



Sen. David Koehler

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1 AMENDMENT TO SENATE BILL 2232

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2232 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Emergency Management Agency Act is  
5 amended by changing Section 7 as follows:

6 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

7 Sec. 7. Emergency Powers of the Governor. ~~(a)~~ In the event  
8 of a disaster, as defined in Section 4, the Governor may, by  
9 proclamation declare that a disaster exists. Upon such  
10 proclamation, the Governor shall have and may exercise for a  
11 period not to exceed 30 days the following emergency powers;  
12 provided, however, that the lapse of the emergency powers shall  
13 not, as regards any act or acts occurring or committed within  
14 the 30-day ~~30—days~~ period, deprive any person, firm,  
15 corporation, political subdivision, or body politic of any  
16 right or rights to compensation or reimbursement which he, she,

1 it, or they may have under the provisions of this Act:

2 (1) To suspend the provisions of any regulatory statute  
3 prescribing procedures for conduct of State business, or  
4 the orders, rules and regulations of any State agency and  
5 managed care contracts, if strict compliance with the  
6 provisions of any statute, order, rule, managed care  
7 contract, or regulation would in any way prevent, hinder or  
8 delay necessary action, including emergency purchases, by  
9 the Illinois Emergency Management Agency, in coping with  
10 the disaster.

11 (2) To utilize all available resources of the State  
12 government as reasonably necessary to cope with the  
13 disaster and of each political subdivision of the State.

14 (3) To transfer the direction, personnel or functions  
15 of State departments and agencies or units thereof for the  
16 purpose of performing or facilitating disaster response  
17 and recovery programs.

18 (4) On behalf of this State to take possession of, and  
19 to acquire full title or a lesser specified interest in,  
20 any personal property as may be necessary to accomplish the  
21 objectives set forth in Section 2 of this Act, including:  
22 airplanes, automobiles, trucks, trailers, buses, and other  
23 vehicles; coal, oils, gasoline, and other fuels and means  
24 of propulsion; explosives, materials, equipment, and  
25 supplies; animals and livestock; feed and seed; food and  
26 provisions for humans and animals; clothing and bedding;

1 and medicines and medical and surgical supplies; and to  
2 take possession of and for a limited period occupy and use  
3 any real estate necessary to accomplish those objectives;  
4 but only upon the undertaking by the State to pay just  
5 compensation therefor as in this Act provided, and then  
6 only under the following provisions:

7 a. The Governor, or the person or persons as the  
8 Governor may authorize so to do, may forthwith take  
9 possession of property for and on behalf of the State;  
10 provided, however, that the Governor or persons shall  
11 simultaneously with the taking, deliver to the owner or  
12 his or her agent, if the identity of the owner or  
13 agency is known or readily ascertainable, a signed  
14 statement in writing, that shall include the name and  
15 address of the owner, the date and place of the taking,  
16 description of the property sufficient to identify it,  
17 a statement of interest in the property that is being  
18 so taken, and, if possible, a statement in writing,  
19 signed by the owner, setting forth the sum that he or  
20 she is willing to accept as just compensation for the  
21 property or use. Whether or not the owner or agent is  
22 known or readily ascertainable, a true copy of the  
23 statement shall promptly be filed by the Governor or  
24 the person with the Director, who shall keep the docket  
25 of the statements. In cases where the sum that the  
26 owner is willing to accept as just compensation is less

1 than \$1,000, copies of the statements shall also be  
2 filed by the Director with, and shall be passed upon by  
3 an Emergency Management Claims Commission, consisting  
4 of 3 disinterested citizens who shall be appointed by  
5 the Governor, by and with the advice and consent of the  
6 Senate, within 20 days after the Governor's  
7 declaration of a disaster, and if the sum fixed by them  
8 as just compensation be less than \$1,000 and is  
9 accepted in writing by the owner, then the State  
10 Treasurer out of funds appropriated for these  
11 purposes, shall, upon certification thereof by the  
12 Emergency Management Claims Commission, cause the sum  
13 so certified forthwith to be paid to the owner. The  
14 Emergency Management Claims Commission is hereby given  
15 the power to issue appropriate subpoenas and to  
16 administer oaths to witnesses and shall keep  
17 appropriate minutes and other records of its actions  
18 upon and the disposition made of all claims.

19 b. When the compensation to be paid for the taking  
20 or use of property or interest therein is not or cannot  
21 be determined and paid under item a of this paragraph  
22 (4) ~~(a)~~ above, a petition in the name of The People of  
23 the State of Illinois shall be promptly filed by the  
24 Director, which filing may be enforced by mandamus, in  
25 the circuit court of the county where the property or  
26 any part thereof was located when initially taken or

1           used under the provisions of this Act praying that the  
2           amount of compensation to be paid to the person or  
3           persons interested therein be fixed and determined.  
4           The petition shall include a description of the  
5           property that has been taken, shall state the physical  
6           condition of the property when taken, shall name as  
7           defendants all interested parties, shall set forth the  
8           sum of money estimated to be just compensation for the  
9           property or interest therein taken or used, and shall  
10          be signed by the Director. The litigation shall be  
11          handled by the Attorney General for and on behalf of  
12          the State.

13           c. Just compensation for the taking or use of  
14          property or interest therein shall be promptly  
15          ascertained in proceedings and established by judgment  
16          against the State, that shall include, as part of the  
17          just compensation so awarded, interest at the rate of  
18          6% per annum on the fair market value of the property  
19          or interest therein from the date of the taking or use  
20          to the date of the judgment; and the court may order  
21          the payment of delinquent taxes and special  
22          assessments out of the amount so awarded as just  
23          compensation and may make any other orders with respect  
24          to encumbrances, rents, insurance, and other charges,  
25          if any, as shall be just and equitable.

26          (5) When required by the exigencies of the disaster, to

1 sell, lend, rent, give, or distribute all or any part of  
2 property so or otherwise acquired to the inhabitants of  
3 this State, or to political subdivisions of this State, or,  
4 under the interstate mutual aid agreements or compacts as  
5 are entered into under the provisions of subparagraph (5)  
6 of paragraph (c) of Section 6 to other states, and to  
7 account for and transmit to the State Treasurer all funds,  
8 if any, received therefor.

9 (6) To recommend the evacuation of all or part of the  
10 population from any stricken or threatened area within the  
11 State if the Governor deems this action necessary and to  
12 order the mandatory emergency evacuation of a long term  
13 care facility and facilities selected for the supportive  
14 living facilities program authorized by Section 5-5.01a of  
15 the Illinois Public Aid Code when it is determined, in  
16 consultation with the Director of Public Health, that  
17 evacuation is the best solution to eliminating the  
18 potential for harm. A long term care facility notified of a  
19 mandatory emergency evacuation order shall provide a list  
20 of resources needed to the Governor or his or her designee  
21 to safely implement the order.

22 (7) To prescribe routes, modes of transportation, and  
23 destinations in connection with evacuation.

24 (8) To control ingress and egress to and from a  
25 disaster area, the movement of persons within the area, and  
26 the occupancy of premises therein.

1           (9) To suspend or limit the sale, dispensing, or  
2 transportation of alcoholic beverages, firearms,  
3 explosives, and combustibles.

4           (10) To make provision for the availability and use of  
5 temporary emergency housing.

6           (11) A proclamation of a disaster shall activate the  
7 State Emergency Operations Plan, and political subdivision  
8 emergency operations plans applicable to the political  
9 subdivision or area in question and be authority for the  
10 deployment and use of any forces that the plan or plans  
11 apply and for use or distribution of any supplies,  
12 equipment, and materials and facilities assembled,  
13 stockpiled or arranged to be made available under this Act  
14 or any other provision of law relating to disasters.

15           (12) Control, restrict, and regulate by rationing,  
16 freezing, use of quotas, prohibitions on shipments, price  
17 fixing, allocation or other means, the use, sale or  
18 distribution of food, feed, fuel, clothing and other  
19 commodities, materials, goods, or services; and perform  
20 and exercise any other functions, powers, and duties as may  
21 be necessary to promote and secure the safety and  
22 protection of the civilian population.

23           (13) During the continuance of any disaster the  
24 Governor is commander-in-chief of the organized and  
25 unorganized militia and of all other forces available for  
26 emergency duty. To the greatest extent practicable, the

1 Governor shall delegate or assign command authority to do  
2 so by orders issued at the time of the disaster.

3 (14) Prohibit increases in the prices of goods and  
4 services during a disaster.

5 (Source: P.A. 92-73, eff. 1-1-02; revised 9-28-17.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law."