

SB3556



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3556

Introduced 2/9/2024, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

20 ILCS 3305/5

from Ch. 127, par. 1055

Amends the Illinois Emergency Management Agency Act. Provides that the Illinois Emergency Management Agency and Office of Homeland Security may make grants to small businesses for eligible security improvements that assist the small business in preventing, preparing for, or responding to threats, attacks, or acts of terrorism. Sets forth requirements concerning eligibility, application, and Agency procedures. Defines "small business". Effective immediately.

LRB103 39322 SPS 69476 b

A BILL FOR

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
9 include all eligible preparedness activities under the federal
10 Nonprofit Security Grant Program, including, but not limited
11 to, physical security upgrades, security training exercises,
12 preparedness training exercises, contracting with security
13 personnel, and any other security upgrades deemed eligible by
14 the Director. Eligible security improvements shall not
15 duplicate, in part or in whole, a project included under any
16 awarded federal grant or in a pending federal application. The
17 Director shall establish procedures and forms by which
18 applicants may apply for a grant and procedures for
19 distributing grants to recipients. Any security improvements
20 awarded shall remain at the physical property listed in the
21 grant application, unless authorized by Agency rule or
22 approved by the Agency in writing. The procedures shall
23 require each applicant to do the following:

24 (1) identify and substantiate prior or current
25 threats, attacks, or acts of terrorism against the
26 not-for-profit organization;

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

4 (3) discuss potential consequences to the organization
5 if the site is damaged, destroyed, or disrupted by a
6 threat, attack, or act of terrorism;

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

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

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

20 The Agency is authorized to use funds appropriated for the
21 grant program described in this subsection (g-5) to administer
22 the program. Any Agency Notice of Opportunity for Funding,
23 proposed or final rulemaking, guidance, training opportunity,
24 or other resource related to the grant program must be
25 published on the Agency's publicly available website, and any
26 announcements related to funding shall be shared with all

1 State legislative offices, the Governor's office, emergency
2 services and disaster agencies mandated or required pursuant
3 to subsections (b) through (d) of Section 10, and any other
4 State agencies as determined by the Agency. Subject to
5 appropriation, the grant application period shall be open for
6 no less than 45 calendar days during the first application
7 cycle each fiscal year, unless the Agency determines that a
8 shorter period is necessary to avoid conflicts with the annual
9 federal Nonprofit Security Grant Program funding cycle.
10 Additional application cycles may be conducted during the same
11 fiscal year, subject to availability of funds. Upon request,
12 Agency staff shall provide reasonable assistance to any
13 applicant in completing a grant application or meeting a
14 post-award requirement.

15 (g-10) The Illinois Emergency Management Agency and Office
16 of Homeland Security may make grants to small businesses for
17 eligible security improvements that assist the small business
18 in preventing, preparing for, or responding to threats,
19 attacks, or acts of terrorism. To be eligible for a grant under
20 the program, the Agency must determine that the small business
21 is at a high risk of being subject to threats, attacks, or acts
22 of terrorism based on the small business' profile, ideology,
23 mission, or beliefs. Eligible security improvements shall
24 include, but shall not be limited to, physical security
25 upgrades, security training exercises, preparedness training
26 exercises, contracting with security personnel, and any other

1 security upgrades deemed eligible by the Director. The
2 Director shall establish procedures and forms by which
3 applicants may apply for a grant and procedures for
4 distributing grants to recipients. Any security improvements
5 awarded shall remain at the physical property listed in the
6 grant application, unless authorized by Agency rule or
7 approved by the Agency in writing. The procedures shall
8 require each applicant to do the following:

9 (1) identify and substantiate prior or current
10 threats, attacks, or acts of terrorism against the small
11 business;

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

15 (3) discuss potential consequences to the small
16 business if the site is damaged, destroyed, or disrupted
17 by a threat, attack, or act of terrorism;

18 (4) describe how the grant will be used to integrate
19 small business preparedness with broader State and local
20 preparedness efforts, as described by the Agency in each
21 Notice of Opportunity for Funding;

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

1 and

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

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

22 As used in this subsection, "small business" means a
23 corporation or a concern, including its affiliates, that is
24 independently owned and operated, not dominant in its field,
25 and employs fewer than 50 full-time employees or has gross
26 annual sales of less than \$4,000,000.

1 (h) Except as provided in Section 17.5 of this Act, any
2 moneys received by the Agency from donations or sponsorships
3 unrelated to a disaster shall be deposited in the Emergency
4 Planning and Training Fund and used by the Agency, subject to
5 appropriation, to effectuate planning and training activities.
6 Any moneys received by the Agency from donations during a
7 disaster and intended for disaster response or recovery shall
8 be deposited into the Disaster Response and Recovery Fund and
9 used for disaster response and recovery pursuant to the
10 Disaster Relief Act.

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

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

23 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
24 102-813, eff. 5-13-22; 102-1115, eff. 1-9-23; 103-418, eff.
25 1-1-24.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.