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IN THE  
APPELLATE COURT OF ILLINOIS  
FIFTH JUDICIAL DISTRICT

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JAMES MAINER, in his individual capacity and on behalf of all citizens similarly situated, and HCL DELUXE TAN, LLC, an Illinois limited liability company, on its behalf and on behalf of all businesses similarly situated,	)	Interlocutory Appeal from the Circuit Court of the Fourth Judicial Circuit, Clay County, Illinois
	)	
Plaintiff-Respondent,	)	No. 2020CH10
	)	
v.	)	
	)	
GOVERNOR J.B. PRITZKER, in his official capacity,	)	The Honorable
	)	MICHAEL D. McHANEY,
Defendant-Petitioner.	)	Judge Presiding.

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**SUPPORTING RECORD**  
**VOLUME 2 OF 3**

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VOLUME 2 OF 3**

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## VERIFICATION BY CERTIFICATION

I, Sarah A. Hunger, state the following:

1. I am a citizen of the United States over the age of 18. My current business address is 100 West Randolph Street, 12th Floor, Chicago, Illinois, 60601. I have personal knowledge of the facts stated in this verification by certification. If called upon, I could testify competently to these facts.

2. I am the Deputy Solicitor General in the Office of the Attorney General of the State of Illinois and along with others, I have been assigned to represent Defendant-Petitioner J.B. Pritzker, in his official capacity as Governor of the State of Illinois, in the interlocutory appeal under Illinois Supreme Court Rule 307(d) in *Mainer v. Pritzker*, No. 5-20-\_\_\_\_ (Circuit Court for the Fourth Judicial Circuit, Clay County, Illinois, No. 2020CH10), which is now pending before this court.

3. I am the attorney responsible for preparing the Supporting Record, which is three volumes, to be filed with this court in this interlocutory appeal.

4. I am familiar with the documents that have been filed with the circuit court, and the orders entered by the circuit court, in this case.

5. The documents included in the three volumes of Supporting Record are true and correct copies of documents that have been filed in the circuit court, and the orders entered by the circuit court, in this case.

Under penalties as provided by law under section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

Executed on May 26, 2020.

/s/ Sarah A. Hunger  
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**IN THE CIRCUIT COURT  
FOR THE FOURTH JUDICIAL CIRCUIT  
CLAY COUNTY, ILLINOIS**

JAMES MAINER, in his individual capacity  
and on behalf of all citizens similarly situated,  
and HCL DELUXE TAN, LLC, an Illinois  
limited liability company, on its behalf and on  
behalf of all businesses similarly situated,

Plaintiffs,

v.

GOVERNOR J.B. PRITZKER, in his official  
capacity,

Defendant.

Case No. 2020 CH 10

**GOVERNOR'S OPPOSITION TO PLAINTIFFS'  
MOTION FOR TEMPORARY RESTRAINING ORDER**

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SR211

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## INTRODUCTION

Plaintiffs have not met their high burden to show they are entitled to the extraordinary temporary restraining order (“TRO”) they seek restricting the Governor’s actions to combat COVID-19 and protect Illinois residents throughout the State.

*First*, they do not have a likelihood of success on the merits. Three other courts have issued reasoned written opinions that rejected the arguments Plaintiffs assert here. This court should do the same.

*Second*, Plaintiffs have not even tried to allege any facts showing how each of them has suffered or faces any actual irreparable harm. In fact, it appears Plaintiff HCL Deluxe Tan, LLC is operating in defiance of the Governor’s executive order.

*Third*, the balancing of harms requires the Court to deny the requested TRO. While Plaintiffs have not articulated any actual harm to them, the relief they seek—invalidation of all the Governor’s executive orders since April 8, 2020—would have devastating consequences. Even though any injunction by law must be limited only to these two Plaintiffs, there is no question that they and their counsel are seeking to use this action illegitimately to undermine the executive orders statewide.

As much as Plaintiffs and the Court might disagree with the Governor’s actions to combat the coronavirus, the General Assembly and Illinois Constitution have provided the Governor the authority he has exercised here. For these reasons and as detailed below, the Court should deny Plaintiffs’ motion.

Faced with the unprecedented and ongoing COVID-19 public health emergency, Governor Pritzker has exercised his legal authority under the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 *et seq.* (“Act” or “Emergency Management Act”), and the Illinois Constitution to issue three emergency disaster proclamations and 35 executive orders.

The Illinois General Assembly passed the Emergency Management Act to grant the Governor authority to implement emergency actions to ensure the State is prepared to protect the health and safety of the people of Illinois in the event of a disaster. *See* 20 ILCS 3305/2(a). The Act created the Illinois Emergency Management Agency as part of the executive branch, *id.* §§ 2, 4, and provides that 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,” *id.* § 6(a). As more fully described below, Section 7 of the Act authorizes the Governor to exercise emergency powers for periods of 30 days. *Id.* § 7. Because disasters (like flooding and pandemics) do not adhere to calendars and may exist beyond 30 days, the Act allows the Governor to exercise emergency powers for multiple or successive 30-day periods whenever a disaster “exists.” *Id.* The Act imposes no other condition or limitation on the authority of the Governor to issue a disaster proclamation and trigger emergency powers for the following 30 days.

Since the Act became law, Illinois governors have issued multiple and often successive emergency disaster proclamations that have allowed them to continue exercising emergency powers for the duration of an ongoing disaster. The General Assembly has certainly been aware of this longstanding practice by numerous governors—and is currently in session—yet has chosen not to amend the Act to incorporate the limitation suggested now by Plaintiffs. Already this month, three courts have agreed with the Governor’s reading of the Act. The Sangamon County Circuit Court was “persuaded by the plain reading of the statute” and held that the same “narrow interpretation” urged by Plaintiffs here “reads a limitation into the Act that does not exist.” *Running Central, Inc. v. Pritzker*, No. 2020-CH-105, slip op. at 4–5 (7th Jud. Cir. Ct. Sangamon Cty. May 21, 2020), attached as Exhibit 1. The Cook County Circuit Court held that

“[w]hen an emergency epidemic of disease occurs and a pandemic ensues, the Governor has authority under the Act to utilize emergency powers beyond a single 30-day period to protect the community and residents of the State.” *Mahwikizi v. Pritzker*, No. 20 C 04089, slip op. ¶ 23 (Cook Cty. Cir. Ct. May 8, 2020), attached as Exhibit 2. And the District Court for the Northern District of Illinois held that “so long as the Governor makes new findings of fact to determine that a state of emergency still exists, the Act empowers him to declare successive disasters, even if they stem from the same underlying crisis.” *Cassell v. Snyders*, No. 20 C 50153, 2020 WL 2112374, at \*13 (N.D. Ill. May 3, 2020), attached as Exhibit 3.<sup>1</sup>

In response to the clear public health threats posed by COVID-19, the Governor has used his authority under the Act and the Illinois Constitution to take a number of critical actions.<sup>2</sup>

These actions include:

- Using emergency procurement to obtain equipment and supplies needed to test for COVID-19;
- Using emergency procurement to obtain personal protective equipment (“PPE”) such as masks, gloves, and shields;
- Obtaining emergency funds from the federal government;

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<sup>1</sup> In addition, two federal district judges and the Seventh Circuit have denied injunctive relief in constitutional challenges to the Governor’s same executive order. *Elim Romanian Pentecostal Church v. Pritzker*, No. 20-1811, 2020 WL 2517093, at \*1 (7th Cir. May 16, 2020); *Elim Romanian Pentecostal Church v. Pritzker*, No. 20 C 2782, 2020 WL 2468194, at \*2–\*5 (N.D. Ill. May 13, 2020); *Cassell*, 2020 WL 2112374, at \*6–\*11, attached as Exhibit 3. This Court ruled against the Governor’s position in granting a temporary restraining order on April 27, 2020. That order was promptly vacated because the plaintiff declined to defend it on appeal. *Bailey v. Pritzker*, 2020 IL App (5th) 200148-U.

<sup>2</sup> A court may take judicial notice of any fact that is “not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” ILL. R. EVID. 201(b); *see also In re Linda B.*, 2017 IL 119392 ¶ 31 n.7 (“Public documents . . . fall within the category of ‘readily verifiable’ facts capable of instant and unquestionable demonstration of which a court may take judicial notice.”); *Cordrey v. Prisoner Review Bd.*, 2014 IL 117155 ¶ 12 n.3 (taking judicial notice of information on Department of Corrections’ website because it is a “public document”); *City of Centralia v. Garland*, 2019 IL App (5th) 180439 ¶¶ 8, 10 (taking judicial notice of Secretary of State’s records).

- Using emergency procurement to obtain ventilators needed to save lives of individuals in severe respiratory distress from COVID-19; and
- Using emergency powers to increase hospital capacity and the availability of healthcare professionals to treat patients with COVID-19.

To prevent community spread of COVID-19 and save lives, the Governor has also used his powers under the Act and the Illinois Constitution to require Illinois residents to adhere to social distancing and stay home except for essential travel and activities. Medical experts throughout the State, country, and world have made clear that requirements like these are critical to prevent the spread of COVID-19 (which can be transmitted by persons with no evident symptoms), to protect existing hospital services from being overwhelmed, and to avoid deaths from a disease that has no cure.

The Governor's three disaster proclamations relating to COVID-19 cite numerous facts to demonstrate why the current circumstances in Illinois comprise a "disaster" within the meaning of the Emergency Management Act. Plaintiffs do not dispute the truth of any of these facts. Rather, Plaintiffs urge the Court to declare, contrary to the plain language of the Emergency Management Act, that the Governor's emergency powers are limited to one 30-day period per disaster, no matter how long the disaster endures. Plaintiffs also urge the Court to declare that the only source of authority available to Illinois officials to address the unprecedented catastrophe caused by COVID-19 is Section 2 of the Department of Public Health Act ("Public Health Act"), 20 ILCS 2305/2, which authorizes the Department of Public Health and certified local health departments to issue isolation, quarantine, and business closure orders under limited circumstances. For the reasons set forth in detail below, Plaintiffs are wrong on all points.

On top of this, Plaintiffs fail to establish they will suffer irreparable harm in the absence of an injunction. They also fail to establish they have standing—or meet the class

requirements—to pursue relief on behalf of anyone other than themselves. A TRO in Plaintiffs’ favor would threaten to nullify emergency actions since April 8, 2020, and prevent further action. This would sabotage the State’s ability to procure desperately needed COVID-19 tests, as well as PPE (including masks, gowns, and gloves) for medical personnel and first responders, and also prevent the State from working closely with hospitals to ensure they are prepared for any increase in critically ill patients. A TRO in Plaintiffs’ favor would threaten lives throughout the entire State by upending the ability of the executive branch to respond to an unparalleled public health threat. The Court should therefore deny Plaintiffs’ motion for a TRO.

## **BACKGROUND**

### **The COVID-19 Pandemic Ravages the World.**

Over the past few months, the novel coronavirus COVID-19 has spread invisibly and indiscriminately throughout the world. On January 30, 2020, the World Health Organization (“WHO”) declared a public health emergency of international concern over the global outbreak of COVID-19.<sup>3</sup> On March 11, 2020, the WHO elevated COVID-19 to a pandemic.<sup>4</sup> As of May 21, 2020, the WHO reported 4,904,413 confirmed cases of COVID-19 and 323,412 confirmed deaths across 216 countries or territories.<sup>5</sup> The United States has by far the most COVID-19 cases of any country. As of May 18, 2020, the WHO reported 1,501,876 confirmed cases of

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<sup>3</sup> WHO, “WHO Director-General’s statement on IHR Emergency Committee on Novel Coronavirus (2019-nCoV)” (Jan. 30, 2020), [https://www.who.int/dg/speeches/detail/who-director-general-s-statement-on-ihr-emergency-committee-on-novel-coronavirus-\(2019-ncov\)](https://www.who.int/dg/speeches/detail/who-director-general-s-statement-on-ihr-emergency-committee-on-novel-coronavirus-(2019-ncov)) (all cites last visited May 22, 2020).

<sup>4</sup> WHO, “WHO Director-General’s opening remarks at the media on COVID-19” (Mar. 11, 2020), <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

<sup>5</sup> WHO, “Coronavirus disease (COVID-19) Pandemic,” <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>.

COVID-19 in the United States—almost a third of the world total—and 90,203 confirmed deaths.<sup>6</sup>

There is no vaccine or treatment available for COVID-19.<sup>7</sup> And there currently is no evidence that people who have recovered from COVID-19 and have antibodies are protected from a second infection.<sup>8</sup> The Centers for Disease Control (“CDC”) cautions that “[e]veryone is at risk of getting COVID-19” and “[t]he best way to protect yourself is to avoid being exposed to the virus that causes COVID-19.”<sup>9</sup> It therefore urges Americans to “stay home as much as possible and avoid close contact with others.”<sup>10</sup> Those who must go out are urged to “[p]ractice social distancing” and “limit in-person contact as much as possible.”<sup>11</sup>

### **The Act Provides the Governor with Emergency Powers During Disasters.**

The General Assembly passed the Emergency Management Act to provide the Governor with the tools necessary to contend with precisely this sort of public health emergency. The statute’s purpose is to “insure that this State will be prepared to and will adequately deal with any disasters, preserve the lives and property of the people of this State and protect the public peace, health, and safety in the event of a disaster.” 20 ILCS 3305/2(a). Section 7 of the Act authorizes the Governor to exercise emergency powers for periods of 30 days if he has

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<sup>6</sup> WHO, “United States of America: WHO COVID-19 Dashboard,” <https://covid19.who.int/region/amro/country/us>.

<sup>7</sup> WHO, “Q&A on coronaviruses (COVID-19)” (Apr. 17, 2020), <https://www.who.int/news-room/q-a-detail/q-a-coronaviruses> (“Is there a vaccine, drug or treatment for COVID-19?”).

<sup>8</sup> WHO, “‘Immunity passports’ in the context of COVID-19,” (Apr. 24, 2020), <https://www.who.int/news-room/commentaries/detail/immunity-passports-in-the-context-of-covid-19>.

<sup>9</sup> CDC, “What you should know about COVID-19 to protect yourself and others” (Apr. 15, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/downloads/2019-ncov-factsheet.pdf>.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

proclaimed the existence of a disaster, and to continue to exercise those emergency powers for additional 30-day periods if he determines and proclaims that a disaster still exists. *Id.* § 7.

Section 4 of the Act broadly defines a “disaster” to be “an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause.” 20 ILCS 3305/4. Immediately following this definition is a nonexhaustive list of specific circumstances that constitute a “disaster,” including both an “epidemic” and a “public health emergency.” *Id.* Section 4 further defines a “public health emergency” to be “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.

*Id.*

The COVID-19 pandemic illustrates that emergencies do not fit neatly into a predetermined time frame—rising and resolving all within the span of a single month. In this

sense, COVID-19 is not so extraordinary. Emergencies often last more than 30 days—floods, soil contamination, acts of terrorism, to name a few. Since the Act became law, Illinois governors have issued multiple and often successive proclamations regarding the same disaster. In just over the last decade, Governors Quinn, Rauner, and Pritzker each issued successive disaster proclamations related to a single event: in 2009 to address the H1N1 virus; and in 2011, 2017, and 2019 to respond to flooding. The Governor has identified 114 proclamations from 1980 to present that relate to the same underlying disaster as another proclamation.<sup>12</sup>

### **The Governor Responds to the COVID-19 Pandemic.**

As the COVID-19 pandemic reached Illinois, the State moved quickly and aggressively to combat the disease and prepare for an inevitable influx of patients. On March 9, 2020, “in response to the exponential spread of COVID-19,” the Governor found that a disaster existed in all 102 Illinois counties and issued a disaster proclamation pursuant to his power under Section 7 of the Act, 20 ILCS 3305/7.<sup>13</sup>

The Governor followed this disaster proclamation with a series of executive orders<sup>14</sup> designed to stop the spread of COVID-19, protect the health and safety of Illinois residents, and enhance the availability of testing and treatment for the disease.<sup>15</sup> The orders include closing public and private schools; limiting the operations of nonessential businesses like bars and

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<sup>12</sup> A list of all such proclamations dating back to 1980 is attached as Exhibit 4. The proclamations themselves are attached as Exhibit 5.

<sup>13</sup> Gubernatorial Disaster Proclamation (Mar. 9, 2020), <https://www2.illinois.gov/sites/gov/Documents/CoronavirusDisasterProc-3-12-2020.pdf>

<sup>14</sup> All of the Governor’s executive orders relating to COVID-19 are available at the following website: <https://coronavirus.illinois.gov/s/resources-for-executive-orders>.

<sup>15</sup> See “Gov. Pritzker Announces New Efforts to Expand Testing, Procure Personal Protective Equipment” (Apr. 16, 2020), <https://www2.illinois.gov/Pages/news-item.aspx?ReleaseID=21408>.

restaurants; suspending evictions and gatherings larger than 10 people; ordering social distancing in public places; and requiring residents to stay at home except for essential activities.

Following the Governor’s March 9 disaster proclamation and executive orders, cases of COVID-19 continued to rise in the State. The Illinois Department of Public Health (“IDPH”) confirmed the first death of a COVID-19 patient in Illinois on March 17, 2020.<sup>16</sup> By March 30, 2020, the number of confirmed deaths from COVID-19 in Illinois had reached 99,<sup>17</sup> and as of May 21, 2020, IDPH reported 102,686 confirmed cases of COVID-19 in the State and 4,607 confirmed deaths.<sup>18</sup>

Several COVID-19 outbreaks in Illinois have been caused by just one infected person. For example, Randolph County has one of the highest COVID-19 infection rates in the State.<sup>19</sup> Public health officials traced its surge of cases “to a single event in mid-March.”<sup>20</sup> Jasper County also suffers one of the highest COVID-19 infection rate in the State.<sup>21</sup> Its outbreak can be traced to a single first responder who carried the virus into a nursing home.<sup>22</sup> These patterns have repeated across the nation.<sup>23</sup> This type of cascading, exponentially increasing harm is why the

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<sup>16</sup> “Public Health Officials Announce First Illinois Coronavirus Disease Death” (Mar. 17, 2020), <https://www2.illinois.gov/Pages/news-item.aspx?ReleaseID=21262>.

<sup>17</sup> “Public Health Officials Announce 937 New Cases of Coronavirus Disease” (Mar. 31, 2020), <https://www2.illinois.gov/Pages/news-item.aspx?ReleaseID=21325>.

<sup>18</sup> IDPH, “COVID-19 Statistics,” <http://dph.illinois.gov/covid19/covid19-statistics>.

<sup>19</sup> Molly Parker, “Rural Randolph County has one of the highest COVID-19 infection rates in Illinois. Here’s what happened.” THE SOUTHERN (Apr. 18, 2020), [https://thesouthern.com/news/local/rural-randolph-county-has-one-of-the-highest-covid-19-infection-rates-in-illinois-here/article\\_420278d3-c36d-5fd1-98fe-b8bf6ef369e6.html](https://thesouthern.com/news/local/rural-randolph-county-has-one-of-the-highest-covid-19-infection-rates-in-illinois-here/article_420278d3-c36d-5fd1-98fe-b8bf6ef369e6.html) (last visited Apr. 26, 2020).

<sup>20</sup> *Id.*

<sup>21</sup> David Heinzmann, “‘People are frightened’: Across rural Illinois, economic frustrations mix with anxiety over COVID-19,” CHI. TRIB. (May 1, 2020), <https://www.chicagotribune.com/coronavirus/ct-coronavirus-rural-illinois-bailey-pritzker-20200501-zvd5jhcnjhlbnr7hfqgjuaaiq-story.html>

<sup>22</sup> *Id.*

<sup>23</sup> For example, a single funeral in Albany, Georgia, is responsible for one of the worst per capita COVID-19 outbreaks in the world. *See* Ellen Barry, “Days After a Funeral in a Georgia Town, Coronavirus ‘Hit

public health guidance embodied in the Governor’s executive orders required then—and continues to require now—limiting nonessential business operations, requiring rigorous social distancing protocols, and implementing other protections to stop the spread of the virus.

Faced with the continuing crisis from COVID-19, on April 1, 2020, the Governor proclaimed that “circumstances surrounding COVID-19 constitute a continuing public health emergency under Section 4 of the [Act]” and that therefore “a continuing disaster exists within the State of Illinois.”<sup>24</sup> That same day, the Governor issued Executive Order 2020-18 to extend certain provisions of prior executive orders through April 30, 2020.<sup>25</sup> Both that proclamation and the executive order referenced additional developments that occurred between the first disaster proclamation and the second—including the fact that “current testing availability has identified further spread of confirmed cases throughout the State of Illinois, and it is expected that increased testing capacity would demonstrate that COVID-19 is circulating in communities across Illinois that currently have not identified a confirmed case.”<sup>26</sup>

Throughout April, the numbers of cases of and fatalities of Illinoisans to COVID-19 continued to climb. Faced with these continuing increases in cases and deaths, and with a new emergency involving the increasing risk of shortages of hospital rooms, emergency rooms,

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Like a Bomb,” N.Y. TIMES (Mar. 30, 2020), <https://www.nytimes.com/2020/03/30/us/coronavirus-funeral-albany-georgia.html>.

<sup>24</sup> Gubernatorial Disaster Proclamation at fourteenth whereas clause & § 1 (Apr. 1, 2020), <https://www2.illinois.gov/sites/gov/Documents/APPROVED%20-%20Coronavirus%20Disaster%20Proc%20WORD.pdf>.

<sup>25</sup> Executive Order 2020-18 (Apr. 1, 2020), <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-18.aspx>

<sup>26</sup> *Id.* at seventh whereas clause.

ventilators, PPE, and testing, the Governor issued a new disaster proclamation on April 30, 2020.<sup>27</sup>

The Governor’s April 30 proclamation referenced numerous facts to justify the need for collective action by everyone in Illinois to reduce the lethal spread of COVID-19. For example:

- as the virus has progressed through Illinois, the crisis facing the State has developed and now requires an evolving response to ensure hospitals, health care professionals and first responders are able to meet the health care needs of all Illinoisans and in a manner consistent with CDC guidance that continues to be updated;<sup>28</sup>
- while the State is making every effort to procure additional PPE [for health care workers and first responders], if those procurement efforts are disrupted or Illinois experiences a surge in COVID-19 cases, the State faces a life-threatening shortage of respirators, masks, protective eyewear, face shields, gloves, gowns, and other protective equipment for health care workers and first responders;<sup>29</sup>
- Illinois is using a high percentage of hospital beds, ICU beds, and ventilators as a result of the number of COVID-19 that require hospitalization and, if cases were to surge higher, the State would face a shortage of these critical health care resources;<sup>30</sup>
- the State’s modeling shows that its health care resource utilization will not peak until May, and that health care resources will continue to be limited after the peak;<sup>31</sup>
- the State’s modeling shows that without extensive social distancing and other precautions, the State will not have sufficient hospital beds, ICU beds, or ventilators;<sup>32</sup>
- the State’s modeling shows that without a “stay at home” order, the number of deaths from COVID-19 would be between 10 to 20 times higher than with a “stay at home” order in place,<sup>33</sup> and

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<sup>27</sup> Gubernatorial Disaster Proclamation (Apr. 30, 2020), <https://www2.illinois.gov/sites/gov/Documents/CoronavirusDisasterProc-4-30-2020.pdf>.

<sup>28</sup> *Id.* twenty-fifth whereas clause.

<sup>29</sup> *Id.* thirty-first whereas clause.

<sup>30</sup> *Id.* thirty-second whereas clause.

<sup>31</sup> *Id.* thirty-fifth whereas clause.

<sup>32</sup> *Id.* thirty-sixth whereas clause.

<sup>33</sup> *Id.* fortieth whereas clause.

- the State’s estimated  $R_0$  [the average number of additional cases one person infected with COVID-19 will cause] was approximately 3.5 at the beginning of the outbreak, but the number has improved to approximately 1.25 based on the State’s emergency measures, including the “stay at home” order [but continues to pose a significant risk of cases overwhelming the healthcare system].<sup>34</sup>

Based on these facts (and many others set forth in the proclamation), the Governor concluded that “considering the expected continuing spread of COVID-19 and the resulting health impacts that will be felt over the coming month by people across the State, the current circumstances in Illinois surrounding the spread of COVID-19 constitute an epidemic emergency and a public health emergency under Section 4 of the Illinois Emergency Management Agency Act.”<sup>35</sup> Notably, Plaintiffs do not dispute any of the facts set forth in the Governor’s April 30 proclamation supporting his determination that the circumstances surrounding COVID-19 in Illinois constitute both an “epidemic” and a “public health emergency”—and thus continue to qualify as a “disaster”—within the meaning of Section 4 of the Act.

Having recognized and declared that a disaster continued to exist, on April 30 the Governor exercised his authority under the Act to issue Executive Order 2020-33, which extends for an additional 30 days many components of his comprehensive response to COVID-19—for example, authorizing the Secretary of the Department of Financial and Professional Regulation

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<sup>34</sup> *Id.* forty-second whereas clause.

<sup>35</sup> *Id.* fifty-second whereas clause. On May 13, 2020, the State reported an additional 192 new confirmed COVID-19 deaths—the largest one-day increase recorded to date. “Public Health Officials Announce 1,677 New Cases of Coronavirus Disease” (May 13, 2020), <https://www2.illinois.gov/Pages/news-item.aspx?ReleaseID=21540>. On May 1, 2020, the State reported an additional 3,137 new confirmed cases of COVID-19—the largest one-day increase recorded to date. “Public Health Officials Announce 3,137 New Cases of Coronavirus Disease” (May 1, 2020), <https://www2.illinois.gov/Pages/news-item.aspx?ReleaseID=21488>. Recent models project COVID-19 to peak in Illinois in early May. “Gov. Pritzker Announces Modified Stay at Home Order Will Be Extended Through May to Continue Progress” (Apr. 23, 2020), <https://www2.illinois.gov/Pages/news-item.aspx?ReleaseID=21459>; *see also* Joe Mahr, “Illinois officials say the state is hitting its COVID-19 peak — and that’s actually good news,” CHI. TRIBUNE (Apr. 24, 2020), <https://www.chicagotribune.com/coronavirus/ct-coronavirus-illinois-governor-projection-20200424-wd2bk4r4fbajxjsbzwcgdz2fiu-story.html>.

to take action to increase the number of licensed professionals responding to the disaster, and allowing remote learning for Illinois’s schoolchildren.<sup>36</sup>

The Governor also invoked his emergency powers under the Act to issue Executive Order 2020-32.<sup>37</sup> Reflecting the evolving circumstances of the COVID-19 pandemic in Illinois, this order allows more personal and business activity than the previous “stay at home” orders.<sup>38</sup> But in doing so, it emphasizes the need for social distancing and adherence to critical public health guidance, such as wearing face coverings to reduce the risk of the spread of COVID-19.<sup>39</sup>

### **Plaintiffs’ Suit Threatens Lives and Resources.**

Plaintiffs contend the Governor’s emergency powers under the Act last for only 30 days per disaster, no matter how long the disaster continues to exist. As a result, Plaintiffs insist the Governor lost all authority to issue executive orders relating to COVID-19 as of April 8, 2020—30 days after the Governor’s first disaster proclamations. According to Plaintiffs, the State’s only option to respond to this extraordinary epidemic and public health emergency is Section 2 of the Public Health Act, 20 ILCS 2305/2, which authorizes the Department of Public Health and certified local health departments to issue isolation, quarantine, and business closure orders under limited circumstances.

The Governor has issued numerous directives to fight the pandemic, but Plaintiffs (a resident of Clay County and a local business) focus on just one: Executive Order 2020-32. While the order generally requires Illinois residents to stay at home, it allows them to leave home to

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<sup>36</sup> Executive Order 2020-33 (Apr. 30, 2020), <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-33.aspx>.

<sup>37</sup> Executive Order 2020-32 (Apr. 30, 2020), <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-32.aspx>.

<sup>38</sup> *Id.* § 2, ¶¶ 5(iii), 7, 12.

<sup>39</sup> *Id.* § 1, ¶ 2.

engage in a broad range of “Essential Activities” that includes taking a walk with family, fishing, boating, and golf. Executive Order 2020-32 § 2, ¶ 5. To ensure social distancing and limit the spread of COVID-19, the order also limits operations of nonessential businesses to “fulfilling telephone and online orders through pick-up outside the store and delivery.” *Id.* § 1, ¶ 3. In their complaint, Plaintiffs do not specify how they are purportedly harmed by that order. And in fact, the Facebook page operated by Plaintiff HCL Deluxe Tan, LLC shows it is operating, apparently in defiance of the Governor’s orders.<sup>40</sup> A screenshot of that Facebook page captured in the evening of May 21, 2020, is set forth below.



In stark contrast to Plaintiffs’ vague and unsubstantiated allegations of harm stands the clear public health catastrophe threatened by the COVID-19 pandemic. If the Court accepts the premise underlying Plaintiffs’ suit—that the Governor may not exercise emergency powers

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<sup>40</sup> [https://www.facebook.com/pg/HCLDeluxeTan/posts/?ref=page\\_internal](https://www.facebook.com/pg/HCLDeluxeTan/posts/?ref=page_internal).

under the Act for more than 30 days per disaster, no matter how long that disaster may last—the outcome could threaten to undermine the State’s comprehensive response to COVID-19. These measures have already saved lives throughout Illinois, provided critical PPE for the brave medical professionals and first responders who are on the frontlines of Illinois’s fight against the disease, ensured access to billions of dollars of federal and state disaster aid, and reduced the tremendous pain and suffering that all Illinois residents would experience if the pandemic were allowed to continue unchecked.

By proclaiming a disaster under the Act, the Governor was able to take numerous additional measures that were, are, and will remain critical components of the State’s efforts to fight to disease. For example, the State was able to apply for and received a federal Major Disaster Declaration—which is accompanied by significant federal funds. Federal law requires that the Governor has “directed the execution of the State emergency plan” in order to declare a Major Disaster Declaration, 44 C.F.R. § 206.35(c)(1), so this federal funding is at risk if the State is no longer under a disaster proclamation. Similarly, the disaster proclamation was a necessary condition for the State to access the Disaster Response and Recovery Fund, 15 ILCS 30. The disaster proclamation also triggered the Governor’s ability to suspend provisions of the Illinois Procurement Code, 30 ILCS 500, which means the State can now utilize a significantly streamlined process in order to buy quickly to address PPE shortages, ventilator shortages, and limited testing for the virus. If the normal procurement rules were not suspended, the State would quickly run out of new equipment because the bidding and buying process would take too long and put the State at a competitive disadvantage to every other State seeking the same supplies—jeopardizing the health and safety of many Illinois residents.

And there is more. Declaring a disaster allowed the Governor to “prohibit increases in the prices of goods and services.” 20 ILCS 3305/7(14). It allowed him to take possession of vacant health care facilities to build out overflow capacity in case the State needed additional hospital beds, *id.* § 3305/7(4), and call up the National Guard to provide assistance, *id.* § 3305/7(13). It also allowed him to issue the lifesaving “stay at home” directives already mentioned above. To date, there have been 35 executive orders responding to various aspects of the emergency—including school closures, limitations on the potential liability for health care workers and volunteers, ceasing evictions for residential and nonresidential properties, expanding telehealth access, altering notary and witness guidelines, and more.<sup>41</sup> By challenging the Governor’s authority to proclaim a disaster, Plaintiffs put all this on the line. It is no exaggeration to say that billions of dollars and countless people’s lives hang in the balance.

### LEGAL STANDARD

“A temporary restraining order is an emergency remedy issued to maintain the status quo while the court is hearing evidence to determine whether a preliminary injunction should issue.” *Delgado v. Bd. of Election Comm’rs*, 224 Ill. 2d 481, 483 (2007). It is “an extraordinary remedy applicable only to situations where an extreme emergency exists and serious harm would result if it were not issued.” *Boltz v. Estate of Bryant*, 175 Ill. App. 3d 1056, 1066 (1st Dist. 1988). To obtain this extraordinary remedy, “plaintiffs must demonstrate that they (1) possess a protectable right, (2) will suffer irreparable harm without the protection of an injunction, (3) have no adequate remedy at law, and (4) are likely to be successful on the merits of their action.” *Bartlow v. Shannon*, 399 Ill. App. 3d 560, 567 (5th Dist. 2010).

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<sup>41</sup> “Executive Orders Related to COVID-19,” <https://coronavirus.illinois.gov/s/resources-for-executive-orders>.

And given that “[a] temporary restraining order issued with notice and a preliminary injunction issued with notice are the same type of relief and, whether referred to under either term, require the same elements of proof,” *Jacob v. C & M Video, Inc.*, 248 Ill. App. 3d 654, 664 (5th Dist. 1993), even if Plaintiffs are able to carry this tremendous burden, they must also make a fifth and final showing: “the benefits of granting the injunction outweigh the possible injury that the [State] might suffer as a result thereof.” *Gannett Outdoor of Chi. v. Baise*, 163 Ill. App. 3d 717, 721 (1st Dist. 1987). “In balancing the equities, the court should also consider the effect of the injunction on the public.” *Kalbfleisch ex rel. Kalbfleisch v. Columbia Cmty. Unit Sch. No. 4*, 396 Ill. App. 3d 1105, 1119 (5th Dist. 2009). “It is elemental that the court is obliged to consider the injury or inconvenience which may result to the defendant (especially where the defendant is a public body) or the public in general if the injunction is granted.” *G.H. Sternberg & Co. v. Cellini*, 16 Ill. App. 3d 1, 6 (5th Dist. 1973).

As discussed below, Plaintiffs cannot establish a likelihood of success on the merits, cannot demonstrate irreparable harm in the absence of injunctive relief, and the enormous harm to the public in the form of thousands of lives lost and billions of dollars of aid threatened from their proposed relief far outweighs any harm they may incur. Plaintiffs have known about the underlying basis for this action since at least April 8, 2020—the date they claim the Governor’s authority to take emergency action dealing with the COVID-19 disaster declaration “lapsed.” Any “emergency” is of Plaintiffs’ own making.

## **ARGUMENT**

### **I. Plaintiffs Have No Likelihood of Success on the Merits.**

Plaintiffs are not likely to succeed on the merits because the declarations they seek are contrary to Illinois law. In Count I, Plaintiffs seek a declaration that on April 30, 2020, no “disaster” existed in the State within the meaning of Section 4 of the Emergency Management

Act, 20 ILCS 3305/4; relatedly, Count II seeks a declaration that due to the absence of a “disaster” on April 30, 2020, the Governor does not currently possess any emergency powers pursuant to Section 7 of the Emergency Management Act, 20 ILCS 3305/7 sufficient to issue Executive Order 2020-32. As explained below, however, a disaster did exist within the meaning of the Act on April 30, 2020, and therefore Executive Order 2020-32 is a valid exercise of the Governor’s emergency powers conferred by the Act. *See Running Central*, slip op. at 5, attached as Exhibit 1 (holding “the interpretation of the Act upon which [plaintiff] bases its claims cannot be squared with either the plain reading of Section 7 of the Act or an examination of the Act as a whole” and “decid[ing] the statutory construction issue in the Governor’s favor”); *Mahwikizi*, slip op. ¶ 27, attached as Exhibit 2 (same); *Cassell*, 2020 WL 2112374, at \*14, attached as Exhibit 3 (same). In any event, contrary to the declaration Plaintiffs seek in Count III, Executive Order 2020-32 was independently authorized by the Governor’s “supreme executive power” under the Illinois Constitution. Finally, the additional declaration Plaintiffs seek in Count III—that the Governor’s authority to issue Executive Order 2020-32 is governed by Section 2 of the Public Health Act, 20 ILCS 2305/2—is contrary to the plain language of both the Public Health Act and the Emergency Management Act. The Court should deny Plaintiffs’ request for a TRO because they have no likelihood of succeeding on the merits of any of these claims.

**A. Executive Order 2020-32 Is Authorized by the Emergency Management Act.**

The premise of Counts I and II of Plaintiffs’ lawsuit—that the Governor’s emergency powers under the Emergency Management Act lapsed on April 8, 2020—is wrong as a matter of law. Plaintiffs contend Section 7 of the Act limits the Governor to one disaster proclamation for a particular disaster, and the Governor cannot exercise emergency powers beyond 30 days even if the disaster continues to exist. But Section 7 of the Act contains no such limitation. Section 7

authorizes the Governor to issue a disaster proclamation whenever, in his judgment, a disaster “exists” in the State. 20 ILCS 3305/7. That is the Act’s only condition for the Governor to issue a disaster proclamation, and it expressly provides that when he does so, he has prescribed emergency powers for 30 days thereafter. *Id.* Plaintiffs do not dispute the facts underlying the Governor’s proclamations that the COVID-19 pandemic constituted an ongoing disaster in the State on each of the dates on which the Governor issued his disaster proclamations. *Id.*<sup>42</sup> The Governor acted within his authority under Section 7 of the Act in issuing disaster proclamations on March 9, April 1, and April 30, 2020, and in exercising his emergency powers based on those proclamations.

**1. Section 7 of the Act Permits the Governor to Issue a Disaster Proclamation Whenever a Disaster Exists.**

In accusing the Governor of exceeding his authority under Section 7 of the Act, Plaintiffs misread the statute. The Governor’s disaster proclamations and exercise of emergency powers are consistent with the authority the General Assembly granted him in Section 7 of the Act.

The primary objective of statutory interpretation “is to ascertain and give effect to the legislature’s intent.” *Whitaker v. Wedbush Secs., Inc.*, 2020 IL 124792 ¶ 16 (citations omitted). “The most reliable indicator of legislative intent is the statutory language, given its plain and ordinary meaning.” *Id.* Section 7 of the Act gives the Governor the ability to declare that a disaster exists in the State:

In the event of a disaster, as defined in Section 4, the Governor may, by proclamation declare that a disaster exists.

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<sup>42</sup> Courts give great deference to such executive determinations, limiting their review “to a determination of whether the [executive’s] actions were taken in good faith and whether there is some factual basis for his decision that the restrictions he imposed were necessary to maintain order.” *United States v. Chalk*, 441 F.2d 1277, 1281 (4th Cir. 1971).

20 ILCS 3305/7. Section 4 of the Act defines a “disaster” as follows:

‘Disaster’ means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological 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*, or acts of domestic terrorism.

*Id.* § 4 (emphasis added). Section 4 further defines a “public health emergency” to be “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.

*Id.* Plaintiffs do not dispute the existence of the COVID-19 pandemic, or that it has threatened a shortage of hospital beds, emergency room beds, ventilators, PPE, and testing. Nor do Plaintiffs contest any of the other facts cited in the Governor’s proclamations in support of his

determinations that these circumstances constitute both an “epidemic” and a “public health emergency”—and therefore a “disaster”—within the meaning of Section 4 of the Act.

Upon the Governor’s declaration of a disaster through a proclamation, Section 7 of the Act confers “emergency powers” on the Governor that are enumerated in Subsections 7(1) through 7(14). Section 7 states the following regarding the time period in which the Governor may exercise the specified emergency powers:

Upon such proclamation, the Governor shall have and may exercise for a period not to exceed 30 days the following emergency powers . . . .

20 ILCS 3305/7. Critically, there is no limitation in Section 7 of the Act or elsewhere in the statute on the number of proclamations the Governor may issue regarding a particular “disaster.”

Section 7 of the Act is unambiguous in establishing a single criterion necessary for the Governor to issue a disaster proclamation: that a disaster “exists.” Section 7 of the Act vests the Governor with the authority to determine whether a disaster “exists.” In this case, the Governor concluded that a disaster existed on March 9, 2020, when he issued his first proclamation.<sup>43</sup> On April 1, 2020, when he issued his second proclamation, the Governor concluded that a disaster continued to exist.<sup>44</sup> And the Governor concluded that a disaster still existed on April 30, 2020, when he issued his third proclamation.<sup>45</sup> Plaintiffs do not and cannot contest the validity of the facts supporting the Governor’s determination that a disaster, in the form of the COVID-19 pandemic and the associated threatened shortages of critical health care resources, existed in Illinois on those dates.

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<sup>43</sup> Gubernatorial Disaster Proclamation § 1 (Mar. 9, 2020), <https://www2.illinois.gov/sites/gov/Documents/CoronavirusDisasterProc-3-12-2020.pdf>

<sup>44</sup> Gubernatorial Disaster Proclamation § 1 (Apr. 1, 2020), <https://www2.illinois.gov/sites/gov/Documents/APPROVED%20-%20Coronavirus%20Disaster%20Proc%20WORD.pdf>.

<sup>45</sup> Gubernatorial Disaster Proclamation § 1 (Apr. 30, 2020), <https://www2.illinois.gov/sites/gov/Documents/CoronavirusDisasterProc-4-30-2020.pdf>.

Because a disaster existed on March 9, April 1, and April 30, 2020, Section 7 of the Act conferred on the Governor the authority to issue a disaster “proclamation” on each of those dates. 20 ILCS 3305/7. By issuing those proclamations, the Governor properly obtained the ability to exercise the “emergency powers” conferred on him by Section 7 of the Act. Section 7 of the Act permits the Governor to exercise these “emergency powers” for “a period not to exceed 30 days” following the issuance of “such proclamation.” *Id.* In other words, Section 7 of the Act makes clear that the 30-day period during which the Governor may exercise the emergency powers is triggered by the Governor’s proclamation declaring a disaster (“[u]pon such proclamation,” *id.*), not by the date on which the disaster initially arises. “If a disaster still ‘exists,’ Section 7 of the Act permits the Governor to continue declaring its existence by proclamation and utilizing the emergency powers conferred on him for the 30-day period following each such proclamation.” *Running Central*, slip op. at 4, attached as Exhibit 1; *see also Mahwikizi*, slip op. ¶ 22, attached as Exhibit 2 (rejecting interpretation that would impose “one proclamation per disaster” limit because “the Act also contemplates more, and is not to be read so narrowly”); *Cassell*, 2020 WL 2112374, at \*13, attached as Exhibit 3 (concluding “the text and structure of the Act” support the Governor’s interpretation).

The Governor’s actions in response to the COVID-19 pandemic are consistent with Section 7 of the Act. When it became clear the disaster associated with the pandemic would continue beyond the first 30-day timeframe set out in the March 9 proclamation, the Governor issued the April 1 proclamation to begin a second 30-day period under Section 7 of the Act. He did the same on April 30, when COVID-19 continued to devastate Illinois. Under the April 30 proclamation, which is currently in effect, the Governor may exercise the emergency powers under Section 7 until May 29, 2020. If the Governor determines that the COVID-19 disaster

continues to exist, Section 7 of the Act authorizes the Governor to issue another disaster proclamation to be in effect for an additional 30 days from that date. As discussed below, the statutory guardrail on this authority to trigger emergency powers for an additional 30-day period is the requirement for the Governor to make a factual determination that a disaster exists.

Multiple other sections of the Act affirm that the Governor’s actions adhered to the statute. *See In re Detention of Lieberman*, 201 Ill. 2d 300, 308 (2002) (explaining that in statutory interpretation, “words and phrases should not be construed in isolation, but must be interpreted in light of other relevant provisions of the statute”). For example, the Act’s “Limitations” section contains no limitations on the Governor’s authority to issue more than one proclamation per disaster. *See* 20 ILCS 3305/3. To the contrary, the section’s only reference to the Governor requires that the Act not be construed to constrain the Governor’s ability to “proclaim martial law or exercise any other powers vested in the Governor under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Act.” *Id.* § 3(d).

Elsewhere in the Act, the General Assembly demonstrated it was capable of creating limits on renewing disaster declarations—yet it declined to do so when it comes to the Governor. For example, although Section 11 of the Act permits the principal executive officer of a political subdivision to declare a “local disaster,” 20 ILCS 3305/11, such a local disaster declaration “shall not be *continued or renewed* for a period in excess of 7 days *except by or with the consent of the governing board of the political subdivision.*” *Id.* § 11(a) (emphasis added). Thus, at the same time the General Assembly permitted the Governor to declare a disaster with no limitation on subsequent declarations, it explicitly precluded local executive officials from “continu[ing] or renew[ing]” such declarations without the intervention of the local legislative body. *Id.*; *see*

*Running Central*, slip op. at 5, attached as Exhibit 1 (concluding this contrast between Section 7 and Section 11 demonstrates “the General Assembly permitted the Governor to declare a disaster with no limitation on subsequent declarations and the renewed triggering of emergency powers under Section 7”).

**2. Plaintiffs’ Contrary Arguments Misread the Act and Violate Multiple Principles of Statutory Interpretation.**

Plaintiffs advance several arguments in support of their argument that the Governor’s emergency powers under the Act lapsed on April 8, 2020: (a) the Act limits the Governor to one proclamation per disaster; (b) the Governor’s interpretation of the Act renders “meaningless” the 30-day limit on his exercise of emergency powers; and (c) on April 30, 2020, no “disaster” existed in Illinois within the meaning of the Act.

As explained below, each of these arguments fails. Accepting Plaintiffs’ arguments would violate multiple principles of statutory interpretation by (a) disregarding relevant language in the Act; (b) adding a restriction on the Governor’s authority that the General Assembly did not intend to and did not include; and (c) producing absurd, unjust, and profoundly harmful results that are contrary to the Act’s express purpose. *See People v. Austin*, 2019 IL 123910 ¶ 15 (“Additionally, we must presume that the legislature did not intend to create absurd, inconvenient, or unjust results.”).

**The Act does not contain a limit of “one proclamation per disaster.”** Plaintiffs contend the Governor’s ability to exercise the emergency powers in Section 7 of the Act is limited to 30 days from the initial declaration of the COVID-19 pandemic, which, in this case, occurred on March 9, 2020. Plaintiffs purport to derive this argument from the statement in Section 7 of the Act that the Governor may exercise emergency powers “for a period not to exceed 30 days.” 20 ILCS 3305/7. Plaintiffs construe this phrase in isolation, however, without

regard to what triggers the onset of any given 30-day period. *See Rushton v. Dep't of Corr.*, 2019 IL 124552 ¶ 19 (“[A]ll provisions of an enactment should be viewed as a whole and words and phrases should be read in light of other relevant provisions of the statute.”). The sentence containing this phrase identifies the triggering event at the outset: “Upon such proclamation . . . ,” 20 ILCS 3305/7. In referring to a “proclamation,” the sentence does not limit the Governor to one proclamation per disaster. Although Plaintiffs may wish to construe the phrase “proclamation” to allow only the initial declaration of the COVID-19 pandemic on March 9, 2020, the word “initial” does not appear in Section 7 of the Act. Neither Plaintiffs nor the Court may “depart from the plain language of a statute by reading in exceptions, limitations, or conditions conflicting with the expressed legislative intent.” *Whitaker*, 2020 IL 124792 ¶ 16 (citing *Metropolitan Life Ins. Co. v. Hamer*, 2013 IL 114234 ¶ 18). Thus, while the Governor’s actions conform to the Act’s only express conditions, Plaintiffs’ interpretation of the Act improperly treats it as impliedly containing limitations the General Assembly did not enact. *See Running Central*, slip op. at 5, attached as Exhibit 1 (“[Plaintiff’s] narrow interpretation reads a limitation into the Act that does not exist.”).

Plaintiffs’ argument likewise ignores that in Section 4 of the Act, the General Assembly identified disaster phenomena that could reasonably be anticipated to outlast an arbitrary 30-day limit. These include “extended periods of severe and inclement weather,” “hostile military or paramilitary action,” and “critical shortages of essential fuels and energy.” 20 ILCS 3305/4. It is reasonable to assume the General Assembly selected these scenarios with the knowledge that the need for emergency authority to address them could persist for longer than 30 days. As Judge Lee concluded in his recent opinion, “[t]hose events pose a threat that may persist for long periods of time and certainly beyond a single 30-day period. It is difficult to see why the

legislature would recognize these long-running problems as disasters, yet divest the Governor of the tools he needs to address them.” *Cassell*, 2020 WL 2112374, at \*14, attached as Exhibit 3.

The rapid and devastating spread of COVID-19 throughout the State represents just such a disaster.

The General Assembly’s intent with respect to the Governor’s authority under Section 7 is further evidenced by a comparison with Sections 6 and 9 of the Act. These sections specify that the General Assembly must be involved in certain unrelated aspects of an emergency and address how the Governor can carry out that mandate even when the General Assembly is not in session. The General Assembly understood that if it wanted to preserve a role for itself in response to an emergency, it had to craft specific provisions to require this, and also to address the portion of the year when it is not in session. That the General Assembly did not insert this language in Section 7 indicates that it did not intend to play a role in declaring disasters, but rather intended for the Governor to exercise his powers precisely as he has done. Likewise, Plaintiffs’ attempt to read into the Act a one-proclamation-per-disaster limitation on the Governor’s statutory authority is inconsistent with Section 11, in which the General Assembly expressly constrained the ability of local municipal executives to “continue[] or renew[]” local disaster declarations. 20 ILCS 3305/11(a). If the General Assembly had intended to similarly limit the Governor’s ability to issue successive disaster proclamations, it would have said so. *See Running Central*, slip op. at 5, attached as Exhibit 1 (concluding this contrast between Section 7 and Section 11 demonstrates “the General Assembly permitted the Governor to declare a disaster with no limitation on subsequent declarations and the renewed triggering of emergency powers under Section 7”).

The State has been operating under the Act’s provisions for more than 30 years. During that time, Illinois governors have issued multiple and often successive proclamations regarding the same disaster. *See* Exhibit 4 (list of such proclamations); Exhibit 5 (copies of such proclamations). In just over the last decade, Governors Quinn, Rauner, and Pritzker have issued such disaster proclamations: in 2009 to address the H1N1 virus; and in 2011, 2017, and 2019 to respond to flooding. *Id.* The General Assembly has amended the Act at least 11 times—most recently in 2018—but did not make any changes to prevent Illinois governors from maintaining their practice of renewing or continuing disaster proclamations.<sup>46</sup> The General Assembly is currently in session, is obviously well-aware of the current circumstances, and yet has not taken any action that suggests it disapproves of the Governor’s interpretation of the Act.

“[A] reasonable interpretation of a statute by an agency charged with enforcement of that statute is entitled to great weight. Such a construction is even more persuasive if consistent, long-continued, and in conjunction with legislative acquiescence on the subject. Such acquiescence appears where the legislature, presumably aware of the administrative interpretation in question, has amended other sections of the act since that interpretation but left untouched the sections subject to the administrative interpretation in question.” *Pielet Bros. Trading v. Pollution Control Bd.*, 110 Ill. App. 3d 752, 756 (5th Dist. 1982). This precisely describes the circumstances here. The law requires this Court to defer to, not upend, its coequal branches’ consistent interpretation of the Act. The longstanding conduct of Illinois governors—who have regularly renewed disaster proclamations under the Act with the General Assembly’s knowledge

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<sup>46</sup> *See* P.A. 88-606; P.A. 92-73; P.A. 94-733; P.A. 98-465; P.A. 98-756; P.A. 99-36; P.A. 100-508; P.A. 100-444; P.A. 100-587; P.A. 100-863; P.A. 100-1179.

and acquiescence—demonstrates not only that Plaintiffs’ contrary take is an aberration, but also that it is just plain wrong.<sup>47</sup>

**The 30-day limit on the exercise of emergency powers is not “meaningless” under the Governor’s interpretation of the Act.** Plaintiffs contend that permitting the issuance of successive disaster proclamations under Section 7 of the Act would render the 30-day limitation meaningless. Not true. The Governor has not purported to exercise the emergency powers in Section 7 of the Act indefinitely. Instead, each of the three disaster proclamations expressly acknowledges that it is in effect only for the 30-day period prescribed by Section 7 of the Act.<sup>48</sup> This compels the Governor to make the periodic determination required by the statute that a “disaster” still in fact “exists” in the State. 20 ILCS 3305/7. If the factual circumstances change in the future—as everyone in Illinois hopes they will—then there will come a time when the Governor will be unable to reasonably conclude that a disaster still “exists” in Illinois. In those circumstances, pursuant to Section 7 of the Act, the Governor’s emergency powers would lapse 30 days after the issuance of his most recent disaster proclamation. Far from disregarding the

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<sup>47</sup> The judicial branch has also relied on the Governor’s disaster proclamations, particularly those at issue relating to COVID-19. On April 2, 2020, the Illinois Supreme Court cited “the state of emergency that has been declared by the Governor of the State of Illinois in order to prevent the spread of the coronavirus” in its order authorizing the chief judges of each circuit to continue trials. Order, *In re Illinois Courts Response to COVID-19 Emergency/ Impact on Trials*, M.R. 30370 (Apr. 3, 2020), <https://courts.illinois.gov/SupremeCourt/Announce/2020/040320.pdf>; see also Order, *In re Illinois Courts Response to COVID-19 Emergency/ Impact on Trials*, M.R. 30370 (May 20, 2020), <https://courts.illinois.gov/SupremeCourt/Announce/2020/052020.pdf>. The Fourth Judicial Circuit cited the Supreme Court’s order as authority for its own order issued on April 7, 2020, continuing all civil and criminal trials to June 15, 2020. Third Amended Administrative Order No. 2020-4 (Apr. 7, 2020), <https://fourthcircuitil.com/wp-content/uploads/2020/04/2020-4-Regarding-COVID-19-and-Court-Operations-2-THIRD-AMENDED-4-6-20.pdf>.

<sup>48</sup> Gubernatorial Disaster Proclamation § 11 (Mar. 9, 2020), <https://www2.illinois.gov/sites/gov/Documents/CoronavirusDisasterProc-3-12-2020.pdf> (“This proclamation shall be effective immediately and remain in effect for 30 days.”); Gubernatorial Disaster Proclamation § 12 (Apr. 1, 2020), <https://www2.illinois.gov/sites/gov/Documents/APPROVED%20-%20Coronavirus%20Disaster%20Proc%20WORD.pdf> (same); Gubernatorial Disaster Proclamation § 12 (Apr. 30, 2020), <https://www2.illinois.gov/sites/gov/Documents/CoronavirusDisasterProc-4-30-2020.pdf> (same).

time limitation in Section 7 of the Act, the Governor is conscientiously abiding by it. *See Running Central*, slip op. at 5, attached as Exhibit 1 (reasoning “the Governor’s authority to exercise his emergency powers is [not] without restraint” because “[o]nce the emergency has been abated, the Governor’s authority to issue Executive Orders will cease”); *Mahwikizi*, slip op. ¶ 27, attached as Exhibit 2 (reasoning that while “the Act does not give the Governor unfettered power,” “Illinois is not yet at [the] stage” where the Governor’s statutory authority would lapse because “[t]he risk of COVID-19 is still real for Illinoisans and continues to be fatal”); *Cassell*, 2020 WL 2112374, at \*14, attached as Exhibit 3 (concluding that “the text and structure of the Act” support the Governor’s interpretation).

Indeed, it is Plaintiffs’ interpretation that would render the Act meaningless—not the Governor’s. Plaintiffs’ unsupported reading of Section 7’s language would lead to absurd, unjust, and profoundly harmful results to a degree rarely, if ever, contemplated by a litigant. Plaintiffs attack the foundation of the emergency powers the Governor has been compelled to exercise: the Governor’s disaster proclamations. The limitation Plaintiffs propose on Section 7 of the Act threatens to nullify all of the emergency actions the Governor has taken since April 8, 2020, when Plaintiffs claim the Governor’s emergency powers “lapsed.” Plaintiffs would purport to have life in Illinois resume as it existed on March 8, 2020, the day before the first disaster proclamation. But in contrast to March 8, 2020, when there were 11 confirmed COVID-19 cases in Illinois<sup>49</sup> and no confirmed fatalities related to the disease, as of May 21, 2020, IDPH reported 102,686 confirmed cases of COVID-19 in the State and 4,607 confirmed deaths.<sup>50</sup> Accepting Plaintiffs’ argument means accepting the only possible result: COVID-19 would once again

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<sup>49</sup> Gubernatorial Disaster Proclamation thirteenth whereas clause (Mar. 9, 2020), <https://www2.illinois.gov/sites/gov/Documents/CoronavirusDisasterProc-3-12-2020.pdf>

<sup>50</sup> IDPH, “COVID-19 Statistics,” <http://dph.illinois.gov/covid19/covid19-statistics>.

begin its exponential spread throughout the State. In the process, many, many lives would unnecessarily be lost. Indeed, according to Plaintiffs' position, the Governor will be unable to issue a disaster proclamation and use exercise emergency powers in the event COVID-19 makes a resurgence this fall. That cannot be the result the General Assembly intended in enacting Section 7 or any other provision in the Act. On the contrary, the General Assembly articulated a very different purpose: "to insure that this State will be prepared to and will adequately deal with any disasters, preserve the lives and property of the people of this State and protect the public peace, health, and safety in the event of a disaster." 20 ILCS 3305/2(a).

A **"disaster" existed in Illinois on April 30, 2020.** Plaintiffs do not dispute the numerous facts underlying the Governor's determination that a disaster existed in Illinois on April 30, 2020.<sup>51</sup> Yet they urge the Court to find these facts fail to satisfy the definition of "disaster" set forth in Section 4 of the Act as a matter of law. Their argument appears to be: (1) the Governor issued a new disaster proclamation on April 30 because his prior April 1 disaster proclamation was limited to just 30 days; (2) the expiration of a prior proclamation does not satisfy the definition of "disaster" set forth in Section 4 of the Emergency Management Act; and (3) the facts cited by the Governor in his April 30 proclamation regarding the devastation caused by the COVID-19 pandemic are irrelevant to the question whether a "disaster" existed on that date.

Plaintiffs' argument is nonsense. The Governor's April 1 proclamation lasted for just 30 days not because of some nefarious "scheme" (as Plaintiffs vaguely charge) but rather because that is what the Act requires. Once those 30 days passed, the Governor's emergency powers

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<sup>51</sup> Gubernatorial Disaster Proclamation whereas clauses (Apr. 30, 2020), <https://www2.illinois.gov/sites/gov/Documents/CoronavirusDisasterProc-4-30-2020.pdf>.

would have lapsed by law unless he made a new determination that the disaster continued to exist. This is precisely what the Governor did on April 30. Plaintiffs do not—and cannot—provide a principled reason why the Court should disregard the numerous undisputed facts that the Governor cited in support of his determination that a disaster relating to the COVID-19 pandemic continued to exist on April 30. As described above, these undisputed facts clearly establish that both an “epidemic” and a “public health emergency” existed on that date as a matter of law. In effect, Plaintiffs ask the Court to rewrite the statutory definition of “disaster” so it excludes “epidemics” and “public health emergencies.”<sup>52</sup> The Court may not rewrite the General Assembly’s language. *People ex rel. Birkett v. Dockery*, 235 Ill. 2d 73, 81 (2009) (“It is a cardinal rule of statutory construction that we cannot rewrite a statute, and depart from its plain language, by reading into it exceptions, limitations or conditions not expressed by the legislature.”). Because Section 4 of the Act *does* define “disaster” to comprise both of these terms, 20 ILCS 3305/4, and because Plaintiffs do not dispute the underlying facts establishing that both an “epidemic” and a “public health emergency” existed on April 30, 2020, the Court, like the Governor, must conclude that a “disaster” existed in Illinois on that date.

### **3. The Court Should Disregard the Attorney General’s 2001 Informal Opinion.**

Plaintiffs’ contrary interpretation of the Act relies on a 2001 informal opinion issued by a member of former Attorney General James Ryan’s staff responding to questions about a disaster proclamation relating to foot and mouth disease, which affected only livestock in Illinois, not

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<sup>52</sup> Plaintiffs also asserts that an “occurrence or event” can be a “disaster” under Section 4’s definition only if it “require[es] emergency action to avert danger or damage.” This is a misreading of the statute. The General Assembly’s careful placement of commas shows that the phrase “requiring emergency action to avert danger or damage” modifies only the immediately preceding phrase “hazardous materials spill or other water contamination.” It does not modify “epidemic” or “public health emergency” or any of the other terms listed elsewhere in Section 4, each one of which on its own is sufficient to constitute a “disaster” for purposes of the Emergency Management Act.

human beings (“2001 Informal Opinion”). This document has no precedential value and should not be given any weight by the Court because it did not apply multiple principles of statutory interpretation that courts analyzing this issue have properly applied to uphold the Governor’s challenged proclamations and executive orders. In addition, more fundamentally, the 2001 Informal Opinion will not aid this Court because that opinion was interpreting a different version of the Emergency Management Act, and the factual context and assumptions that the 2001 Informal Opinion relied on are distinguishable from the circumstances of the COVID-19 pandemic. *See Dew-Becker v. Wu*, 2020 IL 124472 ¶ 27 (Attorney General opinion based on outdated information not relevant to a court’s interpretation of statute); *Running Central*, attached as Exhibit 1 (court’s analysis of Act does not rely on the 2001 Informal Opinion, despite being made aware of it and urged to do so by plaintiff).

The 2001 Informal Opinion responded to questions relating to “the discovery of a single confirmed case of foot and mouth disease in Illinois,” which “spreads easily among cloven-hoofed animals, such as cattle, sheep, pigs, goats and deer.” (2001 Informal Opinion at 1.) One of the legal questions presented was “whether the Governor may exercise emergency powers for a period in excess of 30 days after the declaration of a disaster” under the then-existing version of Section 7 of the Emergency Management Act, 20 ILCS 3305/7 (West 2000).

As an initial matter, the statute analyzed by the 2001 Informal Opinion is not the same statute that exists today. Since the issuance of the 2001 Informal Opinion on July 2, 2001, there have been at least five substantive amendments<sup>53</sup> to the statutory subsections it analyzed. Most significantly, the General Assembly amended the definition of “disaster” in Section 4 of the

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<sup>53</sup> P.A. 92-73 (eff. Jan. 1, 2002) (amending Sec. 4 and Sec. 7); P.A. 93-249 (eff. July 22, 2003) (amending Sec. 4); P.A. 94-334 (eff. Jan. 1, 2006) (amending Sec. 4); P.A. 94-1081 (eff. June 1, 2007) (amending Sec. 4); P.A. 100-587 (eff. June 4, 2018) (amending Sec. 4).

Act—a provision analyzed by the 2001 Informal Opinion—to include a “public health emergencies,” defined as:

an occurrence or imminent threat of an illness or health condition that: (a) is believed to be caused by any of the following . . . the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin . . . 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.

P.A. 93-249 (eff. July 22, 2003) (amending 20 ILCS 3305/4).<sup>54</sup> The inclusion and definition of “public health emergencies” was a material change to the statute that was made after the 2001 Informal Opinion. Indeed, the disaster proclamations and executive orders Plaintiffs challenge in this case have been issued in response to the COVID-19 pandemic—a “public health emergency” that was not in the statute in 2001 and not addressed by the 2001 Informal Opinion.

The 2001 Informal Opinion also analyzed whether a governor can “extend the 30 day period” in Section 7 of the Act (2001 Informal Opinion at 5), but that is not the issue before this Court. Neither this Governor nor prior governors have purported to “extend the 30 day” period in Section 7 of the Act. Rather, because of this 30-day limitation, a governor must, at the conclusion of each 30-day period following a disaster proclamation, assess whether a “disaster” within the meaning of the Act still “exists.” 20 ILCS 3305/7. If it does, a governor may issue a

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<sup>54</sup> Public Act 93-829, which took effect on July 28, 2004, conferred emergency powers on the Director of the Illinois Department of Professional Regulation that arise “[u]pon proclamation of a disaster by the Governor, as provided for in the Illinois Emergency Management Act,” P.A. 93-829 (eff. July 28, 2004) (creating 20 ILCS 2105/2105–400). These powers include the ability to modify or suspend licensure requirements for physicians, nurses, pharmacists, and other licensed professionals working under the direction of IEMA and the Illinois Department of Public Health. Accepting Plaintiffs’ interpretation of Section 7 of the Act would mean that the many health care professionals who have come out of retirement to serve on the front-lines of the COVID-19 pandemic in Illinois may have been operating without licenses since April 8, 2020. Here, again, that cannot be the result the General Assembly intended in enacting Section 7 of the Act or Public Act 93-829.

proclamation declaring its continued existence and exercise emergency powers for 30 subsequent days. *Id.*

For the same reasons already addressed above, the 2001 Informal Opinion was wrong to conclude that this approach would render the 30-day limitation in Section 7 meaningless. (2001 Informal Opinion at 5–6.) Far from it: a governor can exercise emergency powers for a 30-day period only after first making a determination at the beginning of each such period that a disaster exists. In addressing this very issue, the federal district court for the Northern District of Illinois explained why this reading of the statute is correct:

This statutory construction makes sense. Some types of disasters, such as a storm or earthquake, run their course in a few days or weeks. Other disasters may cause havoc for months or even years. For example, the Act designates ‘air contamination, blight, extended periods of inclement weather, [and] drought’ as disasters. [20 ILCS 3305/4.] Those events pose a threat that may persist for long periods of time and certainly beyond a single 30-day period. It is difficult to see why the legislature would recognize these long-running problems as disasters, yet divest the Governor of the tools he needs to address them.

This is not to say that the Governor’s authority to exercise his emergency powers is without restraint. ***To support each successive emergency declaration, the Governor must identify an ‘occurrence or threat of widespread or severe damage, injury or loss of life.’*** [20 ILCS 3305/4.] Once an emergency has abated, the facts on the ground will no longer justify such findings, and the Governor’s emergency powers will cease. And, should this or any future Governor abuse his or her authority by issuing emergency declarations after a disaster subsides, affected parties will be able to challenge the sufficiency of those declarations in court.

*Cassell*, 2020 WL 2112374, at \*14, attached as Exhibit 3. Judges in Sangamon County and Cook County also adopted this reasoning. *Running Central*, slip op. at 5, attached as Exhibit 1; *Mahwikizi*, slip op. ¶¶ 24–27, attached as Exhibit 2. As this reasoning makes clear, the Governor’s interpretation of Section 7 of the Act does not render the 30-day limitation meaningless.

The 2001 Informal Opinion did not consider this interpretation of Section 7 of the Act. As discussed above, for at least the two decades before the 2001 Informal Opinion, multiple governors interpreted and applied Section 7 the same way Governor Pritzker has interpreted and applied it here: to allow the Governor to declare that a disaster exists, then exercise emergency powers for 30 days following each such declaration.

The 2001 Informal Opinion also did not consider the General Assembly's acquiescence as numerous governors issued multiple and often successive disaster proclamations regarding a single disaster. The General Assembly's inaction on this aspect of the statute while repeatedly amending other aspects is critical to determining its intent and affirms that it has consistently understood governors to have the authority to issue multiple and often successive disaster proclamations when a disaster continues to exist. As the Fifth District has explained:

[A] reasonable interpretation of a statute by an agency charged with enforcement of that statute is entitled to great weight. Such a construction is even more persuasive if consistent, long-continued, and in conjunction with legislative acquiescence on the subject. Such acquiescence appears where the legislature, presumably aware of the administrative interpretation in question, has amended other sections of the act since that interpretation but left untouched the sections subject to the administrative interpretation in question.

*Pielet Bros.*, 110 Ill. App. 3d at 756 (internal citations omitted). The 2001 Informal Opinion did not apply this principle of statutory interpretation or consider the fact that multiple disaster proclamations have been commonplace and accepted for decades. In fact, the General Assembly amended the Act ten times in the two decades prior to the 2001 Informal Opinion and never did anything to prohibit governors from continuing to issue multiple or successive disaster proclamations.

Although the 2001 Informal Opinion referenced the principle of statutory interpretation that statutes must be construed as a whole, it did not apply this principle with respect to other

sections of the Act. (2001 Informal Opinion at 5 (citing *Pascal v. Lyons*, 15 Ill. 2d 41, 45 (1958).) For example, the 2001 Informal Opinion did not discuss Sections 3 and 11 of the Act, both of which indicate that the General Assembly did not intend to confine a governor’s ability to use emergency powers to respond to a disaster to a single 30-day period per disaster.

Section 3 of the Act, titled “Limitations,” imposes no limitation on a governor’s ability to issue multiple proclamations when a single disaster persists for longer than 30 days. 20 ILCS 3305/3. Quite the opposite: Section 3 expressly preserves the Governor’s broad statutory and constitutional authority to respond to disasters. *Id.* By contrast, Section 11 of the Act makes clear that, when it wanted to do so, the General Assembly knew how to condition an executive’s ability to continue to use emergency powers on affirmative legislative assent. Section 11 states that a disaster declaration by the executive of a political subdivision of the State “shall not be continued or renewed for a period in excess of 7 days *except by or with the consent of the governing board of the political subdivision.*” *Id.* § 3305/11(a). Section 7 contains no analogous condition for a governor issuing multiple or successive disaster proclamations.<sup>55</sup>

The absence of any role for the General Assembly in the issuance of disaster proclamations under Section 7 of the Act was a deliberate choice by the General Assembly. The predecessor to the Act, the Illinois Civil Defense Act of 1951, included an accompanying role for the General Assembly in regard to disaster proclamations. Section 7 of that statute, titled “Emergency powers of the Governor,” stated:

In the event of an actual enemy attack upon the United States (as defined in Section 3 of this Act) or the occurrence, within the State of Illinois, of a major disaster resulting from enemy sabotage or other hostile action, or when a natural

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<sup>55</sup> See Attorney General Opinion 20-002 (May 20, 2020), <https://www.illinoisattorneygeneral.gov/opinions/2020/20-002.pdf> (finding the 2001 Informal Opinion “did not compare a provision of the Emergency Management Act that contains language that has a specific limitation on the duration of a local disaster declaration with that of Section 7 of the Emergency Management Act”).

disaster of major proportions has actually occurred in this State, the Governor may, by proclamation, declare that a Civil Defense Emergency exists; and, if the General Assembly is then in regular session, or in the event that it is not, if the Governor concurrently with his proclamation declaring such an emergency issues a call for an immediate convention of the General Assembly in extraordinary session for the purpose of amending or repealing this Act or any other act related to or concern with Civil Defense and of enacting such other legislation concerning Civil Defense as it may deem necessary, he shall have and may exercise for a period not to exceed 30 days the following emergency powers . . .

Ill. Rev. Stat., Ch. 127, Sec. 275 (1973 ed.) (attached as Exhibit 6). In 1975, however, the General Assembly chose to remove itself entirely from the statutory provision regulating the governor's issuance of disaster proclamations and exercise of emergency powers. *See* P.A. 79-1084 (eff. Sept. 22, 1975) (attached as Exhibit 7) (adopting a new section titled "Emergency Powers of the Governor" (Sec. 8) that excludes any reference to the General Assembly).

The 2001 Informal Opinion did not consider this legislative history.<sup>56</sup> When the Act is interpreted with the benefit of legislative history, it is not possible to assume, as the 2001 Informal Opinion apparently did, that, when a disaster "require[s] remediation for a period long in excess of 30 days, normal governmental processes, including legislative action, can be set in motion to meet such needs within the 30 days of the occurrence." (2001 Informal Opinion at 6.)

The wisdom of the 1975 General Assembly on this point has also been borne out by the experience of the current pandemic. The 2001 Informal Opinion's assumption that the General Assembly could resort to "normal governmental processes, including legislative action," within 30 days after "the occurrence" of a disaster (2001 Informal Opinion at 6), has not been true during the COVID-19 pandemic. Because of the risk posed by COVID-19, the General Assembly did not meet for approximately two months. Because the 2001 Informal Opinion did

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<sup>56</sup> *See* Attorney General Opinion 20-002 (May 20, 2020), <https://www.illinoisattorneygeneral.gov/opinions/2020/20-002.pdf> (finding the 2001 Informal Opinion "did not consider all of the legislative history of the Emergency Management Act existing at the time the opinion was issued").

not analyze the Act in the context of a factual circumstance where the General Assembly determined that it could not convene within 30 days after the onset of a disaster, the opinion’s interpretation of the 30 day limitation in the Act is distinguishable.

**B. The Governor’s Exercise of Emergency Powers Is Authorized by the Illinois Constitution.**

In addition to the specific authority set forth in Section 7 of the Act, the Governor also possesses inherent and independent authority—derived from the Illinois Constitution—to order immediate measures necessary to protect the public health in the event of a crisis like the one currently sweeping this State.

The Governor’s inherent constitutional authority is expressly recognized in the text of the Act itself, which provides that the statute does not “[l]imit, modify, or abridge the authority of the Governor to . . . exercise any other powers vested in the Governor under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Act.” 20 ILCS 3305/3(d). In passing the Act, therefore, the General Assembly recognized and affirmed the Governor’s independent power to take immediate action when necessary to protect the public health—even in the absence of a specific legislative mandate. Indeed, when the Governor issued his disaster proclamations and executive orders, he invoked both the powers vested in him as the Governor of the State by the Illinois Constitution, as well as the Act.<sup>57</sup>

This conclusion derives from three indisputable principles:

- (1) The State’s police powers authorize it to take action in response to contagious

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<sup>57</sup> *E.g.*, Gubernatorial Disaster Proclamation final whereas clause (Mar. 9, 2020), <https://www2.illinois.gov/sites/gov/Documents/CoronavirusDisasterProc-3-12-2020.pdf>; Gubernatorial Disaster Proclamation therefore clause (Apr. 1, 2020), <https://www2.illinois.gov/sites/gov/Documents/APPROVED%20-%20Coronavirus%20Disaster%20Proc%20WORD.pdf>; Gubernatorial Disaster Proclamation final whereas clause (Apr. 30, 2020), <https://www2.illinois.gov/sites/gov/Documents/CoronavirusDisasterProc-4-30-2020.pdf>.

diseases, pandemics, and other threats to public health and safety.

(2) The General Assembly has not prohibited the Governor from taking the specific actions to safeguard the public health embodied in the executive orders at issue in this lawsuit.

(3) The COVID-19 pandemic presents urgent circumstances that require prompt action to protect the people of Illinois against serious harm.

*First*, it is blackletter law that the State’s police powers authorize it—and indeed, require it—to implement preventive measures when the people are confronted by contagious diseases, epidemics, and other threats to public health and safety. “Among all the objects sought to be secured by governmental laws none is more important than the preservation of public health. The duty to preserve the public health finds ample support in the police power, which is inherent in the state, and which the state cannot surrender.” *People ex rel. Barmore v. Robertson*, 302 Ill. 422, 427 (1922); *see also, e.g., Jacobson v. Massachusetts*, 197 U.S. 11, 24–25 (1905); *People v. Anderson*, 355 Ill. 289, 296–97 (1934).

The Governor plays a critical role in exercising the State’s police powers to promote public health. The Illinois Constitution provides that he “shall have the supreme executive power, and shall be responsible for the faithful execution of the laws.” Ill. Const. art. V, § 8. This grant of authority to the Governor must be interpreted in accordance with the purposes for which the Constitution was adopted—“to provide for the health, safety and welfare of the people.” Ill. Const., preamble (first enumerated purpose); *see Wolfson v. Avery*, 6 Ill. 2d 78, 88–89 (1955) (Illinois Constitution must be interpreted in view of “the purpose sought to be accomplished”); *People v. Lawton*, 212 Ill. 2d 285, 301 (2004) (Illinois Constitution is written in broad outlines and “does not ‘partake of the prolixity of a legal code’”). The Governor’s constitutional authority to protect public health includes, for example, the power to develop a “plan or program for

relocating the residents of [a facility for the developmentally disabled] after its closure.” *Dixon Ass’n for Retarded Citizens v. Thompson*, 91 Ill. 2d 518, 533 (1982).

*Second*, the General Assembly has not prohibited the Governor from authorizing the emergency measures he has adopted to protect the public health and prevent the spread of COVID-19 in Illinois. There exists no statute that forbids these executive orders or identifies another branch of government that possesses the exclusive authority to act in this realm. Even Plaintiffs seem to acknowledge this. Their argument is that the Act **lacks** affirmative authority for the Governor’s actions, which is materially different from an argument that the Act **prohibits** the Governor’s actions.

But the Governor’s public health powers extend beyond the statute books. Our nation’s leading authorities have long recognized that “[i]t may be fit and proper for the government, in the exercise of the high discretion confided to the executive, for great public purposes, **to act on a sudden emergency**, or to prevent an irreparable mischief, by **summary measures**, which are **not found in the text of the laws.**” *The Apollon*, 22 U.S. (9 Wheat.) 362, 366–67 (1824) (Story, J.) (emphasis added).<sup>58</sup> The alternative would mean that the State could do nothing to protect the people from an unanticipated threat to their safety; the State would be paralyzed to act at the very time when its founding purpose—“to provide for the health, safety and welfare of the people”—is of the highest necessity. Ill. Const., preamble. This is an absurd and untenable outcome. *See People ex rel. Giannis v. Carpentier*, 30 Ill. 2d 24, 29 (1964) (“The constitution should whenever possible be construed to avoid such irrational, absurd, or unjust consequences.”).

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<sup>58</sup> “[I]n our constitutional republic, the decisions of whether, when, and how to exercise emergency powers amidst a global pandemic belong not to the unelected members of the judicial branch but to the elected officials of the executive branch.” *SH3 Health Consulting, LLC v. Page*, No. 4:20-cv-00605 SRC, 2020 WL 2308444, at \*4 (E.D. Mo. May 8, 2020).

*Third*, there is no serious question that the COVID-19 pandemic represents an extraordinary public health crisis of proportions previously unknown to the people of this State. The background section of this opposition and the sources cited therein establish why the current situation is unique: the disease is not limited to an isolated outbreak or localized cluster of individual infections, but instead has spread throughout the State, our nation, and most of the world; it is highly contagious and can be transmitted by persons with no obvious symptoms; there is no clear evidence that people who recover from infection become immune to the disease; and it has dangerously high rates of serious complications and mortality. States, not the federal government, have the primary responsibility to respond to public health threats of this nature. This statewide crisis demands a statewide response. And that is why the Governor issued the executive orders at issue here. His targeted actions have helped to dampen, but not yet extinguish, the COVID-19 crisis. If he had not acted, or if his protective measures were discontinued prematurely, a staggering number of Illinois residents would die or become seriously ill as COVID-19 proliferates in every corner of this State. To be effective, the public health guidelines embodied in the Governor's executive orders must be observed collectively.

These three uncontestable principles lead to one logical conclusion: the Governor's executive orders are authorized not only by the Act, but also by his inherent and independent authority under the Illinois Constitution. That is at the very least true in the specific circumstances presented here, where urgent action is necessary to protect the public against serious harm, that action is not expressly prohibited by a valid legislative enactment, and the General Assembly cannot safely convene to deal with the crisis itself in a timely manner. *See Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 637 (1952) (Jackson, J., concurring).

Plaintiffs' complaint misunderstands the Governor's argument. The Governor does not contend that Article V, Section 8 of the Illinois Constitution grants him general lawmaking authority. *Buettell v. Walker*, 59 Ill. 2d 146, 153–54 (1974), and the Attorney General's Opinion 13-002 are therefore inapposite because they stand merely for the (undisputed) point that the Governor cannot legislate by executive order. The Governor's argument, rather, embraces the "separation of powers" analysis articulated by Justice Jackson in *Youngstown*, a theory of executive authority that is consistent with Illinois law. Where the executive and legislature have concurrent or overlapping authority, and where the legislature has not acted either to prohibit the executive from addressing a substantial threat to the public health or to address the threat itself, the executive is authorized to act pursuant to inherent constitutional authority. *See* 343 U.S. at 637 (Jackson, J., concurring). The pressing imperative to respond to the COVID-19 pandemic is just such a circumstance. The Governor's constitutional authority to issue Executive Order 2020-32 depends not on a general license to legislate but rather on the particular need for urgent action under the specific facts present here.

More than three decades ago, the General Assembly anticipated the need for emergency action by the Governor and recognized that this action might include the need to protect the public health in ways not contemplated in advance by the statute. 20 ILCS 3305/3(d) (referencing "other powers vested in the Governor under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Act"). In issuing the executive orders at issue here, the Governor has acted within this authority under the Illinois Constitution to take immediate measures necessary to protect the public's health and safety. Apart from their authority under the Act, therefore, the Governor's actions are authorized by his independent and inherent constitutional powers.

**C. The Public Health Act Is Not Applicable to the Governor’s Executive Orders.**

In Count III, Plaintiffs also ask the Court to declare that the Public Health Act, is the only source of the Governor’s authority to prevent the spread of COVID-19. Because Executive Order 2020-32 was not issued pursuant to the provisions of the Public Health Act, Plaintiffs urge, it therefore exceeds the Governor’s powers. This specious reasoning is doubly wrong. *First*, as discussed above, the Governor’s executive orders are authorized by the Emergency Management Act and the Illinois Constitution. *Second*, as discussed below, Plaintiffs’ efforts to characterize the Governor’s executive orders as “isolation” or “quarantine” or “business closure” orders governed by the Public Health Act fail as a matter of law.

Plaintiffs start by citing Section 2 of the Public Health Act, which establishes procedures by which the Illinois Department of Public Health (“IDPH”) “may order a person or group of persons to be quarantined or isolated or may order a place to be closed and made off limits to the public to prevent the probable spread of a dangerously contagious or infectious disease,” 20 ILCS 2305/2(b). Plaintiffs then allege the General Assembly “intended to give supreme authority of quarantined, isolation and business closures to the IDPH.” Because Executive Order 2020-32 purportedly restricts Plaintiffs’ movement and closure their business without following the procedures set forth in the Public Health Act, Plaintiffs insist it must be unlawful.

The fatal flaw in Plaintiffs’ reasoning is that the Governor’s executive order is not an “isolation” or “quarantine” or “business closure” order subject to the Public Health Act. *First*, Plaintiffs concede they are not subject to any actual such orders issued by IDPH or a local health department. Executive Order 2020-32 does not resemble—and does not purport to be—an order of the kind issued under the Public Health Act. Under the executive order, Illinois residents are permitted to leave their homes to engage in numerous “Essential Activities”—for example, to

“perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets),” “obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others,” and even for “walking, hiking, running, and biking” as well as “[f]ishing, boating, and golf.”<sup>59</sup> Plaintiffs may also engage in the free exercise of religion.<sup>60</sup> Nonessential businesses are permitted to open for pickup and delivery.<sup>61</sup> None of this would be possible under a quarantine order issued pursuant to the Public Health Act. *See Cassell*, 2020 WL 2112374, at \*14, attached as Exhibit 3 (“The problem for Plaintiffs is that the challenged Order does not impose restrictions that fall within the meaning of the [Public Health] Act.”).

*Second*, the Public Health Act is a supplement to, not a substitute for, the Emergency Management Act. The Public Health Act does not and cannot alter the Governor’s authority under Section 7 of the Emergency Management Act—the subject of Plaintiffs’ complaint—which includes the ability “[t]o control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein.” 20 ILCS 3305/7(8). Moreover, the plain language of Section 2(m) of the Public Health Act refutes Plaintiffs’ argument, stating that “[n]othing in this Section shall supersede . . . procedures established pursuant to IEMA statutes.” 20 ILCS 2305/2(m). The “IEMA statutes” include the Emergency Management Act, which establishes “procedures” for the Governor to declare a “disaster” by “proclamation,” 20 ILCS 3305/7. In addition to preserving the authority conferred on the Governor through the Emergency Management Act, Section 2.1(d) of the Public Health

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<sup>59</sup> Executive Order 2020-32 § 2, ¶ 5(i)–(iii) (Apr. 30, 2020), <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-32.aspx>.

<sup>60</sup> *Id.* § 2, ¶ 5(iv), (vi).

<sup>61</sup> *Id.* § 1, ¶ 3.

Act, which addresses information sharing in response to infectious disease outbreaks, also makes clear that the Emergency Management Act is a separate statutory framework by stating: “The operation of the language of this Section is *not* dependent upon a declaration of disaster by the Governor pursuant to the Illinois Emergency Management Agency Act.” 20 ILCS 2305/2.1(d) (emphasis added). It is clear from the language of the statutes that the Public Health Act and the Emergency Management Act establish two separate sources of authority that can function independently or as supplements to one another. The Public Health Act does not substitute for or subtract from the Governor’s authority under the Emergency Management Act.

*Third*, Plaintiffs’ misreading of the Public Health Act would create a significant constitutional problem by stripping the Governor of his executive authority to protect the public and vesting it exclusively in an unelected official such as the Director of IDPH. *See In re Parentage of John M.*, 212 Ill. 2d 253, 266 (Ill. 2004) (stating that courts have an obligation to construe statutes in a manner that avoids constitutional defects where reasonably possible). As noted, the Illinois Constitution states that the Governor “shall have the supreme executive power, and shall be responsible for the faithful execution of the laws.” Ill. Const. art. V, § 8. This “executive power” includes the ability to exercise the State’s police power to protect the public health. *See Barmore*, 302 Ill. at 427; *see also, e.g., Jacobson* 197 U.S. at 24–25; *Anderson*, 355 Ill. at 296–97. The General Assembly did not and could not alter the Governor’s executive power under the Illinois Constitution by enacting the Public Health Act. Plaintiffs are therefore mistaken to suggest that Section 2(a) of the Public Health Act—which states that IDPH “has supreme authority in matters of quarantine and isolation”—removes the Governor’s executive power under the Illinois Constitution. When this provision is read in the context of the Public Health Act as a whole, as it must be, it is clear the term “supreme authority” refers to IDPH’s

supervision of local health departments. It means IDPH can direct local health departments in matters of quarantine and isolation. It does not and could not confine the authority of the Governor—who appoints the Director of IDPH—to exercise his own authority to protect the public health under Section 7 of the Emergency Management Act or the Illinois Constitution.

## **II. Plaintiffs Do Not Allege Facts Showing Irreparable Injury.**

A court may not grant a TRO unless a plaintiff can “allege facts constituting irreparable injury.” *Schlicksup Drug Co. v. Schlicksup*, 129 Ill. App. 2d 181, 188 (3d Dist. 1970); *see also Bridgeview*, 2016 IL App (1st) 160042 ¶ 19; *Office Elecs., Inc. v. Adell*, 228 Ill. App. 3d 814, 818 (1st Dist. 1992) (“Where the basis for the preliminary injunction rests in the complaint, plaintiff is required to allege, with both certainty and precision, specific facts regarding these elements, including that of irreparable harm.”). Mere speculation regarding potential future injury or harm is generally insufficient to allow a TRO to issue. *Best Coin-Op, Inc. v. Old Willow Falls Condo. Ass’n*, 120 Ill. App. 3d 830, 835 (1st Dist. 1983).

Here, Plaintiffs fail to allege *certain and precise facts* sufficient to show they will experience *any* injury, let alone irreparable injury. Plaintiffs do not even allege the nature of the business at issue. And when it comes to the harm supposedly caused by the Governor’s executive order, Plaintiffs do not specify which provision of the order causes it, much less describe that injury. If in fact the corporate Plaintiff is operating its business in defiance of the Governor’s order, then the explanation likely is that there is no injury at all. In any event, Plaintiffs’ vague pleading is insufficient to satisfy the TRO standard under blackletter Illinois law.

## **III. The Court Should Deny Plaintiffs’ Extraordinary Request for a TRO Because the Balance of Equities Favors the State.**

To grant a TRO in favor of Plaintiffs, the Court would have to “conclude that the benefits of granting the injunction outweigh the possible injury that the [State] might suffer as a result

thereof.” *Gannett Outdoor*, 163 Ill. App. 3d at 721. When conducting this balancing of the equities, “the court should also consider the effect of the injunction on the public.” *Kalbfleisch*, 396 Ill. App. 3d at 1119. “[E]ven when a plaintiff can raise a fair probability about the likelihood of success and the plaintiff probably will continue to endure irreparable harm, denying injunctive relief may still be appropriate to preserve the status quo. This is because courts should consider the status quo as it affects both parties, not merely the party seeking injunctive relief.” *Guns Save Life, Inc. v. Raoul*, 2019 IL App (4th) 190334 ¶ 68. Even assuming Plaintiffs satisfied all four traditional requirements for injunctive relief (and they have not), their request for relief should be denied because the balance of equities tilts strongly in favor of the public’s and State’s interests in preserving public health for all.

On Plaintiffs’ side of the equities ledger, there is nothing at all—because Plaintiffs didn’t bother to articulate what alleged harm they have actually suffered.

On the public side, the Governor’s executive orders issued in response to the COVID-19 pandemic embody ***public health measures necessary to protect all Illinoisans***. These public health measures are the only choice: they save people’s lives by getting the virus under control. There can be no question that the Governor’s executive orders have saved lives in every corner of this State. For every person who refuses to comply with social distancing requirements—for example, by frequenting nonessential businesses like Plaintiffs’—there is a real and significant risk that he or she will contribute to the spread of COVID-19. As the Governor explained in his April 30 disaster proclamation, “studies suggest that for every confirmed case [of COVID-19] there are many more unknown cases, some of which are asymptomatic individuals, meaning that

individuals can pass the virus to others without knowing.”<sup>62</sup> The risk that an infected person will spread the disease to others substantially increases if Illinois residents gather at nonessential businesses where social distancing requirements cannot be maintained. One person who flouts these requirements may infect many others, who may infect many others still, and thus cause the disease to spread throughout an entire city or county.

This is not merely a theoretical concern. The CDC has pointed to evidence that shows “the virus can spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms.”<sup>63</sup> As discussed above, there are numerous real-world examples in Illinois of a single person infected with COVID-19 spreading it to dozens of others—in Randolph County, for example, where a single infected person attended an event in mid-March and started a “ripple effect” that landed the rural county on the list of highest infection rates in the State; or in Jasper County, where a single infected first responder visited a nursing home and instigated a devastating series of infections that has spiraled out of control and caused that county too to suffer one of the State’s highest infection rates. These incidents—and many others like them—are precisely why the CDC recommends that Americans who must leave their homes should “[p]ractice social distancing” and “limit in-person contact as much as possible.”<sup>64</sup> This lifesaving medical guidance from the

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<sup>62</sup> Gubernatorial Disaster Proclamation twenty-third whereas clause (Apr. 30, 2020), <https://www2.illinois.gov/sites/gov/Documents/CoronavirusDisasterProc-4-30-2020.pdf>.

<sup>63</sup> CDC, “Recommendation Regarding the Use of Cloth Face Coverings, Especially in Areas of Significant Community-Based Transmission” (Apr. 3, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>

<sup>64</sup> CDC, “What you should know about COVID-19 to protect yourself and others” (Apr. 15, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/downloads/2019-ncov-factsheet.pdf>.

CDC is precisely why the Governor has limited operations of nonessential business like bars and restaurants, where the risk of infection is high and social distancing isn't possible.

Compared with Plaintiffs' failure to articulate harm, let alone irreparable harm, the public interest side of the ledger tells a concrete and far graver story. The public health consequences from the order Plaintiffs seek could be devastating. Illinois is in the midst of a public health emergency of proportions that never before existed. Plaintiffs' unspecified hardship pales in comparison to the vast and undeniable public hardship that will result if the requested relief is granted. The balancing of equities is not even close—the relative hardships and the public interests at issue militate against the emergency relief Plaintiffs seek. Given the undeniable and extraordinary public health risks presented by the COVID-19 pandemic, the balance of equities weighs heavily against Plaintiffs' request for emergency relief.

#### **IV. Plaintiffs Cannot Obtain Relief for Others.**

Plaintiffs purports to seek a TRO not only on behalf of themselves, but also on behalf of all other “similarly situated” Illinois residents and businesses. This they cannot do. Illinois law recognizes two foundational principles that forbid Plaintiffs' maneuver. *First*, “[a] party must assert its own legal rights and interests, rather than assert a claim for relief based upon the rights of third parties.” *Powell v. Dean Foods Co.*, 2012 IL 111714 ¶ 36; *see also State v. Funches*, 212 Ill. 2d 334, 346 (2004) (“A party has standing to challenge the constitutionality of a statute only insofar as it adversely impacts his or her own rights.”). *Second*, people who are “not parties” to a judgment “are not affected by [it], they are not bound by it, and they may not enforce it.” *Sundance Homes, Inc. v. County of DuPage*, 195 Ill. 2d 257, 274 (2001) (citations omitted); *see also Feen v. Ray*, 109 Ill. 2d 339, 344 (1985) (“It is generally accepted that, under fundamental

principles of due process, a court is without jurisdiction to enter an order or judgment which affects a right or interest of someone not before the court.”).

The Code of Civil Procedure provides the three exclusive means by which nonparties could be bound by Plaintiffs’ suit. *See Sundance Homes*, 195 Ill. 2d at 274. Additional parties may seek to join as plaintiffs pursuant to 735 ILCS 5/2-404. Interested parties may seek to intervene pursuant to 735 ILCS 5/2-408. And Plaintiffs could have sought to represent a class by pleading “facts sufficient to bring the claim within the statutory prerequisites” of 735 ILCS 5/2-801. *Weiss v. Waterhouse Secs., Inc.*, 208 Ill. 2d 439, 451 (2004). They did not allege any of the statutory prerequisites for a class action. Plaintiffs do not even attempt to define the class. The complaint lacks even conclusory assertions that a proposed class (1) is so numerous that joinder is impossible, (2) has common and predominant questions of law or fact, (3) is fairly and adequately represented by Plaintiffs, or (4) is an appropriate method for the fair and efficient adjudication of this controversy. *See* 735 ILCS 5/2-801. Plaintiffs have not moved to certify a class, and this pleading deficiency would require the Court to decline the invitation. *See Ramirez v. Midway Moving & Storage, Inc.*, 378 Ill. App. 3d 51, 54 (1st Dist. 2007) (“A complainant seeking to maintain a class action must allege facts sufficient to bring the claim within the above statutory prerequisites; failing that, the complaint should be dismissed.”).

Because Plaintiffs have not sought to certify a class, and because the nonparties they seek to represent in this action have neither sought to join or intervene in the proceeding, the Court cannot grant relief to anyone other than Plaintiffs, and any order must apply only to them. The two Plaintiffs here are free to “assert [their] own legal rights and interests,” *Powell*, 2012 IL 111714 ¶ 36, and they will be bound by any judgment the Court enters, *Feen*, 109 Ill. 2d at 344, but they may not represent or obtain a remedy for any other Illinois resident or business.

This is particularly true when three different courts in this State—the circuit courts in Cook and Sangamon counties, plus the federal district court in Rockford—have rejected the very arguments that Plaintiffs put forward here. This Court has recently observed that another circuit court judge “may be the greatest judge who ever walked the earth, but he ain’t got no authority over me, does he?” Transcript at 6:11–6:12, *Bailey v. Pritzker*, No. 20 CH 6 (4th Jud. Cir. Ct. Clay Cty. May 15, 2020). The reverse is also true: this Court has no authority to bind other circuit court judges in this State who have rejected the same arguments and the same type of relief that Plaintiffs seek here. Plaintiffs’ request for injunctive relief on others “similarly situated” must therefore be rejected.

### **CONCLUSION**

Governor Pritzker has exercised the legal authority granted to him under the Illinois Emergency Management Agency Act and the Illinois Constitution to issue emergency disaster proclamations and multiple executive orders to combat the COVID-19 virus and protect all Illinois residents. These actions—which have saved lives across this State—do not violate the United States or Illinois Constitutions. Plaintiffs’ complaint and motion are based on the erroneous premise that the Governor’s authority lapsed even while the COVID-19 pandemic has continued to exist unabated. They have not identified a likelihood of success on the merits, they have not established they will suffer any harm, let alone irreparable harm, in the absence of an injunction, and the relief they seek is against the public interest. For all these reasons, the Court should deny Plaintiffs’ motion for a TRO.

Dated: May 22, 2020

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**IN THE CIRCUIT COURT  
FOR THE FOURTH JUDICIAL CIRCUIT  
CLAY COUNTY, ILLINOIS**

JAMES MAINER, in his individual capacity  
and on behalf of all citizens similarly situated,  
and HCL DELUXE TAN, LLC, an Illinois  
limited liability company, on its behalf and on  
behalf of all businesses similarly situated,

Plaintiffs,

v.

GOVERNOR J.B. PRITZKER, in his official  
capacity,

Defendant.

Case No. 2020 CH 10

**CERTIFICATE OF SERVICE**

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, the undersigned hereby certifies the statements set forth in this certificate of service are true and correct and that he has caused an electronic copy of the foregoing to be served upon the following:

Thomas G. DeVore  
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via email at the address noted above on May 22, 2020.

By: s/ Thomas J. Verticchio

# **Exhibit 1**

*Running Central, Inc. v. Pritzker*, No. 2020-CH-105 (7th Jud.  
Cir. Ct. Sangamon Cty. May 21, 2020)

IN THE CIRCUIT COURT  
FOR THE SEVENTH JUDICIAL CIRCUIT  
SANGAMON COUNTY, ILLINOIS

RUNNING CENTRAL, INC., d/b/a RC  
Outfitters,

Plaintiff,

v.

GOVERNOR JAY ROBERT PRITZKER, in  
his official capacity,

Defendant.

Case No. 2020-CH-105

Judge Raylene Grischow



**OPINION AND ORDER**

The cause is before the Court on plaintiff Running Central, Inc.’s (“Running Central”) Motion for Temporary Restraining Order, and defendant Governor Jay Robert Pritzker’s (“Governor”) oral motion to dismiss Running Central’s Verified Complaint for Declaratory and Injunctive Relief. The Court has considered the parties’ written submissions and those of amici The Illinois Health and Hospital Association, the Illinois State Medical Society, the American Nurses Association-Illinois, and the Illinois Society for Advanced Practice Nursing, as well as the parties’ oral arguments on the motions. For the reasons set forth below, the Court denies Running Central’s motion for temporary restraining order and denies the Governor’s motion to dismiss as premature.

**Background and Procedural Posture**

Faced with the unprecedented and ongoing COVID-19 public health emergency, the Governor, citing his legal authority under the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 *et seq.* (“Act”), and the Illinois Constitution, issued emergency disaster proclamations on March 9, 2020, April 1, 2020, and April 30, 2020, along with several accompanying executive orders to combat COVID-19 and protect Illinois residents throughout the State. The Illinois General Assembly passed the Act to grant the Governor authority to implement

emergency actions to ensure the State is prepared to protect the health and safety of the people of Illinois in the event of a disaster. *See* 20 ILCS 3305/2(a). Among the executive orders issued by the Governor is Executive Order 2020-32, issued on April 30, 2020 immediately after the Governor's April 30, 2020 disaster proclamation. Executive Order 2020-32 includes within it the current "stay-at-home" order, which, among other things, did not classify certain retail operations, like Running Central, as "essential," thus limiting operations to on-line and curbside retail activities, as well as authorizing other limited non-sales related business operations.

Running Central, a retail store in Peoria, Illinois, filed this action seeking declaratory and injunctive relief, asserting that, under the plain language of the Act, the Governor's emergency powers are limited to one 30-day period per disaster, no matter how long the disaster endures. Running Central does not dispute that as a result of the COVID-19 pandemic, a "disaster" exists in Illinois pursuant to the relevant provisions of the Act, and has existed during all times relevant to these proceedings. Indeed, Running Central has conceded as much on the record. *See* May 7, 2020 Transcript of Proceedings at 50, ln. 16-20. Regardless, Running Central seeks a declaratory judgment, *inter alia*, that "[t]he emergency powers granted [the Governor] under the Act as a result of the March 9 Disaster Proclamation lapsed on April 09, 2020," 30 days after issuance of the Governor's initial disaster proclamation, and that "[t]here is no authority granted to [the Governor] under the Illinois Constitution or [the Act] to support the issuance of Executive Order 2020-32" on April 30, 2020, and that "Executive Order 2020-32 is unenforceable by the State of Illinois as a matter of law." (Running Central Complaint, Count I, Request for Relief, paragraphs C, F, and G). Through its motion for temporary restraining order Running Central seeks an immediate injunction against the Governor to enjoin him from enforcing Executive Order 2020-32 against Running Central and enjoining him from issuing any further Executive Orders which in any way restrict "the lawful business operations of" Running Central. *See* Running Central's May 18, 2020 Proposed Temporary Restraining Order With Notice.

Running Central filed this action on May 1, 2020 in the Circuit Court of Peoria County. The Governor moved to transfer the matter to Sangamon County. On May 12, 2020, Peoria County Judge Derek Asbury entered an Order granting the Governor's motion to transfer venue to Sangamon County. Upon transfer, the matter was scheduled for hearing on May 19, 2020 regarding Running Central's motion for temporary restraining order.

### **The Governor's Motion to Dismiss**

While reviewing the parties' submissions in preparation for the May 19 hearing, the Court became aware of information leading it to believe that Running Central may be operating its business in contravention to Executive Order 2020-32. As a result, at the opening of the May 19 hearing, the Court inquired of Running Central whether that was in fact the case, and, if so, was the case moot given that Running Central was not operating under the restrictions that formed the basis of its complaint. Counsel for Running Central confirmed that Running Central was indeed operating its business. After hearing that admission, the Governor made an oral motion to dismiss Running Central's complaint based upon the grounds of mootness, ripeness, and/or lack of standing. After considering the parties' arguments related to that motion the Court took the motion to dismiss under advisement. The Court now denies the motion to dismiss as premature, without prejudice to the Governor raising those defenses in response to Running Central's complaint.

### **Running Central's Motion for Temporary Restraining Order**

"A temporary restraining order is an emergency remedy issued to maintain the status quo while the court is hearing evidence to determine whether a preliminary injunction should issue." *Delgado v. Bd. of Election Comm'rs*, 224 Ill. 2d 481, 483 (2007). It is "an extraordinary remedy applicable only to situations where an extreme emergency exists and serious harm would result if it were not issued." *Boltz v. Estate of Bryant*, 175 Ill. App. 3d 1056, 1066 (1<sup>st</sup> Dist. 1988). To obtain this "extraordinary remedy," Running Central "must demonstrate (1) an ascertainable right in need of protection, (2) a likelihood of success on the merits, (3) irreparable harm in the absence of injunctive relief, and (4) the lack of an adequate remedy at law." *Bridgeview Bank Grp. v. Meyer*, 2016 IL App (1<sup>st</sup>) 160042 ¶ 12. If Running Central is able to satisfy this burden, it must also make a fifth and final showing: "the benefits of granting the injunction outweigh the possible injury that the [State] might suffer as a result thereof." *Gannett Outdoor of Chi. v. Baise*, 163 Ill. App. 3d 717, 721 (1<sup>st</sup> Dist. 1987). "In balancing the equities, the court should also consider the effect of the injunction on the public." *Kalbfleisch ex rel. Kalbfleisch v. Columbia Cmty. Unit Sch. No. 4*, 396 Ill. App. 3d 1105, 1119 (5<sup>th</sup> Dist. 2009). "It is elemental that the court is obliged to consider the injury or inconvenience which may result to the defendant (especially where the defendant is a public body) or the public in general if the injunction is granted." *G.H. Sternberg & Co. v. Cellini*, 16 Ill. App. 3d 1, 6 (5<sup>th</sup> Dist. 1973).

After considering the parties' submissions and arguments, the Court concludes that Running Central has demonstrated neither a likelihood of success on the merits of its claims, nor that it will suffer irreparable injury if the emergency injunctive relief it seeks is not granted.

As to the likelihood of success on the merits of its claims, the Court finds that Running Central's statutory interpretation of the Act is not likely to succeed. "When we interpret a statute, the fundamental rule of statutory construction is to ascertain and give effect to the legislature's intent." *Rosewood Care Center, Inc. v. Caterpillar, Inc.*, 226 Ill.2d 559, 567, 315 Ill.Dec. 762, 877 N.E.2d 1091 (2007). "The language of the statute is the best indication of legislative intent, and we give that language its plain and ordinary meaning." *Id.* (citing *People v. Pack*, 224 Ill.2d 144, 147, 308 Ill.Dec. 735, 862 N.E.2d 938 (2007)). "We may not depart from the plain language of the statute by reading into it exceptions, limitations, or conditions that conflict with the express legislative intent." *Town & Country Utilities, Inc. v. Illinois Pollution Control Board*, 225 Ill.2d 103, 117, 310 Ill.Dec. 416, 866 N.E.2d 227 (2007).

Section 7 of the Act provides that "[i]n the event of a disaster" the Governor may "by proclamation declare that a disaster exists." The Act then provides that "[u]pon such proclamation, the Governor shall have and may exercise for a period not to exceed 30 days the following emergency powers...." Section 7 then goes on to delineate certain emergency powers the Governor may exercise for 30 days following "such proclamation." The Court is persuaded by the plain reading of the statute.

Here, the Governor issued three separate statewide disaster proclamations relating to COVID-19—on March 9, April 1, and April 30. Under the plain reading of the Act, "[u]pon such proclamation[s], the Governor shall have and may exercise" Section 7 emergency powers "for a period not to exceed 30 days" after each "such proclamation."

This language makes it clear that the 30-day period during which the Governor may exercise the emergency powers is triggered by the Governor's proclamation declaring a disaster, not by the date on which the disaster initially arises. If a disaster still "exists," Section 7 of the Act permits the Governor to continue declaring its existence by proclamation and utilizing the emergency powers conferred on him for the 30-day period following each such proclamation. As a result, the April 30, 2020 disaster proclamation statutorily authorized the Governor's Section 7 emergency powers implemented in Executive Order 2020-32 on April 30, 2020. Running Central's assertion that Section 7 emergency powers were statutorily permitted for only one single 30-day

period after the initial March 9, 2020 disaster proclamation is, thus, contrary to the plain reading of the Act. Running Central's narrow interpretation reads a limitation into the Act that does not exist.

The General Assembly demonstrated it was capable of creating limits on renewing disaster declarations when it believed such limitations were appropriate. Specifically, although Section 11 of the Act permits the principal executive officer of a political subdivision to declare a "local disaster," 20 ILCS 3305/11, such a local disaster declaration "shall not be *continued or renewed* for a period in excess of 7 days *except by or with the consent of the governing board of the political subdivision.*" *Id.* § 11(a) (emphasis added). Thus, while the General Assembly permitted the Governor to declare a disaster with no limitation on subsequent declarations and the renewed triggering of emergency powers under Section 7, it explicitly precluded local executive officials from "continu[ing] or renew[ing]" such declarations without the intervention of the local legislative body. *Id.*

The Court is not saying the Governor's authority to exercise his emergency powers is without restraint. As the Act outlines, he must identify an occurrence to support each emergency declaration. Once the emergency has been abated, the Governor's authority to issue Executive Orders will cease.

Because the interpretation of the Act upon which Running Central bases its claims cannot be squared with either the plain reading of Section 7 of the Act or an examination of the Act as a whole, there is no likelihood that Running Central will succeed on the merits, an essential element for a temporary restraining order. Having decided the statutory construction issue in the Governor's favor, the Court does not reach the issue of whether the Governor had separate and independent constitutional authority to issue Executive Order 2020-32.

In addition to having no likelihood of success on the merits of its claims, in light of Running Central's admission that it is operating its business in contravention to the restrictions placed upon it through Executive Order 2020-32, it has not sustained its burden of showing that it will suffer irreparable injury in the event the requested emergency injunctive relief is not granted. Because of these two failings (no likelihood of success and no irreparable injury), Running Central's motion for temporary restraining order must be denied.

Finally, though Running Central has not met the requirements of emergency injunctive relief, Running Central's plight is not lost upon this Court. The Court understands the economic impact the Executive Order brings. While Running Central's interest in continuing to operate its business is important to it, it does not outweigh the Governor's interest in protecting the citizens of the State of Illinois.

IT IS ORDERED: (1) defendant Governor JB Pritzker's motion to dismiss plaintiff Running Central, Inc.'s Verified Complaint for Declaratory and Injunctive Relief is denied without prejudice to raising any and all defenses in its response to plaintiff's Verified Complaint, and (2) plaintiff Running Central, Inc.'s Motion for Temporary Restraining Order is denied.

ENTERED: May 21, 2020

  
Raylene Grischow, Circuit Court Judge

## **Exhibit 2**

*Mahwikizi v. Pritzker*, No. 20 C 04089 (Cook Cty. Cir. Ct. May 8, 2020)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION  
GENERAL CHANCERY SECTION

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JUSTIN MAHWIKIZI,

Plaintiff,

v.

GOVERNOR JAY ROBERT PRITZKER,  
in his official capacity,

Case No. 20 CH 04089  
Judge Celia Gamrath

Defendant.

**ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER**

This matter came to be heard on Plaintiff Justin Mahwikizi's Emergency Motion for Temporary Restraining Order and Verified Complaint for Declaratory Judgment and Injunctive Relief; due notice having been given to Defendant Governor Jay Robert Pritzker; Plaintiff appeared self-represented and Defendant appeared through the Office of the Attorney General; the Court having considered the Emergency Motion for Temporary Restraining Order, Defendant's Opposition Brief, and Plaintiff's Response, and having conducted oral argument via Zoom video conference on May 7, 2020; the Court being fully advised in the premises, THE COURT FINDS:

1. On March 9, 2020, Governor Jay Robert Pritzker ("Governor Pritzker") issued a proclamation declaring a disaster exists within Illinois due to the national and world-wide COVID-19 pandemic. COVID-19 is a "novel severe acute respiratory illness" that spreads rapidly "through respiratory transmission." To date, there have been more than 70,000 confirmed cases of COVID-19 in Illinois and approximately 3,000 deaths. What makes response efforts particularly formidable is that asymptomatic individuals may carry and spread the virus unknowingly, and there is no vaccine or effective treatment yet.
2. On March 9, 2020, to slow the spread of COVID-19, Governor Pritzker issued a proclamation pursuant to the authority granted him under the Illinois Emergency Management Agency Act (the "Act"), 20 ILCS 3305 *et seq.* The Act provides, "In the event of a disaster, as defined in Section 4, the Governor may by proclamation declare that a disaster exists." 20 ILCS 3305/7.
3. Section 4 of the Act defines a disaster as follows:

“Disaster” means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological 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, or acts of domestic terrorism. 20 ILCS 3305/4.

4. On March 20, 2020, Governor Pritzker issued a stay-at-home order, which he has since extended and modified before issuing his latest directive modifying existing restrictions at the end of April. Governor Pritzker’s Executive Order of April 30, 2020 (Executive Order 2020-32) extends the stay-at-home order through May 30, 2020, as the State moves into its “Restore Illinois” plan, which is a five-phase plan to re-open Illinois, guided by health metrics and with distinct business, education, and recreation activities characterizing each phase.
5. In essence, the stay-at-home orders direct Illinoisans to practice what experts call “social distancing,” or limiting activity outside the home, staying at least six feet apart from others, and refraining from congregating in groups of more than ten. As part of these efforts, “non-essential” businesses have been required to shutter their doors and schools have been forced to go remote and commence e-learning. Governor Pritzker, on the advice and counsel of the Illinois Department of Public Health, has determined that these orders were necessary to avoid fatality rates that would have been “between ten to twenty times higher.”
6. Part of Executive Order 2020-32 requires individuals to wear face-coverings in public places or when working. Specifically, Section 1.1 of Executive Order 2020-32 states, “Any individual who is over age two and able to medically tolerate a face-covering (a mask or cloth face-covering) shall be required to cover their nose and mouth with a face-covering when in a public place and unable to maintain a six-foot social distance. Face-coverings are required in public indoor spaces such as stores.”
7. Plaintiff Justin Mahwikizi (“Mahwikizi”) is a resident of Cook County, Illinois. Mahwikizi qualifies as an “essential worker” by providing rideshare services to the general public and other essential workers. Section 1.1 of Executive Order 2020-32 requires Mahwikizi to wear a mask within his vehicle when another person is present and requires passengers to wear a mask while in his car so long as they can medically tolerate it.
8. Mahwikizi seeks a temporary restraining order to enjoin Governor Pritzker, his officers, agents, employees, and all persons in active concert or participation with him from enforcing Executive Order 2020-32 as it pertains to forcing individuals to wear face-coverings in their cars, which he alleges places himself and citizens at great risk of bodily harm.

9. A temporary restraining order is a drastic, emergency remedy which may issue only in exceptional circumstances and for a brief duration. *Abdulhafedh v. Secretary of State*, 161 Ill. App. 3d 413, 416 (2d Dist. 1987). The purpose of a temporary restraining order is to allow the Court to preserve the status quo and prevent a threatened wrong or a continuing injury pending a hearing to determine whether it should grant a preliminary injunction. *Id.*
10. “The status quo to be preserved is the last actual, peaceable, uncontested status which preceded the pending controversy.” *Martin v. Eggert*, 174 Ill. App. 3d 71, 77 (2d Dist. 1988). While the term status quo has been the subject of often inconsistent interpretations, “[preliminary injunctive relief] is designed to prevent a threatened wrong or the further perpetration of an injurious act.” *Kalbfleisch v. Columbia Cmty. Unit Sch. Dist. Unit No. 4*, 396 Ill. App. 3d 1105, 1118 (5th Dist. 2009). Sometimes the status quo is “not a condition of rest but, rather, . . . a condition of action that [is] necessary to prevent irreparable harm.” *Id.* at 1117.
11. To obtain a temporary restraining order, Mahwikizi must establish: (1) a clearly ascertainable right in need of protection; (2) irreparable harm by the defendant’s conduct if an injunction does not issue; (3) there is no adequate remedy at law; and (4) likelihood of success on the merits. *Chi. Sch. Reform Bd. of Trs. v. Martin*, 309 Ill. App. 3d 924, 939 (1st Dist. 1999). Additionally, the Court may balance the equities or the relative hardships. *Scheffel & Co. v. Fessler*, 356 Ill.App.3d 308, 313 (5th Dist. 2005).
12. Injunctive relief is an extraordinary remedy, and the Court finds Mahwikizi has not carried his burden of proving the elements of irreparable injury and likelihood of success required for injunctive relief. While the Court sympathizes with Mahwikizi’s concerns and fear about COVID-19 safety measures and restrictions, an injunction will not issue to allay mere fears. Moreover, the balance of hardships weighs considerably against issuing an injunction, and weighs in favor of Governor Pritzker and his effort to protect the public at large.
13. The elements of irreparable injury and inadequate remedy at law required for a temporary restraining order are closely related. *Happy R. Sec., LLC v. Agri-Sources, LLC*, 2013 IL App (3d) 120509, ¶ 36. An irreparable injury is one which cannot be adequately compensated in damages or be measured by any certain pecuniary standard. *Diamond Sav. & Loan Co. v. Royal Glen Condo. Ass’n*, 173 Ill. App. 3d 431, 435 (2d Dist. 1988). Irreparable injury does not necessarily mean injury that is great or beyond the possibility of repair or compensation in damages, but is the type of harm of such constant or frequent recurrence that no fair or reasonable redress can be had in a Court of law. *Bally Mfg. Corp. v. JS&A Group, Inc.*, 88 Ill. App. 3d 87, 94 (1st Dist. 1980).
14. Mahwikizi alleges he suffers irreparable harm and danger each day by wearing a face-covering as required by Executive Order 2020-32. He alleges he is at great risk of bodily harm of: (1) losing consciousness while wearing the mask and potentially

colliding with pedestrians or other drivers; (2) being harmed by a belligerent or hostile rideshare client who objects to his attempts at enforcing the mask or face covering requirement; and (3) being severely harmed, or otherwise targeted, by self-organizing entities in the metropolitan areas of Cook County for wearing a mask or face-covering associated with a rival entity. Mahwikizi also complains that costs and logistics of purchasing hard-to-get masks give rise to irreparable harm.

15. The Court is not persuaded by Mahwikizi's perceived harms. First, Mahwikizi provides no support for his contention that requiring rideshare drivers to wear masks or face-coverings while driving results in driver fatigue or loss of consciousness. He points to a single incident in New Jersey where a driver lost consciousness while driving and wearing a heavy-duty N95 mask for hours. However, Executive Order 2020-32 does not require N95 masks or medical-grade face masks. In fact, Governor Pritzker has made clear N95 masks should be reserved for medical professionals. The New Jersey case is an isolated event unique to the facts of the particular case, including the age and health of the individual, number of hours he wore the N95 mask, and the heavy-duty nature of N95 masks. The risk of Mahwikizi falling prey to the same fate is purely speculative and unsupported by any specific facts.
16. Further, Executive Order 2020-32 carves out exceptions for people under two years of age and those unable to medically tolerate a face-covering. The face-covering requirement is also limited to public places and when working and unable to maintain a six-foot social distance. Thus, if Mahwikizi is alone in his vehicle or able to maintain a six-foot distance, or if he is medically unable to wear face-coverings, he is excused from the face-coverings requirement and runs no risk of the remote harm he fears.
17. Second, the Court is aware of the tragic incident in Michigan in which a security guard was shot over his refusal to permit a family to enter a store without wearing a face-covering. However, this isolated incident bears no relation to Mahwikizi's factual situation as a rideshare driver. Gun violence is a long-standing concern, but there is no acute reason to suspect that requiring a rideshare driver or passengers to wear face-coverings will result in an increase in gun violence. If Mahwikizi truly fears for his safety, he may cease operating as a rideshare driver while Executive Order 2020-32 remains in place. He is also under no obligation to serve passengers who refuse to wear a face-covering, nor is he required to enforce the law by demanding a passenger wear a mask. Mahwikizi's fear that a police officer may pull him over and cause an altercation if a passenger does not wear a mask is much too speculative to support injunctive relief.
18. Third, the Court is unpersuaded by Mahwikizi's portrayal of the risk of driving through metropolitan Cook County wearing a mask or face covering representing the colors of various "self-organizing entities." Again, Mahwikizi fails to provide any factual support for this contention or point to any instances in which a self-organizing entity has targeted a rideshare driver or passenger wearing a particular color of mask or face-covering. Mahwikizi's irreparable harm must be substantial and imminent, but this claim is purely speculative. Rideshare drivers are free to operate their services in the areas and

neighborhoods of their choice. Mahwikizi is certainly able to tailor his geographic area of service to avoid the areas in which he feels his safety is at risk. This holds true in times of COVID-19 and non-COVID-19. While this may impact his rideshare route, the damage if any is monetary; it is far too remote and not irreparable to justify extraordinary injunctive relief on an emergency basis.

19. Fourth, Mahwikizi is not in danger of irreparable harm by allegedly being forced to destroy his clothing to make a mask or wear specialized or one-time-use masks that are difficult to obtain. Governor Pritzker, along with the CDC, has expressly advised non-healthcare workers against the use of surgical masks and N95 respirators. Executive Order 2020-32 allows for masks or face-coverings “fashioned from household items or made at home from common materials at low cost,” as described by the CDC. PPE and single-use masks sold by pharmacies are not required by Executive Order 2020-32. Homemade face coverings from old sheets, clothes, rags, bandanas, and the like may be worn and reused at little cost and effort, negating Plaintiff’s argument of irreparable harm.
20. In addition to failing to prove irreparable harm that is reasonable and imminent, Plaintiff has failed to show a likelihood of success on the merits to justify entry of an injunction. To show a likelihood of success on the merits, Plaintiff must: (1) raise a fair question as to the existence of the right claimed, (2) lead the Court to believe that she will probably be entitled to the relief prayed for if the proof sustains her allegations, and (3) make it appear advisable that the positions of the parties stay as they are until the Court has an opportunity to consider the merits of the case. *Abdulhafedh*, 161 Ill. App. 3d at 417. An element of the likelihood of success on the merits is whether the complaint states a cause of action sufficient to withstand a 2-615 motion to strike. *See Strata Marketing, Inc. v. Murphy*, 317 Ill. App. 3d 1054 (1st Dist. 2000).
21. Mahwikizi argues a likelihood of success on the merits of his claim based on the notion Governor Pritzker’s emergency powers have already ceased and he was without authority to enact Executive Order 2020-32. Plaintiff contends that Governor Pritzker’s March 9, 2020 proclamation declaring a state of disaster in Illinois limited his use of the emergency powers under the Act to a period of 30 days from the date of the proclamation declaring a disaster exists. *See* 20 ILCS 3305/7. As such, Mahwikizi contends, any Executive Orders issued after the first 30 days are without authority and unconstitutionally deprive Mahwikizi of his rights. The Court disagrees. A reasonable interpretation of the Act grants Governor Pritzker the authority to extend his power beyond an initial 30-day period where, as here, the disaster is ongoing and has not abated.
22. Mahwikizi correctly notes that the limit of 30 days in the Act encompasses the occurrence of a discrete event - one that stops and starts in a relatively short amount of time, necessitating implementation of emergency powers for 30 days. However, the Act also contemplates more, and is not to be read so narrowly.

23. COVID-19 is not a discrete or isolated disaster. It is a dynamic pandemic, still ongoing. This continuing disaster poses a threat that is underway and has not abated as quickly as a more typical natural disaster like an earthquake or tornado. When an emergency epidemic of disease occurs and a pandemic ensues, the Governor has authority under the Act to utilize emergency powers beyond a single 30-day period to protect the community and residents of the State.
24. The Court is persuaded by the well-reasoned (albeit non-binding) opinion of Judge Lee in *Stephen Cassell & The Beloved Church v. Snyders et al.*, 20 C 50153 (May 3, 2020). In *Cassell*, the Court addressed the interplay between Sections 4 and 7 of the Act and rejected the same argument Mahwikizi raises here, that the Governor exceeded his authority under the Act.
25. As explained in *Cassell*, in order to invoke the Act's emergency powers, the Governor must issue a proclamation declaring that a disaster exists. 20 ILCS 3305/7. Section 4 of the Act defines a disaster as "an occurrence or threat of widespread or severe damage, injury or loss of life...resulting from...[an] epidemic." 20 ILCS 3305/4. The unrefuted facts and objective data show that COVID-19 continues to infect and kill Illinois residents at a high rate. "[T]herefore, a 'threat of widespread or severe damage, injury or loss of life' continues to exist." *Cassell*, 20 C 50153 at 32.
26. In issuing the most recent disaster proclamation on April 30, 2020, Governor Pritzker references numerous facts to warrant the need for face-coverings, social distancing, and other measures designed as cornerstones of a statewide effort to slow the spread of COVID-19. Mahwikizi does not refute these factual underpinnings in his pleadings, but challenges only the Governor's authority to issue the April 30 emergency proclamation based on the same disaster identified on March 9. However, this argument ignores the disaster proclamation Governor Pritzker made on April 30. On April 30, Governor Pritzker determined and proclaimed a disaster still exists. Based on this proclamation, Governor Pritzker had the authority under the Act to continue to exercise his emergency powers for an additional 30 days and issue Executive Order 2020-32. *See* 20 ILCS 3305/7.
27. As aptly noted in *Cassell*, the Act does not give the Governor unfettered power. "To support each successive emergency declaration, the Governor must identify an 'occurrence or threat of widespread or severe damage, injury or loss of life.' [20 ILCS 3305/4.] Once an emergency has abated, the facts on the ground will no longer justify such findings, and the Governor's emergency powers will cease." *Cassell*, 20 C 50153 at 33. Unfortunately, Illinois is not yet at this stage, nor does Plaintiff claim it is. The risk of COVID-19 is still real for Illinoisans and continues to be fatal. Thus, Mahwikizi has not shown a likelihood of success on the merits of his claim that Governor Pritzker exceeded his power in issuing Executive Order 2020-32 under these exceptional circumstances.
28. Finally, the Court has balanced the equities and relative hardships of the parties and finds the balance weighs in favor of preventing the spread of this virulent and deadly virus

through the recommended social distancing guidelines and the wearing of face-coverings. Face-coverings are designed to protect those who come into contact with a person infected with the coronavirus. Because some people are asymptomatic, this makes wearing of masks even more essential in attempting to slow the spread. The Court recognizes the discomfort of wearing face-coverings and appreciates Mahwikizi's stated concerns for his safety and welfare as a rideshare driver, but the science is clear. COVID-19 has already resulted in thousands of deaths in America and the State of Illinois, and it is poised to threaten thousands more people if proper precautions are not taken. Enjoining enforcement of Executive Order 2020-32 would place at risk the many Illinoisans, including essential workers such as Mahwikizi and rideshare passengers. It would also affect critical funding for Illinois and limit implementation of additional necessary measures that are necessary components of the State's efforts to combat COVID-19.

29. In sum, the Court finds Mahwikizi has not met his burden of proof for issuance of an emergency temporary restraining order. He has not shown a likelihood of prevailing on his claim that Governor Pritzker exceeded his emergency powers under the Act by issuing Executive Order 2020-32 on April 30, 2020. Nor has he established he will suffer imminent irreparable harm or that the balance of hardships weigh in his favor.
30. This Court does not discount Mahwikizi's personal concerns and fears. However, Executive Order 2020-32 is a legitimate exercise of the Governor's power to protect the public health and safety of Illinoisans. Sometimes individual rights have to give way to the health safety and protection of the public at large. This dates back to the early 1900's. See *Jacobson v. Massachusetts*, 197 U.S. 11 (1905). Governor Pritzker's effort to slow the spread of COVID-19 by requiring face-coverings as recommended by the CDC is within his executive emergency powers and neither unreasonable nor arbitrarily imposed.

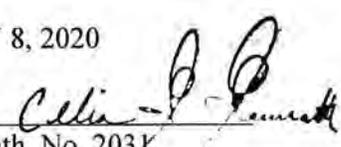
IT IS ORDERED: Plaintiff Justin Mahwikizi's Motion for Temporary Restraining Order against Defendant Governor Jay Robert Pritzker is denied.

Judge Celia G. Gamrath

MAY 08 2020

Circuit Court - 2031

ENTERED: MAY 8, 2020

  
Judge Celia Gamrath, No. 2031

Chancery Division

Circuit Court of Cook County

## **Exhibit 3**

*Cassell v. Snyders*, No. 20 C 50153, 2020 WL 2112374 (N.D.  
Ill. May 3, 2020)



KeyCite Blue Flag – Appeal Notification

Appeal Filed by [STEPHEN CASSELL, ET AL v. DAVID SNYDERS, ET AL](#), 7th Cir., May 6, 2020

2020 WL 2112374

Only the Westlaw citation is currently available.  
United States District Court,  
N.D. Illinois, Western Division.

Stephen CASSELL and The Beloved Church, an  
Illinois not-for-profit corporation, Plaintiffs,

v.

David SNYDERS, Sheriff of Stephenson  
County, Jay Robert Pritzker, Governor of  
Illinois, Craig Beintema, Administrator of the  
Department of Public Health of Stephenson  
County, Steve Schaible, Chief of Police of  
the Village of Lena, Illinois, Defendants.

20 C 50153

Signed May 3, 2020

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#### **MEMORANDUM OPINION AND ORDER**

[John Z. Lee](#), United States District Judge

\*1 So far, over 60,000 Americans have died from contracting COVID-19. That is more than the number of people who perished during the 9/11 terrorist attacks, Pearl Harbor, and the Battle of Gettysburg combined. Hoping to slow the pathogen's spread, governors and mayors across the country have implemented stay-at-home orders. While those

orders have already saved thousands of lives, they come at a considerable cost. In Illinois, as in other states, the orders have interfered with the ability of residents to work, learn, and worship.

This case is about whether those restrictions are consistent with the religious freedoms enshrined in the Federal Constitution and in Illinois law. Every Sunday for the past five years, members of the Beloved Church have gathered with their pastor, Stephen Cassell, to pray, worship, and sing. Since Governor Pritzker's first stay-at-home order went into effect, however, the Beloved Church has been forced to move those services online. And, in the intervening weeks, the Governor has issued additional orders, extending the restrictions.

Convinced that these orders impermissibly infringe on their religious practices, Cassell and the Beloved Church have sued Pritzker, Stephenson County Sheriff David Snyders, Stephenson County Public Health Administrator Craig Beintema, and Village of Lena Police Chief Steve Schaible. In particular, Plaintiffs allege that the stay-at-home orders violate the First Amendment's Free Exercise Clause, Illinois's Religious Freedom Restoration Act ("RFRA"), [775 Ill. Comp. Stat 35/15](#), the Emergency Management Agency Act ("EMAA"), [20 Ill. Comp. Stat. 3305/7](#), and the Illinois Department of Health Act ("DHA"), [20 Ill. Comp. Stat. 2305/2\(a\)](#).

Plaintiffs hope to return to their church on May 3, 2020, to worship without limitations. To that end, on April 30, 2020, they filed a motion asking the Court to enter a temporary restraining order and a preliminary injunction preventing Defendants from enforcing the stay-at-home orders. Given the time constraints, the Court ordered expedited briefing; Defendants filed their responses to the motion on May 1, 2020, and Plaintiffs submitted their reply on May 2, 2020.

The Court understands Plaintiffs' desire to come together for prayer and fellowship, particularly in these trying times. It is not by accident that the right to exercise one's religious beliefs is one of the core rights guaranteed by our Constitution. And whether it be the Apostles and Jesus gathering together to break bread and share wine on the night before his crucifixion (Luke 22:7-23), or Peter addressing the many at Pentecost and forming the first church (Acts 2:14-47), Christian tradition has long cherished communal fellowship, prayer, and worship.

But even the foundational rights secured by the First Amendment are not without limits; they are subject to restriction if necessary to further compelling government interests—and, certainly, the prevention of mass infections and deaths qualifies. After all, without life, there can be no liberty or pursuit of happiness.

\*2 Recently, after this lawsuit was filed, Governor Pritzker issued a new order, recognizing the free exercise of religion as an “essential activity.” April 30 Order § 2, ¶ 5(f), ECF No. 26-1. The order now states that worshippers may “engage in the free exercise of religion” so long as they “comply with Social Distancing Requirements” and refrain from “gatherings of more than ten people.” *Id.* Furthermore, “[r]eligious organizations and houses of worship are encouraged to use online or drive-in services [which are not limited to ten people] to protect the health and safety of their congregants.” *Id.*

The Court is mindful that the religious activities permitted by the April 30 Order are imperfect substitutes for an in-person service where all eighty members of Beloved Church can stand together, side-by-side, to sing, pray, and engage in communal fellowship. Still, given the continuing threat posed by COVID-19, the Order preserves relatively robust avenues for praise, prayer and fellowship and passes constitutional muster. Until testing data signals that it is safe to engage more fully in exercising our spiritual beliefs (whatever they might be), Plaintiffs, as Christians, can take comfort in the promise of Matthew 18:20—“For where two or three come together in my name, there am I with them.”

For the reasons below, Plaintiffs' motion for a temporary restraining order and preliminary injunction is denied.

## **I. Preliminary Factual Findings**<sup>1</sup>

### **A. The Pandemic**

COVID-19 is “a novel severe acute respiratory illness” that spreads rapidly “through respiratory transmission.” April 30 Order at 1, ECF No. 26-1 (“April 30 Order” or “Order”). Making response efforts particularly daunting, asymptomatic individuals may carry and spread the virus, and there is currently no known vaccine or effective treatment. *Id.*; Pritzker Resp. Br. at 12, ECF No. 26. The virus has killed hundreds of thousands, infected millions, and disrupted the lives of nearly everyone on the planet. April 30 Order at 1–2.

In Illinois alone, at least 2,350 individuals have perished from the pathogen, with more than 50,000 infected. *Id.* at 2.

### **B. The Stay-at-Home Orders**

To slow the spread of COVID-19, Governor Jay R. Pritzker issued a stay-at-home order on March 20, 2020. ECF No. 1-1. He extended that order two weeks later, before issuing a new directive with modified restrictions at the end of April. *See* April 30 Order. In substance, these orders direct Illinoisans to practice what experts call “social distancing.” That means limiting activity outside the home, staying at least six feet apart from others, and refraining from congregating in groups of more than ten. *Id.* § 1. To facilitate these efforts, businesses deemed non-essential have been required to cease operations, and schools have been forced to close their doors. The Governor has determined that, if the orders were not in effect, “the number of deaths from COVID-19 would be between ten to twenty times higher.” April 30 Order at 2.

At the same time, the stay-at-home orders have resulted in significant hardships for many individuals and their families. With schools closed, families have had to care for their children and oversee their education on a full-time basis. With businesses shuttered, many Illinoisans now find themselves furloughed or fired. And with large gatherings prohibited, religious groups have had to refrain from their usual activities.

\*3 In an effort to alleviate some of those concerns, the April 30 Order, which is effective until the end of May, provides that Illinoisans may leave their homes to perform certain “Essential Activities.” April 30 Order § 1, ¶ 5. Though the Order did not initially include religious events in its list of Essential Activities, it was amended shortly after Plaintiffs filed this lawsuit and their associated request for a temporary restraining order. *Compare* ECF No. 1-3, *with* ECF No. 26-1. As amended, the Order clarifies that worshippers may “engage in the free exercise of religion” so long as they “comply with Social Distancing Requirements” and refrain from “gatherings of more than ten people.” April 30 Order § 2, ¶ 5(f). In doing so, “[r]eligious organizations and houses of worship are encouraged to use online or drive-in services to protect the health and safety of their congregants.” *Id.*

### **C. The Beloved Church**

Pastor Stephen Cassell formed the Beloved Church, an evangelical Christian organization, to promote “the truths of God's unconditional Love, amazing Grace, and majestic Restoration.” Compl. ¶ 24, ECF No. 1. Cassell is passionate

about “shar[ing] the love of God with [his] congregants, who form what [he] believe[s] is [a] Church family.” *Id.* ¶ 25.

To that end, Cassell leads Sunday services at the Church's building in Lena, Illinois. *Id.* ¶ 27. On a typical Sunday, about eighty worshippers attend. *Id.* During each service, Cassell reads from scripture, delivers a sermon, and leads the congregation in prayer and song. *Id.* ¶ 28. After the ceremony, he encourages worshippers to engage in informal conversation with each other, building fellowship and community. *Id.* ¶ 29. Plaintiffs view Sunday prayer services as “the central religious rites of the Church congregation.” *Id.* ¶ 31.

In late March, the Stephenson County Department of Public Health served Cassell with a cease-and-desist notice. *Id.* ¶ 48. It declared that the Beloved Church was required to adhere to the guidelines elaborated in the stay-at-home orders. *Id.* ¶ 49. For example, the notice stated that religious gatherings of over ten people would not be permitted. *Id.* ¶ 49. It went on to warn that violators “may be subject to additional civil and criminal penalties.” *Id.* ¶ 49. Fearing fines and prosecution, the Beloved Church has refrained from holding Sunday services in person, *id.* ¶ 50, and, like many religious organizations, Cassell has instead held services online on various forums, including Facebook Live and YouTube.<sup>2</sup>

Viewing these remote services as “a violation of the Church's existence as a Christian congregation,” Plaintiffs take aim at Governor Pritzker's most recent Order. Cassell Decl. ¶ 3, ECF No. 34. To support this challenge, Plaintiffs have submitted with their reply brief a declaration by Cassell stating that the Beloved Church's parking lot cannot accommodate drive-in services; that typically 10 to 15 family units attend a service, most of which consist of many members; that the church's facility can seat 15 family units with six feet of distance between each unit; and that Cassell will supply all attendees with masks (or other face coverings) and hand sanitizer. *Id.* ¶¶ 5, 8–10, 16.

## II. Legal Standard

\*4 “[A] preliminary injunction is an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.” *Mazurek v. Armstrong*, 520 U.S. 968, 972, 117 S.Ct. 1865, 138 L.Ed.2d 162 (1997) (internal quotation marks omitted). A party seeking a preliminary injunction must show that (1)

its case has “some likelihood of success on the merits,” (2) it has “no adequate remedy at law”, and (3) “without relief it will suffer irreparable harm.” *Planned Parenthood of Ind. & Ky., Inc. v. Comm'r of Ind. State Dep't of Health*, 896 F.3d 809, 816 (7th Cir. 2018). As part of the preliminary-injunction analysis, a district court may consider a nonmovant's defenses in determining the movant's likelihood of success on the merits. See *Russian Media Grp., LLC v. Cable Am., Inc.*, 598 F.3d 302, 308 (7th Cir. 2010).

If the moving party meets these threshold requirements, the district court “weighs the factors against one another, assessing whether the balance of harms favors the moving party or whether the harm to the nonmoving party or the public is sufficiently weighty that the injunction should be denied.” *Ezell v. City of Chi.*, 651 F.3d 684, 694 (7th Cir. 2011). “The standards for granting a temporary restraining order and a preliminary injunction are the same.” *USA-Halal Chamber of Commerce, Inc. v. Best Choice Meats, Inc.*, 402 F. Supp. 3d 427, 433 (N.D. Ill. 2019) (citation omitted).

## III. Mootness, Standing, and Ripeness

As a threshold matter, Defendants question whether Article III authorizes this Court to adjudicate Plaintiffs' claims. In doing so, they articulate three distinct theories. First, Governor Pritzker says that Plaintiffs' motion is moot in light of the new provisions in the April 30 Order relating to religious activities. Second, Sheriff Snyders, Public Health Administrator Beintema, and Police Chief Schaible (“County and Village Defendants”) submit that Plaintiffs lack standing to sue. Finally, the same group of Defendants argues that this case is not ripe for review.

### A. Mootness

To begin with, Governor Pritzker contends that Plaintiffs' claims have been mooted by the post-complaint issuance of the April 30 Order, which supersedes EO 2020-10 and EO 2020-18, and provides a new framework for religious organizations starting May 1, 2020. To the extent that Plaintiffs seek declaratory and injunctive relief with respect to EO 2020-10 and EO 2020-18, without regard to the new provisions in the April 30 Order, their claims are indeed moot. See *N.Y. State Rifle & Pistol Ass'n, Inc. v. City of N.Y.*, No. 18-280, — U.S. —, — S.Ct. —, — L.Ed.2d —, 2020 WL 1978708, at \*1 (U.S. Apr. 27, 2020) (holding that

a request for declaratory and injunctive relief was mooted by amendment of the statute).

But to the extent that Plaintiffs assert residual claims that apply equally to the April 30 Order, those claims are not moot. *Cf. id.* (remanding residual claims based on the new statute for further proceedings); *Lewis v. Cont'l Bank Corp.*, 494 U.S. 472, 482, 110 S.Ct. 1249, 108 L.Ed.2d 400 (1990) (same). “[A] case does not become moot as long as the parties have a concrete interest, however small, in the litigation[ ]....” *Campbell-Ewald Co. v. Gomez*, — U.S. —, 136 S.Ct. 663, 665, 193 L.Ed.2d 571 (2016). And it is clear that Plaintiffs take umbrage at the restrictions on religious gatherings imposed by the April 30 Order, including the ten-attendee limit. *See* Compl. ¶¶ 27–31. Accordingly, Governor Pritzker’s argument that the case is moot fails.

### B. Standing

Next, the County and Village Defendants contend that Plaintiffs lack standing. To establish standing, a plaintiff must show (1) an “injury in fact,” (2) a sufficient “causal connection between the injury and the conduct complained of,” and (3) a “likel[i]hood” that the injury will be “redressed by a favorable decision.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992). Defendants focus their fire on the first element.

\*5 As a general rule, “[a]n injury sufficient to satisfy Article III must be concrete and particularized and actual or imminent, not conjectural or hypothetical.” *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158, 134 S.Ct. 2334, 189 L.Ed.2d 246 (2014) (internal quotation marks omitted). But an “allegation of future injury may suffice if the threatened injury is certainly impending, or there is a substantial risk that the harm will occur.” *Id.* (emphasis deleted and internal quotation marks omitted). “[I]t is not necessary that petitioner first expose himself to actual arrest or prosecution to be entitled to challenge a statute that he claims deters the exercise of his constitutional rights” *Steffel v. Thompson*, 415 U.S. 452, 459, 94 S.Ct. 1209, 39 L.Ed.2d 505 (1974); *see MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 128–29, 127 S.Ct. 764, 166 L.Ed.2d 604 (2007); *Sequoia Books, Inc. v. Ingemunson*, 901 F.2d 630, 640 (7th Cir. 1990) (recognizing that “special flexibility, or ‘breathing room,’ ...attaches to standing doctrine in the First Amendment context”) (citation omitted).

*Babbitt v. United Farm Workers National Union* is instructive. 442 U.S. 289, 99 S.Ct. 2301, 60 L.Ed.2d 895 (1979). In that case, the Supreme Court held that the plaintiffs could bring

a pre-enforcement action because they alleged “an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and there exist[ed] a credible threat of prosecution thereunder.” *Id.*, 442 U.S. at 298, 99 S.Ct. 2301. The statute at issue made it illegal to encourage consumers to boycott an “agricultural product ... by the use of dishonest, untruthful and deceptive publicity.” *Id.* at 295, 99 S.Ct. 2301. And the plaintiffs pleaded they had “actively engaged in consumer publicity campaigns in the past” and “inten[ded] to continue to engage in boycott activities” in the future. *Id.* Even though the plaintiffs did not “plan to propagate untruths,” they maintained that “‘erroneous statement is inevitable in free debate,’ ” and this was sufficient to establish standing. *Id.* (quoting *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 271, 84 S.Ct. 710, 11 L.Ed.2d 686 (1964)).

As in *Babbitt*, Plaintiffs have alleged an Article III injury. According to Plaintiffs, Beintema issued and Snyders’ deputy sheriff served a cease-and-desist notice on March 31, 2020, advising Plaintiffs that the Department of Public Health could issue a closure order if they did not adhere to Governor Pritzker’s Executive Order 2020-10. Compl. ¶ 47. Although the notice references Executive Order 2020-10, the allegations create a reasonable inference that the notice also would apply to the April 30 Order, which prohibits “gatherings of more than ten people.” April 30 Order § 2, ¶ 5(f).

Moreover, the notice stated that “police officers, sheriffs and all other officers in Illinois are authorized to enforce such orders. In addition to such an order of closure...you may be subject to additional civil and criminal penalties.” *Id.*, Ex. C, Cease and Desist Notice, ECF No. 1-3. Along the same lines, the April 30 Order expressly warns that “[t]his Executive Order may be enforced by State and local law enforcement pursuant to, *inter alia*, Section 7, Section 15, Section 18, and Section 19 of the Illinois Emergency Management Agency Act, 20 ILCS 3305.” April 30 Order § 2, ¶ 17.

For their part, Plaintiffs state that, for the past five years, they have held church services with eighty people in attendance, and they intend to hold a service on Sunday, May 3, 2020. *Id.* ¶¶ 11, 27. Plaintiffs further assert that, based on the cease-and-desist notice, they fear arrest, prosecution, fines, and jail time if the full congregation attends the service. *Id.* ¶ 50. And, although Snyders states that he does not intend to enforce the April 30 Order against Plaintiffs if they go through with their plans to gather on May 3, 2020, he does not provide

any assurance that the Order will not be enforced thereafter. Therefore, based on the record, the Court finds that Plaintiffs face “a credible threat of prosecution,” *Babbitt*, 442 U.S. at 298, 99 S.Ct. 2301, and the allegations in the complaint are sufficient to state an injury-in-fact.

### C. Ripeness

\*6 In the alternative, the County and Village Defendants argue that Plaintiffs' claims do not satisfy the Article III requirement of ripeness. But when a court has determined that a plaintiff has sufficiently alleged an Article III injury, a request to decline adjudication of a claim based on prudential ripeness grounds is in “some tension” with the Supreme Court's “reaffirmation of the principle that a federal court's obligation to hear and decide cases within its jurisdiction is virtually unflagging.” *Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 126, 134 S.Ct. 1377, 188 L.Ed.2d 392 (2014) (internal quotation marks omitted); see *Susan B. Anthony List*, 573 U.S. at 167, 134 S.Ct. 2334.

Be that as it may, ripeness is satisfied here. To determine ripeness, courts examine (1) “the fitness of the issues for judicial decision,” and (2) “the hardship to the parties of withholding court consideration.” *Metro. Milwaukee Ass'n of Commerce v. Milwaukee Cty.*, 325 F.3d 879, 882 (7th Cir. 2003). First, Plaintiffs' claims raise purely legal questions that are typically fit for judicial review, and further factual development will provide little clarification as to these issues. See *Susan B. Anthony List*, 573 U.S. at 167, 134 S.Ct. 2334; *Wis. Right to Life State Political Action Comm. v. Barland*, 664 F.3d 139, 148 (7th Cir. 2011); *Metro. Milwaukee Ass'n of Commerce v. Milwaukee Cty.*, 325 F.3d 879, 882 (7th Cir. 2003).

Second, denying judicial review imposes a not-insignificant hardship on Plaintiffs by forcing them to choose between refraining from congregating at their church and engaging in assembly while risking civil fines and criminal penalties. Accordingly, the County and Village Defendants' argument that the Plaintiffs claims are unripe are unavailing. With that, the Court turns to the merits of Plaintiffs' motion.

### IV. Likelihood of Success on the Merits

Plaintiffs challenge the April 30 Order on two grounds. First, they maintain that it runs afoul of the First Amendment's Free Exercise Clause. Second, they insist that the Order

violates three state statutes—the Illinois Religious Freedom Restoration Act, the Emergency Management Agency Act, and the Illinois Department of Health Act.

### A. Free Exercise Claim <sup>3</sup>

#### 1. Government Authority During a Public Health Crisis

The Constitution does not compel courts to turn a blind eye to the realities of the COVID-19 crisis. For more than a century, the Supreme Court has recognized that “a community has the right to protect itself against an epidemic of disease which threatens the safety of its members.” *Jacobson v. Commonwealth of Mass.*, 197 U.S. 11, 27, 25 S.Ct. 358, 49 L.Ed. 643 (1905); see *Prince v. Massachusetts*, 321 U.S. 158, 166–67, 64 S.Ct. 438, 88 L.Ed. 645 (1944) (“The right to practice religion freely does not include liberty to expose the community...to communicable disease.”). During an epidemic, the *Jacobson* court explained, the traditional tiers of constitutional scrutiny do not apply. *Id.*; see *In re Abbott*, 954 F.3d 772, 784 (5th Cir. 2020). Under those narrow circumstances, courts only overturn rules that lack a “real or substantial relation to [public health]” or that amount to “plain, palpable invasion[s] of rights.” *Jacobson*, 197 U.S. at 31, 25 S.Ct. 358. Over the last few months, courts have repeatedly applied *Jacobson*'s teachings to uphold stay-at-home orders meant to check the spread of COVID-19. See, e.g., *Abbott*, 954 F.3d at 783–85; *Gish v. Newsom*, No. EDCV20755JGBKXX, 2020 WL 1979970, at \*5 (C.D. Cal. Apr. 23, 2020).

\*7 This is not to say that the government may trample on constitutional rights during a pandemic. As other judges have emphasized, *Jacobson* preserves the authority of the judiciary to strike down laws that use public health emergencies as a pretext for infringing individual liberties. See, e.g., *Abbott*, 954 F.3d at 800 (Dennis, J., dissenting) (citing *Jacobson*, 197 U.S. at 28–29, 25 S.Ct. 358)). Furthermore, *Jacobson*'s reach ends when the epidemic ceases; after that point, government restrictions on constitutional rights must meet traditionally recognized tests. And so, courts must remain vigilant, mindful that government claims of emergency have served in the past as excuses to curtail constitutional freedoms. See, e.g., *Korematsu v. United States*, 323 U.S. 214, 65 S.Ct. 193, 89 L.Ed. 194 (1944), abrogated by *Trump v. Hawaii*, — U.S. —, 138 S. Ct. 2392, 2423, 201 L.Ed.2d 775 (2018).

Today, COVID-19 threatens the lives of all Americans. The disease spreads easily, causes severe and sometimes fatal

symptoms, and resists most medical interventions. April 30 Order at 1–2. When Governor Pritzker issued the amended stay-at-home rules, thousands of Illinoisans had perished due to the disease. *Id.* Based on the plethora of evidence here, the Court finds that COVID-19 qualifies as the kind of public health crisis that the Supreme Court contemplated in *Jacobson* and that the coronavirus continues to threaten the residents of Illinois.

While Plaintiffs acknowledge the seriousness of the pathogen, they insist that the stay-at-home orders have successfully flattened the curve of active COVID-19 cases, eliminating the need for continued precautions. But, to borrow an analogy from Justice Ginsburg, that “is like throwing away your umbrella in a rainstorm because you are not getting wet.” *Shelby Cty., Ala. v. Holder*, 570 U.S. 529, 590, 133 S.Ct. 2612, 186 L.Ed.2d 651 (2013) (Ginsburg, J., dissenting). Without the stay-at-home restrictions, the Governor estimates that ten to twenty times as many Illinoisans would have died and that the state’s hospitals would be overrun. April 30 Order at 2. Plaintiffs have failed to marshal any credible evidence that suggests otherwise.

As a fallback position, Plaintiffs portray the April 30 Order as “arbitrary” and “unreasonable.” *Jacobson*, 197 U.S. at 28, 25 S.Ct. 358. Specifically, they claim that the Order subjects religious organizations to more onerous restrictions than their secular counterparts. But, as we shall shortly see, the Order adopts neutral principles that satisfy *Jacobson*’s reasonableness standard.

In sum, because the current crisis implicates *Jacobson*, and because the Order undoubtedly advances the government’s interest in protecting Illinoisans from the pandemic, the Court finds that Plaintiffs have a less than negligible chance of prevailing on their constitutional claim.

## 2. Traditional First Amendment Analysis

Even if *Jacobson* were not to apply here, the Order nevertheless would likely withstand scrutiny under the First Amendment’s Free Exercise Clause. That provision prevents the government from “plac[ing] a substantial burden on the observation of a central religious belief or practice” unless it demonstrates a “compelling government interest that justifies the burden.” *St. John’s United Church of Christ v. City of Chi.*, 502 F.3d 616, 631 (7th Cir. 2007). As the Supreme Court has elaborated, however, “neutral, generally applicable laws may be applied to religious practice even when not supported by a compelling government interest.” *Burwell v. Hobby Lobby*

*Stores, Inc.*, 573 U.S. 682, 134 S. Ct. 2751, 2761, 189 L.Ed.2d 675 (2014) (citing *Emp’t Div. v. Smith*, 494 U.S. 872, 879–80, 110 S.Ct. 1595, 108 L.Ed.2d 876 (1990)). In other words, a “neutral law of general applicability is constitutional if it is supported by a rational basis.” *Ill. Bible Colleges Ass’n. v. Anderson*, 870 F.3d 631, 639 (7th Cir. 2017).

\*8 For the rational basis test to apply, the challenged law must be both neutral and generally applicable. The neutrality element asks whether “the object of the law is to infringe upon or restrict practices because of their religious motivation.” *Listecki v. Official Comm. of Unsecured Creditors*, 780 F.3d 731, 743 (7th Cir. 2015) (citing *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 533, 113 S.Ct. 2217, 124 L.Ed.2d 472 (1993)). The general applicability element “forbids the government from impos[ing] burdens only on conduct motivated by religious belief in a selective manner.” *Listecki*, 780 F.3d at 743. As these definitions suggest, the neutrality and general applicability requirements usually rise or fall together.

In evaluating these two elements, courts draw on principles developed in the context of the Fourteenth Amendment’s Equal Protection Clause. *See, e.g., Lukumi*, 508 U.S. at 540, 113 S.Ct. 2217 (instructing lower courts to “find guidance in our equal protection cases”). At its core, equal protection analysis hinges on whether “the decisionmaker ...selected or reaffirmed a particular course of action at least in part ‘because of,’ not merely ‘in spite of,’ its adverse effects upon a particular group.” *Pers. Adm’r of Mass. v. Feeney*, 442 U.S. 256, 279, 99 S.Ct. 2282, 60 L.Ed.2d 870 (1979). In keeping with that framework, courts apply the rational basis test to Free Exercise Clause claims, unless the challenged rule “fail[s] to prohibit nonreligious conduct that endangers the [government’s] interests in a similar or greater degree” than religious conduct. *Lukumi*, 508 U.S. at 543, 113 S.Ct. 2217.

*Lukumi* is instructive. There, the Supreme Court reviewed municipal ordinances that prescribed penalties for “any individual or group that kills, slaughters or sacrifices animals for any type of ritual.” *Lukumi*, 508 U.S. at 527, 113 S.Ct. 2217. In holding that “the object or purpose of [the challenged] law is the suppression of religion or religious conduct,” the Court looked to three main factors. *Id.* at 533, 113 S.Ct. 2217. First, it determined that the drafters of the ordinances displayed a “pattern” of animosity towards “Santeria worshippers,” who practiced animal sacrifice. *Id.* at 542, 113 S.Ct. 2217. Second, it recognized that “the ordinances [we]re drafted with care to forbid few killings but

those occasioned by religious sacrifice.” *Id.* at 543, 113 S.Ct. 2217. Third, it concluded that the “ordinances suppress much more religious conduct than is necessary in order to achieve the legitimate ends asserted in their defense.” *Id.* at 536, 113 S.Ct. 2217.

This case is different. For one, nothing in the record suggests that Governor Pritzker has a history of animus towards religion or religious people, and Plaintiffs do not argue otherwise. For another, the Order proscribes secular and religious conduct alike. *See, e.g.*, April 30 Order § 2, ¶ 3 (forbidding “any gathering of more than ten people”). Indeed, its limitations extend to most places where people gather, from museums to theaters to bowling alleys. *Id.* And finally, Plaintiffs have not established that the Order “suppress[es] much more religious conduct than is necessary” to slow the spread of COVID-19. *Lukumi*, 508 U.S. at 536, 113 S.Ct. 2217. To the contrary, the April 30 Order expressly preserves various avenues for religious expression, including gatherings of up to ten people and drive-in services. April 30 Order § 2, ¶ 5(f). For these reasons, the Court concludes that the Order does not “impose special disabilities on the basis of...religious status.” *Smith*, 494 U.S. at 877, 110 S.Ct. 1595.

Neither of Plaintiffs' counterarguments is persuasive. First, they claim that the Order “targets... church services because it makes them the only Essential Activity effectively subject to the 10-person maximum requirement.” But that argument rests on a misreading of the Order. In fact, the Order broadly prohibits “any gathering of more than ten people [other than members of the same household]... unless exempted by this Executive Order.” April 30 Order § 2, ¶ 3. And nothing in the Section that enumerates “Essential Activities” appears to exempt secular activities from that generally-applicable constraint. *Id.* § 2, ¶ 5.

\*9 It is true that the provision recognizing religious activities as essential reiterates the ten-person restriction. *Id.* ¶ 5(f). But, read as a whole, the Order appears to apply that limit to the other Essential Activities as well. For example, Section 2, ¶ 5 of the Order permits “individuals” to leave their homes in order to visit their doctors, pick up groceries, and travel to work at “Essential Businesses” (which must abide by their own additional restrictions). *Id.* ¶ 5(a)–(d). It also lists “hiking,” “running,” and “[f]ishing” as essential activities. *Id.* ¶ 5(c). In practice, those are pursuits that individuals normally perform alone or in small groups. By contrast, people of faith tend to gather for worship in much greater numbers, as Plaintiffs themselves acknowledge. Compl. ¶ 27. Understood

in that context, it makes sense for Order to explicitly remind worshippers that they must abide by the prohibition on large groups.

Second, Plaintiffs complain that “grocery stores,” “food and beverage manufacturing plants,” and other “Essential Businesses” need not comply with the ten-person limitation. <sup>4</sup> April 30 Order § 2, ¶ 12(a), (b). If Walmart and Menards are allowed to host more than ten visitors, Plaintiffs' theory goes, then so should the Beloved Church. But the question is not whether any secular organization faces fewer restrictions than any religious organization. Rather, the question is whether secular conduct “that endangers the [government]'s interests in a similar or greater degree” receives favorable treatment. *Lukumi*, 508 U.S. at 543, 113 S.Ct. 2217. Only then does different treatment signal that the government's “object” is to target religious practices. *Id.* at 533, 113 S.Ct. 2217.

Contrary to Plaintiffs' suggestion, retailers and food manufacturers are not comparable to religious organizations. The avowed purpose of the Order is to slow the spread of COVID-19. As other courts have recognized, holding in-person religious services creates a higher risk of contagion than operating grocery stores or staffing manufacturing plants. *See, e.g., Gish*, 2020 WL 1979970, at \*6. The key distinction turns on the nature of each activity. When people buy groceries, for example, they typically “enter a building quickly, do not engage directly with others except at points of sale, and leave once the task is complete.” *Id.* The purpose of shopping is not to gather with others or engage them in conversation and fellowship, but to purchase necessary items and then leave as soon as possible. <sup>5</sup>

By comparison, religious services involve sustained interactions between many people. During Sunday services, for example, Cassell encourages members of his congregation to “converse” and “build fellowship and morale.” Compl. ¶ 29. Indeed, Plaintiffs view “informal conversations and fellowship” as “essential parts of a functioning Christian congregation.” *Id.* Given that religious gatherings seek to promote conversation and fellowship, they “endanger” the government's interest in fighting COVID-19 to a “greater degree” than the secular businesses Plaintiffs identify. *Lukumi*, 508 U.S. at 543, 113 S.Ct. 2217.

This distinction finds support in the record. There are many examples where religious services have accelerated the pathogen's spread. For instance, of eighty congregants who attended a Life Church service in Illinois on March 15, ten

contracted the disease, and at least one died. *See* Anna Kim, “Glenview church hit by COVID-19 is now streaming service online, as pastor remembers usher who died of disease,” *Chicago Tribune* (Mar. 31, 2020). Along the same lines, South Korea tracked more than 5,000 individual cases to a single church. *See* Youjin Shin, Bonnie Berkowitz, Min Joo-Kim, “How a South Korean church helped fuel the spread of the coronavirus,” *Washington Post* (Mar. 25, 2020). And, near Seattle, at least forty-five individuals who attended a church choir gathering were diagnosed with COVID-19. *See* Richard Read, “A choir decided to go ahead with rehearsal. Now dozens have COVID-19 and two are dead,” *Los Angeles Times* (Mar. 29, 2020). In comparison, Plaintiffs have failed to identify a grocery store or liquor store that has acted as a vector for the virus.

**\*10** A more apt analogy is between places of worship and schools. Like their religious counterparts, educational institutions play an essential part in supporting and promoting individuals' wellbeing. At the same time, education and worship are both “activities where people sit together in an enclosed space to share a communal experience,” exacerbating the risk of contracting the coronavirus. *Gish*, 2020 WL 1979970, at \*6. And here, the Order imposes the same restrictions on schools as it does on churches, synagogues, mosques, and other places of worship.

What is more, the interior of Beloved Church (like many churches of its kind) resembles that of a small movie theater. And, like moviegoers, during a service, congregants generally focus on the pastor or another speaker, who is typically in the front of the room. *See* Cassell Decl. ¶ 15 (photos of church interior). But, here again, movie theaters and concert halls (unlike churches) are completely barred from hosting any gatherings. April 30 Order § 2, ¶ 3. This reinforces the conclusion that the Order is not meant to single out religious people or communities of faith for adverse treatment.

This is not the first time that a governor's stay-at-home order has been challenged by a religious group, and the majority of courts in those cases have determined that the orders reflect neutral, generally-applicable principles. *See, e.g., Gish*, 2020 WL 1979970, at \*5–6 (“Because the Orders treat in-person religious gatherings the same as they treat secular in-person communal activities, they are generally applicable.”); *Legacy Church, Inc. v. Kunkel*, No. CIV 20-0327 JB/SCY, 2020 WL 1905586, at \*35 (D.N.M. Apr. 17, 2020) (“[The government] may distinguish between certain classes of activity, grouping religious gatherings in with a host of secular conduct, to

achieve ... a balance between maintaining community health needs and protecting public health.”).

For their part, Plaintiffs make much of *First Baptist v. Kelly*, No. 20-1102-JWB, 2020 WL 1910021 (D. Kan. Apr. 18, 2020). In *First Baptist*, the stay-at-home orders in question prohibited “mass gatherings” at a number of establishments, including auditoriums, theaters, and stadiums, as well as “churches and other religious facilities.” *Id.* at \*2. The orders also exempted places like airports, “retail establishments where large numbers of people are present but are generally not within arm's length of one another for more than 10 minutes,” and food establishments provided that patrons practice social distancing. *Id.*

Even though the orders covered a wide array of secular places as well as religious places, the court determined that the orders amounted to “a wholesale prohibition against assembling for religious services anywhere in the state by more than ten congregants.” *Id.* at \*4. “[B]oth orders,” the court emphasized, “expressly state” that “their prohibitions against mass gatherings apply to churches or other religious facilities.” *Id.* at \*7. For that reason, *First Baptist* held that “these executive orders expressly target religious gatherings on a broad scale and are, therefore, not facially neutral.” *Id.*

The approach in *First Baptist* is difficult to square with *Lukumi*. Taken alone, the fact that a government restriction refers to religious activity (while at the same time listing others) cannot be sufficient to show that its “object or purpose” is to target religious practices for harsher treatment. *Lukumi*, 508 U.S. at 533, 113 S.Ct. 2217; *see Maryville Baptist Church, Inc. et al. v. Andy Beshear*, No. 20-5427. — F.3d —, 2020 WL 2111316, at \*3 (6th Cir. May 2, 2020) (slip opinion) (mentioning religious gatherings “by name” does not establish “that the Governor singled out faith groups”). Instead, *Lukumi* embraced a functional assessment of how the challenged law operates in practice. In engaging in that analysis, courts must consider how a particular stay-at-home order treats secular and religious activities that are substantially comparable to one another. *First Baptist* overlooked that step.<sup>6</sup>

**\*11** Nor does *Maryville Baptist*, a recently released Sixth Circuit opinion, support Plaintiffs' position. That case involved a pair of stay-at-home orders that proscribed both “drive-in and in-person worship services,” while permitting their secular equivalents. *Maryville Baptist*, 2020 WL 2111316, at 1. Because Kentucky's governor “offered no

good reason” to treat drive-in religious services and drive-in businesses differently, the court halted enforcement of the prohibition on drive-in services. *Id.* at \*4. At the same time, because of gaps in the factual record, the Court of Appeals allowed the ban on in-person services to continue pending further proceedings in the district court. *Id.*

Applied here, the Sixth Circuit's reasoning counsels in favor of upholding Governor Pritzker's Order. Unlike in *Maryville Baptist*, the April 30 Order confirms that religious organizations in Illinois may hold drive-in services. See Supp. Not. at 1–2, ECF No. 32. To the extent that the Sixth Circuit expressed concerns about restrictions on in-person services, those doubts stemmed from the fact that the Kentucky Governor's orders prohibit in-person religious gatherings, regardless of how many worshippers attend. *Maryville Baptist*, slip. op. at 9. “[I]f the problem is numbers, and risks that grow with greater numbers,” the court reasoned, “there is a straightforward remedy: limit the number of people who can attend a service at one time.” *Id.* That is exactly what Governor Pritzker's latest order does.

Ultimately, then, the Court concludes that the April Order qualifies as a neutral, generally applicable law. It therefore withstands First Amendment scrutiny so long as “it is supported by a rational basis.” *Anderson*, 870 F.3d at 639. Given the importance of slowing the spread of COVID-19 in Illinois, the Order satisfies that level of scrutiny, and Plaintiffs do not seriously argue otherwise. As a result, the Court finds that Plaintiffs' Free Exercise claim is unlikely to succeed on the merits.

## B. State Law Claims

### 1. Sovereign Immunity

The Eleventh Amendment protects Defendants from Plaintiffs' RIFRA, EMAA, and DHA claims. That provision dictates that “[t]he Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.” U.S. Const. amend. XI. Although not explicit in the text, the Eleventh Amendment also “guarantees that an unconsenting State is immune from suits brought in federal courts by her own citizens.” *Council 31 of Am. Fed'n of State, Cty. & Mun. Employees, AFL-CIO v. Quinn*, 680 F.3d 875, 881–82 (7th Cir. 2012) (citations and quotation marks omitted). “[I]f properly raised, the amendment bars actions in

federal court against ... state officials acting in their official capacities.” *Id.* (citation omitted).

Because Defendants are state officials, who have been sued in their official capacities and have raised sovereign immunity, the Eleventh Amendment shields them from Plaintiffs' state law claims. To be sure, “individual state officials may be sued personally” for federal constitutional violations committed “in their official capacities.” *Goodman v. Carter*, No. 2000 C 948, 2001 WL 755137, at \*9 (N.D. Ill. July, 2, 2001) (citing *Ex Parte Young*, 209 U.S. 123, 160, 28 S.Ct. 441, 52 L.Ed. 714 (1908)). But that principle does not extend to “claim[s] that officials violated state law in carrying out their official responsibilities.” *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 121, 104 S.Ct. 900, 79 L.Ed.2d 67 (1984).

For example, in *Carter*, a court in this circuit considered a suit that raised claims under the First Amendment's Free Exercise Clause, as well as Illinois's RFRA statute. 2001 WL 755137, at \*1. “[Plaintiff]'s ILRFRA claim,” the *Carter* court observed, “asks this court to instruct state officials on how to conform their conduct to state law.” *Id.* at \*10. Explaining that “such a state-law claim may not be entertained under this court's supplemental jurisdiction simply because a proper § 1983 claim is also presented,” the court applied the doctrine of sovereign immunity and dismissed the RFRA claim. *Id.* (citing *Pennhurst*, 465 U.S. at 121, 104 S.Ct. 900). For the same reason, the Eleventh Amendment almost certainly forecloses Plaintiffs' state law claims here.

### 2. Merits of the State Law Claims

\*12 Sovereign immunity aside, the Court finds that Plaintiffs' RFRA, EMAA, and PHDA claims are unlikely to succeed on the merits. The Court addresses each statutory claim in turn.

#### a. RFRA

For starters, Plaintiffs maintain that the Order violates Illinois's RFRA statute. Under that statute, the “government may not substantially burden a person's exercise of religion ...unless it demonstrates that application of the burden to the person (i) is in furtherance of a compelling governmental interest and (ii) is the least restrictive means of furthering that compelling government interest.” 775 Ill. Comp. Stat 35/15.

At this stage, the Court assumes (without deciding) that the Order's prohibition on in-person religious gatherings of more than ten people qualifies as a "substantial burden" under the RFRA. *Id.* § 35/15. That means that Defendants must show that the ten-person limitation is the least restrictive way to promote a compelling interest.

Turning first to the government's interest in fighting COVID-19, Plaintiffs reiterate their claim that "the coronavirus epidemic 'curve' has been substantially 'flattened' statewide." Compl. ¶ 69. Because previous stay-at-home orders have partially succeeded in limiting the pathogen's spread, Plaintiffs posit that the government no longer has a compelling interest in preventing large gatherings. Yet the virus continues to proliferate, Illinoisans continue to die, and restrictions remain vital to ensuring that hospitals are not overwhelmed. April 30 Order at 1–2. In these exceptional circumstances, controlling the spread of COVID-19 counts as a compelling interest. *See United States v. Salerno*, 481 U.S. 739, 755, 107 S.Ct. 2095, 95 L.Ed.2d 697 (1987) (recognizing that the government's interest in "the safety...of [its] citizens" is "compelling").

The remaining question is whether the ten-person limit is the "least restrictive means" of pursuing that goal. 775 Ill. Comp. Stat 35/15. This element turns on "whether [the government] could have achieved, to the same degree, its compelling interest" without interfering with religious activity. *Affordable Recovery Hous. v. City. of Blue Island*, No. 12 C 4241, 2016 WL 5171765, at \*8 (N.D. Ill. Sept. 21, 2016). But Plaintiffs have failed to spotlight, and the Court has not found, any less restrictive rules that would achieve the same result as the prohibition on large gatherings.

While permitting the Beloved Church to hold in-person services with its full congregation might be less disruptive, it would not advance the government's interest in curtailing COVID-19 "to the same degree" as the ten-person limit. *Id.* The Court recognizes that Cassell has promised to equip worshippers with masks, place hand sanitizer at entryways, and arrange seating so that families can remain six feet apart and follow the social distancing requirements set forth in the Order. Cassell Decl. ¶¶ 7–11. But it is not entirely clear, given the seating configuration at Beloved Church, whether social distancing would be possible.

According to Cassell, ten to fifteen families attend a typical service, and many are "large families, some with up to 12 members."<sup>7</sup> *Id.* ¶ 12. Yet the photographs of the church's

interior provided by Cassell depict a total of twenty rows, many with fewer than seven seats. *Id.* ¶ 15. To remain six feet apart, it appears that each family unit must sit at least one row apart from another. It is difficult to see how the church could accommodate ten to fifteen large families in this manner.<sup>8</sup> But, even assuming that it is possible, an eighty-person service poses a greater risk to public safety than a gathering of ten or fewer or a drive-in service.

\*13 Indeed, Defendants highlight the example of a church choir practice where the members actually used hand sanitizer and practiced social distancing. *See* Richard Read, "A choir decided to go ahead with rehearsal. Now dozens have COVID-19 and two are dead," *Los Angeles Times* (Mar. 29, 2020). Despite those efforts, forty-five choir members ended up contracting COVID-19 and two died. *Id.* As that example illustrates, large gatherings magnify the risk of contagion even when participants practice preventative measures.

It is also important to recognize the religious exercises that the April 30 Order does allow. In addition to drive-in services and smaller worship services, the Order permits Cassell and other staff members to visit and minister to parishoners in their homes. It allows small group meetings, bible study meetings, and prayer gatherings at the church or in private homes, subject to the ten-person limit. It empowers Cassell and members of his congregation to celebrate communion in small groups. And it authorizes individual congregants to go to the church to obtain spiritual help and guidance from their pastor and/or other church staff members. *See* Compl. ¶ 33 (noting that "prayer and spiritual counseling visits and meetings are central functions of [Cassell's] leadership").

Considering the seriousness of the continuing COVID-19 pandemic, the threat of additional infections in the context of large gatherings, and the avenues for religious worship, prayer, celebration, and fellowship that the April 30 Order does allow, the Court finds that no equally effective but less restrictive alternatives are available under these circumstances, and Plaintiffs' RFRA claim is thus unlikely to succeed on the merits.

#### **b. Emergency Management Agency Act**

Plaintiffs also contend that Governor Pritzker exceeded his authority under the EMAA. That Act equips the Governor with an array of emergency powers, including the authority "[t]o control... the movement of persons within the area,

and the occupancy of premises therein.” 20 Ill. Comp. Stat. 3305/7(8). To make use of those powers, the Governor must first issue a proclamation “declar[ing] that a disaster exists.” *Id.* § 3305/7. After that, he may invoke the Act’s emergency powers “for a period not to exceed 30 days.” *Id.*

The question here is whether the Act permits Governor Pritzker to declare more than one emergency related to the spread of COVID-19.<sup>9</sup> In Plaintiffs’ view, the ongoing pandemic only justifies a single 30-day disaster proclamation. In response, Defendants maintain that, so long as the Governor makes new findings of fact to determine that a state of emergency still exists, the Act empowers him to declare successive disasters, even if they stem from the same underlying crisis.

Based on the text and structure of the Act, Defendants have the better argument. By its terms, the Act defines a disaster as “an occurrence or threat of widespread or severe damage, injury or loss of life...resulting from ... [an] epidemic.” 20 Ill. Comp. Stat. 3305/4. The data show that COVID-19 has infected more and more residents and continues to do so; therefore, a “threat of widespread or severe damage, injury or loss of life” continues to exist. *Id.*; see April 30 Order at 1–2 (discussing the continued threat imposed by Covid-19).

\*14 This statutory construction makes sense. Some types of disasters, such as a storm or earthquake, run their course in a few days or weeks. Other disasters may cause havoc for months or even years. For example, the Act designates “air contamination, blight, extended periods of inclement weather, [and] drought” as disasters. 20 Ill. Comp. Stat. 3305/4. Those events pose a threat that may persist for long periods of time and certainly beyond a single 30-day period. It is difficult to see why the legislature would recognize these long-running problems as disasters, yet divest the Governor of the tools he needs to address them.

This is not to say that the Governor’s authority to exercise his emergency powers is without restraint. To support each successive emergency declaration, the Governor must identify an “occurrence or threat of widespread or severe damage, injury or loss of life.” 20 Ill. Comp. Stat. 3305/4. Once an emergency has abated, the facts on the ground will no longer justify such findings, and the Governor’s emergency powers will cease. And, should this or any future Governor abuse his or her authority by issuing emergency declarations after a disaster subsides, affected parties will be able to challenge the sufficiency of those declarations in court. But

in this case, Plaintiffs do not question the Governor’s factual findings, only his authority to issue successive emergency proclamations based on the same, ongoing disaster. For these reasons, the Court concludes that this claim lacks even a negligible chance of success.

### c. Department of Health Act

Lastly, Plaintiffs invoke Illinois’s Department of Health Act, 20 Ill. Comp. Stat. 2305/2(a). Under that Act, the “State Department of Public Health...has supreme authority in matters of quarantine and isolation.” *Id.* § 2305/2(a). Before exercising its authority to “quarantine,” “isolate,” and make places “off limits the public,” however, the Department must comply with certain procedural requirements. *Id.* § 2305/2(c). As Plaintiffs see it, the Act vests the Department with the exclusive authority to quarantine and isolate Illinoisans, making Governor Pritzker’s orders *ultra vires*.

The problem for Plaintiffs is that the challenged Order does not impose restrictions that fall within the meaning of the Act. By definition, a “quarantine” refers to “a state of enforced isolation.” *Quarantine*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/quarantine>; see also, e.g., *In re Washington*, 304 Wis.2d 98, 735 N.W.2d 111, 121–22 (2007) (explaining that to “quarantine” is “to isolate”); *Com. v. Rushing*, 627 Pa. 59, 99 A.3d 416, 423 (2014) (indicating that to “place in quarantine” equates to requiring an individual to be “set apart” from other members of society (emphasis added)); *Ex Parte Culver*, 187 Cal. 437, 202 P. 661, 664 (1921) (“ ‘Quarantine’ as a verb means to keep persons, when suspected of having contracted or been exposed to an [infectious] disease, out of a community, or to confine them to a given place therein, and to prevent intercourse between them and the people generally of such community.” (emphasis added) (citation omitted)).

As discussed above, the Order empowers Cassell to, among other things, worship and pray with small groups of his parishioners, visit them in their homes (while observing social distancing), and lead drive-in sermons. See *Daniel v. Putnam Cty.*, 113 Ga. 570, 38 S.E. 980, 981 (1901) (noting that even stringent means of preventing disease dissemination are not “quarantine” unless they preclude engagement between the individual and members of their community). So, while the Order curtails the ability of individuals to gather in large groups, it falls far short of a “quarantine” as that term appears

in the Act. The Court therefore concludes that this claim has almost no likelihood of success on the merits.

### **V. Equitable Considerations**

\*15 The remaining factors confirm that Plaintiffs are not entitled to a preliminary injunction. Under the Seventh Circuit's "sliding scale approach," the less likely a claimant is to win, the more that the "balance of harms [must] weigh in his favor." *Valencia v. City of Springfield, Ill.*, 883 F.3d 959, 966 (7th Cir. 2018). Given that Plaintiffs' claims have little likelihood of prevailing on the merits, they cannot obtain a preliminary injunction without showing that the scales tip heavily in their direction.

But, if anything, the balance of hardships tilts markedly the other way. Preventing enforcement of the latest stay-at-home order would pose serious risks to public health. The record reflects that COVID-19 is a virulent and deadly disease that has killed thousands of Americans and may be poised to devastate the lives of thousands more. April 30 Order at 1–2. And again, the sad reality is that places where people congregate, like churches, often act as vectors for the disease. *See* Pritzker Resp. at 12–13 (collecting examples). Enjoining the Order would not only risk the lives of the Beloved Church's members, it also would increase the risk of infections among their families, friends, co-workers, neighbors, and surrounding communities.

While Plaintiffs' interest in holding large, communal in-person worship services is undoubtedly important, it does not outweigh the government's interest in protecting the residents of Illinois from a pandemic. Certainly, the restrictions imposed by the Order curtail the ability of the congregants of Beloved Church to worship in whatever way they would like. But this is not a case where the government has "ban[ned]" worshippers from practicing their religion altogether, as Plaintiffs insist. PI Mot. at 8, ECF No. 7. And again, the

Order empowers Cassell and the other members of his church to worship, sing, break bread, and pray together in drive-in services, online meetings, and in-person in groups of ten or fewer. April 30 Order § 2, ¶ 5(f). Such allowances go a long way towards mitigating the harms Plaintiffs identify.

Taking into account COVID-19's virulence and lethality, together with the State's efforts to protect avenues for religious activity, the Court finds that equitable considerations, including the promotion of the public interest, weigh heavily against the entry of the temporary restraining order and preliminary injunction that Plaintiffs seek. Coupled with the relative weakness of Plaintiffs' legal arguments, this is fatal to their motion.

### **VI. Conclusion**

These are unsettling times. Illinois and the rest of world are engaged in a massive effort to stave off the COVID-19 pandemic and the human suffering and death that it brings. At the same time, the stay-at-home orders issued by government officials as part of these efforts have resulted in their own form of loss and suffering—financial, emotional, psychological, and spiritual. The broader societal and political debate about how to balance these interests is beyond the purview of this Court. For present purposes, it suffices to state that Governor Pritzker's April 30 Order satisfies minimal constitutional requirements as they pertain to religious organizations, like the Beloved Church. Accordingly, Plaintiffs' motion for a temporary restraining order and a preliminary injunction is denied.

**IT IS SO ORDERED.**

#### **All Citations**

--- F.Supp.3d ----, 2020 WL 2112374

#### **Footnotes**

- 1 "[T]he district judge, in considering a motion for preliminary injunction...must make factual determinations on the basis of a fair interpretation of the evidence before the court." *Darryl H. v. Coler*, 801 F.2d 893, 898 (7th Cir. 1986). The facts summarized here derive from Plaintiffs' complaint, the parties' briefs supporting and opposing the motion, and the accompanying exhibits; none are materially disputed.
- 2 For example, in recent weeks, Cassell has presented a series of sermons titled "Corona-Lie," where he has expressed skepticism regarding the extent of the COVID-19 crisis, as well as the government's motives in responding to it. *See, e.g.*, Beloved Church Media, *Sunday March 15, 2020: Corona-Lie (Pastor Steve Cassell)* at 38:35, YOUTUBE, <https://www.youtube.com/watch?v=QJix0dCxhGQ&t=1699s> ("Why don't we shut the country down for the 2500 people that have

died from [Corona Beer]? Because it doesn't fit the narrative. I don't know if you realize this, but you are being absolutely manipulated and controlled by a system that wants you to believe what it tells you.”). See *Goplin v. WeConnect, Inc.*, 893 F.3d 488, 491 (7th Cir. 2018) (approving the district court taking judicial notice of a party's website in deciding a motion where the counterparty cited the website in its response brief).

- 3 Plaintiffs' motion focuses on their claim under the Free Exercise Clause. In the reply brief, however, they also argue that the Order violates the First Amendment's Free Speech and Freedom of Assembly provisions. But, because Plaintiffs failed to include these arguments in their opening brief and offer them only in reply, the arguments are waived as a matter of fairness. See *Wonsey v. City of Chi.*, 940 F.3d 394, 399 (7th Cir. 2019).
- 4 At times, Plaintiffs also argue that the government does not enforce social distancing requirements as applied to Essential Businesses. See Pls.' Reply at 8. In support, Cassell states that he has observed social distancing violations while shopping at Menards and Walmart. Cassell Decl. ¶ 16. But limited, anecdotal instances of noncompliance contribute little to the inference that the “object or purpose” of the challenged order is to interfere with religious practices. *Lukumi*, 508 U.S. at 527, 113 S.Ct. 2217.
- 5 Indeed, among other things, the Order requires retail stores that are designated as Essential Businesses to set up aisles to be one-way “to maximize spacing between customers and identify the one-way aisles with conspicuous signage and/or floor markings.” April 30 Order § 2.
- 6 *On Fire Christian Center, Inc. v. Fischer*, another district court case Plaintiffs cite, does not support their position either. No. 3:20-CV-264-JRW, 2020 WL 1820249 (W.D. Ky. Apr. 11, 2020). In *Fischer*, the City of Louisville proscribed “drive-in church services, while not prohibiting a multitude of other non-religious drive-ins and drive-throughs.” *Id.* at \*6. That is not the case here.
- 7 In fact, as Plaintiffs put it, “[t]he Church has numerous families that have taken seriously the biblical admonition to ‘be fruitful and multiply.’” Pl. Reply at 3.
- 8 Cassell also states that “[i]t is not feasible to conduct drive-in services on TheBeloved Church's property” because they “do not have a parking lot that can accommodate such services.” *Id.* ¶ 5. But the church appears to have a large parking lot that can accommodate a number of cars to conduct such services. See <https://www.google.com/maps/place/216+W+Mason+St,+Lena,+IL+61048/@42.3784957,-89.827654,3a,75y,99.24h,66.75t/data=!3m6!1e1!3m4!1s-EqLIBLYW6X0O96wk9B0nA!2e0!7i13312!8i6656!4m5!3m4!1s0x8808103eadade1e7:0x6807f35e1247a6cb!8m2!3d42.378454!4d-89.8273456>; see also *Ke Chiang Dai v. Holder*, 455 Fed. Appx. 25, 26 n.1 (2012) (taking judicial notice of Google Maps).
- 9 Plaintiffs also cast Governor Pritzker's previous orders as improper continuations of the initial emergency declaration. Given that the Governor has issued a new disaster declaration, that argument is moot.

## **Exhibit 4**

List of multiple and often successive proclamations regarding  
the same disaster

Year	Proclamation Date	Event
1980	6/4	June 1 -2 rain
1980	6/11	
1980	6/25	
1981	1/19	Drought
1981	4/17	
1981	6/15	June 12-14 storms
1981	6/22	
1982	5/29	May 29 tornado
1982	6/2	
1982	12/7	December 2-5 storms
1982	12/10	
1982	12/17	
1982	12/30	
1985	3/6	February 23-March 4 rain
1985	3/8	
1985	3/11	
1985	4/1	
1986	9/28	September 21 flooding
1986	9/30	
1986	10/1	
1986	10/6	
1986	10/8	
1988	2/8	January flooding and ice jams
1988	2/10	
1990	2/15	February 14-15 storms
1990	3/6	
1991	3/25	March 12-13 storms
1991	4/19	
1993	4/22	Severe flooding
1993	4/26	
1993	5/13	
1993	6/7	
1993	7/1	
1993	7/7	
1993	7/15	
1993	7/23	
1993	7/26	
1993	7/28	
1993	8/18	
1995	5/10	May 9 thunderstorms
1995	5/15	
1995	5/14	May 13 storms
1995	5/14 (second)	
1995	5/18	
1995	5/19	May 18 storm
1995	5/23	May storms

<b>Year</b>	<b>Proclamation Date</b>	<b>Event</b>
1996	4/20	April 18-19 tornado/storms
1996	4/22	
1996	4/29	
1996	5/1	April 27-28 storms
1996	5/17	
1996	5/10	May 6 storms
1996	5/13	
2007	8/7	August 7 storms
2007	8/8	
2007	8/27	August 23 storms
2007	8/29	
2007	8/30	
2008	3/20	March 17 storms
2008	5/27	
2008	6/10	June 1+ storms
2008	6/13	
2008	6/14	
2008	6/16	
2008	6/17	
2008	6/19	
2008	6/23	
2008	7/24	
2008	8/27	
2008	9/15	
2008	9/23	
2008	11/7	
2009	1/30	January 26-28 storms
2009	2/13	
2009	5/9	May 8 storms
2009	5/12	
2009	7/15	
2009	4/28	H1N1
2009	10/14	
2009	11/13	
2009	12/11	
2010	2/5	June 5 storms
2010	6/7	
2010	6/10	
2010	7/26	July 23-24+ flooding
2010	8/31	
2010	9/16	
2011	4/25	severe storms
2011	5/25	
2013	4/18	April 15-18 flooding
2013	4/20	
2013	4/21	

Year	Proclamation Date	Event
2013	undated	
2013	undated	
2013	11/17	November 17 storms
2013	11/19	
2013	11/20	
2015	6/23	June storms
2015	6/30	
2015	7/31	December 23-28 flooding
2015	12/29	
2015	12/30	
2016	1/6	
2016	1/28	
2016	3/31	April 28+ storms
2017	4/24	
2017	5/24	July 12 storms
2017	7/14	
2017	7/17	
2019	5/3	April 23+ storms and flooding
2019	5/31	
2019	6/20	
2019	6/28	
2019	7/26	

## **Exhibit 5**

Copies of multiple and often successive proclamations regarding  
the same disaster

DIVISION  
JUN 10 1980  
IN THE OFFICE OF  
SECRETARY OF STATE

# STATE OF ILLINOIS

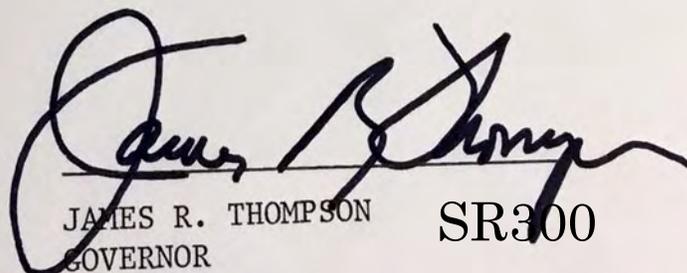
## EXECUTIVE DEPARTMENT

### SPRINGFIELD, ILLINOIS

#### PROCLAMATION

The severe winds and torrential rains of June 1 and 2, 1980 caused significant damage to homes, businesses and farms in portions of the Illinois counties of Ford, Hancock, Henderson, Iroquois, Livingston, Marshall, McDonough, Peoria, Tazewell and Woodford.

In the interest of aiding those citizens who suffered losses due to this storm damage, I hereby declare those counties to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "an Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 127, sec. 1108(a). This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real and personal property substantially damaged by the severe winds and torrential rains of June 1 and 2, 1980.

  
\_\_\_\_\_  
JAMES R. THOMPSON      SR300  
GOVERNOR

# EXECUTIVE DEPARTMENT

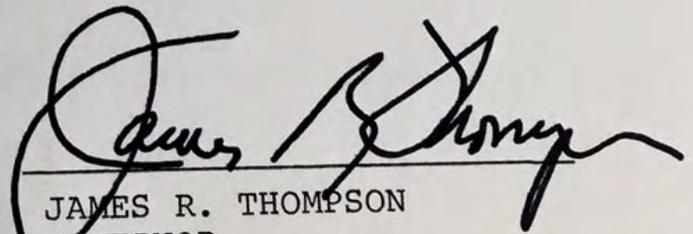
SPRINGFIELD, ILLINOIS

## PROCLAMATION

The severe winds and torrential rains of June 1 and 2, 1980 caused significant damage to homes, businesses and farms in portions of the Illinois counties of Brown, DuPage, Fulton, Grundy, Knox, Lake, McLean, Schuyler, Vermilion, Warren and Will.

In the interest of aiding those citizens who suffered losses due to this storm damage, I hereby declare those counties to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "an Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 127, sec. 1108 (a)).

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real and personal property substantially damaged by the winds and rains of June 1 and 2, 1980.

  
JAMES R. THOMPSON  
GOVERNOR

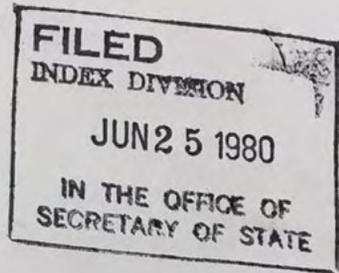
Dated: June 11, 1980

FILED SR301  
INDEX DIVISION

# EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS

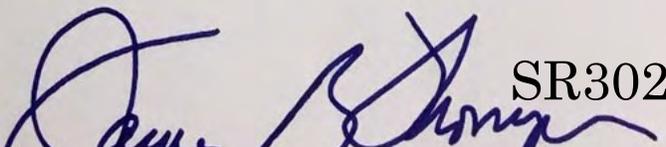
P R O C L A M A T I O N



The hailstorm and high winds of June 2, 1980, caused significant damage to homes, businesses and farms in portions of DeKalb County. Heavy rains in northern Illinois the week of June 8, 1980, caused the overflow of the Wabash River and subsequent severe flood damage to homes, businesses and farms in the Illinois counties of Clark, Crawford and Lawrence.

In the interest of aiding those citizens who suffered losses due to either the hailstorm or the flooding, I hereby declare those counties to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "an Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Chap. 127, sec. 1108(a).

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real and personal property substantially damaged by the hailstorm of June 2, 1980, and the flooding of the Wabash River the week of June 8, 1980.

  
SR302

# STATE OF ILLINOIS

## EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS

FILED  
INDEX DIVISION  
JAN 19 1980  
IN THE OFFICE OF  
SECRETARY OF STATE

### PROCLAMATION

WHEREAS, a lack of rainfall and extreme heat, beginning with the fall of 1979, caused considerable damage to the Illinois agri-business community; and

WHEREAS, more than 130,000 farms were affected, or three out of four farms in the entire State; and

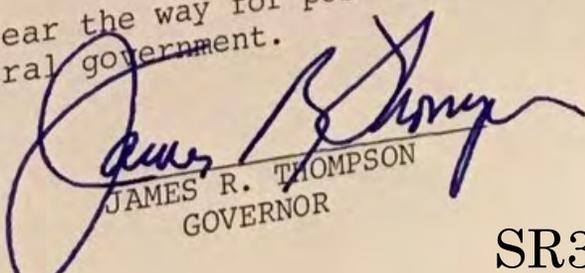
WHEREAS, more than 12.2 million crop acres were affected, resulting in crop yield reductions from twenty-five to fifty per cent; and

WHEREAS, more than 18,000 hogs and 28,000 chickens died due to overheating and suffocation;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, declare the following Illinois counties to be State Disaster Areas:

Adams	Fayette	Lawrence	Pike
Alexander	Ford	Livingston	Pope
Bond	Franklin	Logan	Pulaski
Brown	Fulton	McDonough	Randolph
Calhoun	Gallatin	McLean	Richland
Champaign	Greene	Macon	St. Clair
Clark	Hamilton	Macoupin	Saline
Clay	Hancock	Madison	Schuyler
Clinton	Hardin	Marion	Shelby
Coles	Iroquois	Mason	Tazewell
Crawford	Jackson	Massac	Union
Cumberland	Jasper	Monroe	Vermilion
DeWitt	Jefferson	Montgomery	Wabash
Douglas	Jersey	Moultrie	Washington
Edgar	Johnson	Peoria	Wayne
Edwards	Kankakee	Perry	White
Effingham	Knox	Piatt	Williamson
			Woodford

This declaration will clear the way for possible emergency loan assistance from the federal government.

  
JAMES R. THOMPSON  
GOVERNOR

SR303

FILED  
INDEX DIVISION  
APR 17 1981  
IN THE  
REC'D

STATE OF ILLINOIS  
**OFFICE OF THE GOVERNOR**  
SPRINGFIELD 62706

JAMES R. THOMPSON  
GOVERNOR

PROCLAMATION

WHEREAS, a continued lack of precipitation has caused extreme drought situations in the City of Eldorado and the County of Saline; and

WHEREAS, public water supplies in Eldorado are less than two weeks; and

WHEREAS, water conservation efforts in Eldorado have reduced water usage by approximately fifty per cent; and

WHEREAS, additional sources from nearby communities have been and are being received; and

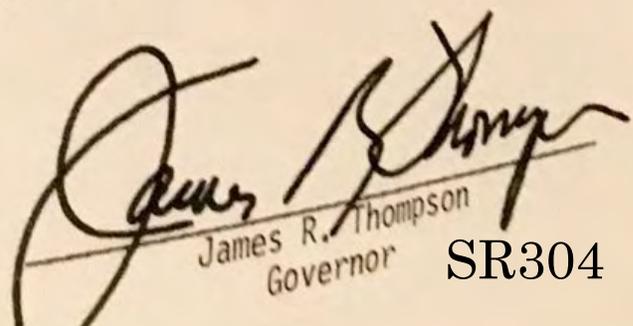
WHEREAS, these efforts have failed to provide sufficient supplies to ensure public health; and

WHEREAS, the precipitation forecast for southern Illinois this summer is not favorable; and

WHEREAS, all Eldorado resources have been exhausted; and

WHEREAS, the Cities of Harrisburg and Raleigh will be faced with similar threats to public health in thirty to sixty days;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, declare Saline County to be a State of Illinois Disaster Area, pursuant to the provisions of Section 8(a) of "an Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 27, sec. 1108 (a)). This gubernatorial declaration of disaster will facilitate the deployment of state resources from the Illinois Emergency Services and Disaster Agency and make available the use of the State Disaster Relief Fund if local financing of emergency actions becomes exhausted.

  
James R. Thompson  
Governor

April 17, 1981

SR304

# STATE OF ILLINOIS

EXECUTIVE DEPARTMENT  
SPRINGFIELD, ILLINOIS

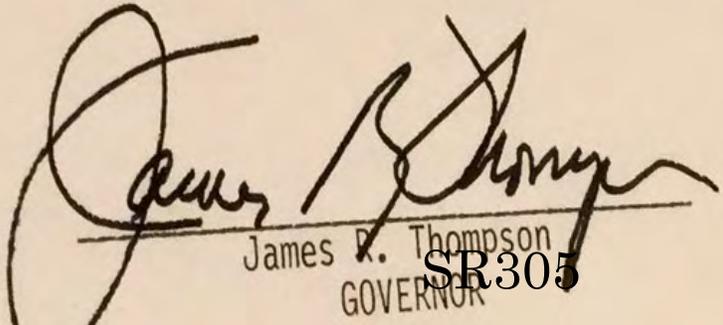
## GUBERNATORIAL PROCLAMATION

FILED  
INDEX DIVISION  
JUN 15 1981  
IN THE OFFICE OF  
SECRETARY OF STATE

The severe storms of June 12, 13, 14, 1981 that resulted in flooding and flash flooding caused significant damage to homes, businesses and farms in Cook, Will and Grundy Counties.

In the interest of aiding those citizens who suffered losses because of these storms, I hereby declare Cook, Will and Grundy Counties to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 127, Sec. 1108(a)).

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the severe storms.

  
James R. Thompson  
GOVERNOR

SR305

# STATE OF ILLINOIS



EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS

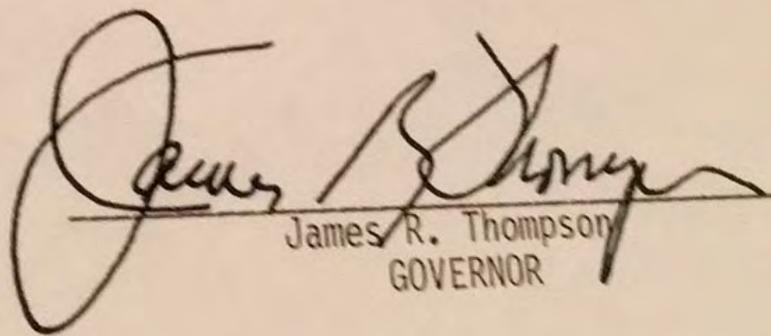
GUBERNATORIAL PROCLAMATION

FILED  
INDEX REVISION  
JUN 22 1981  
IN THE OFFICE OF  
SECRETARY OF STATE

The severe storms of June 12, 13, 14, 1981 that resulted in flooding and flash flooding caused significant damage to homes, businesses and farms in Carroll and Kane Counties.

In the interest of aiding those citizens who suffered losses because of these storms, I hereby declare Carroll and Kane Counties to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 127, Sec. 1108(a)).

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the severe storms, and make possible the request for federal disaster assistance.

  
James R. Thompson  
GOVERNOR

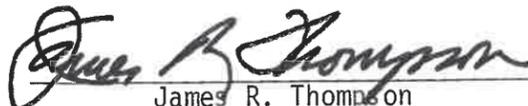


GUBERNATORIAL PROCLAMATION

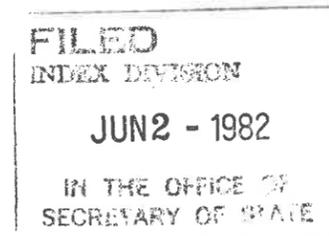
A tornado on May 29, 1982 caused loss of life, personal injury and significant damage to homes, business enterprises, farms and public property in portions of the Illinois county of Williamson.

In the interest of aiding those residents who suffered losses because of this storm damage, I hereby declare Williamson County to be a State of Illinois Disaster Area, pursuant to the provisions of Section 8(a) of "an Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 127, Sec. 1108 (a)).

This gubernatorial declaration of disaster will facilitate, upon application, requests for Federal assistance and reassessment of the real and personal property substantially damaged by the winds and rains of May 29, 1982.

  
James R. Thompson  
GOVERNOR

Dated: May 29, 1982





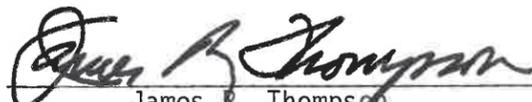
**SPRINGFIELD, ILLINOIS**

GUBERNATORIAL PROCLAMATION

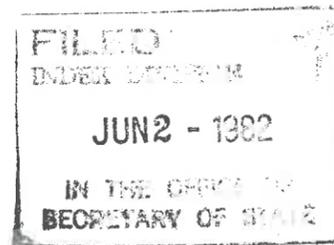
A tornado on May 29, 1982 caused loss of life, personal injury and significant damage to homes, farms and public property in portions of the Illinois county of Perry.

In the interest of aiding those residents who suffered losses because of this storm damage, I hereby declare Perry County to be a State of Illinois Disaster Area, pursuant to the provisions of Section 8(a) of "an Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 127, Sec. 1108 (a)).

This gubernatorial declaration of disaster will facilitate, upon application, requests for Federal assistance and reassessment of the real and personal property substantially damaged by the winds and rains of May 29, 1982.

  
James R. Thompson  
GOVERNOR

Dated: June 1, 1982



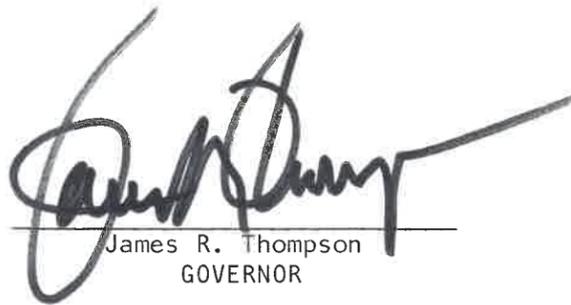


GUBERNATORIAL PROCLAMATION

A tornado on December 2, 1982 caused loss of life, personal injury and significant damage to homes and public property in New Baden, Illinois in the county of Clinton.

In the interest of aiding those residents who suffered losses because of this storm damage, I hereby declare Clinton County to be a State of Illinois Disaster Area, pursuant to the provisions of Section 8(a) of "an Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 127, Sec. 1108 (a)).

This gubernatorial declaration of disaster will facilitate, upon application, requests for Federal assistance and reassessment of the real property substantially damaged by the winds and rains of December 2, 1982.



James R. Thompson  
GOVERNOR

Dated: December 3, 1982

**FILED**  
INDEX DIVISION

DEC 7- 1982

IN THE OFFICE OF  
SECRETARY OF STATE



GUBERNATORIAL PROCLAMATION

The severe storms and torrential rains of December 2-5, 1982, caused extensive flooding and damage to homes, businesses and public property in the northeastern Illinois area.

In the interest of aiding those citizens who suffered losses because of these storms, I hereby declare the counties of Cook, Du Page, Kane, Lake, Livingston and Will to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 127, Sec. 1108 (a)).

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the severe storms and flooding and make possible the request for federal disaster assistance.

  
James R. Thompson  
GOVERNOR

Dated: December 7, 1982

**FILED**  
INDEX DIVISION  
DEC 7- 1982  
IN THE OFFICE OF  
SECRETARY OF STATE



GUBERNATORIAL PROCLAMATION

The severe storms and torrential rains of December 2-5, 1982 caused extensive flooding and damage to homes, farms, businesses and public property along the Illinois and Mississippi rivers and their tributaries in Illinois.

In the interest of aiding those citizens who suffered losses because of this flooding, I hereby declare the counties of Brown, Bureau, Calhoun, Cass, Fulton, Greene, Grundy, Jersey, LaSalle, Madison, Marshall, Mason, Morgan, Peoria, Pike, Putnam, Schuyler, Scott, Tazewell and Woodford to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 127, Sec. 1108 (a)).

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the severe flooding and make possible the request for federal disaster assistance.

  
James R. Thompson  
GOVERNOR

**FILED**  
INDEX DIVISION

Dated: December 10, 1982

DEC 10 1982

IN THE OFFICE OF  
SECRETARY OF STATE



GUBERNATORIAL PROCLAMATION

The severe storms and torrential rains of December 2-5, 1982 caused extensive flooding and damage to homes, farms, businesses and public property along the Mississippi River and its tributaries in Illinois.

In the interest of aiding those citizens who suffered losses because of this flooding, I hereby declare the counties of Alexander, Jackson, Macoupin, Monroe, Randolph, St. Clair and Union to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." [1979 Ill. Rev. Stat., Ch. 127, Sec. 1108 (a)].

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the severe flooding and make possible the request for federal disaster assistance.

  
James R. Thompson  
GOVERNOR

Dated: December 17, 1982

**FILED**  
INDEX DIVISION

DEC 17 1982

IN THE OFFICE OF  
SECRETARY OF STATE



GUBERNATORIAL PROCLAMATION

The severe storms and torrential rains of December 2-5, 1982 combined with added precipitation on December 24-27, 1982 caused extensive flooding and damage to homes, farms, businesses and public property.

In the interest of aiding those citizens who suffered losses because of this flooding, I hereby declare the counties of Menard, Sangamon and Williamson to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." [1979 Ill. Rev. Stat., Ch. 127, Sec. 1108 (a)].

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the severe flooding and make possible the request for federal disaster assistance.

  
James R. Thompson  
GOVERNOR

Dated: December 30, 1982

**FILED**  
INDEX DIVISION

JAN 31 1983

IN THE OFFICE OF  
SECRETARY OF STATE



GUBERNATORIAL PROCLAMATION

The severe storms, excessive rains and river ice jams of February 23 through March 4, 1985 caused extensive flooding and damage to homes, businesses, farms and public property in ten counties along the Illinois River.

In the interest of aiding those citizens who suffered losses because of these storms, I hereby declare the counties of Bureau, Fulton, Grundy, LaSalle, Marshall, Peoria, Putnam, Tazewell, Will and Woodford to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 127, Sec. 1108).

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the flooding and ice jams and make possible the request for federal disaster assistance.

  
James R. Thompson  
GOVERNOR

Dated: March 6, 1985

**FILED**  
**INDEX DEPARTMENT**  
**MAR 7 1985**  
**IN THE OFFICE OF**  
**SECRETARY OF STATE**



**SPRINGFIELD, ILLINOIS**

**FILED  
INDEX DEPARTMENT**

**MAR 8 1985**

**IN THE OFFICE OF  
SECRETARY OF STATE**

GUBERNATORIAL PROCLAMATION

The severe storms, excessive rains and river ice jams of February 26 through March 6, 1985 caused extensive flooding and damage to homes, businesses, farms and public property in three counties along the Rock River in northwestern Illinois.

In the interest of aiding those citizens who suffered losses because of these conditions, I hereby declare the counties of Lee, Rock Island and Whiteside to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 127, Sec. 1108).

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the flooding and ice jams and make possible the request for federal disaster assistance.

James R. Thompson

GOVERNOR

Dated: March 8, 1985



GUBERNATORIAL PROCLAMATION

The severe storms and excessive rainfall of February 23 through March 8, 1985 caused extensive flooding and damage to homes, businesses, farms and public property in ten counties along the Illinois River in west-central Illinois and two counties along the Wabash River in east-central Illinois.

In the interest of aiding those citizens who suffered losses because of these conditions, I hereby declare the counties of Brown, Calhoun, Cass, Clark, Crawford, Greene, Jersey, Mason, Morgan, Pike, Schuyler and Scott to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 127, Sec. 1108).

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the flooding and ice jams and make possible the request for federal disaster assistance.

  
James R. Thompson  
GOVERNOR

Dated: March 11, 1985

**FILED**  
INDEX DEPARTMENT  
MAR 11 1985  
IN THE OFFICE OF  
SECRETARY OF STATE



GUBERNATORIAL PROCLAMATION

The severe storms and excessive rainfall of February 23 through March 11, 1985 caused extensive flooding and damage to homes, businesses, farms and public property in five Illinois counties along the Mississippi, Rock and Wabash rivers and their tributaries.

In the interest of aiding those citizens who suffered losses because of these conditions, I hereby declare the counties of Adams, Hancock, Henry, Monroe and White to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill. Rev. Stat., Ch. 127, Sec. 1108).

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the flooding and ice jams and make possible the request for federal disaster assistance.

  
James R. Thompson  
GOVERNOR

Dated: April 1, 1985

**FILED**  
INDEX DEPARTMENT  
APR 1 1985  
IN THE OFFICE OF  
SECRETARY OF STATE



GUBERNATORIAL PROCLAMATION

The torrential rains and flash flooding that began September 21, 1986 and have continued throughout the week caused significant damage to homes, businesses and public property in Lake County, Illinois.

In the interest of aiding those citizens who suffered losses because of this flood damage, I hereby declare Lake County to be a State of Illinois Disaster Area, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill.Rev.Stat., Ch.127, Sec.1108(a)).

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the flooding and make possible the request for federal disaster assistance.

  
James R. Thompson  
GOVERNOR

Dated: September 28, 1986

**FILED**  
INDEX DEPARTMENT  
SEP 29 1986  
IN THE OFFICE OF  
SECRETARY OF STATE



GUBERNATORIAL PROCLAMATION

The torrential rains and flash flooding that began September 21, 1986 and have continued throughout the week caused significant damage to homes, farms, businesses and public property in McHenry County, and portions of Cook County, Illinois.

In the interest of aiding those citizens who suffered losses because of this flood damage, I hereby declare McHenry County and Elk Grove, Maine, Northfield and Wheeling Townships of Cook County to be a State of Illinois Disaster Area, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named," [1979 Ill.Rev.Stat., Ch.127, Sec.1108(a)].

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the flooding and make possible the request for federal disaster assistance.

  
James R. Thompson  
GOVERNOR

Dated: September 30, 1986

**FILED**  
**INDEX DEPARTMENT**

SEP 30 1986

**IN THE OFFICE OF**  
**SECRETARY OF STATE**



GUBERNATORIAL PROCLAMATION

The torrential rains and flash flooding that began September 21, 1986 and have continued throughout the week caused significant damage to homes, farms, businesses and public property in McHenry County, and portions of Cook County, Illinois.

In the interest of aiding those citizens who suffered losses because of this flood damage, I hereby declare Leyden, Lyons, Norwood Park, Proviso, River Forest and Riverside Townships of Cook County to be a State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." [1979 Ill.Rev.Stat.,Ch.127,Sec.1108(a)].

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the flooding and make possible the request for federal disaster assistance.



James R. Thompson  
GOVERNOR

Dated: October 1, 1986

**FILED**  
INDEX DEPARTMENT

OCT 1 - 1986

IN THE OFFICE OF  
SECRETARY OF STATE



GUBERNATORIAL PROCLAMATION

The torrential rains and flash flooding that began September 21, 1986 caused significant damage to homes and farms in Illinois.

In the interest of aiding those citizens who suffered losses because of the flood damage, I hereby declare Adams, DuPage, Kane, St. Clair and Tazewell counties to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named," [1979 Ill.Rev.Stat.,Ch.127,Sec.1108(a)].

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the flooding and make possible the request for federal disaster assistance.



James R. Thompson  
GOVERNOR

Dated: October 6, 1986

**FILED**  
**INDEX DEPARTMENT**  
**OCT 6 - 1986**  
**IN THE OFFICE OF**  
**SECRETARY OF STATE**



GUBERNATORIAL PROCLAMATION

The torrential rains and flash flooding that began September 21, 1986 caused significant damage to homes, businesses, farms and public property in Illinois.

In the interest of aiding those citizens who suffered losses because of this storm damage, I hereby declare Schuyler, McDonough, Hancock, Fulton, Jersey and Calhoun counties, and the portion of the City of Chicago that is located west of Harlem Avenue and south of the Kennedy Expressway to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." [1979 Ill. Rev. Stat., Ch. 127, Sec. 1108 (a)].

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the flooding and make possible the request for federal disaster assistance.



James R. Thompson  
GOVERNOR

Dated: October 8, 1986

**FILED**  
**INDEX DEPARTMENT**  
**OCT 9 - 1986**  
**IN THE OFFICE OF**  
**SECRETARY OF STATE**



GUBERNATORIAL PROCLAMATION

The excessive rain and snowfall during the winter months followed by sub-zero temperatures caused extensive flooding and ice jams beginning in January, 1988 that damaged homes and public property in two counties along the Fox River and its tributaries in northern Illinois.

In the interest of aiding those citizens who suffered losses because of these conditions, I hereby declare the counties of Kane and LaSalle to be State of Illinois Disaster Areas, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill Rev. Stat., Ch. 127, Sec. 1108).

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the flooding and makes possible the request for federal disaster assistance.

James R. Thompson

GOVERNOR

88 050

Dated: February 8, 1988

**FILED**  
INDEX DEPARTMENT

FEB - 8 1988

IN THE OFFICE OF  
SECRETARY OF STATE

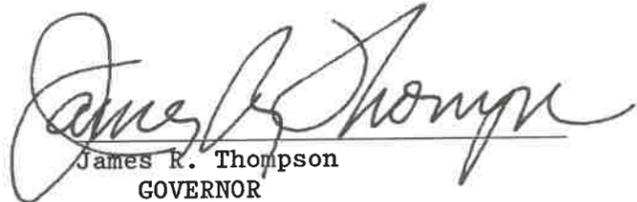


GUBERNATORIAL PROCLAMATION

The excessive rain and snowfall during the winter months followed by sub-zero temperatures caused extensive flooding and ice jams beginning in January, 1988 that damaged homes and public property along the Rock River and its tributaries in north central Illinois.

In the interest of aiding those citizens who suffered losses because of these conditions, I hereby declare Winnebago County to be a State of Illinois Disaster Area, pursuant to the provisions of Section 8(a) of "An Act relating to emergency services and disaster operations and repealing an Act therein named." (1979 Ill Rev. Stat., Ch. 127, Sec. 1108).

This gubernatorial declaration of disaster will facilitate, upon application, the reassessment of the real property substantially damaged by the flooding and makes possible the request for federal disaster assistance.

  
James R. Thompson  
GOVERNOR

Dated: February 10, 1988

88 051

FILED  
INDEX DEPARTMENT  
FEB 10 1988  
IN THE OFFICE OF  
SECRETARY OF STATE



GUBERNATORIAL PROCLAMATION

Severe winter storms involving freezing rain and high wind on February 14 and 15, 1990 caused serious power outages and extensive damages to power lines and trees in Champaign County located in east-central Illinois.

In the interest of aiding those cities and residents who suffered losses because of this storm damage, I hereby declare Champaign County to be a State of Illinois Disaster Area, pursuant to the provisions of Section 7 (a) of the "Illinois Emergency Services and Disaster Agency Act of 1988" (P.A. 85-1027, effective June 30, 1988).

This gubernatorial declaration of disaster will assist the Illinois Emergency Services and Disaster Agency in coordinating other State agency resources including the Illinois National Guard and the Illinois Department of Transportation; continue the active status of the Emergency Operations Center; provide for the reassessment of real and personal property substantially damaged by the storm; and make possible any requests for Federal assistance.

James R. Thompson  
GOVERNOR

Dated: February 15, 1990

90 047

**FILED**  
**INDEX DEPARTMENT**

**FEB 16 1990**

**IN THE OFFICE OF**  
**SECRETARY OF STATE**



GUBERNATORIAL PROCLAMATION

The severe winter storm involving freezing rain and high wind on February 14 and 15, 1990 caused serious power outages and extensive damages to power lines and poles in the rural electric system serviced by the Eastern Illini Electric Cooperative in east-central Illinois.

In the interest of aiding those electric cooperative consumers to recover as a result of enormous damage restoration cost estimates, I hereby declare the counties of Douglas, Edgar, Ford, Iroquois, Livingston, McLean, Moultrie, Piatt and Vermilion to be State of Illinois Disaster Areas, pursuant to the provisions of Section 7 (a) of the "Illinois Emergency Services and Disaster Agency Act of 1988" (P.A. 85-1027, effective June 30, 1988).

This gubernatorial declaration of disaster will assist the Illinois Emergency Services and Disaster Agency in coordinating other State agency resources and the disaster recovery operations; provide for the reassessment of real and personal property substantially damaged by the storm; and make possible any requests for Federal assistance.

  
James R. Thompson  
GOVERNOR

Dated: March 6, 1990

90 079

**FILED**  
**INDEX DEPARTMENT**  
**MAR 6 - 1990**  
**IN THE OFFICE OF**  
**SECRETARY OF STATE**

**STATE OF ILLINOIS**  
**EXECUTIVE DEPARTMENT**  
**SPRINGFIELD, ILLINOIS**

GUBERNATORIAL PROCLAMATION

91-109

Severe winter storms involving snow, freezing rain and high wind on March 12 and 13, 1991 caused serious power outages and extensive damages to power lines and trees in Iroquois County located in east-central Illinois.

In the interest of aiding the County and local governments therein that suffered losses because of this storm which seriously affected the publicly-owned rural electrical cooperative, I hereby declare Iroquois County to be a State of Illinois Disaster Area, pursuant to the provisions of Section 7 (a) of the "Illinois Emergency Services and Disaster Agency Act of 1988" (Ill. Rev. Stat., 1989, ch. 127, par. 1051, et seq.).

This gubernatorial declaration of disaster will aid the Illinois Emergency Services and Disaster Agency in coordinating other State agency resources in the disaster recovery operations; provide for the reassessment of real and personal property substantially damaged by the storms; and make possible a request for Federal disaster assistance.

  
Jim Edgar  
GOVERNOR

Dated: March 25, 1991

**FILED**  
**INDEX DEPARTMENT**

**MAR 26 1991**

**IN THE OFFICE OF  
SECRETARY OF STATE**

SR327



GUBERNATORIAL PROCLAMATION 91-180

The severe winter storm involving snow, freezing rain and high wind on March 12 and 13, 1991, caused serious power outages and extensive damages to power lines and poles in the rural electric system serviced by the Eastern Illini Electric Cooperative and the Illinois Valley Electric Cooperative in east-central Illinois.

In the interest of aiding those electric-cooperative consumers to recover as a result of enormous damage restoration cost estimates, I hereby declare the counties of Ford, Kendall, LaSalle and Livingston to be State of Illinois Disaster Areas, pursuant to the provisions of Section 7 (a) of the "Illinois Emergency Services and Disaster Agency Act of 1988" (Ill. Rev. Stat., 1989, ch. 127, par. 1051, et seq.).

This gubernatorial declaration of disaster will assist the Illinois Emergency Services and Disaster Agency in coordinating other State agency resources in the disaster recovery operations; provide for the reassessment of real and personal property substantially damaged by the storms; and make possible a request for Federal disaster assistance.

Jim Edgar  
GOVERNOR

Dated: April 19, 1991

**FILED**  
**INDEX DEPARTMENT**  
**APR 19 1991**  
**IN THE OFFICE OF**  
**SECRETARY OF STATE**



GUBERNATORIAL PROCLAMATION 93-121

A series of severe thunderstorms with torrential rains and damaging winds that began in mid-March have continued during the past month, causing serious flooding and a disruption in public services and damages to homes, businesses, farms, livestock, agricultural levees, roads and other property along the Rock and Green rivers in the northwestern part of the State and along the lower Illinois River near the confluence with the Mississippi River.

In the interest of aiding those counties affected by the adverse weather and minimizing any further impact on public health, safety and welfare of our citizens who suffered losses because of the flood conditions, I hereby declare Calhoun, Henry, Jersey, and Rock Island counties to be State of Illinois Disaster Areas, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating other State agency and volunteer resources in disaster response and recovery operations, provide for the reassessment of real and personal property substantially damaged by the flood; and make possible any requests for Federal disaster assistance.

  
Jim Edgar  
GOVERNOR

Dated: April 22, 1993

**FILED**  
INDEX DIVISION  
APR 22 1993

IN THE OFFICE OF  
SECRETARY OF STATE



GUBERNATORIAL PROCLAMATION 93-122

A series of severe thunderstorms with torrential rains and damaging winds that began in mid-March have continued during the past month, causing serious flooding and a disruption in public services and damages to homes, businesses, farms, livestock, agricultural levees, roads and other property along the Chain of Lakes and Fox and Des Plaines rivers in the northeastern part of the State.

In the interest of aiding those counties affected by the adverse weather and minimizing any further impact on public health, safety and welfare of our citizens who suffered losses because of the flood conditions, I hereby declare Kane, Lake and McHenry counties to be State of Illinois Disaster Areas, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating other State agency and volunteer resources in disaster response and recovery operations, provide for the reassessment of real and personal property substantially damaged by the flood; and make possible any requests for Federal disaster assistance.

  
Jim Edgar  
GOVERNOR

Dated: April 26, 1993

**FILED**  
INDEX DIVISION

APR 26 1993

IN THE OFFICE OF  
SECRETARY OF STATE

SR330



SPRINGFIELD, ILLINOIS

GUBERNATORIAL PROCLAMATION 93-128

A series of severe thunderstorms which brought torrential rains and excessive precipitation levels statewide beginning in mid-March and continuing to date have caused unusually high levels on the Mississippi River. Floodwaters behind the levees currently threaten citizens in communities along the Mississippi River in Jackson and Alexander counties that are normally protected by these levees.

In the interest of aiding those counties affected by the adverse weather and minimizing the threat to public health, safety and welfare of our citizens, I hereby declare Jackson and Alexander counties to be State of Illinois Disaster Areas, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other State agencies, and volunteer resources in providing reasonably necessary emergency measures for disaster mitigation in the towns protected by the levees. This declaration will also make possible any requests for Federal disaster assistance.

A handwritten signature in black ink that reads "Jim Edgar".

Jim Edgar  
GOVERNOR

Dated: May 13, 1993

**FILED**  
INDEX DIVISION  
MAY 13 1993  
IN THE OFFICE OF  
SECRETARY OF STATE



SPRINGFIELD, ILLINOIS

GUBERNATORIAL PROCLAMATION 93-147

A series of severe thunderstorms with damaging winds and torrential rains occurred in the southernmost counties of the State in the early morning of June 4, 1993. The storms uprooted trees across the four-county area causing disruptions to the electric utilities and accessibility along the streets and roads from the fallen limbs, branches, entire trees and other debris.

In the interest of aiding those counties affected by the adverse weather and minimizing the threat to public health, safety and welfare of our citizens, I hereby declare Alexander, Massac, Pope, and Pulaski counties to be State of Illinois Disaster Areas, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will allow the Illinois Emergency Management Agency to coordinate the response and recovery assistance of other State agencies and volunteer resources to supplement the local governments' efforts in debris removal; and provide for the reassessment of real and personal property substantially damaged by the storm.

  
Jim Edgar  
GOVERNOR

Dated: June 7, 1993

**FILED**  
INDEX DIVISION  
JUN 7 - 1993  
IN THE OFFICE OF  
SECRETARY OF STATE

SR332



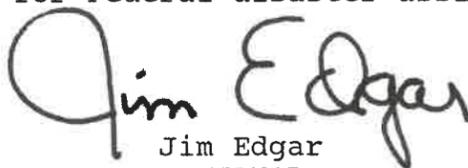
SPRINGFIELD, ILLINOIS

GUBERNATORIAL PROCLAMATION 93-148

A series of severe thunderstorms with damaging winds, hail and torrential rains moved through northeastern Illinois on June 7 and again on June 8 causing severe flooding and extensive damage to homes and businesses. The intensity of the storms also caused serious disruptions to transportation networks and public utilities.

In the interest of aiding those counties affected by the adverse weather and minimizing the threat to the public health, safety and welfare of our citizens, I hereby declare Cook and DuPage counties to be State of Illinois Disaster Areas, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the response and recovery assistance of other State agencies and volunteer resources; in supplementing the local government efforts; and in providing for the reassessment of real and personal property substantially damaged by the storm. This declaration will also make possible any requests for Federal disaster assistance.

  
Jim Edgar  
GOVERNOR

Dated: June 8, 1993

**FILED**  
INDEX DIVISION  
JUN 8 - 1993  
IN THE OFFICE OF  
SECRETARY OF STATE

SR333



SPRINGFIELD, ILLINOIS

GUBERNATORIAL PROCLAMATION 93-282

A series of severe thunderstorms and torrential rains throughout the upper Mississippi River basin and along the Rock River have caused serious riverine flooding along both rivers. Continued adverse weather has also caused flash flooding in the Chain-of-Lakes area and other areas in northeastern Illinois. The flooding has caused a disruption in public services and damages to homes, businesses, farms, livestock, agricultural levees, roads and other property.

Because of the record and near-record flood levels along the Mississippi and Rock rivers and because of the flash flooding in northeastern Illinois, which impact the health, safety and welfare of our citizens, I hereby declare Jo Daviess, Carroll, Whiteside, Rock Island, Mercer, Henderson, Hancock, Adams, Pike, Calhoun and Jersey counties along the east bank of the Mississippi River; Winnebago, Ogle, Lee, and Henry counties along the Rock River; and Lake and McHenry counties to be State of Illinois Disaster Areas, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the response and recovery assistance of other State agencies and volunteer resources; in supplementing the local government efforts; and in providing for the reassessment of real and personal property substantially damaged by the storm. This declaration will also make possible any requests for Federal disaster assistance.

A handwritten signature in black ink that reads "Jim Edgar".

Jim Edgar  
GOVERNOR

Dated: July 1, 1993

**FILED**  
INDEX DIVISION  
JUL 1 - 1993  
IN THE OFFICE OF  
SECRETARY OF STATE

SR334



GUBERNATORIAL PROCLAMATION 93-283

A series of severe thunderstorms which brought torrential rains and excessive precipitation levels statewide beginning in mid-March are continuing to date, causing flash flooding in northern Illinois and record flood levels throughout the Mississippi River Basin. The water continues to rise in all of the State's tributaries to the Mississippi River, threatening those counties adjacent to the tributaries to the Rock River and those counties in the southwestern part of the State adjacent to the Mississippi River below the confluence of the Missouri and the Illinois rivers.

In the interest of aiding those counties affected by the adverse weather and minimizing the threat to public health, safety and welfare of our citizens, I hereby declare Boone, Stephenson, Madison, St. Clair, Monroe, Randolph, Jackson, Union, and Alexander counties to be State of Illinois Disaster Areas, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other State agencies, and volunteer resources in providing reasonably necessary emergency measures for disaster mitigation in the towns protected by the levees. This declaration will also provide for the reassessment of real and personal property and make possible any requests for Federal disaster assistance.

  
Jim Edgar  
GOVERNOR

Dated: July 7, 1993

**FILED**  
INDEX DIVISION  
JUL 7 - 1993  
IN THE OFFICE OF  
SECRETARY OF STATE



SPRINGFIELD, ILLINOIS

GUBERNATORIAL PROCLAMATION 93-300

A series of thunderstorms and torrential rains along the lower end of the Illinois River has caused serious flooding and a disruption of public services to homes, businesses, farms, livestock, agricultural levees, roads and other property along the Illinois River in the southwest end.

In the interest of aiding that county affected by the adverse weather and minimizing the threat to public health, safety and welfare of our citizens, I hereby declare Greene County to be a State of Illinois Disaster Area, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other State agencies, and volunteer resources in providing reasonably necessary emergency measures for disaster mitigation in the towns protected by the levees. This declaration will also provide for the reassessment of real and personal property and make possible any requests for Federal disaster assistance.

A handwritten signature in black ink that reads "Jim Edgar".

Jim Edgar  
GOVERNOR

Dated: July 15, 1993

**FILED**  
INDEX DIVISION

JUL 15 1993

IN THE OFFICE OF  
SECRETARY OF STATE

SR336



GUBERNATORIAL PROCLAMATION 93-321

A series of thunderstorms and torrential rains along the lower end of the Illinois River has caused serious flooding and a disruption of public services to homes, businesses, farms, livestock, agricultural levees, roads and other property along the Illinois River in the southwest end.

In the interest of aiding that county affected by the adverse weather and minimizing the threat to public health, safety and welfare of our citizens, I hereby declare Scott County to be a State of Illinois Disaster Area, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other State agencies, and volunteer resources in providing reasonably necessary emergency measures for disaster mitigation in the towns protected by the levees. This declaration will also provide for the reassessment of real and personal property and make possible any requests for Federal disaster assistance.

  
Jim Edgar  
GOVERNOR

Dated: July 23, 1993

**FILED**  
INDEX DIVISION  
JUL 23 1993  
IN THE OFFICE OF  
SECRETARY OF STATE



SPRINGFIELD, ILLINOIS

GUBERNATORIAL PROCLAMATION 93-322

A series of weekend thunderstorms and heavy rain which continue to impact the record-breaking flood levels on the Mississippi River are causing excessive flooding along the Illinois River and its tributaries in west-central Illinois.

In the interest of aiding those counties affected by the adverse weather and minimizing the threat to public health, safety and welfare of our citizens, I hereby declare Brown, Cass, Knox, Morgan, and Warren counties to be State of Illinois Disaster Areas, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the response and recovery assistance of other State agencies and volunteer resources; in supplementing the local government efforts; and in providing for the reassessment of real and personal property substantially damaged by the flood. This declaration will also make possible any requests for Federal disaster assistance.

  
Jim Edgar  
GOVERNOR

Dated: July 26, 1993

**FILED**  
INDEX DIVISION  
JUL 26 1993  
IN THE OFFICE OF  
SECRETARY OF STATE

SR338



**SPRINGFIELD, ILLINOIS**

GUBERNATORIAL PROCLAMATION 93-323

A series of weekend thunderstorms and heavy rain which continue to impact the record-breaking flood levels on the Mississippi River are causing excessive flooding along the Illinois River and its tributaries in west-central Illinois.

In the interest of aiding those counties affected by the adverse weather and minimizing the threat to public health, safety and welfare of our citizens, I hereby declare Fulton, Mason, and Peoria counties to be State of Illinois Disaster Areas, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the response and recovery assistance of other State agencies and volunteer resources; in supplementing the local government efforts; and in providing for the reassessment of real and personal property substantially damaged by the flood. This declaration will also make possible any requests for Federal disaster assistance.

  
Jim Edgar  
GOVERNOR

Dated: July 28, 1993

**FILED**  
INDEX DIVISION  
JUL 28 1993  
IN THE OFFICE OF  
SECRETARY OF STATE



GUBERNATORIAL PROCLAMATION 93-358

A series of thunderstorms and torrential rains along the lower end of the Illinois River has caused serious flooding and a disruption of public services to homes, businesses, farms, livestock, agricultural levees, roads and other property along the Illinois River in the southwest end.

In the interest of aiding that county affected by the adverse weather and minimizing the threat to public health, safety and welfare of our citizens, I hereby declare Schuyler County to be a State of Illinois Disaster Area, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other State agencies, and volunteer resources in providing reasonably necessary emergency measures for disaster mitigation in the towns protected by the levees. This declaration will also provide for the reassessment of real and personal property and make possible any requests for Federal disaster assistance.

  
Jim Edgar  
GOVERNOR

Dated: August 18, 1993

**FILED**  
INDEX DIVISION  
AUG 18 1993

IN THE OFFICE OF  
SECRETARY OF STATE



**SPRINGFIELD, ILLINOIS**

GUBERNATORIAL PROCLAMATION 95-262

A series of tornadoes and associated thunderstorms were part of a severe storm system that moved across Illinois on May 9, 1995 causing extensive damage to homes, businesses, farms, livestock, and public property. Power outages and extensive damage to power lines and trees also occurred throughout the State.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare Logan and Sangamon counties to be State of Illinois disaster areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other state agencies, and volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination if supplemental Federal assistance is needed by any unit of local government.

A handwritten signature in black ink that reads "Jim Edgar".

Jim Edgar  
GOVERNOR

Dated: May 15, 1995  
Amends Proclamation of  
May 10, 1995

**FILED**  
INDEX DEPARTMENT  
MAY 15 1995  
IN THE OFFICE OF  
SECRETARY OF STATE

SR341



SPRINGFIELD, ILLINOIS

GUBERNATORIAL PROCLAMATION

95-262

Tornadoes and severe thunderstorms on May 9, 1995, part of a weather system that moved across Illinois, inflicted heaviest losses in Cantrall in Sangamon County and Elkhart in Logan County. The tornadoes have caused extensive damage to homes, businesses, farms, livestock, and public property in those communities and rural unincorporated areas. Power outages and extensive damage to power lines and trees also occurred throughout the State.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other state agencies, and volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination if supplemental Federal assistance is needed by any unit of local government.

A handwritten signature in black ink that reads "Jim Edgar".

Jim Edgar  
GOVERNOR

**FILED**  
INDEX DEPARTMENT

Dated: May 10, 1995

MAY 1 0 1995

IN THE OFFICE OF  
SECRETARY OF STATE

SR342



GUBERNATORIAL PROCLAMATION 95-280

Tornadoes and severe thunderstorms on May 13, 1995 were part of a weather system that moved across West Central and Central Illinois, inflicting heavy losses in the Counties of Fulton, Hancock, Henderson, Macon, Mason, Peoria and Tazewell. The tornadoes have caused extensive damage to homes, businesses, farms, livestock and public property in those communities and rural unincorporated areas. Power outages and extensive major damage to high voltage transmission lines and trees also occurred throughout these counties.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists in the Counties of Fulton, Hancock, Henderson, Macon, Mason, Peoria and Tazewell, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other State agencies, disaster relief organizations and community volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination if supplemental Federal assistance is needed by any unit of local government.

A handwritten signature in black ink that reads 'Jim Edgar'.

Jim Edgar  
GOVERNOR

Dated: May 14, 1995

**FILED**  
INDEX DEPARTMENT

MAY 14 1995

IN THE OFFICE OF  
SECRETARY OF STATE  
SR343



**SPRINGFIELD, ILLINOIS**

GUBERNATORIAL PROCLAMATION

95-281

Tornadoes and severe thunderstorms on May 13, 1995 were part of a weather system that moved across west central and central Illinois, inflicting heavy losses in the towns of Hermon and Maquon in Knox County. The tornadoes have caused extensive damage to homes, businesses, farms and livestock in those communities and in rural unincorporated areas. Trees were uprooted and debris is littered over southern portions of the county.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare Knox County to be a State of Illinois disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other State agencies, disaster relief organizations and community volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination if supplemental Federal assistance is needed by any unit of local government.

Jim Edgar  
GOVERNOR

Dated: May 14, 1995

**FILED**  
INDEX DEPARTMENT  
MAY 14 1995  
IN THE OFFICE OF  
SECRETARY OF STATE



**SPRINGFIELD, ILLINOIS**

GUBERNATORIAL PROCLAMATION      95-282

A system of severe thunderstorms accompanied by high winds and torrential rains began on Saturday, May 13, 1995 and continues until this date. Since Saturday, these storms have delivered more than 10 inches of rain accumulating in low-lying areas, which have resulted in flash flooding and flooding along the tributaries of the Mississippi River in the counties of St. Clair and Madison. This has caused a disruption of public services and damages to local roads, homes, businesses and other properties.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare Madison and St. Clair Counties to be State of Illinois disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating assistance to local units of government from other State agencies, disaster relief organizations, and community volunteer resources in providing reasonable and necessary emergency measures for disaster response in these counties. This declaration will also provide for the assessment of damages and make possible any requests for Federal disaster assistance.

Jim Edgar  
GOVERNOR

Dated: May 18, 1995

**FILED**  
INDEX DEPARTMENT  
MAY 18 1995  
IN THE OFFICE OF  
SECRETARY OF STATE

SR345



**SPRINGFIELD, ILLINOIS**

GUBERNATORIAL PROCLAMATION 95-283

Tornadoes and severe thunderstorms on May 18, 1995, were part of a weather system that moved across southwestern Illinois, inflicting heavy losses in Monroe County. The tornadoes have caused extensive damage to homes, businesses, farms, utilities and public property in those communities and rural unincorporated areas. Power outages and damage to electric transmission lines and trees also occurred throughout the county.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare Monroe County to be a State of Illinois disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating assistance to local units of government from other State agencies, disaster relief organizations, and community volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and make possible any requests for Federal disaster assistance.

A handwritten signature in black ink that reads "Jim Edgar".

Jim Edgar  
GOVERNOR

Dated: May 19, 1995

**FILED**  
INDEX DEPARTMENT  
MAY 19 1995  
IN THE OFFICE OF  
SECRETARY OF STATE

SR346



**SPRINGFIELD, ILLINOIS**

**GUBERNATORIAL PROCLAMATION 95-310**

A system of severe thunderstorms accompanied by high winds and torrential rains over the Mississippi River basin began last week, continue until this date and are forecasted to continue throughout the week. These rains have delivered more than 12 inches of rain along tributaries of the Mississippi River, accumulating in low-lying areas in Brown, Calhoun, Cass, Greene, Jackson, Jersey, Morgan, Pike, Randolph, Schuyler, Scott and Union counties. These rain storms have caused a disruption of public service and damage to local roads, homes, businesses, farmlands, public properties and levees. Flash flooding and flooding along the Mississippi River and tributaries threaten the stability of the levee systems, tributaries and low-lying areas in these counties.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare Brown, Calhoun, Cass, Greene, Jackson, Jersey, Morgan, Pike, Randolph, Schuyler, Scott and Union counties to be State of Illinois disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating assistance to local units of government from other State agencies, disaster relief organizations, and community volunteer resources in providing reasonable and necessary emergency measures for disaster response in the above mentioned counties. This declaration will also provide for the assessment of damages and make possible any requests for Federal disaster assistance.

A handwritten signature in black ink that reads 'Jim Edgar'.

Jim Edgar  
GOVERNOR

Dated: May 23, 1995

**FILED**  
INDEX DEPARTMENT  
MAY 23 1995  
IN THE OFFICE OF  
SECRETARY OF STATE

SR347



GUBERNATORIAL PROCLAMATION

96-160

Tornadoes and severe thunderstorms occurring on April 18, 1996 and on April 19, 1996, which were part of a severe weather system that moved across central Illinois, inflicted heavy damage in Ogden and Urbana in Champaign County and in Decatur and Harristown in Macon County. The tornadoes have caused extensive damage to homes, businesses, farms, and public property in these communities and rural unincorporated areas. Power outages and extensive damage to power lines and trees also occurred throughout the area.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Champaign and Macon counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Jim Edgar  
GOVERNOR

**FILED**  
INDEX DEPARTMENT

APR 20 1996

IN THE OFFICE OF  
SECRETARY OF STATE

Dated: April 20, 1996



GUBERNATORIAL PROCLAMATION

96-161

Tornadoes and severe thunderstorms occurring on April 18, 1996 and on April 19, 1996, which were part of a severe weather system that moved across central Illinois, inflicted heavy damage in Henry, Lake and Marion counties. The tornadoes have caused extensive damage to homes, businesses, farms, and public property in these communities and rural unincorporated areas. Power outages and extensive damage to power lines and trees also occurred throughout the area.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Henry, Lake and Marion counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Jim Edgar  
GOVERNOR

**FILED**  
INDEX DEPARTMENT

APR 22 1996

Dated: April 22, 1996

IN THE OFFICE OF  
SECRETARY OF STATE

SR349



GUBERNATORIAL PROCLAMATION

96-183

A system of severe thunderstorms accompanied by high winds and torrential rains began on Saturday, April 27, 1996 and is continuing. Since Saturday, these storms have delivered more than five (5) inches of rain accumulating in low-lying areas, which have resulted in flash flooding and flooding and the impoundment of water in Madison, Monroe and St. Clair counties. This has caused a disruption of public services and damage to local roads, homes, businesses and other properties. This flooding, along with high winds, has caused significant damage in both counties.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Madison, Monroe and St. Clair Counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating assistance to local units of government from other State agencies, disaster relief organizations, and community volunteer resources in providing reasonable and necessary emergency measures for disaster response in these counties. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

  
Jim Edgar  
GOVERNOR

Dated: April 29, 1996

**FILED**  
INDEX DEPARTMENT

APR 29 1996

IN THE OFFICE OF  
SECRETARY OF STATE  
SR350





GUBERNATORIAL PROCLAMATION

96-184

A system of severe thunderstorms accompanied by high winds and torrential rains began on Saturday, April 27, 1996 and continued through Sunday, April 28, 1996. Since Saturday, these storms have delivered nine (9) inches of rain accumulating in low-lying areas, which have resulted in flash flooding and flooding and the impoundment of water in Franklin County. This has caused a disruption of public services and damage to local roads, bridges, homes, businesses and other properties.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Franklin County as a disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating assistance to local units of government from other State agencies, disaster relief organizations, and community volunteer resources in providing reasonable and necessary emergency measures for disaster response in these counties. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

A handwritten signature in black ink that reads 'Jim Edgar'.

Jim Edgar  
GOVERNOR

Dated: May 1, 1996

**FILED**  
INDEX DEPARTMENT

MAY 1 - 1996

IN THE OFFICE OF  
SECRETARY OF STATE

SR351



GUBERNATORIAL PROCLAMATION

96-191

Severe thunderstorms and torrential rainfall occurring on May 6, 1996, that fell on already saturated ground, were part of a severe weather system that moved through the State of Illinois, inflicting heavy damage in Adams, Cass, Crawford, Douglas, Effingham, Gallatin, Hamilton, Jackson, Jasper, Macon, Menard, Perry, Piatt, Saline, Sangamon, Schuyler, Wabash, White, and Williamson counties. The torrential rainfall caused flooding and flash flooding, which resulted in extensive damage to local roads, homes, businesses, farms and other properties.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Adams, Cass, Crawford, Douglas, Effingham, Gallatin, Hamilton, Jackson, Jasper, Macon, Menard, Perry, Piatt, Saline, Schuyler, Sangamon, Wabash, White, and Williamson counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Jim Edgar  
GOVERNOR

Dated: May 10, 1996

**FILED**  
INDEX DEPARTMENT

MAY 10 1996

IN THE OFFICE OF  
SECRETARY OF STATE

SR352



96-192

GUBERNATORIAL PROCLAMATION

Severe thunderstorms and torrential rainfall occurring on May 6, 1996, that fell on already saturated ground, were part of a severe weather system that moved through the State of Illinois, inflicting heavy damage in Champaign and Vermilion counties. The torrential rainfall caused flooding and flash flooding, which resulted in extensive damage to local roads, homes, businesses, farms and other properties.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Champaign and Vermilion counties as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

A handwritten signature in black ink that reads "Jim Edgar". The signature is written in a cursive, flowing style.

Jim Edgar  
GOVERNOR

Dated: May 13, 1996

**FILED**  
INDEX DEPARTMENT

MAY 13 1996

IN THE OFFICE OF  
SECRETARY OF STATE

SR353



GUBERNATORIAL PROCLAMATION 96-225

Tornadoes and severe thunderstorms occurring on April 18, 1996 and on April 19, 1996, which were part of a severe weather system that moved across central Illinois, inflicted heavy damage in Bath in Mason County. The tornadoes have caused extensive damage to homes, businesses, farms, and public property.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Mason County as a disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

A handwritten signature in black ink that reads "Jim Edgar". The signature is written in a cursive style with a large, looping initial "J".

Jim Edgar  
GOVERNOR

Dated: May 17, 1996

**FILED**  
INDEX DEPARTMENT

MAY 17 1996

IN THE OFFICE OF  
SECRETARY OF STATE



GUBERNATORIAL PROCLAMATION 96-275

Severe thunderstorms and torrential rainfall occurring on June 10, 1996, were part of a severe weather system that moved through the southwestern part of the State of Illinois, inflicting heavy damage in Clinton County, specifically the Village of Germantown. The severe weather system delivered up to 5" of rainfall in a 2 hour period causing flooding and flash flooding, which resulted in extensive damage to local roads, homes, businesses, farms, and other property.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Clinton County as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

A handwritten signature in black ink that reads "Jim Edgar". The signature is written in a cursive style with a large, looped "J" and "E".

Jim Edgar  
GOVERNOR

Dated: June 11, 1996

**FILED**  
INDEX DEPARTMENT

JUN 11 1996

IN THE OFFICE OF  
SECRETARY OF STATE

SR355

## PROCLAMATIONS

**2007-262****GUBERNATORIAL PROCLAMATION**

Severe storms moved through Winnebago County and the City of Rockford, Illinois on Tuesday, August 7, 2007. These storms resulted in flash flooding forcing many residents from their homes, causing damage to homes, businesses, and infrastructures.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Winnebago County including the City of Rockford as a disaster area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will facilitate the Illinois Emergency Management Agency in providing financial assistance from the disaster relief fund for extraordinary costs incurred by local units of government in responding to and recovery from the damage and debris. This proclamation will facilitate coordination of state assets in responding to local government requests for assistance in the areas most severely impacted by the disaster.

Dated August 7, 2007

Filed August 7, 2007

**2007-263****GUBERNATORIAL PROCLAMATION**

Severe storms moved through Stephenson County, Illinois on Tuesday, August 7, 2007. These storms resulted in flash flooding forcing many residents from their homes, causing damage to homes, businesses, and infrastructures.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Stephenson County as a disaster area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will facilitate the Illinois Emergency Management Agency in providing financial assistance from the disaster relief fund for extraordinary costs incurred by local units of government in responding to and recovery from the damage and debris. This proclamation will facilitate coordination of state assets in responding to local government requests for assistance in the areas most severely impacted by the disaster.

Dated August 8, 2007

## PROCLAMATIONS

2007-271

**GUBERNATORIAL PROCLAMATION**

Severe storms produced torrential rain on August 23, 2007, throughout Northern Illinois. Flash flooding occurred immediately in localized areas and eventually resulted in flooding along the major rivers in Northern Illinois. Grundy County and LaSalle County were impacted by both local flash flooding and the flooding from the Fox and Illinois Rivers. The flood damaged homes and businesses in many low lying areas in the county. Local roads and bridges were under water. Power outages caused the evacuation of health care facilities. The local government emergency workers quickly responded and continue to provide emergency measures including the removal of flood damaged property.

In the interest of aiding citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Grundy County and LaSalle County as State Disaster Areas pursuant the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Dated August 27, 2007

Filed August 28, 2007

2007-272

**GUBERNATORIAL PROCLAMATION**

Severe storms with heavy rain and high straight-line winds moved through Knox County and Warren County on August 23, 2007, damaging homes and businesses. The high winds toppled power lines, downed trees and spread debris from the Village of Kirkwood to the City of Galesburg. Local emergency responders immediately went into action and continue to provide necessary emergency measures. Debris from the damaged buildings and downed trees continues to be removed to protect public health and safety.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Knox County and Warren County as State Disaster Areas pursuant to the

## PROCLAMATIONS

provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect public health and safety and to assist in recovery.

Dated: August 29, 2007

Filed August 29, 2007

**2007-273**

**GUBERNATORIAL PROCLAMATION**

Severe storms with heavy rain and high winds moved through Will County on August 23, 2007. The subsequent flash flooding resulted in flooded basements in thousands of homes. The high winds caused power outages. Local emergency responders immediately went into action and continue to provide necessary emergency measures.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Will County as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect public health and safety and to assist in recovery.

Dated: August 30, 2007

Filed August 30, 2007

SR358

## PROCLAMATIONS

**2008-99****GUBERNATORIAL PROCLAMATION**

Severe storms moved through Illinois beginning March 17, 2008. Extremely heavy rainfall continues and has resulted in widespread flooding along numerous rivers, creeks and streams in Southern Illinois. Nineteen counties continue to be severely impacted by the flooding. People in the flooded counties have been evacuated from their homes, health care facilities and businesses have closed. In addition, numerous roadways are flooded and impassable. The State of Illinois is assisting in the evacuation and flood fight. These same Southern Illinois counties have been hit with severe weather, including ice storms and heavy snow, during the past six weeks. The saturated ground from melting ice and snow contributed to rapid flooding of low-lying areas.

In the interest of aiding the citizens of Illinois and the impacted local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare Randolph, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, Massac, Jefferson, Marion and Fayette counties as State Disaster Areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect public health and safety and to assist in recovery.

Date: March 20, 2008

Filed: March 20, 2008

**2008-64****Nutrition Month (Revised)**

WHEREAS, the problems of obesity and food insecurity are growing issues in Illinois and across the country; and

WHEREAS, it is crucial that we as a state do our part to promote good health and nutrition by encouraging all citizens to practice sound eating habits; and

WHEREAS, according to the Illinois Behavioral Risk Factor Surveillance System, nearly 62 percent of all Illinois citizens are overweight or obese. Also, the prevalence of

## PROCLAMATIONS

**2008-224****GUBERNATORIAL PROCLAMATIONS**

Severe storms moved through Illinois beginning March 17, 2008. Extremely heavy rainfall resulted in widespread flooding along numerous rivers, creeks and streams in Southern Illinois counties. Public infrastructure has been damaged and local governments have incurred significant costs for debris removal, emergency protective measures and the repair or replacement of public property.

In the interest of aiding the citizens of Illinois and the impacted local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare Jasper, Richland and Wayne counties as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect public health and safety and to assist in recovery.

Date: May 27, 2008

Filed: May 27, 2008

**2008-225****Illinois Counseling Association Week**

WHEREAS, professional counselors are the linchpin to helping clients and students with the challenges that they face each and every day; and

WHEREAS, counselors generally do their work without calling attention to themselves or their clients, yet they give freely of their time, energy, and compassion to the children, adolescents, and adults of our state; and

WHEREAS, the Illinois Counseling Association (ICA), a state branch of the American Counseling Association, has about 2,000 members, however, the association represents thousands more dedicated professionals throughout the state who labor as school counselors, mental health counselors, marriage and family counselors, and counselor educators; and

## PROCLAMATIONS

**2008-238****Support Our Troops Day (Revised)**

WHEREAS, the people of Illinois believe in providing a compassionate and supportive community for residents of the state in all branches of the Armed Forces, the Reserves and those called to perform homeland security duties, as well as the families and friends of those serving; and

WHEREAS, Illinois citizens exercise a patriotic duty by acknowledging the fathers, mothers, sons and daughters of the State, and from every corner of the United States and allied nations, who heroically defend our country; and

WHEREAS, on this day, which has been designated as a day to show our support for our troops, Illinoisans are encouraged to display the community's unwavering commitment to honoring the members of the Armed Forces for their courageous and patriotic duty in defending our country, its freedoms, and its way of life:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 28, 2008 as **SUPPORT OUR TROOPS DAY** in Illinois, and urge all citizens to join in this important observance.

Issued by the Governor June 5, 2008

Filed by the Secretary of State June 13, 2008

**2008-242****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Jasper, Clark, Coles, Cumberland, Lawrence and Crawford counties as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

## PROCLAMATIONS

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 10, 2008

Issued: June 10, 2008

**2008-243****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Rock Island, Mercer, Henderson, Hancock, Adams, Pike and Calhoun counties as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 13, 2008

Issued: June 13, 2008

**2008-244****Family Child Care Provider Day**

## PROCLAMATIONS

**2008-247****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Douglas and Lake counties as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 14, 2008

Issued: June 16, 2008

**2008-248****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Winnebago and Jersey counties as a State Disaster Area pursuant to the

## PROCLAMATIONS

provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 16, 2008

Issued: June 16, 2008

## PROCLAMATIONS

**2008-249****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Knox and Madison counties as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 17, 2008

Issued: June 17, 2008

**2008-250****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Edgar and St. Clair counties as a State Disaster Area pursuant to the

## PROCLAMATIONS

provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 19, 2008

Issued: June 19, 2008

**2008-251****Riverside Baptist Church**

- WHEREAS, Riverside Baptist Church began as a non-denominational Sunday school in the City of Decatur on the third Sunday of March, 1906; and
- WHEREAS, on June 23, 1908, members of the Riverside Chapel officially became a Baptist congregation with 44 charter members and its first pastor a Millikin University student, Rev. James Lively; and
- WHEREAS, ground was broken for a new building in 1917, however, because of World War I the building's completion was postponed until June 28, 1925, at which time the cornerstone was laid; and
- WHEREAS, in 1935 Riverside Baptist Church joined the General Association of Regular Baptist Churches and, in 1937, church member Ethel Spitzer began a home missionary program which was responsible for the founding of Baptist Bible Church in Decatur in the late 1950's. Riverside sent out its first foreign missionary family, Earl and Kay Hamilton, in 1944; and in 1969, helped to establish Fellowship Baptist Church in Mt. Zion; and
- WHEREAS, in 1955, Riverside Baptist Church began the AWANA Club children's program, now celebrating 53 years of presence in the community; and
- WHEREAS, in 1980, Riverside Baptist Church moved to its current location at 1250 West Mound Road and is now partially supporting over 25 missionary families around the world under the leadership of Pastor John Norris:

## PROCLAMATIONS

WHEREAS, now, over half a century later, Indonesians all across the globe gather to commemorate the birth of their freedom; and

WHEREAS, here in Illinois, the Indonesian American community is flourishing, and I am proud of the many significant contributions that they have made to the state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 17, 2008 as **INDONESIAN INDEPENDENCE DAY** in Illinois in recognition of Indonesia's 63<sup>rd</sup> Anniversary of Independence, and in tribute to all the Indonesian Americans who call Illinois their home.

Issued by the Governor June 18, 2008

Filed by the Secretary of State June 20, 2008

**2008-258**

**GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Monroe, Randolph and Whiteside counties as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: June 22, 2008

Issued: June 23, 2008

SR367

## PROCLAMATIONS

Issued by the Governor July 22, 2008  
Filed by the Secretary of State July 23, 2008

**2008-298**  
**GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Greene County as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: July 24, 2008  
Filed: July 24, 2008

**2008-299**  
**SPECIAL ELECTION PROCLAMATION**

WHEREAS, On the 8<sup>th</sup> day of March, 2008, a special election was held in the State of Illinois for the election of the following officer, to-wit: One (1) Representative in Congress for an unexpired term.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 9<sup>th</sup> day of April, 2008, canvass the same, and as a result of such canvass, did declare elected the following named person to the following named office:

**REPRESENTATIVE TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS**

## PROCLAMATIONS

**2008-336****GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Scott County as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: August 27, 2008

Issued: August 27, 2008

**2008-337****Chiropractic Healthcare Month**

WHEREAS, every year, more than 30 million Americans throughout the country, including 2 million in Illinois, visit chiropractors, who locate and help correct joint and spinal problems; and

WHEREAS, the U.S. Bureau of Labor Statistics reports that work-related illnesses and musculoskeletal injuries surpassed 4.2 million incidents in 2004, accounting for 32 percent of all injuries requiring employees to take days off from work at an estimated cost of more than \$150 billion a year in worker's compensation costs; and

WHEREAS, chiropractic physicians have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development, and health maintenance; and

## PROCLAMATIONS

WHEREAS, this year, as we commemorate the anniversary of the September 11, 2001 attacks, it is important that we not only take the time to remember the victims, but that we also pay tribute to all those that continue to make sacrifices for their country; and

WHEREAS, by Executive Proclamation, President George W. Bush has declared September 11 of each year to be Patriot Day in the United States. This commemoration includes a moment of silence at 8:46 a.m., Eastern Standard Time, the same time that the first plane struck the north tower of the World Trade Center on that fateful day; and

WHEREAS, the State of Illinois faithfully joins President Bush in recognizing Patriot Day:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 11, 2008 as **PATRIOT DAY** in Illinois, and order all state facilities to fly their flags at half-staff from sunrise to sunset on this day.

Issued by the Governor September 9, 2008

Filed by the Secretary of State September 12, 2008.

**2008-365****GUBERNATORIAL PROCLAMATION**

Severe storms with continual heavy rainfall impacted Northern Illinois beginning September 13, 2008. These storms resulted in flash flooding forcing many residents from their homes, causing damage to homes, businesses and infrastructures.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Cook, DuPage, DeKalb, Grundy, Kane, LaSalle and Will counties as a disaster area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Dated September 15, 2008

Filed: September 15, 2008.

## PROCLAMATIONS

**2008-373****GUBERNATORIAL PROCLAMATION**

Severe storms with continual heavy rainfall impacted Northern Illinois beginning September 13, 2008. These storms resulted in flash flooding forcing many residents from their homes, causing damage to homes, businesses and infrastructures.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Bureau, Kendall and Woodford counties as a disaster area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Dated September 23, 2008

Issued: September 23, 2008

**2008-374****Graduate Education Week**

WHEREAS, graduate schools play an important role in enhancing the nation's economic competitiveness and innovation; and

WHEREAS, the National Science Foundation cites Illinois universities for attracting \$5.4 billion in federally sponsored grants and contracts over the past five years; and

WHEREAS, Illinois graduate schools play a vital role in developing the best and brightest domestic and globally recruited talent, evidenced by the fact that 46 percent of the Illinois legislature have received an advanced degree from an Illinois university, and 48 percent of certified elementary and secondary school teachers in Illinois have earned graduate degrees; and

WHEREAS, national laboratories in Illinois are dependent on graduate students and faculty from Illinois graduate schools; and

WHEREAS, graduate education is inextricably linked to the global economy, evidenced by Illinois' #1 ranking in the Midwest as a destination for foreign investment, Illinois'

## PROCLAMATIONS

2008-421

**GUBERNATORIAL PROCLAMATION**

Severe storms with continual heavy rainfall impacted Northern Illinois beginning September 13, 2008. These storms resulted in Flash flooding forcing many residents from their homes, causing damage to homes, businesses and infrastructures.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Cass, Greene, Macoupin, Montgomery, Peoria and Scott counties as a disaster area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Dated November 7, 2008

Filed November 7, 2008

2008-422

**Hire a Veteran Month**

WHEREAS, in times of peace and war, the men and women of the United States Army, Navy, Marines, Air Force, and Coast Guard have carried out their duty and provided immeasurable service to our nation, their fellow citizens, and the people of the world; and

WHEREAS, of the tens of millions of officers, soldiers, and civilians who have served in the United States Armed Forces, more than one million have lost their lives in defense of American freedom; and

WHEREAS, according to the most recent statistics compiled by the United States Department of Veterans Affairs, there are approximately twenty-four million veterans in the United States, nearly one million of whom live in Illinois. Unfortunately, too many of these former service men and women are currently unemployed; and

## PROCLAMATIONS

2009-19

**Gubernatorial Proclamation**

A severe winter storm resulting in heavy accumulations of ice on trees and power lines moved through the seven most southern counties in Illinois on January 26, 2009 through January 28, 2009. The ice storm caused widespread power outages due to downed power lines. Debris from trees covered roads throughout the area. Local governments are faced with a debris removal effort that will take weeks.

In the interest of aiding the local governments responsible for ensuring public health and safety, I find that these events constitute a disaster within the meaning of Section 4 of the Illinois Emergency Management Act (IEMA) 20 ILCS 3365/4 (IEMA), and, accordingly, pursuant to Section 7 of IEMA, I hereby proclaim that disaster areas exist in the following counties: Alexander, Hardin, Johnson, Massac, Pope, Pulaski and Union.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support the local governments in their disaster response and recovery efforts.

Issued by the Governor: January 30, 2009.

Filed with the Secretary of State: February 17, 2009.

## PROCLAMATIONS

**2009-20****Gubernatorial Proclamation**

A severe winter storm resulting in heavy accumulations of ice on trees and power lines moved through southern Illinois on January 26, 2009 through January 28, 2009. The ice storm caused widespread power outages due to downed power lines. Debris from trees covered roads throughout the area. Local governments are faced with a debris removal effort that will take weeks.

In the interest of aiding the local governments responsible for ensuring public health and safety, I hereby declare that a disaster emergency exists in the State of Illinois, pursuant to the provisions of the Illinois Emergency Agency Act, 20 ILCS 3305/7. I specifically declare the following counties as disaster areas: Gallatin and Saline.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support the local governments in their disaster response and recovery efforts.

Issued by the Governor: February 13, 2009.

Filed with the Secretary of State: February 17, 2009.

**2009-21****FFA Week**

WHEREAS, agriculture is Illinois' largest and most productive industry, and is vital to the economic success and future prosperity of the State; and

WHEREAS, agricultural education helps to prepare over 27,000 students each year for careers in every aspect of agriculture in order to ensure the continued success of this important industry; and

WHEREAS, FFA is the largest career and technical student organization in the Illinois, preparing more than 17,000 students for premier leadership, personal growth and, career success. Each member in Illinois' 306 FFA chapters has demonstrated their interest in the field of agriculture and developed hands-on training in science, business and technology through agricultural education; and

WHEREAS, the Illinois Association FFA has positively influenced the lives of rural and urban FFA members, parents, educators, and business and community leaders; and

## PROCLAMATIONS

2009-170

**GUBERNATORIAL PROCLAMATION**

Severe storms moved through Southern Illinois on the afternoon of May 8, 2009, producing heavy rain, extremely high wind and possibly tornadoes. The storms caused widespread damage to homes, businesses and other structures in towns as well as in rural areas. Downed trees and power lines resulted in the loss of electric power and communications. State highways, county roads and city streets were blocked by debris and the general disruption of essential services resulted in an emergency throughout the area.

In the interest of aiding the citizens of Illinois and the impacted local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare Jackson County, Williamson County, and Franklin County as State Disaster Areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations.

Date: May 9, 2009

Filed: May 11, 2009

## PROCLAMATIONS

WHEREAS, there are approximately 223,200 people with developmental disabilities residing in the State of Illinois; and

WHEREAS, all American citizens have a right to life, liberty and the pursuit of happiness; and

WHEREAS, these rights must not be abrogated merely because a person has a mental or physical disability; and

WHEREAS, every American, regardless of their abilities and disabilities, deserves to be treated with the same respect and dignity; and

WHEREAS, the types of support services available to people with developmental disabilities and the manner in which those services are delivered greatly affects the quality of their lives and the degree of freedom they are able to exercise; and

WHEREAS, there are many organizations in Illinois that strive to provide individuals with developmental disabilities opportunities to live in homes and communities where they can exercise their full rights and responsibilities as citizens, pursue meaningful and productive lives, contribute to their family, community, state and nation, have interdependent friendships and relationships with others, and achieve full inclusion in society; and

WHEREAS, these organizations also work to promote research, awareness and support for those living with developmental disabilities, with the common goal of improving the lives of all those affected by developmental disabilities and ensuring that individuals with developmental disabilities have the strong voice in their communities they deserve:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 21, 2009 as **DEVELOPMENTAL DISABILITY AWARENESS DAY** in Illinois.

Issued by the Governor May 7, 2009

Filed by the Secretary of State May 12, 2009

2009-174

**GUBERNATORIAL PROCLAMATION**

Severe storms moved through Southern Illinois on the afternoon of May 8, 2009, producing heavy rain, extremely high wind and possibly tornadoes. The storms caused widespread damage to homes, businesses and other structures in towns as well as in rural areas.

## PROCLAMATIONS

Downed trees and power lines resulted in the loss of electric power and communications. State highways, county roads and city streets were blocked by debris and the general disruption of essential services resulted in an emergency throughout the area.

In the interest of aiding the citizens of Illinois and the impacted local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare Randolph County, Saline County, and Gallatin County as State Disaster Areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations.

Date: May 12, 2009

Filed: May 12, 2009

**2009-175**

**Special Election Proclamation**

WHEREAS, On the 7th day of April, 2009, a special election was held in the State of Illinois for the election of the following officer, to-wit:

One (1) Representative in Congress for an unexpired term.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 8th day of May, 2009, canvass the same, and as a result of such canvass, did declare elected the following named person to the following named office:

**REPRESENTATIVE TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS  
IN THE 111<sup>th</sup> CONGRESS OF THE UNITED STATES  
FIFTH CONGRESSIONAL DISTRICT  
(For an unexpired term)  
Mike Quigley**

NOW, THEREFORE, I, PAT QUINN, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing person duly elected to the office as set out above.

Issued: May 8, 2009

Filed: May 14, 2009

SR377

2009-227**GUBERNATORIAL PROCLAMATION**

Severe storms moved through Southern Illinois on the afternoon of May 8, 2009, producing heavy rain, extremely high wind and possibly tornadoes. The storms caused widespread damage to homes, businesses and other structures in towns as well as in rural areas. Downed trees and power lines resulted in the loss of electric power and communications. State highways, county roads and city streets were blocked by debris and the general disruption of essential services resulted in an emergency throughout the area.

In the interest of aiding the citizens of Illinois and the impacted local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare Hamilton County and Union County as State Disaster Areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations.

Date: July 15, 2009

Filed: July 15, 2009

SR378

## PROCLAMATIONS

2009-156

**Gubernatorial Proclamation**

The federal government has declared a public health emergency and, therefore, in response, the State of Illinois will take steps to mitigate any potential health threat. Cases of a novel human virus known as Swine Influenza A (H1N1) have been confirmed in various locations throughout the United States. Although there are currently no confirmed cases of Swine Influenza A in the State of Illinois, an imminent threat of illness to Illinois citizens exists. Thus, it is critical that State agencies and local governments begin to prepare for the possibility of cases of Swine Influenza A in Illinois. Coordination among the federal government and State of Illinois agencies is necessary at this time to ensure the appropriate and timely response to any emergency that may occur related to swine flu.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a threat of a public health emergency exists in the State of Illinois pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation will assist the Illinois Emergency Management Agency and the Illinois Department of Public Health in coordinating State and Federal resources, including the Strategic National Stockpile of medicines and protective equipment, to support local governments in preparation for any action that may be necessary related to the potential impact of Swine Influenza A in the State of Illinois.

Date: April 28, 2009

Filed: April 28, 2009

~~2009-157~~~~**Automotive Service Professionals Week**~~

WHEREAS, the automotive service professional, an invaluable member of the automotive service industry in Illinois, is a highly trained and skilled individual; and

WHEREAS, there are over 14,300 Automotive Service Excellence (ASE) Certified Automotive Service Professionals working in more than 5,000 automotive service and repair facilities in Illinois; and

WHEREAS, the goal of the automotive service and repair industry in Illinois is to provide motorists with the best possible vehicle repair and service; and

## PROCLAMATIONS

2009-297

**GUBERNATORIAL PROCLAMATION**

The presence of the H1N1 influenza virus has been confirmed in the State of Illinois. Thus, it is critical that State agencies and local governments prepare for and attempt to prevent further spread of the H1N1 influenza virus. The State will receive its first allotment of the H1N1 influenza vaccine this month. The swift and efficient administration of this vaccine, beginning with the priority groups identified by the Centers for Disease Control and Prevention, is necessary to combat and prevent the spread of the H1N1 influenza virus and to protect the public health.

In the interest of aiding the citizens of Illinois and the State agencies and local governments responsible for ensuring public health and safety, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I hereby proclaim that a public health emergency exists in the State of Illinois.

This gubernatorial proclamation will assist the Illinois Emergency Management Agency and the Illinois Department of Public Health in coordinating State efforts in response to the H1N1 influenza virus, including the modification of scopes of practice for occupations with training to give vaccinations.

Date: October 14, 2009

Filed: October 14, 2009

## PROCLAMATIONS

2009-325

**GUBERNATORIAL PROCLAMATION**

On October 24, 2009, the President of the United States declared a national emergency pursuant to section 201 of the National Emergencies Act to facilitate the country's ability to respond to the H1N1 influenza virus. The H1N1 epidemic is moving rapidly and, as with the rest of the country, it is necessary for the State of Illinois to be ready to combat and prevent the spread of the virus. The State has begun receiving shipments of the H1N1 influenza vaccine and hospitals and medical clinics are treating an increasing amount of cases of the H1N1 influenza virus.

Therefore, in the interest of aiding the citizens of Illinois, medical facilities, and the State agencies and local governments responsible for ensuring public health and safety, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I hereby proclaim that a public health emergency exists in the State of Illinois.

This gubernatorial proclamation will assist the Illinois Emergency Management Agency and the Illinois Department of Public Health in coordinating State efforts in accordance with the State emergency response plans. This proclamation will allow for modification of scopes of practice for occupations with training to give vaccinations as well as assist with patient treatment.

Issued: November 13, 2009

Filed: November 13, 2009

## PROCLAMATIONS

2009-351

**GUBERNATORIAL PROCLAMATION**

On October 24, 2009, the President of the United States declared a national emergency pursuant to section 201 of the National Emergencies Act to facilitate the country's ability to respond to the H1N1 influenza virus. The H1N1 epidemic is moving rapidly and, as with the rest of the country, it is necessary for the State of Illinois to continue to combat and prevent the spread of the virus. Over the last two months, the State of Illinois has received shipments of the H1N1 influenza vaccine and the local health departments, hospitals and physicians have vaccinated individuals in the five priority groups identified by the Center for Disease Control's Advisory Committee on Immunization Practices, i.e., pregnant women, people who live with or care for children younger than 6 months of age, health care and emergency medical services personnel who provide direct patient care, persons between the ages of 6 months and 24 years, and people 25 through 64 years of age who are at higher risk for H1N1 because of chronic health disorders or compromised immune systems.

As a greater number of individuals in the federally identified priority groups become vaccinated, and as the supply of available H1N1 influenza vaccines increases, the Illinois Department of Public Health has decided to allow health care providers to begin vaccinating the general public for the H1N1 influenza on December 15, 2009. When the H1N1 influenza vaccine becomes available to the general public, the State of Illinois anticipates a significant surge in the demand for vaccination.

Therefore, in the interest of aiding the citizens of Illinois, medical facilities, and the State agencies and local governments responsible for ensuring public health and safety, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I hereby proclaim that a public health emergency exists in the State of Illinois.

This gubernatorial proclamation will assist the Illinois Emergency Management Agency and the Illinois Department of Public Health in coordinating State efforts in accordance with the State emergency response plans. This proclamation will allow for modification of scopes of practice for occupations with training to give vaccinations as well as assist with patient treatment.

Date: December 11, 2009

Filed: December 11, 2009

## GUBERNATORIAL PROCLAMATION

2010-20

## GUBERNATORIAL PROCLAMATION

The Federal Government has stressed that the H1N1 vaccination campaign must continue. This is in recognition that the H1N1 pandemic is still a threat. The flu season continues until the end of March or early April. Pharmacies provide a valuable resource by administering vaccinations to the community at large, including children down to the age of 9 years old. Paramedics augment the local health departments which need the support due to staff shortages. The need to continue vaccinating the citizens of the State of Illinois is imperative.

Therefore, in the interest of aiding the citizens of Illinois, medical facilities, and the State agencies and local governments responsible for ensuring public health and safety, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I hereby proclaim that a public health emergency exists in the State of Illinois.

This gubernatorial proclamation will assist the Illinois Emergency Management Agency and the Illinois Department of Public Health in coordinating State efforts in accordance with the State emergency response plans. This proclamation will allow for modification of scopes of practice for occupations with training to give vaccinations as well as assist with patient treatment.

Issued: February 5, 2010

Filed: February 5, 2010

SR383

## PROCLAMATIONS

**2010-196****GUBERNATORIAL PROCLAMATION**

Severe storms and tornadoes moved through north central Illinois on Saturday evening, June 5, 2010. The rapidly moving storms produced tornadoes that caused extensive property damage and resulted in dozens of injuries to residents of four Illinois counties. Local emergency workers responded immediately to protect public health and safety. State agencies are assisting local governments in debris removal, security and the coordination of all necessary activities to ensure a rapid recovery from the effects of the violent weather. A coordinated effort involving State agencies, local governments and the private sector will be crucial in the next few weeks.

In the interest of aiding the citizens of Illinois and the impacted local governments that are responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare LaSalle County, Livingston County, Peoria County and Putnam County as State Disaster Areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in the disaster response and recovery operations. In addition, this proclamation can facilitate a request for federal disaster assistance following a thorough assessment of damage if the damage assessment indicates that federal disaster assistance is warranted.

Issued by the Governor: June 7, 2010

Filed with the Secretary of State: June 10, 2010

**2010-197****GUBERNATORIAL PROCLAMATION**

Severe storms and tornadoes moved through north central Illinois on Saturday evening, June 5, 2010. The rapidly moving storms produced tornadoes that caused extensive property damage and resulted in dozens of injuries to residents of five Illinois counties. Local emergency workers responded immediately to protect public health and safety. State agencies are assisting local governments in debris removal, security and the coordination of all necessary activities to ensure a rapid recovery from the effects of the violent weather. A coordinated effort involving State agencies, local governments and the private sector will be crucial in the next few weeks.

In the interest of aiding the citizens of Illinois and the impacted local governments that are responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare Kankakee County as a State Disaster Area pursuant

## PROCLAMATIONS

to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in the disaster response and recovery operations. In addition, this proclamation can facilitate a request for federal disaster assistance following a thorough assessment of damage if the damage assessment indicates that federal disaster assistance is warranted.

Issued by the Governor: June 10, 2010

Filed with the Secretary of State: June 10, 2010

## PROCLAMATIONS

2010-245

**GUBERNATORIAL PROCLAMATION**

A series of severe storms with high wind and torrential rain moved through northern Illinois from the Mississippi River to Lake Michigan on July 23 and 24, 2010. The rainfall resulted in widespread damage to homes and businesses as a result of flash flooding and sewer back up. The damage to roads, bridges, sewers, flood control facilities and other public infrastructure in both the urban and rural areas resulted in a disruption of essential services and posed a threat to public health and safety. The clean-up and recovery from these severe storms will continue for weeks, if not months, and the impact to many individuals, households, businesses and local governments will be devastating.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Carroll, Cook, DuPage, Henderson, Jo Daviess, Lee, Mercer, Ogle, Rock Island, Stephenson, Whiteside, Winnebago counties as a disaster area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. In addition, this proclamation can facilitate a request for federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Date: July 26, 2010

Filed: July 26, 2010

## PROCLAMATION

2010-290

## GUBERNATORIAL PROCLAMATION

The severe storms with high wind and torrential rain that moved through northern Illinois from the Mississippi River to Lake Michigan on July 22 through July 24, 2010, resulted in a gubernatorial proclamation of disaster on July 26, 2010. Upon further review of climate observations for the month of July, it has been determined that the severe storms that caused a major disaster in northern Illinois counties during the period of July 22 through August 7, 2010, actually were part of a series of severe storms that moved into western Illinois along the Mississippi River on July 19, 2010. The extreme amounts of rainfall and subsequent flooding occurring between July 19 and August 7, 2010, resulted in damage to roads, bridges and other public infrastructure in the western Illinois counties most severely impacted. The damage in the western Illinois counties is similar to the public infrastructure damage in the most severely impacted northern Illinois counties.

In the interest of aiding the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically declare Adams, Pike and Schuyler counties as State disaster areas, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster recovery operations. In addition, this proclamation will facilitate a request for federal disaster assistance. A complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and the three western Illinois counties most severely impacted by this disaster.

Date: August 31, 2010

Filed: August 31, 2010

SR387

## PROCLAMATIONS

2010-319

## GUBERNATORIAL PROCLAMATION

The severe storms with high wind and torrential rain that moved through northern Illinois from the Mississippi River to Lake Michigan on July 22 through July 24, 2010, resulted in a gubernatorial proclamation of disaster on July 26, 2010. Upon further review of climate observations for the month of July, it has been determined that the severe storms that caused a major disaster in northern Illinois counties during the period of July 22 through August 7, 2010, actually were part of a series of severe storms that moved into western Illinois along the Mississippi River on July 19, 2010. These severe storms continued to move through central Illinois. The extreme amounts of rainfall, high wind and subsequent flooding occurring between July 19 and August 7, 2010, resulted in downed trees and power lines in addition to damage to roads, bridges and other public infrastructure in the counties most severely impacted.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically declare Moultrie County as a State Disaster Area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster recovery. In addition, this proclamation will facilitate a request for federal disaster assistance. A complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and the affected local governments alone.

Date: September 16, 2010

Filed: September 16, 2010

## GUBERNATORIAL PROCLAMATION

2011-156

## GUBERNATORIAL PROCLAMATION

The series of severe storms producing high wind, tornadoes and torrential rain that have moved through the lower Midwest during the past two weeks continue to impact the southern half of the State of Illinois. The repeated heavy rainfall is resulting in flash flooding as the storms move through the State. Rivers and streams are above flood stage due to the extensive runoff from the saturated ground, causing long-term flooding in low lying areas. The continued flooding in areas already impacted by the severe storms is causing widespread damage to homes, businesses, roads, bridges and other public infrastructure. Other areas along the Ohio and Mississippi Rivers have a high potential for further flooding in the next few weeks.

In the interest of aiding the citizens of Illinois and local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support the local governments impacted by the severe storms in their disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. Resources from all State agencies will be made available as reasonably necessary to assist those counties affected by the disaster in their effort to protect the public's safety and in preventing property damage to the extent possible.

Date: April 25, 2011

Filed: April 25, 2011

## PROCLAMATION

2011-195

## GUBERNATORIAL PROCLAMATION

Since the first proclamation was issued on April 25, 2011, counties located in the southern half of the State of Illinois are continuing response efforts to stave off record level flooding. Homes, businesses, roads, bridges and other public infrastructure continue to be endangered. Further, storms with large amounts of precipitation are anticipated in the foreseeable future and will exacerbate the current flooding conditions. Specifically, counties already involved in the pumping of flood waters will need to continue and may need additional support.

Therefore, in the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster continues to exist within the State of Illinois pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support the local governments impacted by flooding and in further disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in anyway prevent, hinder, or delay necessary action in coping with the disaster. Resources from all State agencies will be made available as reasonably necessary to assist those counties affected by the disaster in their effort to protect the public's safety and in preventing property damage to the extent possible.

Date: May 25, 2011

Filed: May 25, 2011

## PROCLAMATIONS

2013-161

**GUBERNATORIAL PROCLAMATION**

Severe storms generating heavy rainfall moved through Illinois on April 15-18, 2013. The water levels on the Illinois, Fox, Des Plaines, and Mississippi Rivers are continuing to rise and have caused substantial flooding throughout many counties in the State. The flooding has resulted in significant property damage to homes and businesses, power outages, and the closure of hundreds of interstate, state and local roadways. The flooding of transportation routes has caused a disruption of essential services and is a threat to public health and safety. Also, on April 18, 2013 the same storm system produced high straight-line winds, causing property damage and power outages in Champaign County.

In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, specifically declare Adams, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Cook, DeKalb, DuPage, Fulton, Greene, Grundy, Hancock, Henderson, Henry, Jersey, Jo Daviess, Kane, Kendall, Lake, LaSalle, Marshall, Mason, McHenry, Mercer, Morgan, Peoria, Pike, Putnam, Rock Island, Schuyler, Scott, Tazewell, Whiteside, Will, Winnebago and Woodford Counties as disaster areas.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Issued by the Governor: April 18, 2013

Filed by the Secretary of State: April 19, 2013

2013-162

**GUBERNATORIAL PROCLAMATION**

Severe storms generating heavy rainfall have moved through Illinois on April 15-18, 2013, causing significant flooding throughout the State. The flooding has resulted in property damage to homes and businesses, power outages, and the closure of roadways. The flooding of

## PROCLAMATIONS

transportation routes has caused a disruption of essential services and is a threat to public health and safety. Some residents of Douglas County were evacuated by boat due to the severe flooding. In McDonough County, the Macomb water treatment plant flooded, causing a boil order. Also, Knox and Livingston Counties have experienced flooding problems.

In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, specifically declare Douglas, Knox, Livingston and McDonough Counties as disaster areas.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Date: April 20, 2013

Filed: April 22, 2013

**2013-163****GUBERNATORIAL PROCLAMATION**

Severe storms generating heavy rainfall have moved through Illinois on April 15-18, 2013, causing significant flooding throughout the State. The flooding has resulted in property damage to homes and businesses and the closure of roadways. The flooding of transportation routes has caused a disruption of essential services and is a threat to public health and safety. In Ogle County, flooding along the Rock River necessitated the evacuation of several residential subdivisions. Stark County has also experienced flooding problems.

In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, specifically declare Ogle and Stark Counties as disaster areas.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and

## PROCLAMATIONS

recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Date: April 21, 2013

Filed: April 22, 2013

2013-164

GUBERNATORIAL PROCLAMATION

Severe storms generating heavy rainfall moved through Illinois on April 15-18, 2013, causing significant river and flash flooding throughout the State. Additional rainfall on April 23-24, 2013, caused severe flooding along the Wabash River, resulting in evacuations, property damage to homes and businesses, the closure of roadways, and threats to the existing levees. The additional rainfall also caused infrastructure damage in Warren County, resulting in roadway closures due to sewer line and culvert collapses. The flooding of and damage to transportation routes have caused a disruption of essential services and are a threat to public health and safety.

In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, specifically declare Clark, Crawford, Lawrence and Warren Counties as disaster areas.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

## PROCLAMATIONS

**2013-165****GUBERNATORIAL PROCLAMATION**

Severe storms generating heavy rainfall moved through Illinois on April 15-18, 2013, causing significant river and flash flooding throughout the State. In Monroe County, the flooding resulted in the closure of and damage to roadways and bridges. The flooding of transportation routes has caused a disruption of essential services and is a threat to public health and safety.

In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, specifically declare Monroe County as a disaster area.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

**2013-166****89 WLS Chicago Day**

WHEREAS, 89 years ago, a Chicago radio station began airing under the call letters "WLS", for "World's Largest Store" after its owner, Sears, Roebuck and Company; and

WHEREAS, the WLS National Barn Dance became one of America's most popular musical showcases, broadcasting from Chicago's Sherman House, now the site of the James R. Thompson State of Illinois Center; and

WHEREAS, the "WLS Silver Dollar Survey" in the 1960s defined the changing musical tastes of a generation of Chicago-area listeners; and

WHEREAS, 89 WLS has matured into an award-winning talk radio station that offers discussion on issue-based topics in a fast-paced, no holds-barred format; and,

WHEREAS, 89 WLS provides a forum for insightful, informative and entertaining conversations among its hosts, guests and callers on issues that are vital to us all; and,

## GUBERNATORIAL PROCLAMATION

**2013-412****GUBERNATORIAL PROCLAMATION**

Severe storms, generating tornadoes and straight-line winds, moved through Illinois on November 17, 2013. As a result of the storms, there have been confirmed fatalities, personal injuries, widespread property damage, and power outages throughout the State. The early damage reports indicate that the hardest hit areas include Champaign, Grundy, LaSalle, Massac, Tazewell, Washington and Woodford Counties.

In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, specifically declare Champaign, Grundy, LaSalle, Massac, Tazewell, Washington and Woodford Counties as disaster areas.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Date: November 17, 2013

Filed: November 18, 2013

## PROCLAMATIONS

**2013-413****GUBERNATORIAL PROCLAMATION**

Severe storms, generating tornadoes and straight-line winds, moved through Illinois on November 17, 2013. As a result of the storms, there have been confirmed fatalities, personal injuries, widespread property damage, and power outages throughout the State. In Douglas, Jasper, Pope, Wabash, Wayne and Will Counties, numerous residences were destroyed, and others sustained heavy structural damage.

In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, specifically declare Douglas, Jasper, Pope, Wabash, Wayne and Will Counties as disaster areas.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Date: November 19, 2013

Filed: November 19, 2013

**2013-414****GUBERNATORIAL PROCLAMATION**

Severe storms, generating tornadoes and straight-line winds, moved through Illinois on November 17, 2013. As a result of the storms, there have been confirmed fatalities, personal injuries, widespread property damage, and power outages throughout the State. In Fayette and Vermilion Counties, numerous residences were destroyed, and others sustained heavy structural damage.

In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, specifically declare Fayette and Vermilion Counties as disaster areas.

## PROCLAMATIONS

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Date: November 20, 2013

Filed: November 20, 2013

## PROCLAMATIONS

2015-124

**GUBERNATORIAL DISASTER PROCLAMATION**

WHEREAS, on June 22, 2015, severe storms that generated tornadoes, straight-line winds, and heavy rainfall moved across northern Illinois; and

WHEREAS, the early damage accounts reflect that the hardest hit areas are Grundy and Lee Counties; and

WHEREAS, the storms caused personal injuries, widespread property damage, power outages, and road closures, including the temporary closure of I-55, throughout the impacted areas; and

WHEREAS, natural gas and propane leaks, as well as downed power lines, are impeding the ability of first responders to assess the extent of damages; and

WHEREAS, reports received by the Illinois Emergency Management Agency indicate that local resources and capabilities have been exhausted and that State resources are needed to respond to and recover from the effects of this storm; and

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster.

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

Section 1: Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Grundy and Lee Counties as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan and coordinate State resources to support local governments in disaster response and recovery operations.

Section 3. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law.

## PROCLAMATIONS

Section 4: This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5: This proclamation shall be effective immediately and remain in effect for 30 days.

Date: June 23, 2015

Filed: June 23, 2015

**2015-125****Asian Pacific American Heritage Month**

**WHEREAS**, in June 1977, Congressmen Frank Horton of New York and Norman Y. Mineta of California introduced a House resolution calling upon the president to proclaim the first 10 days of May as Asian/Pacific Heritage Week; and,

**WHEREAS**, the following month, Senators Daniel Inouye and Spark Matsunaga introduced a similar bill in the Senate. Both piece of legislation were passed; and,

**WHEREAS**, on October 5, 1978, President Jimmy Carter signed a joint resolution designating the annual celebration; and,

**WHEREAS**, in May 1990, the holiday was further expanded when President George H.W. Bush designated May to be Asian Pacific American Heritage Month; and,

**WHEREAS**, May was chosen to commemorate the immigration of the first Japanese immigrants to the United States in 1843; and,

**WHEREAS**, many immigrants of Asian heritage came to the United States during the nineteenth century to work in the transportation, mining, and other industries; and,

**WHEREAS**, in 1869, laboring under very difficult conditions, Asian immigrants helped construct the transcontinental railroad, which vastly expanded economic growth and development across the country; and,

**WHEREAS**, Asian Pacific American Heritage Month is celebrated annually with community festivals, government-sponsored events, cultural programming, and educational activities for students; and,

## PROCLAMATIONS

2015-179

## GUBERNATORIAL DISASTER PROCLAMATION

WHEREAS, in June 2015, continuous waves of severe storms generating heavy rainfall have moved through Illinois; and,

WHEREAS, according to the National Weather Service, this month is the wettest June on record for Illinois with 8.97 inches of precipitation through June 28; and,

WHEREAS, the Illinois River is at moderate to major flood stage in many locations, with crests still expected from Peoria southward to the confluence with the Mississippi River later this week; and,

WHEREAS, the high river levels have caused substantial flooding throughout many counties, resulting in significant property damage to homes and businesses, power outages, and impacts to transportation; and,

WHEREAS, reports received by the Illinois Emergency Management Agency indicate that local resources and capabilities have been exhausted and that State resources are needed to respond to and recover from the effects of the flooding; and,

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster.

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

Section 1: Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Calhoun, Cass, Fulton, Greene, Jersey, Mason, Morgan, Peoria, Pike, Schuyler, Scott, and Tazewell Counties as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan and coordinate State resources to support local governments in disaster response and recovery operations.

Section 3. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law.

PROCLAMATIONS

Section 4: This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5: This proclamation shall be effective immediately and remain in effect for 30 days.

Date: June 30, 2015

Filed: June 30, 2015

## PROCLAMATIONS

2015-210

**Gubernatorial Disaster Proclamation****Presented this 31<sup>st</sup> day of July 2015**

*WHEREAS, beginning June 7, 2015, and continuing throughout the remainder of June and July, an extended weather pattern of severe storms befell Illinois generating heavy rainfall, flash flooding, tornadoes, and straight-line winds and causing widespread river flooding; and*

*WHEREAS, according to the National Weather Service, Illinois recorded its wettest June on record with a statewide average of 9.37 inches of precipitation, with some counties alone receiving up to 17 inches of rain; and*

*WHEREAS, the high precipitation totals resulted in flooding on several rivers in the State, most notably the Illinois River, which remained above flood stage for several weeks, causing residential and business flooding and resulting in costly emergency protective measures and permanent infrastructure damages for local governments; and*

*WHEREAS, the continuous heavy rainfall throughout the State during this period also caused flash flooding as a result of the oversaturated soil triggered by the record precipitation; and*

*WHEREAS, the flash flooding resulted in one fatality and significant property damage to homes and businesses, as well as impacts to transportation, especially washed-out roadways; and*

*WHEREAS, the severe weather pattern also spawned tornadoes and straight-line winds that left large debris fields in their wakes, affecting homeowners, businesses, and local governments; and*

*WHEREAS, based on reports received by the Illinois Emergency Management Agency, local resources and capabilities have been exhausted and State resources are needed to respond to and recover from the effects of the severe storms; and*

*WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;*

*NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:*

**Section 1:** Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Adams, Alexander, Brown, Calhoun, Cass, Coles, Fulton, Greene, Grundy,

## PROCLAMATIONS

*Iroquois, Jersey, Mason, Monroe, Morgan, Peoria, Pike, Randolph, Richland, Schuyler, Scott, Tazewell, Vermilion, and Warren Counties as disaster areas.*

***Section 2:*** *The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan, as it has been doing since June 7, and to coordinate State resources to support local governments in disaster response and recovery operations.*

***Section 3:*** *To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law.*

***Section 4:*** *This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.*

***Section 5:*** *This proclamation shall be effective immediately and remain in effect for 30 days.*

## PROCLAMATIONS

**2015-335****Disaster Proclamation**

WHEREAS, between December 23 and 28, 2015, continuous waves of severe storms generating heavy rainfall moved through Illinois; and,

WHEREAS, the Mississippi River is at a moderate to major flood stage in many locations, with crests still expected; and,

WHEREAS, the high river levels have caused and continue to pose a severe risk of substantial flooding in many Illinois counties, resulting in significant property damage to homes and businesses, power outages, and impacts to transportation; and,

WHEREAS, according to the National Weather Service, these storms have produced an average of approximately seven inches of precipitation in the affected counties; and,

WHEREAS, requests for aid received by the Illinois Emergency Management Agency indicate that local resources and capabilities have been exhausted and that State resources are needed to respond to and recover from the effects of the flooding; and,

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Calhoun, Jackson, Jersey, Madison, Monroe, Randolph, and St. Clair Counties as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue the implementation of the State Emergency Operations Plan and the coordination of State resources to support local governments in disaster response and recovery operations.

Section 3. Pursuant to the provisions of Section 7(a)(1), I suspend any regulatory statute or order, rule, or regulation of any State agency that the Illinois Emergency Management Agency determines that, to best implement the State Emergency Operations Plan, strict compliance with the provisions of that statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action, including emergency purchases, to cope with this disaster.

## PROCLAMATIONS

Section 4. This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5. This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor December 29, 2015

Filed by the Secretary of State December 29, 2015

**2015-336****Disaster Proclamation 2**

WHEREAS, between December 23 and 28, 2015, continuous waves of severe storms generating heavy rainfall moved through Illinois; and,

WHEREAS, the Mississippi River is at a moderate to major flood stage in many locations, with crests still expected; and,

WHEREAS, the high river levels have caused and continue to pose a severe risk of substantial flooding in many Illinois counties, resulting in significant property damage to homes and businesses, power outages, and impacts to transportation; and,

WHEREAS, according to the National Weather Service, these storms have produced an average of approximately seven inches of precipitation in the affected counties; and,

WHEREAS, requests for aid received by the Illinois Emergency Management Agency indicate that local resources and capabilities have been exhausted and that State resources are needed to respond to and recover from the effects of the flooding; and,

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Alexander, Christian, Clinton, Douglas, and Morgan Counties as disaster areas.

## PROCLAMATIONS

Section 2. The Illinois Emergency Management Agency is directed to continue the implementation of the State Emergency Operations Plan and the coordination of State resources to support local governments in disaster response and recovery operations.

Section 3. Pursuant to the provisions of Section 7(a)(1), I suspend any regulatory statute or order, rule, or regulation of any State agency that the Illinois Emergency Management Agency determines that, to best implement the State Emergency Operations Plan, strict compliance with the provisions of that statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action, including emergency purchases, to cope with this disaster.

Section 4. This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5. This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor December 30, 2015

Filed by the Secretary of State December 30, 2015

## PROCLAMATIONS

## 2016-1

**Disaster Proclamation**

**WHEREAS**, between December 23 and 28, 2015, continuous waves of severe storms generating heavy rainfall moved through Illinois; and,

**WHEREAS**, moderate to major flooding continues on the Mississippi, Ohio, Illinois, Embarras and Sangamon rivers in many locations, with some crests still expected; and,

**WHEREAS**, the high river levels have caused and continue to pose a severe risk of substantial flooding in many Illinois counties, resulting in significant property damage to homes and businesses, power outages, and impacts to transportation; and,

**WHEREAS**, according to the National Weather Service, these storms have produced a range of approximately four to nine inches of precipitation in the affected counties; and,

**WHEREAS**, requests for aid received by the Illinois Emergency Management Agency indicate that local resources and capabilities have been exhausted and that State resources are needed to respond to and recover from the effects of the flooding; and,

**WHEREAS**, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;

**NOW, THEREFORE**, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

Section 1: Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Cass, Cumberland, Iroquois, Lawrence, Marion, Menard, Moultrie, Pike, Richland, Sangamon and Vermilion Counties as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue the implementation of the State Emergency Operations Plan and the coordination of State resources to support local governments in disaster response and recovery operations.

Section 3. Pursuant to the provisions of Section 7(a)(1), I suspend any regulatory statute or order, rule, or regulation of any State agency that the Illinois Emergency Management Agency determines that, to best implement the State Emergency Operations Plan, strict compliance with

## PROCLAMATIONS

the provisions of that statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action, including emergency purchases, to cope with this disaster.

Section 4: This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5: This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor January 5, 2016

Filed by the Secretary of State January 5, 2016

## PROCLAMATION

2016-16

## DISASTER PROCLAMATION

*WHEREAS, between December 23 and 28, 2015, continuous waves of severe storms generating heavy rainfall moved through Illinois; and,*

*WHEREAS, moderate to major flooding occurred and is continuing to occur on the Illinois and Sangamon rivers in many locations; and,*

*WHEREAS, the high river levels caused substantial flooding in many Illinois counties, resulting in significant property damage to homes and businesses, power outages, and impacts to transportation; and,*

*WHEREAS, according to the National Weather Service, these storms produced a range of approximately four to nine inches of precipitation in the affected counties; and*

*WHEREAS, requests for aid received by the Illinois Emergency Management Agency indicate that local resources and capabilities have been exhausted and that State resources are needed to respond to and recover from the effects of the flooding; and,*

*WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;*

*NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:*

*Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Bureau and Mason Counties as disaster areas.*

*Section 2. The Illinois Emergency Management Agency is directed to continue the implementation of the State Emergency Operations Plan and the coordination of State resources to support local governments in disaster response and recovery operations.*

*Section 3. Pursuant to the provisions of Section 7(a)(1), I suspend any regulatory statute or order, rule, or regulation of any State agency that the Illinois Emergency Management Agency determines that, to best implement the State Emergency Operations Plan, strict compliance with the provisions of that statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action, including emergency purchases, to cope with this disaster.*

## PROCLAMATION

*Section 4. This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.*

*Section 5. This proclamation shall be effective immediately and remain in effect for 30 days.*

Issued by the Governor January 28, 2016

Filed by the Secretary of State January 28, 2016

## PROCLAMATION

**2016-68****Disaster Proclamation**

WHEREAS, between December 23 and 28, 2015, continuous waves of severe storms generating heavy rainfall moved through Illinois; and,

WHEREAS, moderate to major flooding occurred on the Wabash, Embarras, Little Wabash and Ohio rivers in many locations; and,

WHEREAS, the high river levels caused substantial flooding in many Illinois counties, resulting in significant property damage to homes and businesses, power outages, and impacts to transportation; and,

WHEREAS, according to the National Weather Service, these storms produced a range of approximately four to nine inches of precipitation in the affected counties; and,

WHEREAS, requests for aid received by the Illinois Emergency Management Agency indicate that local resources and capabilities were exhausted and that State resources were needed to respond to and recover from the effects of the flooding; and,

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

Section 1: Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster existed within the State of Illinois and specifically declare Clark County a disaster area.

Section 2. The Illinois Emergency Management Agency is directed to continue the implementation of the State Emergency Operations Plan and the coordination of State resources to support local governments in disaster response and recovery operations.

Section 3. Pursuant to the provisions of Section 7(a)(1), I suspend any regulatory statute or order, rule, or regulation of any State agency that the Illinois Emergency Management Agency determines that, to best implement the State Emergency Operations Plan, strict compliance with the provisions of that statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action, including emergency purchases, to cope with this disaster.

## PROCLAMATION

Section 4: This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5: This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor March 31, 2016

Filed by the Secretary of State March 31, 2016

**2016-69**  
**National Surveyors Week**

WHEREAS, there are more than 45,000 professional surveyors in the United States; and,

WHEREAS, the nature of surveying has changed dramatically since the Colonial Era when the profession was defined by the description and location of land boundaries; today, surveying has expanded to include hydrographic surveys, engineering surveys utilized in the study and selection of engineering construction, geodetic surveys to determine precise global positioning for activities such as aircraft and missile navigation and cartographic surveys used for mapping and charting; and,

WHEREAS, professional surveyors provide important services through the use of sophisticated equipment and techniques, such as satellite-borne remote sensing devices and automated positioning, measuring, recording and plotting equipment; and,

WHEREAS, the role of the surveyor has been, and continues to be, integral in the development and advancement of our state and nation; and,

WHEREAS, Illinoisans are encouraged to recognize professional surveyors and the important work they do for our communities and state, and to reflect on the historical contributions of surveying and the new technologies that are constantly modernizing this honored profession;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 21-26, 2016, as **NATIONAL SURVEYORS WEEK** in the state of Illinois.

Issued by the Governor March 16, 2016

Filed by the Secretary of State April 1, 2016

**2016-70**

**2017-124**  
**Gubernatorial Disaster Declaration**  
**Clinton, Jackson, Marshall, Union and Woodford Counties**

WHEREAS, beginning April 28, 2017, severe storms moved through Illinois generating heavy rainfall; and,

WHEREAS, according to the National Weather Service, some areas of the state received in excess of ten inches of rain over a three-day period, causing flash flooding and widespread river flooding; and,

WHEREAS, a second storm system that began affecting Illinois on May 3, 2017, produced significant rainfall, exacerbating the flood conditions; and,

WHEREAS, the high precipitation totals resulted in near-record flooding on several rivers throughout the state, most notably the Big Muddy, Kaskaskia and Mississippi Rivers, as well as major and moderate flooding on numerous Illinois waterways; and,

WHEREAS, the flooding has caused significant property damage and resulted in costly emergency protective measures and permanent infrastructure damages for state and local governments, especially damaged roadways; and,

WHEREAS, based on reports received by the Illinois Emergency Management Agency, local resources and capabilities have been exhausted and State resources are needed to respond to and recover from the effects of the severe storms; and,

WHEREAS, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster.

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Clinton, Jackson, Marshall, Union and Woodford Counties as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan and to coordinate State resources to support local governments in disaster response and recovery operations.

Section 3. This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor May 24, 2017  
Filed by the Secretary of State May 24, 2017

## PROCLAMATIONS

**2017-124 (Revised)**  
**Gubernatorial Disaster Declaration**  
**Clinton, Jackson, Marshall, Union and Woodford Counties**

WHEREAS, beginning April 28, 2017, severe storms moved through Illinois generating heavy rainfall; and,

WHEREAS, according to the National Weather Service, some areas of the state received in excess of ten inches of rain over a three-day period, causing flash flooding and widespread river flooding; and,

WHEREAS, a second storm system that began affecting Illinois on May 3, 2017, produced significant rainfall, exacerbating the flood conditions; and,

WHEREAS, the high precipitation totals resulted in near-record flooding on several rivers throughout the state, most notably the Big Muddy, Kaskaskia and Mississippi Rivers, as well as major and moderate flooding on numerous Illinois waterways; and,

WHEREAS, the flooding has caused significant property damage and resulted in costly emergency protective measures and permanent infrastructure damages for state and local governments, especially damaged roadways; and,

WHEREAS, based on reports received by the Illinois Emergency Management Agency, local resources and capabilities have been exhausted and State resources are needed to respond to and recover from the effects of the severe storms; and,

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster.

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Alexander, Clinton, Jackson, Marshall, Union and Woodford Counties as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan and to coordinate State resources to support local governments in disaster response and recovery operations.

## PROCLAMATIONS

Section 3. This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor May 24, 2017

Filed by the Secretary of State July 14, 2017

**2017-135**

**Gubernatorial Disaster Declaration  
McHenry, Lake, and Kane Counties**

WHEREAS, on the night of July 11 and into the morning of July 12, 2017, multiple waves of thunderstorms moved across northeast Illinois, producing copious rainfall rates; and

WHEREAS, according to the National Weather Service, some areas of Lake County received in excess of seven inches of rain as a result of the storms, causing immediate flash flooding and river flooding, especially on the Des Plaines River; and

WHEREAS, the same storm system dumped more than seven inches of rain across southern Wisconsin upriver from the Chain O' Lakes, which will significantly impact the Fox River levels in McHenry and Kane Counties; and

WHEREAS, the Des Plaines and Fox Rivers are experiencing record-level crests in some locations, with additional crests expected into next week and prolonged flooding in those areas anticipated; and

WHEREAS, the flooding has caused large-scale property damage to residential and commercial properties, resulted in costly emergency protective measures, and compromised public works infrastructure; and

WHEREAS, based on reports received by the Illinois Emergency Management Agency, local resources and capabilities have been exhausted and State resources are needed to respond to and recover from the effects of the severe storms; and

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster.

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

## PROCLAMATIONS

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Kane, Lake and McHenry Counties as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan, as it has been doing since July 12, and to coordinate State resources to support local governments in disaster response and recovery operations.

Section 3. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law.

Section 4: This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5: This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor July 14, 2017

Filed by the Secretary of State July 14, 2017

**2017-136**  
**Gubernatorial Disaster Declaration**  
**Cook County**

WHEREAS, on the night of July 11 and into the morning of July 12, 2017, multiple waves of thunderstorms moved across northeast Illinois, producing copious rainfall rates; and,

WHEREAS, according to the National Weather Service, some areas of Lake County received in excess of seven inches of rain as a result of the storms, causing immediate flash flooding and river flooding, especially on the Des Plaines River; and,

WHEREAS, the same storm system dumped more than seven inches of rain across southern Wisconsin upriver from the Chain O' Lakes, which is impacting the Fox River levels in McHenry and Kane Counties; and,

WHEREAS, the Des Plaines and Fox Rivers are experiencing record-level crests in some locations and prolonged flooding in those areas anticipated; and,

## PROCLAMATIONS

WHEREAS, the flooding has caused large-scale property damage to residential and commercial properties, resulted in costly emergency protective measures, and compromised public works infrastructure; and,

WHEREAS, on July 14, 2017, Kane, Lake and McHenry Counties were designated as state disaster areas as a result of this flooding; and,

WHEREAS, communities in northern Cook County are also experiencing significant impacts as a result of flood waters; and,

WHEREAS, based on reports received by the Illinois Emergency Management Agency, local resources and capabilities have been exhausted and State resources are needed to respond to and recover from the effects of the severe storms; and,

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Cook County a disaster area.

Section 2. The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan, as it has been doing since July 12, and to coordinate State resources to support local governments in disaster response and recovery operations.

Section 3. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law.

Section 4: This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5: This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor July 17, 2017

PROCLAMATIONS

Filed by the Secretary of State July 17, 2017

## PROCLAMATIONS

The Secretary of State shall take whatever reasonable steps are necessary to notify the members of the General Assembly of the purpose, date, and time set for convening this Special Session pursuant to 25 ILCS 15/3.

Issued by the Governor July 24, 2017

Filed by Secretary of State July 24, 2017

**2017- 178**

**Gubernatorial Disaster Declaration**

**Carroll, Henry, Jo Daviess, Lee, Ogle, Rock Island, Stephenson and Whiteside Counties**

WHEREAS, multiple waves of thunderstorms dumped heavy rainfall over northwest Illinois beginning July 19, 2017, culminating with a storm on July 21-22 that produced additional rainfall of four to six inches across the area, with localized amounts approaching eight inches; and,

WHEREAS, the rainfall triggered flash flooding and impacted the Rock and Pecatonica river basins, which is resulting in major flooding along portions of those rivers, with some areas still to crest; and,

WHEREAS, the flooding has caused property damage to residential and commercial properties, resulted in costly emergency protective measures, and compromised public works infrastructure in Carroll, Henry, Jo Daviess, Lee, Ogle, Rock Island, Stephenson and Whiteside Counties; and,

WHEREAS, as a result of the storms, a rehabilitation center and residences were evacuated, water rescues of stranded residents were conducted, and a state park and dozens of roadways were closed; and,

WHEREAS, based on reports received by the Illinois Emergency Management Agency, local resources and capabilities have been exhausted and State resources are needed to respond to and recover from the effects of the severe storms; and,

WHEREAS, the State has begun deploying resources such as sandbags, pumps, barricades and personnel to the impacted area; and,

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

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## PROCLAMATIONS

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Carroll, Henry, Jo Daviess, Lee, Ogle, Rock Island, Stephenson and Whiteside Counties as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan, as it has been doing since July 20 in this area, and to coordinate State resources to support local governments in disaster response and recovery operations.

Section 3. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law.

Section 4: This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5: This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor July 24, 2017

Filed by the Secretary of State July 24, 2017

# STATE OF ILLINOIS



## Proclamation

**WHEREAS**, beginning on April 23, 2019, multiple waves of storms generating moderate to heavy rainfall moved through Illinois, causing ground saturation, flash flooding and river flooding; and

**WHEREAS**, already-elevated river levels across the State caused by excessive rain totals and significant snowmelt in recent months have been exacerbated by these recent storms; and

**WHEREAS**, the Mississippi and Illinois Rivers are experiencing record and near-record crests in some locations and major flooding along the entire length of the Mississippi River in Illinois, as well as along most of the Illinois River, is expected; and

**WHEREAS**, on May 2, the Mississippi River reached an all-time record crest at Rock Island of 22.64 feet, surpassing the historic flood levels of the Great Flood of 1993; and

**WHEREAS**, the Louisiana river gauge along the Mississippi River reflects that the water level rose nearly six feet over an eight-day period; and

**WHEREAS**, the flooding has necessitated evacuations across the State, caused widespread impacts to residential and commercial properties, resulted in costly emergency protective measures, and damaged public works infrastructure; and

**WHEREAS**, the flooding of transportation routes has triggered the closure of hundreds of state and local roadways, resulting in a disruption of essential services and threatening public health and safety, and

**WHEREAS**, based on reports received by the Illinois Emergency Management Agency, local resources and capabilities have been exhausted, and state resources are needed and have been deployed across the State to respond to and recover from the effects of the severe storms and flooding; and

**WHEREAS**, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster.

**THEREFORE**, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

**SECTION 1:** Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Adams, Alexander, Brown, Bureau, Calhoun, Carroll, Cass, Fulton, Greene, Grundy, Hancock, Henderson, Jackson, Jersey, Jo Daviess, LaSalle, Madison, Marshall, Mason, Mercer, Monroe, Morgan, Peoria, Pike, Putnam, Randolph, Rock Island, Schuyler, Scott, St. Clair, Tazewell, Union, Whiteside and Woodford Counties as disaster areas.

**SECTION 2:** The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan and to coordinate State resources to support local governments in disaster response and recovery operations.

**SECTION 3:** To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law.

**SECTION 4:** In order to alleviate any impediments to flood-fighting activities in these counties, the provisions of 17 Illinois Administrative Code Parts 3700 and 3704 related to levees and floodwalls are suspended.

**SECTION 5:** This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

**SECTION 6:** This proclamation shall be effective immediately and remain in effect for 30 days.

*In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.*



*Done at the Capitol in the City of Springfield,*  
*this* THIRD *day of* MAY, *in*  
*the Year of Our Lord, two thousand and*  
NINETEEN, *and of the State of Illinois,*  
*two hundred and* FIRST.

*Deese White*  
SECRETARY OF STATE

*JB Pritzker*  
GOVERNOR

# STATE OF ILLINOIS



## Proclamation

**WHEREAS**, over the last two months, Illinois has been victim to a seemingly constant wave of storms that have generated significant rainfall, triggering ground saturation and river flooding; and

**WHEREAS**, already-elevated river levels across the State caused by excessive rain totals and significant snowmelt from northern states have been exacerbated by these ongoing storms; and

**WHEREAS**, the Mississippi and Illinois Rivers have experienced record and near-record crests in many locations, with major flooding along the entire length of the Mississippi River in Illinois, as well as along most of the Illinois River; and

**WHEREAS**, the Mississippi River has been at major flood stage continuously since March 16; and

**WHEREAS**, on May 2, the Mississippi River reached an all-time record crest at Rock Island of 22.7 feet, surpassing the historic flood levels of the Great Flood of 1993, while on the same day the Illinois River entered into major flood stage, where it has remained continuously; and

**WHEREAS**, the Illinois River at Valley City is expected to top the current record flood level set in 1943; and

**WHEREAS**, levees along both rivers are saturated from the extended duration of elevated water levels, and 200 Illinois National Guard troops have been activated for needed flood-fighting activities; and

**WHEREAS**, the flooding has necessitated evacuations across the State, caused widespread impacts to residential and commercial properties, resulted in costly emergency protective measures, and damaged public works infrastructure; and

**WHEREAS**, the flooding of transportation routes has triggered the closure of hundreds of state and local roadways and bridges, resulting in a disruption of essential services and threatening public health and safety, and

**WHEREAS**, based on reports received by the Illinois Emergency Management Agency, local resources and capabilities have been exhausted, and state resources are needed and have been deployed across the State to respond to and recover from the effects of the severe storms and flooding; and

**WHEREAS**, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster.

**NOW, THEREFORE**, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

**Section 1.** Pursuant to the provisions of section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that an ongoing disaster exists within the State of Illinois and specifically declare Adams, Alexander, Brown, Bureau, Calhoun, Carroll, Cass, Fulton, Greene, Grundy, Hancock, Henderson, Jackson, Jersey, Jo Daviess, LaSalle, Madison, Marshall, Mason, Mercer, Monroe, Morgan, Peoria, Pike, Putnam, Randolph, Rock Island, Schuyler, Scott, St. Clair, Tazewell, Union, Whiteside and Woodford Counties as disaster areas.

**Section 2.** The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan and to coordinate State resources to support local governments in disaster response and recovery operations in these counties.

**Section 3.** To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law.

**Section 4.** In order to alleviate any impediments to flood-fighting activities in these counties, the provisions of 17 Illinois Administrative Code Parts 3700 and 3704 related to levees and floodwalls are suspended.

**Section 5.** This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

**Section 6.** This proclamation shall be effective immediately and remain in effect for 30 days.

*In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.*

*Done at the Capitol in the City of Springfield,*

*this* THIRTY-FIRST *day of* MAY, *in*

*the Year of Our Lord, two thousand and*

NINETEEN, *and of the State of Illinois,*

*two hundred and* FIRST.



*Deese White*  
SECRETARY OF STATE

*JB Pritzker*  
GOVERNOR

# STATE OF ILLINOIS



## Proclamation

**WHEREAS**, multiple waves of spring storms generating moderate to heavy rainfall moved through Illinois, causing ground saturation, flash flooding and river flooding; and

**WHEREAS**, already-elevated river levels across the State caused by excessive rain totals and significant snowmelt in recent months have been exacerbated by these recent storms; and

**WHEREAS**, flooding in Illinois has necessitated evacuations across the State, caused widespread impacts to residential and commercial properties, resulted in costly emergency protective measures, and damaged public works infrastructure; and

**WHEREAS**, the flooding of transportation routes has triggered the closure of hundreds of state and local roadways, resulting in a disruption of essential services and threatening public health and safety, and

**WHEREAS**, these conditions already have contributed to the issuance of disaster proclamations on May 3, 2019 and May 31, 2019, covering 34 Illinois counties located along the Illinois and Mississippi Rivers; and

**WHEREAS**, the Rock River and Green River both experienced flooding at or above the major flood level for an extended period of time continuing during the months of May and June, as result of the spring rains that inundated the State of Illinois and other conditions that contributed to the issuance of the May 3 and May 31 disaster proclamations; and

**WHEREAS**, there are approximately seven breaches along the Green River and Hennepin Canal that are in need of repair and water pumps are being used continuously to mitigate seepage; and

**WHEREAS**, extensive personnel hours and fuel supplies are needed to keep generators running for a water treatment facility affected by the flooding from the Mississippi River; and

**WHEREAS**, based on reports received by the Illinois Emergency Management Agency, local resources and capabilities have been exhausted, and state resources are needed and have been deployed across the State to respond to and recover from the effects of the severe storms and flooding; and

**WHEREAS**, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster.

**NOW, THEREFORE**, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

**Section 1.** Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Henry County and Knox County as disaster areas.

**Section 2.** The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan and to coordinate State resources to support local governments in disaster response and recovery operations.

**Section 3.** To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law.

**Section 4.** In order to alleviate any impediments to flood-fighting activities in these counties, the provisions of 17 Illinois Administrative Code Parts 3700 and 3704 related to levees and floodwalls are suspended.

**Section 5.** This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

**Section 6.** This proclamation shall be effective immediately and remain in effect for 30 days.

*In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.*



*Done at the Capitol in the City of Springfield,*  
*this* TWENTIETH *day of* JUNE *, in*  
*the Year of Our Lord, two thousand and*  
NINETEEN *, and of the State of Illinois,*  
*two hundred and* FIRST *.*

*Deese White*  
SECRETARY OF STATE

*JB Pritzker*  
GOVERNOR

# STATE OF ILLINOIS



## Proclamation

WHEREAS, over the last several months, Illinois has been victim to a seemingly constant wave of storms that have generated significant rainfall, triggering ground saturation and river flooding; and,

WHEREAS, already-elevated river levels across the State caused by excessive rain totals and significant snowmelt from northern states have been exacerbated by these ongoing storms; and,

WHEREAS, the Mississippi and Illinois Rivers have experienced record and near-record crests in many locations, with major flooding along the entire length of the Mississippi River in Illinois, as well as along most of the Illinois River; and,

WHEREAS, the Mississippi River has been at major flood stage continuously for several months; and,

WHEREAS, extensive personnel hours and fuel supplies are needed to keep generators running for a water treatment facility affected by the flooding from the Mississippi River; and,

WHEREAS, on May 2, the Mississippi River reached an all-time record crest at Rock Island of 22.7 feet, surpassing the historic flood levels of the Great Flood of 1993, while on the same day the Illinois River entered into major flood stage, where it has remained continuously; and,

WHEREAS, the Illinois River at Hardin is expected to remain above major flood stage into the first week of July; and,

WHEREAS, the Kaskaskia River, a tributary of the Mississippi River, is expected to remain above major flood stage at New Athens into the first week of July; and,

WHEREAS, levees along both the Mississippi and Illinois Rivers are saturated from the extended duration of elevated water levels; and,

WHEREAS, the Rock River and Green River both experienced flooding at or above the major flood level for an extended period of time continuing during the months of May and June; and,

WHEREAS, there are approximately seven breaches along the Green River and Hennepin Canal that are in need of repair and water pumps are being used continuously to mitigate seepage; and,

WHEREAS, the flooding has necessitated evacuations across the State, caused widespread impacts to residential and commercial properties, resulted in costly emergency protective measures, and damaged public works infrastructure; and,

WHEREAS, the flooding of transportation routes has triggered the closure of hundreds of state and local roadways and bridges, resulting in a disruption of essential services and threatening public health and safety; and,

WHEREAS, significant flood response activities will continue to be necessary even after river levels have receded below major flood stage, including dewatering of flooded areas and working to open critical roadways and bridges that are currently flooded; and,

WHEREAS, based on reports received by the Illinois Emergency Management Agency, local resources and capabilities have been exhausted, and state resources are needed and have been deployed across the State to respond to and recover from the effects of the severe storms and flooding; and,

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

**Section 1.** Pursuant to the provisions of section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that an ongoing disaster exists within the State of Illinois and specifically declare Adams, Alexander, Brown, Bureau, Calhoun, Carroll, Cass, Fulton, Greene, Grundy, Hancock, Henderson, Henry, Jackson, Jersey, Jo Daviess, Knox, LaSalle, Madison, Marshall, Mason, Mercer, Monroe, Morgan, Peoria, Pike, Putnam, Randolph, Rock Island, Schuyler, Scott, St. Clair, Tazewell, Union, Whiteside and Woodford Counties as disaster areas.

**Section 2.** The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan and to coordinate State resources to support local governments in disaster response and recovery operations.

**Section 3.** To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law.

**Section 4.** In order to alleviate any impediments to flood-fighting activities in these counties, the provisions of 17 Illinois Administrative Code Parts 3700 and 3704 related to levees and floodwalls are suspended.

**Section 5:** This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

**Section 6:** This proclamation shall be effective immediately and remain in effect for 30 days.

*In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.*

*Done at the Capitol in the City of Springfield,*  
*this TWENTY-EIGHTH day of JUNE, in*  
*the Year of Our Lord, two thousand and*  
*NINETEEN, and of the State of Illinois,*  
*two hundred and FIRST.*



*Deese White*  
SECRETARY OF STATE

*JB Pritzker*  
GOVERNOR

# STATE OF ILLINOIS



## Proclamation

**WHEREAS**, over the last several months, Illinois has been victim to a seemingly constant wave of storms that have generated significant rainfall, triggering ground saturation and river flooding; and,

**WHEREAS**, already-elevated river levels across the State caused by excessive rain totals and significant snowmelt from northern states have been exacerbated by these storms; and,

**WHEREAS**, the Mississippi and Illinois Rivers have experienced record and near-record crests in many locations, with major flooding along the entire length of the Mississippi River in Illinois, as well as along most of the Illinois River; and,

**WHEREAS**, portions of the Mississippi River and Illinois River have only recently receded below major flood stage; and,

**WHEREAS**, levees and the areas behind the levees along both the Mississippi and Illinois Rivers are saturated from the extended duration of elevated water levels; and,

**WHEREAS**, the flooding has necessitated evacuations across the State, caused widespread impacts to residential and commercial properties, resulted in costly emergency protective measures, and damaged public works infrastructure; and,

**WHEREAS**, the flooding of transportation routes has triggered the closure of hundreds of state and local roadways and bridges, resulting in a disruption of essential services and threatening public health and safety, and,

**WHEREAS**, significant flood response activities and emergency protective measures, including but not limited to dewatering behind levees, increasing the height of levees, and working to open critical roadways and bridges that are currently underwater, are still ongoing and will continue to be necessary to reduce an immediate threat to life, public health and safety in portions of the impacted area; and,

**WHEREAS**, based on reports received by the Illinois Emergency Management Agency, local resources and capabilities have been exhausted, and state resources are needed and have been deployed to respond to and recover from the effects of the severe storms and flooding; and,

**WHEREAS**, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;

**NOW, THEREFORE**, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

**Section 1.** Pursuant to the provisions of section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that an ongoing disaster exists within the State of Illinois and specifically declare Adams, Alexander, Brown, Bureau, Calhoun, Carroll, Cass, Fulton, Greene, Grundy, Hancock, Henderson, Henry, Jackson, Jersey, Jo Daviess, Knox, LaSalle, Madison, Marshall, Mason, Mercer, Monroe, Morgan, Peoria, Pike, Putnam, Randolph, Rock Island, Schuyler, Scott, St. Clair, Tazewell, Union, Whiteside and Woodford Counties as disaster areas.

**Section 2.** The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan and to coordinate State resources to support local governments in disaster response and recovery operations.

**Section 3.** To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law.

**Section 4.** In order to alleviate any impediments to flood-fighting activities in these counties, the provisions of 17 Illinois Administrative Code Parts 3700 and 3704 related to levees and floodwalls are suspended.

**Section 5:** This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

**Section 6:** This proclamation shall be effective immediately and remain in effect for 30 days.

*In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.*

*Done at the Capitol in the City of Springfield,*

*this TWENTY-SIXTH day of JULY,*

*in the Year of Our Lord, two thousand and*

*NINETEEN,* and of the State of Illinois,

*two hundred and FIRST.*



*Deese White*  
SECRETARY OF STATE

*JB Pritzker*  
GOVERNOR

# **Exhibit 6**

Ill. Rev. Stat., Ch. 127, Sec. 275 (1973 ed.)

**ILLINOIS  
REVISED STATUTES  
1973**

**STATE BAR ASSOCIATION EDITION**

Containing

The General and Permanent Laws of Illinois  
Through the 78th General Assembly, Regular Session  
To Date of Adjournment December 1, 1973

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**Volume 3**

**Chapters 108<sup>1</sup>/<sub>2</sub> to End  
Pensions to Wills and Trusts**

COMPILED AND EDITED  
UNDER  
SMITH-HURD CLASSIFICATION

ST. PAUL, MINN.  
WEST PUBLISHING CO.

SR429

254b-1 to 254b-12. (L.1951, p. 2094, as amended). Repealed by act approved March 18, 1963. L.1963, p. 161.

Repealed by Illinois Pension Code. See Chapter 108½, § 21-101 et seq.

255-202.1 (L.1949, p. 1061, as amended). Repealed by act approved March 18, 1963. L.1963, p. 161.

Repealed by Illinois Pension Code. See Chapter 108½, § 22-501 et seq.

#### RULES AND REGULATIONS OF STATE AGENCIES

AN ACT concerning administrative rules. Approved June 14, 1951. Laws 1951, p. 327.

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

263. "Agency" defined.] § 1. "Agency", when used in this Act,<sup>1</sup> includes any State board, commission, department or officer of State government, other than those in the legislative or judicial branch, authorized to administer or interpret any statute of the State of Illinois or any portion thereof.

<sup>1</sup> Sections 263-268 of this chapter.

264. "Rule" defined.] § 2. "Rule", when used in this Act,<sup>1</sup> includes every rule or regulation of general application, including the amendment or repeal thereof, adopted by any agency, whether with or without prior hearing, to implement or make specific the law enforced or administered by it or to govern its organization or procedure, but does not include (1) regulations concerning only the internal management of the agency and not directly affecting the rights of, or procedures available to the public, or (2) rulings in individual cases when discretion is or may be required or exercised by the agency.

<sup>1</sup> Sections 263-268 of this chapter.

265. Filing of existing rules with Secretary of State.] § 3. On or before July 1, 1952, each agency shall file with the Secretary of State a copy of each rule promulgated by it on or before the effective date of this Act. Any rule not so filed shall be deemed to have been abrogated by the agency and shall be void and of no effect, but nothing herein contained shall be construed to require the filing of additional copies of any rule or rules which may have been filed with the Secretary of State prior to the effective date of this Act.

266. Certified copies of new rules to be filed with Secretary of State—Effective date of rules.] § 4. A certified copy of every rule adopted by an agency subsequent to the effective date hereof, shall be filed with the Secretary of State and no such rule shall become effective less than ten days after the copy thereof has been so filed, except that, in case of emergency, a rule may become effective immediately upon such filing if accompanied by a certificate executed by the director, chairman or officer in charge of the agency stating the specific reasons for the emergency.

267. Certification of rules.] § 5. Whenever the authority to adopt rules is delegated to an individual officer, the copy submitted to the Secretary of State shall be certified by said officer; where such authority is delegated to a board, commission, department or other administrative body, the copy submitted to the Secretary of State shall be certified by the director, chairman or officer in charge thereof. The copy so certified and filed

with the Secretary of State shall be the official copy in the event of any dispute thereon.

268. Filing and classification of rules—Certified copies—Agency may publish and distribute copies of rules.] § 6. The Secretary of State shall file and shall classify, according to the Act administered, without charge, all rules submitted to him and shall make the same available as a public record to the public at all times. Certified copies thereof shall be supplied, at the statutory rate, to any persons requesting the same. Nothing herein contained shall be construed to limit the right of any agency to publish, compile or distribute copies of any rule promulgated by it or pursuant to its authority.

268.1 Format and style of rules.] § 7. The Secretary of State is authorized to prescribe rules with respect to the form to which rules filed with him by agencies shall conform. Such rules shall relate to the format, size of pages, width of margins, system of numbering, type of cover and binding or other method of securing pages together, method of indexing, and other matters designed to insure uniformity with respect to the format and style of rules and to facilitate the use of administrative rules by interested persons. The Secretary of State shall refuse to accept for filing any rule that is not in substantial compliance with such rules so prescribed by the Secretary of State.

Each agency which has filed rules with the Secretary of State prior to the effective date of any rules adopted by the Secretary of State pursuant to this Section, shall be deemed to have abrogated such rules and such rules shall be deemed of no effect unless such agency, within six months of the effective date of the rules adopted by the Secretary of State, refiles its rules in such form as to be in substantial compliance with the rules adopted by the Secretary of State. Added by act approved July 11, 1957. L.1957, p. 2885.

#### CIVIL DEFENSE

AN ACT in relation to civil defense against disasters caused by enemy or other hostile action and by natural causes. Approved July 9, 1951. L.1951, p. 1219. Title as amended by act approved May 6, 1957. L.1957, p. 159.

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

269. § 1. Short title. This Act<sup>1</sup> may be cited as "The Illinois Civil Defense Act of 1951."

<sup>1</sup> Sections 269-283 of this chapter.

270. § 2. Policy and purposes.) (a) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in neighboring States of atomic or other bombs or missiles, whether delivered by airplanes, rockets or other means from without or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake or other natural causes, and in order to insure that this State will be prepared to and will adequately deal with such disasters, defend this State in time of war, repel any invasion, preserve the lives and property of the people of this State and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary: (1) to create a State Civil Defense Agency, and to authorize the creation of local organizations for civil defense in the political subdivisions of the State; (2) to confer upon the Governor and upon the executive

heads and governing bodies of the political subdivisions of the State the powers provided herein; and (3) to provide for the rendering of mutual aid among the political subdivisions of the State and with other States with respect to the carrying out of civil defense functions.

(b) It is further declared to be the purpose of this Act and the policy of the State that all civil defense functions of this State be coordinated to the maximum extent with the comparable functions of the Federal Government, including its various departments and agencies, of other states and localities and or private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur. As amended by act approved May 6, 1957. L.1957, p. 159.

<sup>1</sup> Sections 269-288 of this chapter.

271. § 3. Definitions.) As used in this Act:

(a) "Civil Defense" means the preparation for and the carrying out of such functions, 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 disasters caused by enemy attack, enemy sabotage or other hostile action or by fire, flood, earthquake, or other natural causes.

These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warnings services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly 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 the preparation for and carrying out of the foregoing functions.

(b) "Local Organization for Civil Defense" means an organization created in accordance with the provisions of this Act to perform local civil defense functions.

(c) "Mobile Support Team" means an organization for civil defense created in accordance with the provisions of this Act to be dispatched by the Governor or, if he so authorizes the Director, by the Director, to supplement local organizations for civil defense in a stricken area.

(d) "Political Subdivision" means any county, city, village or incorporated town.

(e) "United States" means the several States, the District of Columbia, and the Panama Canal Zone. As amended by act approved June 20, 1963. L.1963, p. 1155.

<sup>1</sup> Sections 268-288 of this chapter.

272. § 4. State Civil Defense Agency.

(a) There is created within the executive branch of the State Government a Civil Defense Agency and a Director of Civil Defense, herein called the Director, who shall be the head thereof. The Director shall be appointed by the Governor, with the advice and consent of the Senate. He shall serve for 2 years and until his successor is appointed and qualifies. He shall not hold any other remunerative public office. His compensation shall be \$20,000 per year.

(b) The Civil Defense Agency shall obtain, pursuant to the provisions of the "Personnel Code",<sup>1</sup> such technical, clerical, stenographic and other administrative personnel and may make such expen-

ditures within the appropriation therefor as may be necessary to carry out the purpose of this Act.

(c) The Director, subject to the direction and control of the Governor, shall be the executive head of the Civil Defense Agency and shall be responsible under the direction of the Governor for carrying out the program for civil defense of this State. He shall coordinate the activities of all organizations for civil defense within the State and shall maintain liaison and cooperate with the civil defense agencies and organizations of other states and of the Federal Government.

Amended by P.A. 77-589, § 1, eff. July 31, 1971.

<sup>1</sup> Chapter 127, § 63b101 et seq.

273. § 5. Civil Defense Advisory Council.)

There is hereby created a Civil Defense Advisory Council (hereinafter called the "Council") consisting of the Director of Law Enforcement, the Adjutant General, the Director of Public Health, the Director of Labor, the Director of Mental Health, the Director of Agriculture, the Director of Revenue, the Director of Public Works and Buildings, the Director of Conservation, the Secretary of State, the Director of Public Aid, the Director of Aeronautics, the State Superintendent of Public Instruction, the Director of General Services, the Director of Local Government Affairs, and such other persons not exceeding 15 in number, as the Governor may appoint, by and with the advice and consent of the Senate. The Director of Civil Defense shall, ex officio, be a member and chairman of the Council. The Council shall meet at the call of the chairman and shall advise the Governor and the Director on all matters pertaining to civil defense. Its members shall serve without compensation, but may be reimbursed for such reasonable and necessary expenses as they actually incur in the performance of their duties.

Amended by P.A. 77-1663, § 1, eff. July 1, 1972.

274. § 6. Civil Defense powers of the Governor.

(a) The Governor shall have general direction and control of the Civil Defense Agency, and shall be responsible for the carrying out of the provisions of this Act.

(b) In performing his duties under this Act, the Governor is authorized to cooperate with the Federal Government, and with other states in all matters pertaining to civil defense as defined in this Act.

(c) In performing his 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 him herein.

(2) To cause to be prepared a comprehensive plan and program for the Civil Defense of this State, which plan and program shall be integrated into and coordinated with the civil defense plans of the Federal Government and of other states, whenever possible, and which plan and program shall include the coordination and integration of the plans and programs for civil defense by political subdivisions of the State.

(3) In accordance with such plan and program for the civil defense of this State, and out of funds appropriated for such purposes, to procure supplies and equipment, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of civil defense organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need.

(4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources, and facilities in this State as may be necessary to ascertain the capabilities of the State for civil defense, 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 local basis, such agreements or compacts to be limited to the furnishing or exchange of food, clothing, medical and 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; hospitalization of injured persons and evacuation of persons; and personnel necessary to provide, conduct or operate such services, supplies and equipment; provided, however, that if the General Assembly be not in session and the Governor has not proclaimed the existence of a Civil Defense Emergency under Section 7 hereof,<sup>1</sup> then such agreements or compacts shall instead be submitted to an Interim Committee on Civil Defense Compacts, 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 such 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 in writing and filed with the Secretary of State as a public record. The committee shall have the power to approve or reject such agreements or compacts for and on behalf of the General Assembly; and, provided further, that an affirmative vote of two-thirds of the members of said committee shall be necessary for the approval of any such agreement or compact.

Amended by P.A. 78-4, § 34, eff. April 12, 1973.

<sup>1</sup> Chapter 127, § 275.

**275. § 7. Emergency powers of the Governor.** In the event of an actual enemy attack upon the United States (as defined in Section 3 of this Act) or the occurrence, within the State of Illinois, of a major disaster resulting from enemy sabotage or other hostile action, or when a natural disaster of major proportions has actually occurred in this State, the Governor may, by proclamation, declare that a Civil Defense Emergency exists; and, if the General Assembly is then in regular session, or, in the event that it is not, if the Governor concurrently with his proclamation declaring such an emergency issues a call for an immediate convention of the General Assembly in extraordinary session for the purpose of amending or repealing this Act<sup>2</sup> or any other act related to or concerned with Civil Defense and of enacting such other legislation concerning Civil Defense as it may deem necessary, he shall have and may exercise for a period not to exceed 30 days the following emergency powers; provided, however, that the lapse of such emergency powers shall not, as regards any act or acts occurring or committed within such 30 days period, deprive any person, firm, corporation, political subdivision, municipal corporation or body politic of any right or rights to compensation or reimburse-

ment which he, she, it or they may have under the provisions of this Act:

(a) On behalf of this State to take possession of, and to acquire full title or a lesser specified interest in, such personal property as may be necessary to accomplish the objectives set forth in Section 2 of this Act<sup>3</sup> (including airplanes, automobiles, trucks, trailers, buses and other vehicles; coal, oils, gasoline and other fuels and means of propulsion; explosives, materials, equipment and supplies; cattle, poultry, food and provisions for man and beast; clothing and bedding; and medicines and medical and surgical supplies); and to take possession of and for a limited period occupy and use any real estate necessary to accomplish those objectives;—but only upon the undertaking by the State to pay just compensation therefor as in this Act provided, and then only under the following provisions:

(1) The Governor, or such person or persons as he may authorize so to do, may forthwith take possession of such property for and on behalf of the State; provided, however, that the Governor or such persons shall simultaneously with such taking, deliver to such owner or his agent, if the identity of such owner or agent is known or readily ascertainable, a signed statement in writing, which statement shall include the name and address of the owner, the date and place of such taking, a description of the property sufficient to identify it, a statement as to its then physical condition, a statement of the interest in such property which is being so taken, a statement by the Governor or such person of the sum of money estimated by him to be just compensation for the property or interest so taken, and, if possible, a statement in writing signed by the owner setting forth the sum which he is willing to accept as just compensation for such property or use. Whether or not the owner or agent is known or readily ascertainable, a true copy of such statement shall promptly be filed by the Governor or such person with the Director, who shall keep a docket of such statements. In cases where the sum which the owner is willing to accept as just compensation is less than \$1,000.00, copies of such statements shall also be filed by the Director with and shall be passed upon by an Emergency Civil Defense Claims Commission, consisting of 3 disinterested citizens who shall be appointed by the Governor, by and with the advice and consent of the Senate, within 10 days after his declaration of such a Civil Defense Emergency, and if the sum fixed by them as just compensation be less than \$1,000.00 and is accepted in writing by the owner, then the State Treasurer out of funds appropriated for such purposes, shall, upon certification thereof by such Emergency Civil Defense Claims Commission, cause the sum so certified forthwith to be paid to such owner. The Emergency Civil Defense Claims Commission is hereby given the power to issue appropriate subpoenas and to administer oaths to witnesses and shall keep appropriate minutes and other records of its actions upon and the disposition made of all such claims.

(2) When the compensation to be paid for the taking or use of such property or interest therein is not or cannot be determined and paid under (1) above, a petition in the name of The People of the State of Illinois shall be promptly filed by the Director (which filing may be enforced by a writ of mandamus) in the circuit court of the county in which such property or any part thereof was located when initially taken or used under the pro-

visions of this Act, praying that the amount of compensation to be paid to the person or persons interested therein be fixed and determined. Such petition shall include a description of the property sufficient to identify it, shall state what interest in the property has been taken, shall state the physical condition of the property when taken, shall name as defendants all interested parties, shall set forth the sum of money estimated to be just compensation for the property or interest therein taken or used, and shall be signed by the Director. Such litigation shall be handled by the Attorney General for and on behalf of the State.

(3) Just compensation for the taking or use of such property or interest therein shall be promptly ascertained in such proceedings and established by judgment therein; such judgment against the State shall include, as part of the just compensation so awarded, interest at the rate of 6% per annum on the fair market value of the property or interest therein from the date of such taking or use to the date of such judgment; and the court may order the payment of delinquent taxes and special assessments out of the amount so awarded as just compensation and may make such other orders with respect to encumbrances, rents, insurance and other charges, if any, as shall be just and equitable.

(b) When required by the exigencies of the Civil Defense Emergency, to sell, lend, rent, give or distribute all or any part of property so or otherwise acquired to the inhabitants of this State, or to political subdivision of this State, or under such interstate mutual aid agreements or compacts as may be entered into under the provisions of Section 6(c), (5),<sup>4</sup> to other States, and to account for and transmit to the State Treasurer all funds, if any, received therefor. As amended by act approved Aug. 24, 1965. L.1965, p. 3750.

<sup>1</sup> Section 271 of this chapter.

<sup>2</sup> Sections 268-288 of this chapter.

<sup>3</sup> Section 270 of this chapter.

<sup>4</sup> Section 274 of this chapter.

**276. § 8. Mobile Support Teams.** (a) The Director may cause to be created Mobile Support Teams to aid and to reinforce local civil defense organizations in areas stricken by such disasters as are described in Section 2 of this Act.<sup>1</sup> Each Mobile Support Team shall have a leader, selected by the local defense organization where created, who will be responsible, under the direction and control of the Director, for the organization, administration, training and operation of the Mobile Support Team. Whenever the Governor has the emergency powers provided for under Section 7 of this Act,<sup>2</sup> Mobile Support Teams may be called to duty by the Governor or the State Director, and shall perform their functions in any part of the State, or, upon the conditions specified in this Section, in other States.

(b) Personnel of a Mobile Support Team while on duty pursuant to such a call or while engaged in regularly scheduled training exercises, whether within or without the State, shall (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, municipal corporation or body politic of this State, and whether serving within or without such political subdivision, municipal corporation or body politic, have the powers, duties, rights, privileges and immunities and receive the compensation incidental to their employment; or (3) if they are not employees of the State, of a political subdivision

thereof or of a municipal corporation or body politic, or, being such employees, are not normally paid for their services be entitled to \$1 per year compensation from the county, city, town, township, incorporated village or school district, body politic, or municipal corporation therein in which such personnel takes part in a Mobile Support Team. Personnel of a Mobile Support Team who suffer disease, injury or death arising out of or in the course of such duty, shall for the purposes of benefits under the Workmen's Compensation Act<sup>3</sup> or Workmen's Occupational Diseases Act<sup>4</sup> only, be deemed to be employees of this State, but if the person diseased, injured or killed is not an employee described in parts (1) or (2) of this paragraph (b), 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. All personnel of Mobile Support Teams shall, while on duty pursuant to such call, be subject to the operational control of the authority in charge of civil defense activities in the area in which they are serving, and shall be reimbursed by this State for all actual and necessary travel and subsistence expenses.

(c) The State shall reimburse each political subdivision, municipal corporation or body politic for the compensation paid and the actual and necessary travel, subsistence and maintenance expenses of paid employees of the political subdivision, municipal corporation or body politic while serving, outside of its geographical boundaries pursuant to such a call, as members of 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, municipal corporation or body politic resulting from such operations; and shall also, out of funds appropriated for that purpose, reimburse each such political subdivision, municipal corporation or body politic for the actual expenses incurred by the Mobile Support Team.

(d) Whenever Mobile Support Teams or Units of another State, while the Governor has the emergency powers provided for under Section 7 of this Act, render aid to this State pursuant to 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 such mutual aid agreements or interstate compacts described in Section 6 as are existing at the time of the assistance rendered or are entered into thereafter and pursuant to Section 303(d) of the Federal Civil Defense Act of 1950, as amended.<sup>5</sup>

(e) No personnel of Mobile Support Teams of this State may be ordered by the Governor 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. As amended by act approved April 19, 1967. L.1967, p. 291. No. 177.

<sup>1</sup> Chapter 127, § 270.

<sup>2</sup> Chapter 127, § 275.

<sup>3</sup> Chapter 48, § 138.1 et seq.

<sup>4</sup> Chapter 48, § 172.1 et seq.

<sup>5</sup> 50 App.U.S.C.A. § 2293(d).

**277. § 9. Local organizations for civil defense.** (a) Each political subdivision of this State shall establish a local organization for civil defense in accordance with the State civil defense plan and program. Each local organization for civil defense

shall have a local director who shall be appointed by the chief executive officer of the political subdivision in the same manner as are the heads of regular governmental departments. The local director shall have direct responsibility for the organization, administration, training and operation of the local organization for civil defense, subject to the direction and control of that chief executive officer. Each local organization for civil defense shall perform such civil defense functions within the territorial limits of the political subdivision within which it is organized as are prescribed in and by the State civil defense plan and program and such orders, rules and regulations as may be promulgated by the Governor, and, in addition, shall conduct such functions outside of those territorial limits as may be required pursuant to such mutual aid agreements and compacts as are entered into under Sections 6(c) (5) and 10(a) of this Act.<sup>1</sup>

(b) In carrying out the provisions of this Act,<sup>2</sup> each political subdivision may enter into contracts and incur obligations necessary to place it in a position effectively to combat such disasters as are described in Section 2,<sup>3</sup> to protect the health and safety of persons and to protect property, and to provide emergency assistance to victims of those disasters. If such a disaster occurs, each political subdivision may exercise the powers vested under this Section in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure and disposition of public funds and property.

(c) Personnel of Civil Defense who, while engaged in a Civil Defense training exercise, suffer disease, injury or death, shall, for the purposes of benefits under the Workmen's Compensation Act<sup>4</sup> or Workmen's Occupational Diseases Act<sup>5</sup> only, be deemed to be employees of the State, if (1) the claimant is a duly qualified and enrolled (sworn in) Civil Defense volunteer of a Civil Defense Corps accredited by the Illinois Civil Defense Agency, and (2) the exercise participated in was specifically and expressly approved by the Illinois Civil Defense Agency. The computation of benefits payable under either of those Acts shall be based on the income commensurate with comparable state employees doing the same type work.

If any person who is entitled to receive benefits through the application of this Section receives, in connection with the disease, injury or death giving rise to such entitlement, benefits under an Act of Congress or Federal program providing benefits for Civil Defense workers or their survivors, the benefits payable under this Section shall be reduced to the extent of the benefits received under that other Act or program. As amended by act approved April 19, 1967. L.1967, p. 291.

<sup>1</sup> Chapter 127, §§ 274, 278.

<sup>2</sup> Chapter 127, § 269 et seq.

<sup>3</sup> Chapter 127, § 270.

<sup>4</sup> Chapter 48, § 138.1 et seq.

<sup>5</sup> Chapter 48, § 172.36 et seq.

**277.1 Testing of civil defense warning devices.]**  
 § 9.1 The testing of civil defense warning devices shall be held only on such days and at such times as may be determined by the Director. Noti-

fication of such determination shall be given to each local organization for civil defense and such other persons as the Director deems necessary. Failure to comply with such determination shall result in the loss of accreditation. Added by act approved June 20, 1963. L.1963, p. 1155.

**278. § 10. Mutual aid arrangements between political subdivisions.** (a) The director of each local organization for civil defense may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this State for reciprocal civil defense aid and assistance in case of a disaster too great to be dealt with unassisted, which arrangements shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the Director. Such arrangements shall be consistent with the State civil defense plan and program, and, in the event of such a disaster as described in Section 2 of this Act,<sup>1</sup> it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual aid arrangements.

(b) The local director of a local organization for civil defense may, subject to the approval of the Director, assist in the negotiation of such mutual aid agreements between this and other States as are described in Section 6(c) (5) of this Act.<sup>2</sup>

<sup>1</sup> Section 270 of this chapter.

<sup>2</sup> Section 274 of this chapter.

**279. § 11. Immunity.** Neither the State, any municipal corporation of the State, any political subdivision of the State, nor, except in cases of negligence or willful misconduct, the Governor, the Director, other agencies, or the agents, employees, or representatives of any of them, engaged in any civil defense activities, while complying with or attempting to comply with this Act or any rule or regulations promulgated pursuant to this Act, is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this Act, under the Workmen's Compensation Act<sup>1</sup> or the Workmen's Occupational Diseases Act,<sup>2</sup> or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress. As amended by act approved April 19, 1967. L.1967, p. 291.

<sup>1</sup> Chapter 48, § 138.1 et seq.

<sup>2</sup> Chapter 48, § 172.36 et seq.

**280. § 12. Professions, trades and occupations.** If such a disaster as is described in Section 21 occurs in this State and the services of persons who are competent to practice any profession, trade or occupation are required in this State to cope with the disaster situation and it appears that the number of persons licensed or registered in this State to practice such profession, trade or occupation may be insufficient for said purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of a Mobile Support Team or Unit of another State rendering aid in this State pursuant to the orders of the Governor of their home State and upon the request of the Governor of this State,

or if otherwise requested so to do by the Governor or the Director of this State, during the time the disaster condition continues, practice such profession, trade or occupation in this State without being licensed or registered in this State.

<sup>1</sup>Section 270 of this chapter.

**281. § 13. Additional appropriations for civil defense.** Each political subdivision may make appropriations for civil defense in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. Each political subdivision may, however, if it so desires, levy, for purposes only of civil defense, a tax not to exceed .05% of the value, as equalized or assessed by the Department of Local Government Affairs, on all of the taxable property in the political subdivision for the current year. However, the amount collectible under such a levy shall in no event exceed \$.25 per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

Amended by P.A. 77-1102, § 1, eff. Aug. 17, 1971.

**282. § 14. Authority to accept services, gifts, grants or loans.** Whenever the Federal Government or any agency or officer thereof or whenever any person, firm or corporation shall offer to the State, or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift or grant, for purposes of civil defense, the State, acting through the Governor, or such political subdivision, acting through its governing body, may accept such offer and upon such acceptance the Governor of the State, or the governing body of such political subdivision, may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials or funds on behalf of the State or such political subdivision.

**283. § 15. Orders, rules and regulations.** (a) The Governor shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this Act in the office of the Secretary of State. No such rule, regulation or order or any amendment thereof shall be effective until 10 days after such filing; provided however, upon the declaration of such a Civil Defense Emergency by the Governor as is described in Section 7,<sup>1</sup> the provision relating to the effective date of any rule, regulation, order or amendment issued pursuant to this Act and during the state of such Civil Defense Emergency is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Secretary of State accompanied by a certificate stating the reason for the emergency as required by "An Act concerning administrative rules", approved June 14, 1951, as heretofore or hereafter amended.<sup>2</sup>

(b) Every organization for civil defense established pursuant to this Act and the officers thereof shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of this Act. Each such organization shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under his authority. The Civil Defense Agency shall furnish such orders, rules and regulations to each such organization.

(c) Except as otherwise provided in this Act, any person violating any of the provisions of this

Act or any rule, regulation or order made pursuant to this Act shall be guilty of a petty offense; provided, however, that if such violation be committed during such time as the Governor has the emergency powers provided for under Section 7 of this Act, then such person shall, be guilty of a Class A misdemeanor.

Amended by P.A. 77-2602, § 1, eff. Jan. 1, 1973.

**284. § 16. Utilization of existing agencies, facilities and personnel.** In carrying out the provisions of this Act,<sup>1</sup> the Governor, the Director and the political subdivisions, of the State are directed to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the State and of the political subdivisions, municipal corporations and bodies politic of this State to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed upon request to cooperate with and extend such services and facilities to the Governor, the Director and the civil defense organizations.

<sup>1</sup> Sections 269-288 of this chapter.

**285. § 17. Political activity prohibited.** No organization for civil defense established under the authority of this Act<sup>1</sup> shall be employed directly or indirectly by any person or persons for political purposes.

<sup>1</sup> Sections 269-288 of this chapter.

**286. § 18. Civil defense personnel, oaths.** Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in an organization for civil defense, shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be filed with the executive head of the civil defense organization with which he 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 organization), I will not advocate nor become 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."

**287. § 19. Severability.** If any provision of this Act<sup>1</sup> or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are hereby declared to be severable.

<sup>1</sup> Sections 269-288 of this chapter.

**288. § 20. Repealed by act approved June 20, 1963. L.1963, p. 1155.**

**288.1 § 21. No private liability.** Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise, permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, mock, or practice attack, shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission, or for negligently causing loss of, or damage to, the property of such person. Added by act approved June 20, 1963. L.1963, p. 1155.

**RESCUE UNITS OF VOLUNTEER FIRE FIGHTING ORGANIZATIONS, USE OF**

AN ACT relating to the use of rescue units of volunteer fire fighting organizations by the Department of Law Enforcement and making an appropriation therefor.

Approved May 25, 1953. L.1953, p. 178.

Title amended by P.A. 77-1103, § 2, eff. Aug. 17, 1971.

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

**289. Definitions.] § 1.** As used in this Act, unless the context otherwise requires, the following terms have the following meanings:

Department means the Department of Law Enforcement;

Rescue unit means a unit of an unpaid volunteer fire fighting organization which is specially trained for emergency rescue work such as resuscitation of heart attack, drowning, suffocation or epilepsy victims, recovery of bodies of drowning victims and similar activities;

District means a geographical area designated by the Department for administration of laws by the Division of Fire Prevention of the Department. Amended by P.A. 77-1103, § 1, eff. Aug. 17, 1971.

<sup>1</sup> Sections 289-292 of this chapter.

**290. Rescue units of volunteer fire fighting organizations—Use by Department of Public Safety.] § 2.** The Department may request the cooperation and use of facilities of any rescue unit to aid it when engaged in any activity designed to save human life or to recover the body of a victim. Such a request shall be directed to a rescue unit or units located within the district where the rescue work is to be performed. If there is no rescue unit located within the district or if there are not sufficient rescue units therein to perform the required work, requests may be directed to rescue units located in other districts.

**291. Compensation for personnel for rescue work.] § 3.** When the Department requests the services of a rescue unit it shall pay the personnel of such unit for time actually spent in rescue work at the rate of \$2.50 per hour.

**292. Loss or damage of equipment during rescue work—Reimbursement.] § 4.** If any equipment of a volunteer fire fighting organization is lost or damaged while its rescue unit is engaged in rescue work at the request of the Department, it shall be reimbursed by the State of Illinois. A claim for such reimbursement may be filed with the Court of Claims.

[§ 5. Appropriation.]

**DISASTER RELIEF**

AN ACT relating to disaster relief and making an appropriation therefor. Approved Aug. 5, 1965. L.1965, p. 2667.

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

**293.1 Definitions.] § 1.** As used in this Act: "Disaster" includes flood, tornado, fire or other disaster which causes or threatens destruction or damage to life or property of such magnitude as to seriously endanger the public health, safety and welfare.

"Disaster area" means the area directly affected by or threatened with a disaster.

[§ 2. Appropriation.]

**293.3 Disaster relief fund—Drawing and use.] § 3.** Whenever it becomes necessary for the State or any governmental unit to furnish in a disaster area emergency services directly related to or required by a disaster and existing funds are insufficient to provide such services the Governor may, when he considers such action necessary in the best interests of the State, draw upon the disaster relief fund in order to provide such services or to reimburse local governmental bodies furnishing such services. Such fund may be used for the payment of emergency employees, for the payment of the Illinois National Guard and Naval Militia when called to active duty in case of disaster, and for the emergency purchase or renting of equipment and commodities. Such fund shall be used for furnishing emergency services and relief to the disaster area as a whole and shall not be used to provide private relief to persons sustaining property damages or personal injury as a result of a disaster.

**300-306.**

These sections, act 1957, May 23, L.1957, p. 265, which were subject to referendum, were defeated at the general election Nov. 4, 1958.

**BONDS FOR PERMANENT IMPROVEMENTS AT STATE EDUCATIONAL INSTITUTIONS**

AN ACT to authorize the issuance and sale of bonds of the State of Illinois for the purpose of obtaining funds to be used for making permanent improvements at educational institutions owned by this State and to provide for the payment of the principal of and interest upon such bonds. Approved July 23, 1959. L.1959, p. 2237. Adopted general election Nov. 8, 1960.

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

**307. Authorization—Purpose.] § 1.** The State of Illinois is authorized to issue and sell and provide for the retirement of bonds of the State of Illinois to the amount of \$195,000,000 for the purpose of providing funds in order to relieve overcrowded conditions by making permanent improvements at educational institutions owned by this State which are now under the jurisdiction, management and control of the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University and the Board of Governors of State Colleges and Universities. As amended by act approved July 15, 1965. L.1965, p. 1624.

**308. Building bond board—Issuance and sale of bonds—Interest rate—Establishment of university building fund.] § 2.** The Building Bond Board hereinafter called the Board is created to

# **Exhibit 7**

P.A. 79-1084 (eff. Sept. 22, 1975)

## PUBLIC ACT 79-1084

## STATE GOVERNMENT.

ILLINOIS EMERGENCY SERVICES AND DISASTER AGENCY ACT OF  
1975—CREATED—REPEALS ACT OF 1951.

(House Bill No. 1109. Approved September 22, 1975.)

AN ACT relating to emergency services and disaster operations  
and repealing an Act therein named.*Be it enacted by the People of the State of Illinois, repre-  
sented in the General Assembly:*Section 1. Short Title. This Act shall be known and may be  
cited as "The Illinois Emergency Services and Disaster Agency  
Act of 1975".

§ 2. Policy and Purposes. (a) Because of the possibility of  
the occurrence of disasters of unprecedented size and destructive-  
ness resulting from the explosion in this or in neighboring states  
of atomic or other means from without or by means of sabotage  
or other disloyal actions within, or from fire, flood, earthquake,  
or other natural or manmade causes, and in order to insure that  
this State will be prepared to and will adequately deal with any  
such disasters, preserve the lives and property of the people of  
this State and protect the public peace, health and safety in the  
event of such a disaster, it is found and declared to be necessary:  
(1) to create a State Emergency Services and Disaster Agency and  
to authorize the creation of local and interjurisdictional emergen-  
cy services and disaster operations departments in the political  
subdivisions of the State; (2) to confer upon the Governor and  
upon the executive heads and governing bodies of the political  
subdivisions of the State the powers provided herein; and (3) to  
provide for the rendering of mutual aid among the political sub-  
divisions of the State and with other states and with respect to  
the carrying out of emergency services and disaster operations.

(b) It is further declared to be the purpose of this Act and  
the policy of the State that all disaster functions of this State be  
coordinated to the maximum extent with the comparable func-  
tions of the federal government, including its various depart-  
ments and agencies, of other states and localities and private  
agencies of every type, to the end that the most effective prepa-  
ration and use may be made of the nation's manpower, resources  
and facilities for dealing with any disaster that may occur.

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§ 3. Limitations. Nothing in this Act shall be construed to:  
(a) interfere with the course or conduct of a labor dispute, except  
that actions otherwise authorized by this Act or other laws may  
be taken when necessary to forestall or mitigate imminent or ex-  
isting danger to public health or safety; (b) interfere with dissem-  
ination of news or comment of public affairs; but any  
communications facility or organization (including but not limited  
to radio and television stations, wire services, and newspapers)  
may be requested to transmit or print public service messages fur-  
nishing information or instructions in connection with a disaster  
emergency; (c) affect the jurisdiction or responsibilities of police  
forces, fire fighting forces, units of the armed forces of the United  
States, or of any personnel thereof, when on active duty; but  
State, local and interjurisdictional disaster emergency plans shall  
place reliance upon the forces available for performance of func-  
tions related to disaster emergencies; (d) limit, modify, or  
abridge the authority of the Governor to proclaim martial law or  
exercise any other powers vested in him under the constitution,  
statutes, or common law of this State, independent of or in con-  
junction with any provisions of this Act; limit any home rule  
unit; or prohibit any contract or association pursuant to Article  
VII, Section 10 of the Illinois Constitution.

§ 4. Definitions. As used in this Act, unless the context  
clearly indicates otherwise, the following words and terms mean:

(a) "Emergency Services" means the preparation for and  
the carrying out of such functions, 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 disasters caused by fire, flood, earthquake,  
or other manmade or natural causes. These functions include,  
without limitation, fire fighting services, police services, medical  
and health services, rescue, engineering, air raid warning services,  
communications, radiological, chemical and other special weap-  
ons defense, evacuation of persons from stricken areas, emergency  
assigned functions of plant protection, temporary restoration of  
public utility services and other functions related to civilian pro-  
tection, together with all other activities necessary or incidental  
to the preparation for and carrying out of the foregoing func-  
tions.

(b) "Disaster" means an occurrence or threat of widespread  
or severe damage, injury or loss of life or property resulting from  
any natural or manmade cause, including but not limited to fire,  
flood, earthquake, wind, storm, oil spill or other water contami-  
nation requiring emergency action to avert danger or damage,  
epidemic, air contamination, blight, drought, infestation, explo-

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sion, riot, or hostile military or paramilitary action. "Disaster" includes but is not limited to all occurrences and threats thereof which are contemplated by the concept of "emergency services, and disaster operations".

(c) "Disaster Operations" means the functions created in accordance with the provisions of this Act to be performed by State or local political subdivisions to alleviate the effects of disaster.

(d) "Mobile Support Team" means the utilization of State personnel to be dispatched by the Governor, or, if he so authorizes the Director, by the Director, to supplement local political subdivisions for emergency services and disaster operations at a disaster.

(e) "Coordinator" means the staff assistant to the head of a local governmental subdivision with the duty of carrying out the requirements of this Act.

(f) "Political Subdivision" means any county, city, village or incorporated town.

(g) "United States" means the several states, the District of Columbia, and the Panama Canal Zone.

§ 5. State Emergency Services and Disaster Agency. (a) There is created within the executive branch of the State Government an Emergency Services and Disaster Agency and a Director of the Emergency Services and Disaster Agency, herein called the "Director" who shall be the head thereof. The Director shall be appointed by the Governor, with the advice and consent of the Senate; he shall serve for 2 years and until his successor is appointed and qualifies; he shall not hold any other remunerative public office; his compensation shall be \$27,000 per year.

(b) The State Emergency Services and Disaster Agency shall obtain, pursuant to the provisions of the "Personnel Code", such technical, clerical, stenographic and other administrative personnel and may make such expenditures within the appropriation therefor as may be necessary to carry out the purpose of this Act.

(c) The Director, subject to the direction and control of the Governor, shall be the executive head of the State Emergency Services and Disaster Agency and shall be responsible under the direction of the Governor, for carrying out the program for emergency services and disaster operations of this State. He shall coordinate the activities of all organizations for emergency services and disaster operations within this State and shall maintain liaison and cooperate with the civil defense and disaster agencies and organizations of other states and of the federal government.

(d) The State Emergency Services and Disaster Agency shall take an integral part in the development and revision of local and interjurisdictional disaster plans prepared under para-

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graph (g) of Section 11. To this end it shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to the political subdivisions, their emergency services and disaster agencies. These personnel shall consult with subdivisions and departments on a regularly scheduled basis and shall make field examinations of the areas, circumstances and conditions to which particular local and interjurisdictional disaster plans are intended to apply, and may suggest or require revisions.

(e) In advising local and interjurisdictional political subdivisions, the State Emergency Services and Disaster Agency shall encourage them to seek advice from business, labor, industry, agriculture, civic and volunteer organizations and community leaders.

(f) The State Emergency Services and Disaster Agency shall:

(1) Determine requirements of the State and its political subdivisions for food, clothing and other necessities in event of an emergency;

(2) Promulgate standards and requirements for local and interjurisdictional disaster plans;

(3) Periodically review local and interjurisdictional disaster plans;

(4) Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;

(5) Establish a register of mobile and construction equipment and temporary housing available for use in a disaster;

(6) Prepare, for issuance by the Governor, executive orders, proclamations and regulations as necessary or appropriate in coping with disasters;

(7) Cooperate with the federal government and any public or private agency or entity in achieving any purpose of this Act and in implementing programs for disaster prevention, preparation, response and recovery; and

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

§ 6. Emergency Services and Disaster Advisory Council. There is hereby created an Emergency Services and Disaster Advisory Council, hereinafter called the "Council" consisting of those persons, not exceeding 15 in number, as the Governor may appoint by and with the advice and consent of the Senate. The Director shall, ex officio, be a member and chairman of the Council. The Council shall meet at the call of the chairman and shall advise the Governor and the Director on all matters pertain-

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ing to Emergency Services and Disaster Operations. Its members shall serve without compensation but may be reimbursed for such reasonable and necessary expenses as they actually incur in the performance of their duties.

§ 7. Emergency Services and Disaster Powers of the Governor. (a) The Governor shall have general direction and control of the State Emergency Services and Disaster Agency and shall be responsible for the carrying out of the provisions of this Act.

(b) In performing his duties under this Act, the Governor is authorized to cooperate with the federal government and with other states in all matters pertaining to Emergency Services and Disaster Operations defined in this Act.

(c) In performing his 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 him.

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

- a. Prevention and minimization 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 preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
- f. Assistance to local officials in designing local emergency action plans;
- g. Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
- h. Preparation and distribution to the appropriate State and local officials of a State catalog of federal, State and private assistance programs;
- i. Organization of State manpower and chains of command;
- j. Coordination of federal, State and local disaster activities;

Changes or additions indicated by *italics* deletions by ~~strikeout~~.

k. Other necessary matters.

(3) In accordance with such plan and program for the emergency services and disaster preparedness, response and recovery of this State, and out of funds appropriated for such purposes, to procure and pre-position 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 Emergency Services and Disaster Organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.

(4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this State as may be necessary to ascertain the capabilities of the State for disaster operations and disaster 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 local basis, such agreements or compacts to be limited to the furnishing or exchange of food, clothing, medical and 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; hospitalization of injured persons and evacuation of persons and personnel necessary to provide, conduct or operate such services, supplies and equipment, provided, however, that if the General Assembly be not in session and the Governor has not proclaimed the existence of an emergency under this Section, then such agreements or compacts shall instead be submitted to an Interim Committee on Emergency Services and Disasters composed of 5 Senators appointed by the President of the Senate and 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 such 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 such agreements or compacts for and on behalf of the General Assembly; and, provided further, that an affirmative vote of two-

Changes or additions indicated by *italics* deletions by ~~strikeout~~.

thirds of the members of said Committee shall be necessary for the approval of any such agreement or compact.

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

(1) To suspend the provisions of any regulatory statute prescribing procedures for conduct of State business, or the orders, rules and regulations of any State agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency;

(2) To utilize all available resources of the State government as reasonably necessary to cope with the disaster emergency and of each political subdivision of the State;

(3) To transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency services.

(4) On behalf of this State to take possession of, and to acquire full title or a lesser specified interest in, such personal property as may be necessary to accomplish the objectives set forth in Section 2 of this Act (including airplanes, automobiles, trucks, trailers, buses and other vehicles; coal, oils, gasoline and other fuels and means of propulsion; explosives, materials, equipment, and supplies; cattle, poultry, food, and provisions for man and beast; clothing and bedding; and medicines and medical and surgical supplies); and to take possession of and for a limited period occupy and use any real estate necessary to accomplish those objectives; - but only upon the undertaking by the State to pay just compensation therefor as in this Act provided, and then only under the following provisions:

a. The Governor, or such person or persons as he may authorize so to do, may forthwith take possession of such property for and on behalf of the State; provided, however, that the Governor or such persons shall simultaneously with such taking, deliver to such owner or his agent, if the identity of such owner or agent is known or readily ascertainable, a signed statement in writing, which statement shall include the name and address of

the owner, the date and place of such taking, description of the property sufficient to identify it, a statement of interest in such property which is being so taken, and, if possible, a statement in writing, signed by the owner, setting forth the sum which he is willing to accept as just compensation for such property or use. Whether or not the owner or agent is known or readily ascertainable, a true copy of such statement shall promptly be filed by the Governor or such person with the Director, who shall keep the docket of such statements. In cases where the sum which the owner is willing to accept as just compensation is less than \$1,000, copies of such statements shall also be filed by the Director with; and shall be passed upon by an Emergency Services and Disaster Operations Claims Commission, consisting of 3 disinterested citizens who shall be appointed by the Governor, by and with the advice and consent of the Senate, within 10 days after his declaration of such a Disaster Emergency, and if the sum fixed by them as just compensation be less than \$1,000 and is accepted in writing by the owner, then the State Treasurer out of funds appropriated for such purposes, shall, upon certification thereof by such Emergency Services and Disaster Operations Claims Commission, cause the sum so certified forthwith to be paid to such owner. The Emergency Services and Disaster Operations Claims Commission is hereby given the power to issue appropriate subpoenas and to administer oaths to witnesses and shall keep appropriate minutes and other records of its actions upon and the disposition made of all such claims.

b. When the compensation to be paid for the taking or use of such property or interest therein is not or cannot be determined and paid under (a) above, a petition in the name of The People of the State of Illinois shall be promptly filed by the Director (which filing may be enforced by a writ of mandamus) in the circuit court of the county in which such property or any part thereof was located when initially taken or used under the provisions of this Act praying that the amount of compensation to be paid to the person or persons interested therein be fixed and determined. Such petition shall include a description of the property that has been taken, shall state the physical condition of the property when taken, shall name as defendants all interested parties, shall set forth the sum of money estimated to be just compensation for the property or interest therein taken or used, and shall be signed by the Director. Such litigation shall be handled by the Attorney General for and on behalf of the State.

c. Just compensation for the taking or use of such property or interest therein shall be promptly ascertained in such proceedings and established by judgment against the State, which shall

include, as part of the just compensation so awarded, interest at the rate of 6% per annum on the fair market value of the property or interest therein from the date of such taking or use to the date of such judgment; and the court may order the payment of delinquent taxes and special assessments out of the amount so awarded as just compensation and may make such other orders with respect to encumbrances, rents, insurance and other charges, if any, as shall be just and equitable.

(5) When required by the exigencies of the disaster emergency, to sell, lend, rent, give or distribute all or any part of property so or otherwise acquired to the inhabitants of this State, or to political subdivisions of this State, or, under such interstate mutual aid agreements or compacts as are entered into under the provisions of paragraph (c) (5) of Section 7 to other states, and to account for and transmit to the State Treasurer all funds, if any, received therefor.

(6) To recommend the evacuation of all or part of the population from any stricken or threatened area within the State if he deems this action necessary for the preservation of life or other disaster mitigation, response or recovery.

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

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

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

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

(11) An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the State, local and interjurisdictional disaster emergency plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment and materials and facilities assembled, stockpiled or arranged to be made available pursuant to this Act or any other provision of law relating to disaster emergencies.

(12) Control, restrict, and regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials goods, or services; and perform and exercise such other functions, powers and duties as may be necessary to promote and secure the safety and protection of the civilian population.

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

§ 9. Mobile Support Teams. (a) The Director may cause to be created Mobile Support Teams to aid and to reinforce local and interjurisdictional Emergency Services and Disaster Departments in areas stricken by such disasters as are described in Section 4 of this Act. Each Mobile Support Team shall have a leader, selected by the Director who will be responsible, under the direction and control of the Director, for the organization, administration, and training and operation of the Mobile Support Team. Whenever the Governor has the emergency powers provided for under Section 8 of this Act, Mobile Support Teams may be called to duty by the Governor or the State Director, and shall perform their functions in any part of the State, or, upon the conditions specified in this Section in other states.

(b) Personnel of a Mobile Support Team while on duty pursuant to such a call or while engaged in regularly scheduled training exercises, whether within or without the State, shall (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, municipal corporation or body politic of this State, and whether serving within or without that political subdivision, municipal corporation or body politic, have the powers, duties, rights, privileges and immunities and receive the compensation incidental to their employment; or (3) if they are not employees of the State, of a political subdivision thereof or of a municipal corporation or body politic, or being such employees, are not normally paid for their services, be entitled to one dollar per year compensation from the county, city, town, township, incorporated village or school district, body politic, or municipal corporation within which such personnel take part in a Mobile Support Team. Personnel of a Mobile Support Team who suffer disease, injury or death arising out of or in the course of such duty, shall for the purposes of benefits under the Workmen's Compensation Act or Workmen's Occupational Diseases Act only, be deemed to be employees of this State, but if the person diseased, injured or killed is not an employee described in parts (1) or (2) of this paragraph (b), 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. All

personnel of Mobile Support Teams shall, while on duty pursuant to such call, be subject to the operational control of the authority in charge of Emergency Services and Disaster Operations in the area in which they are serving, and shall be reimbursed by this State for all actual and necessary travel and subsistence expenses.

(c) The State shall reimburse each political subdivision, municipal corporation or body politic for the compensation paid and the actual and necessary travel, subsistence and maintenance expenses of paid employees of the political subdivision, municipal corporation or body politic while serving, outside of its geographical boundaries pursuant to such a call, as members of 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, municipal corporation or body politic resulting from such operations; and shall also, out of funds appropriated for that purpose, reimburse each such political subdivision, municipal corporation or body politic for the actual expenses incurred by the Mobile Support Team.

(d) Whenever Mobile Support Teams or Units of another state, while the Governor has the emergency powers provided for under Section 8 of this Act, render aid to this State pursuant to 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 such mutual aid agreements or interstate compacts described in paragraph (c) (5) of Section 7 as are existing at the time of the assistance rendered or are entered into thereafter and pursuant to Section 303 (d) of the Federal Civil Defense Act of 1950, as amended.

(e) No personnel of Mobile Support Teams of this State may be ordered by the Governor 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.

§ 10. Financing. (a) It is the intent of the Legislature and declared to be the policy of the State that funds to meet disaster emergencies shall always be available.

(b) It is the legislative intent that the first recourse shall be to funds regularly appropriated to State and local agencies. If the Governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, he may make funds available from the Disaster Relief Fund. If monies available from the Fund are insufficient, and if the Governor finds that other sources of money to cope with the disaster are

not available or are insufficient, the Governor shall issue a call for an immediate convention of the General Assembly in extraordinary session, if it is not already sitting in regular session, for the purpose of enacting legislation as it may deem necessary to transfer and expend monies appropriated for other purposes or borrow, for a term not to exceed 2 years from the United States government other public or private source. If less than a quorum of the members of the General Assembly is capable of convening in extraordinary session to enact such legislation for the transfer, expenditure or loan of such monies, the Governor is authorized to carry out those decisions until such time as a quorum of the General Assembly can convene.

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

§ 11. Local Interjurisdictional Emergency Services and Disaster Agencies. (a) Each political subdivision within this State shall be within the jurisdiction of and served by the State Emergency Services and Disaster Agency and by a local or interjurisdictional department responsible for emergency services and disaster operations and coordination of response.

(b) Each county shall maintain an Emergency Services and Disaster Agency or participate in a local or interjurisdictional Emergency Services and Disaster Agency which, except as otherwise provided under this Act has jurisdiction over and serves the entire county.

(c) The Governor shall determine which municipal corporations need Emergency Services and Disaster Agencies of their own and require that they be established and maintained. He shall make his determinations on the basis of the municipality's disaster vulnerability and capability of response related to population size and concentration. The Emergency Services and Disaster Agency of a county shall cooperate with the Emergency Services and Disaster Operations of municipalities situated within its borders but shall not have jurisdiction within a municipality having its own Emergency Services and Disaster Agency. The State Emergency Services and Disaster Agency shall publish and keep current a list of municipalities required to have Emergency Services and Disaster Agencies under this subsection.

(d) Any provision of this Act or other law to the contrary notwithstanding, the Governor may require a political subdivision to establish and maintain an Emergency Services and Disaster Agency jointly with one or more contiguous political subdivisions, if he finds that the establishment and maintenance

of such departments or participation therein is made necessary by circumstances or conditions that make it unusually difficult to provide disaster prevention, preparedness, response, or recovery services under other provisions of this Act.

(e) Each political subdivision which does not have an Emergency Services and Disaster Agency and has not made arrangements to secure or participate in the services of such department shall have a liaison officer designated to facilitate the cooperation and protection of that subdivision in the work of disaster prevention, preparedness, response and recovery.

(f) The principal executive officer of each political subdivision in the State shall notify the State Emergency Services and Disaster Agency of the manner in which the political subdivision is providing or securing disaster planning and emergency services, identify the person who heads the department from which the service is obtained, and furnish additional information relating thereto as the Agency requires.

(g) Each local and interjurisdictional agency shall prepare and keep current a local or interjurisdictional disaster emergency plan for its area.

(h) The local or interjurisdictional Emergency Services and Disaster Agency, as the case may be, shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local departments and officials and of the disaster chain of command.

(i) Each local or interjurisdictional Emergency Services and Disaster Agency shall have a Coordinator who shall be appointed by the chief executive officer of the political subdivision in the same manner as are the heads of regular governmental departments. The Coordinator shall have direct responsibility for the organization, administration, training and operation of the local Emergency Services and Disaster Agency, subject to the direction and control of that chief executive officer. Each local and interjurisdictional Emergency Services and Disaster Agency shall perform such emergency services and disaster functions within the territorial limits of the political subdivision within which it is organized as are prescribed in and by the State Emergency Services and Disaster Plan and program and such orders, rules and regulations as may be promulgated by the Governor, and, in addition, shall conduct such functions outside of those territorial limits as may be required pursuant to such mutual aid agreements and compacts as are entered into under paragraph (c) (5) of Section 7.

(j) In carrying out the provisions of this Act, each political subdivision may enter into contracts and incur obligations necessary to place it in a position effectively to combat such disasters

as are described in Section 4 to protect the health and safety of persons and to protect property, and to provide emergency assistance to victims of those disasters. If such a disaster occurs, each political subdivision may exercise the powers vested under this Section in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purpose of supplies and materials, and the appropriation, expenditure and disposition of public funds and property.

(k) Emergency Services and Disaster Agency personnel who, while engaged in a disaster or disaster training exercise, suffer disease, injury or death, shall, for the purposes of benefits under the Workmen's Compensation Act or Workmen's Occupational Diseases Act only, be deemed to be employees of the State, if (1) the claimant is a duly qualified and enrolled (sworn in) Emergency Services and Disaster Agency volunteer of a department accredited by the State Emergency Services and Disaster Agency, and (2) the exercise participated in was specifically and expressly approved by the State Emergency Services and Disaster Agency. The computation of benefits payable under either of those Acts shall be based on the income commensurate with comparable State employees doing the same type work.

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

§ 12. Establishment of Interjurisdictional Emergency Services and Disaster Agencies. (a) If the Governor finds that 2 or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate Emergency Services and Disaster Agency services, he may delineate by executive order or regulation an interjurisdictional area adequate to plan for, prevent, or respond to disaster in that area and direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint Emergency Services and Disaster Agency Plan, mutual aid, or an area organization for emergency services and disaster operations. A finding of the Governor pursuant to this subsection shall be based on one or more factors related to the difficulty of maintaining an efficient and effective disaster prevention, preparedness, response and recovery system on an unijurisdictional basis, such as:

- (1) Small or sparse population;
  - (2) Limitations on public financial resources severe enough to make maintenance of separate disaster agency and services unreasonably burdensome;
  - (3) Unusual vulnerability to disaster as evidenced by a past history of disasters, topographical features, drainage characteristics, disaster potential, and presence of disaster-prone facilities or operations;
  - (4) The interrelated character of the counties in a multi-county area;
  - (5) Other relevant conditions or circumstances.
- (b) If the Governor finds that a vulnerable area lies only partly within this State and includes territory in another state or states or territory in a foreign jurisdiction and that it would be desirable to establish an interstate relationship, mutual aid, or an area organization for Emergency Services and Disaster Operations he shall take steps to that end as desirable.

§ 13. Local Disaster Emergencies. (a) A local disaster emergency may be declared only by the principal executive officer of a political subdivision. It shall not be continued or renewed for a period in excess of 7 days except by or with the consent of the governing board of the political subdivision. Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the county clerk or the municipal clerk as the case may be in the area to which it applies.

(b) The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local or interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance thereunder.

(c) No interjurisdictional agency or official thereof may declare a local disaster emergency, unless expressly authorized by the agreement pursuant to which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services in accordance with the agreement pursuant to which it functions.

§ 14. Testing of Civil Defense and Disaster Warning Devices. The testing of outdoor warning devices shall be held only on the first Tuesday of each month at 10 o'clock in the morning.

§ 15. Mutual Aid Arrangements Between Political Subdivisions. (a) The Coordinator of each local or interjurisdictional department for Emergency Services and Disaster Operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or

bodies politic within this State for reciprocal disaster assistance in case of disaster too great to be dealt with unassisted, which arrangements shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the Director. Such arrangements shall be consistent with the State Emergency Services and Disaster Operations plan and program, and in the event of such a disaster as described in Section 4 of this Act it shall be the duty of each local and interjurisdictional department for Emergency Services and Disaster Operations to render assistance in accordance with the provisions of such mutual aid arrangements.

(h) The Coordinator of a local or interjurisdictional department for Emergency Services and Disaster Operations may, subject to the approval of the Director, assist in the negotiation of mutual aid agreements between this and other states.

§ 16. Communications. The State Emergency Services and Disaster Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The Agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive State or State-Federal telecommunications or other communications system or network. In studying the character and feasibility of any system or its several parts, the Agency shall evaluate the possibility of multipurpose use thereof for general State and local governmental purposes. The Agency shall make recommendations to the Governor as appropriate.

§ 17. Immunity. Neither the State, any municipal corporation of the State, any political subdivision of the State, nor, except in cases of negligence or willful misconduct, the Governor, the Director, other agencies, or the agents, employees, or representatives of any of them, engaged in any emergency services and disaster operations or disaster activities, while complying with or attempting to comply with this Act or any rule or regulations promulgated pursuant to this Act is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this Act under the Workmen's Compensation Act or the Workmen's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

§ 18. Professions, Trades and Occupations. If such disaster as is described in Section 4 occurs in this State and the services of persons who are competent to practice any profession, trade or occupation are required in this State to cope with the disaster situation and it appears that the number of persons licensed or registered in this State to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of a Mobile Support Team or Unit of another state rendering aid in this State pursuant to the order of the Governor of their home state and upon the request of the Governor of this State, or if otherwise requested so to do by the Governor or the Director of this State, during the time the disaster condition continues, practice such profession, trade or occupation in this State without being licensed or registered in this State.

§ 19. Additional Appropriations for Emergency Services and Disaster Operations. Each political subdivision may make appropriations for Emergency Services and Disaster Operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. Each political subdivision may, however, if it so desires, levy for purposes only for Emergency Services and Disaster Operations, a tax not to exceed .05% of the full, fair cash value, as equalized or assessed by the Department of Local Government Affairs on all of the taxable property in the political subdivision for the current year. However, the amount collectible under such a levy shall in no event exceed 25 cents per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

§ 20. Authority to Accept Services, Gifts, Grants or Loans. Whenever the federal government or any agency or officer thereof or whenever any person, firm or corporation shall offer to the State, or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift or grant, for purposes of emergency services and disaster operations the State, acting through the Governor, or such political subdivision, acting through its governing body, may accept such offer and upon such acceptance the Governor of the State, or the governing body of such political subdivision, may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or such political subdivision.

§ 21. Orders, Rules and Regulations. (a) The Governor shall file a copy of every rule, regulation or order and any

amendment thereof made by him pursuant to the provisions of this Act in the office of the Secretary of State. No such rule, regulation or order or any amendment thereof shall be effective until 10 days after such filing, provided, however, that upon the declaration of such a Disaster Emergency by the Governor as is described in Section 8 the provision relating to the effective date of any rule, regulation, order or amendment issued pursuant to this Act, and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Secretary of State accompanied by a certificate stating the reason for the emergency as required by "An Act concerning administrative rule", approved June 14, 1951, as heretofore or hereafter amended.

(b) Every Agency for Emergency Services and Disaster Operations established pursuant to this Act and the coordinators thereof shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of this Act. Each such organization shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under his authority. The State Emergency Services and Disaster Agency shall furnish such orders, rules and regulations to each such Agency.

(c) Except as otherwise provided in this Act any person violating any of the provisions of this Act or any rule, regulation or order made pursuant to this Act shall be guilty of a petty offense; provided, however, that if such violation be committed during such time as the Governor has the emergency powers provided for under Section 8 of this Act then such person shall be guilty of a Class A misdemeanor.

§ 22. Utilization of Existing Agency, Facilities, and Personnel. In carrying out the provisions of this Act the Governor, the Director and the political subdivisions of the State are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the State and of the political subdivisions, municipal corporations and bodies politic of this State to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the Governor, the Director and the emergency services and disaster agencies.

§ 23. Political Activity Prohibited. No organization for emergency services and disaster operations established under the authority of this Act shall be employed directly or indirectly by any person or persons for political purposes.

§ 24. Emergency Services and Disaster Agency Personnel Oath. Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in a department for Emergency Services and Disaster Operations, shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be filed with the executive head of the Emergency Services and Disaster Agency with which he 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 I am affiliated with the (name of department and governmental subdivision), I will not advocate nor become 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."

§ 25. Severability. If any provision of this Act or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are hereby declared to be severable.

§ 26. No Private Liability. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

§ 27. Intergovernmental Arrangements. This State enacts into law and enters into the Interstate Civil Defense and Disaster

Compact with all States legally joining therein in the form substantially as follows:

#### "INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting States solemnly agree:

Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise), including sabotage and subversive acts and direct attacks by bombs, shellfire and atomic, radiological, chemical, bacteriological means and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the Civil Defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense of all party States shall constitute a committee to formulate plans and to take all necessary steps for the implementation of this compact.

Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs, the party States shall, so far as possible, provide and follow uniform standards, practices and rules, and regulations including —

- (a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;
- (b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces, and other tests and exercises;
- (c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;
- (d) The effective screening or extinguishing of all lights and lighting devices and appliances;
- (e) Shutting off water mains, gas mains, electric power connections, and the suspension of all other utility services;
- (f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic prior, during and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof: provided, that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest, unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4. Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more States may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend but shall not be limited to provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for compensation paid to and the transportation, subsistence, and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use of utilization of the supplies, materials, equipment, or facilities so utilized or consumed.

Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees

are resident shall assume responsibility for the ultimate support of repatriation of such evacuees.

Article 10. This compact shall be available to any State, Territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or State thereof.

Article 11. The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States.

Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party States takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall be affected thereby.

Article 15. (a) This Article shall be in effect only as among those States which have enacted it into law or in which the Governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a state pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it appli-

cable, this compact and the authorizations entitlements and procedures thereof shall apply to:

1. Searches for and rescue of persons who are lost, marooned, or otherwise in danger.

2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.

3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.

4. The giving and receiving of aid by subdivisions of party states.

5. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact for a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party state, a subdivision of such state, or by a joint agency providing such aid shall be entitled to reimbursement therefore to the same extent and in the same manner as a state. The personnel of such a joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party states.

(d) Nothing in this Article shall be construed to exclude from the coverage of Article 1 through 14 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby."

§ 28. "The Illinois Civil Defense Act of 1951", approved July 9, 1951, as amended, is repealed.

Passed in the General Assembly June 24, 1975.

Approved September 22, 1975.

PUBLIC ACT 79-1085.

LOCAL GOVERNMENT.

INVESTMENT OF PUBLIC FUNDS—STATE TREASURER MAY ESTABLISH A "PUBLIC TREASURES' INVESTMENT POOL".

(House Bill No. 1649. Approved September 22, 1975.)

## CERTIFICATE OF FILING AND SERVICE

I hereby certify that on May 26, 2020, I electronically filed the foregoing **Supporting Record Volume 2 of 3** with the Clerk of the Illinois Appellate Court, Fifth District, by using the Odyssey eFileIL system.

I further certify that the other participant in this appeal, named below, is not a registered service contact on the Odyssey eFileIL system, and thus was served by transmitting a copy from my e-mail address to the e-mail address of record indicated below on May 26, 2020.

Thomas G. DeVore  
tom@silverlakelaw.com

Under penalties, as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

/s/ Sarah A. Hunger  
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