

# HB3042



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB3042**

Introduced 2/19/2021, by Rep. Adam Niemerg

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3305/7

from Ch. 127, par. 1057

Amends the Illinois Emergency Management Agency Act. Provides that nothing in the Act shall be construed to allow the Governor to prohibit or restrict a religious group from conducting a religious service or a resident of the State from attending such services in person.

LRB102 12727 CPF 18066 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 7 as follows:

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

7 Sec. 7. Emergency Powers of the Governor. In the event of a  
8 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  
13 shall not, as regards any act or acts occurring or committed  
14 within the 30-day period, deprive any person, firm,  
15 corporation, political subdivision, or body politic of any  
16 right or rights to compensation or reimbursement which he,  
17 she, it, or they may have under the provisions of this Act:

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

1 emergency purchases, by the Illinois Emergency Management  
2 Agency, in coping with the disaster.

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

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

10 (4) On behalf of this State to take possession of, and  
11 to acquire full title or a lesser specified interest in,  
12 any personal property as may be necessary to accomplish  
13 the objectives set forth in Section 2 of this Act,  
14 including: airplanes, automobiles, trucks, trailers,  
15 buses, and other vehicles; coal, oils, gasoline, and other  
16 fuels and means of propulsion; explosives, materials,  
17 equipment, and supplies; animals and livestock; feed and  
18 seed; food and provisions for humans and animals; clothing  
19 and bedding; and medicines and medical and surgical  
20 supplies; and to take possession of and for a limited  
21 period occupy and use any real estate necessary to  
22 accomplish those objectives; but only upon the undertaking  
23 by the State to pay just compensation therefor as in this  
24 Act provided, and then only under the following  
25 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  
5 or 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  
18 docket of the statements. In cases where the sum that  
19 the owner is willing to accept as just compensation is  
20 less than \$1,000, copies of the statements shall also  
21 be filed by the Director with, and shall be passed upon  
22 by an Emergency Management Claims Commission,  
23 consisting of 3 disinterested citizens who shall be  
24 appointed by the Governor, by and with the advice and  
25 consent of the Senate, within 20 days after the  
26 Governor's declaration of a disaster, and if the sum

1 fixed by them as just compensation be less than \$1,000  
2 and is 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  
17          respect to encumbrances, rents, insurance, and other  
18          charges, if any, as shall be just and equitable.

19          (5) When required by the exigencies of the disaster,  
20          to 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,  
23          or, under the interstate mutual aid agreements or compacts  
24          as are entered into under the provisions of subparagraph  
25          (5) 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,  
9 and 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  
4 may 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 do  
11 so by orders issued at the time of the disaster.

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

14 (15) Nothing in this Act shall be construed to allow  
15 the Governor to prohibit or restrict a religious group  
16 from conducting a religious service or a resident of the  
17 State from attending such services in person.

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