



Sen. Mike Porfirio

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1 AMENDMENT TO SENATE BILL 3240

2 AMENDMENT NO. _____. Amend Senate Bill 3240 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Civil Administrative Code of Illinois is
5 amended by changing Sections 5-15, 5-20, and 5-160 and by
6 adding Section 5-425 as follows:

7 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

8 Sec. 5-15. Departments of State government. The
9 Departments of State government are created as follows:

10 The Department on Aging.

11 The Department of Agriculture.

12 The Department of Central Management Services.

13 The Department of Children and Family Services.

14 The Department of Commerce and Economic Opportunity.

15 The Department of Corrections.

16 The Department of Employment Security.

1 The Illinois Emergency Management Agency and Office of
2 Homeland Security.

3 The Department of Financial and Professional Regulation.

4 The Department of Healthcare and Family Services.

5 The Department of Human Rights.

6 The Department of Human Services.

7 The Department of Innovation and Technology.

8 The Department of Insurance.

9 The Department of Juvenile Justice.

10 The Department of Labor.

11 The Department of the Lottery.

12 The Department of Natural Resources.

13 The Department of Public Health.

14 The Department of Revenue.

15 The Illinois State Police.

16 The Department of Transportation.

17 The Department of Veterans' Affairs.

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

20 Sec. 5-20. Heads of departments. Each department shall
21 have an officer as its head who shall be known as director or
22 secretary and who shall, subject to the provisions of the
23 Civil Administrative Code of Illinois, execute the powers and
24 discharge the duties vested by law in his or her respective
25 department.

1 The following officers are hereby created:

2 Director of Aging, for the Department on Aging.

3 Director of Agriculture, for the Department of
4 Agriculture.

5 Director of Central Management Services, for the
6 Department of Central Management Services.

7 Director of Children and Family Services, for the
8 Department of Children and Family Services.

9 Director of Commerce and Economic Opportunity, for the
10 Department of Commerce and Economic Opportunity.

11 Director of Corrections, for the Department of
12 Corrections.

13 Director of the Illinois Emergency Management Agency and
14 Office of Homeland Security, for the Illinois Emergency
15 Management Agency and Office of Homeland Security.

16 Director of Employment Security, for the Department of
17 Employment Security.

18 Secretary of Financial and Professional Regulation, for
19 the Department of Financial and Professional Regulation.

20 Director of Healthcare and Family Services, for the
21 Department of Healthcare and Family Services.

22 Director of Human Rights, for the Department of Human
23 Rights.

24 Secretary of Human Services, for the Department of Human
25 Services.

26 Secretary of Innovation and Technology, for the Department

1 of Innovation and Technology.

2 Director of Insurance, for the Department of Insurance.

3 Director of Juvenile Justice, for the Department of
4 Juvenile Justice.

5 Director of Labor, for the Department of Labor.

6 Director of the Lottery, for the Department of the
7 Lottery.

8 Director of Natural Resources, for the Department of
9 Natural Resources.

10 Director of Public Health, for the Department of Public
11 Health.

12 Director of Revenue, for the Department of Revenue.

13 Director of the Illinois State Police, for the Illinois
14 State Police.

15 Secretary of Transportation, for the Department of
16 Transportation.

17 Director of Veterans' Affairs, for the Department of
18 Veterans' Affairs.

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 (20 ILCS 5/5-160) (was 20 ILCS 5/5.13h)

21 Sec. 5-160. In the Illinois Emergency Management Agency
22 and Office of Homeland Security. Assistant Director of the
23 Emergency Management Agency and Office of Homeland Security.

24 (Source: P.A. 93-1029, eff. 8-25-04.)

1 (20 ILCS 5/5-425 new)

2 Sec. 5-425. In the Illinois Emergency Management Agency
3 and Office of Homeland Security. For terms beginning on or
4 after January 16, 2023, the Director shall receive an annual
5 salary of \$180,000 or as set by the Governor, whichever is
6 higher. On July 1, 2023, and on each July 1 thereafter, the
7 Director shall receive an increase in salary based on a cost of
8 living adjustment as authorized by Senate Joint Resolution 192
9 of the 86th General Assembly.

10 For terms beginning on or after January 16, 2023, the
11 Assistant Director of the Illinois Emergency Management Agency
12 shall receive an annual salary of \$156,600 or as set by the
13 Governor, whichever is higher. On July 1, 2023, and on each
14 July 1 thereafter, the Assistant Director shall receive an
15 increase in salary based on a cost of living adjustment as
16 authorized by Senate Joint Resolution 192 of the 86th General
17 Assembly.

18 Section 10. The Illinois Emergency Management Agency Act
19 is amended by changing Sections 1, 2, 4, 5, 6, 7, 8, 10, 12,
20 14, 18, 20, and 23 and by adding Sections 24 and 25 as follows:

21 (20 ILCS 3305/1) (from Ch. 127, par. 1051)

22 Sec. 1. Short Title. This Act may be cited as the IEMA-OHS
23 Illinois Emergency Management Agency Act.

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

1 (20 ILCS 3305/2) (from Ch. 127, par. 1052)

2 Sec. 2. Policy and Purposes.

3 (a) Because of the possibility of the occurrence of
4 disasters of unprecedented size and destructiveness resulting
5 from the explosion in this or in neighboring states of atomic
6 or other means from without or by means of sabotage or other
7 disloyal actions within, or from fire, flood, earthquake,
8 telecommunications failure, or other natural or technological
9 causes, and in order to insure that this State will be prepared
10 to and will adequately deal with any disasters, preserve the
11 lives and property of the people of this State and protect the
12 public peace, health, and safety in the event of a disaster, it
13 is found and declared to be necessary:

14 (1) To create a State emergency management and
15 homeland security agency ~~an Illinois Emergency Management~~
16 ~~Agency~~ and to authorize emergency management and homeland
17 security programs within the political subdivisions of the
18 State.

19 (2) To confer upon the Governor and upon the principal
20 executive officer of the political subdivisions of the
21 State the powers provided herein.

22 (3) To provide for the rendering of mutual aid among
23 the political subdivisions and taxing districts of the
24 State and with other states and with respect to the
25 carrying out of ~~an~~ emergency management and homeland

1 security programs ~~program~~.

2 (b) It is further declared to be the purpose of this Act
3 and the policy of the State that all emergency management and
4 homeland security programs of this State be coordinated to the
5 maximum extent with the comparable programs of the federal
6 government, including its various departments and agencies, of
7 other states and localities and private agencies of every
8 type, to the end that the most effective preparation and use
9 may be made of the nation's resources and facilities for
10 dealing with any disaster that may occur.

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

12 (20 ILCS 3305/4) (from Ch. 127, par. 1054)

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

16 "Agency" or "IEMA-OHS" means the Illinois Emergency
17 Management Agency and Office of Homeland Security.

18 "Coordinator" means the staff assistant to the principal
19 executive officer of a political subdivision with the duty of
20 coordinating the emergency management programs of that
21 political subdivision.

22 "Cyber incident" means an event occurring on or conducted
23 through a computer network that actually or imminently
24 jeopardizes the integrity, confidentiality, or availability of
25 computers, information or communications systems or networks,

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

10 "Director" means the Director of the Illinois Emergency
11 Management Agency and Office of Homeland Security.

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

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

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

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

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

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

5 "Exercise" means an event or activity delivered through
6 discussion or action to develop, assess, or validate
7 capabilities to achieve planned objectives. ~~a planned event~~
8 ~~realistically simulating a disaster, conducted for the purpose~~
9 ~~of evaluating the political subdivision's coordinated~~
10 ~~emergency management capabilities, including, but not limited~~
11 ~~to, testing the emergency operations plan.~~

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

19 "Illinois Emergency Management Agency and Office of
20 Homeland Security" or "Agency" means the agency established by
21 this Act within the executive branch of State Government
22 responsible for coordination of the overall emergency
23 management and homeland security programs ~~program~~ of the State
24 and with private organizations, political subdivisions, and
25 the federal government. Illinois Emergency Management Agency
26 and Office of Homeland Security also means the State Emergency

1 Response Commission responsible for the implementation of
2 Title III of the Superfund Amendments and Reauthorization Act
3 of 1986.

4 "Interoperable communications" means communications,
5 including the exchange of voice data, and video on demand in
6 real time, by emergency response providers and relevant State
7 and local government agencies through a dedicated public
8 safety network using information technology systems and radio
9 communications systems.

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

16 "Municipality" means any city, village, and incorporated
17 town.

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

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

1 "Public health emergency" means an occurrence or imminent
2 threat of an illness or health condition that:

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

4 (i) bioterrorism;

5 (ii) the appearance of a novel or previously
6 controlled or eradicated infectious agent or
7 biological toxin;

8 (iii) a natural disaster;

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

10 (v) a nuclear attack or accident; and

11 (b) poses a high probability of any of the following
12 harms:

13 (i) a large number of deaths in the affected
14 population;

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

17 (iii) widespread exposure to an infectious or
18 toxic agent that poses a significant risk of
19 substantial future harm to a large number of people in
20 the affected population.

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

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

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

7 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

8 Sec. 5. Illinois Emergency Management Agency and Office of
9 Homeland Security.

10 (a) Establishment of the Illinois Emergency Management
11 Agency and Office of Homeland Security. There is created
12 within the executive branch of the State Government an
13 Illinois Emergency Management Agency and Office of Homeland
14 Security and a Director of the Illinois Emergency Management
15 Agency and Office of Homeland Security, herein called the
16 "Director" who shall be the head of the Agency thereof. The
17 Director shall be appointed by the Governor, with the advice
18 and consent of the Senate, and shall serve for a term of 2
19 years beginning on the third Monday in January of the
20 odd-numbered year, and until a successor is appointed and has
21 qualified; ~~except that the term of the first Director~~
22 ~~appointed under this Act shall expire on the third Monday in~~
23 ~~January, 1989.~~ The Director shall not hold any other
24 remunerative public office. ~~For terms beginning after January~~
25 ~~18, 2019 (the effective date of Public Act 100 1179) and~~

1 ~~before January 16, 2023, the annual salary of the Director~~
2 ~~shall be as provided in Section 5-300 of the Civil~~
3 ~~Administrative Code of Illinois. Notwithstanding any other~~
4 ~~provision of law, for terms beginning on or after January 16,~~
5 ~~2023, the Director shall receive an annual salary of \$180,000~~
6 ~~or as set by the Governor, whichever is higher. On July 1,~~
7 ~~2023, and on each July 1 thereafter, the Director shall~~
8 ~~receive an increase in salary based on a cost of living~~
9 ~~adjustment as authorized by Senate Joint Resolution 192 of the~~
10 ~~86th General Assembly.~~

11 ~~For terms beginning on or after January 16, 2023, the~~
12 ~~Assistant Director of the Illinois Emergency Management Agency~~
13 ~~shall receive an annual salary of \$156,600 or as set by the~~
14 ~~Governor, whichever is higher. On July 1, 2023, and on each~~
15 ~~July 1 thereafter, the Assistant Director shall receive an~~
16 ~~increase in salary based on a cost of living adjustment as~~
17 ~~authorized by Senate Joint Resolution 192 of the 86th General~~
18 ~~Assembly.~~

19 (b) Agency personnel. ~~The Illinois Emergency Management~~
20 ~~Agency shall obtain, under the provisions of the Personnel~~
21 ~~Code, technical, clerical, stenographic and other~~
22 ~~administrative personnel, and may make expenditures within the~~
23 ~~appropriation therefor as may be necessary to carry out the~~
24 ~~purpose of this Act. The agency created by this Act is intended~~
25 ~~to be a successor to the agency created under the Illinois~~
26 ~~Emergency Services and Disaster Agency Act of 1975 and the~~

1 ~~personnel, equipment, records, and appropriations of that~~
2 ~~agency are transferred to the successor agency as of June 30,~~
3 ~~1988 (the effective date of this Act).~~

4 (c) Responsibilities of the Director. The Director,
5 subject to the direction and control of the Governor, shall be
6 the executive head of the ~~Illinois Emergency Management~~ Agency
7 and the State Emergency Response Commission and shall be
8 responsible under the direction of the Governor, for carrying
9 out the programs program for emergency management, nuclear and
10 radiation safety, and homeland security of this State. The
11 Director shall also maintain liaison and cooperate with the
12 emergency management, nuclear and radiation safety, and
13 homeland security organizations of this State and other states
14 and of the federal government.

15 (d) Local emergency operations planning. The ~~Illinois~~
16 ~~Emergency Management~~ Agency shall take an integral part in the
17 development and revision of political subdivision emergency
18 operations plans prepared under paragraph (f) of Section 10.
19 To this end it shall employ or otherwise secure the services of
20 professional and technical personnel capable of providing
21 expert assistance to the emergency services and disaster
22 agencies. These personnel shall consult with emergency
23 services and disaster agencies on a regular basis and shall
24 make field examinations of the areas, circumstances, and
25 conditions that particular political subdivision emergency
26 operations plans are intended to apply.

1 (e) Local Emergency Planning Committee. The ~~Illinois~~
2 ~~Emergency Management~~ Agency and political subdivisions shall
3 be encouraged to form an emergency management advisory
4 committee composed of private and public personnel
5 representing the emergency management phases of mitigation,
6 preparedness, response, and recovery. The Local Emergency
7 Planning Committee, as created under the Illinois Emergency
8 Planning and Community Right to Know Act, shall serve as an
9 advisory committee to the emergency services and disaster
10 agency or agencies serving within the boundaries of that Local
11 Emergency Planning Committee planning district for:

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

14 (2) the assessment of emergency response capabilities
15 related to hazardous chemical emergencies.

16 (f) Emergency management responsibilities of the Agency.
17 The ~~Illinois Emergency Management~~ Agency shall:

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

20 (2) Cooperate with local governments, the federal
21 government, and any public or private agency or entity in
22 achieving any purpose of this Act and in implementing
23 emergency management programs for mitigation,
24 preparedness, response, and recovery.

25 (2.5) (Blank). ~~Develop a comprehensive emergency~~
26 ~~preparedness and response plan for any nuclear accident in~~

1 ~~accordance with Section 65 of the Nuclear Safety Law of~~
2 ~~2004 and in development of the Illinois Nuclear Safety~~
3 ~~Preparedness program in accordance with Section 8 of the~~
4 ~~Illinois Nuclear Safety Preparedness Act.~~

5 (2.6) Coordinate with the Department of Public Health
6 with respect to planning for and responding to public
7 health emergencies.

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

11 (4) Promulgate rules and requirements for political
12 subdivision emergency operations plans that are not
13 inconsistent with and are at least as stringent as
14 applicable federal laws and regulations.

15 (5) Review and approve, in accordance with ~~Illinois~~
16 ~~Emergency Management~~ Agency rules, emergency operations
17 plans for those political subdivisions required to have an
18 emergency services and disaster agency pursuant to this
19 Act.

20 (5.5) Promulgate rules and requirements for the
21 political subdivision emergency management exercises,
22 including, but not limited to, exercises of the emergency
23 operations plans.

24 (5.10) Review, evaluate, and approve, in accordance
25 with ~~Illinois Emergency Management~~ Agency rules, political
26 subdivision emergency management exercises for those

1 political subdivisions required to have an emergency
2 services and disaster agency pursuant to this Act.

3 (6) Determine requirements of the State and its
4 political subdivisions for food, clothing, and other
5 necessities in event of a disaster.

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

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

11 (9) Expand the Earthquake Awareness Program and its
12 efforts to distribute earthquake preparedness materials to
13 schools, political subdivisions, community groups, civic
14 organizations, and the media. Emphasis will be placed on
15 those areas of the State most at risk from an earthquake.
16 Maintain the list of all school districts, hospitals,
17 airports, power plants, including nuclear power plants,
18 lakes, dams, emergency response facilities of all types,
19 and all other major public or private structures which are
20 at the greatest risk of damage from earthquakes under
21 circumstances where the damage would cause subsequent harm
22 to the surrounding communities and residents.

23 (10) Disseminate all information, completely and
24 without delay, on water levels for rivers and streams and
25 any other data pertaining to potential flooding supplied
26 by the Division of Water Resources within the Department

1 of Natural Resources to all political subdivisions to the
2 maximum extent possible.

3 (11) Develop agreements, if feasible, with medical
4 supply and equipment firms to supply resources as are
5 necessary to respond to an earthquake or any other
6 disaster as defined in this Act. These resources will be
7 made available upon notifying the vendor of the disaster.
8 Payment for the resources will be in accordance with
9 Section 7 of this Act. The Illinois Department of Public
10 Health shall determine which resources will be required
11 and requested.

12 (11.5) In coordination with the Illinois State Police,
13 develop and implement a community outreach program to
14 promote awareness among the State's parents and children
15 of child abduction prevention and response.

16 (12) Out of funds appropriated for these purposes,
17 award capital and non-capital grants to Illinois hospitals
18 or health care facilities located outside of a city with a
19 population in excess of 1,000,000 to be used for purposes
20 that include, but are not limited to, preparing to respond
21 to mass casualties and disasters, maintaining and
22 improving patient safety and quality of care, and
23 protecting the confidentiality of patient information. No
24 single grant for a capital expenditure shall exceed
25 \$300,000. No single grant for a non-capital expenditure
26 shall exceed \$100,000. In awarding such grants, preference

1 shall be given to hospitals that serve a significant
2 number of Medicaid recipients, but do not qualify for
3 disproportionate share hospital adjustment payments under
4 the Illinois Public Aid Code. To receive such a grant, a
5 hospital or health care facility must provide funding of
6 at least 50% of the cost of the project for which the grant
7 is being requested. In awarding such grants, ~~the Illinois~~
8 ~~Emergency Management~~ Agency shall consider the
9 recommendations of the Illinois Hospital Association.

10 (13) (Blank). ~~Do all other things necessary,~~
11 ~~incidental or appropriate for the implementation of this~~
12 ~~Act.~~

13 (g) School and campus grants. The ~~Illinois Emergency~~
14 ~~Management~~ Agency is authorized to make grants to various
15 higher education institutions, public K-12 school districts,
16 area vocational centers as designated by the State Board of
17 Education, inter-district special education cooperatives,
18 regional safe schools, and nonpublic K-12 schools for safety
19 and security improvements. For the purpose of this subsection
20 (g), "higher education institution" means a public university,
21 a public community college, or an independent, not-for-profit
22 or for-profit higher education institution located in this
23 State. Grants made under this subsection (g) shall be paid out
24 of moneys appropriated for that purpose from the Build
25 Illinois Bond Fund. The ~~Illinois Emergency Management~~ Agency
26 shall adopt rules to implement this subsection (g). These

1 rules may specify: (1) ~~(i)~~ the manner of applying for grants;
2 (2) ~~(ii)~~ project eligibility requirements; (3) ~~(iii)~~
3 restrictions on the use of grant moneys; (4) ~~(iv)~~ the manner in
4 which the various higher education institutions must account
5 for the use of grant moneys; and (5) ~~(v)~~ any other provision
6 that the ~~Illinois Emergency Management~~ Agency determines to be
7 necessary or useful for the administration of this subsection
8 (g).

9 (g-5) State not-for-profit security grants. The ~~Illinois~~
10 ~~Emergency Management~~ Agency is authorized to make grants to
11 not-for-profit organizations which are exempt from federal
12 income taxation under section 501(c)(3) of the Federal
13 Internal Revenue Code for eligible security improvements that
14 assist the organization in preventing, preparing for, or
15 responding to threats, attacks, or acts of terrorism. To be
16 eligible for a grant under the program, the Agency must
17 determine that the organization is at a high risk of being
18 subject to threats, attacks, or acts of terrorism based on the
19 organization's profile, ideology, mission, or beliefs.
20 Eligible security improvements shall include all eligible
21 preparedness activities under the federal Nonprofit Security
22 Grant Program, including, but not limited to, physical
23 security upgrades, security training exercises, preparedness
24 training exercises, contracting with security personnel, and
25 any other security upgrades deemed eligible by the Director.
26 Eligible security improvements shall not duplicate, in part or

1 in whole, a project included under any awarded federal grant
2 or in a pending federal application. The Director shall
3 establish procedures and forms by which applicants may apply
4 for a grant and procedures for distributing grants to
5 recipients. Any security improvements awarded shall remain at
6 the physical property listed in the grant application, unless
7 authorized by Agency rule or approved by the Agency in
8 writing. The procedures shall require each applicant to do the
9 following:

10 (1) identify and substantiate prior or current
11 threats, attacks, or acts of terrorism against the
12 not-for-profit organization;

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

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

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

23 (5) submit (i) a vulnerability assessment conducted by
24 experienced security, law enforcement, or military
25 personnel, or conducted using an Agency-approved or
26 federal Nonprofit Security Grant Program self-assessment

1 tool, and (ii) a description of how the grant award will be
2 used to address the vulnerabilities identified in the
3 assessment; and

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

6 The Agency is authorized to use funds appropriated for the
7 grant program described in this subsection (g-5) to administer
8 the program.

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

1 (g-10) Homeland Security Advisor.

2 (1) A Homeland Security Advisor shall be appointed by
3 the Governor, by and with the advice and consent of the
4 Senate, shall report to the Governor, and shall be a
5 member of the Governor's Cabinet. The Homeland Security
6 Advisor shall:

7 (A) advise the Governor or the Governor's
8 designees on matters of homeland security and
9 coordinate Illinois' homeland security and
10 preparedness efforts across all levels of government,
11 in order to protect the people and critical
12 infrastructure of Illinois;

13 (B) coordinate a uniform and cooperative
14 statewide, strategic response to homeland security
15 threats as defined by, and in the sole discretion of,
16 the Governor;

17 (C) coordinate and provide policy recommendations
18 to the Governor and other State agencies on all
19 matters pertaining to homeland security;

20 (D) utilize the expertise and assistance of all
21 State agencies, commissions, and boards to carry out
22 their mission in support of the State's homeland
23 security efforts; each State agency, commission, or
24 board shall be required, to the extent not
25 inconsistent with law, to cooperate with the Homeland
26 Security Advisor; to facilitate a unified State

1 strategy on matters of homeland security, all State
2 agencies, boards, and commissions shall provide
3 briefings to the Homeland Security Advisor regularly
4 and upon request;

5 (E) serve as the State's primary liaison with all
6 federal agencies pertaining to homeland security
7 matters for the State;

8 (F) consistent with the United States Department
9 of Homeland Security standard operating procedures and
10 guidance, oversee and approve security clearance
11 requests for State personnel sent to the federal
12 government for final adjudication; coordinate with
13 Illinois State Police on such clearance requests for
14 law enforcement personnel; this subparagraph (F) shall
15 not apply to clearances issued by the Department of
16 Defense; and

17 (G) perform other duties related to homeland
18 security as directed by the Governor or the Governor's
19 designees.

20 (2) A Deputy Homeland Security Advisor, reporting to
21 the Homeland Security Advisor, shall be recommended by the
22 Homeland Security Advisor. The Deputy Homeland Security
23 Advisor shall:

24 (A) assume responsibilities of the Homeland
25 Security Advisor as needed or directed by the Governor
26 or Homeland Security Advisor;

1 (B) serve as the Deputy Director of the Office of
2 Homeland Security within the Agency;

3 (C) develop and execute the State's unified
4 homeland security strategy;

5 (D) serve as a representative of the Homeland
6 Security Advisor and the Agency's Office of Homeland
7 Security with all State agencies, commissions, and
8 boards for matters pertaining to homeland security;
9 and

10 (E) serve as a representative of the Homeland
11 Security Advisor and State with all federal agencies
12 for matters pertaining to homeland security.

13 (3) The Homeland Security Advisor or Deputy Homeland
14 Security Advisor shall provide briefings to the Governor
15 and Lieutenant Governor as directed.

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

23 (g-15) Homeland Security responsibilities of the Agency.
24 The Agency, through its Office of Homeland Security, shall:

25 (1) support the Homeland Security Advisor in the
26 administration and coordination of homeland security and

1 preparedness efforts across all levels of government to
2 protect the people and critical infrastructure of
3 Illinois;

4 (2) oversee, plan, and distribute State and federal
5 funding for homeland security on the basis of risk,
6 threat, and vulnerability to ensure the most effective use
7 of limited resources, and guarantee that funds are used
8 for appropriate and necessary purposes;

9 (3) review all proposed State legislation pertaining
10 to homeland security matters and report to the Homeland
11 Security Advisor about such proposed legislation; review
12 existing legislation and recommend modifications,
13 amendments, or initiatives to support or enhance the
14 State's homeland security and preparedness capabilities;

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

19 (5) coordinate with all State agencies, commissions,
20 and boards, regarding matters of homeland security;

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

25 (7) develop, at the direction of the Homeland Security
26 Advisor, and in cooperation with the Illinois State Police

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

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

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

10 (g-20) Nuclear and radiation safety responsibilities of
11 the Agency. The Agency shall be responsible for nuclear and
12 radiation safety and shall:

13 (1) exercise, administer, and enforce all rights,
14 powers, and duties for nuclear and radiation safety
15 authorized in the Nuclear Safety Law of 2004 or successor
16 statutes;

17 (2) develop a comprehensive emergency preparedness and
18 response plan for any nuclear accident in accordance with
19 Section 65 of the Nuclear Safety Law of 2004 and an
20 Illinois nuclear safety preparedness program in accordance
21 with Section 8 of the Illinois Nuclear Safety Preparedness
22 Act or successor statutes; and

23 (3) have the right to enter on public and private
24 property in order to take environmental samples for
25 response to a disaster that reasonably could have caused
26 radioactive contamination.

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

11 (i) Conference fees. The ~~Illinois Emergency Management~~
12 Agency may, by rule, assess and collect reasonable fees for
13 attendance at Agency-sponsored conferences to enable the
14 Agency to carry out the requirements of this Act. Any moneys
15 received under this subsection shall be deposited in the
16 Emergency Planning and Training Fund and used by the Agency,
17 subject to appropriation, for planning and training
18 activities.

19 (j) Other grant-making powers. The ~~Illinois Emergency~~
20 ~~Management~~ Agency is authorized to make grants to other State
21 agencies, public universities, units of local government, and
22 statewide mutual aid organizations to enhance statewide
23 emergency preparedness and response.

24 (k) Agency's responsibility to implement and administer
25 the Act. The Agency shall do all other things necessary,
26 incidental, or appropriate for the implementation of this Act,

1 including the adoption of rules in accordance with the
2 Illinois Administrative Procedure Act.

3 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
4 102-813, eff. 5-13-22; 102-1115, eff. 1-9-23; 103-418, eff.
5 1-1-24.)

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

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

8 (a) The Governor shall have general direction and control
9 of the ~~Illinois Emergency Management~~ Agency and shall be
10 responsible for the carrying out of the provisions of this
11 Act.

12 (b) In performing duties under this Act, the Governor is
13 authorized to cooperate with the federal government and with
14 other states in all matters pertaining to emergency
15 management, nuclear and radiation safety, and homeland
16 security.

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

19 (1) To make, amend, and rescind all lawful necessary
20 orders, rules, and regulations to carry out the provisions
21 of this Act within the limits of the authority conferred
22 upon the Governor.

23 (2) To cause to be prepared ~~a~~ comprehensive plans plan
24 and programs program for the emergency management, nuclear
25 and radiation safety, and homeland security of this State,

1 which plans and programs ~~plan and program~~ shall be
2 integrated into and coordinated with emergency management,
3 nuclear and radiation safety, and homeland security plans
4 and programs of the federal government and of other states
5 whenever possible and which plans and programs ~~plan and~~
6 ~~program~~ may include:

7 a. Mitigation of injury and damage caused by
8 disaster.

9 b. Prompt and effective response to disaster.

10 c. Emergency relief.

11 d. Identification of areas particularly vulnerable
12 to disasters.

13 e. Recommendations for zoning, building, and other
14 land-use controls, safety measures for securing
15 permanent structures and other mitigation measures
16 designed to eliminate or reduce disasters or their
17 impact.

18 f. Assistance to political subdivisions in
19 designing emergency operations plans.

20 g. Authorization and procedures for the erection
21 or other construction of temporary works designed to
22 mitigate danger, damage or loss from flood, or other
23 disaster.

24 h. Preparation and distribution to the appropriate
25 State and political subdivision officials of a State
26 catalog of federal, State, and private assistance

1 programs.

2 i. Organization of State personnel and chains of
3 command.

4 j. Coordination of federal, State, and political
5 subdivision emergency management, nuclear and
6 radiation safety, and homeland security activities.

7 k. Other necessary matters.

8 (3) In accordance with the plans ~~plan~~ and programs
9 ~~program~~ for the emergency management, nuclear and
10 radiation safety, and homeland security of this State, and
11 out of funds appropriated for these purposes, to procure
12 and preposition supplies, medicines, materials and
13 equipment, to institute training programs and public
14 information programs, and to take all other preparatory
15 steps including the partial or full mobilization of
16 emergency services and disaster agencies in advance of
17 actual disaster to insure the furnishing of adequately
18 trained and equipped forces for disaster response and
19 recovery.

20 (4) Out of funds appropriated for these purposes, to
21 make studies and surveys of the industries, resources, and
22 facilities in this State as may be necessary to ascertain
23 the capabilities of the State for emergency management
24 phases of mitigation, preparedness, response, and recovery
25 and to plan for the most efficient emergency use thereof.

26 (5) On behalf of this State, to negotiate for and

1 submit to the General Assembly for its approval or
2 rejection reciprocal mutual aid agreements or compacts
3 with other states, either on a statewide or political
4 subdivision basis. The agreements or compacts, shall be
5 limited to the furnishing or exchange of food, clothing,
6 medical or other supplies, engineering and police
7 services; emergency housing and feeding; National and
8 State Guards while under the control of the State; health,
9 medical, and related services; fire fighting, rescue,
10 transportation, communication, and construction services
11 and equipment, provided, however, that if the General
12 Assembly be not in session and the Governor has not
13 proclaimed the existence of a disaster under this Section,
14 then the agreements or compacts shall instead be submitted
15 to an Interim Committee on Emergency Management composed
16 of 5 Senators appointed by the President of the Senate and
17 of 5 Representatives appointed by the Speaker of the
18 House, during the month of June of each odd-numbered year
19 to serve for a 2-year ~~2-year~~ term, beginning July 1 of that
20 year, and until their successors are appointed and
21 qualified, or until termination of their legislative
22 service, whichever first occurs. Vacancies shall be filled
23 by appointment for the unexpired term in the same manner
24 as original appointments. All appointments shall be made
25 in writing and filed with the Secretary of State as a
26 public record. The Committee shall have the power to

1 approve or reject any agreements or compacts for and on
2 behalf of the General Assembly; and, provided further,
3 that an affirmative vote of 2/3 of the members of the
4 Committee shall be necessary for the approval of any
5 agreement or compact.

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

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

8 Sec. 7. Emergency Powers of the Governor. In the event of a
9 disaster, as defined in Section 4, the Governor may, by
10 proclamation, declare that a disaster exists. Upon such
11 proclamation, the Governor shall have and may exercise for a
12 period not to exceed 30 days the following emergency powers;
13 provided, however, that the lapse of the emergency powers
14 shall not, as regards any act or acts occurring or committed
15 within the 30-day period, deprive any person, firm,
16 corporation, political subdivision, or body politic of any
17 right or rights to compensation or reimbursement which he,
18 she, it, or they may have under the 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
24 prevent, hinder or delay necessary action, including
25 emergency purchases, by the ~~Illinois Emergency Management~~

1 Agency, in coping with the disaster.

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

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

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

25 a. The Governor, or the person or persons as the
26 Governor may authorize so to do, may forthwith take

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

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

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

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

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

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

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

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

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

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

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

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

23 (12) Control, restrict, and regulate by rationing,
24 freezing, use of quotas, prohibitions on shipments, price
25 fixing, allocation or other means, the use, sale or
26 distribution of food, feed, fuel, clothing and other

1 commodities, materials, goods, or services; and perform
2 and exercise any other functions, powers, and duties as
3 may be necessary to promote and secure the safety and
4 protection of the civilian population.

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

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

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

15 (20 ILCS 3305/8) (from Ch. 127, par. 1058)

16 Sec. 8. Mobile Support Teams.

17 (a) The Governor or Director may cause to be created
18 Mobile Support Teams to aid and to reinforce the ~~Illinois~~
19 ~~Emergency Management~~ Agency, and emergency services and
20 disaster agencies in areas stricken by disaster. Each mobile
21 support team shall have a leader, selected by the Director who
22 will be responsible, under the direction and control of the
23 Director, for the organization, administration, and training,
24 and operation of the mobile support team.

25 (b) Personnel of a mobile support team while on duty

1 pursuant to such a call or while engaged in regularly
2 scheduled training or exercises, whether within or without the
3 State, shall either:

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

7 (2) If they are paid employees of a political
8 subdivision or body politic of this State, and whether
9 serving within or without that political subdivision or
10 body politic, have the powers, duties, rights, privileges
11 and immunities, and receive the compensation incidental to
12 their employment.

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

17 Personnel of a mobile support team who suffer disease,
18 injury or death arising out of or in the course of emergency
19 duty, shall for the purposes of benefits under the Workers'
20 Compensation Act or Workers' Occupational Diseases Act only,

21 be deemed to be employees of this State. If the person
22 diseased, injured or killed is an employee described in item

23 (3) above, the computation of benefits payable under either of
24 those Acts shall be based on income commensurate with
25 comparable State employees doing the same type of work or
26 income from the person's regular employment, whichever is

1 greater.

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

5 (c) The State shall reimburse each political subdivision
6 or body politic from the Disaster Response and Recovery Fund
7 for the compensation paid and the actual and necessary travel,
8 subsistence and maintenance expenses of paid employees of the
9 political subdivision or body politic while serving, outside
10 of its geographic ~~geographical~~ boundaries pursuant to such a
11 call, as members of a mobile support team, and for all payments
12 made for death, disease or injury of those paid employees
13 arising out of and incurred in the course of that duty, and for
14 all losses of or damage to supplies and equipment of the
15 political subdivision or body politic resulting from the
16 operations.

17 (d) Whenever mobile support teams or units of another
18 state, while the Governor has the emergency powers provided
19 for under Section 7 of this Act, render aid to this State under
20 the orders of the Governor of its home state and upon the
21 request of the Governor of this State, all questions relating
22 to reimbursement by this State to the other state and its
23 citizens in regard to the assistance so rendered shall be
24 determined by the mutual aid agreements or interstate compacts
25 described in subparagraph (5) of paragraph (c) of Section 6 as
26 are existing at the time of the assistance rendered or are

1 entered into thereafter and under Section 303 (d) of the
2 Federal Civil Defense Act of 1950.

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

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

8 (20 ILCS 3305/10) (from Ch. 127, par. 1060)

9 Sec. 10. Emergency Services and Disaster Agencies.

10 (a) Each political subdivision within this State shall be
11 within the jurisdiction of and served by the ~~Illinois~~
12 ~~Emergency Management~~ Agency and by an emergency services and
13 disaster agency responsible for emergency management programs.
14 A township, if the township is in a county having a population
15 of more than 2,000,000, must have approval of the county
16 coordinator before establishment of a township emergency
17 services and disaster agency.

18 (b) Unless multiple county emergency services and disaster
19 agency consolidation is authorized by the ~~Illinois Emergency~~
20 ~~Management~~ Agency with the consent of the respective counties,
21 each county shall maintain an emergency services and disaster
22 agency that has jurisdiction over and serves the entire
23 county, except as otherwise provided under this Act and except
24 that in any county with a population of over 3,000,000
25 containing a municipality with a population of over 500,000

1 the jurisdiction of the county agency shall not extend to the
2 municipality when the municipality has established its own
3 agency.

4 (c) Each municipality with a population of over 500,000
5 shall maintain an emergency services and disaster agency which
6 has jurisdiction over and serves the entire municipality. A
7 municipality with a population less than 500,000 may
8 establish, by ordinance, an agency or department responsible
9 for emergency management within the municipality's corporate
10 limits.

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

1 (e) Each municipality that is not required to and does not
2 have an emergency services and disaster agency shall have a
3 liaison officer designated to facilitate the cooperation and
4 protection of that municipal corporation with the county
5 emergency services and disaster agency in which it is located
6 in the work of disaster mitigation, preparedness, response,
7 and recovery.

8 (f) The principal executive officer or his or her designee
9 of each political subdivision in the State shall annually
10 notify the ~~Illinois Emergency Management~~ Agency of the manner
11 in which the political subdivision is providing or securing
12 emergency management, identify the executive head of the
13 agency or the department from which the service is obtained,
14 or the liaison officer in accordance with subsection (e),
15 ~~paragraph (d) of this Section~~ and furnish additional
16 information relating thereto as the ~~Illinois Emergency~~
17 ~~Management~~ Agency requires.

18 (g) Each emergency services and disaster agency shall
19 prepare an emergency operations plan for its geographic
20 boundaries that complies with planning, review, and approval
21 standards promulgated by the ~~Illinois Emergency Management~~
22 ~~Agency~~. The ~~Illinois Emergency Management~~ Agency shall
23 determine which jurisdictions will be required to include
24 earthquake preparedness in their local emergency operations
25 plans.

26 (h) The emergency services and disaster agency shall

1 prepare and distribute to all appropriate officials in written
2 form a clear and complete statement of the emergency
3 responsibilities of all local departments and officials and of
4 the disaster chain of command.

5 (i) Each emergency services and disaster agency shall have
6 a Coordinator who shall be appointed by the principal
7 executive officer of the political subdivision in the same
8 manner as are the heads of regular governmental departments.
9 If the political subdivision is a county and the principal
10 executive officer appoints the sheriff as the Coordinator, the
11 sheriff may, ~~in addition to his or her regular compensation,~~
12 receive compensation ~~at the same level~~ as provided in Article
13 3 of the Counties Code Section 3 of "An Act in relation to the
14 regulation of motor vehicle traffic and the promotion of
15 safety on public highways in counties", ~~approved August 9,~~
16 ~~1951,~~ as amended. The Coordinator shall have direct
17 responsibility for the organization, administration, training,
18 and operation of the emergency services and disaster agency,
19 subject to the direction and control of that principal
20 executive officer. Each emergency services and disaster agency
21 shall coordinate and may perform emergency management
22 functions within the territorial limits of the political
23 subdivision within which it is organized as are prescribed in
24 and by the State Emergency Operations Plan, and programs,
25 orders, rules and regulations as may be promulgated by the
26 ~~Illinois Emergency Management~~ Agency and by local ordinance

1 and, in addition, shall conduct such functions outside of
2 those territorial limits as may be required under mutual aid
3 agreements and compacts as are entered into under subparagraph
4 (5) of paragraph (c) of Section 6.

5 (j) In carrying out the provisions of this Act, each
6 political subdivision may enter into contracts and incur
7 obligations necessary to place it in a position effectively to
8 combat the disasters as are described in Section 4, to protect
9 the health and safety of persons, to protect property, and to
10 provide emergency assistance to victims of those disasters. If
11 a disaster occurs, each political subdivision may exercise the
12 powers vested under this Section in the light of the
13 exigencies of the disaster and, excepting mandatory
14 constitutional requirements, without regard to the procedures
15 and formalities normally prescribed by law pertaining to the
16 performance of public work, entering into contracts, the
17 incurring of obligations, the employment of temporary workers,
18 the rental of equipment, the purchase of supplies and
19 materials, and the appropriation, expenditure, and disposition
20 of public funds and property.

21 (k) Volunteers who, while engaged in a disaster, an
22 exercise, training related to the emergency operations plan of
23 the political subdivision, or a search-and-rescue team
24 response to an occurrence or threat of injury or loss of life
25 that is beyond local response capabilities, suffer disease,
26 injury or death, shall, for the purposes of benefits under the

1 Workers' Compensation Act or Workers' Occupational Diseases
2 Act only, be deemed to be employees of the State, if: (1) the
3 claimant is a duly qualified and enrolled (sworn in) as a
4 volunteer of the ~~Illinois Emergency Management~~ Agency or an
5 emergency services and disaster agency accredited by the
6 ~~Illinois Emergency Management~~ Agency, and (2) if: (i) the
7 claimant was participating in a disaster as defined in Section
8 4 of this Act, (ii) the exercise or training participated in
9 was specifically and expressly approved by the ~~Illinois~~
10 ~~Emergency Management~~ Agency prior to the exercise or training,
11 or (iii) the search-and-rescue team response was to an
12 occurrence or threat of injury or loss of life that was beyond
13 local response capabilities and was specifically and expressly
14 approved by the ~~Illinois Emergency Management~~ Agency prior to
15 the search-and-rescue team response. The computation of
16 benefits payable under either of those Acts shall be based on
17 the income commensurate with comparable State employees doing
18 the same type work or income from the person's regular
19 employment, whichever is greater.

20 Volunteers who are working under the direction of an
21 emergency services and disaster agency accredited by the
22 ~~Illinois Emergency Management~~ Agency, pursuant to a plan
23 approved by the ~~Illinois Emergency Management~~ Agency (i)
24 during a disaster declared by the Governor under Section 7 of
25 this Act, or (ii) in circumstances otherwise expressly
26 approved by the ~~Illinois Emergency Management~~ Agency, shall be

1 deemed exclusively employees of the State for purposes of
2 Section 8(d) of the Court of Claims Act, provided that the
3 ~~Illinois Emergency Management~~ Agency may, in coordination with
4 the emergency services and disaster agency, audit
5 implementation for compliance with the plan.

6 (1) If any person who is entitled to receive benefits
7 through the application of this Section receives, in
8 connection with the disease, injury or death giving rise to
9 such entitlement, benefits under an Act of Congress or federal
10 program, benefits payable under this Section shall be reduced
11 to the extent of the benefits received under that other Act or
12 program.

13 (m) (1) Prior to conducting an exercise, the principal
14 executive officer of a political subdivision or his or her
15 designee shall provide area media with written
16 notification of the exercise. The notification shall
17 indicate that information relating to the exercise shall
18 not be released to the public until the commencement of
19 the exercise. The notification shall also contain a
20 request that the notice be so posted to ensure that all
21 relevant media personnel are advised of the exercise
22 before it begins.

23 (2) During the conduct of an exercise, all messages,
24 two-way radio communications, briefings, status reports,
25 news releases, and other oral or written communications
26 shall begin and end with the following statement: "This is

1 an exercise message".

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

3 (20 ILCS 3305/12) (from Ch. 127, par. 1062)

4 Sec. 12. Testing of Disaster Warning Devices. The testing
5 of disaster warning devices including outdoor warning sirens
6 shall be held only on the first Tuesday of each month at 10
7 o'clock in the morning or during exercises that are
8 specifically and expressly approved in advance by the ~~Illinois~~
9 ~~Emergency Management~~ Agency.

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

11 (20 ILCS 3305/14) (from Ch. 127, par. 1064)

12 Sec. 14. Communications. The ~~Illinois Emergency Management~~
13 Agency shall ascertain what means exist for rapid and
14 efficient communications in times of disaster. The ~~Illinois~~
15 ~~Emergency Management~~ Agency shall consider the desirability of
16 supplementing these communications resources or of integrating
17 them into a comprehensive State or State-Federal
18 telecommunications or other communications system or network.
19 In studying the character and feasibility of any system or its
20 several parts, the ~~Illinois Emergency Management~~ Agency shall
21 evaluate the possibility of multipurpose use thereof for
22 general State and political subdivision purposes. The ~~Illinois~~
23 ~~Emergency Management~~ Agency may promulgate rules to establish
24 policies and procedures relating to telecommunications and the

1 continuation of rapid and efficient communications in times of
2 disaster to the extent authorized by any provision of this Act
3 or other laws and regulations. The ~~Illinois Emergency~~
4 ~~Management~~ Agency shall make recommendations to the Governor
5 as appropriate.

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

7 (20 ILCS 3305/18) (from Ch. 127, par. 1068)

8 Sec. 18. Orders, Rules and Regulations.

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

23 (b) Every emergency services and disaster agency
24 established pursuant to this Act and the coordinators thereof
25 shall execute and enforce the orders, rules and regulations as

1 may be made by the Governor under authority of this Act. Each
2 emergency services and disaster agency shall have available
3 for inspection at its office all orders, rules and regulations
4 made by the Governor, or under the Governor's authority. The
5 ~~Illinois Emergency Management~~ Agency shall publish ~~furnish~~ on
6 the Agency's ~~Department's~~ website the orders, rules and
7 regulations ~~to each such emergency services and disaster~~
8 ~~agency~~. Upon the written request of an emergency services and
9 ~~or~~ disaster agency, copies thereof shall be mailed to the
10 emergency services and ~~or~~ disaster agency.

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

12 (20 ILCS 3305/20) (from Ch. 127, par. 1070)

13 Sec. 20. Oath ~~Emergency Management Agency; personnel;~~
14 ~~oath~~. Each person, whether compensated or noncompensated, who
15 is appointed to serve in any capacity in the Illinois
16 Emergency Management Agency and Office of Homeland Security or
17 an emergency services and disaster agency, shall, before
18 entering upon his or her duties, take an oath, in writing,
19 before the Director or before the coordinator of that
20 emergency services and disaster agency or before other persons
21 authorized to administer oaths in this State, which oath shall
22 be filed with the Director or with the coordinator of the
23 emergency services and disaster agency with which he or she
24 shall serve and which oath shall be substantially as follows:

25 "I, _____, do solemnly swear (or affirm) that I

1 will support and defend and bear true faith and allegiance to
2 the Constitution of the United States and the Constitution of
3 the State of Illinois, and the territory, institutions and
4 facilities thereof, both public and private, against all
5 enemies, foreign and domestic; that I take this obligation
6 freely, without any mental reservation or purpose of evasion;
7 and that I will well and faithfully discharge the duties upon
8 which I am about to enter. And I do further swear (or affirm)
9 that I do not advocate, nor am I, nor have I been a member of
10 any political party or organization that advocates the
11 overthrow of the government of the United States or of this
12 State by force or violence; and that during such time as I am
13 affiliated with the (name of political subdivision), I will
14 not advocate nor become a member of any political party or
15 organization that advocates the overthrow of the government of
16 the United States or of this State by force or violence."

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

18 (20 ILCS 3305/23)

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

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

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

23 (b) The Access and Functional Needs Advisory Committee is
24 created.

25 (c) The Advisory Committee shall:

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

4 (2) Research and provide recommendations for
5 identifying and effectively responding to the needs of
6 persons with access and functional needs before, during,
7 and after a disaster using an intersectional lens for
8 equity.

9 (3) Provide recommendations to the ~~Illinois Emergency~~
10 ~~Management~~ Agency regarding how to ensure that persons
11 with a disability are included in disaster strategies and
12 emergency management plans, including updates and
13 implementation of disaster strategies and emergency
14 management plans.

15 (4) Review and provide recommendations for the
16 ~~Illinois Emergency Management~~ Agency, and all relevant
17 State agencies that are involved in drafting and
18 implementing the Illinois Emergency Operation Plan, to
19 integrate access and functional needs into State and local
20 emergency plans.

21 (d) The Advisory Committee shall be composed of the
22 Director ~~of the Illinois Emergency Management Agency~~ or his or
23 her designee, the Attorney General or his or her designee, the
24 Secretary of Human Services or his or her designee, the
25 Director of Aging or his or her designee, and the Director of
26 Public Health or his or her designee, together with the

1 following members appointed by the Governor on or before
2 January 1, 2022:

3 (1) Two members, either from a municipal or
4 county-level emergency agency or a local emergency
5 management coordinator.

6 (2) Nine members from the community of persons with a
7 disability who represent persons with different types of
8 disabilities, including, but not limited to, individuals
9 with mobility and physical disabilities, hearing and
10 visual disabilities, deafness or who are hard of hearing,
11 blindness or who have low vision, mental health
12 disabilities, and intellectual or developmental
13 disabilities. Members appointed under this paragraph shall
14 reflect a diversity of age, gender, race, and ethnic
15 background.

16 (3) Four members who represent first responders from
17 different geographic ~~geographical~~ regions around the
18 State.

19 (e) Of those members appointed by the Governor, the
20 initial appointments of 6 members shall be for terms of 2 years
21 and the initial appointments of 5 members shall be for terms of
22 4 years. Thereafter, members shall be appointed for terms of 4
23 years. A member shall serve until his or her successor is
24 appointed and qualified. If a vacancy occurs in the Advisory
25 Committee membership, the vacancy shall be filled in the same
26 manner as the original appointment for the remainder of the

1 unexpired term.

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

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

8 (h) Advisory Committee members shall serve without
9 compensation.

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

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

16 (1) Identification of core emergency management
17 services that need to be updated or changed to ensure the
18 needs of persons with a disability are met, and shall
19 include disaster strategies in State and local emergency
20 plans.

21 (2) Any proposed changes in State policies, laws,
22 rules, or regulations necessary to fulfill the purposes of
23 this Act.

24 (3) Recommendations on improving the accessibility and
25 effectiveness of disaster and emergency communication.

26 (4) Recommendations on comprehensive training for

1 first responders and other frontline workers when working
2 with persons with a disability during emergency situations
3 or disasters, as defined in Section 4 ~~of the Illinois~~
4 ~~Emergency Management Agency Act.~~

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

8 (k) The annual report prepared and delivered under
9 subsection (j) shall be annually considered by the ~~Illinois~~
10 ~~Emergency Management Agency~~ when developing new State and
11 local emergency plans or updating existing State and local
12 emergency plans.

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

15 (Source: P.A. 102-361, eff. 8-13-21; 102-671, eff. 11-30-21;
16 103-154, eff. 6-30-23.)

17 (20 ILCS 3305/24 new)

18 Sec. 24. Illinois Homeland Security Advisory Council
19 (IL-HSAC).

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

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

24 (c) The Deputy Homeland Security Advisor shall serve as
25 Vice-Chair.

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

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

7 (f) The IL-HSAC shall submit an annual report to the
8 Governor by March 1 of each year. The report shall detail the
9 activities, accomplishments, and recommendations of the
10 IL-HSAC in the preceding year.

11 (g) The Agency shall provide administrative support for
12 the IL-HSAC.

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

15 (i) The IL-HSAC shall have the following powers and
16 duties:

17 (1) The IL-HSAC shall serve as the State Advisory
18 Committee with respect to funds received through the
19 federal Homeland Security Grant Program. In that capacity,
20 the IL-HSAC shall provide recommendations to the Homeland
21 Security Advisor on issues related to the application for
22 and use of all appropriate federal funding that relates to
23 preventing, protecting against, mitigating, responding to
24 and recovering from acts of terrorism and other threats.

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

1 (A) appropriate training of local, regional, and
2 state officials to respond to terrorist incidents
3 involving conventional, chemical, biological and
4 nuclear weapons;

5 (B) applications for and use of all appropriate
6 State and other funds as may be appropriate and
7 available relating to homeland security;

8 (C) public safety preparedness and mutual aid to
9 include strategies and tactics to coordinate
10 multi-agency response to significant events, such as
11 acts of terrorism or natural disasters, where
12 coordination of local, State, and private resources is
13 necessary;

14 (D) coordination of public safety resources and
15 combating terrorism in Illinois; and

16 (E) any changes needed in State statutes,
17 administrative rules, or in the Illinois Emergency
18 Operations Plan.

19 (20 ILCS 3305/25 new)

20 Sec. 25. Statewide Interoperability Coordinator.

21 (a) The Statewide Interoperability Coordinator is hereby
22 created as a position within the Agency's Office of Homeland
23 Security.

24 (b) The duties and responsibilities of the Statewide
25 Interoperability Coordinator shall be as follows:

1 (1) The Statewide Interoperability Coordinator shall
2 serve as the central coordination point for the State's
3 communications interoperability and shall assist with
4 mediation between State and local agencies to achieve an
5 interoperable communications system.

6 (2) The Statewide Interoperability Coordinator shall
7 develop and disseminate best practices for public safety
8 communications interoperability.

9 (3) The Statewide Interoperability Coordinator shall
10 advise the Homeland Security Advisor and Deputy Director
11 of the Agency's Office of Homeland Security on public
12 safety communications interoperability.

13 (4) The Statewide Interoperability Coordinator shall
14 serve as a member of the Statewide Interoperability
15 Executive Committee or its successor entity and may act on
16 behalf of the Statewide Interoperability Executive
17 Committee.

18 (5) The Statewide Interoperability Coordinator shall
19 recommend regulatory changes relating to public safety
20 communications and interoperability activities in
21 partnership with 9-1-1 administrator, operators of
22 statewide radio systems, emergency management
23 coordinators, and relevant State agencies.

24 (6) The Statewide Interoperability Coordinator shall
25 identify funding opportunities for planned
26 interoperability improvements and coordinate efforts to

1 provide funding.

2 (7) The Statewide Interoperability Coordinator shall
3 advise on the issuance of grants related to public safety
4 and for interoperability communication.

5 (8) The Statewide Interoperability Coordinator shall
6 engage stakeholders to coordinate the Statewide
7 Communications Interoperability Plan.

8 (9) The Statewide Interoperability Coordinator shall
9 represent the State in national, regional, and local
10 efforts to plan and implement changes needed to achieve
11 interoperability and continuity of communications for
12 emergency responders.

13 (10) The Statewide Interoperability Coordinator shall
14 develop and implement the strategic program for all public
15 safety communications and interoperability activities in
16 partnership with 9-1-1 administrators, operators of
17 statewide radio systems, emergency management
18 coordinators, and the State Administrative Agency."