



Sen. David Koehler

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10000SB2232sam001

LRB100 14541 MJP 37289 a

1 AMENDMENT TO SENATE BILL 2232

2 AMENDMENT NO. _____. Amend Senate Bill 2232 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Emergency Management Agency Act is
5 amended by changing Section 7 as follows:

6 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

7 Sec. 7. Emergency Powers of the Governor. ~~(a)~~ In the event
8 of a disaster, as defined in Section 4, the Governor may, by
9 proclamation declare that a disaster exists. Upon such
10 proclamation, the Governor shall have and may exercise for a
11 period not to exceed 30 days the following emergency powers;
12 provided, however, that the lapse of the emergency powers shall
13 not, as regards any act or acts occurring or committed within
14 the 30-day ~~30—days~~ period, deprive any person, firm,
15 corporation, political subdivision, or body politic of any
16 right or rights to compensation or reimbursement which he, she,

1 it, or they may have under the provisions of this Act:

2 (1) To suspend the provisions of any regulatory statute
3 prescribing procedures for conduct of State business, or
4 the orders, rules and regulations of any State agency and
5 managed care contracts, if strict compliance with the
6 provisions of any statute, order, rule, contract, or
7 regulation would in any way prevent, hinder or delay
8 necessary action, including emergency purchases, by the
9 Illinois Emergency Management Agency, in coping with the
10 disaster.

11 (2) To utilize all available resources of the State
12 government as reasonably necessary to cope with the
13 disaster and of each political subdivision of the State.

14 (3) To transfer the direction, personnel or functions
15 of State departments and agencies or units thereof for the
16 purpose of performing or facilitating disaster response
17 and recovery programs.

18 (4) On behalf of this State to take possession of, and
19 to acquire full title or a lesser specified interest in,
20 any personal property as may be necessary to accomplish the
21 objectives set forth in Section 2 of this Act, including:
22 airplanes, automobiles, trucks, trailers, buses, and other
23 vehicles; coal, oils, gasoline, and other fuels and means
24 of propulsion; explosives, materials, equipment, and
25 supplies; animals and livestock; feed and seed; food and
26 provisions for humans and animals; clothing and bedding;

1 and medicines and medical and surgical supplies; and to
2 take possession of and for a limited period occupy and use
3 any real estate necessary to accomplish those objectives;
4 but only upon the undertaking by the State to pay just
5 compensation therefor as in this Act provided, and then
6 only under the following provisions:

7 a. The Governor, or the person or persons as the
8 Governor may authorize so to do, may forthwith take
9 possession of property for and on behalf of the State;
10 provided, however, that the Governor or persons shall
11 simultaneously with the taking, deliver to the owner or
12 his or her agent, if the identity of the owner or
13 agency is known or readily ascertainable, a signed
14 statement in writing, that shall include the name and
15 address of the owner, the date and place of the taking,
16 description of the property sufficient to identify it,
17 a statement of interest in the property that is being
18 so taken, and, if possible, a statement in writing,
19 signed by the owner, setting forth the sum that he or
20 she is willing to accept as just compensation for the
21 property or use. Whether or not the owner or agent is
22 known or readily ascertainable, a true copy of the
23 statement shall promptly be filed by the Governor or
24 the person with the Director, who shall keep the docket
25 of the statements. In cases where the sum that the
26 owner is willing to accept as just compensation is less

1 than \$1,000, copies of the statements shall also be
2 filed by the Director with, and shall be passed upon by
3 an Emergency Management Claims Commission, consisting
4 of 3 disinterested citizens who shall be appointed by
5 the Governor, by and with the advice and consent of the
6 Senate, within 20 days after the Governor's
7 declaration of a disaster, and if the sum fixed by them
8 as just compensation be less than \$1,000 and is
9 accepted in writing by the owner, then the State
10 Treasurer out of funds appropriated for these
11 purposes, shall, upon certification thereof by the
12 Emergency Management Claims Commission, cause the sum
13 so certified forthwith to be paid to the owner. The
14 Emergency Management Claims Commission is hereby given
15 the power to issue appropriate subpoenas and to
16 administer oaths to witnesses and shall keep
17 appropriate minutes and other records of its actions
18 upon and the disposition made of all claims.

19 b. When the compensation to be paid for the taking
20 or use of property or interest therein is not or cannot
21 be determined and paid under item a of this paragraph
22 (4) ~~(a)~~ above, a petition in the name of The People of
23 the State of Illinois shall be promptly filed by the
24 Director, which filing may be enforced by mandamus, in
25 the circuit court of the county where the property or
26 any part thereof was located when initially taken or

1 used under the provisions of this Act praying that the
2 amount of compensation to be paid to the person or
3 persons interested therein be fixed and determined.
4 The petition shall include a description of the
5 property that has been taken, shall state the physical
6 condition of the property when taken, shall name as
7 defendants all interested parties, shall set forth the
8 sum of money estimated to be just compensation for the
9 property or interest therein taken or used, and shall
10 be signed by the Director. The litigation shall be
11 handled by the Attorney General for and on behalf of
12 the State.

13 c. Just compensation for the taking or use of
14 property or interest therein shall be promptly
15 ascertained in proceedings and established by judgment
16 against the State, that shall include, as part of the
17 just compensation so awarded, interest at the rate of
18 6% per annum on the fair market value of the property
19 or interest therein from the date of the taking or use
20 to the date of the judgment; and the court may order
21 the payment of delinquent taxes and special
22 assessments out of the amount so awarded as just
23 compensation and may make any other orders with respect
24 to encumbrances, rents, insurance, and other charges,
25 if any, as shall be just and equitable.

26 (5) When required by the exigencies of the disaster, to

1 sell, lend, rent, give, or distribute all or any part of
2 property so or otherwise acquired to the inhabitants of
3 this State, or to political subdivisions of this State, or,
4 under the interstate mutual aid agreements or compacts as
5 are entered into under the provisions of subparagraph (5)
6 of paragraph (c) of Section 6 to other states, and to
7 account for and transmit to the State Treasurer all funds,
8 if any, received therefor.

9 (6) To recommend the evacuation of all or part of the
10 population from any stricken or threatened area within the
11 State if the Governor deems this action necessary and to
12 order the mandatory emergency evacuation of a long term
13 care facility and facilities selected for the supportive
14 living facilities program authorized by Section 5-5.01a of
15 the Illinois Public Aid Code when it is determined, in
16 consultation with the Director of Public Health, that
17 evacuation is the best solution to eliminating the
18 potential for harm. A long term care facility notified of a
19 mandatory emergency evacuation order shall provide a list
20 of resources needed to the Governor or his or her designee
21 to safely implement the order.

22 (7) To prescribe routes, modes of transportation, and
23 destinations in connection with evacuation.

24 (8) To control ingress and egress to and from a
25 disaster area, the movement of persons within the area, and
26 the occupancy of premises therein.

1 (9) To suspend or limit the sale, dispensing, or
2 transportation of alcoholic beverages, firearms,
3 explosives, and combustibles.

4 (10) To make provision for the availability and use of
5 temporary emergency housing.

6 (11) A proclamation of a disaster shall activate the
7 State Emergency Operations Plan, and political subdivision
8 emergency operations plans applicable to the political
9 subdivision or area in question and be authority for the
10 deployment and use of any forces that the plan or plans
11 apply and for use or distribution of any supplies,
12 equipment, and materials and facilities assembled,
13 stockpiled or arranged to be made available under this Act
14 or any other provision of law relating to disasters.

15 (12) Control, restrict, and regulate by rationing,
16 freezing, use of quotas, prohibitions on shipments, price
17 fixing, allocation or other means, the use, sale or
18 distribution of food, feed, fuel, clothing and other
19 commodities, materials, goods, or services; and perform
20 and exercise any other functions, powers, and duties as may
21 be necessary to promote and secure the safety and
22 protection of the civilian population.

23 (13) During the continuance of any disaster the
24 Governor is commander-in-chief of the organized and
25 unorganized militia and of all other forces available for
26 emergency duty. To the greatest extent practicable, the

1 Governor shall delegate or assign command authority to do
2 so by orders issued at the time of the disaster.

3 (14) Prohibit increases in the prices of goods and
4 services during a disaster.

5 (Source: P.A. 92-73, eff. 1-1-02; revised 9-28-17.)

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