



Sen. Neil Anderson

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10000SB2619sam001

LRB100 18076 AWJ 37493 a

1 AMENDMENT TO SENATE BILL 2619

2 AMENDMENT NO. _____. Amend Senate Bill 2619 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Sections 10-1-7.3 and 10-2.1-4 as follows:

6 (65 ILCS 5/10-1-7.3)

7 Sec. 10-1-7.3. Appointment of fire chief. Notwithstanding
8 any other provision in this Division, after the effective date
9 of this amendatory Act of the 100th General Assembly ~~this~~
10 ~~amendatory Act of the 100th General Assembly~~, a person shall
11 not be appointed as the chief, the acting chief, the department
12 head, or a position, by whatever title, that is responsible for
13 day-to-day operations of a fire department for greater than 180
14 days unless he or she possesses the following qualifications
15 and certifications:

- 16 (1) Office of the State Fire Marshal Basic Operations

1 Firefighter ~~Basic~~ Certification or Office of the State Fire
2 Marshal Firefighter II Certification; Office of the State
3 Fire Marshal Advanced Fire Officer Certification or Office
4 of the State Fire Marshal Fire Officer I and II
5 Certification Certifications; and an associate degree in
6 fire science or a bachelor's degree from an accredited
7 university or college; ~~or~~

8 (2) a current certification from the International
9 Fire Service Accreditation Congress or Pro Board Fire
10 Service Professional Qualifications System that meets the
11 National Fire Protection Association standard NFPA 1001,
12 Standard for Fire Fighter Professional Qualifications,
13 Level I job performance requirements; a current
14 certification from the International Fire Service
15 Accreditation Congress or Pro Board Fire Service
16 Professional Qualifications System that meets the National
17 Fire Protection Association standard NFPA 1021, Standard
18 for Fire Officer Professional Qualifications, Fire Officer
19 II job performance requirements; and an associate degree in
20 fire science or a bachelor's degree from an accredited
21 university or college;

22 (3) qualifications that meet the National Fire
23 Protection Association standard NFPA 1001, Standard for
24 Fire Fighter Professional Qualifications, Level I job
25 performance requirements; qualifications that meet the
26 National Fire Protection Association standard NFPA 1021,

1 Standard for Fire Officer Professional Qualifications,
2 Fire Officer II job performance requirements; and an
3 associate degree in fire science or a bachelor's degree
4 from an accredited university or college; or

5 (4) ~~(2)~~ a minimum of 10 years' experience as a
6 firefighter at the fire department in the jurisdiction
7 making the appointment.

8 This Section applies to fire departments that employ
9 firefighters hired under the provisions ~~Section 10-1-7.1 or~~
10 ~~10-1-7.2~~ of this Division.

11 On and after the effective date of this amendatory Act of
12 the 100th General Assembly, a home rule municipality may not
13 appoint a fire chief, an acting chief, a department head, or a
14 position, by whatever title, that is responsible for day-to-day
15 operations of a fire department for greater than 180 days in a
16 manner inconsistent with this Section. This Section is a
17 limitation under subsection (i) of Section 6 of Article VII of
18 the Illinois Constitution on the concurrent exercise by home
19 rule units of powers and functions exercised by the State.

20 (Source: P.A. 100-425, eff. 8-25-17.)

21 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

22 Sec. 10-2.1-4. Fire and police departments; appointment of
23 members; certificates of appointments. The board of fire and
24 police commissioners shall appoint all officers and members of
25 the fire and police departments of the municipality, including

1 the chief of police and the chief of the fire department,
2 unless the council or board of trustees shall by ordinance as
3 to them otherwise provide; except as otherwise provided in this
4 Section, and except that in any municipality which adopts or
5 has adopted this Division 2.1 and also adopts or has adopted
6 Article 5 of this Code, the chief of police and the chief of
7 the fire department shall be appointed by the municipal
8 manager, if it is provided by ordinance in such municipality
9 that such chiefs, or either of them, shall not be appointed by
10 the board of fire and police commissioners.

11 If the chief of the fire department or the chief of the
12 police department or both of them are appointed in the manner
13 provided by ordinance, they may be removed or discharged by the
14 appointing authority. In such case the appointing authority
15 shall file with the corporate authorities the reasons for such
16 removal or discharge, which removal or discharge shall not
17 become effective unless confirmed by a majority vote of the
18 corporate authorities.

19 After the effective date of this amendatory Act of the
20 100th General Assembly ~~this amendatory Act of the 100th General~~
21 ~~Assembly~~, a person shall not be appointed as the chief, the
22 acting chief, the department head, or a position, by whatever
23 title, that is responsible for day-to-day operations of a fire
24 department for greater than 180 days unless he or she possesses
25 the following qualifications and certifications:

- 26 (1) Office of the State Fire Marshal Basic Operations

1 Firefighter ~~Basic~~ Certification or Office of the State Fire
2 Marshal Firefighter II Certification; Office of the State
3 Fire Marshal Advanced Fire Officer Certification or Office
4 of the State Fire Marshal Fire Officer I and II
5 Certification Certifications; and an associate degree in
6 fire science or a bachelor's degree from an accredited
7 university or college; ~~or~~

8 (2) a current certification from the International
9 Fire Service Accreditation Congress or Pro Board Fire
10 Service Professional Qualifications System that meets the
11 National Fire Protection Association standard NFPA 1001,
12 Standard for Fire Fighter Professional Qualifications,
13 Level I job performance requirements; a current
14 certification from the International Fire Service
15 Accreditation Congress or Pro Board Fire Service
16 Professional Qualifications System that meets the National
17 Fire Protection Association standard NFPA 1021, Standard
18 for Fire Officer Professional Qualifications, Fire Officer
19 II job performance requirements; and an associate degree in
20 fire science or a bachelor's degree from an accredited
21 university or college;

22 (3) qualifications that meet the National Fire
23 Protection Association standard NFPA 1001, Standard for
24 Fire Fighter Professional Qualifications, Level I job
25 performance requirements; qualifications that meet the
26 National Fire Protection Association standard NFPA 1021,

1 Standard for Fire Officer Professional Qualifications,
2 Fire Officer II job performance requirements; and an
3 associate degree in fire science or a bachelor's degree
4 from an accredited university or college; or

5 (4) ~~(2)~~ a minimum of 10 years' experience as a
6 firefighter at the fire department in the jurisdiction
7 making the appointment.

8 This paragraph applies to fire departments that employ
9 firefighters hired under the provisions of this Division. On
10 and after the effective date of this amendatory Act of the
11 100th General Assembly, a home rule municipality may not
12 appoint a fire chief, an acting chief, a department head, or a
13 position, by whatever title, that is responsible for day-to-day
14 operations of a fire department for greater than 180 days in a
15 manner inconsistent with this paragraph. This paragraph is a
16 limitation under subsection (i) of Section 6 of Article VII of
17 the Illinois Constitution on the concurrent exercise by home
18 rule units of powers and functions exercised by the State.

19 If a member of the department is appointed chief of police
20 or chief of the fire department prior to being eligible to
21 retire on pension, he shall be considered as on furlough from
22 the rank he held immediately prior to his appointment as chief.
23 If he resigns as chief or is discharged as chief prior to
24 attaining eligibility to retire on pension, he shall revert to
25 and be established in whatever rank he currently holds, except
26 for previously appointed positions, and thereafter be entitled

1 to all the benefits and emoluments of that rank, without regard
2 as to whether a vacancy then exists in that rank.

3 All appointments to each department other than that of the
4 lowest rank, however, shall be from the rank next below that to
5 which the appointment is made except as otherwise provided in
6 this Section, and except that the chief of police and the chief
7 of the fire department may be appointed from among members of
8 the police and fire departments, respectively, regardless of
9 rank, unless the council or board of trustees shall have by
10 ordinance as to them otherwise provided. A chief of police or
11 the chief of the fire department, having been appointed from
12 among members of the police or fire department, respectively,
13 shall be permitted, regardless of rank, to take promotional
14 exams and be promoted to a higher classified rank than he
15 currently holds, without having to resign as chief of police or
16 chief of the fire department.

17 The sole authority to issue certificates of appointment
18 shall be vested in the Board of Fire and Police Commissioners
19 and all certificates of appointments issued to any officer or
20 member of the fire or police department of a municipality shall
21 be signed by the chairman and secretary respectively of the
22 board of fire and police commissioners of such municipality,
23 upon appointment of such officer or member of the fire and
24 police department of such municipality by action of the board
25 of fire and police commissioners. After being selected from the
26 register of eligibles to fill a vacancy in the affected

1 department, each appointee shall be presented with his or her
2 certificate of appointment on the day on which he or she is
3 sworn in as a classified member of the affected department.
4 Firefighters who were not issued a certificate of appointment
5 when originally appointed shall be provided with a certificate
6 within 10 days after making a written request to the
7 chairperson of the Board of Fire and Police Commissioners. In
8 any municipal fire department that employs full-time
9 firefighters and is subject to a collective bargaining
10 agreement, a person who has not qualified for regular
11 appointment under the provisions of this Division 2.1 shall not
12 be used as a temporary or permanent substitute for classified
13 members of a municipality's fire department or for regular
14 appointment as a classified member of a municipality's fire
15 department unless mutually agreed to by the employee's
16 certified bargaining agent. Such agreement shall be considered
17 a permissive subject of bargaining. Municipal fire departments
18 covered by the changes made by Public Act 95-490 ~~this~~
19 ~~amendatory Act of the 95th General Assembly~~ that are using
20 non-certificated employees as substitutes immediately prior to
21 June 1, 2008 (the effective date of Public Act 95-490) ~~this~~
22 ~~amendatory Act of the 95th General Assembly~~ may, by mutual
23 agreement with the certified bargaining agent, continue the
24 existing practice or a modified practice and that agreement
25 shall be considered a permissive subject of bargaining. A home
26 rule unit may not regulate the hiring of temporary or

1 substitute members of the municipality's fire department in a
2 manner that is inconsistent with this Section. This Section is
3 a limitation under subsection (i) of Section 6 of Article VII
4 of the Illinois Constitution on the concurrent exercise by home
5 rule units of powers and functions exercised by the State.

6 The term "policemen" as used in this Division does not
7 include auxiliary police officers except as provided for in
8 Section 10-2.1-6.

9 Any full-time ~~full-time~~ member of a regular fire or police
10 department of any municipality which comes under the provisions
11 of this Division or adopts this Division 2.1 or which has
12 adopted any of the prior Acts pertaining to fire and police
13 commissioners, is a city officer.

14 Notwithstanding any other provision of this Section, the
15 Chief of Police of a department in a non-home rule municipality
16 of more than 130,000 inhabitants may, without the advice or
17 consent of the Board of Fire and Police Commissioners, appoint
18 up to 6 officers who shall be known as deputy chiefs or
19 assistant deputy chiefs, and whose rank shall be immediately
20 below that of Chief. The deputy or assistant deputy chiefs may
21 be appointed from any rank of sworn officers of that
22 municipality, but no person who is not such a sworn officer may
23 be so appointed. Such deputy chief or assistant deputy chief
24 shall have the authority to direct and issue orders to all
25 employees of the Department holding the rank of captain or any
26 lower rank. A deputy chief of police or assistant deputy chief

1 of police, having been appointed from any rank of sworn
2 officers of that municipality, shall be permitted, regardless
3 of rank, to take promotional exams and be promoted to a higher
4 classified rank than he currently holds, without having to
5 resign as deputy chief of police or assistant deputy chief of
6 police.

7 Notwithstanding any other provision of this Section, a
8 non-home rule municipality of 130,000 or fewer inhabitants,
9 through its council or board of trustees, may, by ordinance,
10 provide for a position of deputy chief to be appointed by the
11 chief of the police department. The ordinance shall provide for
12 no more than one deputy chief position if the police department
13 has fewer than 25 full-time police officers and for no more
14 than 2 deputy chief positions if the police department has 25
15 or more full-time police officers. The deputy chief position
16 shall be an exempt rank immediately below that of Chief. The
17 deputy chief may be appointed from any rank of sworn, full-time
18 officers of the municipality's police department, but must have
19 at least 5 years of full-time service as a police officer in
20 that department. A deputy chief shall serve at the discretion
21 of the Chief and, if removed from the position, shall revert to
22 the rank currently held, without regard as to whether a vacancy
23 exists in that rank. A deputy chief of police, having been
24 appointed from any rank of sworn full-time officers of that
25 municipality's police department, shall be permitted,
26 regardless of rank, to take promotional exams and be promoted

1 to a higher classified rank than he currently holds, without
2 having to resign as deputy chief of police.

3 No municipality having a population less than 1,000,000
4 shall require that any firefighter appointed to the lowest rank
5 serve a probationary employment period of longer than one year.
6 The limitation on periods of probationary employment provided
7 in Public Act 86-990 ~~this amendatory Act of 1989~~ is an
8 exclusive power and function of the State. Pursuant to
9 subsection (h) of Section 6 of Article VII of the Illinois
10 Constitution, a home rule municipality having a population less
11 than 1,000,000 must comply with this limitation on periods of
12 probationary employment, which is a denial and limitation of
13 home rule powers. Notwithstanding anything to the contrary in
14 this Section, the probationary employment period limitation
15 may be extended for a firefighter who is required, as a
16 condition of employment, to be a licensed paramedic, during
17 which time the sole reason that a firefighter may be discharged
18 without a hearing is for failing to meet the requirements for
19 paramedic licensure.

20 To the extent that this Section or any other Section in
21 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,
22 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

23 (Source: P.A. 100-252, eff. 8-22-17; 100-425, eff. 8-25-17;
24 revised 10-3-17.)

25 Section 10. The Fire Protection District Act is amended by

1 changing Section 16.04b as follows:

2 (70 ILCS 705/16.04b)

3 Sec. 16.04b. Appointment of fire chief. Notwithstanding
4 any other provision in this Act, after the effective date of
5 this amendatory Act of the 100th General Assembly ~~this~~
6 ~~amendatory Act of the 100th General Assembly~~, a person shall
7 not be appointed as the chief, the acting chief, the department
8 head, or a position, by whatever title, that is responsible for
9 day-to-day operations of a fire protection district for greater
10 than 180 days unless he or she possesses the following
11 qualifications and certifications:

12 (1) Office of the State Fire Marshal Basic Operations
13 Firefighter ~~Basic~~ Certification or Office of the State Fire
14 Marshal Firefighter II Certification; Office of the State
15 Fire Marshal Advanced Fire Officer Certification or Office
16 of the State Fire Marshal Fire Officer ~~I and~~ II
17 Certification ~~Certifications~~; and an associate degree in
18 fire science or a bachelor's degree from an accredited
19 university or college; ~~or~~

20 (2) a current certification from the International
21 Fire Service Accreditation Congress or Pro Board Fire
22 Service Professional Qualifications System that meets the
23 National Fire Protection Association standard NFPA 1001,
24 Standard for Fire Fighter Professional Qualifications,
25 Level I job performance requirements; a current

1 certification from the International Fire Service
2 Accreditation Congress or Pro Board Fire Service
3 Professional Qualifications System that meets the National
4 Fire Protection Association standard NFPA 1021, Standard
5 for Fire Officer Professional Qualifications, Fire Officer
6 II job performance requirements; and an associate degree in
7 fire science or a bachelor's degree from an accredited
8 university or college;

9 (3) qualifications that meet the National Fire
10 Protection Association standard NFPA 1001, Standard for
11 Fire Fighter Professional Qualifications, Level I job
12 performance requirements; qualifications that meet the
13 National Fire Protection Association standard NFPA 1021,
14 Standard for Fire Officer Professional Qualifications,
15 Fire Officer II job performance requirements; and an
16 associate degree in fire science or a bachelor's degree
17 from an accredited university or college; or

18 (4) ~~(2)~~ a minimum of 10 years' experience as a
19 firefighter in the fire protection district of the
20 jurisdiction making the appointment.

21 This Section applies to fire protection districts that
22 employ firefighters hired under the provisions of this Act.

23 (Source: P.A. 100-425, eff. 8-25-17.)".