



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB1187

Introduced 1/31/2023, by Rep. Bob Morgan

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3305/5

from Ch. 127, par. 1055

Amends the Illinois Emergency Management Agency Act of the Civil Administrative Code of Illinois. In provisions regarding security improvements that assist a not-for-profit organization in preventing, preparing for, or responding to acts of terrorism, requires the Illinois Emergency Management Agency to determine that an organization is at high risk of being subject to threats, attacks, or acts of terrorism based on the organization's profile, ideology, mission, or beliefs in order to be eligible for assistance under the provisions. Requires the Agency to post specified information on its website. Throughout the provisions, refers to threats, attacks, or acts of terrorism (rather than just acts of terrorism). Makes other changes.

LRB103 05291 CPF 50309 b

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 Section 5 as follows:

6 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

7 Sec. 5. Illinois Emergency Management Agency.

8 (a) There is created within the executive branch of the  
9 State Government an Illinois Emergency Management Agency and a  
10 Director of the Illinois Emergency Management Agency, herein  
11 called the "Director" who shall be the head thereof. The  
12 Director shall be appointed by the Governor, with the advice  
13 and consent of the Senate, and shall serve for a term of 2  
14 years beginning on the third Monday in January of the  
15 odd-numbered year, and until a successor is appointed and has  
16 qualified; except that the term of the first Director  
17 appointed under this Act shall expire on the third Monday in  
18 January, 1989. The Director shall not hold any other  
19 remunerative public office. For terms ending before December  
20 31, 2019, the Director shall receive an annual salary as set by  
21 the Compensation Review Board. For terms beginning after  
22 January 18, 2019 (the effective date of Public Act 100-1179),  
23 the annual salary of the Director shall be as provided in

1 Section 5-300 of the Civil Administrative Code of Illinois.

2 (b) The Illinois Emergency Management Agency shall obtain,  
3 under the provisions of the Personnel Code, technical,  
4 clerical, stenographic and other administrative personnel, and  
5 may make expenditures within the appropriation therefor as may  
6 be necessary to carry out the purpose of this Act. The agency  
7 created by this Act is intended to be a successor to the agency  
8 created under the Illinois Emergency Services and Disaster  
9 Agency Act of 1975 and the personnel, equipment, records, and  
10 appropriations of that agency are transferred to the successor  
11 agency as of June 30, 1988 (the effective date of this Act).

12 (c) The Director, subject to the direction and control of  
13 the Governor, shall be the executive head of the Illinois  
14 Emergency Management Agency and the State Emergency Response  
15 Commission and shall be responsible under the direction of the  
16 Governor, for carrying out the program for emergency  
17 management of this State. The Director shall also maintain  
18 liaison and cooperate with the emergency management  
19 organizations of this State and other states and of the  
20 federal government.

21 (d) The Illinois Emergency Management Agency shall take an  
22 integral part in the development and revision of political  
23 subdivision emergency operations plans prepared under  
24 paragraph (f) of Section 10. To this end it shall employ or  
25 otherwise secure the services of professional and technical  
26 personnel capable of providing expert assistance to the

1 emergency services and disaster agencies. These personnel  
2 shall consult with emergency services and disaster agencies on  
3 a regular basis and shall make field examinations of the  
4 areas, circumstances, and conditions that particular political  
5 subdivision emergency operations plans are intended to apply.

6 (e) The Illinois Emergency Management Agency and political  
7 subdivisions shall be encouraged to form an emergency  
8 management advisory committee composed of private and public  
9 personnel representing the emergency management phases of  
10 mitigation, preparedness, response, and recovery. The Local  
11 Emergency Planning Committee, as created under the Illinois  
12 Emergency Planning and Community Right to Know Act, shall  
13 serve as an advisory committee to the emergency services and  
14 disaster agency or agencies serving within the boundaries of  
15 that Local Emergency Planning Committee planning district for:

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

18 (2) the assessment of emergency response capabilities  
19 related to hazardous chemical emergencies.

20 (f) The Illinois Emergency Management Agency shall:

21 (1) Coordinate the overall emergency management  
22 program of the State.

23 (2) Cooperate with local governments, the federal  
24 government, and any public or private agency or entity in  
25 achieving any purpose of this Act and in implementing  
26 emergency management programs for mitigation,

1 preparedness, response, and recovery.

2 (2.5) Develop a comprehensive emergency preparedness  
3 and response plan for any nuclear accident in accordance  
4 with Section 65 of the Nuclear Safety Law of 2004 and in  
5 development of the Illinois Nuclear Safety Preparedness  
6 program in accordance with Section 8 of the Illinois  
7 Nuclear Safety Preparedness Act.

8 (2.6) Coordinate with the Department of Public Health  
9 with respect to planning for and responding to public  
10 health emergencies.

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

14 (4) Promulgate rules and requirements for political  
15 subdivision emergency operations plans that are not  
16 inconsistent with and are at least as stringent as  
17 applicable federal laws and regulations.

18 (5) Review and approve, in accordance with Illinois  
19 Emergency Management Agency rules, emergency operations  
20 plans for those political subdivisions required to have an  
21 emergency services and disaster agency pursuant to this  
22 Act.

23 (5.5) Promulgate rules and requirements for the  
24 political subdivision emergency management exercises,  
25 including, but not limited to, exercises of the emergency  
26 operations plans.

1           (5.10) Review, evaluate, and approve, in accordance  
2 with Illinois Emergency Management Agency rules, political  
3 subdivision emergency management exercises for those  
4 political subdivisions required to have an emergency  
5 services and disaster agency pursuant to this Act.

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

9           (7) Establish a register of persons with types of  
10 emergency management training and skills in mitigation,  
11 preparedness, response, and recovery.

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

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

26           (10) Disseminate all information, completely and

1 without delay, on water levels for rivers and streams and  
2 any other data pertaining to potential flooding supplied  
3 by the Division of Water Resources within the Department  
4 of Natural Resources to all political subdivisions to the  
5 maximum extent possible.

6 (11) Develop agreements, if feasible, with medical  
7 supply and equipment firms to supply resources as are  
8 necessary to respond to an earthquake or any other  
9 disaster as defined in this Act. These resources will be  
10 made available upon notifying the vendor of the disaster.  
11 Payment for the resources will be in accordance with  
12 Section 7 of this Act. The Illinois Department of Public  
13 Health shall determine which resources will be required  
14 and requested.

15 (11.5) In coordination with the Illinois State Police,  
16 develop and implement a community outreach program to  
17 promote awareness among the State's parents and children  
18 of child abduction prevention and response.

19 (12) Out of funds appropriated for these purposes,  
20 award capital and non-capital grants to Illinois hospitals  
21 or health care facilities located outside of a city with a  
22 population in excess of 1,000,000 to be used for purposes  
23 that include, but are not limited to, preparing to respond  
24 to mass casualties and disasters, maintaining and  
25 improving patient safety and quality of care, and  
26 protecting the confidentiality of patient information. No

1 single grant for a capital expenditure shall exceed  
2 \$300,000. No single grant for a non-capital expenditure  
3 shall exceed \$100,000. In awarding such grants, preference  
4 shall be given to hospitals that serve a significant  
5 number of Medicaid recipients, but do not qualify for  
6 disproportionate share hospital adjustment payments under  
7 the Illinois Public Aid Code. To receive such a grant, a  
8 hospital or health care facility must provide funding of  
9 at least 50% of the cost of the project for which the grant  
10 is being requested. In awarding such grants the Illinois  
11 Emergency Management Agency shall consider the  
12 recommendations of the Illinois Hospital Association.

13 (13) Do all other things necessary, incidental or  
14 appropriate for the implementation of this Act.

15 (g) The Illinois Emergency Management Agency is authorized  
16 to make grants to various higher education institutions,  
17 public K-12 school districts, area vocational centers as  
18 designated by the State Board of Education, inter-district  
19 special education cooperatives, regional safe schools, and  
20 nonpublic K-12 schools for safety and security improvements.  
21 For the purpose of this subsection (g), "higher education  
22 institution" means a public university, a public community  
23 college, or an independent, not-for-profit or for-profit  
24 higher education institution located in this State. Grants  
25 made under this subsection (g) shall be paid out of moneys  
26 appropriated for that purpose from the Build Illinois Bond



1 Fund. The Illinois Emergency Management Agency shall adopt  
2 rules to implement this subsection (g). These rules may  
3 specify: (i) the manner of applying for grants; (ii) project  
4 eligibility requirements; (iii) restrictions on the use of  
5 grant moneys; (iv) the manner in which the various higher  
6 education institutions must account for the use of grant  
7 moneys; and (v) any other provision that the Illinois  
8 Emergency Management Agency determines to be necessary or  
9 useful for the administration of this subsection (g).

10 (g-5) The Illinois Emergency Management Agency is  
11 authorized to make grants to not-for-profit organizations  
12 which are exempt from federal income taxation under section  
13 501(c)(3) of the Federal Internal Revenue Code for eligible  
14 security improvements that assist the organization in  
15 preventing, preparing for, or responding to threats, attacks,  
16 or acts of terrorism. To be eligible for a grant under the  
17 program, the Agency must determine that the organization is at  
18 a high risk of being subject to threats, attacks, or acts of  
19 terrorism based on the organization's profile, ideology,  
20 mission, or beliefs. Eligible security improvements shall, at  
21 minimum, include all eligible preparedness activities under  
22 the federal Nonprofit Security Grant Program, including, but  
23 not limited to, physical security upgrades, security training  
24 exercises, preparedness training exercises, contracting with  
25 security personnel, and any other security upgrades deemed  
26 eligible by the Director. The Director shall establish

1 procedures and forms by which applicants may apply for a grant  
2 and procedures for distributing grants to recipients. The  
3 procedures shall require each applicant to do the following:

4 (1) identify and substantiate prior or current  
5 threats, ~~or~~ attacks, or acts of terrorism by a terrorist  
6 ~~organization, network, or cell~~ against the not-for-profit  
7 organization;

8 (2) indicate the symbolic or strategic value of one or  
9 more sites that renders the site a possible target of a  
10 threat, attack, or act of terrorism;

11 (3) discuss potential consequences to the organization  
12 if the site is damaged, destroyed, or disrupted by a  
13 terrorist threat, attack, or act;

14 (4) describe how the grant will be used to integrate  
15 organizational preparedness with broader State and local  
16 preparedness efforts, as described by the Agency in each  
17 Notice of Opportunity for Funding;

18 (5) submit (i) a vulnerability assessment conducted by  
19 experienced security, law enforcement, or military  
20 personnel or conducted using an Agency-approved or federal  
21 Nonprofit Security Grant Program self-assessment tool and  
22 (ii), ~~and~~ a description of how the grant award will be used  
23 to address the vulnerabilities identified in the  
24 assessment; and

25 (6) submit any other relevant information as may be  
26 required by the Director.

1           The Agency is authorized to use funds appropriated for the  
2 grant program described in this subsection (g-5) to administer  
3 the program. The Agency shall post on its website, and update  
4 prior to each funding opportunity, a list of actively licensed  
5 private security contractors maintained by the Illinois  
6 Department of Financial and Professional Regulation, a list of  
7 local law enforcement departments across the State, and a list  
8 of other entities that offer no-cost vulnerability  
9 assessments. Any Agency Notice of Opportunity for Funding,  
10 proposed or final rulemaking, guidance, training opportunity,  
11 or other resource related to the grant program must be  
12 published on the Agency's publicly available website, and any  
13 announcements related to funding shall be shared with all  
14 Illinois legislative offices, the Governor's office, units of  
15 local government, and any relevant State agency. An  
16 application for a grant under the program may be submitted for  
17 a period of no less than 45 calendar days during the first  
18 application cycle of each fiscal year, subject to  
19 appropriation. Additional application cycles may be conducted  
20 during the same fiscal year, subject to availability of funds.  
21 Agency staff shall work with any applicant needing assistance  
22 in completing a grant application or meeting a post-award  
23 requirement.

24           (h) Except as provided in Section 17.5 of this Act, any  
25 moneys received by the Agency from donations or sponsorships  
26 unrelated to a disaster shall be deposited in the Emergency

1 Planning and Training Fund and used by the Agency, subject to  
2 appropriation, to effectuate planning and training activities.  
3 Any moneys received by the Agency from donations during a  
4 disaster and intended for disaster response or recovery shall  
5 be deposited into the Disaster Response and Recovery Fund and  
6 used for disaster response and recovery pursuant to the  
7 Disaster Relief Act.

8 (i) The Illinois Emergency Management Agency may by rule  
9 assess and collect reasonable fees for attendance at  
10 Agency-sponsored conferences to enable the Agency to carry out  
11 the requirements of this Act. Any moneys received under this  
12 subsection shall be deposited in the Emergency Planning and  
13 Training Fund and used by the Agency, subject to  
14 appropriation, for planning and training activities.

15 (j) The Illinois Emergency Management Agency is authorized  
16 to make grants to other State agencies, public universities,  
17 units of local government, and statewide mutual aid  
18 organizations to enhance statewide emergency preparedness and  
19 response.

20 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;  
21 102-813, eff. 5-13-22.)