

1 AN ACT concerning safety.

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

4 Section 5. The Illinois Emergency Management Agency Act is
5 amended by changing Sections 4, 6, 8, and 20 as follows:

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 "Cyber incident" means an event occurring on or conducted
15 through a computer network that actually or imminently
16 jeopardizes the integrity, confidentiality, or availability of
17 computers, information or communications systems or networks,
18 physical or virtual infrastructure controlled by computers or
19 information systems, or information resident thereon that
20 affect or control infrastructure or communications networks
21 utilized by the public. "Cyber incident" includes a
22 vulnerability in information systems, system security
23 procedures, internal controls, or implementations that could

1 be exploited by a threat source that affect or control
2 infrastructure or communications networks utilized by the
3 public.

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

15 "Emergency Management" means the efforts of the State and
16 the political subdivisions to develop, plan, analyze, conduct,
17 provide, implement and maintain programs for disaster
18 mitigation, preparedness, response and recovery.

19 "Emergency Services and Disaster Agency" means the agency
20 by this name, by the name Emergency Management Agency, or by
21 any other name that is established by ordinance within a
22 political subdivision to coordinate the emergency management
23 program within that political subdivision and with private
24 organizations, other political subdivisions, the State and
25 federal governments.

26 "Emergency Operations Plan" means the written plan of the

1 State and political subdivisions describing the organization,
2 mission, and functions of the government and supporting
3 services for responding to and recovering from disasters and
4 shall include plans that take into account the needs of those
5 individuals with household pets and service animals following
6 a major disaster or emergency.

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

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

1 emergency operations plan.

2 "HazMat team" means a career or volunteer mobile support
3 team that has been authorized by a unit of local government to
4 respond to hazardous materials emergencies and that is
5 primarily designed for emergency response to chemical or
6 biological terrorism, radiological emergencies, hazardous
7 material spills, releases, or fires, or other contamination
8 events.

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

18 "Incident" means a disaster that does not rise to the
19 level of a Governor-issued proclamation.

20 "Mobile Support Team" or "MST" means a group of
21 individuals designated as a team by the Governor or Director
22 to train prior to and to be activated ~~dispatched~~, if the
23 Governor or the Director so determines, to aid and reinforce
24 the State and political subdivision emergency management
25 efforts in response to an incident, a disaster, federally
26 declared national special security event, or other large

1 public event.

2 "Municipality" means any city, village, and incorporated
3 town.

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

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

13 "Public health emergency" means an occurrence or imminent
14 threat of an illness or health condition that:

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

16 (i) bioterrorism;

17 (ii) the appearance of a novel or previously
18 controlled or eradicated infectious agent or
19 biological toxin;

20 (iii) a natural disaster;

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

22 (v) a nuclear attack or accident; and

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

25 (i) a large number of deaths in the affected
26 population;

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

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

7 "Statewide mutual aid organization" means an entity with
8 local government members throughout the State that facilitates
9 temporary assistance through its members in a particular
10 public safety discipline, such as police, fire or emergency
11 management, when an occurrence exceeds a member jurisdiction's
12 capabilities.

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

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

19 (20 ILCS 3305/6) (from Ch. 127, par. 1056)

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

21 (a) The Governor shall have general direction and control
22 of the Illinois Emergency Management Agency and shall be
23 responsible for the carrying out of the provisions of this
24 Act.

25 (b) In performing duties under this Act, the Governor is

1 authorized to cooperate with the federal government and with
2 other states in all matters pertaining to emergency
3 management.

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

6 (1) To make, amend, and rescind all lawful necessary
7 orders, rules, and regulations to carry out the provisions
8 of this Act within the limits of the authority conferred
9 upon the Governor.

10 (2) To cause to be prepared a comprehensive plan and
11 program for the emergency management of this State, which
12 plan and program shall be integrated into and coordinated
13 with emergency management plans and programs of the
14 federal government and of other states whenever possible
15 and which plan and program may include:

16 a. Mitigation of injury and damage caused by
17 disaster.

18 b. Prompt and effective response to disaster.

19 c. Emergency relief.

20 d. Identification of areas particularly vulnerable
21 to disasters.

22 e. Recommendations for zoning, building, and other
23 land-use controls, safety measures for securing
24 permanent structures and other mitigation measures
25 designed to eliminate or reduce disasters or their
26 impact.

1 f. Assistance to political subdivisions in
2 designing emergency operations plans.

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

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

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

13 j. Coordination of federal, State, and political
14 subdivision emergency management 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 MSTs and
23 emergency services and disaster agencies ~~in advance of~~
24 ~~actual disaster~~ to insure the furnishing of adequately
25 trained and equipped forces for incidents, disasters,
26 federally declared national special security events, and

1 other large public events ~~disaster response and recovery.~~

2 (4) Out of funds appropriated for these purposes, to
3 make studies and surveys of the industries, resources, and
4 facilities in this State as may be necessary to ascertain
5 the capabilities of the State for emergency management
6 phases of mitigation, preparedness, response, and recovery
7 and to plan for the most efficient emergency use thereof.

8 (5) On behalf of this State, to negotiate for and
9 submit to the General Assembly for its approval or
10 rejection reciprocal mutual aid agreements or compacts
11 with other states, either on a statewide or political
12 subdivision basis. The agreements or compacts, shall be
13 limited to the furnishing or exchange of food, clothing,
14 medical or other supplies, engineering and police
15 services; emergency housing and feeding; National and
16 State Guards while under the control of the State; health,
17 medical, and related services; fire fighting, rescue,
18 transportation, communication, and construction services
19 and equipment, provided, however, that if the General
20 Assembly be not in session and the Governor has not
21 proclaimed the existence of a disaster under this Section,
22 then the agreements or compacts shall instead be submitted
23 to an Interim Committee on Emergency Management composed
24 of 5 Senators appointed by the President of the Senate and
25 of 5 Representatives appointed by the Speaker of the
26 House, during the month of June of each odd-numbered year

1 to serve for a 2 year term, beginning July 1 of that year,
2 and until their successors are appointed and qualified, or
3 until termination of their legislative service, whichever
4 first occurs. Vacancies shall be filled by appointment for
5 the unexpired term in the same manner as original
6 appointments. All appointments shall be made in writing
7 and filed with the Secretary of State as a public record.
8 The Committee shall have the power to approve or reject
9 any agreements or compacts for and on behalf of the
10 General Assembly; and, provided further, that an
11 affirmative vote of 2/3 of the members of the Committee
12 shall be necessary for the approval of any agreement or
13 compact.

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

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

16 Sec. 8. Mobile Support Teams; mutual aid.

17 (a) The Governor or Director, on behalf of the Governor,
18 may enter into agreements with local governments, the federal
19 government, tribal governments, and any public or private
20 agency or entity in achieving any purpose of this Act and in
21 implementing emergency management programs for mitigation,
22 preparedness, response, and recovery.

23 (b) The Governor or Director may activate mobile support
24 teams (MSTs) to aid and reinforce the Illinois Emergency
25 Management Agency and Office of Homeland Security, and

1 emergency services and disaster agencies in this State or
2 out-of-state pursuant to the Emergency Management Assistance
3 Compact, as ratified in the Emergency Management Assistance
4 Compact Act, for incidents, disasters, federally declared
5 national special security events, and other large public
6 events.

7 (c) ~~(a) The Governor or Director may cause to be created~~
8 ~~Mobile Support Teams to aid and to reinforce the Illinois~~
9 ~~Emergency Management Agency, and emergency services and~~
10 ~~disaster agencies in areas stricken by disaster.~~ Each mobile
11 support team shall have a leader or leadership group, selected
12 ~~by the Director~~ who will be responsible, ~~under the direction~~
13 ~~and control of the Director,~~ for the organization,
14 administration, ~~and~~ training, and general operation of the
15 mobile support team.

16 (d) While activated on behalf of the State, the MST shall
17 report to the Director or designee as the Director retains
18 operational control of MSTs even if they have been tasked to
19 support emergency services and disaster agencies.

20 (e) ~~(b)~~ Personnel of an MST ~~a mobile support team~~ while
21 activated by the Governor or Director on duty pursuant to such
22 ~~a call~~ or while engaged in State-approved or State-sponsored
23 ~~regularly scheduled~~ training or exercises, whether within or
24 without the State, shall ~~either~~:

25 (1) If they are paid employees of the State, have the
26 powers, duties, rights, privileges and immunities and

1 receive the compensation incidental to their employment.

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

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

12 (f) All personnel of MSTs may, while activated by the
13 Governor or Director, be reimbursed by this State for all
14 actual and necessary travel and subsistence expenses related
15 to their activation.

16 (g) Personnel of a mobile support team who suffer disease,
17 injury or death, while activated by the Governor or Director
18 arising out of or in the course of emergency duty, shall for
19 the purposes of benefits under the Workers' Compensation Act
20 or Workers' Occupational Diseases Act only, be deemed to be
21 employees of this State. If the person diseased, injured or
22 killed is an employee described in item (3) of subsection (e)
23 above, the computation of benefits payable under either of
24 those Acts shall be based on income commensurate with
25 comparable State employees doing the same type of work or
26 income from the person's regular employment, whichever is

1 greater.

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

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

19 (i) (d) Whenever activated MSTs ~~mobile support teams~~ or
20 units of another state operating under orders of the Governor
21 of their home state, ~~while the Governor has the emergency~~
22 ~~powers provided for under Section 7 of this Act,~~ render aid to
23 this State ~~under the orders of the Governor of its home state~~
24 ~~and upon the request of the Governor of this State,~~ all
25 questions relating to reimbursement by this State ~~to the other~~
26 ~~state and its citizens~~ in regard to the assistance ~~so~~ rendered

1 shall be determined by the mutual aid agreements, MST
2 agreements, or interstate compacts described in subparagraph
3 (5) of paragraph (c) of Section 6 as are existing at the time
4 of the assistance rendered, pursuant to the Emergency
5 Management Assistance Compact as ratified in the Emergency
6 Management Assistance Compact Act, as ~~or~~ are entered into
7 thereafter ~~and under Section 303 (d) of the Federal Civil~~
8 ~~Defense Act of 1950.~~

9 (j) ~~(e)~~ No personnel of MSTs ~~mobile support teams~~ of this
10 State may be ordered by the Governor or Director to operate in
11 any other state unless a request for the same has been made by
12 the Governor or duly authorized representative of the other
13 state pursuant to the Emergency Management Assistance Compact,
14 as ratified in the Emergency Management Assistance Compact
15 Act, or a successor law.

16 (k) All expenses and compensation reimbursed under this
17 Section may be provided from the Disaster Response and
18 Recovery Fund or other funding determined by the State. The
19 mutual aid agreement shall specify the manner and method in
20 which compensation shall be paid.

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

22 (20 ILCS 3305/20) (from Ch. 127, par. 1070)

23 Sec. 20. Oath ~~Emergency Management Agency; personnel;~~
24 ~~oath.~~

25 (a) Each person, whether compensated or noncompensated,

1 who is appointed to serve in any capacity in, or on behalf of,
2 the Illinois Emergency Management Agency and Office of
3 Homeland Security (IEMA-OHS) or an emergency services and
4 disaster agency, shall, before entering upon ~~his or her~~
5 duties, take an oath, ~~in writing.~~

6 (b) The oath shall be administered before the Director of of
7 IEMA-OHS (or a designee authorized in writing by the
8 Director), ~~or before~~ the coordinator of the respective ~~that~~
9 emergency services and disaster agency, ~~or before other~~
10 persons authorized to administer oaths in this State pursuant
11 to the Oaths an Affirmations Act., ~~which~~

12 The oath may be administered through live video technology
13 or other electronic means; however, the signed oath shall be
14 filed with IEMA-OHS ~~the Director~~ or with the ~~coordinator of~~
15 ~~the~~ emergency services and disaster agency with which the
16 person ~~he or she~~ shall serve and which oath shall be
17 substantially as follows:

18 "I, _____, do solemnly swear (or affirm) that I
19 will support and defend and bear true faith and allegiance to
20 the Constitution of the United States and the Constitution of
21 the State of Illinois, and the territory, institutions and
22 facilities thereof, both public and private, against all
23 enemies, foreign and domestic; that I take this obligation
24 freely, without any mental reservation or purpose of evasion;
25 and that I will well and faithfully discharge the duties upon
26 which I am about to enter. And I do further swear (or affirm)

1 that I do not advocate, nor am I, nor have I been a member of
2 any political party or organization that advocates the
3 overthrow of the government of the United States or of this
4 State by force or violence; and that during such time as I am
5 affiliated with the (name of emergency preparedness
6 organization ~~political subdivision~~), I will not advocate nor
7 become a member or an affiliate of any organization, group, or
8 combination of persons ~~of any political party or organization~~
9 that advocates the overthrow of the government of the United
10 States or of this State by force or violence."

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