



Rep. Kathleen Willis

Adopted in House Comm. on Mar 04, 2020

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LRB101 14600 CPF 70120 a

1 AMENDMENT TO HOUSE BILL 3934

2 AMENDMENT NO. _____. Amend House Bill 3934 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 Sections 4 and 7 as follows:

6 (20 ILCS 3305/4) (from Ch. 127, par. 1054)

7 Sec. 4. Definitions. As used in this Act, unless the
8 context clearly indicates otherwise, the following words and
9 terms have the meanings ascribed to them in this Section:

10 "Coordinator" means the staff assistant to the principal
11 executive officer of a political subdivision with the duty of
12 coordinating the emergency management programs of that
13 political subdivision.

14 "Disaster" means an occurrence or threat of widespread or
15 severe damage, injury or loss of life or property resulting
16 from any natural or technological cause, including but not

1 limited to fire, flood, earthquake, wind, storm, hazardous
2 materials spill or other water contamination requiring
3 emergency action to avert danger or damage, epidemic, air
4 contamination, blight, extended periods of severe and
5 inclement weather, drought, infestation, critical shortages of
6 essential fuels and energy, explosion, riot, hostile military
7 or paramilitary action, public health emergencies, ~~or~~ acts of
8 domestic terrorism, or cyber attacks.

9 "Emergency Management" means the efforts of the State and
10 the political subdivisions to develop, plan, analyze, conduct,
11 provide, implement and maintain programs for disaster
12 mitigation, preparedness, response and recovery.

13 "Emergency Services and Disaster Agency" means the agency
14 by this name, by the name Emergency Management Agency, or by
15 any other name that is established by ordinance within a
16 political subdivision to coordinate the emergency management
17 program within that political subdivision and with private
18 organizations, other political subdivisions, the State and
19 federal governments.

20 "Emergency Operations Plan" means the written plan of the
21 State and political subdivisions describing the organization,
22 mission, and functions of the government and supporting
23 services for responding to and recovering from disasters and
24 shall include plans that take into account the needs of those
25 individuals with household pets and service animals following a
26 major disaster or emergency.

1 "Emergency Services" means the coordination of functions
2 by the State and its political subdivision, other than
3 functions for which military forces are primarily responsible,
4 as may be necessary or proper to prevent, minimize, repair, and
5 alleviate injury and damage resulting from any natural or
6 technological causes. These functions include, without
7 limitation, fire fighting services, police services, emergency
8 aviation services, medical and health services, HazMat and
9 technical rescue teams, rescue, engineering, warning services,
10 communications, radiological, chemical and other special
11 weapons defense, evacuation of persons from stricken or
12 threatened areas, emergency assigned functions of plant
13 protection, temporary restoration of public utility services
14 and other functions related to civilian protection, together
15 with all other activities necessary or incidental to protecting
16 life or property.

17 "Exercise" means a planned event realistically simulating
18 a disaster, conducted for the purpose of evaluating the
19 political subdivision's coordinated emergency management
20 capabilities, including, but not limited to, testing the
21 emergency operations plan.

22 "HazMat team" means a career or volunteer mobile support
23 team that has been authorized by a unit of local government to
24 respond to hazardous materials emergencies and that is
25 primarily designed for emergency response to chemical or
26 biological terrorism, radiological emergencies, hazardous

1 material spills, releases, or fires, or other contamination
2 events.

3 "Illinois Emergency Management Agency" means the agency
4 established by this Act within the executive branch of State
5 Government responsible for coordination of the overall
6 emergency management program of the State and with private
7 organizations, political subdivisions, and the federal
8 government. Illinois Emergency Management Agency also means
9 the State Emergency Response Commission responsible for the
10 implementation of Title III of the Superfund Amendments and
11 Reauthorization Act of 1986.

12 "Mobile Support Team" means a group of individuals
13 designated as a team by the Governor or Director to train prior
14 to and to be dispatched, if the Governor or the Director so
15 determines, to aid and reinforce the State and political
16 subdivision emergency management efforts in response to a
17 disaster.

18 "Municipality" means any city, village, and incorporated
19 town.

20 "Political Subdivision" means any county, city, village,
21 or incorporated town or township if the township is in a county
22 having a population of more than 2,000,000.

23 "Principal Executive Officer" means chair of the county
24 board, supervisor of a township if the township is in a county
25 having a population of more than 2,000,000, mayor of a city or
26 incorporated town, president of a village, or in their absence

1 or disability, the interim successor as established under
2 Section 7 of the Emergency Interim Executive Succession Act.

3 "Public health emergency" means an occurrence or imminent
4 threat of an illness or health condition that:

5 (a) is believed to be caused by any of the following:

6 (i) bioterrorism;

7 (ii) the appearance of a novel or previously
8 controlled or eradicated infectious agent or
9 biological toxin;

10 (iii) a natural disaster;

11 (iv) a chemical attack or accidental release; or

12 (v) a nuclear attack or accident; and

13 (b) poses a high probability of any of the following
14 harms:

15 (i) a large number of deaths in the affected
16 population;

17 (ii) a large number of serious or long-term
18 disabilities in the affected population; or

19 (iii) widespread exposure to an infectious or
20 toxic agent that poses a significant risk of
21 substantial future harm to a large number of people in
22 the affected population.

23 "Statewide mutual aid organization" means an entity with
24 local government members throughout the State that facilitates
25 temporary assistance through its members in a particular public
26 safety discipline, such as police, fire or emergency

1 management, when an occurrence exceeds a member jurisdiction's
2 capabilities.

3 "Technical rescue team" means a career or volunteer mobile
4 support team that has been authorized by a unit of local
5 government to respond to building collapse, high angle rescue,
6 and other specialized rescue emergencies and that is primarily
7 designated for emergency response to technical rescue events.

8 (Source: P.A. 100-587, eff. 6-4-18.)

9 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

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

21 (1) To suspend the provisions of any regulatory statute
22 prescribing procedures for conduct of State business, or
23 the orders, rules and regulations of any State agency, if
24 strict compliance with the provisions of any statute,
25 order, rule, or regulation would in any way prevent, hinder

1 or delay necessary action, including emergency purchases,
2 by the Illinois Emergency Management Agency, in coping with
3 the disaster.

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

7 (3) To transfer the direction, personnel or functions
8 of State departments and agencies or units thereof for the
9 purpose of performing or facilitating disaster response
10 and recovery programs.

11 (4) On behalf of this State to take possession of, and
12 to acquire full title or a lesser specified interest in,
13 any personal property as may be necessary to accomplish the
14 objectives set forth in Section 2 of this Act, including:
15 airplanes, automobiles, trucks, trailers, buses, and other
16 vehicles; coal, oils, gasoline, and other fuels and means
17 of propulsion; explosives, materials, equipment, and
18 supplies; animals and livestock; feed and seed; food and
19 provisions for humans and animals; clothing and bedding;
20 and medicines and medical and surgical supplies; and to
21 take possession of and for a limited period occupy and use
22 any real estate necessary to accomplish those objectives;
23 but only upon the undertaking by the State to pay just
24 compensation therefor as in this Act provided, and then
25 only under the following provisions:

26 a. The Governor, or the person or persons as the

1 Governor may authorize so to do, may forthwith take
2 possession of property for and on behalf of the State;
3 provided, however, that the Governor or persons shall
4 simultaneously with the taking, deliver to the owner or
5 his or her agent, if the identity of the owner or
6 agency is known or readily ascertainable, a signed
7 statement in writing, that shall include the name and
8 address of the owner, the date and place of the taking,
9 description of the property sufficient to identify it,
10 a statement of interest in the property that is being
11 so taken, and, if possible, a statement in writing,
12 signed by the owner, setting forth the sum that he or
13 she is willing to accept as just compensation for the
14 property or use. Whether or not the owner or agent is
15 known or readily ascertainable, a true copy of the
16 statement shall promptly be filed by the Governor or
17 the person with the Director, who shall keep the docket
18 of the statements. In cases where the sum that the
19 owner is willing to accept as just compensation is less
20 than \$1,000, copies of the statements shall also be
21 filed by the Director with, and shall be passed upon by
22 an Emergency Management Claims Commission, consisting
23 of 3 disinterested citizens who shall be appointed by
24 the Governor, by and with the advice and consent of the
25 Senate, within 20 days after the Governor's
26 declaration of a disaster, and if the sum fixed by them

1 as just compensation be less than \$1,000 and is
2 accepted in writing by the owner, then the State
3 Treasurer out of funds appropriated for these
4 purposes, shall, upon certification thereof by the
5 Emergency Management Claims Commission, cause the sum
6 so certified forthwith to be paid to the owner. The
7 Emergency Management Claims Commission is hereby given
8 the power to issue appropriate subpoenas and to
9 administer oaths to witnesses and shall keep
10 appropriate minutes and other records of its actions
11 upon and the disposition made of all claims.

12 b. When the compensation to be paid for the taking
13 or use of property or interest therein is not or cannot
14 be determined and paid under item a of this paragraph
15 (4), a petition in the name of The People of the State
16 of Illinois shall be promptly filed by the Director,
17 which filing may be enforced by mandamus, in the
18 circuit court of the county where the property or any
19 part thereof was located when initially taken or used
20 under the provisions of this Act praying that the
21 amount of compensation to be paid to the person or
22 persons interested therein be fixed and determined.
23 The petition shall include a description of the
24 property that has been taken, shall state the physical
25 condition of the property when taken, shall name as
26 defendants all interested parties, shall set forth the

1 sum of money estimated to be just compensation for the
2 property or interest therein taken or used, and shall
3 be signed by the Director. The litigation shall be
4 handled by the Attorney General for and on behalf of
5 the State.

6 c. Just compensation for the taking or use of
7 property or interest therein shall be promptly
8 ascertained in proceedings and established by judgment
9 against the State, that shall include, as part of the
10 just compensation so awarded, interest at the rate of
11 6% per annum on the fair market value of the property
12 or interest therein from the date of the taking or use
13 to the date of the judgment; and the court may order
14 the payment of delinquent taxes and special
15 assessments out of the amount so awarded as just
16 compensation and may make any other orders with respect
17 to encumbrances, rents, insurance, and other charges,
18 if any, as shall be just and equitable.

19 (5) When required by the exigencies of the disaster, to
20 sell, lend, rent, give, or distribute all or any part of
21 property so or otherwise acquired to the inhabitants of
22 this State, or to political subdivisions of this State, or,
23 under the interstate mutual aid agreements or compacts as
24 are entered into under the provisions of subparagraph (5)
25 of paragraph (c) of Section 6 to other states, and to
26 account for and transmit to the State Treasurer all funds,

1 if any, received therefor.

2 (6) To recommend the evacuation of all or part of the
3 population from any stricken or threatened area within the
4 State if the Governor deems this action necessary.

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

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

10 (9) To suspend or limit the sale, dispensing, or
11 transportation of alcoholic beverages, firearms,
12 explosives, and combustibles.

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

15 (11) A proclamation of a disaster shall activate the
16 State Emergency Operations Plan, and political subdivision
17 emergency operations plans applicable to the political
18 subdivision or area in question and be authority for the
19 deployment and use of any forces that the plan or plans
20 apply and for use or distribution of any supplies,
21 equipment, and materials and facilities assembled,
22 stockpiled or arranged to be made available under this Act
23 or any other provision of law relating to disasters.

24 (12) Control, restrict, and regulate by rationing,
25 freezing, use of quotas, prohibitions on shipments, price
26 fixing, allocation or other means, the use, sale or

1 distribution of food, feed, fuel, clothing and other
2 commodities, materials, goods, or services; and perform
3 and exercise any other functions, powers, and duties as may
4 be necessary to promote and secure the safety and
5 protection of the civilian population.

6 (13) During the continuance of any disaster the
7 Governor is commander-in-chief of the organized and
8 unorganized militia and of all other forces available for
9 emergency duty. To the greatest extent practicable, the
10 Governor shall delegate or assign ~~command~~ authority to the
11 Director to manage, coordinate, and direct all resources de
12 so by orders issued at the time of the disaster.

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

15 (Source: P.A. 100-863, eff. 8-14-18.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.".