



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB0169

Introduced 1/31/2023, by Sen. Ram Villivalam

#### 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 26120 CPF 52475 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 beginning after January  
20 18, 2019 (the effective date of Public Act 100-1179) and  
21 before January 16, 2023, the annual salary of the Director  
22 shall be as provided in Section 5-300 of the Civil  
23 Administrative Code of Illinois. Notwithstanding any other

1 provision of law, for terms beginning on or after January 16,  
2 2023, the Director shall receive an annual salary of \$180,000  
3 or as set by the Governor, whichever is higher. On July 1,  
4 2023, and on each July 1 thereafter, the Director shall  
5 receive an increase in salary based on a cost of living  
6 adjustment as authorized by Senate Joint Resolution 192 of the  
7 86th General Assembly.

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

16 (b) The Illinois Emergency Management Agency shall obtain,  
17 under the provisions of the Personnel Code, technical,  
18 clerical, stenographic and other administrative personnel, and  
19 may make expenditures within the appropriation therefor as may  
20 be necessary to carry out the purpose of this Act. The agency  
21 created by this Act is intended to be a successor to the agency  
22 created under the Illinois Emergency Services and Disaster  
23 Agency Act of 1975 and the personnel, equipment, records, and  
24 appropriations of that agency are transferred to the successor  
25 agency as of June 30, 1988 (the effective date of this Act).

26 (c) The Director, subject to the direction and control of

1 the Governor, shall be the executive head of the Illinois  
2 Emergency Management Agency and the State Emergency Response  
3 Commission and shall be responsible under the direction of the  
4 Governor, for carrying out the program for emergency  
5 management of this State. The Director shall also maintain  
6 liaison and cooperate with the emergency management  
7 organizations of this State and other states and of the  
8 federal government.

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

20 (e) The Illinois Emergency Management Agency and political  
21 subdivisions shall be encouraged to form an emergency  
22 management advisory committee composed of private and public  
23 personnel representing the emergency management phases of  
24 mitigation, preparedness, response, and recovery. The Local  
25 Emergency Planning Committee, as created under the Illinois  
26 Emergency Planning and Community Right to Know Act, shall

1 serve as an advisory committee to the emergency services and  
2 disaster agency or agencies serving within the boundaries of  
3 that Local Emergency Planning Committee planning district for:

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

6 (2) the assessment of emergency response capabilities  
7 related to hazardous chemical emergencies.

8 (f) The Illinois Emergency Management Agency shall:

9 (1) Coordinate the overall emergency management  
10 program of the State.

11 (2) Cooperate with local governments, the federal  
12 government, and any public or private agency or entity in  
13 achieving any purpose of this Act and in implementing  
14 emergency management programs for mitigation,  
15 preparedness, response, and recovery.

16 (2.5) Develop a comprehensive emergency preparedness  
17 and response plan for any nuclear accident in accordance  
18 with Section 65 of the Nuclear Safety Law of 2004 and in  
19 development of the Illinois Nuclear Safety Preparedness  
20 program in accordance with Section 8 of the Illinois  
21 Nuclear Safety Preparedness Act.

22 (2.6) Coordinate with the Department of Public Health  
23 with respect to planning for and responding to public  
24 health emergencies.

25 (3) Prepare, for issuance by the Governor, executive  
26 orders, proclamations, and regulations as necessary or

1 appropriate in coping with disasters.

2 (4) Promulgate rules and requirements for political  
3 subdivision emergency operations plans that are not  
4 inconsistent with and are at least as stringent as  
5 applicable federal laws and regulations.

6 (5) Review and approve, in accordance with Illinois  
7 Emergency Management Agency rules, emergency operations  
8 plans for those political subdivisions required to have an  
9 emergency services and disaster agency pursuant to this  
10 Act.

11 (5.5) Promulgate rules and requirements for the  
12 political subdivision emergency management exercises,  
13 including, but not limited to, exercises of the emergency  
14 operations plans.

15 (5.10) Review, evaluate, and approve, in accordance  
16 with Illinois Emergency Management Agency rules, political  
17 subdivision emergency management exercises for those  
18 political subdivisions required to have an emergency  
19 services and disaster agency pursuant to this Act.

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

23 (7) Establish a register of persons with types of  
24 emergency management training and skills in mitigation,  
25 preparedness, response, and recovery.

26 (8) Establish a register of government and private

1 response resources available for use in a disaster.

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

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

20 (11) Develop agreements, if feasible, with medical  
21 supply and equipment firms to supply resources as are  
22 necessary to respond to an earthquake or any other  
23 disaster as defined in this Act. These resources will be  
24 made available upon notifying the vendor of the disaster.  
25 Payment for the resources will be in accordance with  
26 Section 7 of this Act. The Illinois Department of Public

1 Health shall determine which resources will be required  
2 and requested.

3 (11.5) In coordination with the Illinois State Police,  
4 develop and implement a community outreach program to  
5 promote awareness among the State's parents and children  
6 of child abduction prevention and response.

7 (12) Out of funds appropriated for these purposes,  
8 award capital and non-capital grants to Illinois hospitals  
9 or health care facilities located outside of a city with a  
10 population in excess of 1,000,000 to be used for purposes  
11 that include, but are not limited to, preparing to respond  
12 to mass casualties and disasters, maintaining and  
13 improving patient safety and quality of care, and  
14 protecting the confidentiality of patient information. No  
15 single grant for a capital expenditure shall exceed  
16 \$300,000. No single grant for a non-capital expenditure  
17 shall exceed \$100,000. In awarding such grants, preference  
18 shall be given to hospitals that serve a significant  
19 number of Medicaid recipients, but do not qualify for  
20 disproportionate share hospital adjustment payments under  
21 the Illinois Public Aid Code. To receive such a grant, a  
22 hospital or health care facility must provide funding of  
23 at least 50% of the cost of the project for which the grant  
24 is being requested. In awarding such grants the Illinois  
25 Emergency Management Agency shall consider the  
26 recommendations of the Illinois Hospital Association.



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

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

24          (g-5) The Illinois Emergency Management Agency is  
25          authorized to make grants to not-for-profit organizations  
26          which are exempt from federal income taxation under section

1 501(c)(3) of the Federal Internal Revenue Code for eligible  
2 security improvements that assist the organization in  
3 preventing, preparing for, or responding to threats, attacks,  
4 or acts of terrorism. To be eligible for a grant under the  
5 program, the Agency must determine that the organization is at  
6 a high risk of being subject to threats, attacks, or acts of  
7 terrorism based on the organization's profile, ideology,  
8 mission, or beliefs. Eligible security improvements shall, at  
9 minimum, include all eligible preparedness activities under  
10 the federal Nonprofit Security Grant Program, including, but  
11 not limited to, physical security upgrades, security training  
12 exercises, preparedness training exercises, contracting with  
13 security personnel, and any other security upgrades deemed  
14 eligible by the Director. The Director shall establish  
15 procedures and forms by which applicants may apply for a grant  
16 and procedures for distributing grants to recipients. The  
17 procedures shall require each applicant to do the following:

18 (1) identify and substantiate prior or current  
19 threats, or attacks, or acts of terrorism ~~by a terrorist~~  
20 ~~organization, network, or cell~~ against the not-for-profit  
21 organization;

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

25 (3) discuss potential consequences to the organization  
26 if the site is damaged, destroyed, or disrupted by a

1 terrorist threat, attack, or act;

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

6 (5) submit (i) a vulnerability assessment conducted by  
7 experienced security, law enforcement, or military  
8 personnel or conducted using an Agency-approved or federal  
9 Nonprofit Security Grant Program self-assessment tool and  
10 (ii) ~~and~~ a description of how the grant award will be  
11 used to address the vulnerabilities identified in the  
12 assessment; and

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

15 The Agency is authorized to use funds appropriated for the  
16 grant program described in this subsection (g-5) to administer  
17 the program. The Agency shall post on its website, and update  
18 prior to each funding opportunity, a list of actively licensed  
19 private security contractors maintained by the Department of  
20 Financial and Professional Regulation, a list of local law  
21 enforcement departments across the State, and a list of other  
22 entities that offer no-cost vulnerability assessments. Any  
23 Agency Notice of Opportunity for Funding, proposed or final  
24 rulemaking, guidance, training opportunity, or other resource  
25 related to the grant program must be published on the Agency's  
26 publicly available website, and any announcements related to

1 funding shall be shared with all Illinois legislative offices,  
2 the Governor's office, units of local government, and any  
3 relevant State agency. An application for a grant under the  
4 program may be submitted for a period of no less than 45  
5 calendar days during the first application cycle of each  
6 fiscal year, subject to appropriation. Additional application  
7 cycles may be conducted during the same fiscal year, subject  
8 to availability of funds. Agency staff shall work with any  
9 applicant needing assistance in completing a grant application  
10 or meeting a post-award requirement.

11 (h) Except as provided in Section 17.5 of this Act, any  
12 moneys received by the Agency from donations or sponsorships  
13 unrelated to a disaster shall be deposited in the Emergency  
14 Planning and Training Fund and used by the Agency, subject to  
15 appropriation, to effectuate planning and training activities.  
16 Any moneys received by the Agency from donations during a  
17 disaster and intended for disaster response or recovery shall  
18 be deposited into the Disaster Response and Recovery Fund and  
19 used for disaster response and recovery pursuant to the  
20 Disaster Relief Act.

21 (i) The Illinois Emergency Management Agency may by rule  
22 assess and collect reasonable fees for attendance at  
23 Agency-sponsored conferences to enable the Agency to carry out  
24 the requirements of this Act. Any moneys received under this  
25 subsection shall be deposited in the Emergency Planning and  
26 Training Fund and used by the Agency, subject to

1 appropriation, for planning and training activities.

2 (j) The Illinois Emergency Management Agency is authorized  
3 to make grants to other State agencies, public universities,  
4 units of local government, and statewide mutual aid  
5 organizations to enhance statewide emergency preparedness and  
6 response.

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