

1 AN ACT concerning the Illinois Emergency Management
2 Agency.

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

5 Section 5. The Illinois Emergency Management Agency Act
6 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10, 11,
7 12, 13, 15, 18, 20, and 21 as follows:

8 (20 ILCS 3305/3) (from Ch. 127, par. 1053)

9 Sec. 3. Limitations. Nothing in this Act shall be
10 construed to:

11 (a) Interfere with the course or conduct of a labor
12 dispute, except that actions otherwise authorized by this Act
13 or other laws may be taken when necessary to mitigate
14 imminent or existing danger to public health or safety;

15 (b) Interfere with dissemination of news or comment of
16 public affairs; but any communications facility or
17 organization (including but not limited to radio and
18 television stations, wire services, and newspapers) may be
19 requested to transmit or print public service messages
20 furnishing information or instructions in connection with a
21 disaster;

22 (c) Affect the jurisdiction or responsibilities of
23 police forces, fire fighting forces, units of the armed
24 forces of the United States, or of any personnel thereof,
25 when on active duty; but State and political subdivision
26 emergency operations plans shall place reliance upon the
27 forces available for performance of functions related to
28 emergency management;

29 (d) Limit, modify, or abridge the authority of the
30 Governor to proclaim martial law or exercise any other powers
31 vested in the Governor him under the constitution, statutes,

1 or common law of this State, independent of or in conjunction
 2 with any provisions of this Act; limit any home rule unit; or
 3 prohibit any contract or association pursuant to Article VII,
 4 Section 10 of the Illinois Constitution.

5 (Source: P.A. 85-1027.)

6 (20 ILCS 3305/4) (from Ch. 127, par. 1054)

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

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

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

24 "~~Disaster--Training--Exercise~~"--means--a--planned---event
 25 ~~designed--specifically--to--simulate--an--actual--disaster--that~~
 26 ~~will--provide--emergency--operations--training--for--emergency~~
 27 ~~response--personnel.---Actual--response--by--emergency--services~~
 28 ~~and--disaster--agency--volunteers--to--local--emergency--situations~~
 29 ~~not--qualifying--as--disasters,--as--defined--in--this--Section,--is~~
 30 ~~considered--a--disaster--training--exercise.---Provided,--however,~~
 31 ~~that---performance--of--the--usual--and--customary--emergency~~
 32 ~~functions--of--a--political--subdivision--(e.g.,--police,--fire--or~~
 33 ~~emergency--medical--services)--is--not--included--within--this~~

1 ~~definition-of-a-disaster-training-exercise.~~

2 "Emergency Management" means the efforts of the State and
3 the political subdivisions to develop, plan, analyze,
4 conduct, provide, implement and maintain programs for
5 disaster mitigation, preparedness, response and recovery.

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

13 "Emergency Operations Plan" means the written plan of the
14 State and political subdivisions describing the organization,
15 mission, and functions of the government and supporting
16 services for responding to and recovering from disasters.

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

33 "Exercise" means a planned event realistically simulating
34 a disaster, conducted for the purpose of evaluating the

1 political subdivision's coordinated emergency management
2 capabilities, including, but not limited to, testing the
3 emergency operations plan.

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

13 "Mobile Support Team" means a group of individuals
14 designated as a team by the Governor or Director to train
15 prior to and to be dispatched, if the Governor or the
16 Director so determines, to aid and reinforce the State and
17 political subdivision emergency management efforts the
18 ~~utilization-of-personnel-to-be-dispatched--by--the--Governor,~~
19 ~~er,--if--he--so--authorizes-the-Director,--by-the-Director,--to~~
20 ~~supplement--the--State--and---political---subdivisions---for~~
21 ~~emergency-management-programs~~ in response to a disaster.

22 "Municipality" means any city, village, and incorporated
23 town.

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

27 "Principal Executive Officer" means chair chairman of
28 the county board, supervisor of a township if the township is
29 in a county having a population of more than 2,000,000, mayor
30 of a city or incorporated town, president of a village, or in
31 their absence or disability, the interim successor as
32 established under Section 7 of the Emergency Interim
33 Executive Succession Act.

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

1 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

2 Sec. 5. Illinois Emergency Management Agency.

3 (a) There is created within the executive branch of the
4 State Government an Illinois Emergency Management Agency and
5 a Director of the Illinois Emergency Management Agency,
6 herein called the "Director" who shall be the head thereof.
7 The Director shall be appointed by the Governor, with the
8 advice and consent of the Senate, and shall serve for a term
9 of 2 years beginning on the third Monday in January of the
10 odd-numbered year, and until a his successor is appointed and
11 has qualified; except that the term of the first Director
12 appointed under this Act shall expire on the third Monday in
13 January, 1989. The Director shall not hold any other
14 remunerative public office. The Director shall receive an
15 annual salary as set by the Governor from time to time or the
16 amount set by the Compensation Review Board, whichever is
17 higher. If set by the Governor, the Director's annual salary
18 may not exceed 85% of the Governor's annual salary.

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

30 (c) The Director, subject to the direction and control
31 of the Governor, shall be the executive head of the Illinois
32 Emergency Management Agency and the State Emergency Response
33 Commission and shall be responsible under the direction of
34 the Governor, for carrying out the program for emergency

1 management of this State. The Director He shall also
 2 maintain liaison and cooperate with the emergency management
 3 organizations of this State and other states and of the
 4 federal government.

5 (d) The Illinois Emergency Management Agency shall take
 6 an integral part in the development and revision of political
 7 subdivision emergency operations plans prepared under
 8 paragraph (f) of Section 10. To this end it shall employ or
 9 otherwise secure the services of professional and technical
 10 personnel capable of providing expert assistance to the
 11 emergency services and disaster agencies. These personnel
 12 shall consult with emergency services and disaster agencies
 13 on a regular basis and shall make field examinations of the
 14 areas, circumstances, and conditions that particular
 15 political subdivision emergency operations plans are intended
 16 to apply, ~~and may recommend revisions under State rules.~~

17 (e) The Illinois Emergency Management Agency and
 18 political subdivisions shall be encouraged to form an
 19 emergency management advisory committee composed of private
 20 and public personnel representing the emergency management
 21 phases of mitigation, preparedness, response, and recovery.
 22 The Local Emergency Planning Committee, as created under the
 23 Illinois Emergency Planning and Community Right to Know Act,
 24 shall serve as an advisory committee to the emergency
 25 services and disaster agency or agencies serving within the
 26 boundaries of that Local Emergency Planning Committee
 27 planning district for:

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

30 (2) the assessment of emergency response
 31 capabilities related to hazardous chemical emergencies.

32 (f) The Illinois Emergency Management Agency shall:

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

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

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

9 (4) Promulgate rules and requirements for political
10 subdivision emergency operations plans that are not
11 inconsistent with and are at least as stringent as
12 applicable federal laws and regulations,~~in accordance~~
13 ~~with-federal-guidelines~~.

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

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,
26 political subdivision emergency management exercises for
27 those political subdivisions required to have an
28 emergency services and disaster agency pursuant to this
29 Act.

30 (6) Determine requirements of the State and its
31 political subdivisions for food, clothing, and other
32 necessities in event of a disaster.

33 (7) Establish a register of persons with types of
34 emergency management training and skills in mitigation,

1 preparedness, response, and recovery.

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

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

17 (10) Disseminate all information, completely and
18 without delay, on water levels for rivers and streams and
19 any other data pertaining to potential flooding supplied
20 by the Division of Water Resources within the Department
21 of Natural Resources to all political subdivisions to the
22 maximum extent possible.

23 (11) Develop agreements, if feasible, with medical
24 supply and equipment firms to supply resources as are
25 necessary to respond to an earthquake or any other
26 disaster as defined in this Act. These resources will be
27 made available upon notifying the vendor of the disaster.
28 Payment for the resources will be in accordance with
29 Section 7 of this Act. The Illinois Department of Public
30 Health shall determine which resources will be required
31 and requested.

32 (12) Do all other things necessary, incidental or
33 appropriate for the implementation of this Act.

34 (Source: P.A. 91-25, eff. 6-9-99.)

1 (20 ILCS 3305/6) (from Ch. 127, par. 1056)

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

3 (a) The Governor shall have general direction and
4 control of the Illinois Emergency Management Agency and shall
5 be responsible for the carrying out of the provisions of this
6 Act.

7 (b) In performing his duties under this Act, the
8 Governor is authorized to cooperate with the federal
9 government and with other states in all matters pertaining to
10 emergency management.

11 (c) In performing his duties under this Act, the
12 Governor is further authorized:

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

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

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

25 b. Prompt and effective response to disaster.

26 c. Emergency relief.

27 d. Identification of areas particularly
28 vulnerable to disasters.

29 e. Recommendations for zoning, building, and
30 other land-use controls, safety measures for
31 securing permanent structures and other mitigation
32 measures designed to eliminate or reduce disasters
33 or their impact.

34 f. Assistance to political subdivisions in

1 designing emergency operations plans.

2 g. Authorization and procedures for the
3 erection or other construction of temporary works
4 designed to mitigate danger, damage or loss from
5 flood, or other disaster.

6 h. Preparation and distribution to the
7 appropriate State and political subdivision
8 officials of a State catalog of federal, State, and
9 private assistance programs.

10 i. Organization of State personnel and chains
11 of command.

12 j. Coordination of federal, State, and
13 political subdivision emergency management
14 activities.

15 k. Other necessary matters.

16 (3) In accordance with the plan and program for the
17 emergency management of this State, and out of funds
18 appropriated for these purposes, to procure and
19 preposition supplies, medicines, materials and equipment,
20 to institute training programs and public information
21 programs, and to take all other preparatory steps
22 including the partial or full mobilization of emergency
23 services and disaster agencies in advance of actual
24 disaster to insure the furnishing of adequately trained
25 and equipped forces for disaster response and recovery.

26 (4) Out of funds appropriated for these purposes,
27 to make studies and surveys of the industries, resources,
28 and facilities in this State as may be necessary to
29 ascertain the capabilities of the State for emergency
30 management phases of mitigation, preparedness, response,
31 and recovery and to plan for the most efficient emergency
32 use thereof.

33 (5) On behalf of this State, to negotiate for and
34 submit to the General Assembly for its approval or

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

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

33 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

1 Sec. 7. Emergency Powers of the Governor.

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

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

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

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

28 (4) On behalf of this State to take possession of,
29 and to acquire full title or a lesser specified interest
30 in, any personal property as may be necessary to
31 accomplish the objectives set forth in Section 2 of this
32 Act, including: airplanes, automobiles, trucks, trailers,
33 buses, and other vehicles; coal, oils, gasoline, and
34 other fuels and means of propulsion; explosives,

1 materials, equipment, and supplies; cattle, poultry,
2 food, and provisions for humans and animals man--and
3 ~~beast~~; clothing and bedding; and medicines and medical
4 and surgical supplies; and to take possession of and for
5 a limited period occupy and use any real estate necessary
6 to accomplish those objectives; but only upon the
7 undertaking by the State to pay just compensation
8 therefor as in this Act provided, and then only under the
9 following provisions:

10 a. The Governor, or the person or persons as
11 the Governor may authorize so to do, may forthwith
12 take possession of property for and on behalf of the
13 State; provided, however, that the Governor or
14 persons shall simultaneously with the taking,
15 deliver to the owner or his or her agent, if the
16 identity of the owner or agency is known or readily
17 ascertainable, a signed statement in writing, that
18 shall include the name and address of the owner, the
19 date and place of the taking, description of the
20 property sufficient to identify it, a statement of
21 interest in the property that is being so taken,
22 and, if possible, a statement in writing, signed by
23 the owner, setting forth the sum that he or she is
24 willing to accept as just compensation for the
25 property or use. Whether or not the owner or agent
26 is known or readily ascertainable, a true copy of
27 the statement shall promptly be filed by the
28 Governor or the person with the Director, who shall
29 keep the docket of the statements. In cases where
30 the sum that the owner is willing to accept as just
31 compensation is less than \$1,000, copies of the
32 statements shall also be filed by the Director with,
33 and shall be passed upon by an Emergency Management
34 Claims Commission, consisting of 3 disinterested

1 citizens who shall be appointed by the Governor, by
2 and with the advice and consent of the Senate,
3 within 20 days after the Governor's declaration of a
4 disaster, and if the sum fixed by them as just
5 compensation be less than \$1,000 and is accepted in
6 writing by the owner, then the State Treasurer out
7 of funds appropriated for these purposes, shall,
8 upon certification thereof by the Emergency
9 Management Claims Commission, cause the sum so
10 certified forthwith to be paid to the owner. The
11 Emergency Management Claims Commission is hereby
12 given the power to issue appropriate subpoenas and
13 to administer oaths to witnesses and shall keep
14 appropriate minutes and other records of its actions
15 upon and the disposition made of all claims.

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

1 Attorney General for and on behalf of the State.

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

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

26 (6) To recommend the evacuation of all or part of
27 the population from any stricken or threatened area
28 within the State if the Governor he deems this action
29 necessary.

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

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

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

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

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

16 (12) Control, restrict, and regulate by rationing,
17 freezing, use of quotas, prohibitions on shipments, price
18 fixing, allocation or other means, the use, sale or
19 distribution of food, feed, fuel, clothing and other
20 commodities, materials, goods, or services; and perform
21 and exercise any other functions, powers, and duties as
22 may be necessary to promote and secure the safety and
23 protection of the civilian population.

24 (13) During the continuance of any disaster the
25 Governor is commander-in-chief of the organized and
26 unorganized militia and of all other forces available for
27 emergency duty. To the greatest extent practicable, the
28 Governor shall delegate or assign command authority to do
29 so by orders issued at the time of the disaster.

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

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

33 (20 ILCS 3305/8) (from Ch. 127, par. 1058)

1 Sec. 8. Mobile Support Teams.

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

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

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

17 (2) If they are paid employees of a political
18 subdivision or body politic of this State, and whether
19 serving within or without that political subdivision or
20 body politic, have the powers, duties, rights, privileges
21 and immunities, and receive the compensation incidental
22 to their employment.

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

28 Personnel of a mobile support team who suffer disease,
29 injury or death arising out of or in the course of emergency
30 duty, shall for the purposes of benefits under the Workers'
31 Compensation Act or Workers' Occupational Diseases Act only,
32 be deemed to be employees of this State. If the person
33 diseased, injured or killed is an employee described in item
34 (3) above, the computation of benefits payable under either

1 of those Acts shall be based on income commensurate with
2 comparable State employees doing the same type of work or
3 income from the person's regular employment, whichever is
4 greater.

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

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

20 (d) Whenever mobile support teams or units of another
21 state, while the Governor has the emergency powers provided
22 for under Section 7 of this Act, render aid to this State
23 under the orders of the Governor of its home state and upon
24 the request of the Governor of this State, all questions
25 relating to reimbursement by this State to the other state
26 and its citizens in regard to the assistance so rendered
27 shall be determined by the mutual aid agreements or
28 interstate compacts described in subparagraph (5) of
29 paragraph (c) of Section 6 as are existing at the time of the
30 assistance rendered or are entered into thereafter and under
31 Section 303 (d) of the Federal Civil Defense Act of 1950.

32 (e) No personnel of mobile support teams of this State
33 may be ordered by the Governor to operate in any other state
34 unless a request for the same has been made by the Governor

1 or duly authorized representative of the other state.

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

3 (20 ILCS 3305/9) (from Ch. 127, par. 1059)

4 Sec. 9. Financing.

5 (a) It is the intent of the Legislature and declared to
6 be the policy of the State that funds to meet disasters shall
7 always be available.

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

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

33 (Source: P.A. 85-1027.)

1 (20 ILCS 3305/10) (from Ch. 127, par. 1060)

2 Sec. 10. Emergency Services and Disaster Agencies.

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

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

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

29 (d) The Governor shall determine which municipal
30 corporations, other than those specified in paragraph (c) of
31 this Section, need emergency services and disaster agencies
32 of their own and require that they be established and
33 maintained. The Governor He shall make these his
34 determinations on the basis of the municipality's disaster

1 vulnerability and capability of response related to
2 population size and concentration. The emergency services
3 and disaster agency of a county or township, shall not have a
4 jurisdiction within a political subdivision having its own
5 emergency services and disaster agency, but shall cooperate
6 with the emergency services and disaster agency of a city,
7 village or incorporated town within their borders. The
8 Illinois Emergency Management Agency shall publish and
9 furnish a current list to the municipalities required to have
10 an emergency services and disaster agency under this
11 subsection.

12 (e) Each municipality that is not required to and does
13 not have an emergency services and disaster agency shall have
14 a liaison officer designated to facilitate the cooperation
15 and protection of that municipal corporation with the county
16 emergency services and disaster agency in which it is located
17 in the work of disaster mitigation, preparedness, response,
18 and recovery.

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

29 (g) Each emergency services and disaster agency shall
30 prepare ~~and--submit--to--the--Illinois--Emergency-Management~~
31 ~~Agency-for-review-and-approval~~ an emergency operations plan
32 for its geographic boundaries that complies with planning,
33 review, and approval standards promulgated standards
34 developed by the Illinois Emergency Management Agency. The

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

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

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

1 Section 6.

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

18 (k) Volunteers ~~Emergency-services--and--disaster--agency~~
19 ~~personnel~~ who, while engaged in a disaster, an ~~or-disaster~~
20 training exercise, or training related to the emergency
21 operations plan of the political subdivision, suffer disease,
22 injury or death, shall, for the purposes of benefits under
23 the Workers' Compensation Act or Workers' Occupational
24 Diseases Act only, be deemed to be employees of the State, if
25 (1) the claimant is a duly qualified and enrolled (sworn in)
26 as a volunteer of the Illinois Emergency Management Agency or
27 an emergency services and disaster agency accredited by the
28 Illinois Emergency Management Agency, and (2) if the claimant
29 was participating in an actual disaster as defined in
30 ~~paragraph--(e)--of~~ Section 4 of this Act or the exercise or
31 training participated in was specifically and expressly
32 approved by the Illinois Emergency Management Agency prior to
33 the exercise or training. ~~Illinois--Emergency--Management~~
34 ~~Agency--shall--use--the--same--criteria--for--approving--an--exercise~~

1 ~~and--utilizing-State-volunteers-as-required-for-any-political~~
 2 ~~subdivision.~~ The computation of benefits payable under
 3 either of those Acts shall be based on the income
 4 commensurate with comparable State employees doing the same
 5 type work or income from the person's regular employment,
 6 whichever is greater.

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

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

25 (2) During the conduct of an ~~a--disaster--training~~
 26 exercise, all messages, two-way radio communications,
 27 briefings, status reports, news releases, and other oral
 28 or written communications shall begin and end with the
 29 following statement: "This is an exercise message".

30 (Source: P.A. 87-168; 88-606, eff. 1-1-95; revised 2-9-00.)

31 (20 ILCS 3305/11) (from Ch. 127, par. 1061)
 32 Sec. 11. Local Disaster Declarations.

33 (a) A local disaster may be declared only by the

1 principal executive officer of a political subdivision, or
2 his or her interim emergency successor, as provided in
3 Section 7 of the "Emergency Interim Executive Succession
4 Act". It shall not be continued or renewed for a period in
5 excess of 7 days except by or with the consent of the
6 governing board of the political subdivision. Any order or
7 proclamation declaring, continuing, or terminating a local
8 disaster shall be given prompt and general publicity and
9 shall be filed promptly with the county clerk, township
10 clerk, or the municipal clerk, as the case may be, in the
11 area to which it applies.

12 (b) The effect of a declaration of a local disaster is
13 to activate the emergency operations plan of that political
14 subdivision and to authorize the furnishing of aid and
15 assistance thereunder.

16 (Source: P.A. 85-1027.)

17 (20 ILCS 3305/12) (from Ch. 127, par. 1062)

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

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

25 (20 ILCS 3305/13) (from Ch. 127, par. 1063)

26 Sec. 13. Mutual aid arrangements between political
27 subdivisions and taxing districts.

28 (a) The coordinator of each emergency services and
29 disaster agency may, in collaboration with other public
30 agencies within his or her immediate vicinity, develop or
31 cause to be developed mutual aid arrangements with other
32 political subdivisions of taxing districts within this State

1 for reciprocal disaster response and recovery assistance in
2 case a disaster is too great to be dealt with unassisted.
3 The mutual aid shall not, however, be effective unless and
4 until approved by each of the political subdivisions. The
5 arrangements shall be consistent with the State Emergency
6 Operations Plan and State emergency management program, and
7 in the event of a disaster as described in Section 4 of this
8 Act, it shall be the duty of each emergency services and
9 disaster agency to render assistance in accordance with the
10 provisions of the mutual aid arrangements.

11 (b) The coordinator of an emergency services and
12 disaster agency may, subject to the approval of the Director,
13 assist in the negotiation of mutual aid agreements between
14 this and other states.

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

16 (20 ILCS 3305/15) (from Ch. 127, par. 1065)

17 Sec. 15. Immunity. Neither the State, any political
18 subdivision of the State, nor, except in cases of gross
19 negligence or willful misconduct, the Governor, the Director,
20 the Principal Executive Officer of a political subdivision,
21 or the agents, employees, or representatives of any of them,
22 engaged in any emergency management response or recovery
23 activities, while complying with or attempting to comply with
24 this Act or any rule or regulations promulgated pursuant to
25 this Act is liable for the death of or any injury to persons,
26 or damage to property, as a result of such activity. This
27 Section does not, however, apply to political subdivisions
28 and principal executive officers required to maintain
29 emergency services and disaster agencies that are not in
30 compliance with Section 10 of this Act, notwithstanding
31 provisions of any other laws. This Section does not,
32 however, affect the right of any person to receive benefits
33 to which he or she would otherwise be entitled under this Act

1 under the Workers' Compensation Act or the Workers'
2 Occupational Diseases Act, or under any pension law, and this
3 Section does not affect the right of any such person to
4 receive any benefits or compensation under any Act of
5 Congress.

6 (Source: P.A. 85-1027.)

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 ~~him~~ under the provisions of this Act in the office
12 of the Secretary of State. No rule, regulation or order, or
13 any amendment thereof shall be effective until 10 days after
14 the 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
22 by 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
26 as may be made by the Governor under authority of this Act.
27 Each emergency services and disaster agency shall have
28 available for inspection at its office all orders, rules and
29 regulations made by the Governor, or under the Governor's
30 authority. The Illinois Emergency Management Agency shall
31 furnish the orders, rules and regulations to each such
32 emergency services and disaster agency.

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

1 (20 ILCS 3305/20) (from Ch. 127, par. 1070)

2 Sec. 20. Emergency Management Agency; personnel; oath.

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

14 "I, _____, do solemnly swear (or affirm) that I
15 will support and defend and bear true faith and allegiance to
16 the Constitution of the United States and the Constitution of
17 the State of Illinois, and the territory, institutions and
18 facilities thereof, both public and private, against all
19 enemies, foreign and domestic; that I take this obligation
20 freely, without any mental reservation or purpose of evasion;
21 and that I will well and faithfully discharge the duties upon
22 which I am about to enter. And I do further swear (or
23 affirm) that I do not advocate, nor am I, nor have I been a
24 member of any political party or organization that advocates
25 the overthrow of the government of the United States or of
26 this State by force or violence; and that during such time as
27 I am affiliated with the (name of political subdivision), I
28 will not advocate nor become a member of any political party
29 or organization that advocates the overthrow of the
30 government of the United States or of this State by force or
31 violence."

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

33 (20 ILCS 3305/21) (from Ch. 127, par. 1071)

1 Sec. 21. No Private Liability.

2 (a) Any person owning or controlling real estate or
3 other premises who voluntarily and without compensation
4 grants a license or privilege, or otherwise permits the
5 designation or use of the whole or any part or parts of such
6 real estate or premises for the purpose of sheltering persons
7 during an actual or impending disaster, or a disaster
8 training exercise together with his or her successors in
9 interest, if any, shall not be civilly liable for negligently
10 causing the death of, or injury to, any person on or about
11 such real estate or premises under such license, privilege or
12 other permission, or for negligently causing loss of, or
13 damage to, the property of such person.

14 (b) Any private person, firm or corporation and
15 employees and agents of such person, firm or corporation in
16 the performance of a contract with, and under the direction
17 of, the State, or any political subdivision of the State
18 under the provisions of this Act shall not be civilly liable
19 for causing the death of, or injury to, any person or damage
20 to any property except in the event of willful misconduct.

21 (c) Any private person, firm or corporation, and any
22 employee or agent of such person, firm or corporation, who
23 renders assistance or advice at the request of the State, or
24 any political subdivision of the State under this Act during
25 an actual or impending disaster, shall not be civilly liable
26 for causing the death of, or injury to, any person or damage
27 to any property except in the event of willful misconduct.

28 The immunities provided in this subsection (c) shall not
29 apply to any private person, firm or corporation, or to any
30 employee or agent of such person, firm or corporation whose
31 act or omission caused in whole or in part such actual or
32 impending disaster and who would otherwise be liable
33 therefor.

34 (Source: P.A. 85-1027.)

1 Section 10. The Illinois Emergency Planning and
2 Community Right to Know Act is amended by changing Section 8
3 as follows:

4 (430 ILCS 100/8) (from Ch. 111 1/2, par. 7708)

5 Sec. 8. Local emergency planning committees.

6 (a) The SERC shall appoint and supervise local emergency
7 planning committees in accordance with Section 301 of the
8 Federal Act.

9 (b) Local emergency planning committees shall carry out
10 all responsibilities of a local emergency planning committee
11 as specified in applicable Sections of the Federal Act and
12 the Illinois Emergency Management Agency Act. Committees
13 shall consult and coordinate with the SERC and such other
14 local organizations as may be necessary to carry out their
15 assigned responsibilities.

16 (Source: P.A. 86-449.)