

1 AN ACT concerning the Illinois Emergency Management
2 Agency.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Illinois Emergency Management Agency Act
6 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10, 11,
7 12, 13, 15, 18, 20, and 21 as follows:

8 (20 ILCS 3305/3) (from Ch. 127, par. 1053)

9 Sec. 3. Limitations. Nothing in this Act shall be
10 construed to:

11 (a) Interfere with the course or conduct of a labor
12 dispute, except that actions otherwise authorized by this Act
13 or other laws may be taken when necessary to mitigate
14 imminent or existing danger to public health or safety;

15 (b) Interfere with dissemination of news or comment of
16 public affairs; but any communications facility or
17 organization (including but not limited to radio and
18 television stations, wire services, and newspapers) may be
19 requested to transmit or print public service messages
20 furnishing information or instructions in connection with a
21 disaster;

22 (c) Affect the jurisdiction or responsibilities of
23 police forces, fire fighting forces, units of the armed
24 forces of the United States, or of any personnel thereof,
25 when on active duty; but State and political subdivision
26 emergency operations plans shall place reliance upon the
27 forces available for performance of functions related to
28 emergency management;

29 (d) Limit, modify, or abridge the authority of the
30 Governor to proclaim martial law or exercise any other powers
31 vested in the Governor ~~him~~ under the constitution, statutes,

1 or common law of this State, independent of or in conjunction
2 with any provisions of this Act; limit any home rule unit; or
3 prohibit any contract or association pursuant to Article VII,
4 Section 10 of the Illinois Constitution.

5 (Source: P.A. 85-1027.)

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
17 limited to fire, flood, earthquake, wind, storm, hazardous
18 materials spill or other water contamination requiring
19 emergency action to avert danger or damage, epidemic, air
20 contamination, blight, extended periods of severe and
21 inclement weather, drought, infestation, critical shortages
22 of essential fuels and energy, explosion, riot, or hostile
23 military or paramilitary action, or acts of domestic
24 terrorism.

25 "~~Disaster--Training--Exercise~~"--means--a--planned---event
26 designed--specifically--to--simulate--an-actual-disaster-that
27 will-provide--emergency--operations--training--for--emergency
28 response--personnel.---Actual--response-by-emergency-services
29 and-disaster-agency-volunteers-to-local-emergency--situations
30 not--qualifying--as-disasters,--as-defined-in-this-Section,--is
31 considered-a-disaster-training-exercise.---Provided,--however,
32 that---performance--of--the--usual--and--customary--emergency
33 functions-of-a-political-subdivision-(e.g.,-police,-fire--or

1 emergency--medical--services)--is--not--included--within--this
2 definition-of-a-disaster-training-exercise.

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

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

14 "Emergency Operations Plan" means the written plan of the
15 State and political subdivisions describing the organization,
16 mission, and functions of the government and supporting
17 services for responding to and recovering from disasters.

18 "Emergency Services" means the coordination of functions
19 by the State and its political subdivision, other than
20 functions for which military forces are primarily
21 responsible, as may be necessary or proper to prevent,
22 minimize, repair, and alleviate injury and damage resulting
23 from any natural or technological causes. These functions
24 include, without limitation, fire fighting services, police
25 services, emergency aviation services, medical and health
26 services, rescue, engineering, warning services,
27 communications, radiological, chemical and other special
28 weapons defense, evacuation of persons from stricken or
29 threatened areas, emergency assigned functions of plant
30 protection, temporary restoration of public utility services
31 and other functions related to civilian protection, together
32 with all other activities necessary or incidental to
33 protecting life or property.

34 "Exercise" means a planned event realistically simulating

1 a disaster, conducted for the purpose of evaluating the
2 political subdivision's coordinated emergency management
3 capabilities, including, but not limited to, testing the
4 emergency operations plan.

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
16 prior to and to be dispatched, if the Governor or the
17 Director so determines, to aid and reinforce the State and
18 political subdivision emergency management efforts the
19 ~~utilization-of-personnel-to-be-dispatched--by--the--Governor,~~
20 ~~er,--if--he--so--authorizes-the-Director,--by-the-Director,--to~~
21 ~~supplement--the--State--and---political---subdivisions---for~~
22 ~~emergency-management-programs~~ in response to a disaster.

23 "Municipality" means any city, village, and incorporated
24 town.

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

28 "Principal Executive Officer" means chair chairman of
29 the county board, supervisor of a township if the township is
30 in a county having a population of more than 2,000,000, mayor
31 of a city or incorporated town, president of a village, or in
32 their absence or disability, the interim successor as
33 established under Section 7 of the Emergency Interim
34 Executive Succession Act.

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

2 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

3 Sec. 5. Illinois Emergency Management Agency.

4 (a) There is created within the executive branch of the
5 State Government an Illinois Emergency Management Agency and
6 a Director of the Illinois Emergency Management Agency,
7 herein called the "Director" who shall be the head thereof.
8 The Director shall be appointed by the Governor, with the
9 advice and consent of the Senate, and shall serve for a term
10 of 2 years beginning on the third Monday in January of the
11 odd-numbered year, and until a his successor is appointed and
12 has qualified; except that the term of the first Director
13 appointed under this Act shall expire on the third Monday in
14 January, 1989. The Director shall not hold any other
15 remunerative public office. The Director shall receive an
16 annual salary as set by the Governor from time to time or the
17 amount set by the Compensation Review Board, whichever is
18 higher. If set by the Governor, the Director's annual salary
19 may not exceed 85% of the Governor's annual salary.

20 (b) The Illinois Emergency Management Agency shall
21 obtain, under the provisions of the Personnel Code,
22 technical, clerical, stenographic and other administrative
23 personnel, and may make expenditures within the appropriation
24 therefor as may be necessary to carry out the purpose of this
25 Act. The agency created by this Act is intended to be a
26 successor to the agency created under the Illinois Emergency
27 Services and Disaster Agency Act of 1975 and the personnel,
28 equipment, records, and appropriations of that agency are
29 transferred to the successor agency as of the effective date
30 of this Act.

31 (c) The Director, subject to the direction and control
32 of the Governor, shall be the executive head of the Illinois
33 Emergency Management Agency and the State Emergency Response

1 Commission and shall be responsible under the direction of
 2 the Governor, for carrying out the program for emergency
 3 management of this State. The Director He shall also
 4 maintain liaison and cooperate with the emergency management
 5 organizations of this State and other states and of the
 6 federal government.

7 (d) The Illinois Emergency Management Agency shall take
 8 an integral part in the development and revision of political
 9 subdivision emergency operations plans prepared under
 10 paragraph (f) of Section 10. To this end it shall employ or
 11 otherwise secure the services of professional and technical
 12 personnel capable of providing expert assistance to the
 13 emergency services and disaster agencies. These personnel
 14 shall consult with emergency services and disaster agencies
 15 on a regular basis and shall make field examinations of the
 16 areas, circumstances, and conditions that particular
 17 political subdivision emergency operations plans are intended
 18 to apply, ~~and may recommend revisions under State rules.~~

19 (e) The Illinois Emergency Management Agency and
 20 political subdivisions shall be encouraged to form an
 21 emergency management advisory committee composed of private
 22 and public personnel representing the emergency management
 23 phases of mitigation, preparedness, response, and recovery.
 24 The Local Emergency Planning Committee, as created under the
 25 Illinois Emergency Planning and Community Right to Know Act,
 26 shall serve as an advisory committee to the emergency
 27 services and disaster agency or agencies serving within the
 28 boundaries of that Local Emergency Planning Committee
 29 planning district for:

- 30 (1) the development of emergency operations plan
- 31 provisions for hazardous chemical emergencies; and
- 32 (2) the assessment of emergency response
- 33 capabilities related to hazardous chemical emergencies.

34 (f) 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) Cooperate with the Department of Nuclear
9 Safety in development of the comprehensive emergency
10 preparedness and response plan for any nuclear accident
11 in accordance with Section 2005-65 of the Department of
12 Nuclear Safety Law of the Civil Administrative Code of
13 Illinois and in development of the Illinois Nuclear
14 Safety Preparedness program in accordance with Section 8
15 of the Illinois Nuclear Safety Preparedness Act.

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

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

24 (5) Review and approve, in accordance with Illinois
25 Emergency Management Agency rules, political--subdivision
26 emergency operations plans for those political
27 subdivisions required to have an emergency services and
28 disaster agency pursuant to this Act and--recommend
29 revisions under State rules.

30 (5.5) Promulgate rules and requirements for the
31 political subdivision emergency management exercises,
32 including, but not limited to, exercises of the emergency
33 operations plans.

34 (5.10) Review, evaluate, and approve, in accordance

1 with Illinois Emergency Management Agency rules,
2 political subdivision emergency management exercises for
3 those political subdivisions required to have an
4 emergency services and disaster agency pursuant to this
5 Act.

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

9 (7) Establish a register of persons with types of
10 emergency management training and skills in mitigation,
11 preparedness, response, and recovery.

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

14 (9) Expand the Earthquake Awareness Program and its
15 efforts to distribute earthquake preparedness materials
16 to schools, political subdivisions, community groups,
17 civic organizations, and the media. Emphasis will be
18 placed on those areas of the State most at risk from an
19 earthquake. Maintain the list of all school districts,
20 hospitals, airports, power plants, including nuclear
21 power plants, lakes, dams, emergency response facilities
22 of all types, and all other major public or private
23 structures which are at the greatest risk of damage from
24 earthquakes under circumstances where the damage would
25 cause subsequent harm to the surrounding communities and
26 residents.

27 (10) Disseminate all information, completely and
28 without delay, on water levels for rivers and streams and
29 any other data pertaining to potential flooding supplied
30 by the Division of Water Resources within the Department
31 of Natural Resources to all political subdivisions to the
32 maximum extent possible.

33 (11) Develop agreements, if feasible, with medical
34 supply and equipment firms to supply resources as are

1 necessary to respond to an earthquake or any other
 2 disaster as defined in this Act. These resources will be
 3 made available upon notifying the vendor of the disaster.
 4 Payment for the resources will be in accordance with
 5 Section 7 of this Act. The Illinois Department of Public
 6 Health shall determine which resources will be required
 7 and requested.

8 (12) Do all other things necessary, incidental or
 9 appropriate for the implementation of this Act.

10 (Source: P.A. 91-25, eff. 6-9-99.)

11 (20 ILCS 3305/6) (from Ch. 127, par. 1056)

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

13 (a) The Governor shall have general direction and
 14 control of the Illinois Emergency Management Agency and shall
 15 be responsible for the carrying out of the provisions of this
 16 Act.

17 (b) In performing his duties under this Act, the
 18 Governor is authorized to cooperate with the federal
 19 government and with other states in all matters pertaining to
 20 emergency management.

21 (c) In performing his duties under this Act, the
 22 Governor is further authorized:

23 (1) To make, amend, and rescind all lawful
 24 necessary orders, rules, and regulations to carry out the
 25 provisions of this Act within the limits of the authority
 26 conferred upon the Governor him.

27 (2) To cause to be prepared a comprehensive plan
 28 and program for the emergency management of this State,
 29 which plan and program shall be integrated into and
 30 coordinated with emergency management plans and programs
 31 of the federal government and of other states whenever
 32 possible and which plan and program may include:

33 a. Mitigation of injury and damage caused by

- 1 disaster.
 - 2 b. Prompt and effective response to disaster.
 - 3 c. Emergency relief.
 - 4 d. Identification of areas particularly
 - 5 vulnerable to disasters.
 - 6 e. Recommendations for zoning, building, and
 - 7 other land-use controls, safety measures for
 - 8 securing permanent structures and other mitigation
 - 9 measures designed to eliminate or reduce disasters
 - 10 or their impact.
 - 11 f. Assistance to political subdivisions in
 - 12 designing emergency operations plans.
 - 13 g. Authorization and procedures for the
 - 14 erection or other construction of temporary works
 - 15 designed to mitigate danger, damage or loss from
 - 16 flood, or other disaster.
 - 17 h. Preparation and distribution to the
 - 18 appropriate State and political subdivision
 - 19 officials of a State catalog of federal, State, and
 - 20 private assistance programs.
 - 21 i. Organization of State personnel and chains
 - 22 of command.
 - 23 j. Coordination of federal, State, and
 - 24 political subdivision emergency management
 - 25 activities.
 - 26 k. Other necessary matters.
- 27 (3) In accordance with the plan and program for the
- 28 emergency management of this State, and out of funds
- 29 appropriated for these purposes, to procure and
- 30 preposition supplies, medicines, materials and equipment,
- 31 to institute training programs and public information
- 32 programs, and to take all other preparatory steps
- 33 including the partial or full mobilization of emergency
- 34 services and disaster agencies in advance of actual

1 disaster to insure the furnishing of adequately trained
2 and equipped forces for disaster response and recovery.

3 (4) Out of funds appropriated for these purposes,
4 to make studies and surveys of the industries, resources,
5 and facilities in this State as may be necessary to
6 ascertain the capabilities of the State for emergency
7 management phases of mitigation, preparedness, response,
8 and recovery and to plan for the most efficient emergency
9 use thereof.

10 (5) On behalf of this State, to negotiate for and
11 submit to the General Assembly for its approval or
12 rejection reciprocal mutual aid agreements or compacts
13 with other states, either on a statewide or political
14 subdivision basis. The agreements or compacts, shall be
15 limited to the furnishing or exchange of food, clothing,
16 medical or other supplies, engineering and police
17 services; emergency housing and feeding; National and
18 State Guards while under the control of the State;
19 health, medical, and related services; fire fighting,
20 rescue, transportation, communication, and construction
21 services and equipment, provided, however, that if the
22 General Assembly be not in session and the Governor has
23 not proclaimed the existence of a disaster under this
24 Section, then the agreements or compacts shall instead be
25 submitted to an Interim Committee on Emergency Management
26 composed of 5 Senators appointed by the President of the
27 Senate and of 5 Representatives appointed by the Speaker
28 of the House, during the month of June of each
29 odd-numbered ~~odd--numbered~~ year to serve for a 2 year
30 term, beginning July 1 of that year, and until their
31 successors are appointed and qualified, or until
32 termination of their legislative service, whichever first
33 occurs. Vacancies shall be filled by appointment for the
34 unexpired term in the same manner as original

1 appointments. All appointments shall be made in writing
2 and filed with the Secretary of State as a public
3 record. The Committee shall have the power to approve
4 or reject any agreements or compacts for and on behalf of
5 the General Assembly; and, provided further, that an
6 affirmative vote of 2/3 of the members of the Committee
7 shall be necessary for the approval of any agreement or
8 compact.

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

10 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

11 Sec. 7. Emergency Powers of the Governor.

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

23 (1) To suspend the provisions of any regulatory
24 statute prescribing procedures for conduct of State
25 business, or the orders, rules and regulations of any
26 State agency, if strict compliance with the provisions of
27 any statute, order, rule, or regulation would in any way
28 prevent, hinder or delay necessary action, including
29 emergency purchases, by the Illinois Emergency Management
30 Agency, in coping with the disaster.

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

1 (3) To transfer the direction, personnel or
2 functions of State departments and agencies or units
3 thereof for the purpose of performing or facilitating
4 disaster response and recovery programs.

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

22 a. The Governor, or the person or persons as
23 the Governor may authorize so to do, may forthwith
24 take possession of property for and on behalf of the
25 State; provided, however, that the Governor or
26 persons shall simultaneously with the taking,
27 deliver to the owner or his or her agent, if the
28 identity of the owner or agency is known or readily
29 ascertainable, a signed statement in writing, that
30 shall include the name and address of the owner, the
31 date and place of the taking, description of the
32 property sufficient to identify it, a statement of
33 interest in the property that is being so taken,
34 and, if possible, a statement in writing, signed by

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

28 b. When the compensation to be paid for the
29 taking or use of property or interest therein is not
30 or cannot be determined and paid under item (a)
31 above, a petition in the name of The People of the
32 State of Illinois shall be promptly filed by the
33 Director, which filing may be enforced by mandamus,
34 in the circuit court of the county where the

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

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

28 (5) When required by the exigencies of the
29 disaster, to sell, lend, rent, give, or distribute all or
30 any part of property so or otherwise acquired to the
31 inhabitants of this State, or to political subdivisions
32 of this State, or, under the interstate mutual aid
33 agreements or compacts as are entered into under the
34 provisions of subparagraph (5) of paragraph (c) of

1 Section 6 to other states, and to account for and
2 transmit to the State Treasurer all funds, if any,
3 received therefor.

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

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

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

13 (9) To suspend or limit the sale, dispensing, or
14 transportation of alcoholic beverages, firearms,
15 explosives, and combustibles.

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

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

28 (12) Control, restrict, and regulate by rationing,
29 freezing, use of quotas, prohibitions on shipments, price
30 fixing, allocation or other means, the use, sale or
31 distribution of food, feed, fuel, clothing and other
32 commodities, materials, goods, or services; and perform
33 and exercise any other functions, powers, and duties as
34 may be necessary to promote and secure the safety and

1 protection of the civilian population.

2 (13) During the continuance of any disaster the
3 Governor is commander-in-chief of the organized and
4 unorganized militia and of all other forces available for
5 emergency duty. To the greatest extent practicable, the
6 Governor shall delegate or assign command authority to do
7 so by orders issued at the time of the disaster.

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

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

11 (20 ILCS 3305/8) (from Ch. 127, par. 1058)

12 Sec. 8. Mobile Support Teams.

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

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

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

28 (2) If they are paid employees of a political
29 subdivision or body politic of this State, and whether
30 serving within or without that political subdivision or
31 body politic, have the powers, duties, rights, privileges
32 and immunities, and receive the compensation incidental
33 to their employment.

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

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

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

20 (c) The State shall reimburse each political subdivision
21 or body politic from the Disaster Relief Fund for the
22 compensation paid and the actual and necessary travel,
23 subsistence and maintenance expenses of paid employees of the
24 political subdivision or body politic while serving, outside
25 of its geographical boundaries pursuant to such a call, as
26 members of a mobile support team, and for all payments made
27 for death, disease or injury of those paid employees arising
28 out of and incurred in the course of that duty, and for all
29 losses of or damage to supplies and equipment of the
30 political subdivision or body politic resulting from the
31 operations.

32 (d) Whenever mobile support teams or units of another
33 state, while the Governor has the emergency powers provided
34 for under Section 7 of this Act, render aid to this State

1 under the orders of the Governor of its home state and upon
2 the request of the Governor of this State, all questions
3 relating to reimbursement by this State to the other state
4 and its citizens in regard to the assistance so rendered
5 shall be determined by the mutual aid agreements or
6 interstate compacts described in subparagraph (5) of
7 paragraph (c) of Section 6 as are existing at the time of the
8 assistance rendered or are entered into thereafter and under
9 Section 303 (d) of the Federal Civil Defense Act of 1950.

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

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

15 (20 ILCS 3305/9) (from Ch. 127, par. 1059)

16 Sec. 9. Financing.

17 (a) It is the intent of the Legislature and declared to
18 be the policy of the State that funds to meet disasters shall
19 always be available.

20 (b) It is the legislative intent that the first recourse
21 shall be to funds regularly appropriated to State and
22 political subdivision departments and agencies. If the
23 Governor finds that the demands placed upon these funds in
24 coping with a particular disaster are unreasonably great, the
25 Governor he may make funds available from the Disaster Relief
26 Fund. If monies available from the Fund are insufficient, and
27 if the Governor finds that other sources of money to cope
28 with the disaster are not available or are insufficient, the
29 Governor shall request the General Assembly to enact
30 legislation as it may deem necessary to transfer and expend
31 monies appropriated for other purposes or borrow, for a term
32 not to exceed 2 years from the United States government or
33 other public or private source. If the General Assembly is

1 not sitting in regular session to enact such legislation for
2 the transfer, expenditure or loan of such monies, and the
3 President of the Senate and the Speaker of the House certify
4 that the Senate and House are not in session, the Governor is
5 authorized to carry out those decisions until such time as a
6 quorum of the General Assembly can convene in a regular or
7 extraordinary session.

8 (c) Nothing contained in this Section shall be construed
9 to limit the Governor's authority to apply for, administer
10 and expend grants, gifts or payments in aid of disaster
11 mitigation, preparedness, response or recovery.

12 (Source: P.A. 85-1027.)

13 (20 ILCS 3305/10) (from Ch. 127, par. 1060)

14 Sec. 10. Emergency Services and Disaster Agencies.

15 (a) Each political subdivision within this State shall
16 be within the jurisdiction of and served by the Illinois
17 Emergency Management Agency and by an emergency services and
18 disaster agency responsible for emergency management
19 programs. A township, if the township is in a county having
20 a population of more than 2,000,000, must have approval of
21 the county coordinator before establishment of a township
22 emergency services and disaster agency.

23 (b) Unless multiple county emergency services and
24 disaster agency consolidation is authorized by the Illinois
25 Emergency Management Agency with the consent of the
26 respective counties, each county shall maintain an emergency
27 services and disaster agency that has jurisdiction over and
28 serves the entire county, except as otherwise provided under
29 this Act and except that in any county with a population of
30 over 3,000,000 containing a municipality with a population of
31 over 500,000 the jurisdiction of the county agency shall not
32 extend to the municipality when the municipality has
33 established its own agency.

1 (c) Each municipality with a population of over 500,000
2 shall maintain an emergency services and disaster agency
3 which has jurisdiction over and serves the entire
4 municipality. A municipality with a population less than
5 500,000 may establish, by ordinance, an agency or department
6 responsible for emergency management within the
7 municipality's corporate limits.

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

25 (e) Each municipality that is not required to and does
26 not have an emergency services and disaster agency shall have
27 a liaison officer designated to facilitate the cooperation
28 and protection of that municipal corporation with the county
29 emergency services and disaster agency in which it is located
30 in the work of disaster mitigation, preparedness, response,
31 and recovery.

32 (f) The principal executive officer or his or her
33 designee of each political subdivision in the State shall
34 annually notify the Illinois Emergency Management Agency of

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

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

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

22 (i) Each emergency services and disaster agency shall
23 have 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
27 executive officer appoints the sheriff as the Coordinator,
28 the sheriff may, in addition to his or her regular
29 compensation, receive compensation at the same level as
30 provided in Section 3 of "An Act in relation to the
31 regulation of motor vehicle traffic and the promotion of
32 safety on public highways in counties", approved August 9,
33 1951, as amended. The Coordinator shall have direct
34 responsibility for the organization, administration,

1 training, and operation of the emergency services and
2 disaster agency, subject to the direction and control of that
3 principal executive officer. Each emergency services and
4 disaster agency shall coordinate and may perform emergency
5 management functions within the territorial limits of the
6 political subdivision within which it is organized as are
7 prescribed in and by the State Emergency Operations Plan, and
8 programs, orders, rules and regulations as may be
9 promulgated by the Illinois Emergency Management Agency and
10 by local ordinance and, in addition, shall conduct such
11 functions outside of those territorial limits as may be
12 required under mutual aid agreements and compacts as are
13 entered into under subparagraph (5) of paragraph (c) of
14 Section 6.

15 (j) In carrying out the provisions of this Act, each
16 political subdivision may enter into contracts and incur
17 obligations necessary to place it in a position effectively
18 to combat the disasters as are described in Section 4, to
19 protect the health and safety of persons, to protect
20 property, and to provide emergency assistance to victims of
21 those disasters. If a disaster occurs, each political
22 subdivision may exercise the powers vested under this Section
23 in the light of the exigencies of the disaster and, excepting
24 mandatory constitutional requirements, without regard to the
25 procedures and formalities normally prescribed by law
26 pertaining to the performance of public work, entering into
27 contracts, the incurring of obligations, the employment of
28 temporary workers, the rental of equipment, the purchase of
29 supplies and materials, and the appropriation, expenditure,
30 and disposition of public funds and property.

31 (k) Volunteers ~~Emergency--services--and-disaster-agency~~
32 ~~personnel~~ who, while engaged in a disaster, an ~~or--disaster~~
33 training exercise, training related to the emergency
34 operations plan of the political subdivision, or a

1 search-and-rescue team response to an occurrence or threat of
2 injury or loss of life that is beyond local response
3 capabilities, suffer disease, injury or death, shall, for the
4 purposes of benefits under the Workers' Compensation Act or
5 Workers' Occupational Diseases Act only, be deemed to be
6 employees of the State, if: (1) the claimant is a duly
7 qualified and enrolled (sworn in) as a volunteer of the
8 Illinois Emergency Management Agency or an emergency services
9 and disaster agency accredited by the Illinois Emergency
10 Management Agency, and (2) if: (i) the claimant was
11 participating in a an-actual disaster as defined in paragraph
12 (e)--of Section 4 of this Act, (ii) or the exercise or
13 training participated in was specifically and expressly
14 approved by the Illinois Emergency Management Agency prior to
15 the exercise or training, or (iii) the search-and-rescue team
16 response was to an occurrence or threat of injury or loss of
17 life that was beyond local response capabilities and was
18 specifically and expressly approved by the Illinois Emergency
19 Management Agency prior to the search-and-rescue team
20 response. ~~Illinois-Emergency-Management-Agency-shall-use-the~~
21 ~~same-criteria-for-approving-an-exercise-and--utilizing--State~~
22 ~~volunteers--as--required--for-any-political-subdivision.~~ The
23 computation of benefits payable under either of those Acts
24 shall be based on the income commensurate with comparable
25 State employees doing the same type work or income from the
26 person's regular employment, whichever is greater.

27 (1) If any person who is entitled to receive benefits
28 through the application of this Section receives, in
29 connection with the disease, injury or death giving rise to
30 such entitlement, benefits under an Act of Congress or
31 federal program, benefits payable under this Section shall be
32 reduced to the extent of the benefits received under that
33 other Act or program.

34 (m) (1) Prior to conducting an a--disaster--training

1 exercise, the principal executive officer of a political
2 subdivision or his or her designee shall provide area
3 media with written notification of the ~~disaster--training~~
4 exercise. The notification shall indicate that
5 information relating to the ~~disaster--training~~ exercise
6 shall not be released to the public until the
7 commencement of the exercise. The notification shall also
8 contain a request that the notice be so posted to ensure
9 that all relevant media personnel are advised of the
10 ~~disaster-training~~ exercise before it begins.

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

16 (Source: P.A. 87-168; 88-606, eff. 1-1-95; revised 2-9-00.)

17 (20 ILCS 3305/11) (from Ch. 127, par. 1061)

18 Sec. 11. Local Disaster Declarations.

19 (a) A local disaster may be declared only by the
20 principal executive officer of a political subdivision, or
21 his or her interim emergency successor, as provided in
22 Section 7 of the "Emergency Interim Executive Succession
23 Act". It shall not be continued or renewed for a period in
24 excess of 7 days except by or with the consent of the
25 governing board of the political subdivision. Any order or
26 proclamation declaring, continuing, or terminating a local
27 disaster shall be given prompt and general publicity and
28 shall be filed promptly with the county clerk, township
29 clerk, or the municipal clerk, as the case may be, in the
30 area to which it applies.

31 (b) The effect of a declaration of a local disaster is
32 to activate the emergency operations plan of that political
33 subdivision and to authorize the furnishing of aid and

1 assistance thereunder.

2 (Source: P.A. 85-1027.)

3 (20 ILCS 3305/12) (from Ch. 127, par. 1062)

4 Sec. 12. Testing of Disaster Warning Devices. The
5 testing of disaster warning devices including outdoor warning
6 sirens shall be held only on the first Tuesday of each month
7 at 10 o'clock in the morning or during ~~disaster-training~~
8 exercises that are specifically and expressly approved in
9 advance by the Illinois Emergency Management Agency.

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

11 (20 ILCS 3305/13) (from Ch. 127, par. 1063)

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

14 (a) The coordinator of each emergency services and
15 disaster agency may, in collaboration with other public
16 agencies within his or her immediate vicinity, develop or
17 cause to be developed mutual aid arrangements with other
18 political subdivisions of taxing districts within this State
19 for reciprocal disaster response and recovery assistance in
20 case a disaster is too great to be dealt with unassisted.
21 The mutual aid shall not, however, be effective unless and
22 until approved by each of the political subdivisions. The
23 arrangements shall be consistent with the State Emergency
24 Operations Plan and State emergency management program, and
25 in the event of a disaster as described in Section 4 of this
26 Act, it shall be the duty of each emergency services and
27 disaster agency to render assistance in accordance with the
28 provisions of the mutual aid arrangements.

29 (b) The coordinator of an emergency services and
30 disaster agency may, subject to the approval of the Director,
31 assist in the negotiation of mutual aid agreements between
32 this and other states.

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

2 (20 ILCS 3305/15) (from Ch. 127, par. 1065)

3 Sec. 15. Immunity. Neither the State, any political
4 subdivision of the State, nor, except in cases of gross
5 negligence or willful misconduct, the Governor, the Director,
6 the Principal Executive Officer of a political subdivision,
7 or the agents, employees, or representatives of any of them,
8 engaged in any emergency management response or recovery
9 activities, while complying with or attempting to comply with
10 this Act or any rule or regulations promulgated pursuant to
11 this Act is liable for the death of or any injury to persons,
12 or damage to property, as a result of such activity. This
13 Section does not, however, apply to political subdivisions
14 and principal executive officers required to maintain
15 emergency services and disaster agencies that are not in
16 compliance with Section 10 of this Act, notwithstanding
17 provisions of any other laws. This Section does not,
18 however, affect the right of any person to receive benefits
19 to which he or she would otherwise be entitled under this Act
20 under the Workers' Compensation Act or the Workers'
21 Occupational Diseases Act, or under any pension law, and this
22 Section does not affect the right of any such person to
23 receive any benefits or compensation under any Act of
24 Congress.

25 (Source: P.A. 85-1027.)

26 (20 ILCS 3305/18) (from Ch. 127, par. 1068)

27 Sec. 18. Orders, Rules and Regulations.

28 (a) The Governor shall file a copy of every rule,
29 regulation or order, and any amendment thereof made by the
30 Governor him under the provisions of this Act in the office
31 of the Secretary of State. No rule, regulation or order, or
32 any amendment thereof shall be effective until 10 days after

1 the filing, provided, however, that upon the declaration of a
2 disaster by the Governor as is described in Section 7 the
3 provision relating to the effective date of any rule,
4 regulation, order or amendment issued under this Act and
5 during the state of disaster is abrogated, and the rule,
6 regulation, order or amendment shall become effective
7 immediately upon being filed with the Secretary of State
8 accompanied by a certificate stating the reason as required
9 by the Illinois Administrative Procedure Act.

10 (b) Every emergency services and disaster agency
11 established pursuant to this Act and the coordinators thereof
12 shall execute and enforce the orders, rules and regulations
13 as may be made by the Governor under authority of this Act.
14 Each emergency services and disaster agency shall have
15 available for inspection at its office all orders, rules and
16 regulations made by the Governor, or under the Governor's
17 authority. The Illinois Emergency Management Agency shall
18 furnish the orders, rules and regulations to each such
19 emergency services and disaster agency.

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

21 (20 ILCS 3305/20) (from Ch. 127, par. 1070)

22 Sec. 20. Emergency Management Agency; personnel; oath.
23 Each person, whether compensated or noncompensated, who is
24 appointed to serve in any capacity in the Illinois Emergency
25 Management Agency or an emergency services and disaster
26 agency, shall, before entering upon his or her duties, take
27 an oath, in writing, before the Director or before the
28 coordinator of that emergency services and disaster agency or
29 before other persons authorized to administer oaths in this
30 State, which oath shall be filed with the Director or with
31 the coordinator of the emergency services and disaster agency
32 with which he or she shall serve and which oath shall be
33 substantially as follows:

1 "I, _____, do solemnly swear (or affirm) that I
2 will support and defend and bear true faith and allegiance to
3 the Constitution of the United States and the Constitution of
4 the State of Illinois, and the territory, institutions and
5 facilities thereof, both public and private, against all
6 enemies, foreign and domestic; that I take this obligation
7 freely, without any mental reservation or purpose of evasion;
8 and that I will well and faithfully discharge the duties upon
9 which I am about to enter. And I do further swear (or
10 affirm) that I do not advocate, nor am I, nor have I been a
11 member of any political party or organization that advocates
12 the overthrow of the government of the United States or of
13 this State by force or violence; and that during such time as
14 I am affiliated with the (name of political subdivision), I
15 will not advocate nor become a member of any political party
16 or organization that advocates the overthrow of the
17 government of the United States or of this State by force or
18 violence."

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

20 (20 ILCS 3305/21) (from Ch. 127, par. 1071)

21 Sec. 21. No Private Liability.

22 (a) Any person owning or controlling real estate or
23 other premises who voluntarily and without compensation
24 grants a license or privilege, or otherwise permits the
25 designation or use of the whole or any part or parts of such
26 real estate or premises for the purpose of sheltering persons
27 during an actual or impending disaster, or a disaster
28 training exercise together with his or her successors in
29 interest, if any, shall not be civilly liable for negligently
30 causing the death of, or injury to, any person on or about
31 such real estate or premises under such license, privilege or
32 other permission, or for negligently causing loss of, or
33 damage to, the property of such person.

1 (b) Any private person, firm or corporation and
 2 employees and agents of such person, firm or corporation in
 3 the performance of a contract with, and under the direction
 4 of, the State, or any political subdivision of the State
 5 under the provisions of this Act shall not be civilly liable
 6 for causing the death of, or injury to, any person or damage
 7 to any property except in the event of willful misconduct.

8 (c) Any private person, firm or corporation, and any
 9 employee or agent of such person, firm or corporation, who
 10 renders assistance or advice at the request of the State, or
 11 any political subdivision of the State under this Act during
 12 an actual or impending disaster, shall not be civilly liable
 13 for causing the death of, or injury to, any person or damage
 14 to any property except in the event of willful misconduct.

15 The immunities provided in this subsection (c) shall not
 16 apply to any private person, firm or corporation, or to any
 17 employee or agent of such person, firm or corporation whose
 18 act or omission caused in whole or in part such actual or
 19 impending disaster and who would otherwise be liable
 20 therefor.

21 (Source: P.A. 85-1027.)

22 Section 10. The Illinois Emergency Planning and
 23 Community Right to Know Act is amended by changing Section 8
 24 as follows:

25 (430 ILCS 100/8) (from Ch. 111 1/2, par. 7708)

26 Sec. 8. Local emergency planning committees.

27 (a) The SERC shall appoint and supervise local emergency
 28 planning committees in accordance with Section 301 of the
 29 Federal Act.

30 (b) Local emergency planning committees shall carry out
 31 all responsibilities of a local emergency planning committee
 32 as specified in applicable Sections of the Federal Act and

1 the Illinois Emergency Management Agency Act. Committees
2 shall consult and coordinate with the SERC and such other
3 local organizations as may be necessary to carry out their
4 assigned responsibilities.

5 (Source: P.A. 86-449.)