b) Notwithstanding the foregoing, any special charter  
29 district whose board is appointed by the mayor or other  
30 corporate authority of that municipality may, by resolution  
31 adopted by the corporate authorities of that municipality cease  
32 to control its school under the Act under which it was  
33 organized, become a part of the school township or townships in  
34 which it is situated and become organized under the general  
35 school law. If such a resolution is adopted, the board of

1 education shall continue to exercise its powers and duties  
2 under the general school law. Each member of the board of  
3 education selected under the provisions of the special charter  
4 shall continue in office until his term has expired. Before the  
5 term of each of these members expires, the board shall give  
6 notice of an election to be held on the date of the next  
7 regular school election, in accordance with the general  
8 election law to fill the vacancy which is created.

9 (Source: P.A. 91-357, eff. 7-29-99.)

10 Section 45. The Public Community College Act is amended by  
11 changing Section 3-5 as follows:

12 (110 ILCS 805/3-5) (from Ch. 122, par. 103-5)

13 Sec. 3-5. The proposition shall be in substantially the  
14 following form:

15 FOR the establishment of a community college district with  
16 authority to levy taxes at the rate of.... per cent for  
17 educational purposes, and.... per cent for operations and  
18 maintenance of facilities purposes.

19 AGAINST the establishment of a community college district  
20 with authority to levy taxes at the rate of.... per cent for  
21 educational purposes, and.... per cent for operations and  
22 maintenance of facilities purposes.

23 In order for the proposition to be approved, a majority of  
24 the electors voting on the proposition ~~votes cast in the~~  
25 ~~territory at the election~~ must be in favor of the proposition  
26 of establishing a community college district; provided,  
27 however, that if the territory described in the petition  
28 includes one or more community college districts, the  
29 proposition has not received a majority of the votes cast on  
30 the proposition unless it also receives a majority of the votes  
31 cast on the proposition within the territory included within  
32 each such district, the count to be taken separately within  
33 such districts.

34 (Source: P.A. 85-1335.)