



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4418

by Rep. Jay Hoffman

#### 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 16296 JLK 51356 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.