

DRAFT LEGISLATION – Ancel Glink – October 14, 2019

**PUBLIC LIBRARY DISTRICT ACT OF 1991****(75 ILCS 16/1-1 et seq.)**

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**ARTICLE 22. MERGER OF TAX SUPPORTED PUBLIC LIBRARIES INTO LIBRARY DISTRICTS**

## Section

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**§ 22-5. Mergers authorized.** Mergers of two or more tax supported public libraries may be accomplished as provided in this Article.

**§ 22-10. Merger of public libraries in contiguous cities, villages, incorporated towns or townships.**

(a) The board of trustees of two or more tax supported public libraries in contiguous cities, villages, incorporated towns or townships desiring to merge their existing libraries to form a library maintained and operated under the Public Library District Act may each adopt a resolution calling for the merger and requesting the approval of the merger by their respective corporate authorities. The term “corporate authorities” has the same meaning as defined in the Illinois Local Library Act (75 ILCS 5/1-.01 et seq.). The resolutions shall set the maximum tax rate for the new district that shall not exceed 0.60%. If each corporate authority approves the merger within 60 days after the resolution is adopted by its respective board of trustees, the tax supported public libraries shall merge to form a public library district.

(b) If the appropriate corporate authorities approve the merger, the tax supported library serving the greatest number of residents and taxpayers shall, within 30 days, petition the circuit court of the county in which the majority of the district lies for a final order to merge the public libraries into a library district.

(c) The circuit court, upon finding the petition sufficient, shall enter its final order doing the following:

- (1) Approving the merger of the existing public libraries into a single public library district subject to this Act.
  - (2) Naming the district.
  - (3) Fixing the boundary of the newly formed district.
  - (4) Specifying the maximum tax rate.
  - (5) Specifying the first fiscal year of the newly formed district.
  - (6) Specifying the first year when appropriation and levy ordinances may be enacted by the newly formed district and requiring the library trustees to cause an abatement of any annual public library tax levies for that same year, so that only one annual public library tax will be levied in that year.
  - (7) Specifying the effective date of (i) the merger and (ii) the acquisition, by the board of library trustees of the newly formed district, of the assets and assumption of the liabilities of the public libraries affected by the merger.
  - (8) Specifying the date when the newly formed district shall commence to render library service.
- (c) The trustees of the newly formed district shall promptly publish notice of the order and of its effect.
- (d) The order shall be effective not later than 30 days after the date of its entry.
- (e) Upon approval of the merger, the existing boards of library trustees shall be merged into one new library district board, and the new board shall thereupon exercise its powers and duties under this Act and this Act shall govern the merged territory. Such board members shall serve out their respective terms, but as their respective terms expire, successors shall be elected only in the case where it is necessary to provide the required number of trustees established under Section 30-10.

**§ 22-15. Merger of public libraries in noncontiguous cities, villages, incorporated towns or townships.**

- (a) The board of trustees of two or more tax supported public libraries in noncontiguous cities, villages, incorporated towns or townships desiring to merge their existing libraries into a single public library district may each adopt a resolution calling for a merger if each library shares the same contiguous territory without tax supported public library service or service established under this Act. The resolutions shall describe the boundaries of the proposed district and set the maximum tax rate for the new district which shall not exceed 0.60%.

(b) If each corporate authority approves the merger within 60 days after the resolution is adopted by its respective board of trustees, the tax supported library serving the greatest number of residents and taxpayers shall file a petition with the circuit court of the county that contains all or a majority of the proposed district described in subsection (a). The circuit court, upon finding the petition sufficient, shall enter an order shall do the following:

(1) Fix the boundaries of the proposed district.

(2) Require a map to be prepared depicting the boundaries of the proposed district.

(3) Certify the proposition to the proper election authority of each county in which the proposed district is located, who shall submit the proposition to the voters of the proposed district at a regular election in accordance with the Election Code.

(c) Each voter within the boundaries of the proposed district has the right to cast a ballot. If a majority of the votes cast upon the question are in favor of the proposition, a new district will be formed within the boundaries.

(d) The proposition shall be in substantially the following form:

Shall (description of territory) be combined with (names of tax supported libraries) to establish a new library district in all or part of (name(s) of county) with a maximum tax rate not to exceed [maximum rate set in subsection (a)]?

(e) The judge assigned to the matter shall enter an order setting forth the results of the election based upon the certificate filed with the judge by the election authority, and the order shall become a part of the records of the court. Where more than one county is involved in the election, a copy of the original petition, the order calling for the election, and the order setting forth the election results shall be filed by the election authority in the circuit court of each county affected or involved. The order shall be effective not later than 30 days after the date of its entry.

(f) In any county or counties in which more than one year will elapse between the effective date of the final order entered by the circuit court and the levy of an annual public library tax of the district library created as a result of the merger provided by this section, the corporate authority of the public tax supported library shall continue the library's levy.

(g) Upon approval of the merger, the existing boards of library trustees shall be merged into one new library district board, and the new board shall thereupon exercise its powers and duties under this Act and this Act shall govern the merged territory. Such board members shall serve out their respective terms, but as their respective terms expire, successors shall be elected only in the case where it is necessary to provide the required number of trustees established under Section 30-10.

**§ 22-20. Merger of public libraries and contiguous public library districts.**

(a) The board of trustees of one or more tax supported public libraries and one or more public library districts contiguous to one another desiring to merge their existing libraries to form a new library district maintained and operated under the Public Library District Act may each adopt a resolution calling for the merger. The resolution of the tax supported libraries shall request the approval of the merger by their respective corporate authorities. The resolutions shall set the maximum tax rate for the new district that shall not exceed 0.60%. If each corporate authority of a tax supported library approves the merger within 60 days after the resolution is adopted by its respective board of trustees, the tax supported public libraries and public library districts shall merge to form a new public library district.

(b) If the appropriate corporate authorities of the tax supported libraries approve the merger, the tax supported library or public library district serving the greatest number of residents and taxpayers shall, within 30 days, petition the circuit court of the county in which the majority of such library lies for a final order to merge the public libraries into a library district.

(c) The circuit court, upon finding the petition sufficient, shall enter its final order doing the following:

- (1) Approving the merger of the existing public libraries and public library districts into a new single public library district subject to this Act.
- (2) Naming the district.
- (3) Fixing the boundary of the newly formed district.
- (4) Specifying the maximum tax rate.
- (5) Specifying the first fiscal year of the newly formed district.
- (6) Specifying the first year when appropriation and levy ordinances may be enacted by the newly formed district and requiring the library trustees of the merging tax supported libraries and public district libraries to cause an abatement of any annual public library tax levies for that same year, so that only one annual public library tax will be levied in that year.
- (7) Specifying the effective date of (i) the merger and (ii) the acquisition, by the board of library trustees of the newly formed district, of the assets and assumption of the liabilities of the libraries affected by the merger.
- (8) Specifying the date when the newly formed district shall commence to render library service.

(c) The trustees of the newly formed district shall promptly publish notice of the order and of its effect.

(d) The order shall be effective not later than 30 days after the date of its entry.

(e) Upon approval of the merger, the existing boards of library trustees shall be merged into one new library district board, and the new board shall thereupon exercise its powers and duties under this Act and this Act shall govern the merged territory. Such board members shall serve out their respective terms, but as their respective terms expire, successors shall be elected only in the case where it is necessary to provide the required number of trustees established under Section 30-10.

**§ 22-25. Merger of public libraries and noncontiguous public library districts.**

(a) The board of trustees of one or more tax supported public libraries and the board of trustees of one or more noncontiguous public library districts desiring to merge their existing libraries into a single public library district may each adopt a resolution calling for a merger if each library shares the same contiguous territory without tax supported public library service or service established under this Act. The resolutions shall describe the boundaries of the proposed district and set the maximum tax rate for the new district which shall not exceed 0.60%.

(b) If the corporate authority of each tax supported library seeking to merge approves of the merger within 60 days after the resolution is adopted by its respective library board of trustees, the tax supported library or public library district serving the greatest number of residents and taxpayers shall file a petition with the circuit court of the county that contains all or a majority of the proposed district described in subsection (a). The circuit court, upon finding the petition sufficient, shall enter an order shall do the following:

(1) Fix the boundaries of the proposed district.

(2) Require a map to be prepared depicting the boundaries of the proposed district.

(3) Certify the proposition to the proper election authority of each county in which the proposed district is located, who shall submit the proposition to the voters of the proposed district at a regular election in accordance with the Election Code.

(c) Each voter within the boundaries of the proposed district has the right to cast a ballot. If a majority of the votes cast upon the question are in favor of the proposition, a new district will be formed within the boundaries.

(d) The proposition shall be in substantially the following form:

Shall (description of territory) be combined with (names of tax supported libraries and public library districts) to establish a new library district in all or part of (name(s) of county) with a maximum tax rate not to exceed [maximum rate set in subsection (a)]?

(e) The judge assigned to the matter shall enter an order setting forth the results of the election based upon the certificate filed with the judge by the election authority, and the order shall become a part of the records of the court. Where more than one county is involved in the election, a copy of the original petition, the order calling for the election, and the order setting

forth the election results shall be filed by the election authority in the circuit court of each county affected or involved. The order shall be effective not later than 30 days after the date of its entry.

(f) In any county or counties in which more than one year will elapse between the effective date of the final order entered by the circuit court and the levy of an annual public library tax of the new district library created as a result of the merger provided by this section, the corporate authority of each public tax supported library, and the board of trustees of each existing library district shall continue imposing their library's existing levies.

(g) Upon approval of the merger, the existing boards of library trustees shall be merged into one new library district board, and the new board shall thereupon exercise its powers and duties under this Act and this Act shall govern the merged territory. Such board members shall serve out their respective terms, but as their respective terms expire, successors shall be elected only in the case where it is necessary to provide the required number of trustees established under Section 30-10.

**§ 22-30. Assets and liabilities; existing bond issue or special tax levy.**

(a) Except as provided herein, a new library district established under Sections 22-10 or 22-15 shall acquire the assets and assume the liabilities of the predecessor public libraries. If a library merged into a public library district under this Article was eligible to receive its proportionate share of the Personal Property Tax Replacement Fund, that eligibility shall continue to apply to the public library district created by the merger.

(b) Any existing bonds issued under Section 5-2 of the Illinois Local Library Act shall not be affected by a merger of public libraries, but shall continue in full force and effect, and a special tax supporting the existing bond issue shall continue to be levied upon the residents of the city, village, incorporated town or township originally approving the bond issue.

(c) Nothing in this Section shall preclude a municipality, township, or county, by written agreement, from sharing a library building or buildings with a district library established under this Article.

**§ 22-35. Employee retirement program.** When the employees of a publicly tax supported library merging under this Article are participating in an employer provided Illinois Municipal Retirement Fund or other retirement or pension program, the corporate authority of the tax supported library shall continue to provide coverage under the retirement or pension program until the newly established district library provides retirement or pension program coverage. In no case, however, shall the corporate authority extend its coverage for more than 547 days after the effective date of the circuit court's final order of establishment under Sections 22-10 or 22-15 of this Article. Any payments made by a corporate authority for coverage shall be reimbursed by the district library.

**§ 22-40. Home rule unit library; reduction of tax levy.** If a tax supported public library of a home rule unit, as defined in Article VII, Section 6, of the Illinois Constitution, merges under this Article, that home rule unit, for the year following the year of merger, shall

reduce its property tax levy by the amount levied by the home rule unit for the most recent year before the merger.

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The following Section 15-95 is hereby deleted in its entirety:

~~Sec. 15-95. Inclusion of local governmental unit in district. At any time after the establishment of a district library, any county, municipality, or township having its own public tax supported library and contiguous to the district may become a part of the district if the proposition is submitted to the voters of both the district and of the county, municipality, or township at an election in accordance with the Election Code and the proposition is approved by a majority of the voters of the district and of the county, municipality, or township voting upon the proposition. The annexation procedures in this Act shall govern the election for inclusion within an existing district.~~