



Rep. Eddie Washington

Filed: 5/8/2008

09500HB2088ham004

LRB095 01063 HLH 50153 a

1 AMENDMENT TO HOUSE BILL 2088

2 AMENDMENT NO. _____. Amend House Bill 2088 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Rivers, Lakes, and Streams Act is amended
5 by adding Section 24a as follows:

6 (615 ILCS 5/24a new)

7 Sec. 24a. Waukegan Harbor.

8 (a) No agency of the State of Illinois, other than the
9 Illinois Environmental Protection Agency, shall enter into any
10 contract or incur any obligation or expend any moneys for the
11 purpose of dredging or cleanup of the approach channel, outer
12 harbor, entrance channel, inner harbor (or inner basin), or
13 inner harbor extension (or inner basin extension) of Waukegan
14 Harbor that would result in a decrease of the channel depths of
15 -18 feet low water datum. These portions of Waukegan Harbor
16 shall be maintained with a minimum channel depth of -18 feet,

1 and shall allow for greater depths if authorized by federal
2 law. The harbor shall be maintained as a commercially navigable
3 harbor that is accessible to commercial vessels and to those
4 seeking a harbor of refuge for safety purposes.

5 (b) Notwithstanding any other rulemaking authority that
6 may exist, neither the Governor nor any agency or agency head
7 under the jurisdiction of the Governor has any authority to
8 make or promulgate rules to implement or enforce the provisions
9 of this amendatory Act of the 95th General Assembly. If,
10 however, the Governor believes that rules are necessary to
11 implement or enforce the provisions of this amendatory Act of
12 the 95th General Assembly, the Governor may suggest rules to
13 the General Assembly by filing them with the Clerk of the House
14 and the Secretary of the Senate and by requesting that the
15 General Assembly authorize such rulemaking by law, enact those
16 suggested rules into law, or take any other appropriate action
17 in the General Assembly's discretion. Nothing contained in this
18 amendatory Act of the 95th General Assembly shall be
19 interpreted to grant rulemaking authority under any other
20 Illinois statute where such authority is not otherwise
21 explicitly given. For the purposes of this subsection, "rules"
22 is given the meaning contained in Section 1-70 of the Illinois
23 Administrative Procedure Act, and "agency" and "agency head"
24 are given the meanings contained in Sections 1-20 and 1-25 of
25 the Illinois Administrative Procedure Act to the extent that
26 such definitions apply to agencies or agency heads under the

1 jurisdiction of the Governor.".