



Fire Counsel Notes & Legislative Update

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This joint article and report is presented to update fire protection district trustees and administrators on the progress and status of legislative matters in the 100th General Assembly of the Illinois legislature which are of concern to fire protection districts and the Illinois Fire Service in general. Despite the turmoil over the recent adoption of a state budget for the first time in two years along with a permanent increase in the state income tax over the Governor's veto, the IAFFD legislative team and its fire Service Partners have been working very hard on legislative issues. In part, this involves submitting and supporting the passage of legislative proposals of benefit to fire protection districts and the Fire Service, and, at the same time, working to defeat legislative proposals which, if enacted, would be detrimental to districts and the Fire Service. This article will cover both aspects of the legislative scene in Springfield at this point in the 100th General Assembly.

BILLS PASSED BY BOTH THE HOUSE OF REPRESENTATIVES & THE SENATE & SENT TO THE GOVERNOR.

The following are bills which have passed both the Illinois Senate and the Illinois House of Representatives and have been sent to the Governor. The first three were advocated by the Association and its Fire Service partners and are favorable to fire protection districts. The fourth bill is part of the "Grand Bargain" package and is not favorable to fire protection districts with appointed boards of trustees.

House Bill 0743 - amends Section 24 of the Fire Protection District Act to clarify that districts may propose a separate tax levy for rescue crews and equipment at a rate limit of either .05 or .10 at the time of original submission to the voters (corrects a technical glitch in the prior amendment to this section allowing for a higher limit of .10%). This is a bill put forward by the IAFFD.

House Bill 2382 - amends the Fire Hydrant Act to include "dry hydrants." It will require maintenance of dry hydrants in the same manner as wet hydrants under the Fire Hydrant Act (425 ILCS 20/2) and it sets up the same requirements for dry hydrants as wet hydrants with regard to access and authorizes a recovery of cost for the failure of the party responsible to maintain such hydrants. This is an IAFFD bill.

House Bill 2492 - amends the Vehicle Code to exempt fire and emergency apparatus from weight limits on highways except for Class I (interstates and tollways) highways (corrects a change made last year by HB6093/PA99-0717).

Senate Bill 0003 - extends the "DuPage Bill" to all counties within the state and will empower county boards to eliminate units of local government within the county for which the county board makes the governing board appointments. Under current law this provision in the Counties Code applies only in DuPage, Lake and McHenry Counties. The bill amends Sections 5-44010 and 5-44020 of the Counties Code and adds a new Section 5-44043 to the Code (55 ILCS 5/5-44010, 55 ILCS 5/5-44020 & 55 ILCS 5/5-44043). It will not apply to a fire protection district which "directly employs any regular full-time employees" or to districts with elected boards of trustees. The "DuPage Bill" has been advocated by those in county government and the state legislature who seek to consolidate or eliminate units of local government. While the bulk of this bill relates to township matters regarding consolidation, the extension of the grant of authority to county boards throughout the state creates the potential for efforts to be made by county governments to eliminate non-career fire protection districts.

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BILLS PASSED BY BOTH THE HOUSE OF REPRESENTATIVES & THE SENATE.

The following bills have been passed by both houses of the legislature, but at the time this article is being prepared have not been forwarded to the Governor for his action.

House Bill 771 - amends the Fire Protection District Act to authorize "any regularly enrolled volunteer firefighter" to purchase up to four vehicle tires every three years through the district's joint purchasing contract. As used in this new law, "Volunteer Firefighter" means a firefighter who does not receive monetary compensation for his or her services.

House Bill 2550 - would modify the Illinois Vehicle Code regarding the Illinois Fire Fighters' Memorial Fund so that those funds may be used to provide scholarships for post-secondary education approved by the Illinois Fire Fighter Memorial Foundation to children and spouses of firefighters killed in the line of duty. (Now only undergraduate and graduate education qualifies.)

House Bill 622 - would require a unit of government filing an appeal of an Illinois Public Labor Relations Board decision to the Appellate Court to file an application with the court to stay the effect of the decision pending the court's ruling on the matter.

BILLS ADVOCATED BY THE IAFPD WHICH REMAIN PENDING IN THE LEGISLATURE.

The following are bills which have been put forward by the Association Legislative Committee and which remain at some stage of the legislative process prior to a vote in the legislature.

Senate Bill 1177 - this Bill would amend the Workers' Compensation Act to provide that a volunteer, paid-on-call or part-time firefighter, emergency medical technician, or paramedic would receive temporary total disability workers' compensation benefits commencing the day after the accident causing the disability injury rather than after the fourth day after the injury as under current law.

Senate Bill 1415 - would amend the Tax Increment Allocation Redevelopment Act (TIF) to require the inclusion of all or a portion of a unit of local

government's capital costs resulting from a TIF redevelopment project which are reasonably incurred or will be incurred as a result of the TIF project. Current law makes the funding of such capital costs wholly discretionary on the part of the sponsoring municipality (city or village).

House Bill 566 - would amend Section 11f of the Fire Protection District (70 ILCS 705/11f) to revise the charge which can be made against a nonresident by a fire protection district for services rendered to the nonresident. This Bill is pending negotiation with the insurance industry

which has objected strenuously to a modification of the change made in 2016 at the instigation of the insurance industry limiting the charge under Section 11f to \$250.00 per hour for apparatus and equipment regardless of the number of units responding to a call. Negotiations will continue in an effort to reach a solution agreeable to both the insurance industry and the fire service. (In the meantime, the current law which limits charges for apparatus and equipment to \$250.00 per hour regardless of the number of units responding remains in effect.)

OTHER FIRE SERVICE BILLS & BILLS OF INTEREST THAT HAVE PASSED THE GENERAL ASSEMBLY & AWAIT ACTION BY THE GOVERNOR.

The following bills have been passed by both the Senate and the House of Representatives and they have been sent to the Governor for his action.

Senate Bill 1304 - would add a Section 16.04b to the Illinois Fire Protection District Act regarding the appointment of the Fire Chief to provide that a person shall not be appointed as fire chief, acting fire chief, department head, or other position of day to day operation or supervision of a fire protection district for more than 180 days unless the person has attained certain OSFM certifications or has at least ten years' experience in the fire service. This new section would be applicable only to fire protection districts which employ

firefighters hired under provisions of the Act.

House Bill 616 - would amend Sections 16.04a and 16.06b of the Fire Protection District Act (70 ILCS 705/16.04a & 16.06b) to provide that after a firefighter is selected from a register of eligibles to fill a vacancy, the appointee is to be presented with his or her certificate of appointment on the day on which the firefighter is sworn in as a classified member of the department. Allows a firefighter not provided with such

a certificate of appointment to make a written request to receive one.

House Bill 2525 - would amend the Workers' Compensation Act to provide that accidental injuries sustained while traveling to or from work do not "arise out of and in the course of employment." Defines "arising out of employment" to require a showing that an injury had its origin in some risk connected with, or

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OTHER FIRE SERVICE BILLS & BILLS OF INTEREST THAT HAVE PASSED THE GENERAL ASSEMBLY & AWAIT ACTION BY THE GOVERNOR: *Continued*

incidental to, the employment. Establishes factors to determine whether travel is or is not in the course of employment.

House Bill 2551 - would amend the State Fire Marshal Act to provide that the Office of the State Fire Marshal may administer grants to areas not located in a fire protection district or municipality which provides fire protection services to defray organizational expenses of forming a fire protection district (clarifies that the source of grant funding is not limited to general revenue fund sources).

House Bill 2778 - would add a new Section 3.3 to the Fire Protection District Act (70 ILCS 705/3.3) which would allow a fire protection district to annex property which is not part of the district but which is designated by an emergency telephone system for response by the district.

Requires notice to the affected property owner followed by adoption of annexation ordinance. If approved the Bill will take effect January 1, 2018.

House Bill 3108 - would amend the Illinois Finance Authority Act to increase the amount which can be loaned by the Ambulance Revolving Loan Fund for an ambulance from \$100,000.00 to \$200,000.00. Makes an additional change regarding the retention and use of monies in the revolving loan programs by the Illinois Finance Authority.

House Bill 3469 - would amend the Illinois Vehicle Code to provide that a vehicle operated by a Fire Chief may be equipped with a siren, whistle, or bell capable of emitting a sound audible under normal conditions from a distance of not less than 500 feet.

House Bill 3773 - would amend the Smoke Detector Act to revise the battery requirements for smoke detectors to require a nonremovable, long-term battery. The Act would have an effective date of January 1, 2023 and it makes other changes with regard to exceptions to the new rule and provides for penalties for violations.

House Bill 3910 - would amend the Illinois Controlled Substances Act to authorize emergency medical services personnel to administer schedule II, III, IV, or V controlled substances to a patient within the scope of the EMT's employment without a written, electronic, or oral prescription of a prescriber.

OTHER BILLS WHICH REMAIN PENDING & ARE OF INTEREST TO THE FIRE SERVICE

These bills have not been passed by both houses of the General Assembly and remain in differing stages of consideration by the legislature.

Senate Bill 635 and House Bill 628 - both bills would require the Illinois Municipal League (IML) to annually disclose information regarding collections of foreign fire insurance tax and would limit any collection fee to no more than 1% (now 7% for fire protection districts) of the amount collected.

Senate Bill 1235 - would bring volunteer firefighters under the Public Employee Disability Act which provides for the payment of an injured firefighter who is unable to work on the same basis as prior to the injury for one year after the injury. For a volunteer firefighter the rate of compensation would be the amount based on the applicable Workers' Compensation Act benefit rate for volunteer firefighters.

House Bill 393 - would add Section 11n to the Fire Protection District Act to provide for the collection of fees not

exceeding a reasonable cost of services rendered by a district for emergency action taken in response to hazardous material emergency incident. It would allow a charge of up to \$250.00 per hour for equipment and up to \$70.00 per hour per firefighter responding to a call. The charge could be assessed against all persons for whom services had been rendered in connection with the incident. Makes a correlative change to Hazardous Material Emergency Response Reimbursement Act to provide that districts will now bill for hazardous materials under the new Section 11n.

House Bill 782 - would allow publication requirements of units of local government to be met by posting on an official government website instead of being published in a newspaper.

Senate Bill 1686 - would amend Section 11k of the Fire Protection District Act (70 ILCS 705/11k) which requires competitive bidding by fire protection district for expenditures in excess of \$20,000.00 to provide that contracts with companies providing services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part would be excluded from the competitive bidding requirements of Section 11k.

Senate Bill 2032 - would revise the rules regarding the publication of notices, agendas, records, or other information to allow a unit of local government to publish that item electronically instead of in a newspaper. Would provide for publication on the local government's website or on the "data.illinois.gov" website. Also

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PRESS RELEASE

FOR IMMEDIATE RELEASE

RE: Fire Call magazine June 30th/ Re: Deerfield-Bannockburn FPD
104th community/district in Illinois to adopt 2012 ICC International Fire Code

Date: June 30, 2017

Location: Deerfield & Bannockburn Illinois

Release Prepared by: Illinois Fire Sprinkler Coalition, Thomas Lia, 62 Orland
Square Drive Orland Park, IL 60462 Sprinkttml@aol.com 708-403-4468

Deerfield-Bannockburn Fire District sets the moral tone with code adoption.



If you are going to recommend to others what you feel you should do for fire safety, it makes sense that you should follow the same rules in your own district, right?

Trustee Kim Barkemeyer, Phil Bettiker, and Jeffrey Hansen felt that way when they passed a new ordinance at the May 11th board

meeting adopting the 2012 ICC International Fire Code including the provisions for residential fire sprinklers following NFPA 13D for new home construction in unincorporated Deerfield-Bannockburn Fire District.

Chief Ian Kazian, and Fire Marshall Brian McCarthy have been working in the prior months to educate the board on all of the new code provisions by providing documents and reports from NFPA, HFSC, FEMA, ISO, and others recommending that the fire district comply with the latest codes. Chief Kazian stated “Our fire district has always been a leader in fire prevention and life safety. Our board of trustees understands that passing a residential fire sprinkler code is the single most important decision they could make to provide a fire-safe community.”

The fire district is the 104th community/district in Illinois to adopt this fire safety requirement, congratulations!

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OTHER BILLS WHICH REMAIN PENDING & ARE OF INTEREST TO THE FIRE SERVICE: *Continued*

would require that a notice be published in a newspaper citing the unit's website address where the information can be located.

House Bill 2352 - would define the term "catastrophic injury" under the Public Safety Employee Benefits Act to mean an injury which directly and proximately

causes a permanent disability preventing an individual from gainful employment.

NEGATIVE BILLS WHICH ARE OPPOSED BY THE IAFFD:

The following bills are pending at various stages of the legislative process, but which have not been passed by both houses of the legislature. The IAFFD will continue efforts to prevent the passage of these proposals.

Senate Bill 0013 - another "Grand Bargain" bill which would impose a two-year extension (2017 and 2018) of the Property Tax Extension Limitation Law (PTELL) or "tax caps" on all units of local government. (Currently listed as being on 3rd reading with a May 31, 2017 deadline.

members of an Article 4 pension fund.

House Bill 624 - would allow a home rule municipality (city or village) to disconnect territory from a fire protection district if the municipality's separate fire department serves at least 80% of the municipality.

House Bill 2757 - would require local government employers to pay terminating employees all earned sick time and vacation time within a specified time period following termination of employment.

Senate Bill 0935/House Bill 2727 - would extend the application of the Property Tax Extension Limitation Law (PTELL) statewide (compare to SB0003) effective 2017.

House Bill 792 - would extend the provisions of the "DuPage Bill" (Counties Code Division 5-144 [55 ILCS 5/5-44010]) to authorize counties to dissolve units of local government whose governing boards they appoint. (Note that Senate Bill 0003 discussed above also does this and it is awaiting action by the Governor.)

Senate Bill 0630 - would amend the Downstate Firefighter Pension Code provisions to define "act of duty" and "on duty" for purposes of disability determinations to include any assignment approved by the fire chief and participation in training regardless of whether the firefighter is being compensated at the time.

Senate Bill 1335 - would require pension contributions to be made for "secondary employment" of members of a fire department whose career firefighters are

As the foregoing listing indicates, despite the controversy attendant on the state budget crisis and income tax increase, a significant volume of legislative proposals have been and remain under consideration in the General Assembly. Serious participation in the legislative process and vigilance on the part of fire protection districts is critical. Trustees, administrators, fire officers and fire department members are encouraged to monitor these bills and to take the time to contact their state representative and state senator about the bills that will directly benefit or harm fire protection districts! Only by letting legislators know on a timely basis their position can fire protection districts have a serious impact on what happens in the General Assembly both for good and for bad to the Fire Service. Please make the effort! If you have an interest in a particular bill listed above, you can easily access and read the entire bill by going to the Illinois General Assembly Website, www.ilga.gov.

A Post Conference Postscript on Legislative Matters and the "Property Tax Freeze":

At the Annual IAFFD Conference in Peoria, I made the prediction that "there would only be a bill to increase income taxes, if connected to a property tax limitation component." Contrary to the belief of most of us who work Springfield, a stand-alone tax increase (and budget) was passed at the special session of the General Assembly over the July 4th weekend. Since my prediction was so much in error I hesitate to venture a guess as to what may happen with property tax limitation bills. As of now the only consideration "on the table" is what was just passed. The shock of 15 republicans voting for the tax increase "alone" is still being assessed statewide, and in their districts. The Governor will clearly be unhappy at what he will feel was not what his caucus had promised to stand for. How he will fight back is not yet known, but watch for both sides to claim that the other is spending large amounts to ensure the election of friends, and the defeat of "enemies." THEY WILL BOTH BE CORRECT. I am afraid we will see the worst side of politics for a while. CV ■