

1 AN ACT concerning State government.

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 and 7 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, ~~or~~ technological, or human cause, including
7 but not limited to fire, flood, earthquake, wind, storm,
8 hazardous materials spill or other water contamination
9 requiring emergency action to avert danger or damage,
10 epidemic, air contamination, blight, extended periods of
11 severe and inclement weather, drought, infestation, critical
12 shortages of essential fuels and energy, explosion, riot,
13 hostile military or paramilitary action, public health
14 emergencies, cyber 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 "Mobile Support Team" means a group of individuals
19 designated as a team by the Governor or Director to train prior
20 to and to be dispatched, if the Governor or the Director so
21 determines, to aid and reinforce the State and political
22 subdivision emergency management efforts in response to a
23 disaster.

24 "Municipality" means any city, village, and incorporated
25 town.

26 "Political Subdivision" means any county, city, village,

1 or incorporated town or township if the township is in a county
2 having a population of more than 2,000,000.

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

9 "Public health emergency" means an occurrence or imminent
10 threat of an illness or health condition that:

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

12 (i) bioterrorism;

13 (ii) the appearance of a novel or previously
14 controlled or eradicated infectious agent or
15 biological toxin;

16 (iii) a natural disaster;

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

18 (v) a nuclear attack or accident; and

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

21 (i) a large number of deaths in the affected
22 population;

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

25 (iii) widespread exposure to an infectious or
26 toxic agent that poses a significant risk of

1 substantial future harm to a large number of people in
2 the affected population.

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

9 "Technical rescue team" means a career or volunteer mobile
10 support team that has been authorized by a unit of local
11 government to respond to building collapse, high angle rescue,
12 and other specialized rescue emergencies and that is primarily
13 designated for emergency response to technical rescue events.
14 (Source: P.A. 100-587, eff. 6-4-18.)

15 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

16 Sec. 7. Emergency Powers of the Governor. In the event of a
17 disaster, as defined in Section 4, the Governor may, by
18 proclamation declare that a disaster exists. Upon such
19 proclamation, the Governor shall have and may exercise for a
20 period not to exceed 30 days the following emergency powers;
21 provided, however, that the lapse of the emergency powers
22 shall not, as regards any act or acts occurring or committed
23 within the 30-day period, deprive any person, firm,
24 corporation, political subdivision, or body politic of any
25 right or rights to compensation or reimbursement which he,

1 she, it, or they may have under the provisions of this Act:

2 (1) To suspend the provisions of any regulatory
3 statute prescribing procedures for conduct of State
4 business, or the orders, rules and regulations of any
5 State agency, if strict compliance with the provisions of
6 any statute, order, rule, or regulation would in any way
7 prevent, hinder or delay necessary action, including
8 emergency purchases, by the Illinois Emergency Management
9 Agency, in coping with the disaster.

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

13 (3) To transfer the direction, personnel or functions
14 of State departments and agencies or units thereof for the
15 purpose of performing or facilitating disaster response
16 and recovery programs.

17 (4) On behalf of this State to take possession of, and
18 to acquire full title or a lesser specified interest in,
19 any personal property as may be necessary to accomplish
20 the objectives set forth in Section 2 of this Act,
21 including: airplanes, automobiles, trucks, trailers,
22 buses, and other vehicles; coal, oils, gasoline, and other
23 fuels and means of propulsion; explosives, materials,
24 equipment, and supplies; animals and livestock; feed and
25 seed; food and provisions for humans and animals; clothing
26 and bedding; and medicines and medical and surgical

1 supplies; and to take possession of and for a limited
2 period occupy and use any real estate necessary to
3 accomplish those objectives; but only upon the undertaking
4 by the State to pay just compensation therefor as in this
5 Act provided, and then only under the following
6 provisions:

7 a. The Governor, or the person or persons as the
8 Governor may authorize so to do, may forthwith take
9 possession of property for and on behalf of the State;
10 provided, however, that the Governor or persons shall
11 simultaneously with the taking, deliver to the owner
12 or his or her agent, if the identity of the owner or
13 agency is known or readily ascertainable, a signed
14 statement in writing, that shall include the name and
15 address of the owner, the date and place of the taking,
16 description of the property sufficient to identify it,
17 a statement of interest in the property that is being
18 so taken, and, if possible, a statement in writing,
19 signed by the owner, setting forth the sum that he or
20 she is willing to accept as just compensation for the
21 property or use. Whether or not the owner or agent is
22 known or readily ascertainable, a true copy of the
23 statement shall promptly be filed by the Governor or
24 the person with the Director, who shall keep the
25 docket of the statements. In cases where the sum that
26 the owner is willing to accept as just compensation is

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

19 b. When the compensation to be paid for the taking
20 or use of property or interest therein is not or cannot
21 be determined and paid under item a of this paragraph
22 (4), a petition in the name of The People of the State
23 of Illinois shall be promptly filed by the Director,
24 which filing may be enforced by mandamus, in the
25 circuit court of the county where the property or any
26 part thereof was located when initially taken or used

1 under the provisions of this Act praying that the
2 amount of compensation to be paid to the person or
3 persons interested therein be fixed and determined.
4 The petition shall include a description of the
5 property that has been taken, shall state the physical
6 condition of the property when taken, shall name as
7 defendants all interested parties, shall set forth the
8 sum of money estimated to be just compensation for the
9 property or interest therein taken or used, and shall
10 be signed by the Director. The litigation shall be
11 handled by the Attorney General for and on behalf of
12 the State.

13 c. Just compensation for the taking or use of
14 property or interest therein shall be promptly
15 ascertained in proceedings and established by judgment
16 against the State, that shall include, as part of the
17 just compensation so awarded, interest at the rate of
18 6% per annum on the fair market value of the property
19 or interest therein from the date of the taking or use
20 to the date of the judgment; and the court may order
21 the payment of delinquent taxes and special
22 assessments out of the amount so awarded as just
23 compensation and may make any other orders with
24 respect to encumbrances, rents, insurance, and other
25 charges, if any, as shall be just and equitable.

26 (5) When required by the exigencies of the disaster,

1 to sell, lend, rent, give, or distribute all or any part of
2 property so or otherwise acquired to the inhabitants of
3 this State, or to political subdivisions of this State,
4 or, under the interstate mutual aid agreements or compacts
5 as are entered into under the provisions of subparagraph
6 (5) of paragraph (c) of Section 6 to other states, and to
7 account for and transmit to the State Treasurer all funds,
8 if any, received therefor.

9 (6) To recommend the evacuation of all or part of the
10 population from any stricken or threatened area within the
11 State if the Governor deems this action necessary.

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

14 (8) To control ingress and egress to and from a
15 disaster area, the movement of persons within the area,
16 and the occupancy of premises therein.

17 (9) To suspend or limit the sale, dispensing, or
18 transportation of alcoholic beverages, firearms,
19 explosives, and combustibles.

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

22 (11) A proclamation of a disaster shall activate the
23 State Emergency Operations Plan, and political subdivision
24 emergency operations plans applicable to the political
25 subdivision or area in question and be authority for the
26 deployment and use of any forces that the plan or plans

1 apply and for use or distribution of any supplies,
2 equipment, and materials and facilities assembled,
3 stockpiled or arranged to be made available under this Act
4 or any other provision of law relating to disasters.

5 (12) Control, restrict, and regulate by rationing,
6 freezing, use of quotas, prohibitions on shipments, price
7 fixing, allocation or other means, the use, sale or
8 distribution of food, feed, fuel, clothing and other
9 commodities, materials, goods, or services; and perform
10 and exercise any other functions, powers, and duties as
11 may be necessary to promote and secure the safety and
12 protection of the civilian population.

13 (13) During the continuance of any disaster the
14 Governor is commander-in-chief of the organized and
15 unorganized militia and of all other forces available for
16 emergency duty. To the greatest extent practicable, the
17 Governor shall delegate or assign ~~command~~ authority to the
18 Director to manage, coordinate, and direct all resources
19 ~~do so~~ by orders issued at the time of the disaster.

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

22 (Source: P.A. 100-863, eff. 8-14-18.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.