



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4689

Introduced 2/6/2024, by Rep. Tim Ozinga

SYNOPSIS AS INTRODUCED:

20 ILCS 3305/7

from Ch. 127, par. 1057

Amends the Illinois Emergency Management Agency Act. Provides that after an initial proclamation declaring that a disaster exists, the Governor may only extend that declaration or make further proclamations regarding the same disaster if the General Assembly passes a resolution within 5 calendar days that approves the extension or further proclamation. Provides that if, due to health or safety concerns, the General Assembly is unable to convene in either regular or special session to approve the extension or further proclamation, the extension or further proclamation may continue in effect until the General Assembly is able to convene in regular or special session if specified members of the General Assembly submit written certification to the Governor that the General Assembly is unable to convene to provide the necessary approval of the extension or further proclamation. Effective immediately.

LRB103 36053 LNS 66140 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 Section 7 as follows:

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

7 Sec. 7. Emergency Powers of the Governor.

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

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

1 prevent, hinder or delay necessary action, including
2 emergency purchases, by the Illinois Emergency Management
3 Agency, in coping with 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
14 the objectives set forth in Section 2 of this Act,
15 including: airplanes, automobiles, trucks, trailers,
16 buses, and other vehicles; coal, oils, gasoline, and other
17 fuels and means of propulsion; explosives, materials,
18 equipment, and supplies; animals and livestock; feed and
19 seed; food and provisions for humans and animals; clothing
20 and bedding; and medicines and medical and surgical
21 supplies; and to take possession of and for a limited
22 period occupy and use any real estate necessary to
23 accomplish those objectives; but only upon the undertaking
24 by the State to pay just compensation therefor as in this
25 Act provided, and then only under the following
26 provisions:

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

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

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

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

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

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

1 account for and transmit to the State Treasurer all funds,
2 if any, received therefor.

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

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

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

11 (9) To suspend or limit the sale, dispensing, or
12 transportation of alcoholic beverages, firearms,
13 explosives, and combustibles.

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

16 (11) A proclamation of a disaster shall activate the
17 State Emergency Operations Plan, and political subdivision
18 emergency operations plans applicable to the political
19 subdivision or area in question and be authority for the
20 deployment and use of any forces that the plan or plans
21 apply and for use or distribution of any supplies,
22 equipment, and materials and facilities assembled,
23 stockpiled or arranged to be made available under this Act
24 or any other provision of law relating to disasters.

25 (12) Control, restrict, and regulate by rationing,
26 freezing, use of quotas, prohibitions on shipments, price

1 fixing, allocation or other means, the use, sale or
2 distribution of food, feed, fuel, clothing and other
3 commodities, materials, goods, or services; and perform
4 and exercise any other functions, powers, and duties as
5 may be necessary to promote and secure the safety and
6 protection of the civilian population.

7 (13) During the continuance of any disaster the
8 Governor is commander-in-chief of the organized and
9 unorganized militia and of all other forces available for
10 emergency duty. To the greatest extent practicable, the
11 Governor shall delegate or assign authority to the
12 Director to manage, coordinate, and direct all resources
13 by orders issued at the time of the disaster.

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

16 (b) After the initial proclamation made under this Section
17 declaring that a disaster exists, the Governor may only extend
18 that declaration or make further proclamations regarding the
19 same disaster if the General Assembly, convened in either
20 regular or special session, passes a resolution that approves
21 the extension or further proclamation in whole or in part. The
22 resolution shall set forth the full text of the extension or
23 further proclamation. If the General Assembly fails to pass
24 the resolution within 5 calendar days after the extension or
25 further proclamation, any such extension or further
26 proclamation shall be null and void. Actions taken pursuant to

1 any extension or further proclamation during the time between
2 the issuance of the extension or further proclamation and
3 either action by the General Assembly or the expiration of the
4 5-day deadline shall be valid.

5 If, due to health or safety concerns, the General Assembly
6 is unable to convene in either regular or special session to
7 approve the extension or further proclamation, the extension
8 or further proclamation may continue in effect until the
9 General Assembly is able to convene in regular or special
10 session if the President of the Senate, the Speaker of the
11 House of Representatives, the Minority Leader of the Senate,
12 and the Minority Leader of the House of Representatives submit
13 written certification to the Governor that the General
14 Assembly is unable to convene to provide the necessary
15 approval of the extension or further proclamation.

16 (Source: P.A. 102-485, eff. 8-20-21.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.