



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4410

Introduced 1/5/2006, by Rep. Ronald A. Wait

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 805/8.29 new

Creates the Intrastate Mutual Aid Act. Establishes the Intrastate Mutual Aid System in order to facilitate (i) the prevention of, response to, and recovery from disasters and (ii) disaster-related exercises, testing, and other training activities among participating political subdivisions. Provides that each political subdivision of the State, including each home rule unit, is a participant in the System unless it opts out of the System. Establishes the Intrastate Mutual Aid Committee to coordinate the System. Establishes the responsibilities, limitations, and reimbursement procedures of participants. Authorizes a participant requesting assistance to deem certain licenses, certificates, and permits valid for the duration of a declared state of emergency. Provides that employees of a participant are entitled to certain benefits. Provides that all activities performed under the Act are deemed governmental functions and no participant or its employee shall be deemed civilly liable for damages under the Act. Denies immunity, rights, or privileges to any individual whose response was not requested or authorized by a participant. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective immediately.

LRB094 04959 MKM 34989 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning local government.

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

4 Section 1. Short title. This Act may be cited as the  
5 Intrastate Mutual Aid Act.

6 Section 5. Purpose. The purpose of this Act is to create a  
7 system of intrastate mutual aid between participating  
8 political subdivisions in the State. Each participant in this  
9 system recognizes that emergencies transcend political and  
10 jurisdictional boundaries and that the creation of a network of  
11 intergovernmental coordination is essential for the protection  
12 of lives and property and for the best use of both public and  
13 private assets in responding to emergencies.

14 Section 10. Definitions. As used in this Act:

15 "Committee" means the Intrastate Mutual Aid Committee  
16 established under Section 15.

17 "Director" means the Director of the Illinois Emergency  
18 Management Agency.

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

30 "Emergency" means (i) a state of emergency declared by the  
31 corporate authorities of a participant or (ii) any occurrence

1 or imminent threat of an illness or health condition that:

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

3 (1) bioterrorism;

4 (2) the appearance of a novel or previously controlled  
5 or eradicated infectious agent or biological toxin;

6 (3) a natural disaster;

7 (4) a chemical attack or accidental release; or

8 (5) a nuclear attack or accident; and

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

10 (1) a large number of deaths in the affected  
11 population;

12 (2) a large number of serious or long-term disabilities  
13 in the affected population; or

14 (3) widespread exposure to an infectious or toxic agent  
15 that poses a significant risk of substantial future harm to  
16 a large number of people in the affected population.

17 "Emergency responder" means any person, public entity, or  
18 private entity with special skills, qualifications, training,  
19 knowledge, and experience that is requested or authorized by a  
20 participating political subdivision to (i) respond to a  
21 disaster or a locally-declared state of emergency or (ii) to  
22 participate in an authorized drill or exercise. An emergency  
23 responder may be required by a participating political  
24 subdivision to possess a license, certificate, permit, or other  
25 official recognition of expertise in a particular field or area  
26 of knowledge. An emergency responder includes, but is not  
27 limited to, the following: law enforcement officers, fire  
28 fighters, emergency medical services personnel, physicians,  
29 nurses, other public health personnel, emergency management  
30 personnel, public works personnel, those persons with  
31 specialized equipment operations skills or training or any  
32 other skills needed to provide aid in a disaster or state of  
33 emergency.

34 "Identification system" means a system for identifying  
35 potential hazards that is common to all participating political  
36 subdivisions and that has been approved by the Illinois

1 Emergency Management Agency.

2 "Participant" means a participating political subdivision.

3 "Participating political subdivision" means any political  
4 subdivision that has not opted out of the Intrastate Mutual Aid  
5 System in accordance with Section 10.

6 "Political subdivision" means means any county, city,  
7 village, or township if the township is in a county having a  
8 population of more than 2,000,000.

9 Section 15. Intrastate Mutual Aid System.

10 (a) The Intrastate Mutual Aid System is established as a  
11 cooperative network of participating political subdivisions of  
12 the State that shall work together to provide mutual aid in the  
13 event of a disaster and to improve local disaster preparedness.  
14 The System shall facilitate cooperation among participants  
15 concerning: (i) the prevention of, response to, and recovery  
16 from disasters and (ii) disaster-related exercises, testing,  
17 and other training activities.

18 (b) Upon the effective date of this Act, all political  
19 subdivisions of the State, including home rule units, are  
20 participants in the System. Any political subdivision may elect  
21 not to be a participant and withdraw from the System if the  
22 corporate authorities of that political subdivision: (i) adopt  
23 a resolution declaring that it elects not to participate in the  
24 System and (ii) deliver a copy of that resolution to the  
25 Director. This Act does not preclude any participating  
26 political subdivision from entering into mutual aid agreements  
27 with any other political subdivision and does not affect any  
28 other existing agreement between a participating political  
29 subdivision and any other political subdivision. Participating  
30 political subdivisions shall be eligible, to the fullest extent  
31 possible, for State and federal disaster funding.

32 Section 20. Intrastate Mutual Aid Committee.

33 (a) There is hereby established the Intrastate Mutual Aid  
34 Committee. The Committee shall consist of the following

1 members: (i) the Director or his or her designee; and (ii) 8  
2 members appointed by the Governor with the advice and consent  
3 of the Senate who have expertise in the field of emergency  
4 management or emergency response. The Director shall serve as  
5 chairman of the Committee. Members of the Committee shall serve  
6 a 2-year term. The terms of initial members shall commence 30  
7 days after the effective date of this Act.

8 (b) The Committee shall meet at the call of the chairman  
9 and must hold at least one annual meeting in order to:

10 (1) review the progress and status of the Intrastate  
11 Mutual Aid System;

12 (2) develop methods of tracking and evaluating the  
13 Intrastate Mutual Aid System; and

14 (3) examine issues facing participating units of local  
15 government regarding the implementation of this Act.

16 (4) develop comprehensive guidelines and procedures  
17 for the participants concerning:

18 (i) projected or anticipated costs of providing  
19 assistance;

20 (ii) procedures for requesting and providing  
21 assistance;

22 (iii) record keeping and reimbursement procedures,  
23 including the forms required for reimbursement  
24 requests; and

25 (iv) procedures to document the deployment and  
26 return of participants' assets.

27 (c) The Committee shall prepare an annual report on the  
28 condition and effectiveness of the Intrastate Mutual Aid System  
29 and shall submit it to the General Assembly within 30 days  
30 after its annual meeting. The report shall include  
31 recommendations for correcting any deficiencies in the System.

32 (d) Members of the committee shall serve without  
33 compensation but may be reimbursed for their reasonable travel  
34 expenses from moneys appropriated for that purpose.

35 Section 25. Responsibilities of participating political

1 subdivisions. Each participating political subdivision shall:

2 (1) adopt, implement, and use a standardized  
3 identification system approved by the Illinois Emergency  
4 Management Agency in order to identify potential hazards;

5 (2) conduct joint planning, intelligence sharing, and  
6 threat assessment development sessions with contiguous  
7 participating political subdivisions;

8 (3) conduct biennial joint training sessions with  
9 other participants.

10 (4) identify and inventory its existing services,  
11 equipment, supplies, personnel, and other resources  
12 available for planning, prevention, mitigation, response,  
13 and recovery activities.

14 Section 30. Requests for assistance. Any participant may  
15 request assistance from any other participant in order to: (i)  
16 prevent, mitigate, respond to, or recover from a disaster or  
17 (ii) conduct disaster drills or exercises. Requests for  
18 assistance shall be made to the corporate authorities of the  
19 participant and must be reported by the requesting participant  
20 to the Director. If a written request is not practical, the  
21 request shall be put in writing as soon as is practical.

22 Section 35. Limitations. A participant's obligation to  
23 provide assistance to another participant is subject to the  
24 following conditions:

25 (1) The requesting participant must have declared a  
26 state of emergency or must have authorized drills and  
27 exercises.

28 (2) The responding participant may withhold resources  
29 from the requesting participant to the extent necessary to  
30 provide reasonable protection and services for the  
31 responding participant's jurisdiction.

32 (3) The emergency responders of a responding  
33 participant shall remain under its command and control with  
34 regard to medical protocols, standard operating

1 procedures, and other protocols, but shall be under the  
2 operational control of the appropriate officials within  
3 the incident management system of the requesting  
4 participant.

5 (4) The assets and equipment of the responding  
6 participant shall continue to be the assets and equipment  
7 of the responding participant, but shall be under the  
8 operational control of the appropriate officials within  
9 the incident management system of the requesting  
10 participant.

11 Section 40. License, certificate, and permit reciprocity.  
12 If a person or entity holds a license, certificate, or permit  
13 issued by a participant or the State evidencing qualification  
14 in a professional, mechanical, or other skill and if the  
15 assistance of that person or entity is requested by a  
16 participant, the requesting participant may deem that person or  
17 entity to be licensed, certified, or permitted within that  
18 participant's jurisdiction while that participant is availing  
19 itself of that person's or entity's services. However, the  
20 validity of the license, certificate, or permit within the  
21 requesting participant's jurisdiction is subject to any  
22 limitations and conditions of that participant.

23 Section 45. Reimbursement.

24 (a) Any participant that receives assistance from another  
25 participant under this Act shall reimburse the responding  
26 participant for its costs incurred in providing the assistance  
27 by making a request for reimbursement to the corporate  
28 authorities of the responding participant in accordance with  
29 procedures established by the Committee. At its discretion, the  
30 responding participant may donate any of the assets or services  
31 it provided.

32 (b) Should a dispute arise between participants regarding  
33 reimbursement, the participants shall make every effort to  
34 resolve the dispute within 30 days after written notice of the

1 dispute is delivered by the participant asserting  
2 noncompliance to all other participants that are parties to the  
3 dispute. If the dispute is not resolved within 90 days after  
4 the notice of the dispute, any party may request that the  
5 dispute be resolved through arbitration. Any arbitration under  
6 this Section shall be conducted under the commercial  
7 arbitration rules of the American Arbitration Association.

8 Section 50. Workers' benefits. Employees of a responding  
9 participant who render assistance in accordance with this Act  
10 and who sustain injury or death in the course of, and arising  
11 out of, their employment while rendering that assistance are  
12 entitled to all applicable benefits normally available to  
13 employees while performing their duties for the responding  
14 participant. Emergency responders shall receive any additional  
15 State and federal benefits that may be available to them for  
16 line of duty deaths.

17 Section 55. Immunity.

18 (a) All activities performed by any participant or employee  
19 of a participant under this Act are deemed to be governmental  
20 functions. For the purposes of liability, all persons  
21 responding under the operational control of a requesting  
22 participant are deemed to be employees of that participant.  
23 Neither a participant nor its employees, except in cases of  
24 willful misconduct, gross negligence, or bad faith, shall be  
25 liable for the death of or injury to persons, or for damage to  
26 property, when complying or attempting to comply with this Act.

27 (b) This Act provides no immunity, rights, or privileges  
28 for any individual responding in accordance with this Act if  
29 that individual's response is not requested or authorized by a  
30 participating political subdivision.

31 Section 60. Home rule. All political subdivisions of the  
32 State, including home rule units, are subject to the provisions  
33 of this Act. A home rule unit may not regulate mutual aid for



1 disaster recovery in a manner inconsistent with the provisions  
2 of this Act. This Act is a denial and limitation of home rule  
3 functions under subsection (i) of Section 6 of Article VII of  
4 the Illinois Constitution.

5 Section 65. Exempt mandate. Notwithstanding Sections 6 and  
6 8 of the State Mandates Act, no reimbursement by the State is  
7 required for the implementation of any mandate created by this  
8 Act.

9 Section 90. Severability. The provisions of this Act are  
10 severable under Section 1.31 of the Statute on Statutes.

11 Section 900. The State Mandates Act is amended by adding  
12 Section 8.29 as follows:

13 (30 ILCS 805/8.29 new)

14 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8  
15 of this Act, no reimbursement by the State is required for the  
16 implementation of any mandate created by the Intrastate Mutual  
17 Aid Act.

18 Section 999. Effective date. This Act takes effect upon  
19 becoming law.