



Sen. Mike Jacobs

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1 AMENDMENT TO HOUSE BILL 3035

2 AMENDMENT NO. _____. Amend House Bill 3035 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Disaster Relief Act is amended by changing
5 Section 3 as follows:

6 (15 ILCS 30/3) (from Ch. 127, par. 293.3)

7 Sec. 3. Whenever funds regularly appropriated to the State
8 and local governmental bodies for disaster response and
9 recovery are insufficient to provide services, and when the
10 Governor has declared a disaster by proclamation in accordance
11 with Section 7 of the Illinois Emergency Management Agency Act
12 or any successor Act, the Governor may draw upon the Disaster
13 Response and Recovery ~~Relief~~ Fund in order to provide services
14 or to reimburse local governmental bodies furnishing services.
15 The fund may be used for the payment of emergency employees,
16 for the payment of the Illinois National Guard when called to

1 active duty, for disaster-related expenses of State Agencies
2 and Departments, and for the emergency purchase or renting of
3 equipment and commodities. The fund shall be used for
4 furnishing emergency services and relief to the disaster area
5 as a whole and shall not be used to provide private relief to
6 persons sustaining property damages or personal injury as a
7 result of a disaster.

8 (Source: P.A. 87-168.)

9 Section 10. The State Police Act is amended by adding
10 Section 12.6 as follows:

11 (20 ILCS 2610/12.6 new)

12 Sec. 12.6. Zero impairment alcohol policy.

13 (a) The Department of State Police shall have an alcohol
14 impairment policy for on-duty State Police officers in place.
15 The preferable standard for an alcohol impairment policy for
16 on-duty State Police officer is 0.00% blood alcohol content.

17 (b) Nothing in this Section shall preclude the Department
18 of State Police from entering into collective bargaining
19 agreements with additional terms that govern alcohol testing of
20 on-duty State Police officers; however, in no case shall the
21 Department of State Police adopt an alcohol impairment policy
22 for on-duty State Police officers permitting greater than
23 0.021% blood alcohol content.

24 (c) An "on-duty State Police officer" is defined as a State

1 Police officer reporting for normally scheduled duty.

2 (d) To the extent this Section conflicts with a collective
3 bargaining agreement in effect on the effective date of this
4 amendatory Act of the 98th General Assembly, the conflicting
5 provision of this Section shall not apply until that collective
6 bargaining agreement expires, or is renewed, renegotiated, or
7 superseded.

8 Section 15. The Illinois Emergency Management Agency Act is
9 amended by changing Sections 5, 8, and 9 as follows:

10 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

11 Sec. 5. Illinois Emergency Management Agency.

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

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

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

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

1 a regular basis and shall make field examinations of the areas,
2 circumstances, and conditions that particular political
3 subdivision emergency operations plans are intended to apply.

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

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

16 (2) the assessment of emergency response capabilities
17 related to hazardous chemical emergencies.

18 (f) The Illinois Emergency Management Agency shall:

19 (1) Coordinate the overall emergency management
20 program of the State.

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

26 (2.5) Develop a comprehensive emergency preparedness

1 and response plan for any nuclear accident in accordance
2 with Section 65 of the Department of Nuclear Safety Law of
3 2004 (20 ILCS 3310) and in development of the Illinois
4 Nuclear Safety Preparedness program in accordance with
5 Section 8 of the Illinois Nuclear Safety Preparedness Act.

6 (2.6) Coordinate with the Department of Public Health
7 with respect to planning for and responding to public
8 health emergencies.

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

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

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

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

25 (5.10) Review, evaluate, and approve, in accordance
26 with Illinois Emergency Management Agency rules, political

1 subdivision emergency management exercises for those
2 political subdivisions required to have an emergency
3 services and disaster agency pursuant to this Act.

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

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

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

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

24 (10) Disseminate all information, completely and
25 without delay, on water levels for rivers and streams and
26 any other data pertaining to potential flooding supplied by

1 the Division of Water Resources within the Department of
2 Natural Resources to all political subdivisions to the
3 maximum extent possible.

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

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

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

1 shall exceed \$100,000. In awarding such grants, preference
2 shall be given to hospitals that serve a significant number
3 of Medicaid recipients, but do not qualify for
4 disproportionate share hospital adjustment payments under
5 the Illinois Public Aid Code. To receive such a grant, a
6 hospital or health care facility must provide funding of at
7 least 50% of the cost of the project for which the grant is
8 being requested. In awarding such grants the Illinois
9 Emergency Management Agency shall consider the
10 recommendations of the Illinois Hospital Association.

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

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

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

4 (h) Except as provided in Section 17.5 of this Act, any
5 moneys received by the Agency from donations or sponsorships
6 shall be deposited in the Emergency Planning and Training Fund
7 and used by the Agency, subject to appropriation, to effectuate
8 planning and training activities.

9 (Source: P.A. 96-800, eff. 10-30-09; 96-820, eff. 11-18-09;
10 96-1000, eff. 7-2-10.)

11 (20 ILCS 3305/8) (from Ch. 127, par. 1058)

12 Sec. 8. Mobile Support Teams.

13 (a) The Governor or Director may cause to be created Mobile
14 Support Teams to aid and to reinforce the Illinois Emergency
15 Management Agency, and emergency services and disaster
16 agencies in areas stricken by disaster. Each mobile support
17 team shall have a leader, selected by the Director who will be
18 responsible, under the direction and control of the Director,
19 for the organization, administration, and training, and
20 operation of the mobile support team.

21 (b) Personnel of a mobile support team while on duty
22 pursuant to such a call or while engaged in regularly scheduled
23 training or exercises, whether within or without the State,
24 shall either:

25 (1) If they are paid employees of the State, have the

1 powers, duties, rights, privileges and immunities and
2 receive the compensation incidental to their employment.

3 (2) If they are paid employees of a political
4 subdivision or body politic of this State, and whether
5 serving within or without that political subdivision or
6 body politic, have the powers, duties, rights, privileges
7 and immunities, and receive the compensation incidental to
8 their employment.

9 (3) If they are not employees of the State, political
10 subdivision or body politic, or being such employees, are
11 not normally paid for their services, be entitled to at
12 least one dollar per year compensation from the State.

13 Personnel of a mobile support team who suffer disease,
14 injury or death arising out of or in the course of emergency
15 duty, shall for the purposes of benefits under the Workers'
16 Compensation Act or Workers' Occupational Diseases Act only, be
17 deemed to be employees of this State. If the person diseased,
18 injured or killed is an employee described in item (3) above,
19 the computation of benefits payable under either of those Acts
20 shall be based on income commensurate with comparable State
21 employees doing the same type of work or income from the
22 person's regular employment, whichever is greater.

23 All personnel of mobile support teams shall, while on duty
24 under such call, be reimbursed by this State for all actual and
25 necessary travel and subsistence expenses.

26 (c) The State shall reimburse each political subdivision or

1 body politic from the Disaster Response and Recovery Relief
2 Fund for the compensation paid and the actual and necessary
3 travel, subsistence and maintenance expenses of paid employees
4 of the political subdivision or body politic while serving,
5 outside of its geographical boundaries pursuant to such a call,
6 as members of a mobile support team, and for all payments made
7 for death, disease or injury of those paid employees arising
8 out of and incurred in the course of that duty, and for all
9 losses of or damage to supplies and equipment of the political
10 subdivision or body politic resulting from the operations.

11 (d) Whenever mobile support teams or units of another
12 state, while the Governor has the emergency powers provided for
13 under Section 7 of this Act, render aid to this State under the
14 orders of the Governor of its home state and upon the request
15 of the Governor of this State, all questions relating to
16 reimbursement by this State to the other state and its citizens
17 in regard to the assistance so rendered shall be determined by
18 the mutual aid agreements or interstate compacts described in
19 subparagraph (5) of paragraph (c) of Section 6 as are existing
20 at the time of the assistance rendered or are entered into
21 thereafter and under Section 303 (d) of the Federal Civil
22 Defense Act of 1950.

23 (e) No personnel of mobile support teams of this State may
24 be ordered by the Governor to operate in any other state unless
25 a request for the same has been made by the Governor or duly
26 authorized representative of the other state.

1 (Source: P.A. 92-73, eff. 1-1-02.)

2 (20 ILCS 3305/9) (from Ch. 127, par. 1059)

3 Sec. 9. Financing.

4 (a) It is the intent of the Legislature and declared to be
5 the policy of the State that funds to meet disasters shall
6 always be available.

7 (b) It is the legislative intent that the first recourse
8 shall be to funds regularly appropriated to State and political
9 subdivision departments and agencies. If the Governor finds
10 that the demands placed upon these funds in coping with a
11 particular disaster are unreasonably great, the Governor may
12 make funds available from the Disaster Response and Recovery
13 ~~Relief~~ Fund. If monies available from the Fund are
14 insufficient, and if the Governor finds that other sources of
15 money to cope with the disaster are not available or are
16 insufficient, the Governor shall request the General Assembly
17 to enact legislation as it may deem necessary to transfer and
18 expend monies appropriated for other purposes or borrow, for a
19 term not to exceed 2 years from the United States government or
20 other public or private source. If the General Assembly is not
21 sitting in regular session to enact such legislation for the
22 transfer, expenditure or loan of such monies, and the President
23 of the Senate and the Speaker of the House certify that the
24 Senate and House are not in session, the Governor is authorized
25 to carry out those decisions, by depositing transfers or loan

1 proceeds into and making expenditures from the Disaster
2 Response and Recovery Relief Fund, until such time as a quorum
3 of the General Assembly can convene in a regular or
4 extraordinary session. The General Assembly shall, to the
5 extent moneys become available, restore moneys used from other
6 sources under this Section.

7 (c) Nothing contained in this Section shall be construed to
8 limit the Governor's authority to apply for, administer and
9 expend grants, gifts or payments in aid of disaster mitigation,
10 preparedness, response or recovery.

11 (Source: P.A. 92-73, eff. 1-1-02; 93-249, eff. 7-22-03.)

12 Section 20. The Emergency Management Assistance Compact
13 Act is amended by adding Section 10 as follows:

14 (45 ILCS 151/10 new)

15 Sec. 10. Reimbursements and expenses. The Illinois
16 Emergency Management Agency as the authorized representative
17 of the State may use the Disaster Response and Recovery Fund to
18 deposit any reimbursements received from a party state and to
19 pay any expenses incurred relating to this Act.

20 Section 25. The Counties Code is amended by adding Sections
21 3-7018 and 3-6040 as follows:

22 (55 ILCS 5/3-6040 new)

1 Sec. 3-6040. Zero impairment alcohol policy.

2 (a) Every sheriff's office shall have an alcohol impairment
3 policy for on-duty deputy sheriffs in place. The preferable
4 standard for an alcohol impairment policy for on-duty deputy
5 sheriffs is 0.00% blood alcohol content.

6 (b) Nothing in this Section shall preclude the sheriff from
7 entering into collective bargaining agreements with additional
8 terms that govern alcohol testing of on-duty deputy sheriffs;
9 however, in no case shall the sheriff adopt an alcohol
10 impairment policy for on-duty deputy sheriffs permitting
11 greater than 0.021% blood alcohol content.

12 (c) An "on-duty deputy sheriff" is defined as a deputy
13 sheriff reporting for normally scheduled duty.

14 (d) To the extent this Section conflicts with a collective
15 bargaining agreement in effect on the effective date of this
16 amendatory Act of the 98th General Assembly, the conflicting
17 provision of this Section shall not apply until that collective
18 bargaining agreement expires, or is renewed, renegotiated, or
19 superseded.

20 (55 ILCS 5/3-7018 new)

21 Sec. 3-7018. Zero impairment alcohol policy.

22 (a) The Cook County Sheriff's office shall have an alcohol
23 impairment policy for on-duty Cook County deputy sheriffs in
24 place. The preferable standard for an alcohol impairment policy
25 for on-duty Cook County deputy sheriffs is 0.00% blood alcohol

1 content.

2 (b) Nothing in this Section shall preclude the Cook County
3 Sheriff from entering into collective bargaining agreements
4 with additional terms that govern alcohol testing of on-duty
5 Cook County deputy sheriffs; however, in no case shall the Cook
6 County Sheriff adopt an alcohol impairment policy for on-duty
7 Cook County deputy sheriffs permitting greater than 0.021%
8 blood alcohol content.

9 (c) An "on-duty Cook County deputy sheriff" shall be
10 defined as a Cook County deputy sheriff reporting for normally
11 scheduled duty.

12 (d) To the extent this Section conflicts with a collective
13 bargaining agreement in effect on the effective date of this
14 amendatory Act of the 98th General Assembly, the conflicting
15 provision of this Section shall not apply until that collective
16 bargaining agreement expires, or is renewed, renegotiated, or
17 superseded.

18 (e) A home rule unit may not regulate alcohol impairment
19 policies for on-duty Cook County deputy sheriffs in a manner
20 that is inconsistent with this Section. This Section is a
21 limitation under subsection (i) of Section 6 of Article VII of
22 the Illinois Constitution on the concurrent exercise by home
23 rule units of power and functions exercised by the State.

24 Section 30. The Illinois Municipal Code is amended by
25 adding Section 10-3-13 as follows:

1 (65 ILCS 5/10-3-13 new)

2 Sec. 10-3-13. Zero impairment alcohol policy.

3 (a) Every municipal police department shall have an alcohol
4 impairment policy for on-duty policemen in place. The
5 preferable standard for an alcohol impairment policy for
6 on-duty policemen is 0.00% blood alcohol content.

7 (b) Nothing in this Section shall preclude the chief of
8 police from entering into collective bargaining agreements
9 with additional terms that govern alcohol testing of on-duty
10 policemen; however, in no case shall the chief of police adopt
11 an alcohol impairment policy for on-duty policemen permitting
12 greater than 0.021% blood alcohol content.

13 (c) An "on-duty policeman" shall be defined as a policeman
14 reporting for normally scheduled duty.

15 (d) To the extent this Section conflicts with a collective
16 bargaining agreement in effect on the effective date of this
17 amendatory Act of the 98th General Assembly, the conflicting
18 provision of this Section shall not apply until that collective
19 bargaining agreement expires, or is renewed, renegotiated, or
20 superseded.

21 (e) A home rule unit may not regulate alcohol impairment
22 policies for on-duty policemen in a manner that is inconsistent
23 with this Section. This Section is a limitation under
24 subsection (i) of Section 6 of Article VII of the Illinois
25 Constitution on the concurrent exercise by home rule units of

1 power and functions exercised by the State.

2 Section 35. The Illinois Emergency Planning and Community
3 Right to Know Act is amended by changing Section 18 as follows:

4 (430 ILCS 100/18) (from Ch. 111 1/2, par. 7718)

5 Sec. 18. Penalties.

6 (a) Any person who violates any requirement of Section 9,
7 10, 11, 12, or 14 of this Act shall be liable for a civil
8 penalty in an amount not to exceed \$25,000 for each violation.
9 In the case of a second or subsequent violation of Section 10,
10 the civil penalty shall not exceed \$75,000 for each day during
11 which the violation continues.

12 (b) Any person who knowingly fails to provide immediate
13 notification of a release in violation of Section 10 of this
14 Act, shall be guilty of a Class 4 felony, and in addition to
15 any other penalty prescribed by law is subject to a fine not to
16 exceed \$25,000 for each day of the violation. In the case of a
17 second or subsequent conviction, the person shall be guilty of
18 a Class 3 felony, and in addition to any other penalty
19 prescribed by law is subject to a fine not to exceed \$50,000
20 for each day of the violation.

21 (c) All civil penalties and fines collected under this
22 Section shall be deposited in the Emergency Planning and
23 Training Fund, which ~~that~~ is hereby created as a special fund
24 in the State Treasury, and may ~~shall~~ be used by IEMA, pursuant

1 to appropriation, for its activities arising under this Act and
2 the Federal Act, including providing financial support for
3 local emergency planning committees and for training
4 initiatives authorized by IEMA.

5 (Source: P.A. 86-449; 87-168.)

6 Section 40. The Illinois Vehicle Code is amended by adding
7 Section 2-116.5 as follows:

8 (625 ILCS 5/2-116.5 new)

9 Sec. 2-116.5. Zero impairment alcohol policy.

10 (a) The Secretary shall have an alcohol impairment policy
11 for on-duty State Department of Police officers in place. The
12 preferable standard for an alcohol impairment policy for
13 on-duty State Department of Police officers is 0.00% blood
14 alcohol content.

15 (b) Nothing in this Section shall preclude the Secretary
16 from entering into collective bargaining agreements with
17 additional terms that govern alcohol testing of on-duty State
18 Department of Police officers; however, in no case shall the
19 Secretary adopt an alcohol impairment policy for on-duty State
20 Department of Police officers permitting greater than 0.021%
21 blood alcohol content.

22 (c) An "on-duty State Department of Police officer" shall
23 be defined as a State Department of Police officer reporting
24 for normally scheduled duty.

1 (d) To the extent this Section conflicts with a collective
2 bargaining agreement in effect on the effective date of this
3 amendatory Act of the 98th General Assembly, the conflicting
4 provision of this Section shall not apply until that collective
5 bargaining agreement expires, or is renewed, renegotiated, or
6 superseded.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".