



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0693

Introduced 2/8/2021, by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

70 ILCS 705/28 new

Amends the Fire Protection District Act. Dissolves the Bensenville Fire Protection District #1 on the effective date of the amendatory Act and transfers all powers, including taxing powers, duties, rights, responsibilities, and territory to the Bensenville Fire Protection District #2. Transfers books, records, papers, documents, property (real and personal), contracts, causes of action, and pending business to Bensenville Fire Protection District #2. Allows the Bensenville Fire Protection District #2 to increase the tax levy of the territory formerly within Bensenville Fire Protection District #1 over a 2 year period. Provides for the election of Bensenville Fire Protection District #2 board of trustees beginning with the 2023 consolidated election.

LRB102 12364 AWJ 17701 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 Fire Protection District Act is amended by
5 adding Section 28 as follows:

6 (70 ILCS 705/28 new)

7 Sec. 28. Dissolution of Bensenville Fire Protection
8 District #1 into Bensenville Fire Protection District #2;
9 board of trustee election.

10 (a) On the effective date of this amendatory Act of the
11 102nd General Assembly:

12 (1) The Bensenville Fire Protection District #1 is
13 dissolved and all powers, including, but not limited to,
14 taxing powers, duties, rights, and responsibilities of the
15 Bensenville Fire Protection District #1 are transferred to
16 the Bensenville Fire Protection District #2 and the terms
17 of the members of the board of the Bensenville Fire
18 Protection District #1 are terminated.

19 (2) All books, records, papers, documents, property
20 (real and personal), contracts, causes of action, and
21 pending business pertaining to the powers, duties, rights,
22 and responsibilities shall be transferred from the
23 Bensenville Fire Protection District #1 to Bensenville

1 Fire Protection District #2, including, but not limited
2 to, material in electronic or magnetic format and
3 necessary computer hardware and software.

4 (3) All unexpended moneys from tax levies,
5 appropriations, and balances and other funds available for
6 use by the Bensenville Fire Protection District #1 shall
7 be transferred for use by the Bensenville Fire Protection
8 District #2. Unexpended balances so transferred shall be
9 expended only for the purpose for which the tax levies or
10 appropriations were originally made.

11 (4) The powers, duties, rights, and responsibilities
12 transferred from the Bensenville Fire Protection District
13 #1 by this amendatory Act of the 102nd General Assembly
14 shall be vested in and shall be exercised by the
15 Bensenville Fire Protection District #2.

16 (5) This amendatory Act of the 102nd General Assembly
17 does not affect any act done, ratified, or canceled or any
18 right occurring or established or any action or proceeding
19 had or commenced in an administrative, civil, or criminal
20 cause by the Bensenville Fire Protection District #1
21 before this amendatory Act of the 102nd General Assembly
22 takes effect; such actions or proceedings may be
23 prosecuted and continued by the Bensenville Fire
24 Protection District #2.

25 (6) The territory of Bensenville Fire Protection
26 District #1 is transferred to Bensenville Fire Protection

1 District #2. Any intergovernmental agreements to service
2 any portion of Bensenville Fire Protection District #1 are
3 terminated and Bensenville Fire Protection District #2
4 shall take over services for the territory formerly of
5 Bensenville Fire Protection District #1.

6 (b) Notwithstanding any other provision of this Act, the
7 board of Bensenville Fire Protection District #2 may increase
8 the tax levy over the former territory of Bensenville Fire
9 Protection District #1 by ordinance, without referendum, to
10 equal the tax levy of Bensenville Fire Protection District #2
11 in effect on the effective date of this amendatory Act of the
12 102nd General Assembly. However, such increase must be done
13 incrementally with not more than a 50% increase being imposed
14 during the first year after the effective date of this
15 amendatory Act of the 102nd General Assembly and the remaining
16 increase imposed during the second year after the effective
17 date of this Amendatory Act of the 102nd General Assembly.

18 After the tax levy over the former territory of
19 Bensenville Fire Protection District #1 has been increased to
20 an amount equal the tax levy of Bensenville Fire Protection
21 District #2 in effect on the effective date of this amendatory
22 Act of the 102nd General Assembly or 2 years after the
23 effective date of this amendatory Act of the 102nd General
24 Assembly, whichever is earlier, any increases to the tax levy
25 over the former territory of Bensenville Fire Protection
26 District #1 shall be only increased as otherwise provided by

1 this Act.

2 (c) Beginning with the consolidated election of 2023, all
3 members of the Bensenville Fire Protection District #2 board
4 of trustees shall be elected. The terms of the members of the
5 board of trustees of the Bensenville Fire Protection District
6 #2 are terminated when their successors are elected and
7 qualified in the consolidation election of 2023.

8 At the first meeting of the board of trustees of the
9 Bensenville Fire Protection District #2 after the new members
10 are elected and qualified under this Section, the members
11 shall draw lots to determine which member has a 2-year term,
12 4-year term, and 6-year term. At the conclusion of each
13 elected member's term thereafter, each member shall be elected
14 for a 6-year term.