

SB2778



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2778

Introduced 2/4/2020, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

20 ILCS 3305/4
20 ILCS 3305/7

from Ch. 127, par. 1054
from Ch. 127, par. 1057

Amends the Illinois Emergency Management Agency Act. Provides that a cyber attack is a "disaster". Requires the Governor to delegate or assign authority to the Director of the Illinois Emergency Management Agency to manage, coordinate, and direct all resources by orders issued at the time of a disaster. Effective immediately.

LRB101 17608 CPF 67031 b

A BILL FOR

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 4 and 7 as follows:

6 (20 ILCS 3305/4) (from Ch. 127, par. 1054)

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

10 "Coordinator" means the staff assistant to the principal
11 executive officer of a political subdivision with the duty of
12 coordinating the emergency management programs of that
13 political subdivision.

14 "Disaster" means an occurrence or threat of widespread or
15 severe damage, injury or loss of life or property resulting
16 from any natural or technological cause, including but not
17 limited to fire, flood, earthquake, wind, storm, hazardous
18 materials spill or other water contamination requiring
19 emergency action to avert danger or damage, epidemic, air
20 contamination, blight, extended periods of severe and
21 inclement weather, drought, infestation, critical shortages of
22 essential fuels and energy, explosion, riot, hostile military
23 or paramilitary action, public health emergencies, ~~or~~ acts of

1 domestic terrorism, or cyber attacks.

2 "Emergency Management" means the efforts of the State and
3 the political subdivisions to develop, plan, analyze, conduct,
4 provide, implement and maintain programs for disaster
5 mitigation, preparedness, response and recovery.

6 "Emergency Services and Disaster Agency" means the agency
7 by this name, by the name Emergency Management Agency, or by
8 any other name that is established by ordinance within a
9 political subdivision to coordinate the emergency management
10 program within that political subdivision and with private
11 organizations, other political subdivisions, the State and
12 federal governments.

13 "Emergency Operations Plan" means the written plan of the
14 State and political subdivisions describing the organization,
15 mission, and functions of the government and supporting
16 services for responding to and recovering from disasters and
17 shall include plans that take into account the needs of those
18 individuals with household pets and service animals following a
19 major disaster or emergency.

20 "Emergency Services" means the coordination of functions
21 by the State and its political subdivision, other than
22 functions for which military forces are primarily responsible,
23 as may be necessary or proper to prevent, minimize, repair, and
24 alleviate injury and damage resulting from any natural or
25 technological causes. These functions include, without
26 limitation, fire fighting services, police services, emergency

1 aviation services, medical and health services, HazMat and
2 technical rescue teams, rescue, engineering, warning services,
3 communications, radiological, chemical and other special
4 weapons defense, evacuation of persons from stricken or
5 threatened areas, emergency assigned functions of plant
6 protection, temporary restoration of public utility services
7 and other functions related to civilian protection, together
8 with all other activities necessary or incidental to protecting
9 life or property.

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

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

22 "Illinois Emergency Management Agency" means the agency
23 established by this Act within the executive branch of State
24 Government responsible for coordination of the overall
25 emergency management program of the State and with private
26 organizations, political subdivisions, and the federal

1 government. Illinois Emergency Management Agency also means
2 the State Emergency Response Commission responsible for the
3 implementation of Title III of the Superfund Amendments and
4 Reauthorization Act of 1986.

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

11 "Municipality" means any city, village, and incorporated
12 town.

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

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

22 "Public health emergency" means an occurrence or imminent
23 threat of an illness or health condition that:

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

25 (i) bioterrorism;

26 (ii) the appearance of a novel or previously

1 controlled or eradicated infectious agent or
2 biological toxin;

3 (iii) a natural disaster;

4 (iv) a chemical attack or accidental release; or

5 (v) a nuclear attack or accident; and

6 (b) poses a high probability of any of the following
7 harms:

8 (i) a large number of deaths in the affected
9 population;

10 (ii) a large number of serious or long-term
11 disabilities in the affected population; or

12 (iii) widespread exposure to an infectious or
13 toxic agent that poses a significant risk of
14 substantial future harm to a large number of people in
15 the affected population.

16 "Statewide mutual aid organization" means an entity with
17 local government members throughout the State that facilitates
18 temporary assistance through its members in a particular public
19 safety discipline, such as police, fire or emergency
20 management, when an occurrence exceeds a member jurisdiction's
21 capabilities.

22 "Technical rescue team" means a career or volunteer mobile
23 support team that has been authorized by a unit of local
24 government to respond to building collapse, high angle rescue,
25 and other specialized rescue emergencies and that is primarily
26 designated for emergency response to technical rescue events.

1 (Source: P.A. 100-587, eff. 6-4-18.)

2 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

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

14 (1) To suspend the provisions of any regulatory statute
15 prescribing procedures for conduct of State business, or
16 the orders, rules and regulations of any State agency, if
17 strict compliance with the provisions of any statute,
18 order, rule, or regulation would in any way prevent, hinder
19 or delay necessary action, including emergency purchases,
20 by the Illinois Emergency Management Agency, in coping with
21 the disaster.

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

25 (3) To transfer the direction, personnel or functions

1 of State departments and agencies or units thereof for the
2 purpose of performing or facilitating disaster response
3 and recovery programs.

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

19 a. The Governor, or the person or persons as the
20 Governor may authorize so to do, may forthwith take
21 possession of property for and on behalf of the State;
22 provided, however, that the Governor or persons shall
23 simultaneously with the taking, deliver to the owner or
24 his or her agent, if the identity of the owner or
25 agency is known or readily ascertainable, a signed
26 statement in writing, that shall include the name and

1 address of the owner, the date and place of the taking,
2 description of the property sufficient to identify it,
3 a statement of interest in the property that is being
4 so taken, and, if possible, a statement in writing,
5 signed by the owner, setting forth the sum that he or
6 she is willing to accept as just compensation for the
7 property or use. Whether or not the owner or agent is
8 known or readily ascertainable, a true copy of the
9 statement shall promptly be filed by the Governor or
10 the person with the Director, who shall keep the docket
11 of the statements. In cases where the sum that the
12 owner is willing to accept as just compensation is less
13 than \$1,000, copies of the statements shall also be
14 filed by the Director with, and shall be passed upon by
15 an Emergency Management Claims Commission, consisting
16 of 3 disinterested citizens who shall be appointed by
17 the Governor, by and with the advice and consent of the
18 Senate, within 20 days after the Governor's
19 declaration of a disaster, and if the sum fixed by them
20 as just compensation be less than \$1,000 and is
21 accepted in writing by the owner, then the State
22 Treasurer out of funds appropriated for these
23 purposes, shall, upon certification thereof by the
24 Emergency Management Claims Commission, cause the sum
25 so certified forthwith to be paid to the owner. The
26 Emergency Management Claims Commission is hereby given

1 the power to issue appropriate subpoenas and to
2 administer oaths to witnesses and shall keep
3 appropriate minutes and other records of its actions
4 upon and the disposition made of all claims.

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

25 c. Just compensation for the taking or use of
26 property or interest therein shall be promptly

1 ascertained in proceedings and established by judgment
2 against the State, that shall include, as part of the
3 just compensation so awarded, interest at the rate of
4 6% per annum on the fair market value of the property
5 or interest therein from the date of the taking or use
6 to the date of the judgment; and the court may order
7 the payment of delinquent taxes and special
8 assessments out of the amount so awarded as just
9 compensation and may make any other orders with respect
10 to encumbrances, rents, insurance, and other charges,
11 if any, as shall be just and equitable.

12 (5) When required by the exigencies of the disaster, to
13 sell, lend, rent, give, or distribute all or any part of
14 property so or otherwise acquired to the inhabitants of
15 this State, or to political subdivisions of this State, or,
16 under the interstate mutual aid agreements or compacts as
17 are entered into under the provisions of subparagraph (5)
18 of paragraph (c) of Section 6 to other states, and to
19 account for and transmit to the State Treasurer all funds,
20 if any, received therefor.

21 (6) To recommend the evacuation of all or part of the
22 population from any stricken or threatened area within the
23 State if the Governor deems this action necessary.

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

26 (8) To control ingress and egress to and from a

1 disaster area, the movement of persons within the area, and
2 the occupancy of premises therein.

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

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

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

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

25 (13) During the continuance of any disaster the
26 Governor is commander-in-chief of the organized and

1 unorganized militia and of all other forces available for
2 emergency duty. To the greatest extent practicable, the
3 Governor shall delegate or assign ~~command~~ authority to the
4 Director to manage, coordinate, and direct all resources ~~de~~
5 ~~so~~ by orders issued at the time of the disaster.

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

8 (Source: P.A. 100-863, eff. 8-14-18.)

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