



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2952

Introduced 1/20/2006, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

20 ILCS 1128/5-1
20 ILCS 1128/5-5
20 ILCS 1128/5-10
20 ILCS 1128/5-15
20 ILCS 1128/5-20
20 ILCS 1128/5-25
20 ILCS 1128/5-30

Re-enacts and amends the Illinois Geographic Information Council Act. The Act was created by Public Act 88-669, which has been held to be unconstitutional as a violation of the single subject clause of the Illinois Constitution. Includes validation provisions. Also makes revisory changes. Effective immediately.

LRB094 19069 EFG 54571 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to information technology.

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

4 Section 1. Findings; purpose; validation.

5 (a) The General Assembly finds and declares that:

6 (1) Public Act 88-669, effective November 29, 1994,
7 contained provisions creating the Illinois Geographic
8 Information Council Act. Public Act 88-669 also contained
9 other provisions.

10 (2) The Illinois Supreme Court declared Public Act
11 88-669 to be unconstitutional as a violation of the single
12 subject clause of the Illinois Constitution in *People v.*
13 *Olender*, Docket No. 98932, opinion filed December 15, 2005.

14 (b) The purpose of this Act is to re-enact the provisions
15 of the Illinois Geographic Information Council Act and to
16 minimize or prevent any problems concerning those provisions
17 that may arise from the unconstitutionality of Public Act
18 88-669. This re-enactment is intended to remove any question as
19 to the validity and content of those provisions; it is not
20 intended to supersede any other Public Act that amends the
21 provisions re-enacted in this Act. The re-enacted material is
22 shown in this Act as existing text (i.e., without underscoring)
23 and may include changes made by subsequent amendments. The
24 re-enacted material includes some revisory changes; the
25 revisory changes are shown by striking and underscoring.

26 (c) The re-enactment of provisions of the Illinois
27 Geographic Information Council Act by this Act is not intended,
28 and shall not be construed, to impair any legal argument
29 concerning whether those provisions were substantially
30 re-enacted by any other Public Act.

31 (d) All otherwise lawful actions taken before the effective
32 date of this Act in reliance on or pursuant to the provisions
33 re-enacted by this Act, as those provisions were set forth in

1 Public Act 88-669 or as subsequently amended, by any officer,
2 employee, or agency of State government or by any other person
3 or entity, are hereby validated, except to the extent
4 prohibited under the Illinois or United States Constitution.
5 This validation expressly includes the appointment of members
6 by the Governor to the Geographic Information Council, and the
7 members so appointed who are presently serving shall continue
8 to serve at the pleasure of the Governor.

9 (e) This Act applies, without limitation, to actions
10 pending on or after the effective date of this Act, except to
11 the extent prohibited under the Illinois or United States
12 Constitution.

13 Section 5. The Illinois Geographic Information Council Act
14 is amended by re-enacting and amending Sections 5-1 and 5-5 and
15 by re-enacting Sections 5-10, 5-15, 5-20, 5-25, and 5-30 as
16 follows:

17 (20 ILCS 1128/5-1)

18 Sec. 5-1. Short title. This Act ~~Article~~ may be cited as the
19 Illinois Geographic Information Council Act.

20 (Source: P.A. 88-669, eff. 11-29-94; 89-143, eff. 7-14-95.)

21 (20 ILCS 1128/5-5)

22 Sec. 5-5. Council. The Illinois Geographic Information
23 Council, hereinafter called the "Council", is created within
24 the Department of Natural Resources.

25 The Council shall consist of 17 voting members, as follows:
26 the Illinois Secretary of State, the Illinois Secretary of
27 Transportation, the Directors of the Illinois Departments of
28 Agriculture, Central Management Services, Commerce and
29 Economic Opportunity ~~Community Affairs~~, Nuclear Safety, Public
30 Health, Natural Resources, and Revenue, the Directors of the
31 Illinois Emergency Management Agency and the Illinois
32 Environmental Protection Agency, the President of the
33 University of Illinois, the Chairman of the Illinois Commerce

1 Commission, plus 4 members of the General Assembly, one each
2 appointed by the Speaker and Minority Leader of the House and
3 the President and Minority Leader of the Senate. An ex officio
4 voting member may designate another person to carry out his or
5 her duties on the Council.

6 In addition to the above members, the Governor may appoint
7 up to 10 additional voting members, representing local,
8 regional, and federal agencies, professional organizations,
9 academic institutions, public utilities, and the private
10 sector.

11 Members appointed by the Governor shall serve at the
12 pleasure of the Governor.

13 (Source: P.A. 88-669, eff. 11-29-94; 89-143, eff. 7-14-95;
14 89-445, eff. 2-7-96; revised 12-6-03.)

15 (20 ILCS 1128/5-10)

16 Sec. 5-10. Chairmen; compensation.

17 (a) One of the members who is not an ex officio member,
18 selected annually by the voting members, and the Director of
19 Natural Resources shall serve as co-chairmen of the Council.

20 (b) Non-State employees of the Council shall serve without
21 compensation but may be reimbursed for actual expenses incurred
22 in the performance of their duties out of funds appropriated to
23 the Department of Natural Resources for that purpose.

24 (Source: P.A. 88-669, eff. 11-29-94; 89-143, eff. 7-14-95;
25 89-445, eff. 2-7-96.)

26 (20 ILCS 1128/5-15)

27 Sec. 5-15. Technical and clerical assistance. The
28 Department of Natural Resources shall provide the Council with
29 any technical and clerical assistance or other support services
30 that may be necessary for carrying out its duties.

31 (Source: P.A. 88-669, eff. 11-29-94; 89-445, eff. 2-7-96.)

32 (20 ILCS 1128/5-20)

33 Sec. 5-20. Meetings. The Council shall meet upon the call

1 of its chairmen and shall meet at least twice a year.

2 (Source: P.A. 88-669, eff. 11-29-94.)

3 (20 ILCS 1128/5-25)

4 Sec. 5-25. Duties and powers. The Council shall establish a
5 User Advisory Committee. The Committee is the technical arm of
6 the Council. The Committee shall evaluate the Task Force
7 recommendations and identify the most important issues, which
8 include database development, standards, data sharing,
9 partnerships, applications, technical considerations, and
10 funding. The Committee shall create subcommittees addressing
11 relevant issues. Members of the Committee shall chair and
12 coordinate the subcommittees.

13 (Source: P.A. 88-669, eff. 11-29-94; 89-143, eff. 7-14-95.)

14 (20 ILCS 1128/5-30)

15 Sec. 5-30. Evaluation of proposals.

16 The Council shall evaluate proposals made by the User
17 Advisory Committee and make recommendations to the Governor and
18 General Assembly on the efficient development, use, and funding
19 of geographic information management technology (GIMT) for
20 Illinois' State, regional, local, and academic agencies and
21 institutions.

22 These include:

23 (1) Standards for the collection (geodetic),
24 maintenance, dissemination, and documentation of spatial
25 data, consistent with established and on-going development
26 of national standards and guidelines when applicable.

27 (2) Funding strategies that encourage and support the
28 use of GIMT at local levels of government.

29 (3) Examining the impacts of the Freedom of Information
30 Act as it applies to digital data dissemination.

31 (4) Statewide basemap development.

32 (5) The development of multiyear strategies for
33 integration of GIMT in Illinois.

34 (6) The Council shall report to the Governor and the

1 General Assembly by January 31st of each year on:

2 (a) the current status of efforts to integrate GIMT
3 into the decision making, evaluation, planning, and
4 management activities of State and local governments;

5 (b) the current status of integration of State and
6 local government efforts with those of the federal
7 government and the private sector; and

8 (c) Council objectives for the next 12-month
9 period.

10 (7) As necessary, the Council may enter into agreements
11 with professional non-profit organizations to achieve its
12 objectives.

13 (8) The Council may accept grants and gifts from
14 corporations, for-profit or not-for-profit, or
15 associations for the purpose of conducting research,
16 evaluations, or demonstration projects directed towards
17 the development of an integrated statewide system of
18 geographic information management technology.

19 (Source: P.A. 88-669, eff. 11-29-94; 89-143, eff. 7-14-95.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.