



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

#### HB4546

Introduced 2/1/2012, by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

430 ILCS 55/3	from Ch. 127 1/2, par. 1003
430 ILCS 55/5	from Ch. 127 1/2, par. 1005
430 ILCS 55/7 rep.	

Amends the Hazardous Material Emergency Response Reimbursement Act. Provides that the Office of the State Fire Marshal (rather than the administrative panel) shall be responsible for (i) reviewing claims made against the Emergency Response Reimbursement Fund and determining reasonable and necessary expenses to be reimbursed to an emergency response agency and (ii) affirming that the emergency response agency has made a reasonable effort to recover expended costs from involved parties. Repeals a provision granting those powers to the administrative panel. Makes other corresponding changes.

LRB097 19837 JDS 65113 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Hazardous Material Emergency Response  
5 Reimbursement Act is amended by changing Sections 3 and 5 as  
6 follows:

7 (430 ILCS 55/3) (from Ch. 127 1/2, par. 1003)

8 Sec. 3. Definitions. As used in this Act:

9 (a) "Emergency action" means any action taken at or near  
10 the scene of a hazardous materials emergency incident to  
11 prevent or minimize harm to human health, to property, or to  
12 the environments from the unintentional release of a hazardous  
13 material.

14 (b) "Emergency response agency" means a unit of local  
15 government, volunteer fire protection organization, or the  
16 American Red Cross that provides:

- 17 (1) firefighting services;
- 18 (2) emergency rescue services;
- 19 (3) emergency medical services;
- 20 (4) hazardous materials response teams;
- 21 (5) civil defense;
- 22 (6) technical rescue teams; or
- 23 (7) mass care or assistance to displaced persons.

1 (c) "Responsible party" means a person who:

2 (1) owns or has custody of hazardous material that is  
3 involved in an incident requiring emergency action by an  
4 emergency response agency; or

5 (2) owns or has custody of bulk or non-bulk packaging  
6 or a transport vehicle that contains hazardous material  
7 that is involved in an incident requiring emergency action  
8 by an emergency response agency; and

9 (3) who causes or substantially contributed to the  
10 cause of the incident.

11 (d) "Person" means an individual, a corporation, a  
12 partnership, an unincorporated association, or any unit of  
13 federal, State or local government.

14 (e) "Annual budget" means the cost to operate an emergency  
15 response agency excluding personnel costs, which include  
16 salary, benefits and training expenses; and costs to acquire  
17 capital equipment including buildings, vehicles and other such  
18 major capital cost items.

19 (f) "Hazardous material" means a substance or material in a  
20 quantity and form determined by the United States Department of  
21 Transportation to be capable of posing an unreasonable risk to  
22 health and safety or property when transported in commerce.

23 ~~(g) "Panel" means administrative panel.~~

24 (Source: P.A. 93-159, eff. 1-1-04; 94-96, eff. 1-1-06.)

25 (430 ILCS 55/5) (from Ch. 127 1/2, par. 1005)

1           Sec. 5. Reimbursement to agencies.

2           (a) It shall be the duty of the responsible party to  
3 reimburse, within 60 days after the receipt of a bill for the  
4 hazardous material emergency incident, the emergency response  
5 agencies responding to a hazardous material emergency  
6 incident, and any private contractor responding to the incident  
7 at the request of an emergency response agency, for the costs  
8 incurred in the course of providing emergency action.

9           (b) In the event that the emergency response agencies are  
10 not reimbursed by a responsible party as required under  
11 subsection (a), monies in the Fund shall be used to reimburse  
12 the emergency response agencies providing emergency action at  
13 or near the scene of a hazardous materials emergency incident  
14 subject to the following limitations:

15           (1) Cost recovery from the Fund is limited to  
16 replacement of expended materials including, but not  
17 limited to, specialized firefighting foam, damaged hose or  
18 other reasonable and necessary supplies.

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

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

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

23           (5) The response was made to an incident involving  
24 hazardous materials facilities such as rolling stock which  
25 are not in a terminal and which are not included on the  
26 property tax roles for the jurisdiction where the incident

1 occurred.

2 (c) Application for reimbursement from the Fund shall be  
3 made to the State Fire Marshal or his designee. The State Fire  
4 Marshal shall, through rulemaking, promulgate a standard form  
5 for such application. The State Fire Marshal shall adopt rules  
6 for the administration of this Act.

7 (d) The State Fire Marshal's Office shall be responsible  
8 for:

9 (1) reviewing claims made against the Emergency  
10 Response Reimbursement Fund and determining reasonable and  
11 necessary expenses to be reimbursed to an emergency  
12 response agency; and

13 (2) affirming that the emergency response agency has  
14 made a reasonable effort to recover expended costs from  
15 involved parties.

16 (Source: P.A. 93-989, eff. 1-1-05.)

17 (430 ILCS 55/7 rep.)

18 Section 10. The Hazardous Material Emergency Response  
19 Reimbursement Act is amended by repealing Section 7.