

1 AMENDMENT TO SENATE BILL 284

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 284 on page 1,  
3 line 4, after "by", by inserting "adding Section 7-31 and";  
4 and

5 on page 1, immediately below line 5, by inserting the  
6 following:

7 "(105 ILCS 5/7-31 new)

8 Sec. 7-31. Annexation of contiguous portion of  
9 elementary or high school district.

10 (a) Notwithstanding any other provision of this Code,  
11 any contiguous portion of an elementary school district must  
12 be detached from that district and annexed to an adjoining  
13 elementary school district to which the portion is also  
14 contiguous and any contiguous portion of a high school  
15 district must be detached from that district and annexed to  
16 an adjoining school district to which the portion is also  
17 contiguous (herein referred to as "the Territory") upon a  
18 petition or petitions filed under this Section if all of the  
19 following conditions are met with respect to each petition:

20 (1) The Territory is to be detached from a school  
21 district that is located predominantly (meaning more than  
22 50% of the district's area) in a county of not less

1 than 2,000,000 and is to be annexed into a school  
2 district located overwhelmingly (meaning more than 75% of  
3 its area) in a county of not less than 750,000 and not  
4 more than 1,500,000, and, on the effective date of this  
5 amendatory Act of the 92nd General Assembly, the  
6 Territory consists of not more than 500 acres of which  
7 not more than 325 acres is vacant land and of which not  
8 more than 175 acres is either platted for or improved  
9 with residences and is located predominately (meaning  
10 more than 50% of its area) within one municipality that  
11 is (i) located predominantly (meaning more than 50% of  
12 the area of the municipality) outside the elementary or  
13 high school district from which the Territory is to be  
14 detached and (ii) located partly or wholly within the  
15 territorial boundaries of the adjoining elementary or  
16 high school district to which the Territory is to be  
17 annexed. Conclusive proof of the boundaries of each  
18 school district and each municipality is a document or  
19 documents setting forth the boundaries and certified by  
20 the county clerk of each county as being a correct copy  
21 of records on file with the county clerk as of a date not  
22 more than 60 days before the filing of a petition under  
23 this Section. If the records of the 2 county clerks show  
24 boundaries as of different dates, those records are  
25 deemed contemporaneous for purposes of this Section.

26 (2) The equalized assessed valuation of the taxable  
27 property of the Territory constitutes less than 5% of  
28 the equalized assessed valuation of the taxable property  
29 of the school district from which it is be detached.  
30 Conclusive proof of the equalized assessed valuation of  
31 each district is a document or documents stating the  
32 equalized assessed valuation and certified, by the county  
33 clerk of a county of not less than 2,000,000 and by the  
34 county or township assessor in a county of not less than

1 750,000 and not more than 1,500,000, as correct by the  
2 certifying office as of a date not more than 60 days  
3 before the filing of a petition under this Section. If  
4 the records from the 2 counties show equalized assessed  
5 valuation as of different dates, those records are deemed  
6 contemporaneous for purposes of this Section.

7 (3) The Territory is predominately (meaning more  
8 than 50% of its area) within a municipality that is  
9 predominantly (meaning more than 50% of the area of the  
10 municipality) within a county of not less than 750,000  
11 and not more than 1,500,000. Conclusive proof of  
12 boundaries of the municipality is a document or  
13 documents setting forth the boundaries and certified by  
14 the county clerk of the county as correct as of a date  
15 not more than 60 days before the filing of a petition  
16 under this Section.

17 (4) The Territory, as of a date not more than 60  
18 days before the filing of a petition, has not been  
19 developed with structures for commercial, office, or  
20 industrial uses, except for temporary buildings or  
21 structures constructed pursuant to a permit or permits by  
22 the applicable permitting authority for an initial term  
23 of not more than 15 years. Conclusive proof of the  
24 development of the land is a notarized statement, as of a  
25 date not more than 60 days before the filing of a  
26 petition under this Section, by a specially qualified  
27 professional land surveyor licensed by the State of  
28 Illinois. In this Section, "specially qualified  
29 professional land surveyor" means a professional land  
30 surveyor whose credentials include serving or having  
31 served as a paid advisor or consultant to at least 2 of  
32 the following: any department, board, commission,  
33 authority, or other agency of the State of Illinois.

34 (5) The area of the Territory is 5% or less of the

1 area of the school district from which it is to be  
2 detached. Conclusive proof of the areas is a notarized  
3 written statement by a specially qualified professional  
4 land surveyor licensed by the State of Illinois.

5 (6) Travel on public roads within 5 miles from the  
6 Territory to schools in the school district from which  
7 the Territory is to be detached requires crossing an  
8 interstate highway. Travel on public roads within 5 miles  
9 from the Territory to schools in the school district to  
10 which the Territory is to be annexed does not require  
11 crossing an interstate highway. Conclusive proof of the  
12 facts in this paragraph (6) is a notarized written  
13 statement by a specially qualified professional land  
14 surveyor licensed by the State of Illinois.

15 (b) No school district may lose more than 5% of its  
16 equalized assessed valuation nor more than 5% of its  
17 territory through petitions filed under this Section. If a  
18 petition seeks to detach territory that would result in a  
19 cumulative total of more than 5% of the district's equalized  
20 assessed valuation or more than 5% of the district's  
21 territory being detached under this Section, the petition  
22 shall be denied without prejudice to its being filed pursuant  
23 to Section 7-6 of this Code.

24 (c) Conclusive proof of the population of a county is  
25 the most recent federal decennial census.

26 (d) A petition filed under this Section with respect to  
27 the Territory must be filed with the regional board of school  
28 trustees of the county where the Territory is located (herein  
29 referred to as the Regional Board) at its regular offices not  
30 later than the 24 months after the effective date of this  
31 amendatory Act of the 92nd General Assembly and (i) in the  
32 case of any portion of the Territory not developed with  
33 residences, signed by or on behalf of the taxpayers of record  
34 of properties constituting 60% or more of the land not so

1 developed and (ii) in the case of any portion of the  
2 Territory developed by residences, signed by 60% or more of  
3 registered voters residing in the residences. Conclusive  
4 proof of who are the taxpayers of record is a document  
5 certified by the assessor of the county or township in which  
6 the property is located as of a date not more than 60 days  
7 before the filing of a petition under this Section.  
8 Conclusive proof of who are registered voters is a document  
9 certified by the board of election commissioners for the  
10 county in which the registered voters reside as of a date not  
11 earlier than 60 days before the filing of the petition.  
12 Conclusive proof of the area of the Territory and the area of  
13 properties within the Territory is a survey or notarized  
14 statement, as of a date not more than 60 days before the  
15 filing of the petition, by a specially qualified professional  
16 land surveyor licensed by the State of Illinois.

17 (e) The Regional Board must (1) hold a hearing on each  
18 petition at its regular offices within 90 days after the date  
19 of filing; (2) render a decision granting or denying the  
20 petition within 30 days after the hearing; and (3) within 14  
21 days after the decision, serve a copy of the decision by  
22 certified mail, return receipt requested, upon the  
23 petitioners and upon the school boards of the school  
24 districts from which the territory described in the petition  
25 is sought to be detached and to which the territory is sought  
26 to be annexed. If petitions are filed pertaining to an  
27 elementary school district and a high school district  
28 described in this Section, if the petitions pertain to land  
29 not developed with residences, and if the 2 petitions are  
30 filed within 28 days of each other, the petitions must be  
31 consolidated for hearing and heard at the same hearing. If  
32 petitions are filed pertaining to an elementary school  
33 district and a high school district described in this  
34 Section, if the petitions pertain to land developed with

1 residences, and if the petitions are filed within 28 days of  
2 each other, the 2 petitions must be consolidated for hearing  
3 and heard at the same hearing. If the Regional Board does not  
4 serve a copy of the decision within the time and in the  
5 manner required, any petitioner has the right to obtain, in  
6 the circuit court of the county in which the petition was  
7 filed, a mandamus requiring the Regional Board to serve the  
8 decision immediately to the parties in the manner required.  
9 Upon proof that the Regional Board has not served the  
10 decision to the parties or in the manner required, the  
11 circuit court must immediately issue the order.

12 The Regional Board has no authority or discretion to hear  
13 any evidence or consider any issues at the hearing except  
14 those that may be necessary to determine whether the  
15 conditions and limitations of this Section have been met. If  
16 the Regional Board finds that such conditions and limitations  
17 have been met, the Regional Board must grant the petition.

18 The Regional Board must (i) give written notice of the  
19 time and place of the hearing not less than 30 days prior to  
20 the date of the hearing to the school board of the school  
21 district from which the territory described in the petition  
22 is to be detached and to the school board of the school  
23 district to which the territory is to be annexed and (ii)  
24 publish notice of the hearing in a newspaper that is  
25 circulated within the county in which the territory described  
26 in the petition is located and is circulated within the  
27 school districts whose school boards are entitled to notice.

28 (f) If the granting of a petition filed under this  
29 Section has become final either through failure to seek  
30 administrative review or by the final decision of a court on  
31 review, the change in boundaries becomes effective forthwith  
32 and for all purposes, except that if granting of the petition  
33 becomes final between September 1 of any year and June 30 of  
34 the following year, the administration of and attendance at

1 the schools are not affected until July 1 of the following  
2 year, at which time the change becomes effective for all  
3 purposes. After the granting of the petition becomes final,  
4 the date when the change becomes effective for purposes of  
5 administration and attendance may, in the case of land  
6 improved with residences, be accelerated or postponed either  
7 (i) by stipulation of the school boards of the school  
8 districts from which the territory described in the petition  
9 is detached and to which the territory is annexed or (ii) by  
10 stipulation of the registered voters who signed the  
11 petition. Their stipulation may be contained in the petition  
12 or a separate document signed by them. Their stipulation must  
13 be filed with the Regional Board not later than 120 days  
14 after approval of their petition.

15 (g) The decision of the Regional Board is a final  
16 "administrative decision" as defined in Section 3-101 of the  
17 Code of Civil Procedure, and any petitioner or the school  
18 board of the school district from which the land is to be  
19 detached or of the school district to which the land is to be  
20 annexed may, within 35 days after a copy of the decision  
21 sought to be reviewed was served by certified mail upon the  
22 affected party thereby or upon an attorney of record for such  
23 party, apply for a review of the decision in accordance with  
24 the Administrative Review Law and the rules adopted pursuant  
25 to the Administrative Review Law. Standing to apply for or in  
26 any manner seek review of the decision is limited exclusively  
27 to a petitioner or school district described in this Section.

28 The commencement of any action for review operates as a  
29 supersedeas, and no further proceedings are allowed until  
30 final disposition of the review. The circuit court of the  
31 county in which the petition is filed with the Regional Board  
32 has sole jurisdiction to entertain a complaint for review.

33 (h) This Section (i) is not limited by and operates  
34 independently of all other provisions of this Article and

1 (ii) constitutes complete authority for the granting or  
2 denial by the Regional Board of a petition filed under this  
3 Section when the conditions prescribed by this Section for  
4 the filing of that petition are met or not met as the case  
5 may be."