



Rep. Keith R. Wheeler

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10200HB3523ham001

LRB102 09897 CPF 25518 a

1 AMENDMENT TO HOUSE BILL 3523

2 AMENDMENT NO. _____. Amend House Bill 3523, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (20 ILCS 3305/4) (from Ch. 127, par. 1054)

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

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

15 "Cyber incident" means an event occurring on or conducted
16 through a computer network that actually or imminently

1 jeopardizes the integrity, confidentiality, or availability of
2 computers, information or communications systems or networks,
3 physical or virtual infrastructure controlled by computers or
4 information systems, or information resident thereon that
5 affect or control infrastructure or communications networks
6 utilized by the public. "Cyber incident" includes a
7 vulnerability in information systems, system security
8 procedures, internal controls, or implementations that could
9 be exploited by a threat source that affect or control
10 infrastructure or communications networks utilized by the
11 public.

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

23 "Emergency Management" means the efforts of the State and
24 the political subdivisions to develop, plan, analyze, conduct,
25 provide, implement and maintain programs for disaster
26 mitigation, preparedness, response and recovery.

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

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

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

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

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

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

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

26 "Mobile Support Team" means a group of individuals

1 designated as a team by the Governor or Director to train prior
2 to and to be dispatched, if the Governor or the Director so
3 determines, to aid and reinforce the State and political
4 subdivision emergency management efforts in response to a
5 disaster.

6 "Municipality" means any city, village, and incorporated
7 town.

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

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

17 "Public health emergency" means an occurrence or imminent
18 threat of an illness or health condition that:

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

20 (i) bioterrorism;

21 (ii) the appearance of a novel or previously
22 controlled or eradicated infectious agent or
23 biological toxin;

24 (iii) a natural disaster;

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

26 (v) a nuclear attack or accident; and

1 (b) poses a high probability of any of the following
2 harms:

3 (i) a large number of deaths in the affected
4 population;

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

7 (iii) widespread exposure to an infectious or
8 toxic agent that poses a significant risk of
9 substantial future harm to a large number of people in
10 the affected population.

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

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

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

23 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

24 Sec. 7. Emergency Powers of the Governor. In the event of a
25 disaster, as defined in Section 4, the Governor may, by

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

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

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

21 (3) To transfer the direction, personnel or functions
22 of State departments and agencies or units thereof for the
23 purpose of performing or facilitating disaster response
24 and recovery programs.

25 (4) On behalf of this State to take possession of, and
26 to acquire full title or a lesser specified interest in,

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

15 a. The Governor, or the person or persons as the
16 Governor may authorize so to do, may forthwith take
17 possession of property for and on behalf of the State;
18 provided, however, that the Governor or persons shall
19 simultaneously with the taking, deliver to the owner
20 or his or her agent, if the identity of the owner or
21 agency is known or readily ascertainable, a signed
22 statement in writing, that shall include the name and
23 address of the owner, the date and place of the taking,
24 description of the property sufficient to identify it,
25 a statement of interest in the property that is being
26 so taken, and, if possible, a statement in writing,

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

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

21 c. Just compensation for the taking or use of
22 property or interest therein shall be promptly
23 ascertained in proceedings and established by judgment
24 against the State, that shall include, as part of the
25 just compensation so awarded, interest at the rate of
26 6% per annum on the fair market value of the property

1 or interest therein from the date of the taking or use
2 to the date of the judgment; and the court may order
3 the payment of delinquent taxes and special
4 assessments out of the amount so awarded as just
5 compensation and may make any other orders with
6 respect to encumbrances, rents, insurance, and other
7 charges, if any, as shall be just and equitable.

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

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

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

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

25 (9) To suspend or limit the sale, dispensing, or
26 transportation of alcoholic beverages, firearms,

1 explosives, and combustibles.

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

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

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

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

1 ~~do 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. 100-863, eff. 8-14-18.)

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