

1 AN ACT concerning public health emergencies.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Disaster Relief Act is amended by
5 changing Section 1 as follows:

6 (15 ILCS 30/1) (from Ch. 127, par. 293.1)

7 Sec. 1. As used in this Act:

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

19 "Disaster area" means the area directly affected by or
20 threatened with a disaster.

21 (Source: P.A. 85-845.)

22 Section 10. The Department of Public Health Powers and
23 Duties Law of the Civil Administrative Code of Illinois is
24 amended by adding Section 2310-50.5 as follows:

25 (20 ILCS 2310/2310-50.5 new)

26 Sec. 2310-50.5. Coordination concerning public health
27 emergencies. To coordinate with the Illinois Emergency
28 Management Agency with respect to planning for and responding
29 to public health emergencies, as defined in Section 4 of the

1 Illinois Emergency Management Agency Act.

2 Section 15. The Illinois Emergency Management Agency Act
3 is amended by changing Sections 4, 5 and 9 as follows:

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

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

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

12 "Disaster" means an occurrence or threat of widespread or
13 severe damage, injury or loss of life or property resulting
14 from any natural or technological cause, including but not
15 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
20 of essential fuels and energy, explosion, riot, hostile
21 military or paramilitary action, public health emergencies,
22 or acts of domestic terrorism.

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

27 "Emergency Services and Disaster Agency" means the agency
28 by this name, by the name Emergency Management Agency, or by
29 any other name that is established by ordinance within a
30 political subdivision to coordinate the emergency management
31 program within that political subdivision and with private
32 organizations, other political subdivisions, the State and

1 federal governments.

2 "Emergency Operations Plan" means the written plan of the
3 State and political subdivisions describing the organization,
4 mission, and functions of the government and supporting
5 services for responding to and recovering from disasters.

6 "Emergency Services" means the coordination of functions
7 by the State and its political subdivision, other than
8 functions for which military forces are primarily
9 responsible, as may be necessary or proper to prevent,
10 minimize, repair, and alleviate injury and damage resulting
11 from any natural or technological causes. These functions
12 include, without limitation, fire fighting services, police
13 services, emergency aviation services, medical and health
14 services, rescue, engineering, warning services,
15 communications, radiological, chemical and other special
16 weapons defense, evacuation of persons from stricken or
17 threatened areas, emergency assigned functions of plant
18 protection, temporary restoration of public utility services
19 and other functions related to civilian protection, together
20 with all other activities necessary or incidental to
21 protecting life or property.

22 "Exercise" means a planned event realistically simulating
23 a disaster, conducted for the purpose of evaluating the
24 political subdivision's coordinated emergency management
25 capabilities, including, but not limited to, testing the
26 emergency operations plan.

27 "Illinois Emergency Management Agency" means the agency
28 established by this Act within the executive branch of State
29 Government responsible for coordination of the overall
30 emergency management program of the State and with private
31 organizations, political subdivisions, and the federal
32 government. Illinois Emergency Management Agency also means
33 the State Emergency Response Commission responsible for the
34 implementation of Title III of the Superfund Amendments and

1 Reauthorization Act of 1986.

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

8 "Municipality" means any city, village, and incorporated
9 town.

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

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

20 "Public health emergency" means an occurrence or
21 imminent threat of an illness or health condition that:

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

24 (i) bioterrorism;

25 (ii) the appearance of a novel or previously
26 controlled or eradicated infectious agent or
27 biological toxin;

28 (iii) a natural disaster;

29 (iv) a chemical attack or accidental release;

30 or

31 (v) a nuclear attack or accident; and

32 (b) poses a high probability of any of the
33 following harms:

34 (i) a large number of deaths in the affected

- 1 population;
- 2 (ii) a large number of serious or long-term
- 3 disabilities in the affected population; or
- 4 (iii) widespread exposure to an infectious or
- 5 toxic agent that poses a significant risk of
- 6 substantial future harm to a large number of people
- 7 in the affected population.

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

9 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

10 Sec. 5. Illinois Emergency Management Agency.

11 (a) There is created within the executive branch of the

12 State Government an Illinois Emergency Management Agency and

13 a Director of the Illinois Emergency Management Agency,

14 herein called the "Director" who shall be the head thereof.

15 The Director shall be appointed by the Governor, with the

16 advice and consent of the Senate, and shall serve for a term

17 of 2 years beginning on the third Monday in January of the

18 odd-numbered year, and until a successor is appointed and has

19 qualified; except that the term of the first Director

20 appointed under this Act shall expire on the third Monday in

21 January, 1989. The Director shall not hold any other

22 remunerative public office. The Director shall receive an

23 annual salary as set by the Governor from time to time or the

24 amount set by the Compensation Review Board, whichever is

25 higher. If set by the Governor, the Director's annual salary

26 may not exceed 85% of the Governor's annual salary.

27 (b) The Illinois Emergency Management Agency shall

28 obtain, under the provisions of the Personnel Code,

29 technical, clerical, stenographic and other administrative

30 personnel, and may make expenditures within the appropriation

31 therefor as may be necessary to carry out the purpose of this

32 Act. The agency created by this Act is intended to be a

33 successor to the agency created under the Illinois Emergency

1 Services and Disaster Agency Act of 1975 and the personnel,
2 equipment, records, and appropriations of that agency are
3 transferred to the successor agency as of the effective date
4 of this Act.

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

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

26 (e) The Illinois Emergency Management Agency and
27 political subdivisions shall be encouraged to form an
28 emergency management advisory committee composed of private
29 and public personnel representing the emergency management
30 phases of mitigation, preparedness, response, and recovery.
31 The Local Emergency Planning Committee, as created under the
32 Illinois Emergency Planning and Community Right to Know Act,
33 shall serve as an advisory committee to the emergency
34 services and disaster agency or agencies serving within the

1 boundaries of that Local Emergency Planning Committee
2 planning district for:

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

5 (2) the assessment of emergency response
6 capabilities related to hazardous chemical emergencies.

7 (f) The Illinois Emergency Management Agency shall:

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

10 (2) Cooperate with local governments, the federal
11 government and any public or private agency or entity in
12 achieving any purpose of this Act and in implementing
13 emergency management programs for mitigation,
14 preparedness, response, and recovery.

15 (2.5) Cooperate with the Department of Nuclear
16 Safety in development of the comprehensive emergency
17 preparedness and response plan for any nuclear accident
18 in accordance with Section 2005-65 of the Department of
19 Nuclear Safety Law of the Civil Administrative Code of
20 Illinois and in development of the Illinois Nuclear
21 Safety Preparedness program in accordance with Section 8
22 of the Illinois Nuclear Safety Preparedness Act.

23 (2.6) Coordinate with the Department of Public
24 Health with respect to planning for and responding to
25 public health emergencies.

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

29 (4) Promulgate rules and requirements for political
30 subdivision emergency operations plans that are not
31 inconsistent with and are at least as stringent as
32 applicable federal laws and regulations.

33 (5) Review and approve, in accordance with Illinois
34 Emergency Management Agency rules, emergency operations

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

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

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

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

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

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

22 (9) Expand the Earthquake Awareness Program and its
23 efforts to distribute earthquake preparedness materials
24 to schools, political subdivisions, community groups,
25 civic organizations, and the media. Emphasis will be
26 placed on those areas of the State most at risk from an
27 earthquake. Maintain the list of all school districts,
28 hospitals, airports, power plants, including nuclear
29 power plants, lakes, dams, emergency response facilities
30 of all types, and all other major public or private
31 structures which are at the greatest risk of damage from
32 earthquakes under circumstances where the damage would
33 cause subsequent harm to the surrounding communities and
34 residents.

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

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

16 (12) Out of funds appropriated for these purposes,
17 award capital and non-capital grants to Illinois
18 hospitals or health care facilities located outside of a
19 city with a population in excess of 1,000,000 to be used
20 for purposes that include, but are not limited to,
21 preparing to respond to mass casualties and disasters,
22 maintaining and improving patient safety and quality of
23 care, and protecting the confidentiality of patient
24 information. No single grant for a capital expenditure
25 shall exceed \$300,000. No single grant for a non-capital
26 expenditure shall exceed \$100,000. In awarding such
27 grants, preference shall be given to hospitals that serve
28 a significant number of Medicaid recipients, but do not
29 qualify for disproportionate share hospital adjustment
30 payments under the Illinois Public Aid Code. To receive
31 such a grant, a hospital or health care facility must
32 provide funding of at least 50% of the cost of the
33 project for which the grant is being requested. In
34 awarding such grants the Illinois Emergency Management

1 Agency shall consider the recommendations of the Illinois
2 Hospital Association.

3 (13) Do all other things necessary, incidental or
4 appropriate for the implementation of this Act.

5 (Source: P.A. 91-25, eff. 6-9-99; 92-73, eff. 1-1-02; 92-597,
6 eff. 6-28-02.)

7 (20 ILCS 3305/9) (from Ch. 127, par. 1059)

8 Sec. 9. Financing.

9 (a) It is the intent of the Legislature and declared to
10 be the policy of the State that funds to meet disasters shall
11 always be available.

12 (b) It is the legislative intent that the first recourse
13 shall be to funds regularly appropriated to State and
14 political subdivision departments and agencies. If the
15 Governor finds that the demands placed upon these funds in
16 coping with a particular disaster are unreasonably great, the
17 Governor may make funds available from the Disaster Relief
18 Fund. If monies available from the Fund are insufficient, and
19 if the Governor finds that other sources of money to cope
20 with the disaster are not available or are insufficient, the
21 Governor shall request the General Assembly to enact
22 legislation as it may deem necessary to transfer and expend
23 monies appropriated for other purposes or borrow, for a term
24 not to exceed 2 years from the United States government or
25 other public or private source. If the General Assembly is
26 not sitting in regular session to enact such legislation for
27 the transfer, expenditure or loan of such monies, and the
28 President of the Senate and the Speaker of the House certify
29 that the Senate and House are not in session, the Governor is
30 authorized to carry out those decisions, by depositing
31 transfers or loan proceeds into and making expenditures from
32 the Disaster Relief Fund, until such time as a quorum of the
33 General Assembly can convene in a regular or extraordinary

1 session. The General Assembly shall, to the extent moneys
2 become available, restore moneys used from other sources
3 under this Section.

4 (c) Nothing contained in this Section shall be construed
5 to limit the Governor's authority to apply for, administer
6 and expend grants, gifts or payments in aid of disaster
7 mitigation, preparedness, response or recovery.

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

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