



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5562

by Rep. Daniel Swanson

SYNOPSIS AS INTRODUCED:

50 ILCS 740/2	from Ch. 85, par. 532
50 ILCS 740/7	from Ch. 85, par. 537
50 ILCS 740/8	from Ch. 85, par. 538
50 ILCS 740/9	from Ch. 85, par. 539
50 ILCS 740/10	from Ch. 85, par. 540
50 ILCS 740/11	from Ch. 85, par. 541
50 ILCS 740/12	from Ch. 85, par. 542
50 ILCS 740/13	from Ch. 85, par. 543

Amends the Illinois Fire Protection Training Act. Provides that the Office of the State Fire Marshal (rather than, not later than May 30th of each year, from funds appropriated for this purpose) shall reimburse the local governmental agencies or individuals participating in the training program in an amount equaling one-half of the total sum paid by them during the period established by the Office for tuition at training schools, salary of trainees while in school, necessary travel expenses, and room and board for each trainee from funds appropriated for this purpose. Provides that if a National Fire Protection Association standard exists for various criteria identified under the Act, the Office shall utilize and adopt, by procedures, directives, or rules that standard or those standards as the minimum standard requirements for that criteria. Provides that the Office shall establish procedures for the adoption of those applicable National Fire Protection Association standards. Provides that the Office may, in its discretion, adopt, amend, and repeal in part or in their entirety those procedures, directives, or rules as may be necessary to carry out the Act. Makes other changes.

LRB100 20770 SLF 36258 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Illinois Fire Protection Training Act is
5 amended by changing Sections 2, 7, 8, 9, 10, 11, 12, and 13 as
6 follows:

7 (50 ILCS 740/2) (from Ch. 85, par. 532)

8 Sec. 2. Definitions. As used in this Act, unless the
9 context requires otherwise:

10 a. Office means the Office of the State Fire Marshal.

11 b. "Local governmental agency" means any local
12 governmental unit or municipal corporation in this State. It
13 does not include the State of Illinois or any office, officer,
14 department, division, bureau, board, commission, or agency of
15 the State except: (i) a State controlled university, college,
16 or public community college, or (ii) the Office of the State
17 Fire Marshal.

18 c. "School" means any school located within the State of
19 Illinois whether privately or publicly owned which offers a
20 course in fire protection training or related subjects and
21 which has been approved by the Office.

22 d. "Trainee" means a recruit fire fighter required to
23 complete initial minimum basic training requirements at an

1 approved school to be eligible for permanent employment as a
2 fire fighter.

3 e. "Fire protection personnel" and "fire fighter" means any
4 person engaged in fire administration, fire prevention, fire
5 suppression, fire education and arson investigation, including
6 any permanently employed, trainee or volunteer fire fighter,
7 whether or not such person, trainee or volunteer is compensated
8 for all or any fraction of his time.

9 f. "Basic training" and "basic level" shall mean the entry
10 level fire fighter ~~Basic Operations Firefighter~~ program
11 established by ~~as promulgated by the rules and regulations of~~
12 the Office.

13 g. "Advanced training" means the advanced level fire
14 fighter programs established by the Office.

15 h. "National Fire Protection Association standard" means a
16 standard or code published by the National Fire Protection
17 Association establishing minimum guidelines for specific fire
18 protection subject matter.

19

20 (Source: P.A. 96-974, eff. 7-2-10; 97-782, eff. 1-1-13.)

21 (50 ILCS 740/7) (from Ch. 85, par. 537)

22 Sec. 7. Selection and approval ~~certification~~ of schools.
23 The Office shall select and approve ~~certify~~ the fire training
24 program at the University of Illinois and other schools within
25 the State of Illinois for the purpose of providing basic

1 training for trainees, and advanced or in-service ~~inservice~~
2 training for ~~permanent~~ fire protection personnel which schools
3 may be either publicly or privately owned and operated.

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

5 (50 ILCS 740/8) (from Ch. 85, par. 538)

6 Sec. 8. Rules and minimum standards for schools. The Office
7 may, in its discretion, shall adopt, amend, or repeal in part
8 or in their entirety procedures, directives, rules, or ~~and~~
9 minimum standards for such schools which shall include but not
10 be limited to the following:

11 a. Minimum courses of study, resources, facilities,
12 apparatus, equipment, reference material, established
13 records and procedures as determined by the Office.

14 b. Minimum requirements for instructors.

15 c. Minimum basic training requirements, which a
16 trainee must satisfactorily complete before being eligible
17 for permanent employment as a fire fighter in the fire
18 department of a participating local governmental agency.
19 Those requirements shall include training in first aid
20 (including cardiopulmonary resuscitation) and training in
21 the administration of opioid antagonists as defined in
22 paragraph (1) of subsection (e) of Section 5-23 of the
23 Alcoholism and Other Drug Abuse and Dependency Act.

24 d. If a National Fire Protection Association standard
25 exists for criteria identified under this Section, the

1 Office shall utilize and adopt, by procedures, directives,
2 or rules that standard or those standards as the minimum
3 standard requirements for that criteria. The Office shall
4 establish procedures for the adoption of those applicable
5 National Fire Protection Association standards.

6 (Source: P.A. 99-480, eff. 9-9-15.)

7 (50 ILCS 740/9) (from Ch. 85, par. 539)

8 Sec. 9. Training participation; funding. All local
9 governmental agencies and individuals may elect to participate
10 in the training programs under this Act, subject to the rules
11 and regulations of the Office. The participation may be for
12 certification only, or for certification and reimbursement for
13 training expenses as further provided in this Act. To be
14 eligible to receive reimbursement for training of individuals,
15 a local governmental agency shall require by ordinance that a
16 trainee complete a basic level course approved by the Office,
17 and pass the State test for certification at the basic level
18 within the probationary period as established by the local
19 governmental agency. A certified copy of the ordinance must be
20 on file with the Office.

21 Individuals who have retired from active fire service
22 duties and are officially affiliated with fire service
23 training, mutual aid, incident command, fire ground
24 operations, or staff support for public fire service
25 organizations shall not be prohibited from receiving training

1 certification from the Office on the ground that they are not
2 employed or otherwise engaged by an organized Illinois fire
3 department if they otherwise meet the minimum certification
4 standards set by the Office.

5 Employees of the Office shall not be prohibited from
6 receiving training certifications from the Office on the
7 grounds that they are not employed or otherwise engaged by an
8 organized Illinois fire department if they otherwise meet the
9 minimum certification standards set by the Office and the
10 certifications are directly related to their job-related
11 duties, as determined by the Office.

12 The Office may by rule provide for reimbursement funding
13 for trainees who are volunteers or paid on call fire protection
14 personnel beyond their probationary period, but not to exceed 3
15 years from the date of initial employment. The Office may
16 reimburse for basic or advanced training of individuals who
17 were permanently employed fire protection personnel prior to
18 the date of the ordinance. Individuals may receive
19 reimbursement if employed by a unit of local government that
20 participates for reimbursement funding and the individual is
21 otherwise eligible.

22 Failure of any trainee to complete the basic training and
23 certification within the required period will render that
24 individual and local governmental agency ineligible for
25 reimbursement funding for basic training for that individual in
26 the calendar ~~fiscal~~ year in which his probationary period ends.

1 The individual may later become certified without
2 reimbursement.

3 Any participating local governmental agency may elect to
4 withdraw from the training program by repealing the original
5 ordinance, and a certified copy of the ordinance must be filed
6 with the Office.

7 (Source: P.A. 96-215, eff. 8-10-09; 97-782, eff. 1-1-13.)

8 (50 ILCS 740/10) (from Ch. 85, par. 540)

9 Sec. 10. Training expenses; reimbursement. The Office, ~~not~~
10 ~~later than May 30th of each year, from funds appropriated for~~
11 ~~this purpose,~~ shall reimburse the local governmental agencies
12 or individuals participating in the training program in an
13 amount equaling one-half of the total sum paid by them during
14 the period established by the Office for tuition at training
15 schools, salary of trainees while in school, necessary travel
16 expenses, and room and board for each trainee from funds
17 appropriated for this purpose. Funds appropriated under this
18 Section shall be used for reimbursement for costs incurred from
19 January 1 through December 31 of the prior calendar year. In
20 addition to reimbursement provided herein by the Office to the
21 local governmental agencies for participation by trainees, the
22 Office in each year shall reimburse the local governmental
23 agencies participating in the training program for ~~permanent~~
24 fire protection personnel in the same manner as trainees for
25 each training program. No more than 50% of the reimbursements

1 distributed to local governmental agencies in any fiscal year
2 shall be distributed to local governmental agencies of more
3 than 500,000 persons. If at the time of the annual
4 reimbursement to local governmental agencies participating in
5 the training program there is an insufficient appropriation to
6 make reimbursement in full, the appropriation shall be
7 apportioned among the participating local governmental
8 agencies. No local governmental agency which shall alter or
9 change in any manner any of the training programs as
10 promulgated under this Act or fail to comply with rules and
11 regulations promulgated under this Act shall be entitled to
12 receive any matching funds under this Act. Submitting false
13 information to the Office is a Class B misdemeanor.

14 (Source: P.A. 97-782, eff. 1-1-13.)

15 (50 ILCS 740/11) (from Ch. 85, par. 541)

16 Sec. 11. Procedures, directives, and rules ~~Rules and~~
17 ~~regulations.~~

18 (a) The Office may, in its discretion, adopt ~~make~~, amend,
19 and repeal in part or in their entirety ~~rescind~~ those
20 procedures, directives, or rules ~~and regulations~~ as may be
21 necessary to carry out the provisions of this Act. The Office
22 may, in its discretion, adopt, amend, and repeal in part or in
23 their entirety those procedures, directives, or ~~make~~ rules ~~and~~
24 ~~regulations~~ establishing the fees to be paid for the
25 administration of examinations, approval ~~certification~~ of

1 schools, ~~and~~ certification of fire fighters, and other training
2 programs provided by the Office. The Office shall post its
3 procedures, directives, or rules relating to this Act on its
4 official website.

5 (b) If a National Fire Protection Association standard
6 exists for criteria identified under this Act, the Office shall
7 utilize and adopt, by procedures, directives, or rules that
8 standard or those standards as the minimum standard
9 requirements for that criteria. The Office shall establish
10 procedures for the adoption of those applicable National Fire
11 Protection Association standards.

12 (Source: P.A. 89-180, eff. 7-19-95; 90-20, eff. 6-20-97.)

13 (50 ILCS 740/12) (from Ch. 85, par. 542)

14 Sec. 12. Advanced training programs. The Office may, in its
15 discretion, ~~may~~ adopt, amend, and repeal in part or in their
16 entirety those procedures, directives, rules, or ~~and~~ minimum
17 standards for advanced training programs for ~~permanent~~ fire
18 protection personnel in addition to the basic training
19 programs. The training for ~~permanent~~ fire protection personnel
20 may be given in any schools approved ~~selected~~ by the Office.
21 Such training, if offered, may be discontinued by the school
22 upon either a temporary or permanent basis. Local governmental
23 agencies which have elected to participate in the basic ~~recruit~~
24 training program may elect to participate in the advanced~~7~~
25 training for ~~permanent~~ fire protection personnel, but

1 non-participation in the advanced program shall not in any way
2 affect the right of governmental agencies to participate in the
3 basic training ~~trainee~~ program. The failure of any permanent
4 fire protection employee to successfully complete any course
5 herein authorized shall not affect his or her status as a
6 member of the fire department of any local governmental agency.
7 If a National Fire Protection Association standard exists for
8 criteria identified under this Section, the Office shall
9 utilize and adopt, by procedures, directives, or rules that
10 standard or those standards as the minimum standard
11 requirements for that criteria. The Office shall establish
12 procedures for the adoption of those applicable National Fire
13 Protection Association standards.

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

15 (50 ILCS 740/13) (from Ch. 85, par. 543)

16 Sec. 13. Additional powers and Duties. In addition to the
17 other powers and duties given to the Office by this Act, the
18 Office:

19 (1) may employ a Manager ~~Director~~ of Personnel Standards
20 and Education and other necessary clerical and technical
21 personnel;

22 (2) may make such reports and recommendations to the
23 Governor and the General Assembly in regard to fire protection
24 personnel, standards, education, and related topics as it deems
25 proper;

1 (3) shall report to the Governor and the General Assembly
2 no later than March 1 of each year the affairs and activities
3 of the Office for the preceding year.

4 The requirement for reporting to the General Assembly shall
5 be satisfied by filing copies of the report with the Speaker,
6 the Minority Leader and the Clerk of the House of
7 Representatives and the President, the Minority Leader and the
8 Secretary of the Senate and the Legislative Research Unit, as
9 required by Section 3.1 of "An Act to revise the law in
10 relation to the General Assembly", approved February 25, 1874,
11 as amended, and filing such additional copies with the State
12 Government Report Distribution Center for the General Assembly
13 as is required under paragraph (t) of Section 7 of the State
14 Library Act.

15 (Source: P.A. 84-1438.)