



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3240

Introduced 2/6/2024, by Sen. Mike Porfirio

SYNOPSIS AS INTRODUCED:

20 ILCS 3305/1	from Ch. 127, par. 1051
20 ILCS 3305/2	from Ch. 127, par. 1052
20 ILCS 3305/4	from Ch. 127, par. 1054
20 ILCS 3305/5	from Ch. 127, par. 1055
20 ILCS 3305/6	from Ch. 127, par. 1056
20 ILCS 3305/7	from Ch. 127, par. 1057
20 ILCS 3305/8	from Ch. 127, par. 1058
20 ILCS 3305/10	from Ch. 127, par. 1060
20 ILCS 3305/12	from Ch. 127, par. 1062
20 ILCS 3305/14	from Ch. 127, par. 1064
20 ILCS 3305/18	from Ch. 127, par. 1068
20 ILCS 3305/20	from Ch. 127, par. 1070
20 ILCS 3305/23	
20 ILCS 3305/24 new	
20 ILCS 3305/25 new	

Amends the Illinois Emergency Management Agency Act. Retitles the Act and adds provisions regarding the newly renamed Illinois Emergency Management Agency and Office of Homeland Security (IEMA-OHS). Adds responsibilities for IEMA-OHS with respect to nuclear and radiation safety. Provides for the appointment of a cabinet-level Homeland Security Advisor and a Deputy Homeland Security Advisor. Provides for the creation of an Illinois Homeland Security Advisory Council, and assigns the Council duties. Provides for the creation of the position of Statewide Interoperability Coordinator and assigns it duties. Adds and amends definitions.

LRB103 38061 BDA 68193 b

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 Sections 1, 2, 4, 5, 6, 7, 8, 10, 12, 14,
6 18, 20, and 23 and by adding Sections 24 and 25 as follows:

7 (20 ILCS 3305/1) (from Ch. 127, par. 1051)

8 Sec. 1. Short Title. This Act may be cited as the IEMA-OHS
9 ~~Illinois Emergency Management Agency Act.~~

10 (Source: P.A. 87-168.)

11 (20 ILCS 3305/2) (from Ch. 127, par. 1052)

12 Sec. 2. Policy and Purposes.

13 (a) Because of the possibility of the occurrence of
14 disasters of unprecedented size and destructiveness resulting
15 from the explosion in this or in neighboring states of atomic
16 or other means from without or by means of sabotage or other
17 disloyal actions within, or from fire, flood, earthquake,
18 telecommunications failure, or other natural or technological
19 causes, and in order to insure that this State will be prepared
20 to and will adequately deal with any disasters, preserve the
21 lives and property of the people of this State and protect the
22 public peace, health, and safety in the event of a disaster, it

1 is found and declared to be necessary:

2 (1) To create a State emergency management and
3 homeland security agency ~~an Illinois Emergency Management~~
4 ~~Agency~~ and to authorize emergency management and homeland
5 security programs within the political subdivisions of the
6 State.

7 (2) To confer upon the Governor and upon the principal
8 executive officer of the political subdivisions of the
9 State the powers provided herein.

10 (3) To provide for the rendering of mutual aid among
11 the political subdivisions and taxing districts of the
12 State and with other states and with respect to the
13 carrying out of ~~an~~ emergency management and homeland
14 security programs ~~program~~.

15 (b) It is further declared to be the purpose of this Act
16 and the policy of the State that all emergency management and
17 homeland security programs of this State be coordinated to the
18 maximum extent with the comparable programs of the federal
19 government, including its various departments and agencies, of
20 other states and localities and private agencies of every
21 type, to the end that the most effective preparation and use
22 may be made of the nation's resources and facilities for
23 dealing with any disaster that may occur.

24 (Source: P.A. 87-168; 88-606, eff. 1-1-95.)

25 (20 ILCS 3305/4) (from Ch. 127, par. 1054)

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

4 "Coordinator" means the staff assistant to the principal
5 executive officer of a political subdivision with the duty of
6 coordinating the emergency management programs of that
7 political subdivision.

8 "Cyber incident" means an event occurring on or conducted
9 through a computer network that actually or imminently
10 jeopardizes the integrity, confidentiality, or availability of
11 computers, information or communications systems or networks,
12 physical or virtual infrastructure controlled by computers or
13 information systems, or information resident thereon that
14 affect or control infrastructure or communications networks
15 utilized by the public. "Cyber incident" includes a
16 vulnerability in information systems, system security
17 procedures, internal controls, or implementations that could
18 be exploited by a threat source that affect or control
19 infrastructure or communications networks utilized by the
20 public.

21 "Disaster" means an occurrence or threat of widespread or
22 severe damage, injury or loss of life or property resulting
23 from any natural, technological, or human cause, including but
24 not limited to fire, flood, earthquake, wind, storm, hazardous
25 materials spill or other water contamination requiring
26 emergency action to avert danger or damage, epidemic, air

1 contamination, blight, extended periods of severe and
2 inclement weather, drought, infestation, critical shortages of
3 essential fuels and energy, explosion, riot, hostile military
4 or paramilitary action, public health emergencies, cyber
5 incidents, or acts of domestic terrorism.

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

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

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

24 "Emergency Services" means the coordination of functions
25 by the State and its political subdivisions ~~subdivision~~, other
26 than functions for which military forces are primarily

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

14 "Exercise" means an event or activity delivered through
15 discussion or action to develop, assess, or validate
16 capabilities to achieve planned objectives. ~~a planned event~~
17 ~~realistically simulating a disaster, conducted for the purpose~~
18 ~~of evaluating the political subdivision's coordinated~~
19 ~~emergency management capabilities, including, but not limited~~
20 ~~to, testing the emergency operations plan.~~

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

1 events.

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

13 "Interoperable communications" means the ability of
14 emergency response providers and relevant State and local
15 government agencies to communicate through a dedicated public
16 safety network using information technology systems and radio
17 communications systems and to exchange voice, data, and video
18 on demand in real time.

19 "Mobile Support Team" means a group of individuals
20 designated as a team by the Governor or Director to train prior
21 to and to be dispatched, if the Governor or the Director so
22 determines, to aid and reinforce the State and political
23 subdivision emergency management efforts in response to a
24 disaster.

25 "Municipality" means any city, village, and incorporated
26 town.

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

4 "Principal Executive Officer" means chair of the county
5 board, supervisor of a township if the township is in a county
6 having a population of more than 2,000,000, mayor of a city or
7 incorporated town, president of a village, or in their absence
8 or disability, the interim successor as established under
9 Section 7 of the Emergency Interim Executive Succession Act.

10 "Public health emergency" means an occurrence or imminent
11 threat of an illness or health condition that:

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

13 (i) bioterrorism;

14 (ii) the appearance of a novel or previously
15 controlled or eradicated infectious agent or
16 biological toxin;

17 (iii) a natural disaster;

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

19 (v) a nuclear attack or accident; and

20 (b) poses a high probability of any of the following
21 harms:

22 (i) a large number of deaths in the affected
23 population;

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

26 (iii) widespread exposure to an infectious or

1 toxic agent that poses a significant risk of
2 substantial future harm to a large number of people in
3 the affected population.

4 "Statewide mutual aid organization" means an entity with
5 local government members throughout the State that facilitates
6 temporary assistance through its members in a particular
7 public safety discipline, such as police, fire or emergency
8 management, when an occurrence exceeds a member jurisdiction's
9 capabilities.

10 "Technical rescue team" means a career or volunteer mobile
11 support team that has been authorized by a unit of local
12 government to respond to building collapse, high angle rescue,
13 and other specialized rescue emergencies and that is primarily
14 designated for emergency response to technical rescue events.
15 (Source: P.A. 102-485, eff. 8-20-21.)

16 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

17 Sec. 5. Illinois Emergency Management Agency and Office of
18 Homeland Security.

19 (a) Establishment of the Illinois Emergency Management
20 Agency and Office of Homeland Security. There is created
21 within the executive branch of the State Government an
22 Illinois Emergency Management Agency and Office of Homeland
23 Security and a Director of the Illinois Emergency Management
24 Agency and Office of Homeland Security, herein called the
25 "Director" who shall be the head thereof. The Director shall

1 be appointed by the Governor, with the advice and consent of
2 the Senate, and shall serve for a term of 2 years beginning on
3 the third Monday in January of the odd-numbered year, and
4 until a successor is appointed and has qualified; ~~except that~~
5 ~~the term of the first Director appointed under this Act shall~~
6 ~~expire on the third Monday in January, 1989.~~ The Director
7 shall not hold any other remunerative public office. ~~For terms~~
8 ~~beginning after January 18, 2019 (the effective date of Public~~
9 ~~Act 100-1179) and before January 16, 2023, the annual salary~~
10 ~~of the Director shall be as provided in Section 5-300 of the~~
11 ~~Civil Administrative Code of Illinois.~~ Notwithstanding any
12 other provision of law, for terms beginning on or after
13 January 16, 2023, the Director shall receive an annual salary
14 of \$180,000 or as set by the Governor, whichever is higher. On
15 July 1, 2023, and on each July 1 thereafter, the Director shall
16 receive an increase in salary based on a cost of living
17 adjustment as authorized by Senate Joint Resolution 192 of the
18 86th General Assembly.

19 ~~For terms beginning on or after January 16, 2023, the~~
20 ~~Assistant Director of the Illinois Emergency Management Agency~~
21 ~~shall receive an annual salary of \$156,600 or as set by the~~
22 ~~Governor, whichever is higher. On July 1, 2023, and on each~~
23 ~~July 1 thereafter, the Assistant Director shall receive an~~
24 ~~increase in salary based on a cost of living adjustment as~~
25 ~~authorized by Senate Joint Resolution 192 of the 86th General~~
26 ~~Assembly.~~

1 (b) Agency personnel. The ~~Illinois Emergency Management~~
2 Agency shall obtain, under the provisions of the Personnel
3 Code, technical, clerical, stenographic and other
4 administrative personnel, and may make expenditures within the
5 appropriation therefor as may be necessary to carry out the
6 purpose of this Act. ~~The agency created by this Act is intended~~
7 ~~to be a successor to the agency created under the Illinois~~
8 ~~Emergency Services and Disaster Agency Act of 1975 and the~~
9 ~~personnel, equipment, records, and appropriations of that~~
10 ~~agency are transferred to the successor agency as of June 30,~~
11 ~~1988 (the effective date of this Act).~~

12 (c) Responsibilities of the Director. The Director,
13 subject to the direction and control of the Governor, shall be
14 the executive head of the ~~Illinois Emergency Management~~ Agency
15 and the State Emergency Response Commission and shall be
16 responsible under the direction of the Governor, for carrying
17 out the programs ~~program~~ for emergency management, nuclear and
18 radiation safety, and homeland security of this State. The
19 Director shall also maintain liaison and cooperate with the
20 emergency management, nuclear and radiation safety, and
21 homeland security organizations of this State and other states
22 and of the federal government.

23 (d) Agency's participation in local emergency operations
24 planning. The ~~Illinois Emergency Management~~ Agency shall take
25 an integral part in the development and revision of political
26 subdivision emergency operations plans prepared under

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

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

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

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

25 (f) Emergency management responsibilities of the Agency.

26 The ~~Illinois Emergency Management~~ Agency shall:

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

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

8 (2.5) (Blank). ~~Develop a comprehensive emergency~~
9 ~~preparedness and response plan for any nuclear accident in~~
10 ~~accordance with Section 65 of the Nuclear Safety Law of~~
11 ~~2004 and in development of the Illinois Nuclear Safety~~
12 ~~Preparedness program in accordance with Section 8 of the~~
13 ~~Illinois Nuclear Safety Preparedness Act.~~

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

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

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

24 (5) Review and approve, in accordance with ~~Illinois~~
25 ~~Emergency Management~~ Agency rules, emergency operations
26 plans for those political subdivisions required to have an

1 emergency services and disaster agency pursuant to this
2 Act.

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

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

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

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

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

20 (9) Expand the Earthquake Awareness Program and its
21 efforts to distribute earthquake preparedness materials to
22 schools, political subdivisions, community groups, civic
23 organizations, and the media. Emphasis will be placed on
24 those areas of the State most at risk from an earthquake.
25 Maintain the list of all school districts, hospitals,
26 airports, power plants, including nuclear power plants,

1 lakes, dams, emergency response facilities of all types,
2 and all other major public or private structures which are
3 at the greatest risk of damage from earthquakes under
4 circumstances where the damage would cause subsequent harm
5 to the surrounding communities and residents.

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

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

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

25 (12) Out of funds appropriated for these purposes,
26 award capital and non-capital grants to Illinois hospitals

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

19 (13) (Blank). ~~Do all other things necessary,~~
20 ~~incidental or appropriate for the implementation of this~~
21 ~~Act.~~

22 (g) Agency's security improvement grants to educational
23 institutions. The ~~Illinois Emergency Management~~ Agency is
24 authorized to make grants to various higher education
25 institutions, public K-12 school districts, area vocational
26 centers as designated by the State Board of Education,

1 inter-district special education cooperatives, regional safe
2 schools, and nonpublic K-12 schools for safety and security
3 improvements. For the purpose of this subsection (g), "higher
4 education institution" means a public university, a public
5 community college, or an independent, not-for-profit or
6 for-profit higher education institution located in this State.
7 Grants made under this subsection (g) shall be paid out of
8 moneys appropriated for that purpose from the Build Illinois
9 Bond Fund. The ~~Illinois Emergency Management~~ Agency shall
10 adopt rules to implement this subsection (g). These rules may
11 specify: (1) ~~(i)~~ the manner of applying for grants; (2) ~~(ii)~~
12 project eligibility requirements; (3) ~~(iii)~~ restrictions on
13 the use of grant moneys; (4) ~~(iv)~~ the manner in which the
14 various higher education institutions must account for the use
15 of grant moneys; and (5) ~~(v)~~ any other provision that the
16 ~~Illinois Emergency Management~~ Agency determines to be
17 necessary or useful for the administration of this subsection
18 (g).

19 (g-5) Agency's security improvement grants to
20 not-for-profit organizations. The ~~Illinois Emergency~~
21 ~~Management~~ Agency is authorized to make grants to
22 not-for-profit organizations which are exempt from federal
23 income taxation under section 501(c)(3) of the Federal
24 Internal Revenue Code for eligible security improvements that
25 assist the organization in preventing, preparing for, or
26 responding to threats, attacks, or acts of terrorism. To be

1 eligible for a grant under the program, the Agency must
2 determine that the organization is at a high risk of being
3 subject to threats, attacks, or acts of terrorism based on the
4 organization's profile, ideology, mission, or beliefs.
5 Eligible security improvements shall include all eligible
6 preparedness activities under the federal Nonprofit Security
7 Grant Program, including, but not limited to, physical
8 security upgrades, security training exercises, preparedness
9 training exercises, contracting with security personnel, and
10 any other security upgrades deemed eligible by the Director.
11 Eligible security improvements shall not duplicate, in part or
12 in whole, a project included under any awarded federal grant
13 or in a pending federal application. The Director shall
14 establish procedures and forms by which applicants may apply
15 for a grant and procedures for distributing grants to
16 recipients. Any security improvements awarded shall remain at
17 the physical property listed in the grant application, unless
18 authorized by Agency rule or approved by the Agency in
19 writing. The procedures shall require each applicant to do the
20 following:

21 (1) identify and substantiate prior or current
22 threats, attacks, or acts of terrorism against the
23 not-for-profit organization;

24 (2) indicate the symbolic or strategic value of one or
25 more sites that renders the site a possible target of a
26 threat, attack, or act of terrorism;

1 (3) discuss potential consequences to the organization
2 if the site is damaged, destroyed, or disrupted by a
3 threat, attack, or act of terrorism;

4 (4) describe how the grant will be used to integrate
5 organizational preparedness with broader State and local
6 preparedness efforts, as described by the Agency in each
7 Notice of Opportunity for Funding;

8 (5) submit (i) a vulnerability assessment conducted by
9 experienced security, law enforcement, or military
10 personnel, or conducted using an Agency-approved or
11 federal Nonprofit Security Grant Program self-assessment
12 tool, and (ii) a description of how the grant award will be
13 used to address the vulnerabilities identified in the
14 assessment; and

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

17 The Agency is authorized to use funds appropriated for the
18 grant program described in this subsection (g-5) to administer
19 the program.

20 (g-10) Agency's homeland security duties. The Agency shall
21 be responsible for homeland security as follows:

22 (1) A Homeland Security Advisor shall be appointed by
23 the Governor, by and with the advice and consent of the
24 Senate, shall report to the Governor, and shall be a
25 member of the Governor's Cabinet. The Homeland Security
26 Advisor shall be responsible for:

1 (A) advising the Governor or the Governor's
2 designees on matters of homeland security, as well as
3 coordinating Illinois' homeland security and
4 preparedness efforts across all levels of government,
5 in order to protect the people and critical
6 infrastructure of Illinois;

7 (B) coordinating a uniform and cooperative
8 statewide, strategic response to homeland security
9 threats as defined by, and in the sole discretion of,
10 the Governor;

11 (C) coordinating and providing policy
12 recommendations to the Governor and other State
13 agencies on all matters pertaining to homeland
14 security;

15 (D) calling upon the expertise and assistance of
16 all State agencies, commissions, and boards to carry
17 out their mission in support of the State's homeland
18 security efforts; each State agency, commission, or
19 board shall be required, to the extent not
20 inconsistent with law, to cooperate with the Homeland
21 Security Advisor; to facilitate a unified State
22 strategy on matters of homeland security, all State
23 agencies, boards, and commissions shall provide
24 briefings to the Homeland Security Advisor regularly
25 and upon request;

26 (E) serving as the State's primary liaison with

1 all federal agencies pertaining to homeland security
2 matters for the State;

3 (F) consistent with the United States Department
4 of Homeland Security standard operating procedures and
5 guidance, the Homeland Security Advisor shall oversee
6 and approve of security clearance requests for State
7 personnel sent to the federal government for final
8 adjudication, except that the Homeland Security
9 Advisor shall coordinate with Illinois State Police on
10 such clearance requests for law enforcement personnel;
11 and

12 (G) performing such other duties related to
13 homeland security as directed by the Governor or the
14 Governor's designees.

15 (2) A Deputy Homeland Security Advisor, reporting to
16 the Homeland Security Advisor, shall be recommended by the
17 Homeland Security Advisor to and appointed by the
18 Governor. The Deputy Homeland Security Advisor shall be
19 responsible for:

20 (A) assuming responsibilities of the Homeland
21 Security Advisor as needed or directed by the Governor
22 or Homeland Security Advisor;

23 (B) serving as the Deputy Director of the Office
24 of Homeland Security at the Agency;

25 (C) the development and execution of the State's
26 unified homeland security strategy;

1 (D) serving as a representative of the Homeland
2 Security Advisor, State, and the Agency's Office of
3 Homeland Security with all State agencies,
4 commissions, and boards as it pertains to matters of
5 homeland security; and

6 (E) serving as a representative of the Homeland
7 Security Advisor and State with all federal agencies
8 for matters pertaining to homeland security.

9 (3) The Homeland Security Advisor or Deputy Homeland
10 Security Advisor shall provide briefings to the Governor
11 and Lieutenant Governor as directed.

12 (4) The Agency shall coordinate with and provide
13 administrative support for the Homeland Security Advisor
14 and house the State's Office of Homeland Security. The
15 Agency's Director shall coordinate with the Homeland
16 Security Advisor to ensure the duties and actions of the
17 Office of Homeland Security are aligned with the State's
18 homeland security strategic goals and priorities.

19 (5) The Agency, through its Office of Homeland
20 Security, shall have the following duties:

21 (A) support the Homeland Security Advisor in the
22 administration and coordination of homeland security
23 and preparedness efforts across all levels of
24 government to protect the people and critical
25 infrastructure of Illinois;

26 (B) oversee, plan, and distribute State and

1 federal funding for homeland security on the basis of
2 risk, threat, and vulnerability to ensure the most
3 effective use of limited resources, and guarantee that
4 funds are used for appropriate and necessary purposes;

5 (C) reviews all proposed State legislation
6 pertaining to homeland security matters and shall
7 report to the Homeland Security Advisor about such
8 proposed legislation; the Office shall also review
9 existing legislation and may recommend modifications,
10 amendments, or initiatives to support or enhance the
11 State's homeland security and preparedness
12 capabilities;

13 (D) ensure the implementation of the strategic
14 response and policy recommendations of the Governor
15 and Homeland Security Advisor pertaining to all
16 matters of homeland security;

17 (E) coordinate with all State agencies,
18 commissions, and boards, regarding the matters of
19 homeland security;

20 (F) coordinate with the Illinois State Police to
21 provide the United States Department of Homeland
22 Security with relevant reporting metrics and data
23 pertaining to the State;

24 (G) develop, at the direction of the Homeland
25 Security Advisor, and in cooperation with the Illinois
26 State Police and other appropriate State agencies,

1 appropriate protocols, staffing, training, and
2 equipment guidelines for the weapons of mass
3 destruction teams that the Governor, or the Governor's
4 designee, may deploy in the event or threat of a
5 disaster;

6 (H) lead the State's homeland security public
7 education and risk communication messaging; and

8 (I) adopt rules necessary for implementation of
9 homeland security programs.

10 (g-15) Agency's nuclear and radiation safety duties. The
11 Agency shall be responsible for nuclear and radiation safety
12 as follows:

13 (1) The Agency shall exercise, administer, and enforce
14 all rights, powers, and duties for nuclear and radiation
15 safety authorized in the Nuclear Safety Law of 2004.

16 (2) The Agency shall develop a comprehensive emergency
17 preparedness and response plan for any nuclear accident in
18 accordance with Section 65 of the Nuclear Safety Law of
19 2004 and an Illinois nuclear safety preparedness program
20 in accordance with Section 8 of the Illinois Nuclear
21 Safety Preparedness Act.

22 (3) The Agency shall have the right to enter on public
23 and private property in order to take soil and air samples
24 for response to a disaster that causes radioactive
25 contamination.

26 ~~Any Agency Notice of Opportunity for Funding, proposed or~~

~~final rulemaking, guidance, training opportunity, or other resource related to the grant program must be published on the Agency's publicly available website, and any announcements related to funding shall be shared with all State legislative offices, the Governor's office, emergency services and disaster agencies mandated or required pursuant to subsections (b) through (d) of Section 10, and any other State agencies as determined by the Agency. Subject to appropriation, the grant application period shall be open for no less than 45 calendar days during the first application cycle each fiscal year, unless the Agency determines that a shorter period is necessary to avoid conflicts with the annual federal Nonprofit Security Grant Program funding cycle. Additional application cycles may be conducted during the same fiscal year, subject to availability of funds. Upon request, Agency staff shall provide reasonable assistance to any applicant in completing a grant application or meeting a post award requirement.~~

(h) Emergency Planning and Training Fund and Disaster Response and Recovery Fund. Except as provided in Section 17.5 of this Act, any moneys received by the Agency from donations or sponsorships unrelated to a disaster shall be deposited in the Emergency Planning and Training Fund and used by the Agency, subject to appropriation, to effectuate planning and training activities. Any moneys received by the Agency from donations during a disaster and intended for disaster response or recovery shall be deposited into the Disaster Response and

1 Recovery Fund and used for disaster response and recovery
2 pursuant to the Disaster Relief Act.

3 (i) Fees. The ~~Illinois Emergency Management~~ Agency may by
4 rule assess and collect reasonable fees for attendance at
5 Agency-sponsored conferences to enable the Agency to carry out
6 the requirements of this Act. Any moneys received under this
7 subsection shall be deposited in the Emergency Planning and
8 Training Fund and used by the Agency, subject to
9 appropriation, for planning and training activities.

10 (j) Other grant-making powers. The Illinois Emergency
11 Management Agency is authorized to make grants to other State
12 agencies, public universities, units of local government, and
13 statewide mutual aid organizations to enhance statewide
14 emergency preparedness and response.

15 (k) Agency's responsibility to implement and administer
16 the Act. The Agency shall do all other things necessary,
17 incidental or appropriate for the implementation of this Act,
18 including the adoption of rules in accordance with the
19 Illinois Administrative Procedure Act.

20 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
21 102-813, eff. 5-13-22; 102-1115, eff. 1-9-23; 103-418, eff.
22 1-1-24.)

23 (20 ILCS 3305/6) (from Ch. 127, par. 1056)

24 Sec. 6. Emergency Management Powers of the Governor.

25 (a) The Governor shall have general direction and control

1 of the ~~Illinois Emergency Management~~ Agency and shall be
2 responsible for the carrying out of the provisions of this
3 Act.

4 (b) In performing duties under this Act, the Governor is
5 authorized to cooperate with the federal government and with
6 other states in all matters pertaining to emergency
7 management, nuclear and radiation safety, and homeland
8 security.

9 (c) In performing duties under this Act, the Governor is
10 further authorized:

11 (1) To make, amend, and rescind all lawful necessary
12 orders, rules, and regulations to carry out the provisions
13 of this Act within the limits of the authority conferred
14 upon the Governor.

15 (2) To cause to be prepared ~~a~~ comprehensive plans ~~plan~~
16 and programs ~~program~~ for the emergency management, nuclear
17 and radiation safety, and homeland security of this State,
18 which plans and programs ~~plan and program~~ shall be
19 integrated into and coordinated with emergency management,
20 nuclear and radiation safety, and homeland security plans
21 and programs of the federal government and of other states
22 whenever possible and which plans and programs ~~plan and~~
23 ~~program~~ may include:

24 a. Mitigation of injury and damage caused by
25 disaster.

26 b. Prompt and effective response to disaster.

1 c. Emergency relief.

2 d. Identification of areas particularly vulnerable
3 to disasters.

4 e. Recommendations for zoning, building, and other
5 land-use controls, safety measures for securing
6 permanent structures and other mitigation measures
7 designed to eliminate or reduce disasters or their
8 impact.

9 f. Assistance to political subdivisions in
10 designing emergency operations plans.

11 g. Authorization and procedures for the erection
12 or other construction of temporary works designed to
13 mitigate danger, damage or loss from flood, or other
14 disaster.

15 h. Preparation and distribution to the appropriate
16 State and political subdivision officials of a State
17 catalog of federal, State, and private assistance
18 programs.

19 i. Organization of State personnel and chains of
20 command.

21 j. Coordination of federal, State, and political
22 subdivision emergency management, nuclear and
23 radiation safety, and homeland security activities.

24 k. Other necessary matters.

25 (3) In accordance with the plans ~~plan~~ and programs
26 ~~program~~ for the emergency management, nuclear and

1 radiation safety, and homeland security of this State, and
2 out of funds appropriated for these purposes, to procure
3 and preposition supplies, medicines, materials and
4 equipment, to institute training programs and public
5 information programs, and to take all other preparatory
6 steps including the partial or full mobilization of
7 emergency services and disaster agencies in advance of
8 actual disaster to insure the furnishing of adequately
9 trained and equipped forces for disaster response and
10 recovery.

11 (4) Out of funds appropriated for these purposes, to
12 make studies and surveys of the industries, resources, and
13 facilities in this State as may be necessary to ascertain
14 the capabilities of the State for emergency management
15 phases of mitigation, preparedness, response, and recovery
16 and to plan for the most efficient emergency use thereof.

17 (5) On behalf of this State, to negotiate for and
18 submit to the General Assembly for its approval or
19 rejection reciprocal mutual aid agreements or compacts
20 with other states, either on a statewide or political
21 subdivision basis. The agreements or compacts, shall be
22 limited to the furnishing or exchange of food, clothing,
23 medical or other supplies, engineering and police
24 services; emergency housing and feeding; National and
25 State Guards while under the control of the State; health,
26 medical, and related services; fire fighting, rescue,

1 transportation, communication, and construction services
2 and equipment, provided, however, that if the General
3 Assembly be not in session and the Governor has not
4 proclaimed the existence of a disaster under this Section,
5 then the agreements or compacts shall instead be submitted
6 to an Interim Committee on Emergency Management composed
7 of 5 Senators appointed by the President of the Senate and
8 of 5 Representatives appointed by the Speaker of the
9 House, during the month of June of each odd-numbered year
10 to serve for a 2-year ~~2-year~~ term, beginning July 1 of that
11 year, and until their successors are appointed and
12 qualified, or until termination of their legislative
13 service, whichever first occurs. Vacancies shall be filled
14 by appointment for the unexpired term in the same manner
15 as original appointments. All appointments shall be made
16 in writing and filed with the Secretary of State as a
17 public record. The Committee shall have the power to
18 approve or reject any agreements or compacts for and on
19 behalf of the General Assembly; and, provided further,
20 that an affirmative vote of 2/3 of the members of the
21 Committee shall be necessary for the approval of any
22 agreement or compact.

23 (Source: P.A. 92-73, eff. 1-1-02.)

24 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

25 Sec. 7. Emergency Powers of the Governor. In the event of a

1 disaster, as defined in Section 4, the Governor may, by
2 proclamation, declare that a disaster exists. Upon such
3 proclamation, the Governor shall have and may exercise for a
4 period not to exceed 30 days the following emergency powers;
5 provided, however, that the lapse of the emergency powers
6 shall not, as regards any act or acts occurring or committed
7 within the 30-day period, deprive any person, firm,
8 corporation, political subdivision, or body politic of any
9 right or rights to compensation or reimbursement which he,
10 she, it, or they may have under the provisions of this Act:

11 (1) To suspend the provisions of any regulatory
12 statute prescribing procedures for conduct of State
13 business, or the orders, rules and regulations of any
14 State agency, if strict compliance with the provisions of
15 any statute, order, rule, or regulation would in any way
16 prevent, hinder or delay necessary action, including
17 emergency purchases, by the ~~Illinois Emergency Management~~
18 Agency, in coping with the disaster.

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

22 (3) To transfer the direction, personnel or functions
23 of State departments and agencies or units thereof for the
24 purpose of performing or facilitating disaster response
25 and recovery programs.

26 (4) On behalf of this State to take possession of, and

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

16 a. The Governor, or the person or persons as the
17 Governor may authorize so to do, may forthwith take
18 possession of property for and on behalf of the State;
19 provided, however, that the Governor or persons shall
20 simultaneously with the taking, deliver to the owner
21 or his or her agent, if the identity of the owner or
22 agency is known or readily ascertainable, a signed
23 statement in writing, that shall include the name and
24 address of the owner, the date and place of the taking,
25 description of the property sufficient to identify it,
26 a statement of interest in the property that is being

1 so taken, and, if possible, a statement in writing,
2 signed by the owner, setting forth the sum that he or
3 she is willing to accept as just compensation for the
4 property or use. Whether or not the owner or agent is
5 known or readily ascertainable, a true copy of the
6 statement shall promptly be filed by the Governor or
7 the person with the Director, who shall keep the
8 docket of the statements. In cases where the sum that
9 the owner is willing to accept as just compensation is
10 less than \$1,000, copies of the statements shall also
11 be filed by the Director with, and shall be passed upon
12 by an Emergency Management Claims Commission,
13 consisting of 3 disinterested citizens who shall be
14 appointed by the Governor, by and with the advice and
15 consent of the Senate, within 20 days after the
16 Governor's declaration of a disaster, and if the sum
17 fixed by them as just compensation be less than \$1,000
18 and is accepted in writing by the owner, then the State
19 Treasurer out of funds appropriated for these
20 purposes, shall, upon certification thereof by the
21 Emergency Management Claims Commission, cause the sum
22 so certified forthwith to be paid to the owner. The
23 Emergency Management Claims Commission is hereby given
24 the power to issue appropriate subpoenas and to
25 administer oaths to witnesses and shall keep
26 appropriate minutes and other records of its actions

1 upon and the disposition made of all claims.

2 b. When the compensation to be paid for the taking
3 or use of property or interest therein is not or cannot
4 be determined and paid under item a of this paragraph
5 (4), a petition in the name of The People of the State
6 of Illinois shall be promptly filed by the Director,
7 which filing may be enforced by mandamus, in the
8 circuit court of the county where the property or any
9 part thereof was located when initially taken or used
10 under the provisions of this Act praying that the
11 amount of compensation to be paid to the person or
12 persons interested therein be fixed and determined.
13 The petition shall include a description of the
14 property that has been taken, shall state the physical
15 condition of the property when taken, shall name as
16 defendants all interested parties, shall set forth the
17 sum of money estimated to be just compensation for the
18 property or interest therein taken or used, and shall
19 be signed by the Director. The litigation shall be
20 handled by the Attorney General for and on behalf of
21 the State.

22 c. Just compensation for the taking or use of
23 property or interest therein shall be promptly
24 ascertained in proceedings and established by judgment
25 against the State, that shall include, as part of the
26 just compensation so awarded, interest at the rate of

1 6% per annum on the fair market value of the property
2 or interest therein from the date of the taking or use
3 to the date of the judgment; and the court may order
4 the payment of delinquent taxes and special
5 assessments out of the amount so awarded as just
6 compensation and may make any other orders with
7 respect to encumbrances, rents, insurance, and other
8 charges, if any, as shall be just and equitable.

9 (5) When required by the exigencies of the disaster,
10 to sell, lend, rent, give, or distribute all or any part of
11 property so or otherwise acquired to the inhabitants of
12 this State, or to political subdivisions of this State,
13 or, under the interstate mutual aid agreements or compacts
14 as are entered into under the provisions of subparagraph
15 (5) of paragraph (c) of Section 6 to other states, and to
16 account for and transmit to the State Treasurer all funds,
17 if any, received therefor.

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

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

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

26 (9) To suspend or limit the sale, dispensing, or

1 transportation of alcoholic beverages, firearms,
2 explosives, and combustibles.

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

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

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

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

1 Director to manage, coordinate, and direct all resources
2 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. 102-485, eff. 8-20-21.)

6 (20 ILCS 3305/8) (from Ch. 127, par. 1058)

7 Sec. 8. Mobile Support Teams.

8 (a) The Governor or Director may cause to be created
9 Mobile Support Teams to aid and to reinforce the ~~Illinois~~
10 ~~Emergency Management~~ Agency, and emergency services and
11 disaster agencies in areas stricken by disaster. Each mobile
12 support team shall have a leader, selected by the Director who
13 will be responsible, under the direction and control of the
14 Director, for the organization, administration, and training,
15 and operation of the mobile support team.

16 (b) Personnel of a mobile support team while on duty
17 pursuant to such a call or while engaged in regularly
18 scheduled training or exercises, whether within or without the
19 State, shall either:

20 (1) If they are paid employees of the State, have the
21 powers, duties, rights, privileges and immunities and
22 receive the compensation incidental to their employment.

23 (2) If they are paid employees of a political
24 subdivision or body politic of this State, and whether
25 serving within or without that political subdivision or

1 body politic, have the powers, duties, rights, privileges
2 and immunities, and receive the compensation incidental to
3 their employment.

4 (3) If they are not employees of the State, political
5 subdivision or body politic, or being such employees, are
6 not normally paid for their services, be entitled to at
7 least one dollar per year compensation from the State.

8 Personnel of a mobile support team who suffer disease,
9 injury or death arising out of or in the course of emergency
10 duty, shall for the purposes of benefits under the Workers'
11 Compensation Act or Workers' Occupational Diseases Act only,
12 be deemed to be employees of this State. If the person
13 diseased, injured or killed is an employee described in item
14 (3) above, the computation of benefits payable under either of
15 those Acts shall be based on income commensurate with
16 comparable State employees doing the same type of work or
17 income from the person's regular employment, whichever is
18 greater.

19 All personnel of mobile support teams shall, while on duty
20 under such call, be reimbursed by this State for all actual and
21 necessary travel and subsistence expenses.

22 (c) The State shall reimburse each political subdivision
23 or body politic from the Disaster Response and Recovery Fund
24 for the compensation paid and the actual and necessary travel,
25 subsistence and maintenance expenses of paid employees of the
26 political subdivision or body politic while serving, outside

1 of its geographic ~~geographical~~ boundaries pursuant to such a
2 call, as members of a mobile support team, and for all payments
3 made for death, disease or injury of those paid employees
4 arising out of and incurred in the course of that duty, and for
5 all losses of or damage to supplies and equipment of the
6 political subdivision or body politic resulting from the
7 operations.

8 (d) Whenever mobile support teams or units of another
9 state, while the Governor has the emergency powers provided
10 for under Section 7 of this Act, render aid to this State under
11 the orders of the Governor of its home state and upon the
12 request of the Governor of this State, all questions relating
13 to reimbursement by this State to the other state and its
14 citizens in regard to the assistance so rendered shall be
15 determined by the mutual aid agreements or interstate compacts
16 described in subparagraph (5) of paragraph (c) of Section 6 as
17 are existing at the time of the assistance rendered or are
18 entered into thereafter and under Section 303 (d) of the
19 Federal Civil Defense Act of 1950.

20 (e) No personnel of mobile support teams of this State may
21 be ordered by the Governor to operate in any other state unless
22 a request for the same has been made by the Governor or duly
23 authorized representative of the other state.

24 (Source: P.A. 98-465, eff. 8-16-13.)

25 (20 ILCS 3305/10) (from Ch. 127, par. 1060)

1 Sec. 10. Emergency Services and Disaster Agencies.

2 (a) Each political subdivision within this State shall be
3 within the jurisdiction of and served by the ~~Illinois~~
4 ~~Emergency Management~~ Agency and by an emergency services and
5 disaster agency responsible for emergency management programs.
6 A township, if the township is in a county having a population
7 of more than 2,000,000, must have approval of the county
8 coordinator before establishment of a township emergency
9 services and disaster agency.

10 (b) Unless multiple county emergency services and disaster
11 agency consolidation is authorized by the ~~Illinois Emergency~~
12 ~~Management~~ Agency with the consent of the respective counties,
13 each county shall maintain an emergency services and disaster
14 agency that has jurisdiction over and serves the entire
15 county, except as otherwise provided under this Act and except
16 that in any county with a population of over 3,000,000
17 containing a municipality with a population of over 500,000
18 the jurisdiction of the county agency shall not extend to the
19 municipality when the municipality has established its own
20 agency.

21 (c) Each municipality with a population of over 500,000
22 shall maintain an emergency services and disaster agency which
23 has jurisdiction over and serves the entire municipality. A
24 municipality with a population less than 500,000 may
25 establish, by ordinance, an agency or department responsible
26 for emergency management within the municipality's corporate

1 limits.

2 (d) The Governor shall determine which municipal
3 corporations, other than those specified in paragraph (c) of
4 this Section, need emergency services and disaster agencies of
5 their own and require that they be established and maintained.
6 The Governor shall make these determinations on the basis of
7 the municipality's disaster vulnerability and capability of
8 response related to population size and concentration. The
9 emergency services and disaster agency of a county or
10 township, shall not have a jurisdiction within a political
11 subdivision having its own emergency services and disaster
12 agency, but shall cooperate with the emergency services and
13 disaster agency of a city, village or incorporated town within
14 their borders. The ~~Illinois Emergency Management~~ Agency shall
15 publish and furnish a current list to the municipalities
16 required to have an emergency services and disaster agency
17 under this subsection.

18 (e) Each municipality that is not required to and does not
19 have an emergency services and disaster agency shall have a
20 liaison officer designated to facilitate the cooperation and
21 protection of that municipal corporation with the county
22 emergency services and disaster agency in which it is located
23 in the work of disaster mitigation, preparedness, response,
24 and recovery.

25 (f) The principal executive officer or his or her designee
26 of each political subdivision in the State shall annually

1 notify the ~~Illinois Emergency Management~~ Agency of the manner
2 in which the political subdivision is providing or securing
3 emergency management, identify the executive head of the
4 agency or the department from which the service is obtained,
5 or the liaison officer in accordance with subsection (e)
6 ~~paragraph (d) of this Section~~ and furnish additional
7 information relating thereto as the ~~Illinois Emergency~~
8 ~~Management~~ Agency requires.

9 (g) Each emergency services and disaster agency shall
10 prepare an emergency operations plan for its geographic
11 boundaries that complies with planning, review, and approval
12 standards promulgated by the ~~Illinois Emergency Management~~
13 ~~Agency~~. The ~~Illinois Emergency Management~~ Agency shall
14 determine which jurisdictions will be required to include
15 earthquake preparedness in their local emergency operations
16 plans.

17 (h) The emergency services and disaster agency shall
18 prepare and distribute to all appropriate officials in written
19 form a clear and complete statement of the emergency
20 responsibilities of all local departments and officials and of
21 the disaster chain of command.

22 (i) Each emergency services and disaster agency shall have
23 a Coordinator who shall be appointed by the principal
24 executive officer of the political subdivision in the same
25 manner as are the heads of regular governmental departments.
26 If the political subdivision is a county and the principal

1 executive officer appoints the sheriff as the Coordinator, the
2 sheriff may, ~~in addition to his or her regular compensation,~~
3 receive compensation ~~at the same level~~ as provided in Article
4 3 of the Counties Code Section 3 of "An Act in relation to the
5 ~~regulation of motor vehicle traffic and the promotion of~~
6 ~~safety on public highways in counties", approved August 9,~~
7 ~~1951, as amended.~~ The Coordinator shall have direct
8 responsibility for the organization, administration, training,
9 and operation of the emergency services and disaster agency,
10 subject to the direction and control of that principal
11 executive officer. Each emergency services and disaster agency
12 shall coordinate and may perform emergency management
13 functions within the territorial limits of the political
14 subdivision within which it is organized as are prescribed in
15 and by the State Emergency Operations Plan, and programs,
16 orders, rules and regulations as may be promulgated by the
17 ~~Illinois Emergency Management~~ Agency and by local ordinance
18 and, in addition, shall conduct such functions outside of
19 those territorial limits as may be required under mutual aid
20 agreements and compacts as are entered into under subparagraph
21 (5) of paragraph (c) of Section 6.

22 (j) In carrying out the provisions of this Act, each
23 political subdivision may enter into contracts and incur
24 obligations necessary to place it in a position effectively to
25 combat the disasters as are described in Section 4, to protect
26 the health and safety of persons, to protect property, and to

1 provide emergency assistance to victims of those disasters. If
2 a disaster occurs, each political subdivision may exercise the
3 powers vested under this Section in the light of the
4 exigencies of the disaster and, excepting mandatory
5 constitutional requirements, without regard to the procedures
6 and formalities normally prescribed by law pertaining to the
7 performance of public work, entering into contracts, the
8 incurring of obligations, the employment of temporary workers,
9 the rental of equipment, the purchase of supplies and
10 materials, and the appropriation, expenditure, and disposition
11 of public funds and property.

12 (k) Volunteers who, while engaged in a disaster, an
13 exercise, training related to the emergency operations plan of
14 the political subdivision, or a search-and-rescue team
15 response to an occurrence or threat of injury or loss of life
16 that is beyond local response capabilities, suffer disease,
17 injury or death, shall, for the purposes of benefits under the
18 Workers' Compensation Act or Workers' Occupational Diseases
19 Act only, be deemed to be employees of the State, if: (1) the
20 claimant is a duly qualified and enrolled (sworn in) as a
21 volunteer of the ~~Illinois Emergency Management~~ Agency or an
22 emergency services and disaster agency accredited by the
23 ~~Illinois Emergency Management~~ Agency, and (2) if: (i) the
24 claimant was participating in a disaster as defined in Section
25 4 of this Act, (ii) the exercise or training participated in
26 was specifically and expressly approved by the ~~Illinois~~

1 ~~Emergency Management~~ Agency prior to the exercise or training,
2 or (iii) the search-and-rescue team response was to an
3 occurrence or threat of injury or loss of life that was beyond
4 local response capabilities and was specifically and expressly
5 approved by the ~~Illinois Emergency Management~~ Agency prior to
6 the search-and-rescue team response. The computation of
7 benefits payable under either of those Acts shall be based on
8 the income commensurate with comparable State employees doing
9 the same type work or income from the person's regular
10 employment, whichever is greater.

11 Volunteers who are working under the direction of an
12 emergency services and disaster agency accredited by the
13 ~~Illinois Emergency Management~~ Agency, pursuant to a plan
14 approved by the ~~Illinois Emergency Management~~ Agency (i)
15 during a disaster declared by the Governor under Section 7 of
16 this Act, or (ii) in circumstances otherwise expressly
17 approved by the ~~Illinois Emergency Management~~ Agency, shall be
18 deemed exclusively employees of the State for purposes of
19 Section 8(d) of the Court of Claims Act, provided that the
20 ~~Illinois Emergency Management~~ Agency may, in coordination with
21 the emergency services and disaster agency, audit
22 implementation for compliance with the plan.

23 (1) If any person who is entitled to receive benefits
24 through the application of this Section receives, in
25 connection with the disease, injury or death giving rise to
26 such entitlement, benefits under an Act of Congress or federal

1 program, benefits payable under this Section shall be reduced
2 to the extent of the benefits received under that other Act or
3 program.

4 (m) (1) Prior to conducting an exercise, the principal
5 executive officer of a political subdivision or his or her
6 designee shall provide area media with written
7 notification of the exercise. The notification shall
8 indicate that information relating to the exercise shall
9 not be released to the public until the commencement of
10 the exercise. The notification shall also contain a
11 request that the notice be so posted to ensure that all
12 relevant media personnel are advised of the exercise
13 before it begins.

14 (2) During the conduct of an exercise, all messages,
15 two-way radio communications, briefings, status reports,
16 news releases, and other oral or written communications
17 shall begin and end with the following statement: "This is
18 an exercise message".

19 (Source: P.A. 94-733, eff. 4-27-06.)

20 (20 ILCS 3305/12) (from Ch. 127, par. 1062)

21 Sec. 12. Testing of Disaster Warning Devices. The testing
22 of disaster warning devices including outdoor warning sirens
23 shall be held only on the first Tuesday of each month at 10
24 o'clock in the morning or during exercises that are
25 specifically and expressly approved in advance by the ~~Illinois~~

1 ~~Emergency Management~~ Agency.

2 (Source: P.A. 92-73, eff. 1-1-02.)

3 (20 ILCS 3305/14) (from Ch. 127, par. 1064)

4 Sec. 14. Communications. The ~~Illinois Emergency Management~~
5 Agency shall ascertain what means exist for rapid and
6 efficient communications in times of disaster. The ~~Illinois~~
7 ~~Emergency Management~~ Agency shall consider the desirability of
8 supplementing these communications resources or of integrating
9 them into a comprehensive State or State-Federal
10 telecommunications or other communications system or network.
11 In studying the character and feasibility of any system or its
12 several parts, the ~~Illinois Emergency Management~~ Agency shall
13 evaluate the possibility of multipurpose use thereof for
14 general State and political subdivision purposes. The ~~Illinois~~
15 ~~Emergency Management~~ Agency may promulgate rules to establish
16 policies and procedures relating to telecommunications and the
17 continuation of rapid and efficient communications in times of
18 disaster to the extent authorized by any provision of this Act
19 or other laws and regulations. The ~~Illinois Emergency~~
20 ~~Management~~ Agency shall make recommendations to the Governor
21 as appropriate.

22 (Source: P.A. 86-755; 87-168.)

23 (20 ILCS 3305/18) (from Ch. 127, par. 1068)

24 Sec. 18. Orders, Rules and Regulations.

1 (a) The Governor shall file a copy of every rule,
2 regulation or order, and any amendment thereof made by the
3 Governor under the provisions of this Act in the office of the
4 Secretary of State. Upon ~~No rule, regulation or order, or any~~
5 ~~amendment thereof shall be effective until 10 days after the~~
6 ~~filing, provided, however, that upon~~ the declaration of a
7 disaster by the Governor as is described in Section 7 the
8 provision relating to the effective date of any rule,
9 regulation, order or amendment issued under this Act and
10 during the state of disaster is abrogated, and the rule,
11 regulation, order or amendment shall become effective
12 immediately upon being filed with the Secretary of State
13 accompanied by a certificate stating the reason as required by
14 the Illinois Administrative Procedure Act.

15 (b) Every emergency services and disaster agency
16 established pursuant to this Act and the coordinators thereof
17 shall execute and enforce the orders, rules and regulations as
18 may be made by the Governor under authority of this Act. Each
19 emergency services and disaster agency shall have available
20 for inspection at its office all orders, rules and regulations
21 made by the Governor, or under the Governor's authority. The
22 ~~Illinois Emergency Management Agency~~ shall publish ~~furnish~~ on
23 the Agency's ~~Department's~~ website the orders, rules and
24 regulations ~~to each such emergency services and disaster~~
25 ~~agency~~. Upon the written request of an emergency services or
26 disaster agency, copies thereof shall be mailed to the

1 emergency services or disaster agency.

2 (Source: P.A. 98-44, eff. 6-28-13.)

3 (20 ILCS 3305/20) (from Ch. 127, par. 1070)

4 Sec. 20. Oath ~~Emergency Management Agency; personnel;~~
5 ~~oath.~~

6 Each person, whether compensated or noncompensated, who is
7 appointed to serve in any capacity in the Illinois Emergency
8 Management Agency and Office of Homeland Security or an
9 emergency services and disaster agency, shall, before entering
10 upon his or her duties, take an oath, in writing, before the
11 Director or before the coordinator of that emergency services
12 and disaster agency or before other persons authorized to
13 administer oaths in this State, which oath shall be filed with
14 the Director or with the coordinator of the emergency services
15 and disaster agency with which he or she shall serve and which
16 oath shall be substantially as follows:

17 "I, _____, do solemnly swear (or affirm) that I
18 will support and defend and bear true faith and allegiance to
19 the Constitution of the United States and the Constitution of
20 the State of Illinois, and the territory, institutions and
21 facilities thereof, both public and private, against all
22 enemies, foreign and domestic; that I take this obligation
23 freely, without any mental reservation or purpose of evasion;
24 and that I will well and faithfully discharge the duties upon
25 which I am about to enter. And I do further swear (or affirm)

1 that I do not advocate, nor am I, nor have I been a member of
2 any political party or organization that advocates the
3 overthrow of the government of the United States or of this
4 State by force or violence; and that during such time as I am
5 affiliated with the (name of political subdivision), I will
6 not advocate nor become a member of any political party or
7 organization that advocates the overthrow of the government of
8 the United States or of this State by force or violence."

9 (Source: P.A. 92-73, eff. 1-1-02.)

10 (20 ILCS 3305/23)

11 (Section scheduled to be repealed on January 1, 2032)

12 Sec. 23. Access and Functional Needs Advisory Committee.

13 (a) In this Section, "Advisory Committee" means the Access
14 and Functional Needs Advisory Committee.

15 (b) The Access and Functional Needs Advisory Committee is
16 created.

17 (c) The Advisory Committee shall:

18 (1) Coordinate meetings occurring, at a minimum, 3
19 times each year, in addition to emergency meetings called
20 by the chairperson of the Advisory Committee.

21 (2) Research and provide recommendations for
22 identifying and effectively responding to the needs of
23 persons with access and functional needs before, during,
24 and after a disaster using an intersectional lens for
25 equity.

1 (3) Provide recommendations to the ~~Illinois Emergency~~
2 ~~Management~~ Agency regarding how to ensure that persons
3 with a disability are included in disaster strategies and
4 emergency management plans, including updates and
5 implementation of disaster strategies and emergency
6 management plans.

7 (4) Review and provide recommendations for the
8 ~~Illinois Emergency Management~~ Agency, and all relevant
9 State agencies that are involved in drafting and
10 implementing the Illinois Emergency Operation Plan, to
11 integrate access and functional needs into State and local
12 emergency plans.

13 (d) The Advisory Committee shall be composed of the
14 Director of the ~~Illinois Emergency Management~~ Agency or his or
15 her designee, the Attorney General or his or her designee, the
16 Secretary of Human Services or his or her designee, the
17 Director of Aging or his or her designee, and the Director of
18 Public Health or his or her designee, together with the
19 following members appointed by the Governor on or before
20 January 1, 2022:

21 (1) Two members, either from a municipal or
22 county-level emergency agency or a local emergency
23 management coordinator.

24 (2) Nine members from the community of persons with a
25 disability who represent persons with different types of
26 disabilities, including, but not limited to, individuals

1 with mobility and physical disabilities, hearing and
2 visual disabilities, deafness or who are hard of hearing,
3 blindness or who have low vision, mental health
4 disabilities, and intellectual or developmental
5 disabilities. Members appointed under this paragraph shall
6 reflect a diversity of age, gender, race, and ethnic
7 background.

8 (3) Four members who represent first responders from
9 different geographic ~~geographical~~ regions around the
10 State.

11 (e) Of those members appointed by the Governor, the
12 initial appointments of 6 members shall be for terms of 2 years
13 and the initial appointments of 5 members shall be for terms of
14 4 years. Thereafter, members shall be appointed for terms of 4
15 years. A member shall serve until his or her successor is
16 appointed and qualified. If a vacancy occurs in the Advisory
17 Committee membership, the vacancy shall be filled in the same
18 manner as the original appointment for the remainder of the
19 unexpired term.

20 (f) After all the members are appointed, and annually
21 thereafter, they shall elect a chairperson from among the
22 members appointed under paragraph (2) of subsection (d).

23 (g) The initial meeting of the Advisory Committee shall be
24 convened by the Director of the ~~Illinois Emergency Management~~
25 Agency no later than February 1, 2022.

26 (h) Advisory Committee members shall serve without

1 compensation.

2 (i) The ~~Illinois Emergency Management~~ Agency shall provide
3 administrative support to the Advisory Committee.

4 (j) The Advisory Committee shall prepare and deliver a
5 report to the General Assembly, the Governor's Office, and the
6 ~~Illinois Emergency Management~~ Agency by July 1, 2022, and
7 annually thereafter. The report shall include the following:

8 (1) Identification of core emergency management
9 services that need to be updated or changed to ensure the
10 needs of persons with a disability are met, and shall
11 include disaster strategies in State and local emergency
12 plans.

13 (2) Any proposed changes in State policies, laws,
14 rules, or regulations necessary to fulfill the purposes of
15 this Act.

16 (3) Recommendations on improving the accessibility and
17 effectiveness of disaster and emergency communication.

18 (4) Recommendations on comprehensive training for
19 first responders and other frontline workers when working
20 with persons with a disability during emergency situations
21 or disasters, as defined in Section 4 ~~of the Illinois~~
22 ~~Emergency Management Agency Act.~~

23 (5) Any additional recommendations regarding emergency
24 management and persons with a disability that the Advisory
25 Committee deems necessary.

26 (k) The annual report prepared and delivered under

1 subsection (j) shall be annually considered by the ~~Illinois~~
2 ~~Emergency Management~~ Agency when developing new State and
3 local emergency plans or updating existing State and local
4 emergency plans.

5 (l) The Advisory Committee is dissolved and this Section
6 is repealed on January 1, 2032.

7 (Source: P.A. 102-361, eff. 8-13-21; 102-671, eff. 11-30-21;
8 103-154, eff. 6-30-23.)

9 (20 ILCS 3305/24 new)

10 Sec. 24. Illinois Homeland Security Advisory Council
11 (IL-HSAC).

12 (a) The Illinois Homeland Security Advisory Council
13 (IL-HSAC) is hereby created.

14 (b) The IL-HSAC shall report directly to the Homeland
15 Security Advisor, who shall serve as the Chairperson.

16 (c) The Deputy Homeland Security Advisor shall serve as
17 Vice-Chair.

18 (d) The Homeland Security Advisor may appoint a Chair Pro
19 Tempore to oversee the daily operations and administrative
20 responsibilities of the IL-HSAC.

21 (e) The Homeland Security Advisor shall, with approval of
22 the Governor, modify the structure of the IL-HSAC as
23 appropriate and consistent with this Section.

24 (f) The IL-HSAC shall submit an annual report to the
25 Governor by March 1 of each year. The report shall detail the

1 activities, accomplishments, and recommendations of the
2 IL-HSAC in the preceding year.

3 (g) The Agency shall provide administrative support for
4 the IL-HSAC.

5 (h) Entities may be appointed to IL-HSAC with nomination
6 by the Homeland Security Advisor and approval by the Governor.

7 (i) The IL-HSAC shall have the following powers and
8 duties:

9 (1) The IL-HSAC shall serve as the State Advisory
10 Committee with respect to funds received through the
11 federal Homeland Security Grant Program. In that capacity,
12 the IL-HSAC shall provide recommendations to the Homeland
13 Security Advisor on issues related to the application for
14 and use of all appropriate federal funding that relates to
15 preventing, protecting against, mitigating, responding to
16 and recovering from acts of terrorism and other threats.

17 (2) The IL-HSAC shall provide recommendations to the
18 Homeland Security Advisor on the following:

19 (A) appropriate training of local, regional, and
20 state officials to respond to terrorist incidents
21 involving conventional, chemical, biological and
22 nuclear weapons;

23 (B) applications for and use of all appropriate
24 State and other funds as may be appropriate and
25 available relating to homeland security;

26 (C) public safety preparedness and mutual aid to

1 include strategies and tactics to coordinate
2 multi-agency response to significant events, such as
3 acts of terrorism or natural disasters, where
4 coordination of local, State, and private resources is
5 necessary;

6 (D) coordination of public safety resources and
7 combating terrorism in Illinois; and

8 (E) any changes needed in State statutes,
9 administrative rules, or in the Illinois Emergency
10 Operations Plan.

11 (20 ILCS 3305/25 new)

12 Sec. 25. Statewide Interoperability Coordinator.

13 (a) The Statewide Interoperability Coordinator is hereby
14 created as a position within the Agency's Office of Homeland
15 Security.

16 (b) The duties and responsibilities of the SWIC shall be
17 as follows:

18 (1) The Statewide Interoperability Coordinator shall
19 serve as the central coordination point for the State's
20 communications interoperability and shall assist with
21 mediation between State and local agencies to achieve an
22 interoperable communications system.

23 (2) The Statewide Interoperability Coordinator shall
24 develop and disseminate best practices for public safety
25 communications interoperability.

1 (3) The Statewide Interoperability Coordinator shall
2 advise the Homeland Security Advisor and Deputy Director
3 of the Agency's Office of Homeland Security on public
4 safety communications interoperability.

5 (4) The Statewide Interoperability Coordinator shall
6 serve as a member of the Statewide Interoperability
7 Executive Committee or its successor entity and may act on
8 behalf of the Statewide Interoperability Executive
9 Committee.

10 (5) The Statewide Interoperability Coordinator shall
11 recommend regulatory changes relating to public safety
12 communications and interoperability activities in
13 partnership with 9-1-1 administrator, operators of
14 statewide radio systems, emergency management
15 coordinators, and the State Administrative Agency.

16 (6) The Statewide Interoperability Coordinator shall
17 identify funding opportunities for planned
18 interoperability improvements and coordinate efforts to
19 provide funding.

20 (7) The Statewide Interoperability Coordinator shall
21 advise on the issuance of grants related to public safety
22 and for interoperability communication.

23 (8) The Statewide Interoperability Coordinator shall
24 engage stakeholders to coordinate the Statewide
25 Communications Interoperability Plan.

26 (9) The Statewide Interoperability Coordinator shall

1 represent the State in national, regional, and local
2 efforts to plan and implement changes needed to achieve
3 interoperability and continuity of communications for
4 emergency responders.

5 (10) The Statewide Interoperability Coordinator shall
6 develop and implement the strategic program for all public
7 safety communications and interoperability activities in
8 partnership with 9-1-1 administrators, operators of
9 statewide radio systems, emergency management
10 coordinators, and the State Administrative Agency.