



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/05/04, by Donald L. Moffitt, Michael K. Smith,
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SYNOPSIS AS INTRODUCED:

430 ILCS 55/5

from Ch. 127 1/2, par. 1005

Amends the Hazardous Material Emergency Response Reimbursement Act. Provides that it is the duty of the responsible party to reimburse, within 30 days after the hazardous material emergency incident (now, in a timely and reasonable manner), the emergency response agencies responding to a hazardous material emergency incident, and any private contractor responding to the incident at the request of an emergency response agency, for the costs incurred in the course of providing emergency action.

LRB093 18642 BDD 44368 b

1 AN ACT concerning public 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 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 30 days after the hazardous material
10 emergency incident ~~in a timely and reasonable manner~~, the
11 emergency response agencies responding to a hazardous material
12 emergency incident, and any private contractor responding to
13 the incident at the request of an emergency response agency,
14 for the costs incurred in the course of providing emergency
15 action.

16 (b) In the event that the emergency response agencies are
17 not reimbursed by a responsible party as required under
18 subsection (a), monies in the Fund shall be used to reimburse
19 the emergency response agencies providing emergency action at
20 or near the scene of a hazardous materials emergency incident
21 subject to the following limitations:

22 (1) Cost recovery from the Fund is limited to
23 replacement of expended materials including, but not
24 limited to, specialized firefighting foam, damaged hose or
25 other reasonable and necessary supplies.

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

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

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

30 (5) The response was made to an incident involving
31 hazardous materials facilities such as rolling stock which
32 are not in a terminal and which are not included on the

1 property tax roles for the jurisdiction where the incident
2 occurred.

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

8 (Source: P.A. 90-467, eff. 8-17-97.)