



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1853

Introduced 2/20/2015, by Sen. Terry Link

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Counties Code. Provides that a county with 2 or more adjoining fire protection jurisdictions, or 2 or more adjoining law enforcement jurisdictions (municipal police departments and township enforcement offices), lying wholly within the county's borders may consolidate the adjoining fire protection jurisdictions or the law enforcement jurisdictions by (i) adoption of a resolution by the county board or (ii) filing a petition (subject to the petition requirements of Section 28-3 of the Election Code) with the county board signed by at least 10% of the registered voters of each fire protection or law enforcement jurisdiction. Provides for filing, form, and notice requirements for petitions, resolutions, and referendum. Provides that if a consolidation referendum passes, the fire protection or law enforcement jurisdictions will continue to function as separate entities until a Board of Fire or Police Commissioners are appointed by the county board with the consent of all municipal and township boards. Once the Board of Fire or Police Commissioners is appointed, provides that the new consolidated fire protection or law enforcement jurisdiction shall have all the powers, rights, duties and obligations of the fire protection or law enforcement jurisdictions from which it was consolidated.

LRB099 09287 AWJ 29491 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 Counties Code is amended by adding Divisions  
5 5-45 and 5-46 as follows:

6 (55 ILCS 5/Div. 5-45 new)

7 Division 5-45.

8 Consolidation of Fire Protection Jurisdictions

9 (55 ILCS 5/5-45005 new)

10 Sec. 5-45005. Definitions. As used in this Section:

11 "Fire protection jurisdiction" means a fire protection  
12 district, municipal fire department, or service organized  
13 under Section 5-1056.1 of this Code, Article 195 or 200 of the  
14 Township Code, Section 10-2.1 of the Illinois Municipal Code,  
15 or the Fire Protection District Act.

16 "Consolidated fire protection jurisdiction" means the new  
17 fire protection district created after a passed referendum  
18 pursuant to Section 5-45015.

19 (55 ILCS 5/5-45010 new)

20 Sec. 5-45010. Consolidation of fire protection  
21 jurisdictions by referendum. In addition to the means of

1 consolidation provided under the Fire Protection District Act,  
2 the Regional Fire Protection Agency Act, or any other statute,  
3 a county with 2 or more adjoining fire protection jurisdictions  
4 lying wholly within the county's borders may consolidate the  
5 adjoining fire protection jurisdictions by (i) adoption of a  
6 resolution by the county board or (ii) filing a petition  
7 (subject to the petition requirements of Section 28-3 of the  
8 Election Code) with the county board signed by at least 10% of  
9 the registered voters of each fire protection jurisdiction.  
10 Upon adoption of the resolution or filing of the petition, as  
11 the case may be, the county board shall certify the question to  
12 the appropriate election officials and the resolution or  
13 petition shall be filed with the county clerk not less than 79  
14 days prior to the general election in which the referendum will  
15 appear.

16 (55 ILCS 5/5-45015 new)

17 Sec. 5-45015. Referendum; notification of Office of the  
18 State Fire Marshal.

19 (a) If a petition or a referendum is filed with the county  
20 clerk that meets the requirements of Section 5-45010, a  
21 referendum, subject to the requirements of Section 16-7 of the  
22 Election Code shall, shall be placed on the ballot at the next  
23 general election in substantially the following form:

24 Shall (name of fire protection jurisdiction) be  
25 consolidated with (name of fire protection jurisdiction)

1 to organize to become (name of consolidated fire protection  
2 jurisdiction)?

3 The referendum is approved when a majority of the voters  
4 approve the referendum.

5 (b) Within 10 days after a petition or referendum is filed  
6 with the county clerk that meets the requirements of Section  
7 5-45010, the county clerk shall notify the Office of the State  
8 Fire Marshal that the referendum shall be placed on the ballot  
9 at the next general election.

10 (55 ILCS 5/5-45020 new)

11 Sec. 5-45020. Cessation of fire protection jurisdictions;  
12 Board of Fire Commissioners; consolidated fire protection  
13 jurisdiction.

14 (a) After passage of a referendum pursuant to Section  
15 5-45015, the fire protection jurisdictions of the consolidated  
16 fire protection jurisdiction shall continue to operate as  
17 separate entities until all members of the Board of Fire  
18 Commissioners are appointed and qualified pursuant to this  
19 Section.

20 (b) Within 90 days after passage of a referendum pursuant  
21 to Section 5-45015, the county board shall appoint 3  
22 commissioners to a Board of Fire Commissioners of the  
23 consolidated fire protection jurisdiction. Those commissioners  
24 shall serve 3-year terms until their successors are appointed  
25 by the county board and qualified. All appointments to the

1 Board of Fire Commissioners shall have the approval of the  
2 corporate authorities of each township or municipality in which  
3 the consolidated fire protection jurisdiction is located, by a  
4 majority vote of each corporate authority.

5 (c) After the Board of Fire Commissioners has been  
6 appointed and qualified pursuant to this Section, the fire  
7 protection jurisdictions shall cease and the consolidated fire  
8 protection jurisdiction shall have all the powers, rights,  
9 duties, and obligations of the fire protection jurisdictions  
10 from which it was consolidated.

11 55 ILCS 5/Div. 5-46 new

12 Division 5-46.

13 Consolidation of Law Enforcement Jurisdictions

14 (55 ILCS 5/5-46005 new)

15 Sec. 5-46005. Definitions. As used in this Section:

16 "Law enforcement jurisdiction" means municipal police  
17 departments and township enforcement offices.

18 "Consolidated law enforcement jurisdiction" means the new  
19 law enforcement jurisdiction created after a passed referendum  
20 pursuant to Section 5-46015.

21 (55 ILCS 5/5-46010 new)

22 Sec. 5-46010. Consolidation of law enforcement  
23 jurisdictions by referendum. In addition to the means of

1 consolidation of any law enforcement jurisdiction provided  
2 under any other statute, a county with 2 or more adjoining law  
3 enforcement jurisdictions lying wholly within the county's  
4 borders may consolidate the adjoining law enforcement  
5 jurisdictions by (i) adoption of a resolution by the county  
6 board or (ii) filing a petition (subject to the petition  
7 requirements of Section 28-3 of the Election Code) with the  
8 county board signed by at least 10% of the registered voters of  
9 each law enforcement jurisdiction. Upon adoption of the  
10 resolution or filing of the petition, as the case may be, the  
11 county board shall certify the question to the appropriate  
12 election officials and the resolution or petition shall be  
13 filed with the county clerk not less than 79 days prior to the  
14 general election in which the referendum will appear.

15 (55 ILCS 5/5-46015 new)

16 Sec. 5-46015. Referendum. If a petition or a referendum is  
17 filed with the county clerk that meets the requirements of  
18 Section 5-46010, a referendum, subject to the requirements of  
19 Section 16-7 of the Election Code, shall be placed on the  
20 ballot at the next general election in substantially the  
21 following form:

22 Shall (name of law enforcement jurisdiction) be  
23 consolidated with (name of law enforcement jurisdiction)  
24 to organize to become (name of consolidated law enforcement  
25 jurisdiction)?

1 The referendum is approved when a majority of the voters  
2 approve the referendum.

3 (55 ILCS 5/5-46020 new)

4 Sec. 5-46020. Cessation of law enforcement jurisdictions;  
5 Board of Police Commissioners; consolidated law enforcement  
6 jurisdiction.

7 (a) After passage of a referendum pursuant to Section  
8 5-46015, the law enforcement jurisdictions of the consolidated  
9 law enforcement jurisdiction shall continue to operate as  
10 separate entities until all members of the Board of Police  
11 Commissioners are appointed and qualified pursuant to this  
12 Section.

13 (b) Within 90 days after passage of a referendum pursuant  
14 to Section 5-46015, the county board shall appoint 3  
15 commissioners to a Board of Police Commissioners of the  
16 consolidated law enforcement jurisdiction. Those Commissioners  
17 shall serve 3-year terms until their successors are appointed  
18 by the county board and qualified. All appointments to the  
19 Board of Police Commissioners shall have the approval of the  
20 corporate authorities of each municipality or township in which  
21 the consolidated law enforcement jurisdiction is located, by a  
22 majority vote of each corporate authority.

23 (c) After the Board of Police Commissioners has been  
24 appointed and qualified pursuant to this Section, the law  
25 enforcement jurisdictions shall cease and the consolidated law

1 enforcement jurisdiction shall have all the powers, rights,  
2 duties, and obligations of the law enforcement jurisdictions  
3 from which it was consolidated.



1 INDEX

2 Statutes amended in order of appearance

3 55 ILCS 5/Div. 5-45 new

4 55 ILCS 5/5-45005 new

5 55 ILCS 5/5-45010 new

6 55 ILCS 5/5-45015 new

7 55 ILCS 5/5-45020 new

8 55 ILCS 5/Div. 5-46 new

9 55 ILCS 5/5-46005 new

10 55 ILCS 5/5-46010 new

11 55 ILCS 5/5-46015 new

12 55 ILCS 5/5-46020 new