



Sen. Susan Garrett

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1 AMENDMENT TO HOUSE BILL 3463

2 AMENDMENT NO. _____. Amend House Bill 3463 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Build Illinois Bond Act is amended by
5 changing Section 4 as follows:

6 (30 ILCS 425/4) (from Ch. 127, par. 2804)

7 Sec. 4. Purposes of Bonds. Bonds shall be issued for the
8 following purposes and in the approximate amounts as set forth
9 below:

10 (a) \$2,417,000,000 for the expenses of issuance and sale of
11 Bonds, including bond discounts, and for planning,
12 engineering, acquisition, construction, reconstruction,
13 development, improvement and extension of the public
14 infrastructure in the State of Illinois, including: the making
15 of loans or grants to local governments for waste disposal
16 systems, water and sewer line extensions and water distribution

1 and purification facilities, rail or air or water port
2 improvements, gas and electric utility extensions, publicly
3 owned industrial and commercial sites, buildings used for
4 public administration purposes and other public infrastructure
5 capital improvements; the making of loans or grants to units of
6 local government for financing and construction of wastewater
7 facilities, including grants to serve unincorporated areas;
8 refinancing or retiring bonds issued between January 1, 1987
9 and January 1, 1990 by home rule municipalities, debt service
10 on which is provided from a tax imposed by home rule
11 municipalities prior to January 1, 1990 on the sale of food and
12 drugs pursuant to Section 8-11-1 of the Home Rule Municipal
13 Retailers' Occupation Tax Act or Section 8-11-5 of the Home
14 Rule Municipal Service Occupation Tax Act; the making of
15 deposits not to exceed \$70,000,000 in the aggregate into the
16 Water Pollution Control Revolving Fund to provide assistance in
17 accordance with the provisions of Title IV-A of the
18 Environmental Protection Act; the planning, engineering,
19 acquisition, construction, reconstruction, alteration,
20 expansion, extension and improvement of highways, bridges,
21 structures separating highways and railroads, rest areas,
22 interchanges, access roads to and from any State or local
23 highway and other transportation improvement projects which
24 are related to economic development activities; the making of
25 loans or grants for planning, engineering, rehabilitation,
26 improvement or construction of rail and transit facilities; the

1 planning, engineering, acquisition, construction,
2 reconstruction and improvement of watershed, drainage, flood
3 control, recreation and related improvements and facilities,
4 including expenses related to land and easement acquisition,
5 relocation, control structures, channel work and clearing and
6 appurtenant work; the making of grants for improvement and
7 development of zoos and park district field houses and related
8 structures; and the making of grants for improvement and
9 development of Navy Pier and related structures.

10 (b) \$186,000,000 for fostering economic development and
11 increased employment and the well being of the citizens of
12 Illinois, including: the making of grants for improvement and
13 development of McCormick Place and related structures; the
14 planning and construction of a microelectronics research
15 center, including the planning, engineering, construction,
16 improvement, renovation and acquisition of buildings,
17 equipment and related utility support systems; the making of
18 loans to businesses and investments in small businesses;
19 acquiring real properties for industrial or commercial site
20 development; acquiring, rehabilitating and reconveying
21 industrial and commercial properties for the purpose of
22 expanding employment and encouraging private and other public
23 sector investment in the economy of Illinois; the payment of
24 expenses associated with siting the Superconducting Super
25 Collider Particle Accelerator in Illinois and with its
26 acquisition, construction, maintenance, operation, promotion

1 and support; the making of loans for the planning, engineering,
2 acquisition, construction, improvement and conversion of
3 facilities and equipment which will foster the use of Illinois
4 coal; the payment of expenses associated with the promotion,
5 establishment, acquisition and operation of small business
6 incubator facilities and agribusiness research facilities,
7 including the lease, purchase, renovation, planning,
8 engineering, construction and maintenance of buildings,
9 utility support systems and equipment designated for such
10 purposes and the establishment and maintenance of centralized
11 support services within such facilities; and the making of
12 grants or loans to units of local government for Urban
13 Development Action Grant and Housing Partnership programs.

14 (c) \$1,052,358,100 for the development and improvement of
15 educational, scientific, technical and vocational programs and
16 facilities and the expansion of health and human services for
17 all citizens of Illinois, including: the making of construction
18 and improvement grants and loans to public libraries and
19 library systems; the making of grants and loans for planning,
20 engineering, acquisition and construction of a new State
21 central library in Springfield; the planning, engineering,
22 acquisition and construction of an animal and dairy sciences
23 facility; the planning, engineering, acquisition and
24 construction of a campus and all related buildings, facilities,
25 equipment and materials for Richland Community College; the
26 acquisition, rehabilitation and installation of equipment and

1 materials for scientific and historical surveys; the making of
2 grants or loans for distribution to eligible vocational
3 education instructional programs for the upgrading of
4 vocational education programs, school shops and laboratories,
5 including the acquisition, rehabilitation and installation of
6 technical equipment and materials; the making of grants or
7 loans for distribution to eligible local educational agencies
8 for the upgrading of math and science instructional programs,
9 including the acquisition of instructional equipment and
10 materials; miscellaneous capital improvements for universities
11 and community colleges including the planning, engineering,
12 construction, reconstruction, remodeling, improvement, repair
13 and installation of capital facilities and costs of planning,
14 supplies, equipment, materials, services, and all other
15 required expenses; the making of grants or loans for repair,
16 renovation and miscellaneous capital improvements for
17 privately operated colleges and universities and community
18 colleges, including the planning, engineering, acquisition,
19 construction, reconstruction, remodeling, improvement, repair
20 and installation of capital facilities and costs of planning,
21 supplies, equipment, materials, services, and all other
22 required expenses; and the making of grants or loans for
23 distribution to local governments for hospital and other health
24 care facilities including the planning, engineering,
25 acquisition, construction, reconstruction, remodeling,
26 improvement, repair and installation of capital facilities and

1 costs of planning, supplies, equipment, materials, services
2 and all other required expenses.

3 (d) \$150,150,900 for protection, preservation, restoration
4 and conservation of environmental and natural resources,
5 including: the making of grants to soil and water conservation
6 districts for the planning and implementation of conservation
7 practices and for funding contracts with the Soil Conservation
8 Service for watershed planning; the making of grants to units
9 of local government for the capital development and improvement
10 of recreation areas, including planning and engineering costs,
11 sewer projects, including planning and engineering costs and
12 water projects, including planning and engineering costs, and
13 for the acquisition of open space lands, including the
14 acquisition of easements and other property interests of less
15 than fee simple ownership; the acquisition and related costs
16 and development and management of natural heritage lands,
17 including natural areas and areas providing habitat for
18 endangered species and nongame wildlife, and buffer area lands;
19 the acquisition and related costs and development and
20 management of habitat lands, including forest, wildlife
21 habitat and wetlands; and the removal and disposition of
22 hazardous substances, including the cost of project
23 management, equipment, laboratory analysis, and contractual
24 services necessary for preventative and corrective actions
25 related to the preservation, restoration and conservation of
26 the environment, including deposits not to exceed \$60,000,000

1 in the aggregate into the Hazardous Waste Fund and the
2 Brownfields Redevelopment Fund for improvements in accordance
3 with the provisions of Titles V and XVII of the Environmental
4 Protection Act.

5 (e) The amount specified in paragraph (a) above shall
6 include an amount necessary to pay reasonable expenses of each
7 issuance and sale of the Bonds, as specified in the related
8 Bond Sale Order (hereinafter defined).

9 (f) Any unexpended proceeds from any sale of Bonds which
10 are held in the Build Illinois Bond Fund may be used to redeem,
11 purchase, advance refund, or defease any Bonds outstanding.

12 (Source: P.A. 91-39, eff. 6-15-99; 91-53, eff. 6-30-99; 91-709,
13 eff. 5-17-00; 92-9, eff. 6-11-01; 92-598, eff. 6-28-02.)

14 Section 10. The Environmental Protection Act is amended by
15 changing Section 4 as follows:

16 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

17 Sec. 4. Environmental Protection Agency; establishment;
18 duties.

19 (a) There is established in the Executive Branch of the
20 State Government an agency to be known as the Environmental
21 Protection Agency. This Agency shall be under the supervision
22 and direction of a Director who shall be appointed by the
23 Governor with the advice and consent of the Senate. The term of
24 office of the Director shall expire on the third Monday of

1 January in odd numbered years, provided that he or she shall
2 hold office until a successor is appointed and has qualified.
3 The Director shall receive an annual salary as set by the
4 Governor from time to time or as set by the Compensation Review
5 Board, whichever is greater. If set by the Governor, the
6 Director's annual salary may not exceed 85% of the Governor's
7 annual salary. The Director, in accord with the Personnel Code,
8 shall employ and direct such personnel, and shall provide for
9 such laboratory and other facilities, as may be necessary to
10 carry out the purposes of this Act. In addition, the Director
11 may by agreement secure such services as he or she may deem
12 necessary from any other department, agency, or unit of the
13 State Government, and may employ and compensate such
14 consultants and technical assistants as may be required.

15 (b) The Agency shall have the duty to collect and
16 disseminate such information, acquire such technical data, and
17 conduct such experiments as may be required to carry out the
18 purposes of this Act, including ascertainment of the quantity
19 and nature of discharges from any contaminant source and data
20 on those sources, and to operate and arrange for the operation
21 of devices for the monitoring of environmental quality.

22 (c) The Agency shall have authority to conduct a program of
23 continuing surveillance and of regular or periodic inspection
24 of actual or potential contaminant or noise sources, of public
25 water supplies, and of refuse disposal sites.

26 (d) In accordance with constitutional limitations, the

1 Agency shall have authority to enter at all reasonable times
2 upon any private or public property for the purpose of:

3 (1) Inspecting and investigating to ascertain possible
4 violations of this Act, any rule or regulation adopted
5 under this Act, any permit or term or condition of a
6 permit, or any Board order; or

7 (2) In accordance with the provisions of this Act,
8 taking whatever preventive or corrective action, including
9 but not limited to removal or remedial action, that is
10 necessary or appropriate whenever there is a release or a
11 substantial threat of a release of (A) a hazardous
12 substance or pesticide or (B) petroleum from an underground
13 storage tank.

14 (e) The Agency shall have the duty to investigate
15 violations of this Act, any rule or regulation adopted under
16 this Act, any permit or term or condition of a permit, or any
17 Board order; to issue administrative citations as provided in
18 Section 31.1 of this Act; and to take such summary enforcement
19 action as is provided for by Section 34 of this Act.

20 (f) The Agency shall appear before the Board in any hearing
21 upon a petition for variance, the denial of a permit, or the
22 validity or effect of a rule or regulation of the Board, and
23 shall have the authority to appear before the Board in any
24 hearing under the Act.

25 (g) The Agency shall have the duty to administer, in accord
26 with Title X of this Act, such permit and certification systems

1 as may be established by this Act or by regulations adopted
2 thereunder. The Agency may enter into written delegation
3 agreements with any department, agency, or unit of State or
4 local government under which all or portions of this duty may
5 be delegated for public water supply storage and transport
6 systems, sewage collection and transport systems, air
7 pollution control sources with uncontrolled emissions of 100
8 tons per year or less and application of algicides to waters of
9 the State. Such delegation agreements will require that the
10 work to be performed thereunder will be in accordance with
11 Agency criteria, subject to Agency review, and shall include
12 such financial and program auditing by the Agency as may be
13 required.

14 (h) The Agency shall have authority to require the
15 submission of complete plans and specifications from any
16 applicant for a permit required by this Act or by regulations
17 thereunder, and to require the submission of such reports
18 regarding actual or potential violations of this Act, any rule
19 or regulation adopted under this Act, any permit or term or
20 condition of a permit, or any Board order, as may be necessary
21 for the purposes of this Act.

22 (i) The Agency shall have authority to make recommendations
23 to the Board for the adoption of regulations under Title VII of
24 the Act.

25 (j) The Agency shall have the duty to represent the State
26 of Illinois in any and all matters pertaining to plans,

1 procedures, or negotiations for interstate compacts or other
2 governmental arrangements relating to environmental
3 protection.

4 (k) The Agency shall have the authority to accept, receive,
5 and administer on behalf of the State any grants, gifts, loans,
6 indirect cost reimbursements, or other funds made available to
7 the State from any source for purposes of this Act or for air
8 or water pollution control, public water supply, solid waste
9 disposal, noise abatement, or other environmental protection
10 activities, surveys, or programs. Any federal funds received by
11 the Agency pursuant to this subsection shall be deposited in a
12 trust fund with the State Treasurer and held and disbursed by
13 him in accordance with Treasurer as Custodian of Funds Act,
14 provided that such monies shall be used only for the purposes
15 for which they are contributed and any balance remaining shall
16 be returned to the contributor.

17 The Agency is authorized to promulgate such regulations and
18 enter into such contracts as it may deem necessary for carrying
19 out the provisions of this subsection.

20 (l) The Agency is hereby designated as water pollution
21 agency for the state for all purposes of the Federal Water
22 Pollution Control Act, as amended; as implementing agency for
23 the State for all purposes of the Safe Drinking Water Act,
24 Public Law 93-523, as now or hereafter amended, except Section
25 1425 of that Act; as air pollution agency for the state for all
26 purposes of the Clean Air Act of 1970, Public Law 91-604,

1 approved December 31, 1970, as amended; and as solid waste
2 agency for the state for all purposes of the Solid Waste
3 Disposal Act, Public Law 89-272, approved October 20, 1965, and
4 amended by the Resource Recovery Act of 1970, Public Law
5 91-512, approved October 26, 1970, as amended, and amended by
6 the Resource Conservation and Recovery Act of 1976, (P.L.
7 94-580) approved October 21, 1976, as amended; as noise control
8 agency for the state for all purposes of the Noise Control Act
9 of 1972, Public Law 92-574, approved October 27, 1972, as
10 amended; and as implementing agency for the State for all
11 purposes of the Comprehensive Environmental Response,
12 Compensation, and Liability Act of 1980 (P.L. 96-510), as
13 amended; and otherwise as pollution control agency for the
14 State pursuant to federal laws integrated with the foregoing
15 laws, for financing purposes or otherwise. The Agency is hereby
16 authorized to take all action necessary or appropriate to
17 secure to the State the benefits of such federal Acts, provided
18 that the Agency shall transmit to the United States without
19 change any standards adopted by the Pollution Control Board
20 pursuant to Section 5(c) of this Act. This subsection (l) of
21 Section 4 shall not be construed to bar or prohibit the
22 Environmental Protection Trust Fund Commission from accepting,
23 receiving, and administering on behalf of the State any grants,
24 gifts, loans or other funds for which the Commission is
25 eligible pursuant to the Environmental Protection Trust Fund
26 Act. The Agency is hereby designated as the State agency for

1 all purposes of administering the requirements of Section 313
2 of the federal Emergency Planning and Community Right-to-Know
3 Act of 1986.

4 Any municipality, sanitary district, or other political
5 subdivision, or any Agency of the State or interstate Agency,
6 which makes application for loans or grants under such federal
7 Acts shall notify the Agency of such application; the Agency
8 may participate in proceedings under such federal Acts.

9 (m) The Agency shall have authority, consistent with
10 Section 5(c) and other provisions of this Act, and for purposes
11 of Section 303(e) of the Federal Water Pollution Control Act,
12 as now or hereafter amended, to engage in planning processes
13 and activities and to develop plans in cooperation with units
14 of local government, state agencies and officers, and other
15 appropriate persons in connection with the jurisdiction or
16 duties of each such unit, agency, officer or person. Public
17 hearings shall be held on the planning process, at which any
18 person shall be permitted to appear and be heard, pursuant to
19 procedural regulations promulgated by the Agency.

20 (n) In accordance with the powers conferred upon the Agency
21 by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the
22 Agency shall have authority to establish and enforce minimum
23 standards for the operation of laboratories relating to
24 analyses and laboratory tests for air pollution, water
25 pollution, noise emissions, contaminant discharges onto land
26 and sanitary, chemical, and mineral quality of water

1 distributed by a public water supply. The Agency may enter into
2 formal working agreements with other departments or agencies of
3 state government under which all or portions of this authority
4 may be delegated to the cooperating department or agency.

5 (o) The Agency shall have the authority to issue
6 certificates of competency to persons and laboratories meeting
7 the minimum standards established by the Agency in accordance
8 with Section 4(n) of this Act and to promulgate and enforce
9 regulations relevant to the issuance and use of such
10 certificates. The Agency may enter into formal working
11 agreements with other departments or agencies of state
12 government under which all or portions of this authority may be
13 delegated to the cooperating department or agency.

14 (p) Except as provided in Section 17.7, the Agency shall
15 have the duty to analyze samples as required from each public
16 water supply to determine compliance with the contaminant
17 levels specified by the Pollution Control Board. The maximum
18 number of samples which the Agency shall be required to analyze
19 for microbiological quality shall be 6 per month, but the
20 Agency may, at its option, analyze a larger number each month
21 for any supply. Results of sample analyses for additional
22 required bacteriological testing, turbidity, residual chlorine
23 and radionuclides are to be provided to the Agency in
24 accordance with Section 19. Owners of water supplies may enter
25 into agreements with the Agency to provide for reduced Agency
26 participation in sample analyses.

1 (q) The Agency shall have the authority to provide notice
2 to any person who may be liable pursuant to Section 22.2(f) of
3 this Act for a release or a substantial threat of a release of
4 a hazardous substance or pesticide. Such notice shall include
5 the identified response action and an opportunity for such
6 person to perform the response action.

7 (r) The Agency may enter into written delegation agreements
8 with any unit of local government under which it may delegate
9 all or portions of its inspecting, investigating and
10 enforcement functions. Such delegation agreements shall
11 require that work performed thereunder be in accordance with
12 Agency criteria and subject to Agency review. Notwithstanding
13 any other provision of law to the contrary, no unit of local
14 government shall be liable for any injury resulting from the
15 exercise of its authority pursuant to such a delegation
16 agreement unless the injury is proximately caused by the
17 willful and wanton negligence of an agent or employee of the
18 unit of local government, and any policy of insurance coverage
19 issued to a unit of local government may provide for the denial
20 of liability and the nonpayment of claims based upon injuries
21 for which the unit of local government is not liable pursuant
22 to this subsection (r).

23 (s) The Agency shall have authority to take whatever
24 preventive or corrective action is necessary or appropriate,
25 including but not limited to expenditure of monies appropriated
26 from the Build Illinois Bond Fund and the Build Illinois

1 Purposes Fund for removal or remedial action, whenever any
2 hazardous substance or pesticide is released or there is a
3 substantial threat of such a release into the environment. The
4 State, the Director, and any State employee shall be
5 indemnified for any damages or injury arising out of or
6 resulting from any action taken under this subsection. The
7 Director of the Agency is authorized to enter into such
8 contracts and agreements as are necessary to carry out the
9 Agency's duties under this subsection.

10 (t) The Agency shall have authority to distribute grants,
11 subject to appropriation by the General Assembly, to units of
12 local government for financing and construction of ~~municipal~~
13 wastewater facilities in both incorporated and unincorporated
14 areas. With respect to all monies appropriated from the Build
15 Illinois Bond Fund and the Build Illinois Purposes Fund for
16 wastewater facility grants, the Agency shall make
17 distributions in conformity with the rules and regulations
18 established pursuant to the Anti-Pollution Bond Act, as now or
19 hereafter amended.

20 (u) Pursuant to the Illinois Administrative Procedure Act,
21 the Agency shall have the authority to adopt such rules as are
22 necessary or appropriate for the Agency to implement Section
23 31.1 of this Act.

24 (v) (Blank.)

25 (w) Neither the State, nor the Director, nor the Board, nor
26 any State employee shall be liable for any damages or injury

1 arising out of or resulting from any action taken under
2 subsection (s).

3 (x)(1) The Agency shall have authority to distribute
4 grants, subject to appropriation by the General Assembly,
5 to units of local government for financing and construction
6 of public water supply facilities. With respect to all
7 monies appropriated from the Build Illinois Bond Fund or
8 the Build Illinois Purposes Fund for public water supply
9 grants, such grants shall be made in accordance with rules
10 promulgated by the Agency. Such rules shall include a
11 requirement for a local match of 30% of the total project
12 cost for projects funded through such grants.

13 (2) The Agency shall not terminate a grant to a unit of
14 local government for the financing and construction of
15 public water supply facilities unless and until the Agency
16 adopts rules that set forth precise and complete standards,
17 pursuant to Section 5-20 of the Illinois Administrative
18 Procedure Act, for the termination of such grants. The
19 Agency shall not make determinations on whether specific
20 grant conditions are necessary to ensure the integrity of a
21 project or on whether subagreements shall be awarded, with
22 respect to grants for the financing and construction of
23 public water supply facilities, unless and until the Agency
24 adopts rules that set forth precise and complete standards,
25 pursuant to Section 5-20 of the Illinois Administrative
26 Procedure Act, for making such determinations. The Agency

1 shall not issue a stop-work order in relation to such
2 grants unless and until the Agency adopts precise and
3 complete standards, pursuant to Section 5-20 of the
4 Illinois Administrative Procedure Act, for determining
5 whether to issue a stop-work order.

6 (y) The Agency shall have authority to release any person
7 from further responsibility for preventive or corrective
8 action under this Act following successful completion of
9 preventive or corrective action undertaken by such person upon
10 written request by the person.

11 (Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."