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INTRODUCTION TO THE 2021 EDITION

This 2021 edition of A Handbook for Trustees of Illinois Fire Protection Districts, like all of its predecessors, is prepared by the authors as part of the mission of the Illinois Association of Fire Protection Districts to provide its member districts, and their trustees, administrators, and fire officers with an understandable explanation of the laws which govern fire protection districts in Illinois.

While every effort is made to make the Handbook contents as accurate as possible, opinions on some points will undoubtedly differ among trustees and fire protection district attorneys and the Handbook is necessarily dated the moment it is written as new issues confronting fire protection districts and the fire, rescue, and emergency medical services arise and as the laws and the rules applicable to fire protection districts constantly change as new laws are enacted by the Illinois General Assembly and the United States Congress, new rules and regulations are promulgated by state and federal agencies, and new case law decisions are handed down by the state and federal courts.

This edition of the Handbook is again co-authored by James S. Sinclair and Shawn P. Flaherty. Special thanks go to Barbara Remus and Megan Lamb of Ottosen DiNolfo Hasenbalg & Castaldo, Ltd., and David Livingstone of Stobbs, Sinclair & Livingstone, Ltd. for their editing, proofreading, and cite checking assistance. The authors also thank IAFFPD Association Administrator, Cheri Breneman, for her help in the production of the Handbook and Michelle Steinkuehler of Stobbs, Sinclair & Livingstone, Ltd. for her invaluable word processing skills. As always, without the help of these people this edition of the Handbook would not have been possible.

It is the authors' hope that the Handbook will be helpful to fire protection district trustees and administrators in carrying out their duty of providing critical public safety emergency services in the communities they serve.

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A WORD ABOUT REFERENCES IN THE TEXT

While the Handbook is written for use by non-lawyers to the extent it can be, 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 ____" or "SB ____". Bills originating in the House of Representatives bear a similar designation ("House Bill Number ____") or ("HB ____"). 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 it then 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 ____") or ("PA ____"). 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. Generally, 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 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 2021 Edition of the Handbook references to the ILCS system in this manner.

Many of the state laws applicable to Illinois fire protection districts have been compiled in the Text of Laws Relating to Illinois Fire Protection Districts and State Fire

Marshal and published by the Illinois Association of Fire Protection Districts as a companion to this Handbook. The Text of Laws is updated every 3 to 4 years. The latest version was published in 2018 and an update will be published in 2022.

At the federal level, most laws enacted by the United States Congress are organized under titles and sections. 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 by a state or federal agency delegated with this authority. 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 in which reference is made to the statute or regulation. This will permit the reader to locate the statute or regulation more easily for further review or study if desired. Most statutes and regulations can also be accessed by reader in digital form electronically on the internet. 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.

Occasionally, references will be made to state or federal appellate court opinions and these are referenced using standard legal citations for readers who desire to research and read the entire court opinion.