

# SB1321



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1321

Introduced 1/28/2025, 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.

LRB104 08503 BAB 18555 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 In addition to any advance payment rules or procedures  
16 adopted by the Agency, the Agency shall adopt rules or  
17 procedures by which grantees under this subsection (g-5) may  
18 receive a working capital advance of initial start-up costs  
19 and up to 2 months of program expenses, not to exceed 25% of  
20 the total award amount, if, during the application process,  
21 the grantee demonstrates a need for funds to commence a  
22 project. The remaining funds must be paid through  
23 reimbursement after the grantee presents sufficient supporting  
24 documentation of expenditures for eligible activities.

25 (g-10) The Illinois Emergency Management Agency and Office  
26 of Homeland Security may make grants to small businesses for

1 eligible security improvements that assist the small business  
2 in preventing, preparing for, or responding to threats,  
3 attacks, or acts of terrorism. To be eligible for a grant under  
4 the program, the Agency must determine that the small business  
5 is at a high risk of being subject to threats, attacks, or acts  
6 of terrorism based on the small business' profile, ideology,  
7 mission, or beliefs. Eligible security improvements shall  
8 include, but shall not be limited to, physical security  
9 upgrades, security training exercises, preparedness training  
10 exercises, contracting with security personnel, and any other  
11 security upgrades deemed eligible by the Director. The  
12 Director shall establish procedures and forms by which  
13 applicants may apply for a grant and procedures for  
14 distributing grants to recipients. Any security improvements  
15 awarded shall remain at the physical property listed in the  
16 grant application, unless authorized by Agency rule or  
17 approved by the Agency in writing. The procedures shall  
18 require each applicant to do the following:

19 (1) identify and substantiate prior or current  
20 threats, attacks, or acts of terrorism against the small  
21 business;

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 small  
26 business if the site is damaged, destroyed, or disrupted

1 by a threat, attack, or act of terrorism;

2 (4) describe how the grant will be used to integrate  
3 small business 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, and (ii)  
9 a description of how the grant award will be used to  
10 address the vulnerabilities identified in the assessment;  
11 and

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

14 The Agency may use funds appropriated for the grant  
15 program described in this subsection to administer the  
16 program. Any Agency notice of opportunity for funding,  
17 proposed or final rulemaking, guidance, training opportunity,  
18 or other resource related to the grant program must be  
19 published on the Agency's publicly available website, and any  
20 announcements related to funding shall be shared with all  
21 State legislative offices, the Governor's Office, emergency  
22 services and disaster agencies mandated or required pursuant  
23 to subsections (b) through (d) of Section 10, and any other  
24 State agencies as determined by the Agency. Subject to  
25 appropriation, the grant application period shall be open for  
26 no less than 45 calendar days during the first application

1 cycle each fiscal year. Additional application cycles may be  
2 conducted during the same fiscal year, subject to availability  
3 of funds. Upon request, Agency staff shall provide reasonable  
4 assistance to any applicant in completing a grant application  
5 or meeting a post-award requirement.

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

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 (k) Subject to appropriation from the Emergency Planning  
8 and Training Fund, the Illinois Emergency Management Agency  
9 and Office of Homeland Security shall obtain training services  
10 and support for local emergency services and support for local  
11 emergency services and disaster agencies for training,  
12 exercises, and equipment related to carbon dioxide pipelines  
13 and sequestration, and, subject to the availability of  
14 funding, shall provide \$5,000 per year to the Illinois Fire  
15 Service Institute for first responder training required under  
16 Section 4-615 of the Public Utilities Act. Amounts in the  
17 Emergency Planning and Training Fund will be used by the  
18 Illinois Emergency Management Agency and Office of Homeland  
19 Security for administrative costs incurred in carrying out the  
20 requirements of this subsection. To carry out the purposes of  
21 this subsection, the Illinois Emergency Management Agency and  
22 Office of Homeland Security may accept moneys from all  
23 authorized sources into the Emergency Planning and Training  
24 Fund, including, but not limited to, transfers from the Carbon  
25 Dioxide Sequestration Administrative Fund and the Public  
26 Utility Fund.

1       (1) ~~(\*)~~ The Agency shall do all other things necessary,  
2 incidental, or appropriate for the implementation of this Act,  
3 including the adoption of rules in accordance with the  
4 Illinois Administrative Procedure Act.

5       (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;  
6 102-813, eff. 5-13-22; 102-1115, eff. 1-9-23; 103-418, eff.  
7 1-1-24; 103-588, eff. 1-1-25; 103-651, eff. 7-18-24; 103-999,  
8 eff. 1-1-25; revised 11-26-24.)

9       Section 99. Effective date. This Act takes effect upon  
10 becoming law.