



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB4802

Introduced 2/6/2024, by Rep. Mark L. Walker

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3305/1	from Ch. 127, par. 1051
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 3305/12	from Ch. 127, par. 1062
20 ILCS 3305/14	from Ch. 127, par. 1064
20 ILCS 3305/18	from Ch. 127, par. 1068
20 ILCS 3305/20	from Ch. 127, par. 1070
20 ILCS 3305/23	
20 ILCS 3305/24 new	
20 ILCS 3305/25 new	

Amends the Illinois Emergency Management Agency Act. Retitles the Act and adds provisions regarding the newly renamed Illinois Emergency Management Agency and Office of Homeland Security (IEMA-OHS). Adds responsibilities for IEMA-OHS with respect to nuclear and radiation safety. Provides for the appointment of a cabinet-level Homeland Security Advisor and a Deputy Homeland Security Advisor. Provides for the creation of an Illinois Homeland Security Advisory Council, and assigns the Council duties. Provides for the creation of the position of Statewide Interoperability Coordinator and assigns it duties. Adds and amends definitions.

LRB103 38019 JAG 68151 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 1, 2, 4, 5, 6, 7, 8, 10, 12, 14,  
6 18, 20, and 23 and by adding Sections 24 and 25 as follows:

7 (20 ILCS 3305/1) (from Ch. 127, par. 1051)

8 Sec. 1. Short Title. This Act may be cited as the IEMA-OHS  
9 ~~Illinois Emergency Management Agency Act.~~

10 (Source: P.A. 87-168.)

11 (20 ILCS 3305/2) (from Ch. 127, par. 1052)

12 Sec. 2. Policy and Purposes.

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

1 is found and declared to be necessary:

2 (1) To create a State emergency management and  
3 homeland security agency ~~an Illinois Emergency Management~~  
4 ~~Agency~~ and to authorize emergency management and homeland  
5 security programs within the political subdivisions of the  
6 State.

7 (2) To confer upon the Governor and upon the principal  
8 executive officer of the political subdivisions of the  
9 State the powers provided herein.

10 (3) To provide for the rendering of mutual aid among  
11 the political subdivisions and taxing districts of the  
12 State and with other states and with respect to the  
13 carrying out of ~~an~~ emergency management and homeland  
14 security programs ~~program~~.

15 (b) It is further declared to be the purpose of this Act  
16 and the policy of the State that all emergency management and  
17 homeland security programs of this State be coordinated to the  
18 maximum extent with the comparable programs of the federal  
19 government, including its various departments and agencies, of  
20 other states and localities and private agencies of every  
21 type, to the end that the most effective preparation and use  
22 may be made of the nation's resources and facilities for  
23 dealing with any disaster that may occur.

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

25 (20 ILCS 3305/4) (from Ch. 127, par. 1054)

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

4           "Coordinator" means the staff assistant to the principal  
5 executive officer of a political subdivision with the duty of  
6 coordinating the emergency management programs of that  
7 political subdivision.

8           "Cyber incident" means an event occurring on or conducted  
9 through a computer network that actually or imminently  
10 jeopardizes the integrity, confidentiality, or availability of  
11 computers, information or communications systems or networks,  
12 physical or virtual infrastructure controlled by computers or  
13 information systems, or information resident thereon that  
14 affect or control infrastructure or communications networks  
15 utilized by the public. "Cyber incident" includes a  
16 vulnerability in information systems, system security  
17 procedures, internal controls, or implementations that could  
18 be exploited by a threat source that affect or control  
19 infrastructure or communications networks utilized by the  
20 public.

21           "Disaster" means an occurrence or threat of widespread or  
22 severe damage, injury or loss of life or property resulting  
23 from any natural, technological, or human cause, including but  
24 not limited to fire, flood, earthquake, wind, storm, hazardous  
25 materials spill or other water contamination requiring  
26 emergency action to avert danger or damage, epidemic, air

1 contamination, blight, extended periods of severe and  
2 inclement weather, drought, infestation, critical shortages of  
3 essential fuels and energy, explosion, riot, hostile military  
4 or paramilitary action, public health emergencies, cyber  
5 incidents, or acts of domestic terrorism.

6 "Emergency Management" means the efforts of the State and  
7 the political subdivisions to develop, plan, analyze, conduct,  
8 provide, implement and maintain programs for disaster  
9 mitigation, preparedness, response and recovery.

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

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

24 "Emergency Services" means the coordination of functions  
25 by the State and its political subdivisions ~~subdivision~~, other  
26 than functions for which military forces are primarily

1 responsible, as may be necessary or proper to prevent,  
2 minimize, repair, and alleviate injury and damage resulting  
3 from any natural or technological causes. These functions  
4 include, without limitation, fire fighting services, police  
5 services, emergency aviation services, medical and health  
6 services, HazMat and technical rescue teams, rescue,  
7 engineering, warning services, communications, radiological,  
8 chemical and other special weapons defense, evacuation of  
9 persons from stricken or threatened areas, emergency assigned  
10 functions of plant protection, temporary restoration of public  
11 utility services and other functions related to civilian  
12 protection, together with all other activities necessary or  
13 incidental to protecting life or property.

14 "Exercise" means an event or activity delivered through  
15 discussion or action to develop, assess, or validate  
16 capabilities to achieve planned objectives. ~~a planned event~~  
17 ~~realistically simulating a disaster, conducted for the purpose~~  
18 ~~of evaluating the political subdivision's coordinated~~  
19 ~~emergency management capabilities, including, but not limited~~  
20 ~~to, testing the emergency operations plan.~~

21 "HazMat team" means a career or volunteer mobile support  
22 team that has been authorized by a unit of local government to  
23 respond to hazardous materials emergencies and that is  
24 primarily designed for emergency response to chemical or  
25 biological terrorism, radiological emergencies, hazardous  
26 material spills, releases, or fires, or other contamination

1 events.

2 "Illinois Emergency Management Agency and Office of  
3 Homeland Security" or "Agency" means the agency established by  
4 this Act within the executive branch of State Government  
5 responsible for coordination of the overall emergency  
6 management and homeland security programs ~~program~~ of the State  
7 and with private organizations, political subdivisions, and  
8 the federal government. Illinois Emergency Management Agency  
9 and Office of Homeland Security also means the State Emergency  
10 Response Commission responsible for the implementation of  
11 Title III of the Superfund Amendments and Reauthorization Act  
12 of 1986.

13 "Interoperable communications" means the ability of  
14 emergency response providers and relevant State and local  
15 government agencies to communicate through a dedicated public  
16 safety network using information technology systems and radio  
17 communications systems and to exchange voice, data, and video  
18 on demand in real time.

19 "Mobile Support Team" means a group of individuals  
20 designated as a team by the Governor or Director to train prior  
21 to and to be dispatched, if the Governor or the Director so  
22 determines, to aid and reinforce the State and political  
23 subdivision emergency management efforts in response to a  
24 disaster.

25 "Municipality" means any city, village, and incorporated  
26 town.

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

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

10 "Public health emergency" means an occurrence or imminent  
11 threat of an illness or health condition that:

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

13 (i) bioterrorism;

14 (ii) the appearance of a novel or previously  
15 controlled or eradicated infectious agent or  
16 biological toxin;

17 (iii) a natural disaster;

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

19 (v) a nuclear attack or accident; and

20 (b) poses a high probability of any of the following  
21 harms:

22 (i) a large number of deaths in the affected  
23 population;

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

26 (iii) widespread exposure to an infectious or



1 toxic agent that poses a significant risk of  
2 substantial future harm to a large number of people in  
3 the affected population.

4 "Statewide mutual aid organization" means an entity with  
5 local government members throughout the State that facilitates  
6 temporary assistance through its members in a particular  
7 public safety discipline, such as police, fire or emergency  
8 management, when an occurrence exceeds a member jurisdiction's  
9 capabilities.

10 "Technical rescue team" means a career or volunteer mobile  
11 support team that has been authorized by a unit of local  
12 government to respond to building collapse, high angle rescue,  
13 and other specialized rescue emergencies and that is primarily  
14 designated for emergency response to technical rescue events.  
15 (Source: P.A. 102-485, eff. 8-20-21.)

16 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

17 Sec. 5. Illinois Emergency Management Agency and Office of  
18 Homeland Security.

19 (a) Establishment of the Illinois Emergency Management  
20 Agency and Office of Homeland Security. There is created  
21 within the executive branch of the State Government an  
22 Illinois Emergency Management Agency and Office of Homeland  
23 Security and a Director of the Illinois Emergency Management  
24 Agency and Office of Homeland Security, herein called the  
25 "Director" who shall be the head thereof. The Director shall

1 be appointed by the Governor, with the advice and consent of  
2 the Senate, and shall serve for a term of 2 years beginning on  
3 the third Monday in January of the odd-numbered year, and  
4 until a successor is appointed and has qualified; ~~except that~~  
5 ~~the term of the first Director appointed under this Act shall~~  
6 ~~expire on the third Monday in January, 1989.~~ The Director  
7 shall not hold any other remunerative public office. ~~For terms~~  
8 ~~beginning after January 18, 2019 (the effective date of Public~~  
9 ~~Act 100-1179) and before January 16, 2023, the annual salary~~  
10 ~~of the Director shall be as provided in Section 5-300 of the~~  
11 ~~Civil Administrative Code of Illinois.~~ Notwithstanding any  
12 other provision of law, for terms beginning on or after  
13 January 16, 2023, the Director shall receive an annual salary  
14 of \$180,000 or as set by the Governor, whichever is higher. On  
15 July 1, 2023, and on each July 1 thereafter, the Director shall  
16 receive an increase in salary based on a cost of living  
17 adjustment as authorized by Senate Joint Resolution 192 of the  
18 86th General Assembly.

19 ~~For terms beginning on or after January 16, 2023, the~~  
20 ~~Assistant Director of the Illinois Emergency Management Agency~~  
21 ~~shall receive an annual salary of \$156,600 or as set by the~~  
22 ~~Governor, whichever is higher. On July 1, 2023, and on each~~  
23 ~~July 1 thereafter, the Assistant Director shall receive an~~  
24 ~~increase in salary based on a cost of living adjustment as~~  
25 ~~authorized by Senate Joint Resolution 192 of the 86th General~~  
26 ~~Assembly.~~

1           (b) Agency personnel. The ~~Illinois Emergency Management~~  
2 Agency shall obtain, under the provisions of the Personnel  
3 Code, technical, clerical, stenographic and other  
4 administrative personnel, and may make expenditures within the  
5 appropriation therefor as may be necessary to carry out the  
6 purpose of this Act. ~~The agency created by this Act is intended~~  
7 ~~to be a successor to the agency created under the Illinois~~  
8 ~~Emergency Services and Disaster Agency Act of 1975 and the~~  
9 ~~personnel, equipment, records, and appropriations of that~~  
10 ~~agency are transferred to the successor agency as of June 30,~~  
11 ~~1988 (the effective date of this Act).~~

12           (c) Responsibilities of the Director. The Director,  
13 subject to the direction and control of the Governor, shall be  
14 the executive head of the ~~Illinois Emergency Management~~ Agency  
15 and the State Emergency Response Commission and shall be  
16 responsible under the direction of the Governor, for carrying  
17 out the programs ~~program~~ for emergency management, nuclear and  
18 radiation safety, and homeland security of this State. The  
19 Director shall also maintain liaison and cooperate with the  
20 emergency management, nuclear and radiation safety, and  
21 homeland security organizations of this State and other states  
22 and of the federal government.

23           (d) Agency's participation in local emergency operations  
24 planning. The ~~Illinois Emergency Management~~ Agency shall take  
25 an integral part in the development and revision of political  
26 subdivision emergency operations plans prepared under

1 paragraph (f) of Section 10. To this end it shall employ or  
2 otherwise secure the services of professional and technical  
3 personnel capable of providing expert assistance to the  
4 emergency services and disaster agencies. These personnel  
5 shall consult with emergency services and disaster agencies on  
6 a regular basis and shall make field examinations of the  
7 areas, circumstances, and conditions that particular political  
8 subdivision emergency operations plans are intended to apply.

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

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

23 (2) the assessment of emergency response capabilities  
24 related to hazardous chemical emergencies.

25 (f) Emergency management responsibilities of the Agency.

26 The ~~Illinois Emergency Management~~ Agency shall:

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

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

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

14           (2.6) Coordinate with the Department of Public Health  
15 with respect to planning for and responding to public  
16 health emergencies.

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

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

24           (5) Review and approve, in accordance with ~~Illinois~~  
25 ~~Emergency Management~~ Agency rules, emergency operations  
26 plans for those political subdivisions required to have an

1 emergency services and disaster agency pursuant to this  
2 Act.

3 (5.5) Promulgate rules and requirements for the  
4 political subdivision emergency management exercises,  
5 including, but not limited to, exercises of the emergency  
6 operations plans.

7 (5.10) Review, evaluate, and approve, in accordance  
8 with ~~Illinois Emergency Management~~ Agency rules, political  
9 subdivision emergency management exercises for those  
10 political subdivisions required to have an emergency  
11 services and disaster agency pursuant to this Act.

12 (6) Determine requirements of the State and its  
13 political subdivisions for food, clothing, and other  
14 necessities in event of a disaster.

15 (7) Establish a register of persons with types of  
16 emergency management training and skills in mitigation,  
17 preparedness, response, and recovery.

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

20 (9) Expand the Earthquake Awareness Program and its  
21 efforts to distribute earthquake preparedness materials to  
22 schools, political subdivisions, community groups, civic  
23 organizations, and the media. Emphasis will be placed on  
24 those areas of the State most at risk from an earthquake.  
25 Maintain the list of all school districts, hospitals,  
26 airports, power plants, including nuclear power plants,

1 lakes, dams, emergency response facilities of all types,  
2 and all other major public or private structures which are  
3 at the greatest risk of damage from earthquakes under  
4 circumstances where the damage would cause subsequent harm  
5 to the surrounding communities and residents.

6 (10) Disseminate all information, completely and  
7 without delay, on water levels for rivers and streams and  
8 any other data pertaining to potential flooding supplied  
9 by the Division of Water Resources within the Department  
10 of Natural Resources to all political subdivisions to the  
11 maximum extent possible.

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

21 (11.5) In coordination with the Illinois State Police,  
22 develop and implement a community outreach program to  
23 promote awareness among the State's parents and children  
24 of child abduction prevention and response.

25 (12) Out of funds appropriated for these purposes,  
26 award capital and non-capital grants to Illinois hospitals

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

19 (13) (Blank). ~~Do all other things necessary,~~  
20 ~~incidental or appropriate for the implementation of this~~  
21 ~~Act.~~

22 (g) Agency's security improvement grants to educational  
23 institutions. The ~~Illinois Emergency Management~~ Agency is  
24 authorized to make grants to various higher education  
25 institutions, public K-12 school districts, area vocational  
26 centers as designated by the State Board of Education,



1 inter-district special education cooperatives, regional safe  
2 schools, and nonpublic K-12 schools for safety and security  
3 improvements. For the purpose of this subsection (g), "higher  
4 education institution" means a public university, a public  
5 community college, or an independent, not-for-profit or  
6 for-profit higher education institution located in this State.  
7 Grants made under this subsection (g) shall be paid out of  
8 moneys appropriated for that purpose from the Build Illinois  
9 Bond Fund. The ~~Illinois Emergency Management~~ Agency shall  
10 adopt rules to implement this subsection (g). These rules may  
11 specify: (1) ~~(i)~~ the manner of applying for grants; (2) ~~(ii)~~  
12 project eligibility requirements; (3) ~~(iii)~~ restrictions on  
13 the use of grant moneys; (4) ~~(iv)~~ the manner in which the  
14 various higher education institutions must account for the use  
15 of grant moneys; and (5) ~~(v)~~ any other provision that the  
16 ~~Illinois Emergency Management~~ Agency determines to be  
17 necessary or useful for the administration of this subsection  
18 (g).

19 (g-5) Agency's security improvement grants to  
20 not-for-profit organizations. The ~~Illinois Emergency~~  
21 ~~Management~~ Agency is authorized to make grants to  
22 not-for-profit organizations which are exempt from federal  
23 income taxation under section 501(c)(3) of the Federal  
24 Internal Revenue Code for eligible security improvements that  
25 assist the organization in preventing, preparing for, or  
26 responding to threats, attacks, or acts of terrorism. To be

1 eligible for a grant under the program, the Agency must  
2 determine that the organization is at a high risk of being  
3 subject to threats, attacks, or acts of terrorism based on the  
4 organization's profile, ideology, mission, or beliefs.  
5 Eligible security improvements shall include all eligible  
6 preparedness activities under the federal Nonprofit Security  
7 Grant Program, including, but not limited to, physical  
8 security upgrades, security training exercises, preparedness  
9 training exercises, contracting with security personnel, and  
10 any other security upgrades deemed eligible by the Director.  
11 Eligible security improvements shall not duplicate, in part or  
12 in whole, a project included under any awarded federal grant  
13 or in a pending federal application. The Director shall  
14 establish procedures and forms by which applicants may apply  
15 for a grant and procedures for distributing grants to  
16 recipients. Any security improvements awarded shall remain at  
17 the physical property listed in the grant application, unless  
18 authorized by Agency rule or approved by the Agency in  
19 writing. The procedures shall require each applicant to do the  
20 following:

21 (1) identify and substantiate prior or current  
22 threats, attacks, or acts of terrorism against the  
23 not-for-profit organization;

24 (2) indicate the symbolic or strategic value of one or  
25 more sites that renders the site a possible target of a  
26 threat, attack, or act of terrorism;

1 (3) discuss potential consequences to the organization  
2 if the site is damaged, destroyed, or disrupted by a  
3 threat, attack, or act of terrorism;

4 (4) describe how the grant will be used to integrate  
5 organizational preparedness with broader State and local  
6 preparedness efforts, as described by the Agency in each  
7 Notice of Opportunity for Funding;

8 (5) submit (i) a vulnerability assessment conducted by  
9 experienced security, law enforcement, or military  
10 personnel, or conducted using an Agency-approved or  
11 federal Nonprofit Security Grant Program self-assessment  
12 tool, and (ii) a description of how the grant award will be  
13 used to address the vulnerabilities identified in the  
14 assessment; and

15 (6) submit any other relevant information as may be  
16 required by the Director.

17 The Agency is authorized to use funds appropriated for the  
18 grant program described in this subsection (g-5) to administer  
19 the program.

20 (g-10) Agency's homeland security duties. The Agency shall  
21 be responsible for homeland security as follows:

22 (1) A Homeland Security Advisor shall be appointed by  
23 the Governor, by and with the advice and consent of the  
24 Senate, shall report to the Governor, and shall be a  
25 member of the Governor's Cabinet. The Homeland Security  
26 Advisor shall be responsible for:

1           (A) advising the Governor or the Governor's  
2 designees on matters of homeland security, as well as  
3 coordinating Illinois' homeland security and  
4 preparedness efforts across all levels of government,  
5 in order to protect the people and critical  
6 infrastructure of Illinois;

7           (B) coordinating a uniform and cooperative  
8 statewide, strategic response to homeland security  
9 threats as defined by, and in the sole discretion of,  
10 the Governor;

11           (C) coordinating and providing policy  
12 recommendations to the Governor and other State  
13 agencies on all matters pertaining to homeland  
14 security;

15           (D) calling upon the expertise and assistance of  
16 all State agencies, commissions, and boards to carry  
17 out their mission in support of the State's homeland  
18 security efforts; each State agency, commission, or  
19 board shall be required, to the extent not  
20 inconsistent with law, to cooperate with the Homeland  
21 Security Advisor; to facilitate a unified State  
22 strategy on matters of homeland security, all State  
23 agencies, boards, and commissions shall provide  
24 briefings to the Homeland Security Advisor regularly  
25 and upon request;

26           (E) serving as the State's primary liaison with

1 all federal agencies pertaining to homeland security  
2 matters for the State;

3 (F) consistent with the United States Department  
4 of Homeland Security standard operating procedures and  
5 guidance, the Homeland Security Advisor shall oversee  
6 and approve of security clearance requests for State  
7 personnel sent to the federal government for final  
8 adjudication, except that the Homeland Security  
9 Advisor shall coordinate with Illinois State Police on  
10 such clearance requests for law enforcement personnel;  
11 and

12 (G) performing such other duties related to  
13 homeland security as directed by the Governor or the  
14 Governor's designees.

15 (2) A Deputy Homeland Security Advisor, reporting to  
16 the Homeland Security Advisor, shall be recommended by the  
17 Homeland Security Advisor to and appointed by the  
18 Governor. The Deputy Homeland Security Advisor shall be  
19 responsible for:

20 (A) assuming responsibilities of the Homeland  
21 Security Advisor as needed or directed by the Governor  
22 or Homeland Security Advisor;

23 (B) serving as the Deputy Director of the Office  
24 of Homeland Security at the Agency;

25 (C) the development and execution of the State's  
26 unified homeland security strategy;

1           (D) serving as a representative of the Homeland  
2           Security Advisor, State, and the Agency's Office of  
3           Homeland Security with all State agencies,  
4           commissions, and boards as it pertains to matters of  
5           homeland security; and

6           (E) serving as a representative of the Homeland  
7           Security Advisor and State with all federal agencies  
8           for matters pertaining to homeland security.

9           (3) The Homeland Security Advisor or Deputy Homeland  
10          Security Advisor shall provide briefings to the Governor  
11          and Lieutenant Governor as directed.

12          (4) The Agency shall coordinate with and provide  
13          administrative support for the Homeland Security Advisor  
14          and house the State's Office of Homeland Security. The  
15          Agency's Director shall coordinate with the Homeland  
16          Security Advisor to ensure the duties and actions of the  
17          Office of Homeland Security are aligned with the State's  
18          homeland security strategic goals and priorities.

19          (5) The Agency, through its Office of Homeland  
20          Security, shall have the following duties:

21               (A) support the Homeland Security Advisor in the  
22               administration and coordination of homeland security  
23               and preparedness efforts across all levels of  
24               government to protect the people and critical  
25               infrastructure of Illinois;

26               (B) oversee, plan, and distribute State and

1 federal funding for homeland security on the basis of  
2 risk, threat, and vulnerability to ensure the most  
3 effective use of limited resources, and guarantee that  
4 funds are used for appropriate and necessary purposes;

5 (C) reviews all proposed State legislation  
6 pertaining to homeland security matters and shall  
7 report to the Homeland Security Advisor about such  
8 proposed legislation; the Office shall also review  
9 existing legislation and may recommend modifications,  
10 amendments, or initiatives to support or enhance the  
11 State's homeland security and preparedness  
12 capabilities;

13 (D) ensure the implementation of the strategic  
14 response and policy recommendations of the Governor  
15 and Homeland Security Advisor pertaining to all  
16 matters of homeland security;

17 (E) coordinate with all State agencies,  
18 commissions, and boards, regarding the matters of  
19 homeland security;

20 (F) coordinate with the Illinois State Police to  
21 provide the United States Department of Homeland  
22 Security with relevant reporting metrics and data  
23 pertaining to the State;

24 (G) develop, at the direction of the Homeland  
25 Security Advisor, and in cooperation with the Illinois  
26 State Police and other appropriate State agencies,

1 appropriate protocols, staffing, training, and  
2 equipment guidelines for the weapons of mass  
3 destruction teams that the Governor, or the Governor's  
4 designee, may deploy in the event or threat of a  
5 disaster;

6 (H) lead the State's homeland security public  
7 education and risk communication messaging; and

8 (I) adopt rules necessary for implementation of  
9 homeland security programs.

10 (g-15) Agency's nuclear and radiation safety duties. The  
11 Agency shall be responsible for nuclear and radiation safety  
12 as follows:

13 (1) The Agency shall exercise, administer, and enforce  
14 all rights, powers, and duties for nuclear and radiation  
15 safety authorized in the Nuclear Safety Law of 2004.

16 (2) The Agency shall develop a comprehensive emergency  
17 preparedness and response plan for any nuclear accident in  
18 accordance with Section 65 of the Nuclear Safety Law of  
19 2004 and an Illinois nuclear safety preparedness program  
20 in accordance with Section 8 of the Illinois Nuclear  
21 Safety Preparedness Act.

22 (3) The Agency shall have the right to enter on public  
23 and private property in order to take soil and air samples  
24 for response to a disaster that causes radioactive  
25 contamination.

26 ~~Any Agency Notice of Opportunity for Funding, proposed or~~



~~final rulemaking, guidance, training opportunity, or other resource related to the grant program must be published on the Agency's publicly available website, and any announcements related to funding shall be shared with all State legislative offices, the Governor's office, emergency services and disaster agencies mandated or required pursuant to subsections (b) through (d) of Section 10, and any other State agencies as determined by the Agency. Subject to appropriation, the grant application period shall be open for no less than 45 calendar days during the first application cycle each fiscal year, unless the Agency determines that a shorter period is necessary to avoid conflicts with the annual federal Nonprofit Security Grant Program funding cycle. Additional application cycles may be conducted during the same fiscal year, subject to availability of funds. Upon request, Agency staff shall provide reasonable assistance to any applicant in completing a grant application or meeting a post award requirement.~~

(h) Emergency Planning and Training Fund and Disaster Response and Recovery Fund. Except as provided in Section 17.5 of this Act, any moneys received by the Agency from donations or sponsorships unrelated to a disaster shall be deposited in the Emergency Planning and Training Fund and used by the Agency, subject to appropriation, to effectuate planning and training activities. Any moneys received by the Agency from donations during a disaster and intended for disaster response or recovery shall be deposited into the Disaster Response and

1 Recovery Fund and used for disaster response and recovery  
2 pursuant to the Disaster Relief Act.

3 (i) Fees. The ~~Illinois Emergency Management~~ Agency may by  
4 rule assess and collect reasonable fees for attendance at  
5 Agency-sponsored conferences to enable the Agency to carry out  
6 the requirements of this Act. Any moneys received under this  
7 subsection shall be deposited in the Emergency Planning and  
8 Training Fund and used by the Agency, subject to  
9 appropriation, for planning and training activities.

10 (j) Other grant-making powers. The Illinois Emergency  
11 Management Agency is authorized to make grants to other State  
12 agencies, public universities, units of local government, and  
13 statewide mutual aid organizations to enhance statewide  
14 emergency preparedness and response.

15 (k) Agency's responsibility to implement and administer  
16 the Act. The Agency shall do all other things necessary,  
17 incidental or appropriate for the implementation of this Act,  
18 including the adoption of rules in accordance with the  
19 Illinois Administrative Procedure Act.

20 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;  
21 102-813, eff. 5-13-22; 102-1115, eff. 1-9-23; 103-418, eff.  
22 1-1-24.)

23 (20 ILCS 3305/6) (from Ch. 127, par. 1056)

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

25 (a) The Governor shall have general direction and control

1 of the ~~Illinois Emergency Management~~ Agency and shall be  
2 responsible for the carrying out of the provisions of this  
3 Act.

4 (b) In performing duties under this Act, the Governor is  
5 authorized to cooperate with the federal government and with  
6 other states in all matters pertaining to emergency  
7 management, nuclear and radiation safety, and homeland  
8 security.

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

11 (1) To make, amend, and rescind all lawful necessary  
12 orders, rules, and regulations to carry out the provisions  
13 of this Act within the limits of the authority conferred  
14 upon the Governor.

15 (2) To cause to be prepared ~~a~~ comprehensive plans ~~plan~~  
16 and programs ~~program~~ for the emergency management, nuclear  
17 and radiation safety, and homeland security of this State,  
18 which plans and programs ~~plan and program~~ shall be  
19 integrated into and coordinated with emergency management,  
20 nuclear and radiation safety, and homeland security plans  
21 and programs of the federal government and of other states  
22 whenever possible and which plans and programs ~~plan and~~  
23 ~~program~~ may include:

24 a. Mitigation of injury and damage caused by  
25 disaster.

26 b. Prompt and effective response to disaster.

- 1 c. Emergency relief.
- 2 d. Identification of areas particularly vulnerable  
3 to disasters.
- 4 e. Recommendations for zoning, building, and other  
5 land-use controls, safety measures for securing  
6 permanent structures and other mitigation measures  
7 designed to eliminate or reduce disasters or their  
8 impact.
- 9 f. Assistance to political subdivisions in  
10 designing emergency operations plans.
- 11 g. Authorization and procedures for the erection  
12 or other construction of temporary works designed to  
13 mitigate danger, damage or loss from flood, or other  
14 disaster.
- 15 h. Preparation and distribution to the appropriate  
16 State and political subdivision officials of a State  
17 catalog of federal, State, and private assistance  
18 programs.
- 19 i. Organization of State personnel and chains of  
20 command.
- 21 j. Coordination of federal, State, and political  
22 subdivision emergency management, nuclear and  
23 radiation safety, and homeland security activities.
- 24 k. Other necessary matters.
- 25 (3) In accordance with the plans ~~plan~~ and programs  
26 ~~program~~ for the emergency management, nuclear and

1       radiation safety, and homeland security of this State, and  
2       out of funds appropriated for these purposes, to procure  
3       and preposition supplies, medicines, materials and  
4       equipment, to institute training programs and public  
5       information programs, and to take all other preparatory  
6       steps including the partial or full mobilization of  
7       emergency services and disaster agencies in advance of  
8       actual disaster to insure the furnishing of adequately  
9       trained and equipped forces for disaster response and  
10      recovery.

11       (4) Out of funds appropriated for these purposes, to  
12      make studies and surveys of the industries, resources, and  
13      facilities in this State as may be necessary to ascertain  
14      the capabilities of the State for emergency management  
15      phases of mitigation, preparedness, response, and recovery  
16      and to plan for the most efficient emergency use thereof.

17       (5) On behalf of this State, to negotiate for and  
18      submit to the General Assembly for its approval or  
19      rejection reciprocal mutual aid agreements or compacts  
20      with other states, either on a statewide or political  
21      subdivision basis. The agreements or compacts, shall be  
22      limited to the furnishing or exchange of food, clothing,  
23      medical or other supplies, engineering and police  
24      services; emergency housing and feeding; National and  
25      State Guards while under the control of the State; health,  
26      medical, and related services; fire fighting, rescue,

1 transportation, communication, and construction services  
2 and equipment, provided, however, that if the General  
3 Assembly be not in session and the Governor has not  
4 proclaimed the existence of a disaster under this Section,  
5 then the agreements or compacts shall instead be submitted  
6 to an Interim Committee on Emergency Management composed  
7 of 5 Senators appointed by the President of the Senate and  
8 of 5 Representatives appointed by the Speaker of the  
9 House, during the month of June of each odd-numbered year  
10 to serve for a 2-year ~~2-year~~ term, beginning July 1 of that  
11 year, and until their successors are appointed and  
12 qualified, or until termination of their legislative  
13 service, whichever first occurs. Vacancies shall be filled  
14 by appointment for the unexpired term in the same manner  
15 as original appointments. All appointments shall be made  
16 in writing and filed with the Secretary of State as a  
17 public record. The Committee shall have the power to  
18 approve or reject any agreements or compacts for and on  
19 behalf of the General Assembly; and, provided further,  
20 that an affirmative vote of 2/3 of the members of the  
21 Committee shall be necessary for the approval of any  
22 agreement or compact.

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

24 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

25 Sec. 7. Emergency Powers of the Governor. In the event of a

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

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

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

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

26 (4) On behalf of this State to take possession of, and

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

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



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

1           upon and the disposition made of all claims.

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

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

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

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

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

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

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

26          (9) To suspend or limit the sale, dispensing, or

1 transportation of alcoholic beverages, firearms,  
2 explosives, and combustibles.

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

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  
20 may 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 authority to the

1 Director to manage, coordinate, and direct all resources  
2 by orders issued at the time of the disaster.

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

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

6 (20 ILCS 3305/8) (from Ch. 127, par. 1058)

7 Sec. 8. Mobile Support Teams.

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

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

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

23 (2) If they are paid employees of a political  
24 subdivision or body politic of this State, and whether  
25 serving within or without that political subdivision or

1 body politic, have the powers, duties, rights, privileges  
2 and immunities, and receive the compensation incidental to  
3 their employment.

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

8 Personnel of a mobile support team who suffer disease,  
9 injury or death arising out of or in the course of emergency  
10 duty, shall for the purposes of benefits under the Workers'  
11 Compensation Act or Workers' Occupational Diseases Act only,  
12 be deemed to be employees of this State. If the person  
13 diseased, injured or killed is an employee described in item  
14 (3) above, the computation of benefits payable under either of  
15 those Acts shall be based on income commensurate with  
16 comparable State employees doing the same type of work or  
17 income from the person's regular employment, whichever is  
18 greater.

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

22 (c) The State shall reimburse each political subdivision  
23 or body politic from the Disaster Response and Recovery Fund  
24 for the compensation paid and the actual and necessary travel,  
25 subsistence and maintenance expenses of paid employees of the  
26 political subdivision or body politic while serving, outside

1 of its geographic ~~geographical~~ boundaries pursuant to such a  
2 call, as members of a mobile support team, and for all payments  
3 made for death, disease or injury of those paid employees  
4 arising out of and incurred in the course of that duty, and for  
5 all losses of or damage to supplies and equipment of the  
6 political subdivision or body politic resulting from the  
7 operations.

8 (d) Whenever mobile support teams or units of another  
9 state, while the Governor has the emergency powers provided  
10 for under Section 7 of this Act, render aid to this State under  
11 the orders of the Governor of its home state and upon the  
12 request of the Governor of this State, all questions relating  
13 to reimbursement by this State to the other state and its  
14 citizens in regard to the assistance so rendered shall be  
15 determined by the mutual aid agreements or interstate compacts  
16 described in subparagraph (5) of paragraph (c) of Section 6 as  
17 are existing at the time of the assistance rendered or are  
18 entered into thereafter and under Section 303 (d) of the  
19 Federal Civil Defense Act of 1950.

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

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

25 (20 ILCS 3305/10) (from Ch. 127, par. 1060)

1           Sec. 10. Emergency Services and Disaster Agencies.

2           (a) Each political subdivision within this State shall be  
3 within the jurisdiction of and served by the ~~Illinois~~  
4 ~~Emergency Management~~ Agency and by an emergency services and  
5 disaster agency responsible for emergency management programs.  
6 A township, if the township is in a county having a population  
7 of more than 2,000,000, must have approval of the county  
8 coordinator before establishment of a township emergency  
9 services and disaster agency.

10          (b) Unless multiple county emergency services and disaster  
11 agency consolidation is authorized by the ~~Illinois Emergency~~  
12 ~~Management~~ Agency with the consent of the respective counties,  
13 each county shall maintain an emergency services and disaster  
14 agency that has jurisdiction over and serves the entire  
15 county, except as otherwise provided under this Act and except  
16 that in any county with a population of over 3,000,000  
17 containing a municipality with a population of over 500,000  
18 the jurisdiction of the county agency shall not extend to the  
19 municipality when the municipality has established its own  
20 agency.

21          (c) Each municipality with a population of over 500,000  
22 shall maintain an emergency services and disaster agency which  
23 has jurisdiction over and serves the entire municipality. A  
24 municipality with a population less than 500,000 may  
25 establish, by ordinance, an agency or department responsible  
26 for emergency management within the municipality's corporate



1 limits.

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

18 (e) Each municipality that is not required to and does not  
19 have an emergency services and disaster agency shall have a  
20 liaison officer designated to facilitate the cooperation and  
21 protection of that municipal corporation with the county  
22 emergency services and disaster agency in which it is located  
23 in the work of disaster mitigation, preparedness, response,  
24 and recovery.

25 (f) The principal executive officer or his or her designee  
26 of each political subdivision in the State shall annually

1 notify the ~~Illinois Emergency Management~~ Agency of the manner  
2 in which the political subdivision is providing or securing  
3 emergency management, identify the executive head of the  
4 agency or the department from which the service is obtained,  
5 or the liaison officer in accordance with subsection (e)  
6 ~~paragraph (d) of this Section~~ and furnish additional  
7 information relating thereto as the ~~Illinois Emergency~~  
8 ~~Management~~ Agency requires.

9 (g) Each emergency services and disaster agency shall  
10 prepare an emergency operations plan for its geographic  
11 boundaries that complies with planning, review, and approval  
12 standards promulgated by the ~~Illinois Emergency Management~~  
13 ~~Agency~~. The ~~Illinois Emergency Management~~ Agency shall  
14 determine which jurisdictions will be required to include  
15 earthquake preparedness in their local emergency operations  
16 plans.

17 (h) The emergency services and disaster agency shall  
18 prepare and distribute to all appropriate officials in written  
19 form a clear and complete statement of the emergency  
20 responsibilities of all local departments and officials and of  
21 the disaster chain of command.

22 (i) Each emergency services and disaster agency shall have  
23 a Coordinator who shall be appointed by the principal  
24 executive officer of the political subdivision in the same  
25 manner as are the heads of regular governmental departments.  
26 If the political subdivision is a county and the principal

1 executive officer appoints the sheriff as the Coordinator, the  
2 sheriff may, ~~in addition to his or her regular compensation,~~  
3 receive compensation ~~at the same level~~ as provided in Article  
4 3 of the Counties Code Section 3 of "An Act in relation to the  
5 ~~regulation of motor vehicle traffic and the promotion of~~  
6 ~~safety on public highways in counties", approved August 9,~~  
7 ~~1951, as amended.~~ The Coordinator shall have direct  
8 responsibility for the organization, administration, training,  
9 and operation of the emergency services and disaster agency,  
10 subject to the direction and control of that principal  
11 executive officer. Each emergency services and disaster agency  
12 shall coordinate and may perform emergency management  
13 functions within the territorial limits of the political  
14 subdivision within which it is organized as are prescribed in  
15 and by the State Emergency Operations Plan, and programs,  
16 orders, rules and regulations as may be promulgated by the  
17 ~~Illinois Emergency Management~~ Agency and by local ordinance  
18 and, in addition, shall conduct such functions outside of  
19 those territorial limits as may be required under mutual aid  
20 agreements and compacts as are entered into under subparagraph  
21 (5) of paragraph (c) of Section 6.

22 (j) In carrying out the provisions of this Act, each  
23 political subdivision may enter into contracts and incur  
24 obligations necessary to place it in a position effectively to  
25 combat the disasters as are described in Section 4, to protect  
26 the health and safety of persons, to protect property, and to

1 provide emergency assistance to victims of those disasters. If  
2 a disaster occurs, each political subdivision may exercise the  
3 powers vested under this Section in the light of the  
4 exigencies of the disaster and, excepting mandatory  
5 constitutional requirements, without regard to the procedures  
6 and formalities normally prescribed by law pertaining to the  
7 performance of public work, entering into contracts, the  
8 incurring of obligations, the employment of temporary workers,  
9 the rental of equipment, the purchase of supplies and  
10 materials, and the appropriation, expenditure, and disposition  
11 of public funds and property.

12 (k) Volunteers who, while engaged in a disaster, an  
13 exercise, training related to the emergency operations plan of  
14 the political subdivision, or a search-and-rescue team  
15 response to an occurrence or threat of injury or loss of life  
16 that is beyond local response capabilities, suffer disease,  
17 injury or death, shall, for the purposes of benefits under the  
18 Workers' Compensation Act or Workers' Occupational Diseases  
19 Act only, be deemed to be employees of the State, if: (1) the  
20 claimant is a duly qualified and enrolled (sworn in) as a  
21 volunteer of the ~~Illinois Emergency Management~~ Agency or an  
22 emergency services and disaster agency accredited by the  
23 ~~Illinois Emergency Management~~ Agency, and (2) if: (i) the  
24 claimant was participating in a disaster as defined in Section  
25 4 of this Act, (ii) the exercise or training participated in  
26 was specifically and expressly approved by the ~~Illinois~~

1 ~~Emergency Management~~ Agency prior to the exercise or training,  
2 or (iii) the search-and-rescue team response was to an  
3 occurrence or threat of injury or loss of life that was beyond  
4 local response capabilities and was specifically and expressly  
5 approved by the ~~Illinois Emergency Management~~ Agency prior to  
6 the search-and-rescue team response. The computation of  
7 benefits payable under either of those Acts shall be based on  
8 the income commensurate with comparable State employees doing  
9 the same type work or income from the person's regular  
10 employment, whichever is greater.

11 Volunteers who are working under the direction of an  
12 emergency services and disaster agency accredited by the  
13 ~~Illinois Emergency Management~~ Agency, pursuant to a plan  
14 approved by the ~~Illinois Emergency Management~~ Agency (i)  
15 during a disaster declared by the Governor under Section 7 of  
16 this Act, or (ii) in circumstances otherwise expressly  
17 approved by the ~~Illinois Emergency Management~~ Agency, shall be  
18 deemed exclusively employees of the State for purposes of  
19 Section 8(d) of the Court of Claims Act, provided that the  
20 ~~Illinois Emergency Management~~ Agency may, in coordination with  
21 the emergency services and disaster agency, audit  
22 implementation for compliance with the plan.

23 (1) If any person who is entitled to receive benefits  
24 through the application of this Section receives, in  
25 connection with the disease, injury or death giving rise to  
26 such entitlement, benefits under an Act of Congress or federal

1 program, benefits payable under this Section shall be reduced  
2 to the extent of the benefits received under that other Act or  
3 program.

4 (m) (1) Prior to conducting an exercise, the principal  
5 executive officer of a political subdivision or his or her  
6 designee shall provide area media with written  
7 notification of the exercise. The notification shall  
8 indicate that information relating to the exercise shall  
9 not be released to the public until the commencement of  
10 the exercise. The notification shall also contain a  
11 request that the notice be so posted to ensure that all  
12 relevant media personnel are advised of the exercise  
13 before it begins.

14 (2) During the conduct of an exercise, all messages,  
15 two-way radio communications, briefings, status reports,  
16 news releases, and other oral or written communications  
17 shall begin and end with the following statement: "This is  
18 an exercise message".

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

20 (20 ILCS 3305/12) (from Ch. 127, par. 1062)

21 Sec. 12. Testing of Disaster Warning Devices. The testing  
22 of disaster warning devices including outdoor warning sirens  
23 shall be held only on the first Tuesday of each month at 10  
24 o'clock in the morning or during exercises that are  
25 specifically and expressly approved in advance by the ~~Illinois~~

1 ~~Emergency Management~~ Agency.

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

3 (20 ILCS 3305/14) (from Ch. 127, par. 1064)

4 Sec. 14. Communications. The ~~Illinois Emergency Management~~  
5 Agency shall ascertain what means exist for rapid and  
6 efficient communications in times of disaster. The ~~Illinois~~  
7 ~~Emergency Management~~ Agency shall consider the desirability of  
8 supplementing these communications resources or of integrating  
9 them into a comprehensive State or State-Federal  
10 telecommunications or other communications system or network.  
11 In studying the character and feasibility of any system or its  
12 several parts, the ~~Illinois Emergency Management~~ Agency shall  
13 evaluate the possibility of multipurpose use thereof for  
14 general State and political subdivision purposes. The ~~Illinois~~  
15 ~~Emergency Management~~ Agency may promulgate rules to establish  
16 policies and procedures relating to telecommunications and the  
17 continuation of rapid and efficient communications in times of  
18 disaster to the extent authorized by any provision of this Act  
19 or other laws and regulations. The ~~Illinois Emergency~~  
20 ~~Management~~ Agency shall make recommendations to the Governor  
21 as appropriate.

22 (Source: P.A. 86-755; 87-168.)

23 (20 ILCS 3305/18) (from Ch. 127, par. 1068)

24 Sec. 18. Orders, Rules and Regulations.

1 (a) The Governor shall file a copy of every rule,  
2 regulation or order, and any amendment thereof made by the  
3 Governor under the provisions of this Act in the office of the  
4 Secretary of State. Upon ~~No rule, regulation or order, or any~~  
5 ~~amendment thereof shall be effective until 10 days after the~~  
6 ~~filing, provided, however, that upon~~ the declaration of a  
7 disaster by the Governor as is described in Section 7 the  
8 provision relating to the effective date of any rule,  
9 regulation, order or amendment issued under this Act and  
10 during the state of disaster is abrogated, and the rule,  
11 regulation, order or amendment shall become effective  
12 immediately upon being filed with the Secretary of State  
13 accompanied by a certificate stating the reason as required by  
14 the Illinois Administrative Procedure Act.

15 (b) Every emergency services and disaster agency  
16 established pursuant to this Act and the coordinators thereof  
17 shall execute and enforce the orders, rules and regulations as  
18 may be made by the Governor under authority of this Act. Each  
19 emergency services and disaster agency shall have available  
20 for inspection at its office all orders, rules and regulations  
21 made by the Governor, or under the Governor's authority. The  
22 ~~Illinois Emergency Management Agency~~ shall publish ~~furnish~~ on  
23 the Agency's ~~Department's~~ website the orders, rules and  
24 regulations ~~to each such emergency services and disaster~~  
25 ~~agency~~. Upon the written request of an emergency services or  
26 disaster agency, copies thereof shall be mailed to the



1 emergency services or disaster agency.

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

3 (20 ILCS 3305/20) (from Ch. 127, par. 1070)

4 Sec. 20. Oath ~~Emergency Management Agency; personnel;~~  
5 ~~oath.~~

6 Each person, whether compensated or noncompensated, who is  
7 appointed to serve in any capacity in the Illinois Emergency  
8 Management Agency and Office of Homeland Security or an  
9 emergency services and disaster agency, shall, before entering  
10 upon his or her duties, take an oath, in writing, before the  
11 Director or before the coordinator of that emergency services  
12 and disaster agency or before other persons authorized to  
13 administer oaths in this State, which oath shall be filed with  
14 the Director or with the coordinator of the emergency services  
15 and disaster agency with which he or she shall serve and which  
16 oath shall be substantially as follows:

17 "I, \_\_\_\_\_, do solemnly swear (or affirm) that I  
18 will support and defend and bear true faith and allegiance to  
19 the Constitution of the United States and the Constitution of  
20 the State of Illinois, and the territory, institutions and  
21 facilities thereof, both public and private, against all  
22 enemies, foreign and domestic; that I take this obligation  
23 freely, without any mental reservation or purpose of evasion;  
24 and that I will well and faithfully discharge the duties upon  
25 which I am about to enter. And I do further swear (or affirm)

1 that I do not advocate, nor am I, nor have I been a member of  
2 any political party or organization that advocates the  
3 overthrow of the government of the United States or of this  
4 State by force or violence; and that during such time as I am  
5 affiliated with the (name of political subdivision), I will  
6 not advocate nor become a member of any political party or  
7 organization that advocates the overthrow of the government of  
8 the United States or of this State by force or violence."

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

10 (20 ILCS 3305/23)

11 (Section scheduled to be repealed on January 1, 2032)

12 Sec. 23. Access and Functional Needs Advisory Committee.

13 (a) In this Section, "Advisory Committee" means the Access  
14 and Functional Needs Advisory Committee.

15 (b) The Access and Functional Needs Advisory Committee is  
16 created.

17 (c) The Advisory Committee shall:

18 (1) Coordinate meetings occurring, at a minimum, 3  
19 times each year, in addition to emergency meetings called  
20 by the chairperson of the Advisory Committee.

21 (2) Research and provide recommendations for  
22 identifying and effectively responding to the needs of  
23 persons with access and functional needs before, during,  
24 and after a disaster using an intersectional lens for  
25 equity.

1           (3) Provide recommendations to the ~~Illinois Emergency~~  
2 ~~Management~~ Agency regarding how to ensure that persons  
3 with a disability are included in disaster strategies and  
4 emergency management plans, including updates and  
5 implementation of disaster strategies and emergency  
6 management plans.

7           (4) Review and provide recommendations for the  
8 ~~Illinois Emergency Management~~ Agency, and all relevant  
9 State agencies that are involved in drafting and  
10 implementing the Illinois Emergency Operation Plan, to  
11 integrate access and functional needs into State and local  
12 emergency plans.

13           (d) The Advisory Committee shall be composed of the  
14 Director of the ~~Illinois Emergency Management~~ Agency or his or  
15 her designee, the Attorney General or his or her designee, the  
16 Secretary of Human Services or his or her designee, the  
17 Director of Aging or his or her designee, and the Director of  
18 Public Health or his or her designee, together with the  
19 following members appointed by the Governor on or before  
20 January 1, 2022:

21           (1) Two members, either from a municipal or  
22 county-level emergency agency or a local emergency  
23 management coordinator.

24           (2) Nine members from the community of persons with a  
25 disability who represent persons with different types of  
26 disabilities, including, but not limited to, individuals

1 with mobility and physical disabilities, hearing and  
2 visual disabilities, deafness or who are hard of hearing,  
3 blindness or who have low vision, mental health  
4 disabilities, and intellectual or developmental  
5 disabilities. Members appointed under this paragraph shall  
6 reflect a diversity of age, gender, race, and ethnic  
7 background.

8 (3) Four members who represent first responders from  
9 different geographic ~~geographical~~ regions around the  
10 State.

11 (e) Of those members appointed by the Governor, the  
12 initial appointments of 6 members shall be for terms of 2 years  
13 and the initial appointments of 5 members shall be for terms of  
14 4 years. Thereafter, members shall be appointed for terms of 4  
15 years. A member shall serve until his or her successor is  
16 appointed and qualified. If a vacancy occurs in the Advisory  
17 Committee membership, the vacancy shall be filled in the same  
18 manner as the original appointment for the remainder of the  
19 unexpired term.

20 (f) After all the members are appointed, and annually  
21 thereafter, they shall elect a chairperson from among the  
22 members appointed under paragraph (2) of subsection (d).

23 (g) The initial meeting of the Advisory Committee shall be  
24 convened by the Director of the ~~Illinois Emergency Management~~  
25 Agency no later than February 1, 2022.

26 (h) Advisory Committee members shall serve without

1 compensation.

2 (i) The ~~Illinois Emergency Management~~ Agency shall provide  
3 administrative support to the Advisory Committee.

4 (j) The Advisory Committee shall prepare and deliver a  
5 report to the General Assembly, the Governor's Office, and the  
6 ~~Illinois Emergency Management~~ Agency by July 1, 2022, and  
7 annually thereafter. The report shall include the following:

8 (1) Identification of core emergency management  
9 services that need to be updated or changed to ensure the  
10 needs of persons with a disability are met, and shall  
11 include disaster strategies in State and local emergency  
12 plans.

13 (2) Any proposed changes in State policies, laws,  
14 rules, or regulations necessary to fulfill the purposes of  
15 this Act.

16 (3) Recommendations on improving the accessibility and  
17 effectiveness of disaster and emergency communication.

18 (4) Recommendations on comprehensive training for  
19 first responders and other frontline workers when working  
20 with persons with a disability during emergency situations  
21 or disasters, as defined in Section 4 ~~of the Illinois~~  
22 ~~Emergency Management Agency Act.~~

23 (5) Any additional recommendations regarding emergency  
24 management and persons with a disability that the Advisory  
25 Committee deems necessary.

26 (k) The annual report prepared and delivered under

1 subsection (j) shall be annually considered by the ~~Illinois~~  
2 ~~Emergency Management~~ Agency when developing new State and  
3 local emergency plans or updating existing State and local  
4 emergency plans.

5 (l) The Advisory Committee is dissolved and this Section  
6 is repealed on January 1, 2032.

7 (Source: P.A. 102-361, eff. 8-13-21; 102-671, eff. 11-30-21;  
8 103-154, eff. 6-30-23.)

9 (20 ILCS 3305/24 new)

10 Sec. 24. Illinois Homeland Security Advisory Council  
11 (IL-HSAC).

12 (a) The Illinois Homeland Security Advisory Council  
13 (IL-HSAC) is hereby created.

14 (b) The IL-HSAC shall report directly to the Homeland  
15 Security Advisor, who shall serve as the Chairperson.

16 (c) The Deputy Homeland Security Advisor shall serve as  
17 Vice-Chair.

18 (d) The Homeland Security Advisor may appoint a Chair Pro  
19 Tempore to oversee the daily operations and administrative  
20 responsibilities of the IL-HSAC.

21 (e) The Homeland Security Advisor shall, with approval of  
22 the Governor, modify the structure of the IL-HSAC as  
23 appropriate and consistent with this Section.

24 (f) The IL-HSAC shall submit an annual report to the  
25 Governor by March 1 of each year. The report shall detail the

1 activities, accomplishments, and recommendations of the  
2 IL-HSAC in the preceding year.

3 (g) The Agency shall provide administrative support for  
4 the IL-HSAC.

5 (h) Entities may be appointed to IL-HSAC with nomination  
6 by the Homeland Security Advisor and approval by the Governor.

7 (i) The IL-HSAC shall have the following powers and  
8 duties:

9 (1) The IL-HSAC shall serve as the State Advisory  
10 Committee with respect to funds received through the  
11 federal Homeland Security Grant Program. In that capacity,  
12 the IL-HSAC shall provide recommendations to the Homeland  
13 Security Advisor on issues related to the application for  
14 and use of all appropriate federal funding that relates to  
15 preventing, protecting against, mitigating, responding to  
16 and recovering from acts of terrorism and other threats.

17 (2) The IL-HSAC shall provide recommendations to the  
18 Homeland Security Advisor on the following:

19 (A) appropriate training of local, regional, and  
20 state officials to respond to terrorist incidents  
21 involving conventional, chemical, biological and  
22 nuclear weapons;

23 (B) applications for and use of all appropriate  
24 State and other funds as may be appropriate and  
25 available relating to homeland security;

26 (C) public safety preparedness and mutual aid to

1 include strategies and tactics to coordinate  
2 multi-agency response to significant events, such as  
3 acts of terrorism or natural disasters, where  
4 coordination of local, State, and private resources is  
5 necessary;

6 (D) coordination of public safety resources and  
7 combating terrorism in Illinois; and

8 (E) any changes needed in State statutes,  
9 administrative rules, or in the Illinois Emergency  
10 Operations Plan.

11 (20 ILCS 3305/25 new)

12 Sec. 25. Statewide Interoperability Coordinator.

13 (a) The Statewide Interoperability Coordinator is hereby  
14 created as a position within the Agency's Office of Homeland  
15 Security.

16 (b) The duties and responsibilities of the SWIC shall be  
17 as follows:

18 (1) The Statewide Interoperability Coordinator shall  
19 serve as the central coordination point for the State's  
20 communications interoperability and shall assist with  
21 mediation between State and local agencies to achieve an  
22 interoperable communications system.

23 (2) The Statewide Interoperability Coordinator shall  
24 develop and disseminate best practices for public safety  
25 communications interoperability.



1           (3) The Statewide Interoperability Coordinator shall  
2           advise the Homeland Security Advisor and Deputy Director  
3           of the Agency's Office of Homeland Security on public  
4           safety communications interoperability.

5           (4) The Statewide Interoperability Coordinator shall  
6           serve as a member of the Statewide Interoperability  
7           Executive Committee or its successor entity and may act on  
8           behalf of the Statewide Interoperability Executive  
9           Committee.

10          (5) The Statewide Interoperability Coordinator shall  
11          recommend regulatory changes relating to public safety  
12          communications and interoperability activities in  
13          partnership with 9-1-1 administrator, operators of  
14          statewide radio systems, emergency management  
15          coordinators, and the State Administrative Agency.

16          (6) The Statewide Interoperability Coordinator shall  
17          identify funding opportunities for planned  
18          interoperability improvements and coordinate efforts to  
19          provide funding.

20          (7) The Statewide Interoperability Coordinator shall  
21          advise on the issuance of grants related to public safety  
22          and for interoperability communication.

23          (8) The Statewide Interoperability Coordinator shall  
24          engage stakeholders to coordinate the Statewide  
25          Communications Interoperability Plan.

26          (9) The Statewide Interoperability Coordinator shall

1 represent the State in national, regional, and local  
2 efforts to plan and implement changes needed to achieve  
3 interoperability and continuity of communications for  
4 emergency responders.

5 (10) The Statewide Interoperability Coordinator shall  
6 develop and implement the strategic program for all public  
7 safety communications and interoperability activities in  
8 partnership with 9-1-1 administrators, operators of  
9 statewide radio systems, emergency management  
10 coordinators, and the State Administrative Agency.