



Sen. Deanna Demuzio

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09600HB4846sam001

LRB096 16807 RLJ 39869 a

1 AMENDMENT TO HOUSE BILL 4846

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4846 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Fire Protection District Act is amended by  
5 changing Section 4.01 and adding Section 4.04 as follows:

6 (70 ILCS 705/4.01) (from Ch. 127 1/2, par. 24.01)

7 Sec. 4.01. Five-member boards.

8 (a) Any appointed board of trustees of a fire protection  
9 district may provide for the establishment of a 5-member board  
10 of trustees by adopting an ordinance to that effect. An  
11 appointed board of trustees shall also be increased to a  
12 5-member board upon the adoption of a proposition to increase  
13 the board as provided in subsection (b) of this Section. When  
14 such an ordinance or proposition has been adopted, the  
15 appropriate appointing authority shall, within 60 days of the  
16 date of the adoption of the ordinance or proposition, appoint 2

1 additional trustees to the board of trustees, one to hold  
2 office for 2 years and one to hold office for 3 years from the  
3 first Monday of May next after their appointment and until  
4 their successors are appointed and have qualified. The lengths  
5 of the terms of these 2 additional members shall be determined  
6 by lot at the first meeting of the board of trustees held after  
7 the 2 additional members take office. The 3 trustees already  
8 holding office in the district shall continue to hold office  
9 for the remainder of their respective terms. Thereafter, on or  
10 before the second Monday in April of each year the appropriate  
11 appointing authority shall appoint one trustee or 2 trustees,  
12 as shall be necessary to maintain a 5-member board of trustees,  
13 whose terms shall be for 3 years commencing the first Monday in  
14 May of the year in which they are respectively appointed.

15 (b) Upon presentation to an elected or appointed 3-member  
16 board of trustees of a petition, signed by not less than 5% of  
17 the electors of the district governed by the board, requesting  
18 that a proposition to increase the board of trustees to a  
19 5-member board be submitted to the electors of the district,  
20 the secretary of the board of trustees shall certify the  
21 proposition to the appropriate election authorities who shall  
22 submit the proposition at a regular election in accordance with  
23 the general election law. The general election law shall apply  
24 to and govern the election. The proposition shall be in  
25 substantially the following form:

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1           "Shall the number of trustees                       YES  
2 of the Fire Protection District be       -----  
3 increased from 3 to 5?"                       NO  
4 -----

5           If a majority of the votes cast on the proposition are in  
6 the affirmative, the board of trustees of the district shall  
7 thereafter be increased to a 5-member board and the 2  
8 additional trustees shall be elected or appointed as provided  
9 by this Section.

10           (c) Any appointed board of trustees of a fire protection  
11 district that has established a 5-member board of trustees by  
12 ordinance under subsection (a) may provide for a return to a  
13 3-member board of trustees by adopting an ordinance to that  
14 effect. The terms of the 5 persons serving on the board at the  
15 time of the adoption of the ordinance shall be terminated upon  
16 the adoption of the ordinance, except that they shall continue  
17 to serve until the 3-member board under this subsection (c) has  
18 been selected and qualified. The appropriate appointing  
19 authority shall appoint the 3-member board within 60 days after  
20 the adoption of the ordinance. The appointments shall be made  
21 under Section 4. Persons serving on the 5-member board shall be  
22 eligible for appointment to the 3-member board under this  
23 subsection (c).

24           (d) Beginning on August 17, 1990, and ending 3 years after  
25 that date, in the case of a fire protection district board of  
26 trustees in a county with a population of more than 400,000 but

1 less than 450,000, according to the 1980 general census,  
2 created under Section 4, subsection (a), paragraph (3) of this  
3 Act that has established a 5-member board of trustees under  
4 this Section a petition for the redress of a trustee, charging  
5 the trustee with palpable omission of duty or nonfeasance in  
6 office, signed by not less than 5% of the electors of the  
7 district may be presented to the township supervisor or the  
8 presiding officer of the county board, as appropriate. Upon  
9 receipt of the petition, the township supervisor or presiding  
10 officer of the county board, as appropriate, shall preside over  
11 a hearing on the matter of the requested redress. The hearing  
12 shall be held not less than 14 nor more than 30 days after  
13 receipt of the petition. In the case of a fire protection  
14 district trustee appointed by the presiding officer of the  
15 county board, the presiding officer shall appoint at least 4  
16 but not more than 8 members of the county board, a majority of  
17 whom shall reside in a county board district in which the fire  
18 protection district is wholly or partially located, to serve as  
19 the hearing panel. In the case of a fire protection district  
20 trustee appointed by the board of town trustees, the township  
21 supervisor and 2 other town trustees appointed by the  
22 supervisor shall serve as the hearing panel. Within 30 days  
23 after the hearing, the panel shall issue a statement of its  
24 findings concerning the charges against the trustee, based upon  
25 the evidence presented at the hearing, and may make to the fire  
26 protection district any recommendations deemed appropriate.

1       (e) In a district governed by an elected or appointed  
2 5-member board, upon presentation of a petition, signed by not  
3 less than 5% of the electors of the district governed by the  
4 board, requesting that a proposition to decrease the board of  
5 trustees to a 3-member board be submitted to the electors of  
6 the district, the secretary of the board of trustees shall  
7 certify the proposition to the appropriate election  
8 authorities who shall submit the proposition at a regular  
9 election in accordance with the general election law. The  
10 general election law shall apply to and govern the election.

11       The election authority must submit the question in  
12 substantially the following form:

13               Shall the number of trustees of the fire protection  
14 district be decreased from 5 to 3 members?

15       The election authority must record the votes as "Yes" or "No".

16       If a majority of the votes cast on the proposition are in  
17 the affirmative, the board of trustees of the district shall be  
18 decreased to a 3-member board. The terms of the 5 persons  
19 serving on the board at the time of the reduction of the number  
20 of members to 3 shall terminate upon certification of the  
21 election results, except that they shall continue to serve  
22 until the 3-member board is appointed and qualified or elected  
23 and qualified.

24       In the case of an appointed board, the appointing authority  
25 shall within 60 days after the certification of the election  
26 results, appoint 3 trustees to the board with terms starting

1 the first Monday in May next following the election where the  
2 decrease in the board's size is approved. The terms of the  
3 appointed trustees shall be determined by lot at the first  
4 board meeting following the election. One trustee shall have a  
5 term of 3 years, one trustee shall have a term of 2 years, and  
6 one trustee shall have a term of one year. Thereafter, all  
7 terms shall be for 3 years.

8 In the case of an elected board, 3 trustees shall be  
9 elected at the next election at which fire protection district  
10 trustees are to be elected under the general election law. The  
11 terms of the trustees shall be determined by lot at the first  
12 board meeting following the election. One elected trustee shall  
13 have a term of 6 years, one trustee shall have a term of 4  
14 years, and one trustee shall have a term of 2 years.  
15 Thereafter, the terms of all elected trustees shall be 6 years.

16 (Source: P.A. 86-1179; 87-712.)

17 (70 ILCS 705/4.04 new)

18 Sec. 4.04. Change from a 7-member board to a 5-member or  
19 3-member board. In a district governed by an elected or  
20 appointed 7-member board, upon presentation of a petition,  
21 signed by not less than 5% of the electors of the district  
22 governed by the board, requesting that a proposition to  
23 decrease the board of trustees to a 5-member or 3-member board  
24 be submitted to the electors of the district, the secretary of  
25 the board of trustees shall certify the proposition to the

1 appropriate election authorities who shall submit the  
2 proposition at a regular election in accordance with the  
3 general election law. The general election law shall apply to  
4 and govern the election.

5 The election authority must submit the question in  
6 substantially the following form:

7 Shall the number of trustees of the fire protection  
8 district be decreased from 7 to (5 or 3) members?  
9 The election authority must record the votes as "Yes" or "No".

10 If a majority of the votes cast on the proposition are in  
11 the affirmative, the board of trustees of the district shall be  
12 decreased to a 5-member or 3-member board, as applicable. The  
13 terms of the 7 persons serving on the board at the time of the  
14 reduction of the number of members to 5 or 3 shall terminate  
15 upon certification of the election results, except that they  
16 shall continue to serve until the 5-member or 3-member board is  
17 appointed and qualified or elected and qualified.

18 In the case of an appointed board, the appointing authority  
19 shall within 60 days after the certification of the election  
20 results, appoint 3 or 5 trustees, as the case may be, to the  
21 board of trustees with terms starting the first Monday in May  
22 next following the election where the decrease in the board's  
23 size is approved. The terms of the appointed trustees shall be  
24 determined by lot at the first board meeting following the  
25 election. In the case of a 5-member board, 2 trustees shall  
26 have a 3-year term, 2 trustees shall have a 2-year term, and

1 one trustee shall have a one-year term. In the case of a  
2 3-member board, one trustee shall have a 3-year term, one  
3 trustee shall have a 2-year term, and one trustee shall have a  
4 one-year term. Thereafter, all terms shall be for 3 years.

5 In the case of an elected board, 3 or 5 trustees shall be  
6 elected at the next election at which fire protection district  
7 trustees are to be elected under the general election law. The  
8 terms of the trustees shall be determined by lot at the first  
9 board meeting following the election. In the case of a 5-member  
10 board, 2 elected trustees shall have a 2-year term, 2 trustees  
11 shall have a 4-year term, and one trustee shall have a 6-year  
12 term. In the case of a 3-member board, one elected trustee  
13 shall have a 6-year term, one trustee shall have a 4-year term,  
14 and one trustee shall have a 2-year term. Thereafter, the terms  
15 of all elected trustees shall be 6 years.

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.".