



FILED
INDEX DEPARTMENT

FEB 17 2023

IN THE OFFICE OF
SECRETARY OF STATE

SPRINGFIELD, ILLINOIS

February 17, 2023

Executive Order 2023-03

**Executive Order to Establish
the Illinois Emergency Management Agency and Office of Homeland Security,
and the Illinois Homeland Security Advisory Council**

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize agencies that are directly responsible to him by means of executive order; and,

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15, ILCS 15 (the "Act"), provides that "Reorganization" includes, in pertinent part, (i) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof, and (ii) the coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and,

WHEREAS, Section 4 of the Act provides that any executive order proposing reorganization may change the name of any agency affected by a reorganization; and

WHEREAS, the Homeland Security Act of 2002 established the U.S. Department of Homeland Security (USDHS), a federal department whose primary mission is to prevent, protect against and respond to acts of terrorism on American soil and other homeland security threats; and,

WHEREAS, the federal government has primary responsibility for the security and safety of the nation, but state and local officials must assure Illinois' readiness to prevent, protect against, respond to, and recover from terrorist attacks and other homeland security threats, and recommend such additional measures as may be necessary; and,

WHEREAS, the Illinois Emergency Management Agency (IEMA) is an executive agency directly responsible to the Governor, which exercises the rights, powers, duties, and responsibilities derived primarily from the Illinois Emergency Management Agency Act, 20 ILCS 3305, and the Nuclear Safety Law of 2004, 20 ILCS 3310; and,

WHEREAS, pursuant to Section 5(c) of the Illinois Emergency Management Agency Act, the Director of IEMA is responsible for carrying out the program for emergency management for the State of Illinois. The Director is also the liaison to and cooperates with the emergency management organizations of this State and other states and of the federal government; and,

WHEREAS, IEMA currently administers programs and guidance to all levels of government and nongovernmental agencies so that such entities are prepared to deal with all hazards and threats, including those related to homeland security, to protect the safety and health of the public; and,

WHEREAS, IEMA is responsible for the management of the Illinois Emergency Operations Plan (IEOP) which establishes the structure by which Illinois state government coordinates and manages response and recovery to emergencies and disasters. The IEOP provides policies, procedures and guidelines to ensure safe, efficient and timely actions to assist communities in need and incorporates supportive plans for response, recovery, continuity of operations and continuity of government; and,

WHEREAS, in 2003, the Illinois Department of Nuclear Safety was merged into IEMA and is now known as the IEMA Division of Nuclear Safety (IEMA-DNS); and,

WHEREAS, IEMA-DNS, in addition to the regulation of the use and possession of ionizing radiation, is the lead state agency for responding to radiation emergencies, and in that role, plans for radiological incidents including the use of radiological exposure devices, radiological dispersal devices, improvised nuclear devices, and hostile action based nuclear power plant incidents; and,

WHEREAS, IEMA currently is the State Emergency Response Commission (SERC) under the Illinois Emergency Planning and Community Right-to-Know Act. It coordinates with and assists the Local Emergency Planning Committees (LEPC) and reviews the LEPC's Chemical Safety Contingency Plans that ensure local governments and first responders are prepared for risks from hazardous materials and are trained to respond; and,

WHEREAS, the Governor has designated IEMA to the Federal Emergency Management Agency (FEMA) as the entity to serve as the state administrative agency (SAA). In this capacity, IEMA is responsible for carrying out the administrative requirements of federal grants, including submission of the grant application and progress reports, allocating funding to sub-applicants appropriately, and ensuring the completion of deliverables. IEMA is also responsible for ensuring that all relevant stakeholders are included in the homeland security grant process; and,

WHEREAS, FEMA requires that all states receiving funds through the federal Homeland Security Grant Program have a Senior Advisory Committee (SAC). The SAC is an advisory body made up of stakeholders from across government agencies and disciplines to help integrate preparedness efforts across the whole community. The SAC provides recommendations to the SAA about the type of activities that the FEMA grants should support; and,

WHEREAS, the Illinois Terrorism Task Force, established by Executive Order 2003-17, serves as Illinois' SAC and has established a working partnership among public and private stakeholders from all disciplines and regions of the State, to facilitate the coordination of resources and the communication of information essential to combat terrorist and other homeland security threats; and,

WHEREAS, USDHS conducts a biennial assessment of nationwide critical infrastructure and key resources (CIKR) to determine criticality, which determinations are dependent upon identification of CIKR by each state and which have the potential to affect Illinois resources provided through homeland security grants; and,

WHEREAS, IEMA has been designated by the Governor to administer the National Incident Management System (NIMS) in Illinois, which is a comprehensive, national approach to incident management that is applicable at all jurisdictional levels and across functional disciplines. NIMS is applicable across a broad range of potential incidents including incidents involving terrorism and other homeland security threats. Through its work, NIMS improves coordination and cooperation between public and private entities, and provides a common standard for overall incident management; and,

WHEREAS, every state, commonwealth, territory, and the District of Columbia has a homeland security advisor; and,

WHEREAS, in accordance with Executive Order 2003-17, the Governor appoints the Homeland Security Advisor for the State of Illinois; and,

WHEREAS, it is in the best interests of the citizens of Illinois to harmonize emergency management and state homeland security activities throughout Illinois and to have a clear

coordination effort for all levels of government and the public, including but not limited to establishing a single, primary coordinating state agency for identifying CIKR in Illinois, analyzing impacts from natural, human-caused or technological disasters on CIKR, conducting joint risk assessments, or coordinating input from state, local, federal, private and non-governmental organizations into a state CIKR list; and,

WHEREAS, IEMA is the administrator of the Governor's plan for emergency preparedness, response, and recovery, and currently has the existing management structure and resources to facilitate the coordination of state homeland security activities throughout Illinois and is currently performing activities related to homeland security;

NOW, THEREFORE, I, JB Pritzker, Governor of the State of Illinois, by virtue of the power and authority vested in me by the Constitution and statutes of the State of Illinois, in order to effectuate a clear coordination effort for emergency management and homeland security using existing State resources to the extent reasonably practicable, hereby order the following to be effective as provided hereinbelow at paragraph VII.B:

I. ESTABLISHMENT OF THE ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY

- A. The Illinois Emergency Management Agency is renamed the "Illinois Emergency Management Agency and Office of Homeland Security" (IEMA & OHS). IEMA & OHS shall continue the missions mandated under the Illinois Emergency Management Agency Act and Nuclear Safety Law of 2004 and all other relevant statutes, as well as the regulations promulgated thereunder. Unless otherwise indicated in this Executive Order, the powers, duties, rights and responsibilities formerly vested or associated with the Illinois Emergency Management Agency shall be vested or associated with IEMA & OHS and shall not be affected by the renaming of IEMA & OHS. In addition, IEMA & OHS shall continue to develop and coordinate the implementation of a comprehensive state strategy to coordinate emergency management and homeland security activities throughout Illinois.
- B. The current Director of IEMA shall serve as the Director of IEMA & OHS and all IEMA personnel shall serve in their current positions under the new name, except as otherwise provided in this Executive Order.
- C. IEMA & OHS initially shall comprise an Office of Homeland Security headed by a Deputy Director for Homeland Security, an Office of Emergency Management headed by a Deputy Director for Emergency Management, a Division of Operations, Division of Recovery, and Division of Nuclear Safety within the Office of Emergency Management, and such other Offices, Divisions, organizational units, and functional areas as deemed necessary by the Director of IEMA & OHS to carry out the missions of IEMA & OHS. The current Deputy Director of IEMA shall serve as the Deputy Director for Emergency Management. The Director of IEMA & OHS otherwise may organize the Offices, Divisions, other organizational units, functional areas, and their personnel within IEMA & OHS as he or she deems appropriate and in the best interests of the State, consistent with this Executive Order, applicable law and any applicable collective bargaining agreements.

II. APPOINTMENT OF GOVERNOR'S HOMELAND SECURITY ADVISOR; COORDINATION WITH THE ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY

- A. The Governor shall appoint a Homeland Security Advisor to coordinate with cabinet-level public safety agencies throughout Illinois on strategic and policy matters pertaining to homeland security threats and vulnerabilities and terrorism-related issues, and to advise the Governor or the Governor's designee regarding such strategic and policy matters. The current Homeland Security Advisor shall continue to serve in that capacity until such time as a new Homeland Security Advisor is appointed.

- B. IEMA & OHS shall coordinate with the Homeland Security Advisor to support the implementation of all homeland security and emergency management activities, consistent with the strategies and policies established through the process described in paragraph II.A of this Executive Order, in order to address Illinois' threats and vulnerabilities. Such implementation shall include, but not be limited to, addressing legislative issues, contact with federal and local agencies, training and exercises, federal and state funding, and public risk communications messaging.
- C. The Homeland Security Advisor shall oversee the weapons of mass destruction teams, which the Governor may deploy in the event of a terrorist attack to assist local responders and to coordinate the provision of additional State resources. IEMA & OHS's Office of Homeland Security, in consultation with the Homeland Security Advisor, shall develop appropriate protocol, staffing, training and equipment guidelines for the weapons of mass destruction teams.

III. ADDITIONAL POWERS AND DUTIES OF THE ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY

- A. IEMA & OHS shall administer all plans, procedures and responsibilities required by statute, administrative rule, Executive Order, and federal designations, and retain ownership, possession or control of personnel records, documents, books, correspondence, and other property, both real and personal, that is currently owned, possessed or controlled by IEMA. Unexpended balances of funding obligations, appropriation authority and other federal, state, and special state funds currently available for use by IEMA, shall be available for use on and after the effective date of this Executive Order by IEMA & OHS.
- B. IEMA & OHS shall serve as the state administrative agency (SAA). In this capacity, IEMA & OHS is responsible for carrying out the administrative requirements of federal grants administered by the Federal Emergency Management Agency (FEMA), including submission of the grant application and progress reports, allocating funding to sub-applicants appropriately, and ensuring the completion of deliverables. IEMA & OHS is also responsible for ensuring that all relevant stakeholders are included in the homeland security grant process.
- C. IEMA & OHS shall manage the critical infrastructure risk assessment programs of the state, including as described below in paragraph III.D of this Executive Order, in coordination with all other state agencies, boards and commissions.
- D. IEMA & OHS, in coordination with the Homeland Security Advisor, Illinois State Police, Illinois Environmental Protection Agency, Illinois Department of Public Health, Illinois Department of Innovation & Technology, Illinois Department of Central Management Services, Office of the State Fire Marshal, and any other state agencies, boards, commissions, local governments and federal agencies as necessary, shall establish a schedule, method and process for:
 - a. identifying critical infrastructure within the state of Illinois;
 - b. conducting assessments of critical infrastructure;
 - c. securing and protecting assessment information through protected critical infrastructure information policies; and
 - d. developing a statewide vulnerability/risk assessment to address prevention, protection and mitigation strategies to enhance whole community resiliency.
- E. To the extent permitted by law, the Director of IEMA, and on and after the effective date of this Executive Order, the Director of IEMA & OHS, in consultation with the Homeland Security Advisor, is authorized to take all appropriate actions, including making regulatory and administrative changes under the Illinois Emergency Management Agency Act and Nuclear Safety Law of 2004, to implement this Executive Order. The Director of IEMA, and on and after the effective date of this Executive Order, the Director of IEMA & OHS, in consultation with the Homeland Security Advisor, also shall make recommendations to the Office of Governor and the

General Assembly for further legislation relating to the implementation of this Executive Order.

IV. ESTABLISHMENT OF ILLINOIS HOMELAND SECURITY ADVISORY COUNCIL

- A. Executive Order 2003-17 is hereby revoked, and the Illinois Terrorism Task Force is hereby renamed the "Illinois Homeland Security Advisory Council" (IL-HSAC) and established as a permanent body, reporting to the Homeland Security Advisor and vested with the powers and duties described herein.
- B. The current members of the Illinois Terrorism Task Force are hereby appointed as members of the IL-HSAC. Additional members of the IL-HSAC may be appointed with the nomination of the Homeland Security Advisor and the approval of the Governor.
- C. Members of the IL-HSAC shall serve without pay, but may receive travel and lodging reimbursement as permitted by applicable state or federal guidelines.
- D. The Homeland Security Advisor shall serve as Chair of the IL-HSAC. The Homeland Security Advisor may appoint one or more persons to carry out the administrative functions of the IL-HSAC. The Homeland Security Advisor shall report to the Governor or the Governor's designee on all activities of the IL-HSAC.

V. POWERS AND DUTIES OF THE ILLINOIS HOMELAND SECURITY ADVISORY COUNCIL

- A. The IL-HSAC, as an advisory body to the Homeland Security Advisor, shall develop and make recommendations regarding the State's domestic terrorism preparedness strategy.
- B. The IL-HSAC shall make recommendations to IEMA & OHS and to the Homeland Security Advisor related to the appropriate training of local, regional and State officials to respond to terrorist incidents involving conventional, chemical, biological and/or nuclear weapons.
- C. The IL-HSAC shall seek appropriate input from federal agencies, including but not limited to the United States Department of Justice, the Federal Bureau of Investigation, the Federal Emergency Management Agency, the United States Department of Health and Human Services, and the United States Department of Homeland Security.
- D. The IL-HSAC shall serve as the Illinois Senior Advisory Committee (SAC) with respect to funds received through the federal Homeland Security Grant Program. In that capacity, the IL-HSAC shall provide recommendations to IEMA & OHS and to the Homeland Security Advisor on issues related to the application for and use of all appropriate federal funding that relates to preventing, protecting against, mitigating, responding to and recovering from acts of terrorism and other threats.
- E. The IL-HSAC shall provide recommendations to IEMA & OHS and to the Homeland Security Advisor on issues related to the application for and use of all appropriate State and other funds as may be appropriate and available relating to homeland security.
- F. The IL-HSAC shall provide recommendations to IEMA & OHS and to the Homeland Security Advisor on issues relating to public safety preparedness and mutual aid to include strategies and tactics to coordinate multi-agency response to significant events, act of terrorism or natural disasters where coordination of local, state and private resources is necessary.

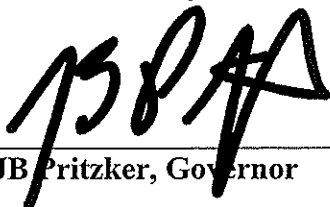
- G. The IL-HSAC shall develop further recommendations relating to coordinating public safety resources and combating terrorism in Illinois and shall present such recommendations to the Homeland Security Advisor.
- H. The IL-HSAC shall recommend to IEMA & OHS and to the Homeland Security Advisor any changes in Illinois state statutes, administrative regulations, or in the Illinois Emergency Operations Plan, that, in its view, may be necessary to accomplish its established objectives.
- I. The Homeland Security Advisor shall submit an annual report to the Governor by March 1st of each year. The report shall detail the activities, accomplishments and recommendations of the IL-HSAC in the preceding year.

VI. SAVINGS CLAUSE; SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

VII. FILING AND DELIVERY; EFFECTIVE DATE

- A. This Executive Order shall be filed with the Secretary of State. A copy of this Executive Order shall be delivered to the Secretary of the Senate and to the Clerk of the House of Representatives and, for the purpose of preparing a revisory bill, to the Legislative Reference Bureau.
- B. Provided that neither house of the General Assembly disapproves of this Executive Order by the record vote of a majority of the members elected, this Executive Order shall take effect 60 days after its delivery to the General Assembly.


JB Pritzker, Governor

Issued by the Governor February 17, 2023
Filed with the Secretary of State February 17, 2023

FILED
INDEX DEPARTMENT
FEB 17 2023
IN THE OFFICE OF
SECRETARY OF STATE