



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB0393

by Rep. Charles Meier

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-6-15 new  
70 ILCS 705/11n new  
430 ILCS 55/5

from Ch. 127 1/2, par. 1005

Amends the Illinois Municipal Code and Fire Protection District Act. Provides that the corporate authorities of municipalities and the boards of trustees of fire protection districts may fix, charge, and collect reasonable fees not exceeding the reasonable cost of services rendered by the municipality or district for emergency action taken in response to a hazardous material emergency incident. Limits charges to a rate not to exceed \$250 per hour and not to exceed \$70 per hour per firefighter and for reasonable charges to reimburse the municipality or district for extraordinary expenses of materials used in rendering the services. Excludes charges for vehicles, personnel, or equipment that are not actively being used in response to the emergency incident. Amends the Hazardous Material Emergency Response Reimbursement Act making conforming changes. Effective immediately.

LRB100 05577 AWJ 15591 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 Municipal Code is amended by adding  
5 Section 11-6-15 as follows:

6 (65 ILCS 5/11-6-15 new)

7 Sec. 11-6-15. Response to hazardous material emergency  
8 incidents.

9 (a) As used in this Section, "emergency action", "person",  
10 and "hazardous material" have the meanings provided to those  
11 terms in Section 3 of the Hazardous Material Emergency Response  
12 Reimbursement Act.

13 (b) The corporate authorities of municipalities may fix,  
14 charge, and collect reasonable fees not exceeding the  
15 reasonable cost of services rendered by a volunteer municipal  
16 fire department or a volunteer firefighter of any municipal  
17 fire department for emergency action taken in response to a  
18 hazardous material emergency incident against all persons for  
19 whom services have been rendered.

20 (c) The fee for the services shall be computed at a rate  
21 not to exceed \$250 per hour and not to exceed \$70 per hour per  
22 firefighter responding to a call for assistance. An additional  
23 reasonable charge may be levied to reimburse the municipality

1 for extraordinary expenses of materials used in rendering the  
2 services. No fee shall be charged for services or expenses in  
3 which vehicles, personnel, or equipment are not actively being  
4 used in response to the emergency incident.

5 Section 10. The Fire Protection District Act is amended by  
6 adding Section 11n as follows:

7 (70 ILCS 705/11n new)

8 Sec. 11n. Response to hazardous material emergency  
9 incidents.

10 (a) As used in this Section, "emergency action", "person",  
11 and "hazardous material" have the meanings provided to those  
12 terms in Section 3 of the Hazardous Material Emergency Response  
13 Reimbursement Act.

14 (b) The board of trustees of a fire protection district may  
15 fix, charge, and collect reasonable fees not exceeding the  
16 reasonable cost of services rendered by the district for  
17 emergency action taken in response to a hazardous material  
18 emergency incident against all persons for whom services have  
19 been rendered.

20 (c) The fee for the services shall be computed at a rate  
21 not to exceed \$250 per hour and not to exceed \$70 per hour per  
22 firefighter responding to a call for assistance. An additional  
23 reasonable charge may be levied to reimburse the district for  
24 extraordinary expenses of materials used in rendering the

1 services. No fee shall be charged for services or expenses in  
2 which vehicles, personnel, or equipment are not actively being  
3 used in response to the emergency incident.

4 Section 15. The Hazardous Material Emergency Response  
5 Reimbursement Act is amended by changing Section 5 as follows:

6 (430 ILCS 55/5) (from Ch. 127 1/2, par. 1005)

7 Sec. 5. Reimbursement to agencies.

8 (a) It shall be the duty of the responsible party to  
9 reimburse, within 60 days after the receipt of a bill for the  
10 hazardous material emergency incident, the emergency response  
11 agencies responding to a hazardous material emergency  
12 incident, and any private contractor responding to the incident  
13 at the request of an emergency response agency, for the costs  
14 incurred in the course of providing emergency action. The  
15 corporate authorities of municipalities and the boards of  
16 trustees of fire protection districts shall bill for all  
17 emergency response services and expenses in accordance with  
18 Section 11-6-15 of the Illinois Municipal Code and Section 11n  
19 of the Fire Protection District Act.

20 (b) In the event that the emergency response agencies are  
21 not reimbursed by a responsible party as required under  
22 subsection (a), monies in the Fund, subject to appropriation,  
23 shall be used to reimburse the emergency response agencies  
24 providing emergency action at or near the scene of a hazardous

1 materials emergency incident subject to the following  
2 limitations:

3 (1) Cost recovery from the Fund is limited to  
4 replacement of expended materials including, but not  
5 limited to, specialized firefighting foam, damaged hose or  
6 other reasonable and necessary supplies.

7 (2) The applicable cost of supplies must exceed 2% of  
8 the emergency response agency's annual budget.

9 (3) A minimum of \$500 must have been expended.

10 (4) A maximum of \$10,000 may be requested per incident.

11 (5) The response was made to an incident involving  
12 hazardous materials facilities such as rolling stock which  
13 are not in a terminal and which are not included on the  
14 property tax roles for the jurisdiction where the incident  
15 occurred.

16 (c) Application for reimbursement from the Fund shall be  
17 made to the State Fire Marshal or his designee. The State Fire  
18 Marshal shall, through rulemaking, promulgate a standard form  
19 for such application. The State Fire Marshal shall adopt rules  
20 for the administration of this Act.

21 (d) Claims against the Fund shall be reviewed by the  
22 Illinois Fire Advisory Commission at its normally scheduled  
23 meetings, as the claims are received. The Commission shall be  
24 responsible for:

25 (1) reviewing claims made against the Fund and  
26 determining reasonable and necessary expenses to be

1 reimbursed for an emergency response agency:

2 (2) affirming that the emergency response agency has  
3 made a reasonable effort to recover expended costs from  
4 involved parties; and

5 (3) advising the State Fire Marshal as to those claims  
6 against the Fund which merit reimbursement.

7 (e) The State Fire Marshal shall either accept or reject  
8 the Commission's recommendations as to a claim's eligibility.  
9 The eligibility decision of the State Fire Marshal shall be a  
10 final administrative decision, and may be reviewed as provided  
11 under the Administrative Review Law.

12 (Source: P.A. 98-692, eff. 7-1-14.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.