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## INTRODUCTION TO THE 2007 REVISED EDITION

This edition of A Handbook for Trustees of Illinois Fire Protection Districts has, like the preceding three editions, been prepared under the auspices of the Illinois Association of Fire Protection Districts as a service to its membership. As with prior editions, the goal of this version is to provide trustees of Illinois Fire Protection Districts with a readable explanation of the laws which govern fire protection districts in Illinois.

As stated in the previous Handbook introductions, every effort has been made to make the text as accurate as possible, but opinions on some points will undoubtedly differ among trustees and fire protection district attorneys, and the text is, of course, out of date the moment it is written since the law and the rules applicable to fire protection districts are constantly changing as Congress and the state legislature enact new laws, state and federal agencies promulgate new regulations, and state and federal courts render new case law decisions.

This edition of the Handbook is co-authored by James S. Sinclair and Shawn P. Flaherty. Shawn brings to the publication his expertise in personnel related issues at all levels of the fire service. Expanded chapters on fire commission, pension, and labor have been added in this edition since more districts throughout the state are now facing these issues. Many have contributed to the preparation of this edition of the Handbook. In particular, the authors wish to thank Karl Ottosen, Carolyn Welch Clifford, and Tammy Weber of Ottosen Britz Kelly Cooper & Gilbert, Ltd., and Julie Tracy and Emily Johnson of Stobbs & Sinclair, Ltd for editing, proofreading, and cite checking assistance. They also thank Cheri Breneman and Trish Duknoski of the IAFFPD office for their production help and Judy Bryant and Michelle Probst of Stobbs & Sinclair, Ltd. for their word processing. Without the help of these people this edition of the Handbook would not have been possible.

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## A WORD ABOUT REFERENCES IN THE TEXT

While the Handbook is written in laymen's terms as much as possible, from time to time it will be necessary to refer in the text to various statutes and regulations. State statutes are laws which have been enacted by the Illinois General Assembly. These laws originate in either the House of Representatives or Senate of the General Assembly. A proposed statute is called a "bill". Bills originating in the Senate are assigned a number and referred to during the legislative process as "Senate Bill Number \_\_\_\_". Bills originating in the House of Representatives bear a similar designation ("House Bill Number \_\_\_\_"). When a bill is passed by both houses of the General Assembly and signed by the Governor (or passed over the Governor's veto) it is referred to as a "Public Act" and receives a numerical reference which indicates the legislative session at which the bill was enacted and gives each act a separate number ("Public Act Number \_\_\_\_"). Frequently, laws enacted by the legislature will also have a "popular name" which usually appears in press accounts and gives some indication of the subject matter of the law. Such laws are frequently referred to as "Acts" or "Laws" and that term will be used in this Handbook.

The State of Illinois has a codification system for Illinois statutes after they have been enacted which classifies the laws by topic. Known as the "Illinois Compiled Statutes" and abbreviated "ILCS", this system organizes Illinois legislative enactments into major subject areas, each of which is divided into chapters. Each chapter has a distinct number and each act under that chapter, likewise, has a distinct number assigned to it. There are approximately 2000 acts organized under the ILCS system in this fashion. Each section within an individual act has the same number which appears in the original public act. Under the Illinois Compiled Statutes system, fire protection district law is generally contained under the topic "Government" in Chapter 70, "Special Districts", and the "Fire Protection District Act" is assigned Act Number 705. Thus, a reference to the first section of the Illinois Fire Protection District Act under the ILCS system would read as follows: 70 ILCS 705/0.01. The 2007 Revised Edition of the Handbook references to the ILCS system in this manner.

At the federal level, most laws enacted by the United States Congress are organized under "titles" and "sections", and designations in this Handbook will be to the United States Code (U.S.C.). Such references are designated, for example, as follows: 42 U.S.C. Sec. 1983, which refers to Section 1983 in Title 42 in the United States Code.

At times, reference will also be made to federal and state regulations. Regulations are rules issued by a public agency of the state or federal government pursuant to authority granted under a statute. Typically, regulations are issued to carry out the purpose of a law and to give more detail as to the law's meaning and interpretation. Regulations typically have the force of law when properly adopted and applied. Federal regulations are organized in the "Code of Federal Regulations" (C.F.R.) which is organized into Titles, Parts, and Sections. References are abbreviated, for example, as follows: 29 C.F.R. Sec. 1910.120 which refers to Title 29 of the Code of Federal Regulations, Part 1910, Section 120. Regulations of agencies of the State of Illinois are located in the Illinois Administrative Code which is similarly organized into Titles, Chapters, Subchapters, Parts and Sections. An abbreviated reference is by Title and Section numbers, for example, 77 Ill. Adm. Code Sec. 535.10.

Abbreviated references to statutes and regulations are given in parentheses following the sentence or paragraph where the statute or regulation is referred to. This will permit the reader to locate the statute or regulation more easily for further review or study if desired. Where the term "et seq." appears it means "and following" and indicates that sections of the statute or regulation following the cited section are also pertinent to the topic.

As a companion reference to this Handbook, the Illinois Association of Fire Protection Districts publishes, a compilation of state statutes applicable to fire protection districts, the State Fire Marshal's Office, and the fire service in general. This compilation is available from the Association and will give the reader most, but not all, of the statutes referred to in the Handbook. Titled the Text of Laws Relating to Illinois Fire Protection Districts and State Fire Marshal, the publication can be a useful reference for readers who desire to study the actual statutes referred to in the Handbook.