



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3257

by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-4-12 new
70 ILCS 705/11b
70 ILCS 705/15b new

from Ch. 127 1/2, par. 31b

Amends the Illinois Municipal Code. Prohibits a city or village that owns, operates, or maintains any fire protection or advanced life support services facility from ceasing the operation and maintenance of these facilities unless the proposed cessation is first submitted to the voters by referendum. Amends the Fire Protection District Act. Prohibits a city or village that owns, operates, or maintains any fire protection or advanced life support services facility that is located in whole or in part within or adjacent to the corporate limits of a fire protection district from ceasing the operation and maintenance of these facilities unless the proposed cessation is first submitted to the voters by referendum. Sets forth requirements and referendum language for the dissolution. Provides for the transfer of services, operations, facilities, rights, powers, duties, assets, property, liabilities, obligations, employees and responsibilities of the dissolved fire department to the fire protection district designated by the referendum. Effective immediately.

LRB098 08650 OMW 38770 b

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 Illinois Municipal Code is amended by adding
5 Section 10-4-12 as follows:

6 (65 ILCS 5/10-4-12 new)

7 Sec. 10-4-12. Cessation of existing municipal fire
8 protection or advanced life support services operations. If a
9 city or village owns, operates, or maintains any fire
10 protection or advanced life support services facility, that
11 city or village may not cease the operation and maintenance of
12 these facilities unless the proposed cessation is first
13 submitted by referendum to the voters of the city or village as
14 provided by subsection (b) of Section 15 of the Fire Protection
15 District Act.

16 Section 10. The Fire Protection District Act is amended by
17 changing Section 11b and by adding Section 15b as follows:

18 (70 ILCS 705/11b) (from Ch. 127 1/2, par. 31b)

19 Sec. 11b. In case any fire protection district organized
20 hereunder is coterminous with or includes within its corporate
21 limits in whole or in part any city, village or incorporated

1 town authorized to provide protection from fire and to regulate
2 the prevention and control of fire within such city, village or
3 incorporated town and to levy taxes for any such purposes, then
4 such city, village or incorporated town shall not exercise any
5 such powers as necessarily conflict with the powers to be
6 exercised by such district in respect to such fire protection
7 and regulation within the fire protection district from and
8 after the date that it receives written notice from the State
9 Fire Marshal to cease or refrain from the operation of any fire
10 protection facilities and the exercise of such powers, which
11 notice shall be given only after the State Fire Marshal has
12 ascertained that the Fire Protection District has placed its
13 fire protection facilities in operation. Such city, village or
14 incorporated town shall not thereafter own, operate, maintain,
15 manage, control or have an interest in any fire protection
16 facilities located within the corporate limits of the fire
17 protection district, except water mains and hydrants and except
18 as otherwise provided in this Act. If a city or village owns,
19 operates, or maintains any fire protection or advanced life
20 support services facility that is located in whole or in part
21 within or adjacent to the corporate limits of a fire protection
22 district organized under this Act, that city or village shall
23 not cease the operation and maintenance of these facilities
24 unless the proposed cessation is first submitted by referendum
25 to the voters of the city or village as provided by subsection
26 (b) of Section 15 of the Fire Protection District Act. If any

1 city or village owns, operates, or maintains any fire
2 protection facilities located within the corporate limits of a
3 fire protection district organized under this Act, that city or
4 village ~~The State Fire Marshal, upon request of the Board of~~
5 ~~Trustees of any Fire Protection District, shall ascertain~~
6 ~~whether the District's fire protection facilities are in~~
7 ~~operation so that it may supersede the power of any city,~~
8 ~~village or incorporated town to operate fire protection~~
9 ~~facilities within the boundaries of the District. Where in case~~
10 ~~any city, village or incorporated town is in fact owning,~~
11 ~~operating and maintaining fire protection facilities located~~
12 ~~within the corporate limits of a fire protection district~~
13 ~~organized under this Act, such city, village or incorporated~~
14 ~~town~~ shall be paid and reimbursed for its actual expenditures
15 and for all existing obligations incurred, including all
16 pension and annuity plans applicable to the maintenance of fire
17 protection facilities theretofore made in establishing such
18 facilities and in acquiring, constructing, improving or
19 developing any such existing facilities in the manner provided
20 for by this Act. The terms of payment shall provide for
21 reimbursement in full within not less than 20 years from the
22 date of such agreement.

23 (Source: P.A. 80-147.)

24 (70 ILCS 705/15b new)

25 Sec. 15b. Petition to cease operations; referendum;

1 transfer.

2 (a) Any fire department organized under the provisions of
3 the Municipal Code may cease the operation and maintenance of
4 fire protection and advanced life support services,
5 operations, and facilities by submitting a referendum to the
6 voters served by the fire department proposing to either
7 consolidate its services, operations, and facilities with an
8 existing fire protection district or by organizing a new
9 district in accordance with the procedures set forth under this
10 Act.

11 If the proposition involves consolidation of exiting fire
12 protection districts, the question shall be in substantially
13 the following form:

14 -----
15 Shall the services, operations,
16 and facilities provided by (name of fire
17 department) be discontinued and its YES
18 services, operations, facilities, duties,-----
19 powers, assets, liabilities, obligations, and NO
20 responsibilities be assumed by (name of Fire
21 Protection District)?

22 -----
23 If the proposition involves consolidation of exiting fire
24 protection districts, the question shall be in substantially
25 the following form:

26 -----

1 Shall the services, operations,
2 and facilities provided by (name of _____ YES
3 fire department) be discontinued and -----
4 assumed by organizing a new fire _____ NO
5 protection district named (name of new
6 fire protection district)?
7 -----

8 If a majority of the votes cast on the question are in
9 favor of discontinuance, the court shall enter an order
10 discontinuing the fire department. On the date that the court
11 order is entered discontinuing the fire department, all the
12 services, operations, facilities, rights, powers, duties,
13 assets, property, liabilities, obligations, and
14 responsibilities of the fire department shall be transferred by
15 the corporate authorities of the municipality and, by operation
16 of law, vest in and be assumed the fire protection district
17 designated by the referendum.

18 All employees of the dissolved fire department shall be
19 transferred to the fire protection district designated by the
20 referendum. The status and rights of such employees under the
21 Personnel Code shall not be affected by the transfer. The
22 rights of the employees and the State of Illinois and its
23 agencies under the Personnel Code and applicable collective
24 bargaining agreements or under any pension, retirement, or
25 annuity plan shall not be affected by this amendatory Act of
26 the 98th General Assembly.

1 All books, records, papers, documents, property (real and
2 personal), contracts, causes of action, and pending business
3 pertaining to the powers, duties, rights, and responsibilities
4 transferred by this amendatory Act of the 98th General
5 Assembly, including, but not limited to, material in electronic
6 or magnetic format and necessary computer hardware and
7 software, shall be transferred to the fire protection district
8 designated by the referendum.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.