



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB0945

Introduced 1/25/2013, by Rep. Sam Yingling

#### SYNOPSIS AS INTRODUCED:

70 ILCS 705/4c new

Amends the Fire Protection District Act. Adds a Section regarding rural fire protection districts. Provides that rural fire protection districts shall be governed by an elected, rather than an appointed, board of trustees consisting of 5 members with 4 year terms. Provides guidelines for 7-member elected boards to transition to 5-member elected boards. Provides for the continuation of terms of trustees appointed or elected prior to the effective date of this amendatory Act, as well as for filling vacancies. Further provides for the election and terms of trustees elected after the effective date of this amendatory Act. Provides nomination requirements for trustees. Effective immediately.

LRB098 04185 OMW 34208 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 Fire Protection District Act is amended by  
5 adding Section 4c as follows:

6 (70 ILCS 705/4c new)

7 Sec. 4c. Rural fire protection district; board of trustees.

8 Notwithstanding any other provision of law, a rural fire  
9 protection district organized under this Act shall be governed  
10 by an elected, rather than an appointed, 5-member board of  
11 trustees if that rural fire protection district has its  
12 boundaries (1) completely within the unincorporated area of a  
13 county; (2) within a municipality where that municipality does  
14 not have available a source of fire protection on a voluntary  
15 or contractual basis; or (3) both within the unincorporated  
16 territory of a county and within a municipality where that  
17 municipality does not have available a source of fire  
18 protection on a voluntary or contractual basis.

19 This Section does not apply to rural fire protection  
20 districts that have 3 or 5-member elected boards on and after  
21 the effective date of this amendatory Act of the 98th General  
22 Assembly.

23 (a) Change from an appointed board to an elected board.

1       Each elected board shall consist of 5 members. The initial  
2 trustees elected under this Section shall be elected at the  
3 first consolidated election to occur after the expiration of  
4 the term of office of the trustee or trustees most recently  
5 appointed prior to the effective date of this amendatory Act of  
6 the 98th General Assembly. If a rural fire protection district  
7 is governed by an appointed board of trustees on the effective  
8 date of this amendatory Act of the 98th General Assembly, then  
9 those trustees shall continue to constitute the board of  
10 trustees until the third Monday of May following the first  
11 election of trustees.

12       If a vacancy in the board of trustees occurs prior to that  
13 date, either by death, resignation, refusal to qualify, ceasing  
14 to be an inhabitant of the district, or for any other reason,  
15 the vacancy shall be filled by the appropriate appointing  
16 authority. The person appointed shall qualify for office as  
17 provided in this Act and shall thereupon assume the duties of  
18 the office for the unexpired term to which the person was  
19 appointed only until the first Monday of May following the next  
20 consolidated election, and at that election a trustee shall be  
21 elected to fill the vacancy for any balance of the unexpired  
22 term and until the elected trustee has qualified.

23       (b) Change from a 7-member elected board to a 5-member  
24 elected board.

25       In the case of an elected 7-member board, the initial  
26 trustees elected under this Section shall be elected at the

1 first consolidated election to occur after the expiration of  
2 the term of office of the trustee or trustees most recently  
3 elected prior to the effective date of this amendatory Act of  
4 the 98th General Assembly. Trustees elected prior to the  
5 effective date of this amendatory Act of the 98th General  
6 Assembly whose terms have expired shall continue to constitute  
7 the board of trustees until the third Monday of May following  
8 the first election of trustees.

9 If a vacancy in the board of trustees occurs prior to that  
10 date, either by death, resignation, refusal to qualify, ceasing  
11 to be an inhabitant of the district, or for any other reason,  
12 the vacancy shall be filled by the board within 60 days after  
13 the vacancy occurs. The person appointed shall qualify for  
14 office as provided in this Act and shall thereupon assume the  
15 duties of the office for the unexpired term to which the person  
16 was appointed only until the first Monday of May following the  
17 next regular election, and at that election a trustee shall be  
18 elected to fill the vacancy for any balance of the unexpired  
19 term and until the elected trustee has qualified.

20 (c) Election; terms; petitions.

21 Except as otherwise provided in Section 2A of the Election  
22 Code, the term of each elected trustee shall commence on the  
23 third Monday of May following the election and until his  
24 successor is elected and qualified. Of the initial trustees  
25 elected under this Section, 3 shall be elected for terms of 2  
26 years and 2 shall be elected for terms of 4 years. All

1 subsequent trustees shall be elected for 4 year terms.

2 No party designation shall appear on the ballot for  
3 election of trustees. The provisions of the general election  
4 law shall apply to and govern the nomination and election of  
5 trustees.

6 Nominations for members of the board of trustees shall be  
7 made by a petition signed by at least 25 voters or 5% of the  
8 voters, whichever is less, residing within the district and  
9 shall be filed with the secretary of the board. In addition to  
10 the requirements of general election law, the form of the  
11 petition shall be as follows:

12 NOMINATING PETITIONS

13 To the Secretary of the Board of Trustees of (name of fire  
14 protection district):

15 We, the undersigned, being (number of signatories or 5% or  
16 more) of the voters residing within the district, hereby  
17 petition that (name of candidate) who resides at (address of  
18 candidate) in this district shall be a candidate for the office  
19 of (office) of the Board of Trustees (full-term or vacancy) to  
20 be voted for at the election to be held (date of election).

21 The secretary of the board shall notify each candidate for  
22 whom a petition for nomination has been filed of their  
23 obligations under the Campaign Financing Act, as required by  
24 the general election law. The notice shall be given on a form  
25 prescribed by the State Board of Elections and in accordance  
26 with the requirements of the general election law.

1       The secretary shall, within 7 days of filing or on the last  
2       day for filing, whichever is earlier, acknowledge to the  
3       petitioner in writing his acceptance of the petition.

4       The provisions of Section 4 relating to eligibility, powers  
5       and disabilities of trustees shall apply equally to elected  
6       trustees.

7       Whenever a fire protection district determines to elect  
8       trustees as provided in this Section, the trustees appointed  
9       pursuant to Section 4 shall continue to constitute the board of  
10       trustees until the third Monday of May following the first  
11       election of trustees. If the term of office of any appointed  
12       trustees expires before the first election of trustees, the  
13       authority which appointed that trustee under Section 4 of this  
14       Act shall appoint a successor to serve until a successor is  
15       elected and has qualified. The terms of all appointed trustees  
16       in such district shall expire on the third Monday of May  
17       following the first election of trustees under this Section or  
18       when successors have been elected and have qualified, whichever  
19       occurs later.

20       Section 99. Effective date. This Act takes effect upon  
21       becoming law.