

AN ACT concerning safety.

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

Section 5. The Illinois Emergency Management Agency Act is amended by changing Sections 4, 6, 8, and 20 as follows:

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

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

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

"Cyber incident" means an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident thereon that affect or control infrastructure or communications networks utilized by the public. "Cyber incident" includes a vulnerability in information systems, system security procedures, internal controls, or implementations that could

be exploited by a threat source that affect or control infrastructure or communications networks utilized by the public.

"Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural, technological, or human cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, cyber incidents, or acts of domestic terrorism.

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

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

"Emergency Operations Plan" means the written plan of the

State and political subdivisions describing the organization, mission, and functions of the government and supporting services for responding to and recovering from disasters and shall include plans that take into account the needs of those individuals with household pets and service animals following a major disaster or emergency.

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

"Exercise" means a planned event realistically simulating a disaster, conducted for the purpose of evaluating the political subdivision's coordinated emergency management capabilities, including, but not limited to, testing the

emergency operations plan.

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

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

"Incident" means a disaster that does not rise to the level of a Governor-issued proclamation.

"Mobile Support Team" or "MST" means a group of individuals designated as a team by the Governor or Director to train prior to and to be activated ~~dispatched~~, if the Governor or the Director so determines, to aid and reinforce the State and political subdivision emergency management efforts in response to an incident, a disaster, federally declared national special security event, or other large

public event.

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

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

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

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

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

(i) bioterrorism;

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

(iii) a natural disaster;

(iv) a chemical attack or accidental release; or

(v) a nuclear attack or accident; and

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

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

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

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

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

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

(Source: P.A. 102-485, eff. 8-20-21.)

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

Sec. 6. Emergency Management Powers of the Governor.

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

(b) In performing duties under this Act, the Governor is

authorized to cooperate with the federal government and with other states in all matters pertaining to emergency management.

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

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

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

a. Mitigation of injury and damage caused by disaster.

b. Prompt and effective response to disaster.

c. Emergency relief.

d. Identification of areas particularly vulnerable to disasters.

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

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

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

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

i. Organization of State personnel and chains of command.

j. Coordination of federal, State, and political subdivision emergency management activities.

k. Other necessary matters.

(3) In accordance with the plan and program for the emergency management of this State, and out of funds appropriated for these purposes, to procure and preposition supplies, medicines, materials and equipment, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of MSTs and emergency services and disaster agencies ~~in advance of actual disaster~~ to insure the furnishing of adequately trained and equipped forces for incidents, disasters, federally declared national special security events, and

other large public events ~~disaster response and recovery.~~

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

(5) On behalf of this State, to negotiate for and submit to the General Assembly for its approval or rejection reciprocal mutual aid agreements or compacts with other states, either on a statewide or political subdivision basis. The agreements or compacts, shall be limited to the furnishing or exchange of food, clothing, medical or other supplies, engineering and police services; emergency housing and feeding; National and State Guards while under the control of the State; health, medical, and related services; fire fighting, rescue, transportation, communication, and construction services and equipment, provided, however, that if the General Assembly be not in session and the Governor has not proclaimed the existence of a disaster under this Section, then the agreements or compacts shall instead be submitted to an Interim Committee on Emergency Management composed of 5 Senators appointed by the President of the Senate and of 5 Representatives appointed by the Speaker of the House, during the month of June of each odd-numbered year

to serve for a 2 year term, beginning July 1 of that year, and until their successors are appointed and qualified, or until termination of their legislative service, whichever first occurs. Vacancies shall be filled by appointment for the unexpired term in the same manner as original appointments. All appointments shall be made in writing and filed with the Secretary of State as a public record. The Committee shall have the power to approve or reject any agreements or compacts for and on behalf of the General Assembly; and, provided further, that an affirmative vote of 2/3 of the members of the Committee shall be necessary for the approval of any agreement or compact.

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

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

Sec. 8. Mobile Support Teams; mutual aid.

(a) The Governor or Director, on behalf of the Governor, may enter into agreements with local governments, the federal government, tribal governments, and any public or private agency or entity in achieving any purpose of this Act and in implementing emergency management programs for mitigation, preparedness, response, and recovery.

(b) The Governor or Director may activate mobile support teams (MSTs) to aid and reinforce the Illinois Emergency Management Agency and Office of Homeland Security, and

emergency services and disaster agencies in this State or out-of-state pursuant to the Emergency Management Assistance Compact, as ratified in the Emergency Management Assistance Compact Act, for incidents, disasters, federally declared national special security events, and other large public events.

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

(d) While activated on behalf of the State, the MST shall report to the Director or designee as the Director retains operational control of MSTs even if they have been tasked to support emergency services and disaster agencies.

(e) ~~(b)~~ Personnel of an MST ~~a mobile support team~~ while activated by the Governor or Director ~~on duty pursuant to such a call~~ or while engaged in State-approved or State-sponsored ~~regularly scheduled~~ training or exercises, whether within or without the State, shall ~~either~~:

(1) If they are paid employees of the State, have the powers, duties, rights, privileges and immunities and

receive the compensation incidental to their employment.

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

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

(f) All personnel of MSTs may, while activated by the Governor or Director, be reimbursed by this State for all actual and necessary travel and subsistence expenses related to their activation.

(g) Personnel of a mobile support team who suffer disease, injury or death, while activated by the Governor or Director ~~arising out of or in the course of emergency duty,~~ shall for the purposes of benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act only, be deemed to be employees of this State. If the person diseased, injured or killed is an employee described in item (3) of subsection (e) ~~above,~~ the computation of benefits payable under either of those Acts shall be based on income commensurate with comparable State employees doing the same type of work or income from the person's regular employment, whichever is

greater.

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

(h) In lieu of subsection (f), the ~~(c) The~~ State may, by agreement, shall reimburse each political subdivision or body politic from the Disaster Response and Recovery Fund, or from other funding determined by the State, for the compensation paid and the actual and necessary travel and, subsistence ~~and maintenance~~ expenses of paid employees of the political subdivision or body politic while serving, outside of its geographical boundaries on behalf of the State pursuant to such a call, as members of an MST ~~a mobile support team,~~ and for all payments made for death, disease or injury of those paid employees arising out of and incurred in the course of that duty, and for all losses of or damage to supplies and equipment of the political subdivision or body politic resulting from the operations.

(i) ~~(d)~~ Whenever activated MSTs ~~mobile support teams~~ or units of another state operating under orders of the Governor of their home state, ~~while the Governor has the emergency powers provided for under Section 7 of this Act,~~ render aid to this State ~~under the orders of the Governor of its home state and upon the request of the Governor of this State,~~ all questions relating to reimbursement by this State ~~to the other state and its citizens~~ in regard to the assistance ~~so~~ rendered

shall be determined by the mutual aid agreements, MST agreements, or interstate compacts described in subparagraph (5) of paragraph (c) of Section 6 as are existing at the time of the assistance rendered, pursuant to the Emergency Management Assistance Compact as ratified in the Emergency Management Assistance Compact Act, as ~~or~~ are entered into thereafter ~~and under Section 303 (d) of the Federal Civil Defense Act of 1950.~~

(j) ~~(e)~~ No personnel of MSTs ~~mobile support teams~~ of this State may be ordered by the Governor or Director to operate in any other state unless a request for the same has been made by the Governor or duly authorized representative of the other state pursuant to the Emergency Management Assistance Compact, as ratified in the Emergency Management Assistance Compact Act, or a successor law.

(k) All expenses and compensation reimbursed under this Section may be provided from the Disaster Response and Recovery Fund or other funding determined by the State. The mutual aid agreement shall specify the manner and method in which compensation shall be paid.

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

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

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

(a) Each person, whether compensated or noncompensated,

who is appointed to serve in any capacity in, or on behalf of,
the Illinois Emergency Management Agency and Office of
Homeland Security (IEMA-OHS) or an emergency services and
disaster agency, shall, before entering upon ~~his or her~~
duties, take an oath, ~~in writing.~~

(b) The oath shall be administered before the Director of
IEMA-OHS (or a designee authorized in writing by the
Director), ~~or before the coordinator of the respective~~ ~~that~~
emergency services and disaster agency, ~~or before other~~
persons authorized to administer oaths in this State pursuant
to the Oaths and Affirmations Act. ~~which~~

The oath may be administered through live video technology
or other electronic means; however, the signed oath shall be
filed with IEMA-OHS ~~the Director~~ or with the ~~coordinator of~~
~~the~~ emergency services and disaster agency with which the
person ~~he or she~~ shall serve and which oath shall be
substantially as follows:

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

that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the (name of emergency preparedness organization ~~political subdivision~~), I will not advocate nor become a member or an affiliate of any organization, group, or combination of persons ~~of any political party or organization~~ that advocates the overthrow of the government of the United States or of this State by force or violence."

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