



Rep. Jay Hoffman

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LRB098 16296 JLK 57315 a

1 AMENDMENT TO HOUSE BILL 4418

2 AMENDMENT NO. _____. Amend House Bill 4418 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 adding 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 departments. If a city or village owns, operates, or maintains
9 any fire department or departments, that city or village may
10 not cease the operation and maintenance of that fire department
11 or those fire departments unless the proposed cessation is
12 first submitted by referendum to the voters of the city or
13 village as provided by Section 15b of the Fire Protection
14 District Act.

15 Section 10. The Fire Protection District Act is amended by

1 changing Section 11b and by adding Section 15b as follows:

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

3 Sec. 11b. In case any fire protection district organized
4 hereunder is coterminous with or includes within its corporate
5 limits in whole or in part any city, village or incorporated
6 town authorized to provide protection from fire and to regulate
7 the prevention and control of fire within such city, village or
8 incorporated town and to levy taxes for any such purposes, then
9 such city, village or incorporated town shall not exercise any
10 such powers as necessarily conflict with the powers to be
11 exercised by such district in respect to such fire protection
12 and regulation within the fire protection district from and
13 after the date that it receives written notice from the State
14 Fire Marshal to cease or refrain from the operation of any fire
15 protection facilities and the exercise of such powers, which
16 notice shall be given only after the State Fire Marshal has
17 ascertained that the Fire Protection District has placed its
18 fire protection facilities in operation. Such city, village or
19 incorporated town shall not thereafter own, operate, maintain,
20 manage, control or have an interest in any fire protection
21 facilities located within the corporate limits of the fire
22 protection district, except water mains and hydrants and except
23 as otherwise provided in this Act. Where any city, village, or
24 incorporated town is in fact owning, operating, and maintaining
25 a fire department or fire departments located in whole or in

1 part within or adjacent to the corporate limits of a fire
2 protection district organized under this Act, such city,
3 village, or incorporated town shall not cease operating and
4 maintaining the fire department or departments unless such
5 proposed cessation of services is first submitted by referendum
6 to voters, as provided by Section 15b of this Act. In addition,
7 where any city, village, or incorporated town is in fact
8 owning, operating, and maintaining a fire department or fire
9 departments located within the corporate limits of a fire
10 protection district organized under this Act, such city,
11 village, or incorporated town ~~The State Fire Marshal, upon~~
12 ~~request of the Board of Trustees of any Fire Protection~~
13 ~~District, shall ascertain whether the District's fire~~
14 ~~protection facilities are in operation so that it may supersede~~
15 ~~the power of any city, village or incorporated town to operate~~
16 ~~fire protection facilities within the boundaries of the~~
17 ~~District. Where in case any city, village or incorporated town~~
18 ~~is in fact owning, operating and maintaining fire protection~~
19 ~~facilities located within the corporate limits of a fire~~
20 ~~protection district organized under this Act, such city,~~
21 ~~village or incorporated town~~ shall be paid and reimbursed for
22 its actual expenditures and for all existing obligations
23 incurred, including all pension and annuity plans applicable to
24 the maintenance of fire protection facilities theretofore made
25 in establishing such facilities and in acquiring,
26 constructing, improving or developing any such existing

1 facilities in the manner provided for by this Act. The terms of
2 payment shall provide for reimbursement in full within not less
3 than 20 years from the date of such agreement.

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

5 (70 ILCS 705/15b new)

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

7 (a) Any local unit of government operating a fire
8 department organized under the provisions of the Municipal Code
9 may cease the operation and maintenance of those fire
10 department or fire departments by submitting a referendum to
11 the voters served by the fire department or departments. The
12 referendum proposing the dissolution of the fire department or
13 departments shall be conducted in a manner that is consistent
14 with the requirements provided by subsection (a) of this
15 Section, except that the ballot for such election shall be in
16 substantially the following form:

17 -----

18 Shall the (name of fire
19 department) serving the citizens within YES
20 (list local unit(s) of government) cease -----
21 to provide emergency services and be NO
22 dissolved and discontinued?

23 -----

24 If a majority of the votes cast on the question are in
25 favor of such dissolution, the court shall enter an order

1 discontinuing the fire department or departments.

2 The rights of the employees of the dissolved fire
3 department or departments provided by the Personnel Code, any
4 applicable collective bargaining agreements, or under any
5 pension, retirement, or annuity plan shall not be affected by
6 this amendatory Act of the 98th General Assembly.

7 (b) A municipality that is a home rule or non-home rule
8 unit may not dissolve a fire department or fire departments in
9 a manner that is inconsistent with this Section. This Section
10 is a limitation under subsection (i) of Section 6 of Article
11 VII of the Illinois Constitution on the concurrent exercise by
12 home rule units of the powers and functions exercised by the
13 State.

14 Section 90. The State Mandates Act is amended by adding
15 Section 8.38 as follows:

16 (30 ILCS 805/8.38 new)

17 Sec. 8.38. Exempt mandate. Notwithstanding Sections 6 and 8
18 of this Act, no reimbursement by the State is required for the
19 implementation of any mandate created by this amendatory Act of
20 the 98th General Assembly."