

# HB0771



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0771

Introduced 2/9/2009, by Rep. Rich Brauer

#### SYNOPSIS AS INTRODUCED:

75 ILCS 16/15-85

Amends the Public Library District Act of 1991. If the City of Springfield annexes territory within the Chatham Area Public Library District for the proposed Hunter Lake and the territory is automatically disconnected from the Chatham Area Public Library District, then all remaining territory of the Chatham Area Public Library District is nevertheless deemed contiguous. Provides that the remaining territory continues to be a part of the Chatham Area Public Library District. Effective immediately.

LRB096 03534 RLJ 13559 b

FISCAL NOTE ACT  
MAY APPLY

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 is  
9 or has been annexed to a municipality (where that municipality  
10 maintains a public library) is, by operation of law,  
11 disconnected from the public library district as of the January  
12 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 thereto,  
17 for the development and construction of the proposed Hunter  
18 Lake to serve as an additional water supply for the City of  
19 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 Library  
22 District is nevertheless deemed contiguous for the purposes of  
23 this Act. The remaining territory continues to be a part of the

1 Chatham Area Public Library District or any successor thereto.

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

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

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

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

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

1           been annexed; and

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

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

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

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

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

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

18          (f) The county clerk must extend taxes to pay the principal  
19          of and interest on any general obligation bonds issued to  
20          refund any bond described in subsection (e), as provided in the  
21          bond ordinances on file in the office of the county clerk,  
22          against all taxable property in the district, including taxable  
23          property that was in the district on the date that the bonds  
24          being refunded were issued; provided, however, that (i) the net  
25          interest rate on the refunding bonds may not exceed the net  
26          interest rate on the refunded bonds, (ii) the final maturity

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

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

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.