



Sen. Antonio Muñoz

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1 AMENDMENT TO SENATE BILL 3076

2 AMENDMENT NO. _____. Amend Senate Bill 3076 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Emergency Management Agency Act is
5 amended by changing Section 10 as follows:

6 (20 ILCS 3305/10) (from Ch. 127, par. 1060)

7 Sec. 10. Emergency Services and Disaster Agencies.

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

16 (b) Unless multiple county emergency services and disaster

1 agency consolidation is authorized by the Illinois Emergency
2 Management Agency with the consent of the respective counties,
3 each county shall maintain an emergency services and disaster
4 agency that has jurisdiction over and serves the entire county,
5 except as otherwise provided under this Act and except that in
6 any county with a population of over 3,000,000 containing a
7 municipality with a population of over 500,000 the jurisdiction
8 of the county agency shall not extend to the municipality when
9 the municipality has established its own agency.

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

16 (d) The Governor shall determine which municipal
17 corporations, other than those specified in paragraph (c) of
18 this Section, need emergency services and disaster agencies of
19 their own and require that they be established and maintained.
20 The Governor shall make these determinations on the basis of
21 the municipality's disaster vulnerability and capability of
22 response related to population size and concentration. The
23 emergency services and disaster agency of a county or township,
24 shall not have a jurisdiction within a political subdivision
25 having its own emergency services and disaster agency, but
26 shall cooperate with the emergency services and disaster agency

1 of a city, village or incorporated town within their borders.
2 The Illinois Emergency Management Agency shall publish and
3 furnish a current list to the municipalities required to have
4 an emergency services and disaster agency under this
5 subsection.

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

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

22 (g) Each emergency services and disaster agency shall
23 prepare an emergency operations plan for its geographic
24 boundaries that complies with planning, review, and approval
25 standards promulgated by the Illinois Emergency Management
26 Agency. The Illinois Emergency Management Agency shall

1 determine which jurisdictions will be required to include
2 earthquake preparedness in their local emergency operations
3 plans.

4 (h) The emergency services and disaster agency shall
5 prepare and distribute to all appropriate officials in written
6 form a clear and complete statement of the emergency
7 responsibilities of all local departments and officials and of
8 the disaster chain of command.

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

1 and by the State Emergency Operations Plan, and programs,
2 orders, rules and regulations as may be promulgated by the
3 Illinois Emergency Management Agency and by local ordinance
4 and, in addition, shall conduct such functions outside of those
5 territorial limits as may be required under mutual aid
6 agreements and compacts as are entered into under subparagraph
7 (5) of paragraph (c) of Section 6.

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

24 (k) Volunteers who, while engaged in a disaster, an
25 exercise, training related to the emergency operations plan of
26 the political subdivision, or a search-and-rescue team

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

23 Volunteers who are working under the direction of an
24 emergency services and disaster agency accredited by the
25 Illinois Emergency Management Agency, pursuant to a plan
26 approved by the Illinois Emergency Management Agency (i) during

1 a disaster declared by the Governor under Section 7 of this
2 Act, or (ii) in circumstances otherwise expressly approved by
3 the Illinois Emergency Management Agency, shall be deemed
4 exclusively employees of the State for purposes of Section 8(d)
5 of the Court of Claims Act, provided that the Illinois
6 Emergency Management Agency may, in coordination with the
7 emergency services and disaster agency, audit implementation
8 for compliance with the plan.

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

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

26 (2) During the conduct of an exercise, all messages,

1 two-way radio communications, briefings, status reports,
2 news releases, and other oral or written communications
3 shall begin and end with the following statement: "This is
4 an exercise message".

5 (n) The board of commissioners in a county having a
6 population of more than 1,000,000 people may establish police
7 powers within its Office or Department of Homeland Security and
8 Emergency Management and may define and prescribe certain
9 employees hired in that Office or Department with peace
10 officers' duties and compensation. Every employee in that
11 Office or Department appointed or hired may be vested with
12 police powers and is hereby authorized to act as a conservator
13 of the peace within that county and shall have the power to:
14 investigate and mitigate threats of manmade disasters; protect
15 the county's critical infrastructure; have access to law
16 enforcement databases; protect the county's emergency assets
17 and personnel that get deployed upon the request of local law
18 enforcement agencies in emergency circumstances; protect
19 county elected officials as requested; and observe and enforce
20 local, county, and State ordinances and laws, such as are
21 conferred upon and exercised by the police of organized cities
22 and villages. Those sworn employees of the Office or Department
23 of Homeland Security and Emergency Management shall not
24 initiate independent investigations without working in concert
25 with the local law enforcement agency of that community. No
26 person employed in such Office or Department of Homeland

1 Security and Emergency Management shall have peace officer
2 status or exercise police powers, unless he or she has
3 successfully completed the basic police training course
4 mandated and approved by the Illinois Law Enforcement Training
5 Standards Board or the Board waives the training requirement by
6 reason of the investigator's prior law enforcement experience
7 or having already completed the basic police training course in
8 compliance with the Board. Before a person is appointed with
9 such police powers, his or her fingerprints shall be taken and
10 transmitted to the Department of State Police. The Department
11 of State Police shall examine its records and submit to the
12 Office or Department of Homeland Security and Emergency
13 Management any conviction information on file with the
14 Department of State Police. No person shall be appointed with
15 such police powers if he or she has been convicted of a felony
16 or any other offenses concerning moral turpitude.

17 The county board may establish any other reasonable
18 eligibility requirements for authorizing employees of the
19 Office or Department of Homeland Security and Emergency
20 Management with such police powers; however, no person may be
21 appointed under this Section unless that person is at least 21
22 years of age. Employees with police powers under this Section
23 shall be paid a salary and be reimbursed for actual expenses
24 incurred in the course of his or her duties. The county board
25 shall approve the salary and actual expenses and appropriate
26 the salary and expenses in a manner prescribed by law or

1 ordinance.

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