



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/05/04, by Thomas Holbrook

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.625 new

Creates the Technical Rescue Team Response Reimbursement Act. Establishes the Technical Rescue Team Reimbursement Fund to alleviate the financial hardships imposed upon any community that uses State or Mutual Aid Box Alarm System technical rescue teams to respond to emergency incidents. Requires any responsible party to reimburse the emergency response agencies responding to an emergency incident for the costs incurred in using technical response teams to provide emergency action. Provides that, if the responsible party fails to reimburse the emergency response agency, then moneys in the Technical Rescue Team Reimbursement Fund shall be used to reimburse the agency and the responsible party shall be required to reimburse the Fund. Requires the State Fire Marshal to establish a 7-member administrative panel to (i) review claims made against the Fund, determine the identity of responsible parties, and determine the reasonable and necessary expenses to be reimbursed to an emergency response agency and (ii) affirm that the emergency response agency made a reasonable effort to recover expended costs from the responsible party. Amends the State Finance Act to create the Technical Rescue Team Reimbursement Fund.

LRB093 18639 MKM 44365 b

1 AN ACT concerning emergency response.

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

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
24 federal, State, or local government.

25 "Responsible party" means any person who is responsible for
26 causing the need for technical rescue team services from an
27 emergency response agency.

28 "Technical rescue team" means any State or Mutual Aid Box
29 Alarm System (MABAS) technical rescue team providing
30 specialized rescue services.

1 Section 15. Creation of Fund. The Technical Rescue Team
2 Reimbursement Fund is hereby created as a special fund in the
3 State Treasury.

4 Section 20. Reimbursement to agencies.

5 (a) It shall be the duty of the responsible party to
6 reimburse, in a timely and reasonable manner, the emergency
7 response agencies responding to an emergency incident for the
8 costs incurred in using technical response teams to provide
9 emergency action. All responsible parties shall be jointly and
10 severally liable for the costs incurred in using technical
11 response teams to provide emergency action.

12 (b) If the emergency response agencies are not reimbursed
13 by a responsible party, then moneys in the Technical Rescue
14 Team Reimbursement Fund shall be used to reimburse emergency
15 response agencies for the cost of using technical rescue teams
16 to provide emergency action.

17 (c) Application for reimbursement from the Fund shall be
18 made to the State Fire Marshal or his or her designee. The
19 State Fire Marshal shall establish a standard form for the
20 application and promulgate rules for the administration of this
21 Act.

22 Section 25. Reimbursement to the Fund.

23 (a) The responsible party shall reimburse the Fund for
24 money provided by the Fund to emergency response agencies as
25 the result of the failure of the responsible party to reimburse
26 the emergency response agencies, as required under Section 20.

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

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

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

5 Section 30. Administrative panel.

6 (a) An administrative panel, consisting of 7 members, shall
7 be formed by the State Fire Marshal for the purposes described
8 in this Section. Members shall serve without compensation but
9 shall be reimbursed from the Fund for their reasonable expenses
10 incurred in the performance of their duties under this Act. The
11 State Fire Marshal or his or her designee shall serve as
12 chairman of the panel for an indeterminate term of years. The
13 chairman shall appoint 6 members to the panel who shall serve
14 for a term of not more than 2 years. The appointed members
15 shall consist of:

16 (1) Three members who are representatives of emergency
17 response agencies;

18 (2) Four members who are not representatives of
19 emergency response agencies.

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

23 (c) The panel shall be responsible for:

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

28 (2) Affirming that the emergency response agency has
29 made a reasonable effort to recover expended costs from the
30 involved parties.

31 (d) Final decisions of the panel may be reviewed in
32 accordance with the Administrative Review Law.

33 Section 99. The State Finance Act is amended by adding
34 Section 5.625 as follows:

1 (30 ILCS 105/5.625 new)

2 Sec. 5.625. The Technical Rescue Team Response Fund.