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Illinois Emergency Management and Homeland Security Authorities Summarized

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Illinois Emergency Management and Homeland Security Authorities Summarized

Summary

The Illinois Emergency Management Agency Act outlines the state and local governments' roles and responsibilities in emergency management. The statute authorizes disaster victims to receive special assistance from the state. The Governor's Succession Act and the Emergency Interim Executive Successors Act outline provisions for the continuity of Illinois government operations. Other acts require emergency evacuation plans for people with disabilities and authorizations for certified local employees to take leave to provide assistance. When funds are not sufficient in the state's disaster relief fund, the governor is authorized to transfer or borrow funds if the General Assembly is not in session, or to request legislative action if the assembly is in session. The statute authorizes municipalities to impose taxes, within limits, to fund disaster services.

This report is one of a series that profiles the emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

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Illinois Emergency Management and Homeland Security Authorities Summarized

Entities with Key Responsibilities

Governor: The governor has general direction and control of the Illinois Emergency Management Agency (IEMA) and is authorized to: make, amend, and rescind orders, rules and regulations; procure and pre-position supplies, medicines and equipment; provide training and public information programs; mobilize emergency services in advance of actual disaster; undertake studies and surveys of industries and facilities to determine capabilities; and negotiate and submit to the General Assembly reciprocal mutual aid agreements and compacts (20 ILCS §3305/6). During an emergency, the governor may: exercise emergency powers for a maximum period of 30 days and suspend certain regulatory statutes, especially if they hinder emergency purchases by IEMA; use state government resources as needed; transfer personnel and functions of state departments; acquire personal property, including vehicles, fuel, explosives, materials, equipment, food, medicine and other supplies; use or occupy real estate (provided compensation provisions are met); recommend evacuations, prescribe routes and destination; suspend the sale of alcohol, firearms, explosives, combustibles; make temporary housing available; ration food, fuel, and other commodities; promote safety and protection of civilian population; serve as commander-in-chief of militia; and prohibit price increases for goods and services during a disaster (Ill. Comp. Stat. Ann. ch.20 §3305/7).

The governor is authorized to determine which municipalities require emergency services and disaster agencies, and may direct that such entities be established (Ill. Comp. Stat. Ann. ch.20 §3305/10(d)).

Illinois Emergency Management Agency (IEMA): Agency officials are authorized to: participate in the development of political subdivisions' emergency operations plans; promulgate rules and requirements for local governments' plans; make field examinations where plans will apply; coordinate overall emergency management for state; cooperate with all levels of governments to implement the program for mitigation, preparation, response and recovery; prepare executive orders for the governor; determine state requirements for food, clothing, and necessities in order to prepare for disasters; establish a registry of people with skills in areas of mitigation, preparedness, response and recovery; establish a registry of state and private response resources; expand earthquake awareness programs; maintain a list of schools, hospitals, airports, power plants, and other facilities at greatest risk of damage from earthquakes; share information on river and stream water levels; and develop agreements with medical supply and equipment firms to supply resources to respond to an earthquake or other disaster (Ill. Comp. Stat. Ann. ch.20 §3305/5).

Director IEMA: The director is appointed by the governor and serves as head of the state Emergency Response Commission. The director also carries out the emergency management program in the state and serves as a liaison with other state and federal emergency management organizations (Ill. Comp. Stat. Ann. ch.20 §3305/5 (a),(c)).

Emergency Management Advisory Committee: IEMA and political subdivisions are encouraged to form a committee composed of public and private personnel who represent emergency management phases of mitigation, preparedness, response and recovery (Ill. Comp. Stat. Ann. ch.20 §3305/5(e)).

Emergency services and disasters agencies: Each political subdivision must maintain an emergency services and disasters agency and works within the jurisdiction of, and is served by, IEMA. Each agency must: provide annual notice to IEMA of the manner in which emergency management services are provided; submit pursuant to IEMA standards an emergency operations plan; and provide a statement of emergency responsibilities of all local departments and officials and the disaster chain of command (Ill. Comp. Stat. Ann. ch.20 §3305/10 (a)-(h)).

Coordinator: Each emergency services and disasters agency has a coordinator who is responsible for organizing, training, administering, and operating the emergency services and disaster agency (Ill. Comp. Stat. Ann. ch.20 §3305/10(i)).

Preparedness

See “Entities with Key Responsibilities,”—*Governor*.

IEMA must cooperate with the Illinois Department of Nuclear Safety on the development of a comprehensive emergency preparedness and response plan for a nuclear accident (Ill. Comp. Stat. Ann. ch.20 §3305/5(f)2.5). Also, IEMA must coordinate with the Illinois Department of Public Health with respect to planning for public health emergencies (Ill. Comp. Stat. Ann. ch.20 §3305/5(f)2.6).

The governor is to: prepare a comprehensive plan that addresses mitigation, response, and emergency relief needs; identify most vulnerable areas; make recommendations for zoning, building and land use controls and other mitigation measures; assist political subdivisions with emergency operations plans and temporary works to reduce the impact of a disaster; distribute a catalog of state and federal assistance programs; organize the state chain of command; and coordinate state, local, and federal emergency management activities (Ill. Comp. Stat. Ann. ch.20 §3305/6(c)(2)).

The statute limits testing of outdoor disaster warning devices monthly or during disaster training exercises (Ill. Comp. Stat. Ann. ch.20 §3305/12).

The statute directs the governor, director of IEMA, and political subdivision officials to use staff, services, equipment, supplies, and facilities of public agencies during an emergency (Ill. Comp. Stat. Ann. ch.20 §3305/19).

Auxiliary policemen shall only be assigned specific duties, including to aid in the control of natural or man-made disasters or civil disorders, as directed by the chief of police (Ill. Comp. Stat. Ann. ch.65 §5/3.1-30-20).

School buildings must be made available as civil defense shelters in coordination with IEMA. School officials must cooperate with local organizations and federal agencies to make space available for food and other provisions, with regard to the use of resources and equipment, and in the construction of new buildings to ensure that shelter facilities are provided (Ill. Comp. Stat. Ann. ch.105 §5/10-22.35).

The *Illinois Nuclear Safety Preparedness Act* requires the assessment of potential nuclear accidents, their consequences, and the actions required to mitigate the effects of nuclear accidents (Ill. Comp. Stat. Ann. ch.420 §5/2 *et seq.*).

The *Illinois Chemical Safety Act* requires development of an adequate plan to respond to chemical substances that may be released, and calls for the identification of causes of release, notification procedures, and a list of emergency equipment (Ill. Comp. Stat. Ann. ch.430 §45/3 *et seq.*).

The *Emergency Evacuation Plan for People with Disabilities Act* requires that by Jan. 1, 2004, every owner of a high rise building (80 feet or more in height) in a municipality of one million population or more must establish and maintain an emergency evacuation plan for disabled occupants who notify the owner of need for assistance. The provision applies to hotels and motels. The plan must be made available to police and fire departments (Ill. Comp. Stat. Ann. ch.430 §1301/1 *et seq.*).

The governor or director of IEMA may establish mobile support teams to aid and reinforce IEMA and local emergency services in disaster areas. The state is authorized to reimburse a local government for employees serving with the support team. The statute requires that worker's compensation benefits be provided. Out-of-state teams are to be reimbursed in accordance with the applicable mutual aid agreement. Illinois teams may only be sent out-of-state after a request has been made by the governor of another state (Ill. Comp. Stat. Ann. ch.20 §3305/8).

Declaration Procedures

The governor is authorized to proclaim that a disaster exists. Such a proclamation activates the state emergency operations plan. The governor has authority to deploy and use forces and distribute supplies, equipment, materials and facilities (Ill. Comp. Stat. Ann. ch.20 §3305/7 (a)(11)).

The principal executive officer of an affected political subdivision is authorized to issue a local disaster declaration for a maximum period of seven days, unless the governing board approves an extension. The order must be filed with the county, township, or municipal clerk (Ill. Comp. Stat. Ann. ch.20 §3305/11).

During a state of emergency, each mayor has powers to respond, as authorized by ordinances that establish standards for determining when a state of emergency exists. The mayor must sign a statement that an emergency exists based on fact finding, and then declares state of emergency. The state of emergency expires not later than the adjournment of the first regular meeting of corporate authorities after an emergency has been declared (Ill. Comp. Stat. Ann. ch.65 §5/11-1-6).

Types of Assistance

If the federal government offers aid, the governor or the designated person for a political subdivision is authorized to accept services, equipment, supplies, and funds (Ill. Comp. Stat. Ann. ch.20 §3305/17).

A family that is homeless and deprived of furniture or clothing as a result of a fire, flood, or natural disaster may seek assistance from Department of Public Aid (Ill. Comp. Stat. Ann. ch.305 §5/4-12).

Local governmental units can provide up to \$1,500 in household assistance for food and temporary shelter after the President issues a major disaster declaration, if the local government unit is within the designated area. Cash or voucher assistance is not provided from the state fund (Ill. Comp. Stat. Ann. ch.305 §5/6-9).

Mutual Aid

The governor is authorized to negotiate and submit to the General Assembly reciprocal mutual aid agreements and compacts (Ill. Comp. Stat. Ann. ch.20 §33-5/6(5)).

The coordinator of each local emergency services and disaster agency is authorized to collaborate with other public agencies for reciprocal disaster response and recovery assistance. Such agreements must be approved by all involved political subdivisions. The coordinator may negotiate mutual aid agreements with other states, at the IEMA director's approval (Ill. Comp. Stat. Ann. ch.20 §3305/13).

If the need exists, a person licensed elsewhere may, as a member of a mobile support team or a unit from another state, render aid during a disaster, and is authorized to practice his or her profession without an Illinois license (Ill. Comp. Stat. Ann. ch.20 §3305/16).

The *Emergency Management Assistance Compact* is codified (Ill. Comp. Stat. Ann. ch.45 §15/1 *et seq.*).

Funding

The September 11th fund provides aid for victims of terrorism as well as local government grants for training and equipment for public safety initiatives to prevent terrorism, disasters, or other emergency situations. "September 11" license plate proceeds serve as the source of money for the fund (Ill. Comp. Stat. Ann. ch.625 §5/3-653).

The governor must first use general appropriations, then money in the disaster relief fund to meet emergency needs. If funds are insufficient, the governor may request that the General Assembly enact legislation to transfer and spend funds appropriated for other purposes, or borrow from the U.S. government or other public or private sources. The governor is authorized to re-appropriate funds if the General Assembly is not in session until the legislature can convene in regular or extraordinary session. The governor may apply for, administer, and expend grants and gifts (Ill. Comp. Stat. Ann. ch.20 §3305/9).

If appropriated funds are insufficient and the governor has declared a disaster, he or she can draw on the disaster relief fund to provide services, and to reimburse local governments that furnish services. The fund may be used to pay emergency employees, the national guard, disaster-related expenses for state agencies, and emergency purchases made by departments. The fund is to be used to furnish emergency services and relief to a disaster area, not to provide private relief to individuals (Ill. Comp. Stat. Ann. ch.15 §30/3).

A municipality is authorized to levy a tax annually for emergency services and disaster operations, not to exceed 0.05% on the assessed value of taxable property. The amount to be collected cannot exceed \$.25 per capita (Ill. Comp. Stat. Ann. ch.65 §5/8-3-16).

The *Hazardous Materials Emergency Response Reimbursement Act* established a fund to ease financial hardships for communities responding to emergency incidents involving hazardous materials, if costs are not paid for by the responsible party. The state fire marshal administers the fund (Ill. Comp. Stat. Ann. ch.430 §55/2).

Hazard Mitigation

See “Entities with Key Responsibilities,”—*Governor* and “Preparedness.”

The Illinois Department of Natural Resources is authorized to designate the 100-year floodway in northeastern Illinois. Construction is prohibited in the floodways, except if in relation to an appropriate use of floodway. No building permits may be issued within a 100-year floodway (Ill. Comp. Stat. Ann. ch.615 §5/18g).

The Illinois Department of Natural Resources is authorized to inspect and establish standards for the construction of new dams or the reconstruction or repair of dams. If a dam is unsafe, the department must notify city or county public officials, the state’s attorney and IEMA. Other administrative requirements are specified to mitigate potential damage. The statute provides liability protection for the department and its employees from damages associated with the failure of a dam (Ill. Comp. Stat. Ann. ch.615 §5/23a).

Continuity of Government Operations

The statute provides lines of succession to the office of the governor with seven successors (Ill. Comp. Stat. Ann. ch.15 §5/1). All elected or appointed state officers are authorized to designate emergency interim successors (after their deputy) and specify their order of succession. Local legislative bodies have authority to enact resolutions and ordinances on filling vacancies. Local officers designate emergency interim successor and order of succession. Emergency interim successors are required to take the oath of office and may exercise powers only after attack on the United States. Local interim successors may exercise powers after a disaster within their political subdivisions. The General Assembly may terminate the authority of an emergency interim successor. Designees serve at the pleasure of the designating authority and can be removed or replaced at any time, with or without cause (Ill. Comp. Stat. Ann. ch.5 §275/1 *et seq.*).

During an emergency that prevents government operations in Springfield, the governor shall declare emergency temporary location(s) for the government within or without the state. The emergency location remains the seat of government until the general assembly establishes by law a new location(s), or the governor declares that the emergency has ended (Ill. Comp. Stat. Ann. ch.5 §195/0.01 *et seq.*). If an emergency results from enemy attack, the governing body of a political subdivision may meet at any place within or without territorial limits on the call of the presiding officer or two members of the governing body. A governing body is authorized to establish emergency locations where public business may be transacted (Ill. Comp. Stat. Ann. ch.50 §5/0.01 *et seq.*).

A county board may provide for the continuity of administrative and legislative functions in the event of an enemy attack on the United States (Ill. Comp. Stat. Ann. ch.55 §5/5-1075). Each Local Records Commission, with the assistance of the Secretary of State and State Archivist, must establish a system to protect or preserve essential local records necessary for the continuity of government in the event of an emergency from natural disaster or enemy action and assist with the reestablishment of local government. Each commission determines what records are essential through consultation with all branches of government, state agencies, and the civilian defense agency, and provides for the storage and relocation of records (Ill. Comp. Stat. Ann. ch.50 §205/11,12).

Other

The statute provides immunity from liability for death or injury during emergency management response and recovery (Ill. Comp. Stat. Ann. ch.20 §3305/15).

Liability protection is provided for any real estate owner who allows the use of property to shelter persons during disaster or exercise, contracts with the state or a political subdivision in response to an emergency, or renders advice or assistance during an emergency (Ill. Comp. Stat. Ann. ch.20 §3305/21).

A state agency employee certified as a disaster service volunteer with the American Red Cross is granted leave with pay for a maximum period of 20 days in a 12-month period at the request of the Red Cross, and if agency approves. The employee does not suffer a loss of seniority, pay, vacation or sick leave time, if the disaster occurs within Illinois (Ill. Comp. Stat. Ann. ch.5 §335/1).

The *Local Government Disaster Service Volunteer Act* provides that an employee of a local agency certified to serve as a disaster service volunteer is granted leave for a maximum period of 20 days in a 12 month period to participate in disaster relief services for the American Red Cross without loss of vacation, seniority or other benefits. The agency must compensate the employee at the regular rate of pay for a disaster within the state (Ill. Comp. Stat. Ann. ch.50 §122/1 *et seq.*).

The statute requires IEMA personnel to take an oath (Ill. Comp. Stat. Ann. ch.20 §3305/20).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in Illinois Statutes, with Citations

Terms	Citations
Attack	Ill. Comp. Stat. Ann. ch.5 §275/3
Coordinator	Ill. Comp. Stat. Ann. ch.20 §3305/4
Chemical substance	Ill. Comp. Stat. Ann. ch.430 §45/3
Disaster	Ill. Comp. Stat. Ann. ch. §§275/3, 335/2, ch.15 §30/1, ch. 20 §3305/4, ch.50 §122/10
Disaster area	Ill. Comp. Stat. Ann. ch.15 §30/1
Disaster training exercise	Ill. Comp. Stat. Ann. ch.20 §3305/4
Emergency action	Ill. Comp. Stat. Ann. ch.430 §55/3(a)
Emergency interim successor	Ill. Comp. Stat. Ann. ch.5 §275/3
Emergency management	Ill. Comp. Stat. Ann. ch.20 §3305/4
Emergency management services and disaster agency	Ill. Comp. Stat. Ann. ch.20 §3305/4
Emergency operations plan	Ill. Comp. Stat. Ann. ch.20 §3305/4
Emergency response agency	Ill. Comp. Stat. Ann. ch.430 §55/3(b)
Emergency services	Ill. Comp. Stat. Ann. ch.20 §3305/4
First responder	Ill. Comp. Stat. Ann. ch.210§50/3.60

Terms	Citations
Illinois Emergency Management Agency (IEMA)	Ill. Comp. Stat. Ann. ch.20 §§3305/4, ch. 430 §45/3
Local emergency planning committee	Ill. Comp. Stat. Ann. ch.430 §45/3
Mobile support team	Ill. Comp. Stat. Ann. ch.20 §3305/4
Release	Ill. Comp. Stat. Ann. ch.430 §45/3
Significant release	Ill. Comp. Stat. Ann. ch.430 §45/3

For Further Research

The citations noted above and other elements of the state code for Illinois may be searched at: [<http://www.legis.state.il.us/legislation/ilcs/ilcs.asp>].