



Sen. Mike Jacobs

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1 AMENDMENT TO HOUSE BILL 3035

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3035 as follows:

3 on page 2, in line 3, by replacing "Section 8" with "Sections  
4 5, 8,"; and

5 on page 2, immediately below line 3, by inserting the  
6 following:

7 "(20 ILCS 3305/5) (from Ch. 127, par. 1055)

8 Sec. 5. Illinois Emergency Management Agency.

9 (a) There is created within the executive branch of the  
10 State Government an Illinois Emergency Management Agency and a  
11 Director of the Illinois Emergency Management Agency, herein  
12 called the "Director" who shall be the head thereof. The  
13 Director shall be appointed by the Governor, with the advice  
14 and consent of the Senate, and shall serve for a term of 2  
15 years beginning on the third Monday in January of the

1 odd-numbered year, and until a successor is appointed and has  
2 qualified; except that the term of the first Director appointed  
3 under this Act shall expire on the third Monday in January,  
4 1989. The Director shall not hold any other remunerative public  
5 office. The Director shall receive an annual salary as set by  
6 the Compensation Review Board.

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

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

25 (d) The Illinois Emergency Management Agency shall take an  
26 integral part in the development and revision of political

1 subdivision emergency operations plans prepared under  
2 paragraph (f) of Section 10. To this end it shall employ or  
3 otherwise secure the services of professional and technical  
4 personnel capable of providing expert assistance to the  
5 emergency services and disaster agencies. These personnel  
6 shall consult with emergency services and disaster agencies on  
7 a regular basis and shall make field examinations of the areas,  
8 circumstances, and conditions that particular political  
9 subdivision emergency operations plans are intended to apply.

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

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

22 (2) the assessment of emergency response capabilities  
23 related to hazardous chemical emergencies.

24 (f) The Illinois Emergency Management Agency shall:

25 (1) Coordinate the overall emergency management  
26 program of the State.

1           (2) Cooperate with local governments, the federal  
2 government and any public or private agency or entity in  
3 achieving any purpose of this Act and in implementing  
4 emergency management programs for mitigation,  
5 preparedness, response, and recovery.

6           (2.5) Develop a comprehensive emergency preparedness  
7 and response plan for any nuclear accident in accordance  
8 with Section 65 of the Department of Nuclear Safety Law of  
9 2004 (20 ILCS 3310) and in development of the Illinois  
10 Nuclear Safety Preparedness program in accordance with  
11 Section 8 of the Illinois Nuclear Safety Preparedness Act.

12           (2.6) Coordinate with the Department of Public Health  
13 with respect to planning for and responding to public  
14 health emergencies.

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

18           (4) Promulgate rules and requirements for political  
19 subdivision emergency operations plans that are not  
20 inconsistent with and are at least as stringent as  
21 applicable federal laws and regulations.

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

1           (5.5) Promulgate rules and requirements for the  
2 political subdivision emergency management exercises,  
3 including, but not limited to, exercises of the emergency  
4 operations plans.

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

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

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

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

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

1 at the greatest risk of damage from earthquakes under  
2 circumstances where the damage would cause subsequent harm  
3 to the surrounding communities and residents.

4 (10) Disseminate all information, completely and  
5 without delay, on water levels for rivers and streams and  
6 any other data pertaining to potential flooding supplied by  
7 the Division of Water Resources within the Department of  
8 Natural Resources to all political subdivisions to the  
9 maximum extent possible.

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

19 (11.5) In coordination with the Department of State  
20 Police, develop and implement a community outreach program  
21 to promote awareness among the State's parents and children  
22 of child abduction prevention and response.

23 (12) Out of funds appropriated for these purposes,  
24 award capital and non-capital grants to Illinois hospitals  
25 or health care facilities located outside of a city with a  
26 population in excess of 1,000,000 to be used for purposes

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

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

19 (g) The Illinois Emergency Management Agency is authorized  
20 to make grants to various higher education institutions for  
21 safety and security improvements. For the purpose of this  
22 subsection (g), "higher education institution" means a public  
23 university, a public community college, or an independent,  
24 not-for-profit or for-profit higher education institution  
25 located in this State. Grants made under this subsection (g)  
26 shall be paid out of moneys appropriated for that purpose from

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

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

15 (Source: P.A. 96-800, eff. 10-30-09; 96-820, eff. 11-18-09;  
16 96-1000, eff. 7-2-10.)"; and

17 on page 6, immediately below line 13, by inserting the  
18 following:

19 "Section 20. The Illinois Emergency Planning and Community  
20 Right to Know Act is amended by changing Section 18 as follows:

21 (430 ILCS 100/18) (from Ch. 111 1/2, par. 7718)

22 Sec. 18. Penalties.

23 (a) Any person who violates any requirement of Section 9,



1 10, 11, 12, or 14 of this Act shall be liable for a civil  
2 penalty in an amount not to exceed \$25,000 for each violation.  
3 In the case of a second or subsequent violation of Section 10,  
4 the civil penalty shall not exceed \$75,000 for each day during  
5 which the violation continues.

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

15 (c) All civil penalties and fines collected under this  
16 Section shall be deposited in the Emergency Planning and  
17 Training Fund, which ~~that~~ is hereby created as a special fund  
18 in the State Treasury, and may ~~shall~~ be used by IEMA, pursuant  
19 to appropriation, for its activities arising under this Act and  
20 the Federal Act, including providing financial support for  
21 local emergency planning committees and for training  
22 initiatives authorized by IEMA.

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