



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2232

Introduced 10/18/2017, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

20 ILCS 3305/2	from Ch. 127, par. 1052
20 ILCS 3305/4	from Ch. 127, par. 1054
20 ILCS 3305/5	from Ch. 127, par. 1055
20 ILCS 3305/6	from Ch. 127, par. 1056
20 ILCS 3305/7	from Ch. 127, par. 1057
20 ILCS 3305/8	from Ch. 127, par. 1058
20 ILCS 3305/10	from Ch. 127, par. 1060
20 ILCS 3305/18	from Ch. 127, par. 1068
20 ILCS 3305/21	from Ch. 127, par. 1071
220 ILCS 5/2-202.5 new	

Amends the Illinois Emergency Management Agency Act. Provides that harm or potential harm to the residents of a long term care facility constitutes a disaster under the Act. Provides that the Governor's comprehensive plan and program for emergency management of the State and emergency operations plans shall include provisions concerning identifying necessary resources to allow a resident of a long term care facility to remain in his or her long term care facility, prioritizing restoration of power or securing alternative power sources, and identifying alternative facilities and emergency transportation for the evacuation of a long term care facility. Provides that the Illinois Emergency Management Agency shall establish a protocol for canvassing long term care facilities in a disaster area to determine what resources are needed to permit the residents to remain in place, the need for evacuation assistance, or the status of power at long term care facilities. Makes additional changes to provisions concerning the Illinois Emergency Management Agency, emergency powers of the Governor, mobile support teams, and private liability. Amends the Public Utilities Act. Provides that the Illinois Commerce Commission, in collaboration with the Illinois Emergency Management Agency, shall establish by rule a priority order for the restoration of power or securing alternative power sources and shall place long term care facilities licensed under the Nursing Home Care Act in the top tier of priority with other residential health care facilities. Effective immediately.

LRB100 14541 MJP 29334 b

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Emergency Management Agency Act is
5 amended by changing Sections 2, 4, 5, 6, 7, 8, 10, 18, and 21 as
6 follows:

7 (20 ILCS 3305/2) (from Ch. 127, par. 1052)

8 Sec. 2. Policy and Purposes.

9 (a) Because of the possibility of the occurrence of
10 disasters of unprecedented size and destructiveness resulting
11 from the explosion in this or in neighboring states of atomic
12 or other means from without or by means of sabotage or other
13 disloyal actions within, or from fire, flood, earthquake,
14 telecommunications failure, or other natural or technological
15 causes, and in order to insure that this State will be prepared
16 to and will adequately deal with any disasters, preserve the
17 lives and property of the people of this State and protect the
18 public peace, health, and safety in the event of a disaster, it
19 is found and declared to be necessary:

20 (1) To create an Illinois Emergency Management Agency
21 and to authorize emergency management programs within the
22 political subdivisions of the State.

23 (2) To confer upon the Governor and upon the principal

1 executive officer of the political subdivisions of the
2 State the powers provided herein.

3 (3) To provide for the rendering of mutual aid among
4 the political subdivisions and taxing districts of the
5 State and with other states and with respect to the
6 carrying out of an emergency management program.

7 (b) It is further declared to be the purpose of this Act
8 and the policy of the State that all emergency management
9 programs of this State be coordinated to the maximum extent
10 with the comparable programs of the federal government,
11 including its various departments and agencies, of other states
12 and localities and private agencies of every type, to the end
13 that the most effective preparation and use may be made of the
14 nation's resources and facilities for dealing with any disaster
15 that may occur.

16 (c) It is further declared to be the purpose of this Act
17 and the policy of the State that all power outages in long term
18 care facilities whether the result of electrical or gas failure
19 and regardless of the reason for the failure shall constitute a
20 disaster under this Act.

21 (Source: P.A. 87-168; 88-606, eff. 1-1-95.)

22 (20 ILCS 3305/4) (from Ch. 127, par. 1054)

23 Sec. 4. Definitions. As used in this Act, unless the
24 context clearly indicates otherwise, the following words and
25 terms have the meanings ascribed to them in this Section:

1 "Coordinator" means the staff assistant to the principal
2 executive officer of a political subdivision with the duty of
3 coordinating the emergency management programs of that
4 political subdivision.

5 "Disaster" means an occurrence or threat of widespread or
6 severe damage, injury or loss of life or property resulting
7 from any natural or technological cause, including but not
8 limited to fire, flood, earthquake, wind, storm, hazardous
9 materials spill or other water contamination requiring
10 emergency action to avert danger or damage, epidemic, air
11 contamination, blight, extended periods of severe and
12 inclement weather, drought, infestation, critical shortages of
13 essential fuels and energy, explosion, riot, hostile military
14 or paramilitary action, harm or potential harm to the residents
15 of a long term care facility, public health emergencies, or
16 acts of domestic terrorism. "Disaster" includes, but is not
17 limited to, a power outage in a long term care facility,
18 regardless of the reason for the power outage.

19 "Emergency Management" means the efforts of the State and
20 the political subdivisions to develop, plan, analyze, conduct,
21 provide, implement and maintain programs for disaster
22 mitigation, preparedness, response and recovery.

23 "Emergency Services and Disaster Agency" means the agency
24 by this name, by the name Emergency Management Agency, or by
25 any other name that is established by ordinance within a
26 political subdivision to coordinate the emergency management

1 program within that political subdivision and with private
2 organizations, other political subdivisions, the State and
3 federal governments.

4 "Emergency Operations Plan" means the written plan of the
5 State and political subdivisions describing the organization,
6 mission, and functions of the government and supporting
7 services for responding to and recovering from disasters and
8 shall include plans that take into account the needs of those
9 individuals with household pets and service animals following a
10 major disaster or emergency and the unique needs of residents
11 of long term care facilities.

12 "Emergency Services" means the coordination of functions
13 by the State and its political subdivision, other than
14 functions for which military forces are primarily responsible,
15 as may be necessary or proper to prevent, minimize, repair, and
16 alleviate injury and damage resulting from any natural or
17 technological causes. These functions include, without
18 limitation, fire fighting services, police services, emergency
19 aviation services, medical and health services, HazMat and
20 technical rescue teams, rescue, engineering, warning services,
21 communications, radiological, chemical and other special
22 weapons defense, evacuation of persons from stricken or
23 threatened areas, additional long term care resources,
24 evacuation of residents of long term care facilities, emergency
25 transportation, restoration of power to long term care
26 facilities on a priority basis or securing alternative power

1 sources, emergency assigned functions of plant protection,
2 temporary restoration of public utility services and other
3 functions related to civilian protection, together with all
4 other activities necessary or incidental to protecting life or
5 property.

6 "Exercise" means a planned event realistically simulating
7 a disaster, conducted for the purpose of evaluating the
8 political subdivision's coordinated emergency management
9 capabilities, including, but not limited to, testing the
10 emergency operations plan.

11 "HazMat team" means a career or volunteer mobile support
12 team that has been authorized by a unit of local government to
13 respond to hazardous materials emergencies and that is
14 primarily designed for emergency response to chemical or
15 biological terrorism, radiological emergencies, hazardous
16 material spills, releases, or fires, or other contamination
17 events.

18 "Illinois Emergency Management Agency" means the agency
19 established by this Act within the executive branch of State
20 Government responsible for coordination of the overall
21 emergency management program of the State and with private
22 organizations, political subdivisions, and the federal
23 government. Illinois Emergency Management Agency also means
24 the State Emergency Response Commission responsible for the
25 implementation of Title III of the Superfund Amendments and
26 Reauthorization Act of 1986.

1 "Long term care facility" means a facility licensed under
2 the Nursing Home Care Act.

3 "Mobile Support Team" means a group of individuals
4 designated as a team by the Governor or Director to train prior
5 to and to be dispatched, if the Governor or the Director so
6 determines, to aid and reinforce the State and political
7 subdivision emergency management efforts in response to a
8 disaster.

9 "Municipality" means any city, village, and incorporated
10 town.

11 "Political Subdivision" means any county, city, village,
12 or incorporated town or township if the township is in a county
13 having a population of more than 2,000,000.

14 "Principal Executive Officer" means chair of the county
15 board, supervisor of a township if the township is in a county
16 having a population of more than 2,000,000, mayor of a city or
17 incorporated town, president of a village, or in their absence
18 or disability, the interim successor as established under
19 Section 7 of the Emergency Interim Executive Succession Act.

20 "Public health emergency" means an occurrence or imminent
21 threat of an illness or health condition that:

22 (a) is believed to be caused by any of the following:

23 (i) bioterrorism;

24 (ii) the appearance of a novel or previously
25 controlled or eradicated infectious agent or
26 biological toxin;

- 1 (iii) a natural disaster;
- 2 (iv) a chemical attack or accidental release; or
- 3 (v) a nuclear attack or accident; and
- 4 (b) poses a high probability of any of the following
- 5 harms:
- 6 (i) a large number of deaths in the affected
- 7 population;
- 8 (ii) a large number of serious or long-term
- 9 disabilities in the affected population; or
- 10 (iii) widespread exposure to an infectious or
- 11 toxic agent that poses a significant risk of
- 12 substantial future harm to a large number of people in
- 13 the affected population.

14 "Technical rescue team" means a career or volunteer mobile

15 support team that has been authorized by a unit of local

16 government to respond to building collapse, high angle rescue,

17 and other specialized rescue emergencies and that is primarily

18 designated for emergency response to technical rescue events.

19 (Source: P.A. 93-249, eff. 7-22-03; 94-334, eff. 1-1-06;

20 94-1081, eff. 6-1-07.)

21 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

22 Sec. 5. Illinois Emergency Management Agency.

23 (a) There is created within the executive branch of the

24 State Government an Illinois Emergency Management Agency and a

25 Director of the Illinois Emergency Management Agency, herein

1 called the "Director" who shall be the head thereof. The
2 Director shall be appointed by the Governor, with the advice
3 and consent of the Senate, and shall serve for a term of 2
4 years beginning on the third Monday in January of the
5 odd-numbered year, and until a successor is appointed and has
6 qualified; except that the term of the first Director appointed
7 under this Act shall expire on the third Monday in January,
8 1989. The Director shall not hold any other remunerative public
9 office. The Director shall receive an annual salary as set by
10 the Compensation Review Board.

11 (b) The Illinois Emergency Management Agency shall obtain,
12 under the provisions of the Personnel Code, technical,
13 clerical, stenographic and other administrative personnel, and
14 may make expenditures within the appropriation therefor as may
15 be necessary to carry out the purpose of this Act. The agency
16 created by this Act is intended to be a successor to the agency
17 created under the Illinois Emergency Services and Disaster
18 Agency Act of 1975 and the personnel, equipment, records, and
19 appropriations of that agency are transferred to the successor
20 agency as of the effective date of this Act.

21 (c) The Director, subject to the direction and control of
22 the Governor, shall be the executive head of the Illinois
23 Emergency Management Agency and the State Emergency Response
24 Commission and shall be responsible under the direction of the
25 Governor, for carrying out the program for emergency management
26 of this State. The Director shall also maintain liaison and

1 cooperate with the emergency management organizations of this
2 State and other states and of the federal government.

3 (d) The Illinois Emergency Management Agency shall take an
4 integral part in the development and revision of political
5 subdivision emergency operations plans prepared under
6 paragraph (f) of Section 10. To this end it shall employ or
7 otherwise secure the services of professional and technical
8 personnel capable of providing expert assistance to the
9 emergency services and disaster agencies. These personnel
10 shall consult with emergency services and disaster agencies on
11 a regular basis and shall make field examinations of the areas,
12 circumstances, and conditions that particular political
13 subdivision emergency operations plans are intended to apply.

14 (e) The Illinois Emergency Management Agency and political
15 subdivisions shall be encouraged to form an emergency
16 management advisory committee composed of private and public
17 personnel representing the emergency management phases of
18 mitigation, preparedness, response, and recovery. The Local
19 Emergency Planning Committee, as created under the Illinois
20 Emergency Planning and Community Right to Know Act, shall serve
21 as an advisory committee to the emergency services and disaster
22 agency or agencies serving within the boundaries of that Local
23 Emergency Planning Committee planning district for:

24 (1) the development of emergency operations plan
25 provisions for hazardous chemical emergencies; and

26 (2) the assessment of emergency response capabilities

1 related to hazardous chemical emergencies.

2 (f) The Illinois Emergency Management Agency shall:

3 (1) Coordinate the overall emergency management
4 program of the State.

5 (2) Cooperate with local governments, the federal
6 government and any public or private agency or entity in
7 achieving any purpose of this Act and in implementing
8 emergency management programs for mitigation,
9 preparedness, response, and recovery.

10 (2.5) Develop a comprehensive emergency preparedness
11 and response plan for any nuclear accident in accordance
12 with Section 65 of the Department of Nuclear Safety Law of
13 2004 (20 ILCS 3310) and in development of the Illinois
14 Nuclear Safety Preparedness program in accordance with
15 Section 8 of the Illinois Nuclear Safety Preparedness Act.

16 (2.6) Coordinate with the Department of Public Health
17 with respect to planning for and responding to public
18 health emergencies and disasters impacting long term care
19 facilities.

20 (3) Prepare, for issuance by the Governor, executive
21 orders, proclamations, and regulations as necessary or
22 appropriate in coping with disasters.

23 (4) Promulgate rules and requirements for political
24 subdivision emergency operations plans that are not
25 inconsistent with and are at least as stringent as
26 applicable federal laws and regulations.

1 (5) Review and approve, in accordance with Illinois
2 Emergency Management Agency rules, emergency operations
3 plans for those political subdivisions required to have an
4 emergency services and disaster agency pursuant to this
5 Act.

6 (5.5) Promulgate rules and requirements for the
7 political subdivision emergency management exercises,
8 including, but not limited to, exercises of the emergency
9 operations plans.

10 (5.10) Review, evaluate, and approve, in accordance
11 with Illinois Emergency Management Agency rules, political
12 subdivision emergency management exercises for those
13 political subdivisions required to have an emergency
14 services and disaster agency pursuant to this Act.

15 (6) Determine requirements of the State and its
16 political subdivisions for food, clothing, shelter,
17 medical care, medication, alternative power sources,
18 emergency transportation, alternative long term care
19 facility placements, and other necessities in event of a
20 disaster.

21 (7) Establish a register of persons with types of
22 emergency management training and skills in mitigation,
23 preparedness, response, and recovery.

24 (8) Establish a register of government and private
25 response resources available for use in a disaster.

26 (9) Expand the Earthquake Awareness Program and its

1 efforts to distribute earthquake preparedness materials to
2 schools, political subdivisions, community groups, civic
3 organizations, and the media. Emphasis will be placed on
4 those areas of the State most at risk from an earthquake.
5 Maintain the list of all school districts, hospitals, long
6 term care facilities, airports, power plants, including
7 nuclear power plants, lakes, dams, emergency response
8 facilities of all types, and all other major public or
9 private structures which are at the greatest risk of damage
10 from earthquakes under circumstances where the damage
11 would cause subsequent harm to the surrounding communities
12 and residents.

13 (10) Disseminate all information, completely and
14 without delay, on water levels for rivers and streams and
15 any other data pertaining to potential flooding supplied by
16 the Division of Water Resources within the Department of
17 Natural Resources to all political subdivisions to the
18 maximum extent possible.

19 (11) Develop agreements, if feasible, with medical
20 supply and equipment firms to supply resources as are
21 necessary to respond to an earthquake or any other disaster
22 as defined in this Act. These resources will be made
23 available upon notifying the vendor of the disaster.
24 Payment for the resources will be in accordance with
25 Section 7 of this Act. The Illinois Department of Public
26 Health shall determine which resources will be required and

1 requested.

2 (11.5) In coordination with the Department of State
3 Police, develop and implement a community outreach program
4 to promote awareness among the State's parents and children
5 of child abduction prevention and response.

6 (12) Out of funds appropriated for these purposes,
7 award capital and non-capital grants to Illinois
8 hospitals, long term care facilities, or health care
9 facilities located outside of a city with a population in
10 excess of 1,000,000 to be used for purposes that include,
11 but are not limited to, preparing to respond to mass
12 casualties and disasters, maintaining and improving
13 patient safety and quality of care, and protecting the
14 confidentiality of patient information. No single grant
15 for a capital expenditure shall exceed \$300,000. No single
16 grant for a non-capital expenditure shall exceed \$100,000.
17 In awarding such grants, preference shall be given to
18 hospitals and long term care facilities that serve a
19 significant number of Medicaid recipients, but do not
20 qualify for disproportionate share hospital adjustment
21 payments under the Illinois Public Aid Code. To receive
22 such a grant, a hospital or health care facility must
23 provide funding of at least 50% of the cost of the project
24 for which the grant is being requested. In awarding such
25 grants the Illinois Emergency Management Agency shall
26 consider the recommendations of the Illinois Hospital

1 Association and organizations whose members consist of
2 long term care facilities.

3 (12.5) Establish a protocol for canvassing long term
4 care facilities in a disaster area to determine what
5 resources are needed to permit the residents to remain in
6 place, the need for evacuation assistance, or the status of
7 power at long term care facilities.

8 (13) Do all other things necessary, incidental or
9 appropriate for the implementation of this Act.

10 (g) The Illinois Emergency Management Agency is authorized
11 to make grants to various higher education institutions, public
12 K-12 school districts, area vocational centers as designated by
13 the State Board of Education, inter-district special education
14 cooperatives, regional safe schools, and nonpublic K-12
15 schools for safety and security improvements. For the purpose
16 of this subsection (g), "higher education institution" means a
17 public university, a public community college, or an
18 independent, not-for-profit or for-profit higher education
19 institution located in this State. Grants made under this
20 subsection (g) shall be paid out of moneys appropriated for
21 that purpose from the Build Illinois Bond Fund. The Illinois
22 Emergency Management Agency shall adopt rules to implement this
23 subsection (g). These rules may specify: (i) the manner of
24 applying for grants; (ii) project eligibility requirements;
25 (iii) restrictions on the use of grant moneys; (iv) the manner
26 in which the various higher education institutions must account

1 for the use of grant moneys; and (v) any other provision that
2 the Illinois Emergency Management Agency determines to be
3 necessary or useful for the administration of this subsection
4 (g).

5 (h) Except as provided in Section 17.5 of this Act, any
6 moneys received by the Agency from donations or sponsorships
7 shall be deposited in the Emergency Planning and Training Fund
8 and used by the Agency, subject to appropriation, to effectuate
9 planning and training activities.

10 (Source: P.A. 98-465, eff. 8-16-13; 98-664, eff. 6-23-14.)

11 (20 ILCS 3305/6) (from Ch. 127, par. 1056)

12 Sec. 6. Emergency Management Powers of the Governor.

13 (a) The Governor shall have general direction and control
14 of the Illinois Emergency Management Agency and shall be
15 responsible for the carrying out of the provisions of this Act.

16 (b) In performing duties under this Act, the Governor is
17 authorized to cooperate with the federal government and with
18 other states in all matters pertaining to emergency management.

19 (c) In performing duties under this Act, the Governor is
20 further authorized:

21 (1) To make, amend, and rescind all lawful necessary
22 orders, rules, and regulations to carry out the provisions
23 of this Act within the limits of the authority conferred
24 upon the Governor.

25 (2) To cause to be prepared a comprehensive plan and

1 program for the emergency management of this State, which
2 plan and program shall be integrated into and coordinated
3 with emergency management plans and programs of the federal
4 government and of other states whenever possible and which
5 plan and program may include:

6 a. Mitigation of injury and damage caused by
7 disaster.

8 b. Prompt and effective response to disaster.

9 c. Emergency relief.

10 d. Identification of areas particularly vulnerable
11 to disasters.

12 e. Recommendations for zoning, building, and other
13 land-use controls, safety measures for securing
14 permanent structures and other mitigation measures
15 designed to eliminate or reduce disasters or their
16 impact.

17 f. Assistance to political subdivisions in
18 designing emergency operations plans.

19 g. Authorization and procedures for the erection
20 or other construction of temporary works designed to
21 mitigate danger, damage or loss from flood, or other
22 disaster.

23 h. Preparation and distribution to the appropriate
24 State and political subdivision officials of a State
25 catalog of federal, State, and private assistance
26 programs.

1 i. Organization of State personnel and chains of
2 command.

3 j. Coordination of federal, State, and political
4 subdivision emergency management activities.

5 k. Other necessary matters.

6 The plan and program prepared under this paragraph
7 shall include procedures for identifying and securing all
8 necessary resources to allow a resident of a long term care
9 facility to remain in his or her long term care facility,
10 prioritizing restoration of power or securing alternative
11 power sources, and identifying alternative facilities and
12 emergency transportation for when an evacuation of a long
13 term care facility is the best solution.

14 (3) In accordance with the plan and program for the
15 emergency management of this State, and out of funds
16 appropriated for these purposes, to procure and
17 reposition supplies, medicines, materials and equipment,
18 to institute training programs and public information
19 programs, and to take all other preparatory steps including
20 the partial or full mobilization of emergency services and
21 disaster agencies in advance of actual disaster to insure
22 the furnishing of adequately trained and equipped forces
23 for disaster response and recovery.

24 (4) Out of funds appropriated for these purposes, to
25 make studies and surveys of the industries, resources, and
26 facilities in this State as may be necessary to ascertain

1 the capabilities of the State for emergency management
2 phases of mitigation, preparedness, response, and recovery
3 and to plan for the most efficient emergency use thereof.

4 (5) On behalf of this State, to negotiate for and
5 submit to the General Assembly for its approval or
6 rejection reciprocal mutual aid agreements or compacts
7 with other states, either on a statewide or political
8 subdivision basis. The agreements or compacts, shall be
9 limited to the furnishing or exchange of food, clothing,
10 medical or other supplies, engineering and police
11 services; emergency housing and feeding; National and
12 State Guards while under the control of the State; health,
13 medical, and related services; fire fighting, rescue,
14 transportation, communication, and construction services
15 and equipment, provided, however, that if the General
16 Assembly be not in session and the Governor has not
17 proclaimed the existence of a disaster under this Section,
18 then the agreements or compacts shall instead be submitted
19 to an Interim Committee on Emergency Management composed of
20 5 Senators appointed by the President of the Senate and of
21 5 Representatives appointed by the Speaker of the House,
22 during the month of June of each odd-numbered year to serve
23 for a 2 year term, beginning July 1 of that year, and until
24 their successors are appointed and qualified, or until
25 termination of their legislative service, whichever first
26 occurs. Vacancies shall be filled by appointment for the

1 unexpired term in the same manner as original appointments.
2 All appointments shall be made in writing and filed with
3 the Secretary of State as a public record. The Committee
4 shall have the power to approve or reject any agreements or
5 compacts for and on behalf of the General Assembly; and,
6 provided further, that an affirmative vote of 2/3 of the
7 members of the Committee shall be necessary for the
8 approval of any agreement or compact.

9 (Source: P.A. 92-73, eff. 1-1-02.)

10 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

11 Sec. 7. Emergency Powers of the Governor.

12 (a) In the event of a disaster, as defined in Section 4,
13 the Governor may, by proclamation declare that a disaster
14 exists. Upon such proclamation, the Governor shall have and may
15 exercise for a period not to exceed 30 days the following
16 emergency powers; provided, however, that the lapse of the
17 emergency powers shall not, as regards any act or acts
18 occurring or committed within the 30 days period, deprive any
19 person, firm, corporation, political subdivision, or body
20 politic of any right or rights to compensation or reimbursement
21 which he, she, it, or they may have under the provisions of
22 this Act:

23 (1) To suspend the provisions of any regulatory statute
24 prescribing procedures for conduct of State business, or
25 the orders, rules and regulations of any State agency and

1 managed care contracts, if strict compliance with the
2 provisions of any statute, order, rule, contract, or
3 regulation would in any way prevent, hinder or delay
4 necessary action, including emergency purchases, by the
5 Illinois Emergency Management Agency, in coping with the
6 disaster.

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

10 (3) To transfer the direction, personnel or functions
11 of State departments and agencies or units thereof for the
12 purpose of performing or facilitating disaster response
13 and recovery programs including the identification of
14 available beds in long term care facilities outside the
15 disaster that are able to meet the care needs of each
16 evacuated resident.

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

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

6 a. The Governor, or the person or persons as the
7 Governor may authorize so to do, may forthwith take
8 possession of property for and on behalf of the State;
9 provided, however, that the Governor or persons shall
10 simultaneously with the taking, deliver to the owner or
11 his or her agent, if the identity of the owner or
12 agency is known or readily ascertainable, a signed
13 statement in writing, that shall include the name and
14 address of the owner, the date and place of the taking,
15 description of the property sufficient to identify it,
16 a statement of interest in the property that is being
17 so taken, and, if possible, a statement in writing,
18 signed by the owner, setting forth the sum that he or
19 she is willing to accept as just compensation for the
20 property or use. Whether or not the owner or agent is
21 known or readily ascertainable, a true copy of the
22 statement shall promptly be filed by the Governor or
23 the person with the Director, who shall keep the docket
24 of the statements. In cases where the sum that the
25 owner is willing to accept as just compensation is less
26 than \$1,000, copies of the statements shall also be

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

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

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

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

25 (5) When required by the exigencies of the disaster, to
26 sell, lend, rent, give, or distribute all or any part of

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

8 (6) To recommend the evacuation of all or part of the
9 population from any stricken or threatened area within the
10 State if the Governor deems this action necessary and to
11 order the mandatory emergency evacuation of a long term
12 care facility when it is determined that evacuation is the
13 best solution to eliminating the potential for harm. A long
14 term care facility notified of a mandatory emergency
15 evacuation order shall provide a list of resources needed
16 to the Governor or his or her designee to safely implement
17 the order.

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

20 (8) To control ingress and egress to and from a
21 disaster area, the movement of persons within the area, and
22 the occupancy of premises therein.

23 (9) To suspend or limit the sale, dispensing, or
24 transportation of alcoholic beverages, firearms,
25 explosives, and combustibles.

26 (10) To make provision for the availability and use of

1 temporary emergency housing and to prohibit long term care
2 facilities with available bed space from denying a
3 temporary transfer for any reason other than the facility
4 does not offer the services required.

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

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

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

1 so by orders issued at the time of the disaster.

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

4 (Source: P.A. 92-73, eff. 1-1-02.)

5 (20 ILCS 3305/8) (from Ch. 127, par. 1058)

6 Sec. 8. Mobile Support Teams.

7 (a) The Governor or Director may cause to be created Mobile
8 Support Teams to aid and to reinforce the Illinois Emergency
9 Management Agency, and emergency services and disaster
10 agencies in areas stricken by disaster. Each mobile support
11 team shall have a leader, selected by the Director who will be
12 responsible, under the direction and control of the Director,
13 for the organization, administration, and training, and
14 operation of the mobile support team.

15 (a-5) Each mobile support team shall include at least one
16 regional Long Term Care Ombudsman and at least one nurse long
17 term care surveyor employed by the Department of Public Health.
18 Both regional Long Term Care Ombudsmen and nurse long term care
19 surveyors shall serve as consultants to the mobile support team
20 and the long term care facilities involved in the disaster and
21 shall identify appropriate alternative placements. Both
22 regional Long Term Care Ombudsmen and nurse long term care
23 surveyors on a mobile support team are expressly prohibited
24 from using his or her position on the team and the information
25 provided by the long term care facility to issues sanctions or

1 penalties.

2 (b) Personnel of a mobile support team while on duty
3 pursuant to such a call or while engaged in regularly scheduled
4 training or exercises, whether within or without the State,
5 shall either:

6 (1) If they are paid employees of the State, have the
7 powers, duties, rights, privileges and immunities and
8 receive the compensation incidental to their employment.

9 (2) If they are paid employees of a political
10 subdivision or body politic of this State, and whether
11 serving within or without that political subdivision or
12 body politic, have the powers, duties, rights, privileges
13 and immunities, and receive the compensation incidental to
14 their employment.

15 (3) If they are not employees of the State, political
16 subdivision or body politic, or being such employees, are
17 not normally paid for their services, be entitled to at
18 least one dollar per year compensation from the State.

19 Personnel of a mobile support team who suffer disease,
20 injury or death arising out of or in the course of emergency
21 duty, shall for the purposes of benefits under the Workers'
22 Compensation Act or Workers' Occupational Diseases Act only, be
23 deemed to be employees of this State. If the person diseased,
24 injured or killed is an employee described in item (3) above,
25 the computation of benefits payable under either of those Acts
26 shall be based on income commensurate with comparable State

1 employees doing the same type of work or income from the
2 person's regular employment, whichever is greater.

3 All personnel of mobile support teams shall, while on duty
4 under such call, be reimbursed by this State for all actual and
5 necessary travel and subsistence expenses.

6 (c) The State shall reimburse each political subdivision or
7 body politic from the Disaster Response and Recovery Fund for
8 the compensation paid and the actual and necessary travel,
9 subsistence and maintenance expenses of paid employees of the
10 political subdivision or body politic while serving, outside of
11 its geographical boundaries pursuant to such a call, as members
12 of a mobile support team, and for all payments made for death,
13 disease or injury of those paid employees arising out of and
14 incurred in the course of that duty, and for all losses of or
15 damage to supplies and equipment of the political subdivision
16 or body politic resulting from the operations.

17 (d) Whenever mobile support teams or units of another
18 state, while the Governor has the emergency powers provided for
19 under Section 7 of this Act, render aid to this State under the
20 orders of the Governor of its home state and upon the request
21 of the Governor of this State, all questions relating to
22 reimbursement by this State to the other state and its citizens
23 in regard to the assistance so rendered shall be determined by
24 the mutual aid agreements or interstate compacts described in
25 subparagraph (5) of paragraph (c) of Section 6 as are existing
26 at the time of the assistance rendered or are entered into

1 thereafter and under Section 303 (d) of the Federal Civil
2 Defense Act of 1950.

3 (e) No personnel of mobile support teams of this State may
4 be ordered by the Governor to operate in any other state unless
5 a request for the same has been made by the Governor or duly
6 authorized representative of the other state.

7 (Source: P.A. 98-465, eff. 8-16-13.)

8 (20 ILCS 3305/10) (from Ch. 127, par. 1060)

9 Sec. 10. Emergency Services and Disaster Agencies.

10 (a) Each political subdivision within this State shall be
11 within the jurisdiction of and served by the Illinois Emergency
12 Management Agency and by an emergency services and disaster
13 agency responsible for emergency management programs. A
14 township, if the township is in a county having a population of
15 more than 2,000,000, must have approval of the county
16 coordinator before establishment of a township emergency
17 services and disaster agency.

18 (b) Unless multiple county emergency services and disaster
19 agency consolidation is authorized by the Illinois Emergency
20 Management Agency with the consent of the respective counties,
21 each county shall maintain an emergency services and disaster
22 agency that has jurisdiction over and serves the entire county,
23 except as otherwise provided under this Act and except that in
24 any county with a population of over 3,000,000 containing a
25 municipality with a population of over 500,000 the jurisdiction

1 of the county agency shall not extend to the municipality when
2 the municipality has established its own agency.

3 (c) Each municipality with a population of over 500,000
4 shall maintain an emergency services and disaster agency which
5 has jurisdiction over and serves the entire municipality. A
6 municipality with a population less than 500,000 may establish,
7 by ordinance, an agency or department responsible for emergency
8 management within the municipality's corporate limits.

9 (d) The Governor shall determine which municipal
10 corporations, other than those specified in paragraph (c) of
11 this Section, need emergency services and disaster agencies of
12 their own and require that they be established and maintained.
13 The Governor shall make these determinations on the basis of
14 the municipality's disaster vulnerability and capability of
15 response related to population size and concentration. The
16 emergency services and disaster agency of a county or township,
17 shall not have a jurisdiction within a political subdivision
18 having its own emergency services and disaster agency, but
19 shall cooperate with the emergency services and disaster agency
20 of a city, village or incorporated town within their borders.
21 The Illinois Emergency Management Agency shall publish and
22 furnish a current list to the municipalities required to have
23 an emergency services and disaster agency under this
24 subsection.

25 (e) Each municipality that is not required to and does not
26 have an emergency services and disaster agency shall have a

1 liaison officer designated to facilitate the cooperation and
2 protection of that municipal corporation with the county
3 emergency services and disaster agency in which it is located
4 in the work of disaster mitigation, preparedness, response, and
5 recovery.

6 (f) The principal executive officer or his or her designee
7 of each political subdivision in the State shall annually
8 notify the Illinois Emergency Management Agency of the manner
9 in which the political subdivision is providing or securing
10 emergency management, identify the executive head of the agency
11 or the department from which the service is obtained, or the
12 liaison officer in accordance with paragraph (d) of this
13 Section and furnish additional information relating thereto as
14 the Illinois Emergency Management Agency requires.

15 (g) Each emergency services and disaster agency shall
16 prepare an emergency operations plan for its geographic
17 boundaries that complies with planning, review, and approval
18 standards promulgated by the Illinois Emergency Management
19 Agency. The Illinois Emergency Management Agency shall
20 determine which jurisdictions will be required to include
21 earthquake preparedness in their local emergency operations
22 plans. An emergency operations plan shall include provisions
23 for the evacuation of long term care facilities and securing
24 emergency transportation, the prioritization of restoration of
25 power or securing alternative power sources, and the
26 identification of resources needed to permit the residents of a

1 long term care facility to remain in place.

2 (h) The emergency services and disaster agency shall
3 prepare and distribute to all appropriate officials in written
4 form a clear and complete statement of the emergency
5 responsibilities of all local departments and officials and of
6 the disaster chain of command.

7 (i) Each emergency services and disaster agency shall have
8 a Coordinator who shall be appointed by the principal executive
9 officer of the political subdivision in the same manner as are
10 the heads of regular governmental departments. If the political
11 subdivision is a county and the principal executive officer
12 appoints the sheriff as the Coordinator, the sheriff may, in
13 addition to his or her regular compensation, receive
14 compensation at the same level as provided in Section 3 of "An
15 Act in relation to the regulation of motor vehicle traffic and
16 the promotion of safety on public highways in counties",
17 approved August 9, 1951, as amended. The Coordinator shall have
18 direct responsibility for the organization, administration,
19 training, and operation of the emergency services and disaster
20 agency, subject to the direction and control of that principal
21 executive officer. Each emergency services and disaster agency
22 shall coordinate and may perform emergency management
23 functions within the territorial limits of the political
24 subdivision within which it is organized as are prescribed in
25 and by the State Emergency Operations Plan, and programs,
26 orders, rules and regulations as may be promulgated by the

1 Illinois Emergency Management Agency and by local ordinance
2 and, in addition, shall conduct such functions outside of those
3 territorial limits as may be required under mutual aid
4 agreements and compacts as are entered into under subparagraph
5 (5) of paragraph (c) of Section 6.

6 (j) In carrying out the provisions of this Act, each
7 political subdivision may enter into contracts and incur
8 obligations necessary to place it in a position effectively to
9 combat the disasters as are described in Section 4, to protect
10 the health and safety of persons, to protect property, and to
11 provide emergency assistance to victims of those disasters. If
12 a disaster occurs, each political subdivision may exercise the
13 powers vested under this Section in the light of the exigencies
14 of the disaster and, excepting mandatory constitutional
15 requirements, without regard to the procedures and formalities
16 normally prescribed by law pertaining to the performance of
17 public work, entering into contracts, the incurring of
18 obligations, the employment of temporary workers, the rental of
19 equipment, the purchase of supplies and materials, and the
20 appropriation, expenditure, and disposition of public funds
21 and property.

22 (k) Volunteers who, while engaged in a disaster, an
23 exercise, training related to the emergency operations plan of
24 the political subdivision, or a search-and-rescue team
25 response to an occurrence or threat of injury or loss of life
26 that is beyond local response capabilities, suffer disease,

1 injury or death, shall, for the purposes of benefits under the
2 Workers' Compensation Act or Workers' Occupational Diseases
3 Act only, be deemed to be employees of the State, if: (1) the
4 claimant is a duly qualified and enrolled (sworn in) as a
5 volunteer of the Illinois Emergency Management Agency or an
6 emergency services and disaster agency accredited by the
7 Illinois Emergency Management Agency, and (2) if: (i) the
8 claimant was participating in a disaster as defined in Section
9 4 of this Act, (ii) the exercise or training participated in
10 was specifically and expressly approved by the Illinois
11 Emergency Management Agency prior to the exercise or training,
12 or (iii) the search-and-rescue team response was to an
13 occurrence or threat of injury or loss of life that was beyond
14 local response capabilities and was specifically and expressly
15 approved by the Illinois Emergency Management Agency prior to
16 the search-and-rescue team response. The computation of
17 benefits payable under either of those Acts shall be based on
18 the income commensurate with comparable State employees doing
19 the same type work or income from the person's regular
20 employment, whichever is greater.

21 Volunteers who are working under the direction of an
22 emergency services and disaster agency accredited by the
23 Illinois Emergency Management Agency, pursuant to a plan
24 approved by the Illinois Emergency Management Agency (i) during
25 a disaster declared by the Governor under Section 7 of this
26 Act, or (ii) in circumstances otherwise expressly approved by

1 the Illinois Emergency Management Agency, shall be deemed
2 exclusively employees of the State for purposes of Section 8(d)
3 of the Court of Claims Act, provided that the Illinois
4 Emergency Management Agency may, in coordination with the
5 emergency services and disaster agency, audit implementation
6 for compliance with the plan.

7 (l) If any person who is entitled to receive benefits
8 through the application of this Section receives, in connection
9 with the disease, injury or death giving rise to such
10 entitlement, benefits under an Act of Congress or federal
11 program, benefits payable under this Section shall be reduced
12 to the extent of the benefits received under that other Act or
13 program.

14 (m) (1) Prior to conducting an exercise, the principal
15 executive officer of a political subdivision or his or her
16 designee shall provide area media with written
17 notification of the exercise. The notification shall
18 indicate that information relating to the exercise shall
19 not be released to the public until the commencement of the
20 exercise. The notification shall also contain a request
21 that the notice be so posted to ensure that all relevant
22 media personnel are advised of the exercise before it
23 begins.

24 (2) During the conduct of an exercise, all messages,
25 two-way radio communications, briefings, status reports,
26 news releases, and other oral or written communications

1 shall begin and end with the following statement: "This is
2 an exercise message".

3 (Source: P.A. 94-733, eff. 4-27-06.)

4 (20 ILCS 3305/18) (from Ch. 127, par. 1068)

5 Sec. 18. Orders, Rules and Regulations.

6 (a) The Governor shall file a copy of every rule,
7 regulation or order, and any amendment thereof made by the
8 Governor under the provisions of this Act in the office of the
9 Secretary of State. No rule, regulation or order, or any
10 amendment thereof shall be effective until 10 days after the
11 filing, provided, however, that upon the declaration of a
12 disaster by the Governor as is described in Section 7 the
13 provision relating to the effective date of any rule,
14 regulation, order or amendment issued under this Act and during
15 the state of disaster is abrogated, and the rule; ~~regulation;~~
16 ~~order,~~ including, but not limited to, a mandatory emergency
17 evacuation order; or amendment shall become effective
18 immediately upon being filed with the Secretary of State
19 accompanied by a certificate stating the reason as required by
20 the Illinois Administrative Procedure Act.

21 (b) Every emergency services and disaster agency
22 established pursuant to this Act and the coordinators thereof
23 shall execute and enforce the orders, rules and regulations as
24 may be made by the Governor under authority of this Act. Each
25 emergency services and disaster agency shall have available for

1 inspection at its office all orders, rules and regulations made
2 by the Governor, or under the Governor's authority. The
3 Illinois Emergency Management Agency shall furnish on the
4 Department's website the orders, rules and regulations to each
5 such emergency services and disaster agency. Upon the written
6 request of an emergency services or disaster agency, copies
7 thereof shall be mailed to the emergency services or disaster
8 agency.

9 (Source: P.A. 98-44, eff. 6-28-13.)

10 (20 ILCS 3305/21) (from Ch. 127, par. 1071)

11 Sec. 21. No Private Liability.

12 (a) Any person owning or controlling real estate or other
13 premises who voluntarily and without compensation grants a
14 license or privilege, or otherwise permits the designation or
15 use of the whole or any part or parts of such real estate or
16 premises for the purpose of sheltering persons during an actual
17 or impending disaster, or an exercise together with his or her
18 successors in interest, if any, shall not be civilly liable for
19 negligently causing the death of, or injury to, any person on
20 or about such real estate or premises under such license,
21 privilege or other permission, or for negligently causing loss
22 of, or damage to, the property of such person. As used in this
23 subsection, "compensation" does not include moneys paid to a
24 long term care facility for care provided to a resident
25 evacuating due to a disaster whether voluntarily or by a

1 mandatory emergency evacuation order.

2 (b) Any private person, firm or corporation and employees
3 and agents of such person, firm or corporation in the
4 performance of a contract with, and under the direction of, the
5 State, or any political subdivision of the State under the
6 provisions of this Act shall not be civilly liable for causing
7 the death of, or injury to, any person or damage to any
8 property except in the event of willful misconduct.

9 (c) Any private person, firm or corporation, and any
10 employee or agent of such person, firm or corporation, who
11 renders assistance or advice at the request of the State, or
12 any political subdivision of the State under this Act during an
13 actual or impending disaster, shall not be civilly liable for
14 causing the death of, or injury to, any person or damage to any
15 property except in the event of willful misconduct.

16 The immunities provided in this subsection (c) shall not
17 apply to any private person, firm or corporation, or to any
18 employee or agent of such person, firm or corporation whose act
19 or omission caused in whole or in part such actual or impending
20 disaster and who would otherwise be liable therefor.

21 (Source: P.A. 98-756, eff. 7-16-14.)

22 Section 10. The Public Utilities Act is amended by adding
23 Section 2-202.5 as follows:

24 (220 ILCS 5/2-202.5 new)

1 Sec. 2-202.5. Restoration of power priority order. The
2 Illinois Commerce Commission, in collaboration with the
3 Illinois Emergency Management Agency, shall establish by rule a
4 priority order for the restoration of power or securing
5 alternative power sources during outages and shall place long
6 term care facilities licensed under the Nursing Home Care Act
7 in the top tier of priority with other residential health care
8 facilities.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.