



Rep. Robert F. Flider

**Filed: 4/6/2005**

09400HB1038ham002

LRB094 07115 JAM 44451 a

1 AMENDMENT TO HOUSE BILL 1038

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1038, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 1, on page 2, in line 17 by replacing "the meeting" with "an  
5 open meeting"; and

6 on page 2, in line 18 by replacing "the meeting" with "an open  
7 meeting"; and

8 on page 5, in line 31 by replacing "access to meetings." with  
9 the following:  
10 "access to meetings.

11 Section 10. The Environmental Protection Act is amended by  
12 changing Section 5 as follows:

13 (415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

14 Sec. 5. Pollution Control Board.

15 (a) There is hereby created an independent board to be  
16 known as the Pollution Control Board.

17 Until July 1, 2003 or when all of the new members to be  
18 initially appointed under this amendatory Act of the 93rd  
19 General Assembly have been appointed by the Governor, whichever  
20 occurs later, the Board shall consist of 7 technically  
21 qualified members, no more than 4 of whom may be of the same  
22 political party, to be appointed by the Governor with the

1 advice and consent of the Senate.

2 The term of each appointed member of the Board who is in  
3 office on June 30, 2003 shall terminate at the close of  
4 business on that date or when all of the new members to be  
5 initially appointed under this amendatory Act of the 93rd  
6 General Assembly have been appointed by the Governor, whichever  
7 occurs later.

8 Beginning on July 1, 2003 or when all of the new members to  
9 be initially appointed under this amendatory Act of the 93rd  
10 General Assembly have been appointed by the Governor, whichever  
11 occurs later, the Board shall consist of 5 technically  
12 qualified members, no more than 3 of whom may be of the same  
13 political party, to be appointed by the Governor with the  
14 advice and consent of the Senate. Members shall have verifiable  
15 technical, academic, or actual experience in the field of  
16 pollution control or environmental law and regulation.

17 Of the members initially appointed pursuant to this  
18 amendatory Act of the 93rd General Assembly, one shall be  
19 appointed for a term ending July 1, 2004, 2 shall be appointed  
20 for terms ending July 1, 2005, and 2 shall be appointed for  
21 terms ending July 1, 2006. Thereafter, all members shall hold  
22 office for 3 years from the first day of July in the year in  
23 which they were appointed, except in case of an appointment to  
24 fill a vacancy. In case of a vacancy in the office when the  
25 Senate is not in session, the Governor may make a temporary  
26 appointment until the next meeting of the Senate, when he or  
27 she shall nominate some person to fill such office; and any  
28 person so nominated, who is confirmed by the Senate, shall hold  
29 the office during the remainder of the term.

30 Members of the Board shall hold office until their  
31 respective successors have been appointed and qualified. Any  
32 member may resign from office, such resignation to take effect  
33 when a successor has been appointed and has qualified.

34 Board members shall be paid \$37,000 per year or an amount

1 set by the Compensation Review Board, whichever is greater, and  
2 the Chairman shall be paid \$43,000 per year or an amount set by  
3 the Compensation Review Board, whichever is greater. Each  
4 member shall devote his or her entire time to the duties of the  
5 office, and shall hold no other office or position of profit,  
6 nor engage in any other business, employment, or vocation. Each  
7 member shall be reimbursed for expenses necessarily incurred  
8 and shall make a financial disclosure upon appointment.

9 Each Board member may employ one secretary and one  
10 assistant, and the Chairman one secretary and 2 assistants. The  
11 Board also may employ and compensate hearing officers to  
12 preside at hearings under this Act, and such other personnel as  
13 may be necessary. Hearing officers shall be attorneys licensed  
14 to practice law in Illinois.

15 The Board may have an Executive Director; if so, the  
16 Executive Director shall be appointed by the Governor with the  
17 advice and consent of the Senate. The salary and duties of the  
18 Executive Director shall be fixed by the Board.

19 The Governor shall designate one Board member to be  
20 Chairman, who shall serve at the pleasure of the Governor.

21 The Board shall hold at least one meeting each month and  
22 such additional meetings as may be prescribed by Board rules.  
23 In addition, special meetings may be called by the Chairman or  
24 by any 2 Board members, upon delivery of 24 hours written  
25 notice to the office of each member. All Board meetings shall  
26 be open to the public, and public notice of all meetings shall  
27 be given at least 24 hours in advance of each meeting. In  
28 emergency situations in which a majority of the Board certifies  
29 that exigencies of time require the requirements of public  
30 notice and of 24 hour written notice to members may be  
31 dispensed with, and Board members shall receive such notice as  
32 is reasonable under the circumstances.

33 If there is no vacancy on the Board, 3 4 members of the  
34 Board shall constitute a quorum to transact business;

1 otherwise, a majority of the Board shall constitute a quorum to  
2 transact business, and no vacancy shall impair the right of the  
3 remaining members to exercise all of the powers of the Board.  
4 Every action approved by a majority of the members of the Board  
5 shall be deemed to be the action of the Board. The Board shall  
6 keep a complete and accurate record of all its meetings.

7 (b) The Board shall determine, define and implement the  
8 environmental control standards applicable in the State of  
9 Illinois and may adopt rules and regulations in accordance with  
10 Title VII of this Act.

11 (c) The Board shall have authority to act for the State in  
12 regard to the adoption of standards for submission to the  
13 United States under any federal law respecting environmental  
14 protection. Such standards shall be adopted in accordance with  
15 Title VII of the Act and upon adoption shall be forwarded to  
16 the Environmental Protection Agency for submission to the  
17 United States pursuant to subsections (l) and (m) of Section 4  
18 of this Act. Nothing in this paragraph shall limit the  
19 discretion of the Governor to delegate authority granted to the  
20 Governor under any federal law.

21 (d) The Board shall have authority to conduct proceedings  
22 upon complaints charging violations of this Act, any rule or  
23 regulation adopted under this Act, any permit or term or  
24 condition of a permit, or any Board order; upon administrative  
25 citations; upon petitions for variances or adjusted standards;  
26 upon petitions for review of the Agency's final determinations  
27 on permit applications in accordance with Title X of this Act;  
28 upon petitions to remove seals under Section 34 of this Act;  
29 and upon other petitions for review of final determinations  
30 which are made pursuant to this Act or Board rule and which  
31 involve a subject which the Board is authorized to regulate.  
32 The Board may also conduct other proceedings as may be provided  
33 by this Act or any other statute or rule.

34 (e) In connection with any proceeding pursuant to

1 subsection (b) or (d) of this Section, the Board may subpoena  
2 and compel the attendance of witnesses and the production of  
3 evidence reasonably necessary to resolution of the matter under  
4 consideration. The Board shall issue such subpoenas upon the  
5 request of any party to a proceeding under subsection (d) of  
6 this Section or upon its own motion.

7 (f) The Board may prescribe reasonable fees for permits  
8 required pursuant to this Act. Such fees in the aggregate may  
9 not exceed the total cost to the Agency for its inspection and  
10 permit systems. The Board may not prescribe any permit fees  
11 which are different in amount from those established by this  
12 Act.

13 (Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03;  
14 93-509, eff. 8-11-03; revised 9-11-03.)".