



Rep. Bob Morgan

Filed: 2/27/2023

10300HB1187ham001

LRB103 05291 LNS 57999 a

1 AMENDMENT TO HOUSE BILL 1187

2 AMENDMENT NO. _____. Amend House Bill 1187 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Emergency Management Agency Act
5 is 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

1 appointed under this Act shall expire on the third Monday in
2 January, 1989. The Director shall not hold any other
3 remunerative public office. For terms beginning after January
4 18, 2019 (the effective date of Public Act 100-1179) and
5 before January 16, 2023, the annual salary of the Director
6 shall be as provided in Section 5-300 of the Civil
7 Administrative Code of Illinois. Notwithstanding any other
8 provision of law, for terms beginning on or after January 16,
9 2023, the Director shall receive an annual salary of \$180,000
10 or as set by the Governor, whichever is higher. On July 1,
11 2023, and on each July 1 thereafter, the Director shall
12 receive an increase in salary based on a cost of living
13 adjustment as authorized by Senate Joint Resolution 192 of the
14 86th General Assembly.

15 For terms beginning on or after January 16, 2023, the
16 Assistant Director of the Illinois Emergency Management Agency
17 shall receive an annual salary of \$156,600 or as set by the
18 Governor, whichever is higher. On July 1, 2023, and on each
19 July 1 thereafter, the Assistant Director shall receive an
20 increase in salary based on a cost of living adjustment as
21 authorized by Senate Joint Resolution 192 of the 86th General
22 Assembly.

23 (b) The Illinois Emergency Management Agency shall obtain,
24 under the provisions of the Personnel Code, technical,
25 clerical, stenographic and other administrative personnel, and
26 may make expenditures within the appropriation therefor as may

1 be necessary to carry out the purpose of this Act. The agency
2 created by this Act is intended to be a successor to the agency
3 created under the Illinois Emergency Services and Disaster
4 Agency Act of 1975 and the personnel, equipment, records, and
5 appropriations of that agency are transferred to the successor
6 agency as of June 30, 1988 (the effective date of this Act).

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

16 (d) The Illinois Emergency Management Agency shall take an
17 integral part in the development and revision of political
18 subdivision emergency operations plans prepared under
19 paragraph (f) of Section 10. To this end it shall employ or
20 otherwise secure the services of professional and technical
21 personnel capable of providing expert assistance to the
22 emergency services and disaster agencies. These personnel
23 shall consult with emergency services and disaster agencies on
24 a regular basis and shall make field examinations of the
25 areas, circumstances, and conditions that particular political
26 subdivision emergency operations plans are intended to apply.

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

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

13 (2) the assessment of emergency response capabilities
14 related to hazardous chemical emergencies.

15 (f) The Illinois Emergency Management Agency shall:

16 (1) Coordinate the overall emergency management
17 program of the State.

18 (2) Cooperate with local governments, the federal
19 government, and any public or private agency or entity in
20 achieving any purpose of this Act and in implementing
21 emergency management programs for mitigation,
22 preparedness, response, and recovery.

23 (2.5) Develop a comprehensive emergency preparedness
24 and response plan for any nuclear accident in accordance
25 with Section 65 of the Nuclear Safety Law of 2004 and in
26 development of the Illinois Nuclear Safety Preparedness

1 program in accordance with Section 8 of the Illinois
2 Nuclear Safety Preparedness Act.

3 (2.6) Coordinate with the Department of Public Health
4 with respect to planning for and responding to public
5 health emergencies.

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

13 (5) Review and approve, in accordance with Illinois
14 Emergency Management Agency rules, emergency operations
15 plans for those political subdivisions required to have an
16 emergency services and disaster agency pursuant to this
17 Act.

18 (5.5) Promulgate rules and requirements for the
19 political subdivision emergency management exercises,
20 including, but not limited to, exercises of the emergency
21 operations plans.

22 (5.10) Review, evaluate, and approve, in accordance
23 with Illinois Emergency Management Agency rules, political
24 subdivision emergency management exercises for those
25 political subdivisions required to have an emergency
26 services and disaster agency pursuant to this Act.

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

4 (7) Establish a register of persons with types of
5 emergency management training and skills in mitigation,
6 preparedness, response, and recovery.

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

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

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

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

10 (11.5) In coordination with the Illinois State Police,
11 develop and implement a community outreach program to
12 promote awareness among the State's parents and children
13 of child abduction prevention and response.

14 (12) Out of funds appropriated for these purposes,
15 award capital and non-capital grants to Illinois hospitals
16 or health care facilities located outside of a city with a
17 population in excess of 1,000,000 to be used for purposes
18 that include, but are not limited to, preparing to respond
19 to mass casualties and disasters, maintaining and
20 improving patient safety and quality of care, and
21 protecting the confidentiality of patient information. No
22 single grant for a capital expenditure shall exceed
23 \$300,000. No single grant for a non-capital expenditure
24 shall exceed \$100,000. In awarding such grants, preference
25 shall be given to hospitals that serve a significant
26 number of Medicaid recipients, but do not qualify for

1 disproportionate share hospital adjustment payments under
2 the Illinois Public Aid Code. To receive such a grant, a
3 hospital or health care facility must provide funding of
4 at least 50% of the cost of the project for which the grant
5 is being requested. In awarding such grants the Illinois
6 Emergency Management Agency shall consider the
7 recommendations of the Illinois Hospital Association.

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

10 (g) The Illinois Emergency Management Agency is authorized
11 to make grants to various higher education institutions,
12 public K-12 school districts, area vocational centers as
13 designated by the State Board of Education, inter-district
14 special education cooperatives, regional safe schools, and
15 nonpublic K-12 schools for safety and security improvements.
16 For the purpose of this subsection (g), "higher education
17 institution" means a public university, a public community
18 college, or an independent, not-for-profit or for-profit
19 higher education institution located in this State. Grants
20 made under this subsection (g) shall be paid out of moneys
21 appropriated for that purpose from the Build Illinois Bond
22 Fund. The Illinois Emergency Management Agency shall adopt
23 rules to implement this subsection (g). These rules may
24 specify: (i) the manner of applying for grants; (ii) project
25 eligibility requirements; (iii) restrictions on the use of
26 grant moneys; (iv) the manner in which the various higher

1 education institutions must account for the use of grant
2 moneys; and (v) any other provision that the Illinois
3 Emergency Management Agency determines to be necessary or
4 useful for the administration of this subsection (g).

5 (g-5) The Illinois Emergency Management Agency is
6 authorized to make grants to not-for-profit organizations
7 which are exempt from federal income taxation under section
8 501(c)(3) of the Federal Internal Revenue Code for eligible
9 security improvements that assist the organization in
10 preventing, preparing for, or responding to threats, attacks,
11 or acts of terrorism. To be eligible for a grant under the
12 program, the Agency must determine that the organization is at
13 a high risk of being subject to threats, attacks, or acts of
14 terrorism based on the organization's profile, ideology,
15 mission, or beliefs. Eligible security improvements shall
16 include all eligible preparedness activities under the federal
17 Nonprofit Security Grant Program, including, but not limited
18 to, physical security upgrades, security training exercises,
19 preparedness training exercises, contracting with security
20 personnel, and any other security upgrades deemed eligible by
21 the Director. Eligible security improvements shall not
22 duplicate, in part or in whole, a project included under any
23 awarded federal grant or in a pending federal application. The
24 Director shall establish procedures and forms by which
25 applicants may apply for a grant and procedures for
26 distributing grants to recipients. Any security improvements

1 awarded shall remain at the physical property listed in the
2 grant application, unless authorized by Agency rule or
3 approved by the Agency in writing. The procedures shall
4 require each applicant to do the following:

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

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

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

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

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

26 (6) submit any other relevant information as may be

1 required by the Director.

2 The Agency is authorized to use funds appropriated for the
3 grant program described in this subsection (g-5) to administer
4 the program. Any Agency Notice of Opportunity for Funding,
5 proposed or final rulemaking, guidance, training opportunity,
6 or other resource related to the grant program must be
7 published on the Agency's publicly available website, and any
8 announcements related to funding shall be shared with all
9 State legislative offices, the Governor's office, emergency
10 services and disaster agencies mandated or required pursuant
11 to subsections (b) through (d) of Section 10, and any other
12 State agencies as determined by the Agency. Subject to
13 appropriation, the grant application period shall be open for
14 no less than 45 calendar days during the first application
15 cycle each fiscal year, unless the Agency determines that a
16 shorter period is necessary to avoid conflicts with the annual
17 federal Nonprofit Security Grant Program funding cycle.
18 Additional application cycles may be conducted during the same
19 fiscal year, subject to availability of funds. Upon request,
20 Agency staff shall provide reasonable assistance to any
21 applicant in completing a grant application or meeting a
22 post-award requirement.

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

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

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

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

19 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
20 102-813, eff. 5-13-22; 102-1115, eff. 1-9-23.)".