

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

18 (1) To suspend the provisions of any regulatory statute
19 prescribing procedures for conduct of State business, or
20 the orders, rules and regulations of any State agency and
21 managed care contracts, if strict compliance with the
22 provisions of any statute, order, rule, managed care
23 contract, or regulation would in any way prevent, hinder or

1 delay necessary action, including emergency purchases, by
2 the Illinois Emergency Management Agency, in coping with
3 the disaster.

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

7 (3) To transfer the direction, personnel or functions
8 of State departments and agencies or units thereof for the
9 purpose of performing or facilitating disaster response
10 and recovery programs.

11 (4) On behalf of this State to take possession of, and
12 to acquire full title or a lesser specified interest in,
13 any personal property as may be necessary to accomplish the
14 objectives set forth in Section 2 of this Act, including:
15 airplanes, automobiles, trucks, trailers, buses, and other
16 vehicles; coal, oils, gasoline, and other fuels and means
17 of propulsion; explosives, materials, equipment, and
18 supplies; animals and livestock; feed and seed; food and
19 provisions for humans and animals; clothing and bedding;
20 and medicines and medical and surgical supplies; and to
21 take possession of and for a limited period occupy and use
22 any real estate necessary to accomplish those objectives;
23 but only upon the undertaking by the State to pay just
24 compensation therefor as in this Act provided, and then
25 only under the following provisions:

26 a. The Governor, or the person or persons as the

1 Governor may authorize so to do, may forthwith take
2 possession of property for and on behalf of the State;
3 provided, however, that the Governor or persons shall
4 simultaneously with the taking, deliver to the owner or
5 his or her agent, if the identity of the owner or
6 agency is known or readily ascertainable, a signed
7 statement in writing, that shall include the name and
8 address of the owner, the date and place of the taking,
9 description of the property sufficient to identify it,
10 a statement of interest in the property that is being
11 so taken, and, if possible, a statement in writing,
12 signed by the owner, setting forth the sum that he or
13 she is willing to accept as just compensation for the
14 property or use. Whether or not the owner or agent is
15 known or readily ascertainable, a true copy of the
16 statement shall promptly be filed by the Governor or
17 the person with the Director, who shall keep the docket
18 of the statements. In cases where the sum that the
19 owner is willing to accept as just compensation is less
20 than \$1,000, copies of the statements shall also be
21 filed by the Director with, and shall be passed upon by
22 an Emergency Management Claims Commission, consisting
23 of 3 disinterested citizens who shall be appointed by
24 the Governor, by and with the advice and consent of the
25 Senate, within 20 days after the Governor's
26 declaration of a disaster, and if the sum fixed by them

1 as just compensation be less than \$1,000 and is
2 accepted in writing by the owner, then the State
3 Treasurer out of funds appropriated for these
4 purposes, shall, upon certification thereof by the
5 Emergency Management Claims Commission, cause the sum
6 so certified forthwith to be paid to the owner. The
7 Emergency Management Claims Commission is hereby given
8 the power to issue appropriate subpoenas and to
9 administer oaths to witnesses and shall keep
10 appropriate minutes and other records of its actions
11 upon and the disposition made of all claims.

12 b. When the compensation to be paid for the taking
13 or use of property or interest therein is not or cannot
14 be determined and paid under item a of this paragraph
15 (4) ~~(a) above~~, a petition in the name of The People of
16 the State of Illinois shall be promptly filed by the
17 Director, which filing may be enforced by mandamus, in
18 the circuit court of the county where the property or
19 any part thereof was located when initially taken or
20 used under the provisions of this Act praying that the
21 amount of compensation to be paid to the person or
22 persons interested therein be fixed and determined.
23 The petition shall include a description of the
24 property that has been taken, shall state the physical
25 condition of the property when taken, shall name as
26 defendants all interested parties, shall set forth the

1 sum of money estimated to be just compensation for the
2 property or interest therein taken or used, and shall
3 be signed by the Director. The litigation shall be
4 handled by the Attorney General for and on behalf of
5 the State.

6 c. Just compensation for the taking or use of
7 property or interest therein shall be promptly
8 ascertained in proceedings and established by judgment
9 against the State, that shall include, as part of the
10 just compensation so awarded, interest at the rate of
11 6% per annum on the fair market value of the property
12 or interest therein from the date of the taking or use
13 to the date of the judgment; and the court may order
14 the payment of delinquent taxes and special
15 assessments out of the amount so awarded as just
16 compensation and may make any other orders with respect
17 to encumbrances, rents, insurance, and other charges,
18 if any, as shall be just and equitable.

19 (5) When required by the exigencies of the disaster, to
20 sell, lend, rent, give, or distribute all or any part of
21 property so or otherwise acquired to the inhabitants of
22 this State, or to political subdivisions of this State, or,
23 under the interstate mutual aid agreements or compacts as
24 are entered into under the provisions of subparagraph (5)
25 of paragraph (c) of Section 6 to other states, and to
26 account for and transmit to the State Treasurer all funds,

1 if any, received therefor.

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

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

17 (8) To control ingress and egress to and from a
18 disaster area, the movement of persons within the area, and
19 the occupancy of premises therein.

20 (9) To suspend or limit the sale, dispensing, or
21 transportation of alcoholic beverages, firearms,
22 explosives, and combustibles.

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

25 (11) A proclamation of a disaster shall activate the
26 State Emergency Operations Plan, and political subdivision

1 emergency operations plans applicable to the political
2 subdivision or area in question and be authority for the
3 deployment and use of any forces that the plan or plans
4 apply and for use or distribution of any supplies,
5 equipment, and materials and facilities assembled,
6 stockpiled or arranged to be made available under this Act
7 or any other provision of law relating to disasters.

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

16 (13) During the continuance of any disaster the
17 Governor is commander-in-chief of the organized and
18 unorganized militia and of all other forces available for
19 emergency duty. To the greatest extent practicable, the
20 Governor shall delegate or assign command authority to do
21 so by orders issued at the time of the disaster.

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

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.