



Rep. Randy Ramey, Jr.

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LRB097 07487 KMW 54157 a

1 AMENDMENT TO HOUSE BILL 2386

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2386 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, 13, and 15 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 matters concerning public safety,  
9 including but not limited to any harm or potential harm to  
10 property or persons.

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

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

22 "Emergency Operations Plan" means the written plan of the  
23 State and political subdivisions describing the organization,  
24 mission, and functions of the government and supporting  
25 services for responding to and recovering from disasters and  
26 shall include plans that take into account the needs of those

1 individuals with household pets and service animals following a  
2 major disaster or emergency.

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

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

24 "HazMat team" means a career or volunteer mobile support  
25 team that has been authorized by a unit of local government to  
26 respond to hazardous materials emergencies and that is

1 primarily designed for emergency response to chemical or  
2 biological terrorism, radiological emergencies, hazardous  
3 material spills, releases, or fires, or other contamination  
4 events.

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

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

20 "Municipality" means any city, village, and incorporated  
21 town.

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

25 "Principal Executive Officer" means chair of the county  
26 board, supervisor of a township if the township is in a county

1 having a population of more than 2,000,000, mayor of a city or  
2 incorporated town, president of a village, or in their absence  
3 or disability, the interim successor as established under  
4 Section 7 of the Emergency Interim Executive Succession Act.

5 "Public agencies" means any unit of local government as  
6 defined by Section 1 of Article VII of the Illinois  
7 Constitution, any school district, any public community  
8 college district, any public building commission, the State of  
9 Illinois, any agency of the State, the United States, or any  
10 other state, any political subdivision of another state, or any  
11 combination of the above pursuant to an intergovernmental  
12 agreement that includes provisions for a governing body of the  
13 agency created by the agreement.

14 "Public health emergency" means an occurrence or imminent  
15 threat of an illness or health condition that:

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

17 (i) bioterrorism;

18 (ii) the appearance of a novel or previously  
19 controlled or eradicated infectious agent or  
20 biological toxin;

21 (iii) a natural disaster;

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

23 (v) a nuclear attack or accident; and

24 (b) poses a high probability of any of the following  
25 harms:

26 (i) a large number of deaths in the affected

1 population;

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

4 (iii) widespread exposure to an infectious or  
5 toxic agent that poses a significant risk of  
6 substantial future harm to a large number of people in  
7 the affected population.

8 "Technical rescue team" means a career or volunteer mobile  
9 support team that has been authorized by a unit of local  
10 government to respond to building collapse, high angle rescue,  
11 and other specialized rescue emergencies and that is primarily  
12 designated for emergency response to technical rescue events.  
13 (Source: P.A. 93-249, eff. 7-22-03; 94-334, eff. 1-1-06;  
14 94-1081, eff. 6-1-07.)

15 (20 ILCS 3305/13) (from Ch. 127, par. 1063)

16 Sec. 13. Mutual aid arrangements between political  
17 subdivisions and taxing districts.

18 (a) The coordinator of each emergency services and disaster  
19 agency may, in collaboration with other public agencies within  
20 his or her immediate vicinity, develop or cause to be developed  
21 mutual aid arrangements with other political subdivisions of  
22 taxing districts or public agencies within this State for  
23 reciprocal disaster response and recovery assistance ~~in case a~~  
24 ~~disaster is too great to be dealt with unassisted.~~ The mutual  
25 aid shall not, however, be effective unless and until approved

1 by each of the political subdivisions. The arrangements shall  
2 be consistent with the State Emergency Operations Plan and  
3 State emergency management program, and in the event of a  
4 disaster as described in Section 4 of this Act, it shall be the  
5 duty of each emergency services and disaster agency to render  
6 assistance in accordance with the provisions of the mutual aid  
7 arrangements.

8 (b) The coordinator of an emergency services and disaster  
9 agency may, subject to the approval of the Director, assist in  
10 the negotiation of mutual aid agreements between this and other  
11 states.

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

13 (20 ILCS 3305/15) (from Ch. 127, par. 1065)

14 Sec. 15. Immunity. Neither the State, any political  
15 subdivision of the State, any public agency of the State, nor,  
16 except in cases of gross negligence or willful misconduct, the  
17 Governor, the Director, the Principal Executive Officer of a  
18 political subdivision, or the agents, employees, or  
19 representatives of any of them, engaged in any emergency  
20 management response or recovery activities, while complying  
21 with or attempting to comply with this Act, including but not  
22 limited to acting under a mutual aid agreement pursuant to  
23 Section 13 of this Act or another intergovernmental agreement  
24 pursuant to the Intergovernmental Cooperation Act or Section 10  
25 of Article VII of the Illinois Constitution, or any rule or

1 regulations promulgated pursuant to this Act is liable for the  
2 death of or any injury to persons, or damage to property, as a  
3 result of such activity. This Section does not, however, apply  
4 to political subdivisions and principal executive officers  
5 required to maintain emergency services and disaster agencies  
6 that are not in compliance with Section 10 of this Act,  
7 notwithstanding provisions of any other laws. This Section does  
8 not, however, affect the right of any person to receive  
9 benefits to which he or she would otherwise be entitled under  
10 this Act under the Workers' Compensation Act or the Workers'  
11 Occupational Diseases Act, or under any pension law, and this  
12 Section does not affect the right of any such person to receive  
13 any benefits or compensation under any Act of Congress.

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

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