



Rep. Mike Bost

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09300HB4959ham002

LRB093 18642 BDD 48999 a

1 AMENDMENT TO HOUSE BILL 4959

2 AMENDMENT NO. _____. Amend House Bill 4959 on page 1,
3 immediately below line 3, by inserting following:

4 "Section 1. Short title. This Act may be cited as the
5 Technical Rescue Team Response Reimbursement Act.

6 Section 5. Intent. The General Assembly finds that the cost
7 to fire departments and fire protection districts for training,
8 equipping, and using technical rescue teams is high and beyond
9 a basic level of service. It is the intent of the General
10 Assembly to establish the Technical Rescue Team Reimbursement
11 Fund to alleviate the financial hardships imposed upon any
12 community that uses technical rescue teams to respond to
13 emergency incidents.

14 Section 10. Definitions. In this Act:

15 "Emergency action" means any action taken at or near the
16 scene of an emergency incident to prevent or minimize harm to
17 human health, to property, or to the environment.

18 "Emergency response agency" means a fire department or
19 volunteer fire protection organization that provides
20 firefighting services, emergency rescue services, or emergency
21 medical services.

22 "Person" means an individual, a corporation, a
23 partnership, an unincorporated association, or any unit of

1 federal, State, or local government.

2 "Responsible party" means any person who is responsible for
3 causing the need for technical rescue team services from an
4 emergency response agency.

5 "Technical rescue team" means any State or Mutual Aid Box
6 Alarm System (MABAS) technical rescue team providing
7 specialized rescue services.

8 Section 15. Creation of Fund. The Technical Rescue Team
9 Reimbursement Fund is hereby created as a special fund in the
10 State Treasury.

11 Section 20. Reimbursement to agencies.

12 (a) It shall be the duty of the responsible party to
13 reimburse, in a timely and reasonable manner, the emergency
14 response agencies responding to an emergency incident for the
15 costs incurred in using technical response teams to provide
16 emergency action. All responsible parties shall be jointly and
17 severally liable for the costs incurred in using technical
18 response teams to provide emergency action.

19 (b) If the emergency response agencies are not reimbursed
20 by a responsible party, then moneys in the Technical Rescue
21 Team Reimbursement Fund shall be used to reimburse emergency
22 response agencies for the cost of using technical rescue teams
23 to provide emergency action.

24 (c) Application for reimbursement from the Fund shall be
25 made to the State Fire Marshal or his or her designee. The
26 State Fire Marshal shall establish a standard form for the
27 application and promulgate rules for the administration of this
28 Act.

29 Section 25. Reimbursement to the Fund.

30 (a) The responsible party shall reimburse the Fund for
31 money provided by the Fund to emergency response agencies as

1 the result of the failure of the responsible party to reimburse
2 the emergency response agencies, as required under Section 20.

3 (b) A voluntary contribution to the Fund or directly to an
4 emergency response agency does not constitute an admission of
5 responsibility relative to this Act or to any other State or
6 federal laws, rules, or regulations.

7 (c) If no party to the incident provides reimbursement to
8 the emergency response agency or to the Fund, the Attorney
9 General may, at the request of the State Fire Marshal,
10 institute a civil action to recover costs.

11 (d) If the emergency response agency receives payment from
12 any responsible party or the federal government, the emergency
13 response agency shall pay into the Fund an amount equal to any
14 reimbursement received from the Fund for that incident.

15 Section 30. Administrative panel.

16 (a) An administrative panel, consisting of 7 members, shall
17 be formed by the State Fire Marshal for the purposes described
18 in this Section. Members shall serve without compensation but
19 shall be reimbursed from the Fund for their reasonable expenses
20 incurred in the performance of their duties under this Act. The
21 State Fire Marshal or his or her designee shall serve as
22 chairman of the panel for an indeterminate term of years. The
23 chairman shall appoint 6 members to the panel who shall serve
24 for a term of not more than 2 years. The appointed members
25 shall consist of:

26 (1) Three members who are representatives of emergency
27 response agencies;

28 (2) Four members who are not representatives of
29 emergency response agencies.

30 (b) The panel shall meet at quarterly intervals each year.
31 The chairman, at his discretion, may schedule additional
32 meetings to meet the needs of the panel.

33 (c) The panel shall be responsible for:

1 (1) Reviewing claims made against the Fund and
2 determining (i) the identity of all responsible parties and
3 (ii) reasonable and necessary expenses to be reimbursed to
4 an emergency response agency; and

5 (2) Affirming that the emergency response agency has
6 made a reasonable effort to recover expended costs from the
7 involved parties.

8 (d) Final decisions of the panel may be reviewed in
9 accordance with the Administrative Review Law."; and

10 on page 1, line 4, by changing "Section 5" to "Section 90"; and

11 on page 2, immediately below line 8, by inserting the
12 following:

13 "Section 99. The State Finance Act is amended by adding
14 Section 5.625 as follows:

15 (30 ILCS 105/5.625 new)

16 Sec. 5.625. The Technical Rescue Team Response Fund.".