



Sen. Martin A. Sandoval

Filed: 5/22/2018

10000HB5197sam002

LRB100 19037 AWJ 40583 a

1 AMENDMENT TO HOUSE BILL 5197

2 AMENDMENT NO. _____. Amend House Bill 5197 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. Findings. The General Assembly finds that the
5 positions of fire chief and paramedic chief in the Chicago Fire
6 Department are positions that require the knowledge and skill
7 of experienced members of the Chicago Fire Department.
8 Furthermore, the General Assembly finds that the positions of
9 fire chief and paramedic chief are positions in which persons
10 holding the fire chief and paramedic chief rank take command
11 of, or otherwise give orders to, their subordinates at
12 potentially dangerous or life-threatening incidents and
13 activities.

14 Section 10. The Illinois Municipal Code is amended by
15 adding Section 10-1-7.4 and by changing Section 11-10-2 as
16 follows:

1 (65 ILCS 5/10-1-7.4 new)

2 Sec. 10-1-7.4. Temporary fire chief and paramedic chief
3 advisory board.

4 (a) As used in this Section, "fire chief" or "paramedic
5 chief" means an individual temporarily appointed by the Fire
6 Commissioner to have direct supervisory authority over sworn
7 members of the department.

8 (b) A non-binding advisory board is created in the Chicago
9 Fire Department to recommend to the Fire Commissioner of the
10 Chicago Fire Department the best candidates for each position
11 of fire chief or paramedic chief. The advisory board shall be
12 comprised of 8 members appointed by the Fire Commissioner, or
13 his or her designee, 4 of whom must be, at the time of
14 appointment and during all times while serving on the advisory
15 board: (i) a member of an organization representing the
16 interest of firefighters and paramedics of the Chicago Fire
17 Department; and (ii) elected at large by members of that
18 organization to the organization's executive board. The Fire
19 Commissioner shall make his or her initial appointments to the
20 advisory board no later than 60 days after the effective date
21 of this amendatory Act of the 100th General Assembly. The
22 advisory board shall meet no later than 90 days after the
23 effective date of this amendatory Act of the 100th General
24 Assembly to elect a chair and vice-chair. Beginning June 1,
25 2019, and every June 1 thereafter, members shall be appointed

1 or reappointed to one-year terms and each newly-appointed
2 advisory board shall meet no later than July 1 of each year to
3 elect a chair and vice-chair.

4 (c) The Fire Commissioner shall provide written notice to
5 the advisory board each time the Fire Commissioner will need to
6 make an appointment of a fire chief or paramedic chief. The
7 Fire Commissioner must provide with the written notice to the
8 advisory board a list of qualified candidates for each position
9 that he or she will need to make an appointment. The advisory
10 board shall meet no later than 30 days after receipt of each
11 written notice from the Fire Commissioner and shall issue a
12 recommendation or recommendations to the Fire Commissioner no
13 later than 15 days after the initial meeting. In order to be
14 recommended for the position of fire chief or paramedic chief,
15 5 members of the advisory board must agree to the
16 recommendation.

17 (d) The Fire Commissioner may appoint a fire chief or
18 paramedic chief after the advisory board has issued its
19 recommendation under subsection (c). An individual appointed
20 fire chief or paramedic chief by the Fire Commissioner must
21 meet the following criteria:

22 (1) is an active member of the Chicago Fire Department
23 who is not receiving any type of pension from the Firemen's
24 Annuity and Benefit Fund of Chicago;

25 (2) has 10 years of creditable service time with the
26 Chicago Fire Department;

1 (3) has held the position of battalion chief with the
2 Chicago Fire Department for a period of not less than 5
3 years immediately prior to his or her appointment to the
4 rank of fire chief or paramedic chief; and

5 (4) is subject to the maximum age restrictions
6 consistent with the ordinances of the City of Chicago that
7 govern active sworn members of the Chicago Fire Department.

8 (e) The advisory board shall adopt all necessary rules and
9 procedures it finds necessary to carry out the process of
10 recommending qualified candidates. The City of Chicago shall
11 provide administrative and other support to the advisory board.

12 (f) The regulation of the advisory board and the regulation
13 of appointments of fire chiefs or paramedic chiefs in the
14 Chicago Fire Department are exclusive powers and functions of
15 the State. The City of Chicago may not regulate the advisory
16 board or regulate appointments of fire chiefs or paramedic
17 chiefs in the Chicago Fire Department. This Section is a denial
18 and limitation of home rule powers and functions under
19 subsection (h) of Section 6 of Article VII of the Illinois
20 Constitution.

21 (65 ILCS 5/11-10-2) (from Ch. 24, par. 11-10-2)

22 Sec. 11-10-2. (a) A department foreign fire insurance board
23 shall be created within the fire department of each
24 municipality with fewer than 500,000 inhabitants that has an
25 organized fire department. The board shall consist of 7

1 trustees; the fire chief, who shall hold office by virtue of
2 rank, and 6 members, who shall be elected at large by the sworn
3 members of the department. If there is an insufficient number
4 of candidates to fill all these positions, the number of board
5 members may be reduced, but not to fewer than 3 trustees. All
6 members of the department shall be eligible to be elected as
7 officers of the department foreign fire insurance board. The
8 members of this board shall annually elect officers. These
9 officers shall be a chairman and a treasurer. The trustees of
10 the department foreign fire insurance board shall make all
11 needful rules and regulations with respect to the department
12 foreign fire insurance board and the management of the money to
13 be appropriated to the board. The officers of the department
14 foreign fire insurance board shall develop and maintain a
15 listing of those items that the board feels are appropriate
16 expenditures under this Act. The treasurer of the department
17 foreign fire insurance board shall give a sufficient bond to
18 the municipality in which the fire department is organized.
19 This bond shall be approved by the mayor or president, as the
20 case may be, conditioned upon the faithful performance by the
21 treasurer of his or her duties under the ordinance and the
22 rules and regulations provided for in this section. The
23 treasurer of the department foreign fire insurance board shall
24 receive the appropriated money and shall pay out the money upon
25 the order of the department foreign fire insurance board for
26 the maintenance, use, and benefit of the department. As part of

1 the annual municipal audit, these funds shall be audited to
2 verify that the funds have been expended by that board only for
3 the maintenance, use, and benefit of the department.

4 (b) As used in this subsection, "active member" means a
5 member of the Chicago Fire Department who is not receiving a
6 disability pension, retired, or a deferred pensioner of the
7 Firemen's Annuity and Benefit Fund of Chicago.

8 A department foreign fire insurance board is created within
9 the Chicago Fire Department. The board shall consist of 7
10 trustees who shall be initially elected on or before January 1,
11 2019: the fire commissioner, who shall hold office by virtue of
12 rank, and 6 elected trustees, who shall be elected at large by
13 the sworn members of the department. If there is an
14 insufficient number of candidates seeking election to each
15 vacant trustee position, the number of board members is reduced
16 to 5 trustees, including the fire commissioner of the
17 department, until the next election cycle when there are enough
18 active members seeking election to fill all 7 member seats. All
19 active members are eligible to be elected as trustees of the
20 department foreign fire insurance board. Of the trustees first
21 elected, 3 trustees shall be elected to a 2-year term and 3
22 trustees shall be elected to a 3-year term. After the initial
23 election, a trustee shall be elected for a term of 3 years. If
24 a member of the board resigns, is removed, or is unable to
25 continue serving on the board, the vacancy shall be filled by
26 special election of the active members or, in the case of a

1 vacancy that will exist for fewer than 180 days until the term
2 expires, by appointment by majority vote of the members of the
3 board.

4 The members of the board shall annually elect officers.
5 These officers shall be a chairman, treasurer, and secretary.
6 The trustees of the board shall make rules and regulations with
7 respect to the board and the management of the money
8 appropriated to the board. The officers of the board shall
9 develop and maintain a listing of those items that the board
10 believes are appropriate expenditures under this subsection.
11 The treasurer of the board shall give a sufficient bond to the
12 City of Chicago. The cost of the bond shall be paid out of the
13 moneys in the board's fund. The bond shall be conditioned upon
14 the faithful performance by the treasurer of his or her duties
15 under the rules and regulations provided for in this
16 subsection. The treasurer of the board shall receive the
17 appropriated proceeds and shall disburse the proceeds upon the
18 order of the board for the maintenance, use, and benefit of the
19 department consistent with this subsection. As part of the
20 annual municipal audit, these funds shall be audited to verify
21 that the funds have been expended lawfully by the board
22 consistent with this subsection.

23 Within 30 days after receipt of any foreign fire insurance
24 proceeds by the City of Chicago, the City of Chicago shall
25 transfer the proceeds to the board by depositing the proceeds
26 into an account determined by the board, except that if the

1 effective date of this amendatory Act of the 100th General
2 Assembly is after July 31, 2018, then the City of Chicago
3 shall, for budget year 2019 only, transfer only 50% of the
4 proceeds to the board. Notwithstanding any other provision of
5 law: 50% of the foreign fire insurance proceeds received by the
6 board shall be used for the maintenance, use, benefit, or
7 enhancement of fire stations or training facilities used by the
8 active members of the fire department; 25% of the foreign fire
9 insurance proceeds received by the board shall be used for the
10 maintenance, use, benefit, or enhancement of emergency
11 response vehicles, tools, and equipment used by the active
12 members of the department; and 25% of the foreign fire
13 insurance proceeds received by the board shall be used for the
14 maintenance and enhancement of the department and for the use
15 and benefit of the active members of the department in a manner
16 otherwise consistent with this Act. Foreign fire insurance
17 proceeds may not be used to purchase, maintain, or enhance
18 personal property of a member of the department, except for
19 personal property used in the performance of his or her duties
20 or training activities.

21 (c) The provisions of this Section shall be the exclusive
22 power of the State, pursuant to subsection (h) of Section 6 of
23 Article VII of the Constitution.

24 (Source: P.A. 95-807, eff. 8-12-08; 96-505, eff. 8-14-09.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".