



Sen. Terry Link

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10100SB1538sam002

LRB101 08871 AWJ 59452 a

1 AMENDMENT TO SENATE BILL 1538

2 AMENDMENT NO. _____. Amend Senate Bill 1538, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Municipal Code is amended by
6 adding Sections 11-1-14 and 11-6-11 as follows:

7 (65 ILCS 5/11-1-14 new)

8 Sec. 11-1-14. Discontinuance of police department in Lake
9 County; pilot program.

10 (a) A municipality's police department may be discontinued
11 after referendum of the electors of the municipality after: (1)
12 the city council passes an ordinance for a referendum to
13 discontinue the police department; or (2) after a petition for
14 a referendum signed by not less than 5% of the total number of
15 registered voters of municipality is filed with the city
16 council. The ordinance or petition shall include the date of

1 discontinuance of the police department, which shall not be
2 earlier than 60 days following the date of the referendum.

3 (b) Upon the adoption of an ordinance or the filing of a
4 petition under subsection (a), a referendum, subject to the
5 requirements of Section 16-7 of the Election Code, shall be
6 placed on the ballot for all electors residing in the
7 municipality at the next general election in substantially the
8 following form:

9 Shall the police department be discontinued
10 with the sheriff's department acquiring primary
11 jurisdiction over police protection in the municipality
12 and the county acquiring the ability to levy any applicable
13 municipal taxes to provide police protection in the
14 municipality?

15 The votes shall be recorded as "Yes" or "No".

16 (c) If a majority of the electors in the municipality vote
17 in favor of the referendum, then the police department shall be
18 discontinued on the date indicated in the ordinance or petition
19 and, on that date, the sheriff's department acquires primary
20 jurisdiction over police protection of the municipality and the
21 county acquires the authority to levy any tax the municipality
22 levied or could have levied to support the policing of the
23 municipality. The county may levy a tax under this subsection
24 regardless of whether it uses the money directly for the
25 support of policing of the municipality.

26 (d) This Section only applies to police departments in

1 municipalities wholly within Lake County.

2 (e) Subsections (a) and (b) of this Section are inoperative
3 on and after January 1, 2030.

4 (f) A home rule municipality in Lake County may not
5 discontinue its police department in a manner inconsistent with
6 this Section. This Section is a limitation under subsection (i)
7 of Section 6 of Article VII of the Illinois Constitution on the
8 concurrent exercise by home rule units of powers and functions
9 exercised by the State.

10 (65 ILCS 5/11-6-11 new)

11 Sec. 11-6-11. Discontinuance of fire department in Lake
12 County; pilot program.

13 (a) A municipality's fire department may be discontinued
14 after referendum of the electors of the municipality after: (1)
15 the city council passes an ordinance for a referendum to
16 discontinue the fire department; or (2) after a petition for a
17 referendum signed by not less than 5% of the total number of
18 registered voters of municipality is filed with the city
19 council. The ordinance or petition shall include the date of
20 discontinuance of the fire department, which shall not be
21 earlier than 60 days following the date of the referendum, and
22 a copy of an ordinance or resolution of the governing body of
23 another adjacent municipality or fire protection district
24 which has agreed to take on the fire protection
25 responsibilities of the municipality discontinuing its fire

1 department.

2 (b) Only adjacent municipalities or fire protection
3 districts that hire firefighters under Sections 10-2.1-4 or
4 10-1-7.3 of the Illinois Municipal Code or Section 16.06b of
5 the Fire Protection District Act shall be eligible to adopt an
6 ordinance or resolution to assume fire protection
7 responsibilities or emergency medical services, or both, of a
8 municipality discontinuing its fire department.

9 An ordinance or resolution adopted by a governing body of
10 another municipality or fire protection district that has
11 agreed to take on the fire protection responsibilities or
12 emergency medical services, or both, of the municipality
13 discontinuing its fire department shall include an analysis of
14 average response times for any unit of local government
15 included in the proposed fire protection service area. The
16 analysis shall include average response times prior to and
17 subsequent to the proposed fire department discontinuation.

18 (c) Upon the adoption of an ordinance or the filing of a
19 petition under subsection (a), a referendum, subject to the
20 requirements of Section 16-7 of the Election Code, shall be
21 placed on the ballot for all electors residing in the
22 municipality at the next general election in substantially the
23 following form:

24 Shall the fire department be discontinued
25 with the (name of other fire department or fire protection
26 district, as applicable) acquiring primary jurisdiction

1 over fire protection in the municipality and the (name of
2 municipality operating the other fire department or the
3 fire protection district, as applicable) acquiring the
4 ability to levy any applicable municipal taxes to provide
5 fire protection in the municipality?

6 The votes shall be recorded as "Yes" or "No".

7 (d) If a majority of the electors in the municipality vote
8 in favor of the referendum, then the fire department shall be
9 discontinued on the date indicated in the ordinance or petition
10 and, on that date, the other fire department or fire protection
11 district, as applicable, acquires primary jurisdiction over
12 fire protection of the municipality and the municipality
13 operating the other fire department or the fire protection
14 district, as applicable, acquires the authority to levy any tax
15 the municipality levied or could have levied to support the
16 fire protection of the municipality. The municipality
17 operating the other fire department or the fire protection
18 district, as applicable, may levy a tax under this subsection
19 regardless of whether it uses the money directly for the
20 support of fire protection services or emergency medical
21 services of the municipality.

22 (e) Contracts in effect between an exclusive bargaining
23 agent representing employees engaged in providing fire
24 protection or emergency medical services, or both, of the
25 discontinued fire department and the municipality that
26 discontinued the fire department shall continue according to

1 their terms with the municipality or fire protection district
2 assuming fire protection services or emergency medical
3 services, or both. Successor contracts shall be negotiated in
4 accordance with the provisions of the Illinois Public Labor
5 Relations Act.

6 (f) This Section only applies to discontinuance of fire
7 departments in municipalities wholly within Lake County.

8 (g) Subsections (a), (b), and (c) of this Section are
9 inoperative on and after January 1, 2030.

10 (h) A home rule municipality in Lake County may not
11 discontinue its fire department in a manner inconsistent with
12 this Section. This Section is a limitation under subsection (i)
13 of Section 6 of Article VII of the Illinois Constitution on the
14 concurrent exercise by home rule units of powers and functions
15 exercised by the State."