



Sen. Christine Radogno

Filed: 5/12/2011

09700SB1410sam002

LRB097 06919 KMW 55563 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 Illinois Municipal Code is amended by
5 changing Section 7-1-46 as follows:

6 (65 ILCS 5/7-1-46) (from Ch. 24, par. 7-1-46)

7 Sec. 7-1-46. Limitation; contesting annexation.

8 (a) Neither the People of the State of Illinois nor any
9 person, firm or corporation, public or private, nor any
10 association of persons shall commence an action contesting
11 either directly or indirectly the annexation of any territory
12 to a municipality unless initiated within one year after the
13 date such annexation becomes final or within one year of the
14 effective date of this amendatory Act of 1965 whichever date
15 occurs latest. This amendatory Act of 1965 shall apply to
16 annexations made prior to the effective date of the Act as well

1 as those made on or after the effective date. Where a
2 limitation of a shorter period is prescribed by statute such
3 shorter limitation applies. The limitation set forth in this
4 section shall apply to any annexation, even where the judge,
5 body or officer annexing the territory did not at the time of
6 such annexation have jurisdiction of the subject matter, and
7 irrespective of whether such annexation may otherwise be
8 defective or void, except that the limitation of this
9 subsection (a) ~~Section~~ shall not apply to annexations of
10 territory which was not contiguous at the time of annexation
11 and is not contiguous at the time an action is brought to
12 contest such annexation notwithstanding any other subsection
13 of this Section.

14 (b) If an action contesting an annexation claims that the
15 territory is not contiguous to the annexing municipality and
16 if: (i) that municipality is located in more than one county
17 with a population of more than 3,000,000 or in a county
18 contiguous to a county with a population of more than
19 3,000,000; and (ii) the action is initiated more than one year
20 after the date the annexation becomes final, then the action
21 shall not be permitted if the annexing municipality is
22 providing, or has started construction to provide, sewer,
23 water, or other utility service to the territory and the action
24 fails to include at the time of the filing of the action
25 written acknowledgement and consent of a majority of the owners
26 of, and a majority of the electors within, the annexed

1 territory. If a unit of government is contesting an annexation
2 as provided in this subsection (b), the annexation shall be
3 sustained unless the unit of government demonstrates that the
4 annexation has, or will have, a detrimental impact on the
5 orderly growth of the unit of government.

6 (Source: P.A. 82-211.)

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