



Sen. Michael W. Frerichs

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1 AMENDMENT TO SENATE BILL 970

2 AMENDMENT NO. _____. Amend Senate Bill 970 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 University of Illinois Scientific Surveys Act.

6 Section 5. Purposes. The purposes of this Act are to
7 establish at the University of Illinois an institute for
8 natural resources sustainability and to transfer to it all
9 rights, powers, duties, property, and functions currently
10 vested in the Department of Natural Resources pertaining to its
11 Natural History Survey division, State Water Survey division,
12 State Geological Survey division, and Waste Management and
13 Research Center division (which may also be referred to as the
14 Illinois Sustainable Technology Center).

15 Section 10. Definitions. For the purposes of this Act,

1 unless the context otherwise requires:

2 "Board of Trustees" means the Board of Trustees of the
3 University of Illinois.

4 "Scientific Surveys" means, collectively, the State
5 Natural History Survey division, the State Water Survey
6 division, the State Geological Survey division, and the Waste
7 Management and Research Center division transferred by this Act
8 from the Department of Natural Resources to the Board of
9 Trustees.

10 Section 15. Organization. The Board of Trustees shall
11 establish and operate an institute for natural sciences and
12 sustainability. The institute shall contain within it the State
13 Natural History Survey division, the State Water Survey
14 division, the State Geological Survey division, the Waste
15 Management and Research Center division, and such other related
16 entities, research functions, and responsibilities as may be
17 appropriate. The institute shall be under the governance and
18 control of the Board of Trustees.

19 Section 20. General powers and duties. In addition to its
20 other powers and duties, the Board of Trustees shall have the
21 power to provide for the management and operation of the
22 Scientific Surveys including, but not limited to, the following
23 powers and duties which shall be performed by the Scientific
24 Surveys:

1 (1) To investigate and study the natural resources of the
2 State and to prepare reports and furnish information
3 fundamental to the conservation and development of natural
4 resources and, for that purpose, the officers and employees
5 thereof shall have the authority to enter and cross all lands
6 in this State, doing no damage to private property.

7 (2) To collaborate with and advise departments having
8 administrative powers and duties relating to the natural
9 resources of the State, and to collaborate with similar
10 departments in other states and with the United States
11 Government.

12 (3) To conduct a natural history survey of the State,
13 giving preference to subjects of educational and economical
14 importance.

15 (4) To investigate the entomology of the State.

16 (5) To investigate all insects dangerous or injurious to
17 agricultural or horticultural plants and crops, to livestock,
18 to nursery trees and plants, to the products of the truck farm
19 and vegetable garden, to shade trees and other ornamental
20 vegetation of cities and villages, and to the products of the
21 mills and the contents of warehouses, and all insects injurious
22 or dangerous to the public health.

23 (6) To study the geological formation of the State with
24 reference to its resources of coal, ores, clays, building
25 stones, cement, materials suitable for use in the construction
26 of the roads, gas, oil, mineral and artesian water, aquifers

1 and aquitards, and other resources and products.

2 (7) To cooperate with United States federal agencies in the
3 preparation and completion of a contour topographic map and the
4 collection, recording, and printing of water and atmospheric
5 resource data including stream flow measurements and to collect
6 facts and data concerning the volumes and flow of underground,
7 surface, and atmospheric waters of the State and to determine
8 the mineral and chemical qualities of water from different
9 geological formations and surface and atmospheric waters for
10 the various sections of the State.

11 (8) To act as the central data repository and research
12 coordinator for the State in matters related to water and
13 atmospheric resources. The State Water Survey of the University
14 of Illinois may monitor and evaluate all weather modification
15 operations in Illinois.

16 (9) To collaborate with the Illinois State Academy of
17 Science and to publish the results of the investigations and
18 research in the field of natural science to the end that the
19 same may be distributed to the interested public.

20 (10) To perform all other duties and assume all obligations
21 of the Department of Natural Resources pertaining to the State
22 Water Survey, the State Geological Survey, the State Natural
23 History Survey, and the Waste Management and Research Center.

24 (11) To maintain all previously existing relationships
25 between the State Water Survey, the State Geological Survey,
26 the State Natural History Survey, and the Illinois Sustainable

1 Technology Center and the public and private colleges and
2 universities in Illinois.

3 (12) To participate in federal geologic mapping programs.

4 (13) To conduct educational programs to further the
5 exchange of information to reduce the generation of hazardous
6 wastes or to treat or dispose of such wastes so as to make them
7 nonhazardous.

8 (14) To provide a technical information service for
9 industries involved in the generation, treatment, or disposal
10 of hazardous wastes.

11 (15) To disseminate information regarding advances in
12 hazardous waste management technology that could both protect
13 the environment and further industrial productivity.

14 (16) To provide research in areas related to reduction of
15 the generation of hazardous wastes; treatment, recycling and
16 reuse; and other issues that the Board may suggest.

17 Section 25. Transfer of powers. All of the rights, powers,
18 and duties vested by law in the Department of Natural
19 Resources, or in any office, division, or bureau thereof, and
20 pertaining in any way to the operation, management, control,
21 and maintenance of the Scientific Surveys, including but not
22 limited to, the authority to impose and collect fees and
23 service charges, as deemed appropriate and necessary by the
24 Board of Trustees, for the services performed or provided by
25 the Scientific Surveys, are hereby transferred to and vested in

1 the Board of Trustees.

2 Section 30. Transfer of personnel. The employment of all
3 scientific and nonscientific personnel employed by the
4 Department of Natural Resources on behalf of the Scientific
5 Surveys is hereby transferred to the Board of Trustees. The
6 transfer shall not affect the status and rights of any person
7 under the State Universities Retirement System or the State
8 Universities Civil Service System.

9 Section 35. Transfer of property.

10 (a) All books, records, papers, documents, property (real
11 and personal), contracts, grants, and pending business in any
12 way pertaining to the Scientific Surveys and to the rights,
13 powers, and duties transferred by this Act from the Department
14 of Natural Resources to the Board of Trustees, including but
15 not limited to material in electronic or magnetic format and
16 necessary computer hardware and software, shall be delivered
17 and transferred to the Board of Trustees.

18 (b) The Board of Trustees shall succeed to, assume, and
19 exercise all rights, powers, duties, property, and
20 responsibilities formerly exercised by the Department of
21 Natural Resources on behalf of the Scientific Surveys prior to
22 the effective date of this Section. All contracts, grants, and
23 agreements entered into by any of the Scientific Surveys or the
24 Department of Natural Resources on behalf of any of the

1 Scientific Surveys, prior to the effective date of this Section
2 shall subsist notwithstanding the transfer of the functions of
3 the Department of Natural Resources with respect to Scientific
4 Surveys to the Board of Trustees. All bonds, notes, and other
5 evidences of indebtedness outstanding on the effective date of
6 this Section issued by the Department of Natural Resources on
7 behalf of the Scientific Surveys, or any of them, shall become
8 the bonds, notes, or other evidences of indebtedness of the
9 University of Illinois and shall be otherwise unaffected by the
10 transfer of functions to the Board of Trustees.

11 (c) The title to all patents, trademarks, and copyrights
12 issued to any of the Scientific Surveys prior to the effective
13 date of this Section is hereby transferred to and vested in the
14 Board of Trustees. Any income received from those patents,
15 trademarks, and copyrights and any funds received in connection
16 with the retention, receipt, assignment, license, sale, or
17 transfer of interest in, rights to, or income from discoveries,
18 inventions, patents, trademarks, or copyrightable works of any
19 of the Scientific Surveys shall become the property of the
20 Board of Trustees on behalf of the University of Illinois.

21 (d) The title to all other property, whether real,
22 personal, or mixed, and all accounts receivable belonging to or
23 under the jurisdiction of the Department of Natural Resources
24 in any way pertaining to the Scientific Surveys, or any of
25 them, prior to the effective date of this Section is hereby
26 transferred to and vested in the Board of Trustees on behalf of

1 the University of Illinois.

2 Section 40. Unexpended moneys transferred.

3 (a) The right of custody, possession, and control over all
4 items of income, funds, or deposits in any way pertaining to
5 the Scientific Surveys prior to the effective date of this
6 Section that are held or retained by, or under the jurisdiction
7 of, the Department of Natural Resources is hereby transferred
8 to and vested in the Board of Trustees to be retained by the
9 University in its treasury, or deposited with a bank or savings
10 and loan association, all in accordance with the provisions of
11 paragraph (2) of Section 6d of the State Finance Act.

12 (b) All unexpended appropriations and balances and other
13 moneys available for use in connection with any of the
14 functions transferred to the Board of Trustees under this Act,
15 including but not limited to all unexpended grant proceeds
16 pertaining in any way to the Scientific Surveys, is hereby
17 transferred from the Department of Natural Resources to the
18 Board of Trustees for use by the Board of Trustees in the
19 exercise of the those functions transferred. Unexpended
20 balances so transferred shall be retained by the University of
21 Illinois in its own treasury, or deposited with a bank or
22 savings and loan association, and expended only for the purpose
23 for which the appropriations or grants were originally made,
24 all in accordance with the provisions of paragraph (2) of
25 Section 6d of the State Finance Act.

1 Section 45. Funds retained and disbursed. The University of
2 Illinois may retain in its treasury any funds derived from
3 contracts, grants, fees, service charges, rentals, or other
4 sources, assessed or obtained for or arising out of the
5 operation of the Scientific Surveys. Those funds shall be
6 disbursed from time to time pursuant to the order and direction
7 of the Board of Trustees, and in accordance with any contracts,
8 pledges, trusts, or agreements heretofore or hereafter made by
9 the Board of Trustees.

10 Section 50. Savings provisions.

11 (a) The rights, powers and duties retained in the
12 Department of Natural Resources and not transferred under this
13 Act shall remain vested in and shall be exercised by the
14 Department subject to the provisions of this Act.

15 (b) The transfer of rights, powers, and duties to the Board
16 of Trustees under this Act does not invalidate any previous
17 action taken by or in respect to any of its predecessor
18 departments or divisions or their officers or employees.
19 References to these predecessor departments or divisions or
20 their officers or employees in any document, contract,
21 agreement, or law shall, in appropriate contexts, be deemed to
22 refer to the successor department, agency, officer, or
23 employee. The Scientific Surveys shall continue to be eligible
24 to receive sponsored funding from the Department of Natural

1 Resources or any other State agency.

2 (c) The transfer of powers and duties to the Board of
3 Trustees under this Act does not affect any person's rights,
4 obligations, or duties, including any civil or criminal
5 penalties applicable thereto, arising out of those transferred
6 powers and duties.

7 (d) Whenever reports or notices are now required to be made
8 or given or documents furnished or served by any person to or
9 upon the departments or divisions, officers, and employees
10 transferred by this Act, they shall be made, given, furnished,
11 or served in the same manner to or upon the successor
12 department or agency, officer, or employee.

13 (e) This Act does not affect any act done, ratified, or
14 cancelled, any right occurring or established, or any action or
15 proceeding had or commenced in an administrative, civil, or
16 criminal cause before this Act takes effect. Any such action or
17 proceeding still pending may be prosecuted and continued by the
18 Department of Natural Resources.

19 Section 55. Successor agency. For purposes of the Successor
20 Agency Act and Section 9b of the State Finance Act, the Board
21 of Trustees is the successor to the Department of Natural
22 Resources with respect to the rights, powers, duties, property,
23 functions, and other matters transferred by this Act.

24 Section 800. The Personnel Code is amended by changing

1 Section 4c as follows:

2

3 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

4 Sec. 4c. General exemptions. The following positions in
5 State service shall be exempt from jurisdictions A, B, and C,
6 unless the jurisdictions shall be extended as provided in this
7 Act:

8 (1) All officers elected by the people.

9 (2) All positions under the Lieutenant Governor,
10 Secretary of State, State Treasurer, State Comptroller,
11 State Board of Education, Clerk of the Supreme Court,
12 Attorney General, and State Board of Elections.

13 (3) Judges, and officers and employees of the courts,
14 and notaries public.

15 (4) All officers and employees of the Illinois General
16 Assembly, all employees of legislative commissions, all
17 officers and employees of the Illinois Legislative
18 Reference Bureau, the Legislative Research Unit, and the
19 Legislative Printing Unit.

20 (5) All positions in the Illinois National Guard and
21 Illinois State Guard, paid from federal funds or positions
22 in the State Military Service filled by enlistment and paid
23 from State funds.

24 (6) All employees of the Governor at the executive
25 mansion and on his immediate personal staff.

1 (7) Directors of Departments, the Adjutant General,
2 the Assistant Adjutant General, the Director of the
3 Illinois Emergency Management Agency, members of boards
4 and commissions, and all other positions appointed by the
5 Governor by and with the consent of the Senate.

6 (8) The presidents, other principal administrative
7 officers, and teaching, research and extension faculties
8 of Chicago State University, Eastern Illinois University,
9 Governors State University, Illinois State University,
10 Northeastern Illinois University, Northern Illinois
11 University, Western Illinois University, the Illinois
12 Community College Board, Southern Illinois University,
13 Illinois Board of Higher Education, University of
14 Illinois, State Universities Civil Service System,
15 University Retirement System of Illinois, and the
16 administrative officers and scientific and technical staff
17 of the Illinois State Museum.

18 (9) All other employees except the presidents, other
19 principal administrative officers, and teaching, research
20 and extension faculties of the universities under the
21 jurisdiction of the Board of Regents and the colleges and
22 universities under the jurisdiction of the Board of
23 Governors of State Colleges and Universities, Illinois
24 Community College Board, Southern Illinois University,
25 Illinois Board of Higher Education, Board of Governors of
26 State Colleges and Universities, the Board of Regents,

1 University of Illinois, State Universities Civil Service
2 System, University Retirement System of Illinois, so long
3 as these are subject to the provisions of the State
4 Universities Civil Service Act.

5 (10) The State Police so long as they are subject to
6 the merit provisions of the State Police Act.

7 (11) (Blank). ~~The scientific staff of the State~~
8 ~~Scientific Surveys and the Waste Management and Research~~
9 ~~Center.~~

10 (12) The technical and engineering staffs of the
11 Department of Transportation, the Department of Nuclear
12 Safety, the Pollution Control Board, and the Illinois
13 Commerce Commission, and the technical and engineering
14 staff providing architectural and engineering services in
15 the Department of Central Management Services.

16 (13) All employees of the Illinois State Toll Highway
17 Authority.

18 (14) The Secretary of the Illinois Workers'
19 Compensation Commission.

20 (15) All persons who are appointed or employed by the
21 Director of Insurance under authority of Section 202 of the
22 Illinois Insurance Code to assist the Director of Insurance
23 in discharging his responsibilities relating to the
24 rehabilitation, liquidation, conservation, and dissolution
25 of companies that are subject to the jurisdiction of the
26 Illinois Insurance Code.

1 (16) All employees of the St. Louis Metropolitan Area
2 Airport Authority.

3 (17) All investment officers employed by the Illinois
4 State Board of Investment.

5 (18) Employees of the Illinois Young Adult
6 Conservation Corps program, administered by the Illinois
7 Department of Natural Resources, authorized grantee under
8 Title VIII of the Comprehensive Employment and Training Act
9 of 1973, 29 USC 993.

10 (19) Seasonal employees of the Department of
11 Agriculture for the operation of the Illinois State Fair
12 and the DuQuoin State Fair, no one person receiving more
13 than 29 days of such employment in any calendar year.

14 (20) All "temporary" employees hired under the
15 Department of Natural Resources' Illinois Conservation
16 Service, a youth employment program that hires young people
17 to work in State parks for a period of one year or less.

18 (21) All hearing officers of the Human Rights
19 Commission.

20 (22) All employees of the Illinois Mathematics and
21 Science Academy.

22 (23) All employees of the Kankakee River Valley Area
23 Airport Authority.

24 (24) The commissioners and employees of the Executive
25 Ethics Commission.

26 (25) The Executive Inspectors General, including

1 special Executive Inspectors General, and employees of
2 each Office of an Executive Inspector General.

3 (26) The commissioners and employees of the
4 Legislative Ethics Commission.

5 (27) The Legislative Inspector General, including
6 special Legislative Inspectors General, and employees of
7 the Office of the Legislative Inspector General.

8 (28) The Auditor General's Inspector General and
9 employees of the Office of the Auditor General's Inspector
10 General.

11 (Source: P.A. 93-617, eff. 12-9-03; 93-721, eff. 1-1-05;
12 93-1091, eff. 3-29-05.)

13 Section 805. The Department of Commerce and Economic
14 Opportunity Law of the Civil Administrative Code of Illinois is
15 amended by changing Section 605-515 as follows:

16 (20 ILCS 605/605-515) (was 20 ILCS 605/46.13a)

17 Sec. 605-515. Environmental Regulatory Assistance Program.

18 (a) In this Section, except where the context clearly
19 requires otherwise, "small business stationary source" means a
20 business that is owned or operated by a person that employs 100
21 or fewer individuals; is a small business; is not a major
22 stationary source as defined in Titles I and III of the federal
23 1990 Clean Air Act Amendments; does not emit 50 tons or more
24 per year of any regulated pollutant (as defined under the

1 federal Clean Air Act); and emits less than 75 tons per year of
2 all regulated pollutants.

3 (b) The Department may:

4 (1) Provide access to technical and compliance
5 information for Illinois firms, including small and middle
6 market companies, to facilitate local business compliance
7 with the federal, State, and local environmental
8 regulations.

9 (2) Coordinate and enter into cooperative agreements
10 with a State ombudsman office, which shall be established
11 in accordance with the federal 1990 Clean Air Act
12 Amendments to provide direct oversight to the program
13 established under that Act.

14 (3) Enter into contracts, cooperative agreements, and
15 financing agreements and establish and collect charges and
16 fees necessary or incidental to the performance of duties
17 and the execution of powers under this Section.

18 (4) Accept and expend, subject to appropriation,
19 gifts, grants, awards, funds, contributions, charges,
20 fees, and other financial or nonfinancial aid from federal,
21 State, and local governmental agencies, businesses,
22 educational agencies, not-for-profit organizations, and
23 other entities, for the purposes of this Section.

24 (5) Establish, staff, and administer programs and
25 services and adopt such rules and regulations necessary to
26 carry out the intent of this Section and Section 507,

1 "Small Business Stationary Source Technical and
2 Environmental Compliance Assistance Program", of the
3 federal 1990 Clean Air Act Amendments.

4 (c) The Department's environmental compliance programs and
5 services for businesses may include, but need not be limited
6 to, the following:

7 (1) Communication and outreach services to or on behalf
8 of individual companies, including collection and
9 compilation of appropriate information on regulatory
10 compliance issues and control technologies, and
11 dissemination of that information through publications,
12 direct mailings, electronic communications, conferences,
13 workshops, one-on-one counseling, and other means of
14 technical assistance.

15 (2) Provision of referrals and access to technical
16 assistance, pollution prevention and facility audits, and
17 otherwise serving as an information clearinghouse on
18 pollution prevention through the coordination of the Waste
19 Management and Research Center, ~~a division~~ of the
20 University of Illinois ~~Department of Natural Resources~~. In
21 addition, environmental and regulatory compliance issues
22 and techniques, which may include business rights and
23 responsibilities, applicable permitting and compliance
24 requirements, compliance methods and acceptable control
25 technologies, release detection, and other applicable
26 information may be provided.

1 (3) Coordination with and provision of administrative
2 and logistical support to the State Compliance Advisory
3 Panel.

4 (d) There is hereby created a special fund in the State
5 Treasury to be known as the Small Business Environmental
6 Assistance Fund. Monies received under subdivision (b)(4) of
7 this Section shall be deposited into the Fund.

8 Monies in the Small Business Environmental Assistance Fund
9 may be used, subject to appropriation, only for the purposes
10 authorized by this Section.

11 (Source: P.A. 90-490, eff. 8-17-97; 91-239, eff. 1-1-00.)

12 Section 810. The Department of Natural Resources Act is
13 amended by changing Sections 1-25 and 20-5 as follows:

14 (20 ILCS 801/1-25)

15 Sec. 1-25. Powers of the ~~scientific surveys~~ and State
16 Museum. In addition to its other powers and duties, the
17 Department shall have the following powers and duties which
18 shall be performed by the ~~scientific surveys~~ and the State
19 Museum:

20 (1) To investigate and study the natural resources of
21 the State and to prepare printed reports and furnish
22 information fundamental to the conservation and
23 development of natural resources and for that purpose the
24 officers and employees thereof may, pursuant to rule

1 adopted by the Department, enter and cross all lands in
2 this State, doing no damage to private property.

3 (2) To cooperate with and advise departments having
4 administrative powers and duties relating to the natural
5 resources of the State, and to cooperate with similar
6 departments in other states and with the United States
7 Government.

8 ~~(3) To conduct a natural history survey of the State,~~
9 ~~giving preference to subjects of educational and~~
10 ~~economical importance.~~

11 ~~(4) To publish, from time to time, reports covering the~~
12 ~~entire field of zoology and botany of the State.~~

13 ~~(5) To supply natural history specimens to the State~~
14 ~~educational institutions and to the public schools.~~

15 ~~(6) To investigate the entomology of the State.~~

16 ~~(7) To investigate all insects dangerous or injurious~~
17 ~~to agricultural or horticultural plants and crops,~~
18 ~~livestock, to nursery trees and plants, to the products of~~
19 ~~the truck farm and vegetable garden, to shade trees and~~
20 ~~other ornamental vegetation of cities and villages, to the~~
21 ~~products of the mills and the contents of warehouses, and~~
22 ~~all insects injurious or dangerous to the public health.~~

23 ~~(8) To conduct experiments with methods for the~~
24 ~~prevention, arrest, abatement and control of insects~~
25 ~~injurious to persons or property.~~

26 ~~(9) To instruct the people, by lecture, demonstration~~

1 ~~or bulletin, in the best methods of preserving and~~
2 ~~protecting their property and health against injuries by~~
3 ~~insects.~~

4 ~~(10) To publish, from time to time, articles on the~~
5 ~~injurious and beneficial insects of the State.~~

6 ~~(11) To study the geological formation of the State~~
7 ~~with reference to its resources of coal, ores, clays,~~
8 ~~building stones, cement, materials suitable for use in the~~
9 ~~construction of roads, gas, mineral and artesian water and~~
10 ~~other products.~~

11 ~~(12) To publish, from time to time, topographical,~~
12 ~~geological and other maps to illustrate resources of the~~
13 ~~State.~~

14 ~~(13) To publish, from time to time, bulletins giving a~~
15 ~~general and detailed description of the geological and~~
16 ~~mineral resources, including water resources, of the~~
17 ~~State.~~

18 ~~(14) To cooperate with United States federal agencies~~
19 ~~in the preparation and completion of a contour topographic~~
20 ~~map and the collection, recording and printing of water and~~
21 ~~atmospheric resource data including stream flow~~
22 ~~measurements and to collect facts and data concerning the~~
23 ~~volumes and flow of underground, surface and atmospheric~~
24 ~~waters of the State and to determine the mineral qualities~~
25 ~~of water from different geological formations and surface~~
26 ~~and atmospheric waters for the various sections of the~~

1 ~~State.~~

2 ~~(15) To publish, from time to time, the results of its~~
3 ~~investigations of the mineral qualities, volumes and flow~~
4 ~~of underground and surface waters of the State to the end~~
5 ~~that the available water resources of the State may be~~
6 ~~better known and to make mineral analyses of samples of~~
7 ~~water from municipal or private sources giving no opinion~~
8 ~~from those analyses of the hygienic, physiological or~~
9 ~~medicinal qualities of such waters.~~

10 ~~(16) To act as the central data repository and research~~
11 ~~coordinator for the State in matters related to water and~~
12 ~~atmospheric resources. The State Water Survey Division of~~
13 ~~the Department may monitor and evaluate all weather~~
14 ~~modification operations in Illinois.~~

15 ~~(17) To distribute, in its discretion, to the various~~
16 ~~educational institutions of the State, specimens, samples,~~
17 ~~and materials collected by it after the same have served~~
18 ~~the purposes of the Department.~~

19 (3) ~~(18)~~ To cooperate with the Illinois State Academy
20 of Science and to publish a suitable number of the results
21 of the investigations and research in the field of natural
22 science to the end that the same may be distributed to the
23 interested public.

24 (4) ~~(19)~~ To maintain a State Museum, and to collect and
25 preserve objects of scientific and artistic value,
26 representing past and present fauna and flora, the life and

1 work of man, geological history, natural resources, and the
2 manufacturing and fine arts; to interpret for and educate
3 the public concerning the foregoing.

4 (5) ~~(20)~~ To cooperate with the Illinois State Museum
5 Society for the mutual benefit of the Museum and the
6 Society, with the Museum furnishing necessary space for the
7 Society to carry on its functions and keep its records,
8 and, upon the recommendation of the Museum Director with
9 the approval of the Board of State Museum Advisors and the
10 Director of the Department, to enter into agreements with
11 the Illinois State Museum Society for the operation of a
12 sales counter and other concessions for the mutual benefit
13 of the Museum and the Society.

14 (6) ~~(21)~~ To accept grants of property and to hold
15 property to be administered as part of the State Museum for
16 the purpose of preservation, research of interpretation of
17 significant areas within the State for the purpose of
18 preserving, studying and interpreting archaeological and
19 natural phenomena.

20 (7) ~~(22)~~ To contribute to and support the operations,
21 programs and capital development of public museums in this
22 State. For the purposes of this Section, "public museum"
23 means a facility: (A) that is operating for the purposes of
24 promoting cultural development through special activities
25 or programs or through performing arts that are performed
26 in an indoor setting, and acquiring, conserving,

1 preserving, studying, interpreting, enhancing, and in
2 particular, organizing and continuously exhibiting
3 specimens, artifacts, articles, documents and other things
4 of historical, anthropological, archaeological,
5 industrial, scientific or artistic import, to the public
6 for its instruction and enjoyment, and (B) that either (i)
7 is operated by or located upon land owned by a unit of
8 local government or (ii) is a museum that has an annual
9 attendance of at least 150,000 and offers educational
10 programs to school groups during school hours. A museum is
11 eligible to receive funds for capital development under
12 this subdivision (7) ~~(22)~~ only if it is operated by or
13 located upon land owned by a unit of local government or if
14 it is certified by a unit of local government in which it
15 is located as a public museum meeting the criteria of this
16 Section. Recipients of funds for capital development under
17 this subdivision (7) ~~(22)~~ shall match State funds with
18 local or private funding according to the following:

19 (a) for a public museum with an attendance of
20 300,000 or less during the preceding calendar year, no
21 match is required;

22 (b) for a public museum with an attendance of over
23 300,000 but less than 600,000 during the preceding
24 calendar year, the match must be at a ratio of \$1 from
25 local and private funds for every \$1 in State funds;
26 and

1 (c) for a public museum with an attendance of over
2 600,000 during the preceding calendar year, the match
3 must be at a ratio of \$2 from local and private funds
4 for every \$1 in State funds.

5 The Department shall formulate rules and regulations
6 relating to the allocation of any funds appropriated by the
7 General Assembly for the purpose of contributing to the
8 support of public museums in this State.

9 (8) ~~(23)~~ To perform all other duties and assume all
10 obligations of the former Department of Energy and Natural
11 Resources and the former Department of Registration and
12 Education pertaining to ~~the State Water Survey, the State
13 Geological Survey, the State Natural History Survey, and
14 the State Museum.~~

15 ~~(24) To maintain all previously existing relationships
16 between the State Water Survey, State Geological Survey,
17 and State Natural History Survey and the public and private
18 colleges and universities in Illinois.~~

19 ~~(25) To participate in federal geologic mapping
20 programs.~~

21 (Source: P.A. 92-606, eff. 6-28-02; 93-872, eff. 1-1-05.)

22 (20 ILCS 801/20-5)

23 Sec. 20-5. State Museum. The Department of Natural
24 Resources shall have within it the office ~~a division consisting
25 of the Illinois State Museum, which shall be within the Office~~

1 ~~of Scientific Research and Analysis~~. The Board of the Illinois
2 State Museum is retained as the governing board for the State
3 Museum.

4 (Source: P.A. 89-50, eff. 7-1-95; 89-445, eff. 2-7-96; 90-490,
5 eff. 8-17-97.)

6 (20 ILCS 801/15-5 rep.)

7 (20 ILCS 801/15-10 rep.)

8 Section 815. The Department of Natural Resources Act is
9 amended by repealing Sections 15-5 and 15-10.

10 Section 820. The Energy Conservation and Coal Development
11 Act is amended by changing Section 8 as follows:

12 (20 ILCS 1105/8) (from Ch. 96 1/2, par. 7408)

13 Sec. 8. Illinois Coal Development Board.

14 (a) There shall be established as an advisory board to the
15 Department, the Illinois Coal Development Board, hereinafter
16 in this Section called the Board. The Board shall be composed
17 of the following voting members: the Director of the
18 Department, who shall be Chairman thereof; the Deputy Director
19 of the Bureau of Business Development within the Department of
20 Commerce and Economic Opportunity; the President of the
21 University of Illinois or his or her designee; the Director of
22 Natural Resources or that Director's designee; the Director of
23 the Office of Mines and Minerals within the Department of

1 Natural Resources; 4 members of the General Assembly (one each
2 appointed by the President of the Senate, the Senate Minority
3 Leader, the Speaker of the House, and the House Minority
4 Leader); and 8 persons appointed by the Governor, with the
5 advice and consent of the Senate, including representatives of
6 Illinois industries that are involved in the extraction,
7 utilization or transportation of Illinois coal, persons
8 representing financial or banking interests in the State, and
9 persons experienced in international business and economic
10 development. These members shall be chosen from persons of
11 recognized ability and experience in their designated field.
12 The members appointed by the Governor shall serve for terms of
13 4 years, unless otherwise provided in this subsection. The
14 initial terms of the original appointees shall expire on July
15 1, 1985, except that the Governor shall designate 3 of the
16 original appointees to serve initial terms that shall expire on
17 July 1, 1983. The initial term of the member appointed by the
18 Governor to fill the office created after July 1, 1985 shall
19 expire on July 1, 1989. The initial terms of the members
20 appointed by the Governor to fill the offices created by this
21 amendatory Act of 1993 shall expire on July 1, 1995, and July
22 1, 1997, as determined by the Governor. A member appointed by a
23 Legislative Leader shall serve for the duration of the General
24 Assembly for which he or she is appointed, so long as the
25 member remains a member of that General Assembly.

26 The Board shall meet at least annually or at the call of

1 the Chairman. At any time the majority of the Board may
2 petition the Chairman for a meeting of the Board. Nine members
3 of the Board shall constitute a quorum. Members of the Board
4 shall be reimbursed for actual and necessary expenses incurred
5 while performing their duties as members of the Board from
6 funds appropriated to the Department for such purpose.

7 (b) The Board shall provide advice and make recommendations
8 on the following Department powers and duties:

9 (1) To develop an annual agenda which may include but
10 is not limited to research and methodologies conducted for
11 the purpose of increasing the utilization of Illinois' coal
12 and other fossil fuel resources, with emphasis on high
13 sulfur coal, in the following areas: coal extraction,
14 preparation and characterization; coal technologies
15 (combustion, gasification, liquefaction, and related
16 processes); marketing; public awareness and education, as
17 those terms are used in the Illinois Coal Technology
18 Development Assistance Act; transportation; procurement of
19 sites and issuance of permits; and environmental impacts.

20 (2) To support and coordinate Illinois coal research,
21 and to approve projects consistent with the annual agenda
22 and budget for coal research and the purposes of this Act
23 and to approve the annual budget and operating plan for
24 administration of the Board.

25 (3) To promote the coordination of available research
26 information on the production, preparation, distribution

1 and uses of Illinois coal. The Board shall advise the
2 existing research institutions within the State on areas
3 where research may be necessary.

4 (4) To cooperate to the fullest extent possible with
5 State and federal agencies and departments, independent
6 organizations, and other interested groups, public and
7 private, for the purposes of promoting Illinois coal
8 resources.

9 (5) To submit an annual report to the Governor and the
10 General Assembly outlining the progress and
11 accomplishments made in the year, providing an accounting
12 of funds received and disbursed, reviewing the status of
13 research contracts, and furnishing other relevant
14 information.

15 (6) To focus on existing coal research efforts in
16 carrying out its mission; to make use of existing research
17 facilities in Illinois or other institutions carrying out
18 research on Illinois coal; as far as practicable, to make
19 maximum use of the research facilities available at the
20 Illinois State Geological Survey of the University of
21 Illinois, the Coal Extraction and Utilization Research
22 Center, the Illinois Coal Development Park and
23 universities and colleges located within the State of
24 Illinois; and to create a consortium or center which
25 conducts, coordinates and supports coal research
26 activities in the State of Illinois. Programmatic

1 activities of such a consortium or center shall be subject
2 to approval by the Department and shall be consistent with
3 the purposes of this Act. The Department may authorize
4 expenditure of funds in support of the administrative and
5 programmatic operations of such a center or consortium
6 consistent with its statutory authority. Administrative
7 actions undertaken by or for such a center or consortium
8 shall be subject to the approval of the Department.

9 (7) To make a reasonable attempt, before initiating any
10 research under this Act, to avoid duplication of effort and
11 expense by coordinating the research efforts among various
12 agencies, departments, universities or organizations, as
13 the case may be.

14 (8) To adopt, amend and repeal rules, regulations and
15 bylaws governing the Board's organization and conduct of
16 business.

17 (9) To authorize the expenditure of monies from the
18 Coal Technology Development Assistance Fund, the Public
19 Utility Fund and other funds in the State Treasury
20 appropriated to the Department, consistent with the
21 purposes of this Act.

22 (10) To seek, accept, and expend gifts or grants in any
23 form, from any public agency or from any other source. Such
24 gifts and grants may be held in trust by the Department and
25 expended at the direction of the Department and in the
26 exercise of the Department's powers and performance of the

1 Department's duties.

2 (11) To publish, from time to time, the results of
3 Illinois coal research projects funded through the
4 Department.

5 (12) To authorize loans from appropriations from the
6 Build Illinois Bond Purposes Fund, the Build Illinois Bond
7 Fund and the Illinois Industrial Coal Utilization Fund.

8 (13) To authorize expenditures of monies for coal
9 development projects under the authority of Section 13 of
10 the General Obligation Bond Act.

11 (c) The Board shall also provide advice and make
12 recommendations on the following Department powers and duties:

13 (1) To create and maintain thorough, current and
14 accurate records on all markets for and actual uses of coal
15 mined in Illinois, and to make such records available to
16 the public upon request.

17 (2) To identify all current and anticipated future
18 technical, economic, institutional, market, environmental,
19 regulatory and other impediments to the utilization of
20 Illinois coal.

21 (3) To monitor and evaluate all proposals and plans of
22 public utilities related to compliance with the
23 requirements of Title IV of the federal Clean Air Act
24 Amendments of 1990, or with any other law which might
25 affect the use of Illinois coal, for the purposes of (i)
26 determining the effects of such proposals or plans on the

1 use of Illinois coal, and (ii) identifying alternative
2 plans or actions which would maintain or increase the use
3 of Illinois coal.

4 (4) To develop strategies and to propose policies to
5 promote environmentally responsible uses of Illinois coal
6 for meeting electric power supply requirements and for
7 other purposes.

8 (5) (Blank).

9 (Source: P.A. 94-793, eff. 5-19-06.)

10 Section 825. The Clean Coal FutureGen for Illinois Act is
11 amended by changing Section 20 as follows:

12 (20 ILCS 1107/20)

13 (Section scheduled to be repealed on December 31, 2010)

14 Sec. 20. Title to sequestered gas. If the FutureGen Project
15 locates at either the Tuscola or Mattoon site in the State of
16 Illinois, then the FutureGen Alliance agrees that the Operator
17 shall transfer and convey and the State of Illinois shall
18 accept and receive, with no payment due from the State of
19 Illinois, all rights, title, and interest in and to and any
20 liabilities associated with the sequestered gas, including any
21 current or future environmental benefits, marketing claims,
22 tradable credits, emissions allocations or offsets (voluntary
23 or compliance based) associated therewith, upon such gas
24 reaching the status of post-injection, which shall be verified

1 by the Agency or other designated State of Illinois agency. The
2 Operator shall retain all rights, title, and interest in and to
3 and any liabilities associated with the pre-injection
4 sequestered gas. The Illinois State Geological Survey of the
5 University of Illinois ~~Department of Natural Resources~~ shall
6 monitor, measure, and verify the permanent status of
7 sequestered carbon dioxide and co-sequestered gases in which
8 the State has acquired the right, title, and interest under
9 this Section.

10 (Source: P.A. 95-18, eff. 7-30-07.)

11 Section 830. The Hazardous Waste Technology Exchange
12 Service Act is amended by changing Sections 3, 4, and 6 as
13 follows:

14 (20 ILCS 1130/3) (from Ch. 111 1/2, par. 6803)

15 Sec. 3. For the purposes of this Act, unless the context
16 otherwise requires:

17 (a) "Board" means the Board of Trustees of the University
18 of Illinois ~~Natural Resources and Conservation of the~~
19 ~~Department of Natural Resources.~~

20 (b) "Center" means the Waste Management and Research Center
21 of the University of Illinois ~~Department of Natural Resources.~~

22 ~~(c) "Department" means the Department of Natural~~
23 ~~Resources.~~

24 (Source: P.A. 89-445, eff. 2-7-96; 90-490, eff. 8-17-97.)

1 (20 ILCS 1130/4) (from Ch. 111 1/2, par. 6804)

2 Sec. 4. Waste Management and Research Center. The ~~As soon~~
3 ~~as may be practicable after the effective date of this Act, the~~
4 ~~Department shall establish a Hazardous Waste Research and~~
5 ~~Information Center. On and after the effective date of this~~
6 ~~amendatory Act of 1997, that Center shall be known as the Waste~~
7 ~~Management and Research Center~~ is transferred to the University
8 of Illinois.

9 (Source: P.A. 90-490, eff. 8-17-97.)

10 (20 ILCS 1130/6) (from Ch. 111 1/2, par. 6806)

11 Sec. 6. Appropriations. For the purpose of maintaining the
12 Waste Management and Research Center, paying the expenses and
13 providing the facilities and structures incident thereto,
14 appropriations shall be made to the University of Illinois
15 ~~Department~~, payable from the Hazardous Waste Research Fund and
16 other funds in the State Treasury.

17 (Source: P.A. 90-490, eff. 8-17-97.)

18 (20 ILCS 1130/5 rep.)

19 Section 831. The Hazardous Waste Technology Exchange
20 Service Act is amended by repealing Section 5.

21 Section 835. The Green Governments Illinois Act is amended
22 by changing Section 15 as follows:

1 (20 ILCS 3954/15)

2 Sec. 15. Composition of the Council. The Council shall be
3 comprised of representatives from various State agencies and
4 State universities with specific fiscal, procurement,
5 educational, and environmental policy expertise. The
6 Lieutenant Governor is the chair of the Council. The director
7 or President, respectively, of each of the following State
8 agencies and State universities, or his or her designee, is a
9 member of the Council: the Department of Commerce and Economic
10 Opportunity, the Environmental Protection Agency, the
11 University of Illinois; the Department of Natural Resources,
12 ~~the Department of Natural Resources Waste Management and~~
13 ~~Research Center,~~ the Department of Central Management
14 Services, the Governor's Office of Management and Budget, the
15 Department of Agriculture, the Department of Transportation,
16 the Department of Corrections, the Department of Human
17 Services, the Department of Public Health, the State Board of
18 Education, the Board of Higher Education, and the Capital
19 Development Board. The Office of the Lieutenant Governor shall
20 provide administrative support to the Council. A minimum of one
21 staff position in the Office of the Lieutenant Governor shall
22 be dedicated to the Green Governments Illinois program.

23 (Source: P.A. 95-657, eff. 10-10-07.)

24 Section 840. The State Finance Act is amended by changing

1 Sections 6z-14 and 8.24 as follows:

2 (30 ILCS 105/6z-14) (from Ch. 127, par. 142z-14)

3 Sec. 6z-14. The following items of income received by the
4 University of Illinois ~~Department of Natural Resources~~ from
5 patents and copyrights of the Illinois Scientific Surveys shall
6 be retained by the University of Illinois in its treasury
7 ~~deposited into the General Revenue Fund~~: funds received in
8 connection with the retention, receipt, assignment, license,
9 sale or transfer of interests in, rights to or income from
10 discoveries, inventions, patents or copyrightable works. All
11 interest earned shall be deposited in the University of
12 Illinois Income ~~General Revenue~~ Fund. The University Pursuant
13 ~~to appropriation, the Department~~ may use those moneys for the
14 purpose of ~~appropriated for that purpose for~~ patenting or
15 copyrighting discoveries, inventions or copyrightable works or
16 supporting other programs of the Illinois Scientific Surveys.
17 (Source: P.A. 94-91, eff. 7-1-05.)

18 (30 ILCS 105/8.24) (from Ch. 127, par. 144.24)

19 Sec. 8.24. One hundred percent of the revenues received by
20 the University of Illinois ~~Department of Natural Resources~~ from
21 the sale of publications, bulletins, circulars, maps, reports,
22 catalogues and other data and information presented in
23 documents shall be deposited into the University of Illinois
24 Income ~~Natural Resources Information~~ Fund. Appropriations from

1 the Natural Resources Information Fund shall be made to the
2 University of Illinois Department for the (1) expenses
3 connected with the production of such documents and (2)
4 purchase of U.S. Geological Survey topographic maps and other
5 documents. The Board of Trustees of the University of Illinois
6 ~~of Natural Resources and Conservation~~ shall establish
7 guidelines governing fee schedules, conditions of sale, and
8 administration of the Natural Resources Information Fund.

9 (Source: P.A. 89-445, eff. 2-7-96.)

10 Section 845. The Illinois Pension Code is amended by
11 changing Section 15-106 as follows:

12 (40 ILCS 5/15-106) (from Ch. 108 1/2, par. 15-106)

13 Sec. 15-106. Employer. "Employer": The University of
14 Illinois, Southern Illinois University, Chicago State
15 University, Eastern Illinois University, Governors State
16 University, Illinois State University, Northeastern Illinois
17 University, Northern Illinois University, Western Illinois
18 University, the State Board of Higher Education, the Illinois
19 Mathematics and Science Academy, ~~the State Geological Survey~~
20 ~~Division of the Department of Natural Resources, the State~~
21 ~~Natural History Survey Division of the Department of Natural~~
22 ~~Resources, the State Water Survey Division of the Department of~~
23 ~~Natural Resources, the Waste Management and Research Center of~~
24 ~~the Department of Natural Resources,~~ the University Civil

1 Service Merit Board, the Board of Trustees of the State
2 Universities Retirement System, the Illinois Community College
3 Board, community college boards, any association of community
4 college boards organized under Section 3-55 of the Public
5 Community College Act, the Board of Examiners established under
6 the Illinois Public Accounting Act, and, only during the period
7 for which employer contributions required under Section 15-155
8 are paid, the following organizations: the alumni
9 associations, the foundations and the athletic associations
10 which are affiliated with the universities and colleges
11 included in this Section as employers.

12 A department as defined in Section 14-103.04 is an employer
13 for any person appointed by the Governor under the Civil
14 Administrative Code of Illinois who is a participating employee
15 as defined in Section 15-109. The Department of Central
16 Management Services is an employer with respect to persons
17 employed by the State Board of Higher Education in positions
18 with the Illinois Century Network as of June 30, 2004 who
19 remain continuously employed after that date by the Department
20 of Central Management Services in positions with the Illinois
21 Century Network, the Bureau of Communication and Computer
22 Services, or, if applicable, any successor bureau.

23 The cities of Champaign and Urbana shall be considered
24 employers, but only during the period for which contributions
25 are required to be made under subsection (b-1) of Section
26 15-155 and only with respect to individuals described in

1 subsection (h) of Section 15-107.

2 (Source: P.A. 95-369, eff. 8-23-07.)

3 Section 850. The Illinois Drainage Code is amended by
4 changing Section 12-19 as follows:

5 (70 ILCS 605/12-19) (from Ch. 42, par. 12-19)

6 Sec. 12-19. Cooperation with other public agencies.
7 Commissioners of a district shall cooperate in the exchange of
8 information pertaining to drainage with the commissioners of
9 other districts and with local, State and Federal governments,
10 officers and agencies operating in fields affecting or related
11 to drainage, including, but not restricted to, the Department
12 of Natural Resources, the State Water Resources and Flood
13 Control Board, the State Soil Conservation Advisory Board, the
14 State Geological Survey of the University of Illinois ~~Division~~,
15 and the State Water Survey of the University of Illinois
16 ~~Division~~.

17 (Source: P.A. 89-445, eff. 2-7-96.)

18 Section 855. The Solid Waste Disposal District Act is
19 amended by changing Section 24 as follows:

20 (70 ILCS 3105/24) (from Ch. 85, par. 1674)

21 Sec. 24. After the effective date of this Act, no district,
22 person, firm or corporation, public or private, may establish a

1 new solid waste disposal site or facility without first
2 obtaining a permit from the Environmental Protection Agency
3 under the provisions of the Environmental Protection Act.
4 Application for such permit shall be on forms provided by the
5 Agency and shall be accompanied by such supporting documents as
6 the Agency shall require. Prior to issuing a permit to
7 establish a new solid waste disposal site or facility the
8 Agency shall review the application and supporting documents
9 and make an on-site inspection of the proposed site. The Agency
10 may request the ~~Chief of the~~ Illinois State Geological Survey
11 of the University of Illinois to prepare a report concerning
12 the soil characteristics, water table, and other appropriate
13 physical characteristics of the proposed site. If the proposed
14 new solid waste disposal site or facility conforms to the
15 minimum standards provided in such Act, the Agency shall issue
16 a permit for the operation of such site or facility. If the
17 proposed new solid waste disposal site or facility does not
18 conform to the minimum standards provided by such Act, no
19 permit shall be issued and the solid waste disposal site or
20 facility shall not be constructed or operated.

21 (Source: P.A. 87-650.)

22 Section 860. The University of Illinois Exercise of
23 Functions and Duties Law of the Civil Administrative Code of
24 Illinois is amended by changing Section 3000-5 as follows:

1 (110 ILCS 355/3000-5) (was 110 ILCS 355/62)

2 Sec. 3000-5. Retention of duties by University of Illinois.
3 Unless otherwise provided by law, the functions and duties
4 formerly exercised by the State entomologist, the State
5 laboratory of natural history, the State water survey, and the
6 State geological survey ~~and vested in the Illinois Department~~
7 ~~of Natural Resources~~ and the functions and duties of the Waste
8 Management and Research Center and its Hazardous Materials
9 Laboratory as authorized by the Hazardous Waste Technology
10 Exchange Service Act shall continue to be exercised at the
11 University of Illinois in buildings and places provided by the
12 trustees of the University.

13 (Source: P.A. 90-490, eff. 8-17-97; 91-239, eff. 1-1-00.)

14 Section 865. The Well Abandonment Act is amended by
15 changing Section 1 as follows:

16 (225 ILCS 730/1) (from Ch. 96 1/2, par. 5201)

17 Sec. 1. It is the duty of the permittee of any well drilled
18 or deepened for oil or gas, to file all geophysical logs and a
19 well drilling report of said well in the office of the State
20 Geological Survey ~~Division~~ of the University of Illinois
21 ~~Department of Natural Resources~~ within 90 days after drilling
22 ceases.

23 The well drilling report: (1) shall show the character and
24 depth of the formations passed through or encountered in the

1 drilling of the well, particularly showing the depth and
2 thickness of oil-bearing strata, and gas-bearing strata, (2)
3 shall show the position and thickness of coal beds and deposits
4 of mineral materials of economic value, and (3) shall give the
5 location of the hole.

6 The Department of Natural Resources shall supply to the
7 Geological Survey a copy of each permit, showing the location
8 of the well.

9 (Source: P.A. 89-445, eff. 2-7-96.)

10 Section 870. The Environmental Protection Act is amended by
11 changing Sections 22.2 as follows:

12 (415 ILCS 5/22.2) (from Ch. 111 1/2, par. 1022.2)

13 Sec. 22.2. Hazardous waste; fees; liability.

14 (a) There are hereby created within the State Treasury 2
15 special funds to be known respectively as the "Hazardous Waste
16 Fund" and the "Hazardous Waste Research Fund", constituted from
17 the fees collected pursuant to this Section. In addition to the
18 fees collected under this Section, the Hazardous Waste Fund
19 shall include other moneys made available from any source for
20 deposit into the Fund.

21 (b) (1) On and after January 1, 1989, the Agency shall
22 collect from the owner or operator of each of the following
23 sites a fee in the amount of:

24 (A) 9 cents per gallon or \$18.18 per cubic yard, if

1 the hazardous waste disposal site is located off the
2 site where such waste was produced. The maximum amount
3 payable under this subdivision (A) with respect to the
4 hazardous waste generated by a single generator and
5 deposited in monofills is \$30,000 per year. If, as a
6 result of the use of multiple monofills, waste fees in
7 excess of the maximum are assessed with respect to a
8 single waste generator, the generator may apply to the
9 Agency for a credit.

10 (B) 9 cents or \$18.18 per cubic yard, if the
11 hazardous waste disposal site is located on the site
12 where such waste was produced, provided however the
13 maximum amount of fees payable under this paragraph (B)
14 is \$30,000 per year for each such hazardous waste
15 disposal site.

16 (C) If the hazardous waste disposal site is an
17 underground injection well, \$6,000 per year if not more
18 than 10,000,000 gallons per year are injected, \$15,000
19 per year if more than 10,000,000 gallons but not more
20 than 50,000,000 gallons per year are injected, and
21 \$27,000 per year if more than 50,000,000 gallons per
22 year are injected.

23 (D) 3 cents per gallon or \$6.06 per cubic yard of
24 hazardous waste received for treatment at a hazardous
25 waste treatment site, if the hazardous waste treatment
26 site is located off the site where such waste was

1 produced and if such hazardous waste treatment site is
2 owned, controlled and operated by a person other than
3 the generator of such waste. After treatment at such
4 hazardous waste treatment site, the waste shall not be
5 subject to any other fee imposed by this subsection
6 (b). For purposes of this subsection (b), the term
7 "treatment" is defined as in Section 3.505 but shall
8 not include recycling, reclamation or reuse.

9 (2) The General Assembly shall annually appropriate to
10 the Fund such amounts as it deems necessary to fulfill the
11 purposes of this Act.

12 (3) The Agency shall have the authority to accept,
13 receive, and administer on behalf of the State any moneys
14 made available to the State from any source for the
15 purposes of the Hazardous Waste Fund set forth in
16 subsection (d) of this Section.

17 (4) Of the amount collected as fees provided for in
18 this Section, the Agency shall manage the use of such funds
19 to assure that sufficient funds are available for match
20 towards federal expenditures for response action at sites
21 which are listed on the National Priorities List; provided,
22 however, that this shall not apply to additional monies
23 appropriated to the Fund by the General Assembly, nor shall
24 it apply in the event that the Director finds that revenues
25 in the Hazardous Waste Fund must be used to address
26 conditions which create or may create an immediate danger

1 to the environment or public health or to the welfare of
2 the people of the State of Illinois.

3 (5) Notwithstanding the other provisions of this
4 subsection (b), sludge from a publicly-owned sewage works
5 generated in Illinois, coal mining wastes and refuse
6 generated in Illinois, bottom boiler ash, flyash and flue
7 gas desulphurization sludge from public utility electric
8 generating facilities located in Illinois, and bottom
9 boiler ash and flyash from all incinerators which process
10 solely municipal waste shall not be subject to the fee.

11 (6) For the purposes of this subsection (b), "monofill"
12 means a facility, or a unit at a facility, that accepts
13 only wastes bearing the same USEPA hazardous waste
14 identification number, or compatible wastes as determined
15 by the Agency.

16 (c) The Agency shall establish procedures, not later than
17 January 1, 1984, relating to the collection of the fees
18 authorized by this Section. Such procedures shall include, but
19 not be limited to: (1) necessary records identifying the
20 quantities of hazardous waste received or disposed; (2) the
21 form and submission of reports to accompany the payment of fees
22 to the Agency; and (3) the time and manner of payment of fees
23 to the Agency, which payments shall be not more often than
24 quarterly.

25 (d) Beginning July 1, 1996, the Agency shall deposit all
26 such receipts in the State Treasury to the credit of the

1 Hazardous Waste Fund, except as provided in subsection (e) of
2 this Section. All monies in the Hazardous Waste Fund shall be
3 used by the Agency for the following purposes:

4 (1) Taking whatever preventive or corrective action is
5 necessary or appropriate, in circumstances certified by
6 the Director, including but not limited to removal or
7 remedial action whenever there is a release or substantial
8 threat of a release of a hazardous substance or pesticide;
9 provided, the Agency shall expend no more than \$1,000,000
10 on any single incident without appropriation by the General
11 Assembly.

12 (2) To meet any requirements which must be met by the
13 State in order to obtain federal funds pursuant to the
14 Comprehensive Environmental Response, Compensation and
15 Liability Act of 1980, (P.L. 96-510).

16 (3) In an amount up to 30% of the amount collected as
17 fees provided for in this Section, for use by the Agency to
18 conduct groundwater protection activities, including
19 providing grants to appropriate units of local government
20 which are addressing protection of underground waters
21 pursuant to the provisions of this Act.

22 (4) To fund the development and implementation of the
23 model pesticide collection program under Section 19.1 of
24 the Illinois Pesticide Act.

25 (5) To the extent the Agency has received and deposited
26 monies in the Fund other than fees collected under

1 subsection (b) of this Section, to pay for the cost of
2 Agency employees for services provided in reviewing the
3 performance of response actions pursuant to Title XVII of
4 this Act.

5 (6) In an amount up to 15% of the fees collected
6 annually under subsection (b) of this Section, for use by
7 the Agency for administration of the provisions of this
8 Section.

9 (e) The Agency shall deposit 10% of all receipts collected
10 under subsection (b) of this Section, but not to exceed
11 \$200,000 per year, in the State Treasury to the credit of the
12 Hazardous Waste Research Fund established by this Act. Pursuant
13 to appropriation, all monies in such Fund shall be used by the
14 University of Illinois ~~Department of Natural Resources~~ for the
15 purposes set forth in this subsection.

16 The University of Illinois ~~Department of Natural Resources~~
17 may enter into contracts with business, industrial,
18 university, governmental or other qualified individuals or
19 organizations to assist in the research and development
20 intended to recycle, reduce the volume of, separate, detoxify
21 or reduce the hazardous properties of hazardous wastes in
22 Illinois. Monies in the Fund may also be used by the University
23 of Illinois ~~Department of Natural Resources~~ for technical
24 studies, monitoring activities, and educational and research
25 activities which are related to the protection of underground
26 waters. Monies in the Hazardous Waste Research Fund may be used

1 to administer the Illinois Health and Hazardous Substances
2 Registry Act. Monies in the Hazardous Waste Research Fund shall
3 not be used for any sanitary landfill or the acquisition or
4 construction of any facility. This does not preclude the
5 purchase of equipment for the purpose of public demonstration
6 projects. The University of Illinois ~~Department of Natural~~
7 ~~Resources~~ shall adopt guidelines for cost sharing, selecting,
8 and administering projects under this subsection.

9 (f) Notwithstanding any other provision or rule of law, and
10 subject only to the defenses set forth in subsection (j) of
11 this Section, the following persons shall be liable for all
12 costs of removal or remedial action incurred by the State of
13 Illinois or any unit of local government as a result of a
14 release or substantial threat of a release of a hazardous
15 substance or pesticide:

16 (1) the owner and operator of a facility or vessel from
17 which there is a release or substantial threat of release
18 of a hazardous substance or pesticide;

19 (2) any person who at the time of disposal, transport,
20 storage or treatment of a hazardous substance or pesticide
21 owned or operated the facility or vessel used for such
22 disposal, transport, treatment or storage from which there
23 was a release or substantial threat of a release of any
24 such hazardous substance or pesticide;

25 (3) any person who by contract, agreement, or otherwise
26 has arranged with another party or entity for transport,

1 storage, disposal or treatment of hazardous substances or
2 pesticides owned, controlled or possessed by such person at
3 a facility owned or operated by another party or entity
4 from which facility there is a release or substantial
5 threat of a release of such hazardous substances or
6 pesticides; and

7 (4) any person who accepts or accepted any hazardous
8 substances or pesticides for transport to disposal,
9 storage or treatment facilities or sites from which there
10 is a release or a substantial threat of a release of a
11 hazardous substance or pesticide.

12 Any monies received by the State of Illinois pursuant to
13 this subsection (f) shall be deposited in the State Treasury to
14 the credit of the Hazardous Waste Fund.

15 In accordance with the other provisions of this Section,
16 costs of removal or remedial action incurred by a unit of local
17 government may be recovered in an action before the Board
18 brought by the unit of local government under subsection (i) of
19 this Section. Any monies so recovered shall be paid to the unit
20 of local government.

21 (g)(1) No indemnification, hold harmless, or similar
22 agreement or conveyance shall be effective to transfer from
23 the owner or operator of any vessel or facility or from any
24 person who may be liable for a release or substantial
25 threat of a release under this Section, to any other person
26 the liability imposed under this Section. Nothing in this

1 Section shall bar any agreement to insure, hold harmless or
2 indemnify a party to such agreements for any liability
3 under this Section.

4 (2) Nothing in this Section, including the provisions
5 of paragraph (g) (1) of this Section, shall bar a cause of
6 action that an owner or operator or any other person
7 subject to liability under this Section, or a guarantor,
8 has or would have, by reason of subrogation or otherwise
9 against any person.

10 (h) For purposes of this Section:

11 (1) The term "facility" means:

12 (A) any building, structure, installation,
13 equipment, pipe or pipeline including but not limited
14 to any pipe into a sewer or publicly owned treatment
15 works, well, pit, pond, lagoon, impoundment, ditch,
16 landfill, storage container, motor vehicle, rolling
17 stock, or aircraft; or

18 (B) any site or area where a hazardous substance
19 has been deposited, stored, disposed of, placed, or
20 otherwise come to be located.

21 (2) The term "owner or operator" means:

22 (A) any person owning or operating a vessel or
23 facility;

24 (B) in the case of an abandoned facility, any
25 person owning or operating the abandoned facility or
26 any person who owned, operated, or otherwise

1 controlled activities at the abandoned facility
2 immediately prior to such abandonment;

3 (C) in the case of a land trust as defined in
4 Section 2 of the Land Trustee as Creditor Act, the
5 person owning the beneficial interest in the land
6 trust;

7 (D) in the case of a fiduciary (other than a land
8 trustee), the estate, trust estate, or other interest
9 in property held in a fiduciary capacity, and not the
10 fiduciary. For the purposes of this Section,
11 "fiduciary" means a trustee, executor, administrator,
12 guardian, receiver, conservator or other person
13 holding a facility or vessel in a fiduciary capacity;

14 (E) in the case of a "financial institution",
15 meaning the Illinois Housing Development Authority and
16 that term as defined in Section 2 of the Illinois
17 Banking Act, that has acquired ownership, operation,
18 management, or control of a vessel or facility through
19 foreclosure or under the terms of a security interest
20 held by the financial institution or under the terms of
21 an extension of credit made by the financial
22 institution, the financial institution only if the
23 financial institution takes possession of the vessel
24 or facility and the financial institution exercises
25 actual, direct, and continual or recurrent managerial
26 control in the operation of the vessel or facility that

1 causes a release or substantial threat of a release of
2 a hazardous substance or pesticide resulting in
3 removal or remedial action;

4 (F) In the case of an owner of residential
5 property, the owner if the owner is a person other than
6 an individual, or if the owner is an individual who
7 owns more than 10 dwelling units in Illinois, or if the
8 owner, or an agent, representative, contractor, or
9 employee of the owner, has caused, contributed to, or
10 allowed the release or threatened release of a
11 hazardous substance or pesticide. The term
12 "residential property" means single family residences
13 of one to 4 dwelling units, including accessory land,
14 buildings, or improvements incidental to those
15 dwellings that are exclusively used for the
16 residential use. For purposes of this subparagraph
17 (F), the term "individual" means a natural person, and
18 shall not include corporations, partnerships, trusts,
19 or other non-natural persons.

20 (G) In the case of any facility, title or control
21 of which was conveyed due to bankruptcy, foreclosure,
22 tax delinquency, abandonment, or similar means to a
23 unit of State or local government, any person who
24 owned, operated, or otherwise controlled activities at
25 the facility immediately beforehand.

26 (H) The term "owner or operator" does not include a

1 unit of State or local government which acquired
2 ownership or control through bankruptcy, tax
3 delinquency, abandonment, or other circumstances in
4 which the government acquires title by virtue of its
5 function as sovereign. The exclusion provided under
6 this paragraph shall not apply to any State or local
7 government which has caused or contributed to the
8 release or threatened release of a hazardous substance
9 from the facility, and such a State or local government
10 shall be subject to the provisions of this Act in the
11 same manner and to the same extent, both procedurally
12 and substantively, as any nongovernmental entity,
13 including liability under Section 22.2(f).

14 (i) The costs and damages provided for in this Section may
15 be imposed by the Board in an action brought before the Board
16 in accordance with Title VIII of this Act, except that Section
17 33(c) of this Act shall not apply to any such action.

18 (j) (1) There shall be no liability under this Section for
19 a person otherwise liable who can establish by a preponderance
20 of the evidence that the release or substantial threat of
21 release of a hazardous substance and the damages resulting
22 therefrom were caused solely by:

23 (A) an act of God;

24 (B) an act of war;

25 (C) an act or omission of a third party other than an
26 employee or agent of the defendant, or other than one whose

1 act or omission occurs in connection with a contractual
2 relationship, existing directly or indirectly, with the
3 defendant (except where the sole contractual arrangement
4 arises from a published tariff and acceptance for carriage
5 by a common carrier by rail), if the defendant establishes
6 by a preponderance of the evidence that (i) he exercised
7 due care with respect to the hazardous substance concerned,
8 taking into consideration the characteristics of such
9 hazardous substance, in light of all relevant facts and
10 circumstances, and (ii) he took precautions against
11 foreseeable acts or omissions of any such third party and
12 the consequences that could foreseeably result from such
13 acts or omissions; or

14 (D) any combination of the foregoing paragraphs.

15 (2) There shall be no liability under this Section for any
16 release permitted by State or federal law.

17 (3) There shall be no liability under this Section for
18 damages as a result of actions taken or omitted in the course
19 of rendering care, assistance, or advice in accordance with
20 this Section or the National Contingency Plan pursuant to the
21 Comprehensive Environmental Response, Compensation and
22 Liability Act of 1980 (P.L. 96-510) or at the direction of an
23 on-scene coordinator appointed under such plan, with respect to
24 an incident creating a danger to public health or welfare or
25 the environment as a result of any release of a hazardous
26 substance or a substantial threat thereof. This subsection

1 shall not preclude liability for damages as the result of gross
2 negligence or intentional misconduct on the part of such
3 person. For the purposes of the preceding sentence, reckless,
4 willful, or wanton misconduct shall constitute gross
5 negligence.

6 (4) There shall be no liability under this Section for any
7 person (including, but not limited to, an owner of residential
8 property who applies a pesticide to the residential property or
9 who has another person apply a pesticide to the residential
10 property) for response costs or damages as the result of the
11 storage, handling and use, or recommendation for storage,
12 handling and use, of a pesticide consistent with:

13 (A) its directions for storage, handling and use as
14 stated in its label or labeling;

15 (B) its warnings and cautions as stated in its label or
16 labeling; and

17 (C) the uses for which it is registered under the
18 Federal Insecticide, Fungicide and Rodenticide Act and the
19 Illinois Pesticide Act.

20 (4.5) There shall be no liability under subdivision (f)(1)
21 of this Section for response costs or damages as the result of
22 a release of a pesticide from an agrichemical facility site if
23 the Agency has received notice from the Department of
24 Agriculture pursuant to Section 19.3 of the Illinois Pesticide
25 Act, the owner or operator of the agrichemical facility is
26 proceeding with a corrective action plan under the Agrichemical

1 Facility Response Action Program implemented under that
2 Section, and the Agency has provided a written endorsement of a
3 corrective action plan.

4 (4.6) There shall be no liability under subdivision (f)(1)
5 of this Section for response costs or damages as the result of
6 a substantial threat of a release of a pesticide from an
7 agrichemical facility site if the Agency has received notice
8 from the Department of Agriculture pursuant to Section 19.3 of
9 the Illinois Pesticide Act and the owner or operator of the
10 agrichemical facility is proceeding with a corrective action
11 plan under the Agrichemical Facility Response Action Program
12 implemented under that Section.

13 (5) Nothing in this subsection (j) shall affect or modify
14 in any way the obligations or liability of any person under any
15 other provision of this Act or State or federal law, including
16 common law, for damages, injury, or loss resulting from a
17 release or substantial threat of a release of any hazardous
18 substance or for removal or remedial action or the costs of
19 removal or remedial action of such hazardous substance.

20 (6) (A) The term "contractual relationship", for the
21 purpose of this subsection includes, but is not limited to,
22 land contracts, deeds or other instruments transferring title
23 or possession, unless the real property on which the facility
24 concerned is located was acquired by the defendant after the
25 disposal or placement of the hazardous substance on, in, or at
26 the facility, and one or more of the circumstances described in

1 clause (i), (ii), or (iii) of this paragraph is also
2 established by the defendant by a preponderance of the
3 evidence:

4 (i) At the time the defendant acquired the facility the
5 defendant did not know and had no reason to know that any
6 hazardous substance which is the subject of the release or
7 threatened release was disposed of on, in or at the
8 facility.

9 (ii) The defendant is a government entity which
10 acquired the facility by escheat, or through any other
11 involuntary transfer or acquisition, or through the
12 exercise of eminent domain authority by purchase or
13 condemnation.

14 (iii) The defendant acquired the facility by
15 inheritance or bequest.

16 In addition to establishing the foregoing, the defendant
17 must establish that he has satisfied the requirements of
18 subparagraph (C) of paragraph (1) of this subsection (j).

19 (B) To establish the defendant had no reason to know, as
20 provided in clause (i) of subparagraph (A) of this paragraph,
21 the defendant must have undertaken, at the time of acquisition,
22 all appropriate inquiry into the previous ownership and uses of
23 the property consistent with good commercial or customary
24 practice in an effort to minimize liability. For purposes of
25 the preceding sentence, the court shall take into account any
26 specialized knowledge or experience on the part of the

1 defendant, the relationship of the purchase price to the value
2 of the property if uncontaminated, commonly known or reasonably
3 ascertainable information about the property, the obviousness
4 of the presence or likely presence of contamination at the
5 property, and the ability to detect such contamination by
6 appropriate inspection.

7 (C) Nothing in this paragraph (6) or in subparagraph (C) of
8 paragraph (1) of this subsection shall diminish the liability
9 of any previous owner or operator of such facility who would
10 otherwise be liable under this Act. Notwithstanding this
11 paragraph (6), if the defendant obtained actual knowledge of
12 the release or threatened release of a hazardous substance at
13 such facility when the defendant owned the real property and
14 then subsequently transferred ownership of the property to
15 another person without disclosing such knowledge, such
16 defendant shall be treated as liable under subsection (f) of
17 this Section and no defense under subparagraph (C) of paragraph
18 (1) of this subsection shall be available to such defendant.

19 (D) Nothing in this paragraph (6) shall affect the
20 liability under this Act of a defendant who, by any act or
21 omission, caused or contributed to the release or threatened
22 release of a hazardous substance which is the subject of the
23 action relating to the facility.

24 (E) (i) Except as provided in clause (ii) of this
25 subparagraph (E), a defendant who has acquired real property
26 shall have established a rebuttable presumption against all

1 State claims and a conclusive presumption against all private
2 party claims that the defendant has made all appropriate
3 inquiry within the meaning of subdivision (6)(B) of this
4 subsection (j) if the defendant proves that immediately prior
5 to or at the time of the acquisition:

6 (I) the defendant obtained a Phase I Environmental
7 Audit of the real property that meets or exceeds the
8 requirements of this subparagraph (E), and the Phase I
9 Environmental Audit did not disclose the presence or likely
10 presence of a release or a substantial threat of a release
11 of a hazardous substance or pesticide at, on, to, or from
12 the real property; or

13 (II) the defendant obtained a Phase II Environmental
14 Audit of the real property that meets or exceeds the
15 requirements of this subparagraph (E), and the Phase II
16 Environmental Audit did not disclose the presence or likely
17 presence of a release or a substantial threat of a release
18 of a hazardous substance or pesticide at, on, to, or from
19 the real property.

20 (ii) No presumption shall be created under clause (i) of
21 this subparagraph (E), and a defendant shall be precluded from
22 demonstrating that the defendant has made all appropriate
23 inquiry within the meaning of subdivision (6)(B) of this
24 subsection (j), if:

25 (I) the defendant fails to obtain all Environmental
26 Audits required under this subparagraph (E) or any such

1 Environmental Audit fails to meet or exceed the
2 requirements of this subparagraph (E);

3 (II) a Phase I Environmental Audit discloses the
4 presence or likely presence of a release or a substantial
5 threat of a release of a hazardous substance or pesticide
6 at, on, to, or from real property, and the defendant fails
7 to obtain a Phase II Environmental Audit;

8 (III) a Phase II Environmental Audit discloses the
9 presence or likely presence of a release or a substantial
10 threat of a release of a hazardous substance or pesticide
11 at, on, to, or from the real property;

12 (IV) the defendant fails to maintain a written
13 compilation and explanatory summary report of the
14 information reviewed in the course of each Environmental
15 Audit under this subparagraph (E); or

16 (V) there is any evidence of fraud, material
17 concealment, or material misrepresentation by the
18 defendant of environmental conditions or of related
19 information discovered during the course of an
20 Environmental Audit.

21 (iii) For purposes of this subparagraph (E), the term
22 "environmental professional" means an individual (other than a
23 practicing attorney) who, through academic training,
24 occupational experience, and reputation (such as engineers,
25 industrial hygienists, or geologists) can objectively conduct
26 one or more aspects of an Environmental Audit and who either:

1 (I) maintains at the time of the Environmental Audit
2 and for at least one year thereafter at least \$500,000 of
3 environmental consultants' professional liability
4 insurance coverage issued by an insurance company licensed
5 to do business in Illinois; or

6 (II) is an Illinois licensed professional engineer or
7 an Illinois licensed industrial hygienist.

8 An environmental professional may employ persons who are
9 not environmental professionals to assist in the preparation of
10 an Environmental Audit if such persons are under the direct
11 supervision and control of the environmental professional.

12 (iv) For purposes of this subparagraph (E), the term "real
13 property" means any interest in any parcel of land, and
14 includes, but is not limited to, buildings, fixtures, and
15 improvements.

16 (v) For purposes of this subparagraph (E), the term "Phase
17 I Environmental Audit" means an investigation of real property,
18 conducted by environmental professionals, to discover the
19 presence or likely presence of a release or a substantial
20 threat of a release of a hazardous substance or pesticide at,
21 on, to, or from real property, and whether a release or a
22 substantial threat of a release of a hazardous substance or
23 pesticide has occurred or may occur at, on, to, or from the
24 real property. Until such time as the United States
25 Environmental Protection Agency establishes standards for
26 making appropriate inquiry into the previous ownership and uses

1 of the facility pursuant to 42 U.S.C. Sec. 9601(35)(B)(ii), the
2 investigation shall comply with the procedures of the American
3 Society for Testing and Materials, including the document known
4 as Standard E1527-97, entitled "Standard Procedures for
5 Environmental Site Assessment: Phase 1 Environmental Site
6 Assessment Process". Upon their adoption, the standards
7 promulgated by USEPA pursuant to 42 U.S.C. Sec. 9601(35)(B)(ii)
8 shall govern the performance of Phase I Environmental Audits.
9 In addition to the above requirements, the Phase I
10 Environmental Audit shall include a review of recorded land
11 title records for the purpose of determining whether the real
12 property is subject to an environmental land use restriction
13 such as a No Further Remediation Letter, Environmental Land Use
14 Control, or Highway Authority Agreement.

15 (vi) For purposes of subparagraph (E), the term "Phase II
16 Environmental Audit" means an investigation of real property,
17 conducted by environmental professionals, subsequent to a
18 Phase I Environmental Audit. If the Phase I Environmental Audit
19 discloses the presence or likely presence of a hazardous
20 substance or a pesticide or a release or a substantial threat
21 of a release of a hazardous substance or pesticide:

22 (I) In or to soil, the defendant, as part of the Phase
23 II Environmental Audit, shall perform a series of soil
24 borings sufficient to determine whether there is a presence
25 or likely presence of a hazardous substance or pesticide
26 and whether there is or has been a release or a substantial

1 threat of a release of a hazardous substance or pesticide
2 at, on, to, or from the real property.

3 (II) In or to groundwater, the defendant, as part of
4 the Phase II Environmental Audit, shall: review
5 information regarding local geology, water well locations,
6 and locations of waters of the State as may be obtained
7 from State, federal, and local government records,
8 including but not limited to the United States Geological
9 Survey Service, the State Geological Survey ~~Division~~ of the
10 University of Illinois Department of Natural Resources,
11 and the State Water Survey ~~Division~~ of the University of
12 Illinois Department of Natural Resources; and perform
13 groundwater monitoring sufficient to determine whether
14 there is a presence or likely presence of a hazardous
15 substance or pesticide, and whether there is or has been a
16 release or a substantial threat of a release of a hazardous
17 substance or pesticide at, on, to, or from the real
18 property.

19 (III) On or to media other than soil or groundwater,
20 the defendant, as part of the Phase II Environmental Audit,
21 shall perform an investigation sufficient to determine
22 whether there is a presence or likely presence of a
23 hazardous substance or pesticide, and whether there is or
24 has been a release or a substantial threat of a release of
25 a hazardous substance or pesticide at, on, to, or from the
26 real property.

1 (vii) The findings of each Environmental Audit prepared
2 under this subparagraph (E) shall be set forth in a written
3 audit report. Each audit report shall contain an affirmation by
4 the defendant and by each environmental professional who
5 prepared the Environmental Audit that the facts stated in the
6 report are true and are made under a penalty of perjury as
7 defined in Section 32-2 of the Criminal Code of 1961. It is
8 perjury for any person to sign an audit report that contains a
9 false material statement that the person does not believe to be
10 true.

11 (viii) The Agency is not required to review, approve, or
12 certify the results of any Environmental Audit. The performance
13 of an Environmental Audit shall in no way entitle a defendant
14 to a presumption of Agency approval or certification of the
15 results of the Environmental Audit.

16 The presence or absence of a disclosure document prepared
17 under the Responsible Property Transfer Act of 1988 shall not
18 be a defense under this Act and shall not satisfy the
19 requirements of subdivision (6)(A) of this subsection (j).

20 (7) No person shall be liable under this Section for
21 response costs or damages as the result of a pesticide release
22 if the Agency has found that a pesticide release occurred based
23 on a Health Advisory issued by the U.S. Environmental
24 Protection Agency or an action level developed by the Agency,
25 unless the Agency notified the manufacturer of the pesticide
26 and provided an opportunity of not less than 30 days for the

1 manufacturer to comment on the technical and scientific
2 justification supporting the Health Advisory or action level.

3 (8) No person shall be liable under this Section for
4 response costs or damages as the result of a pesticide release
5 that occurs in the course of a farm pesticide collection
6 program operated under Section 19.1 of the Illinois Pesticide
7 Act, unless the release results from gross negligence or
8 intentional misconduct.

9 (k) If any person who is liable for a release or
10 substantial threat of release of a hazardous substance or
11 pesticide fails without sufficient cause to provide removal or
12 remedial action upon or in accordance with a notice and request
13 by the Agency or upon or in accordance with any order of the
14 Board or any court, such person may be liable to the State for
15 punitive damages in an amount at least equal to, and not more
16 than 3 times, the amount of any costs incurred by the State of
17 Illinois as a result of such failure to take such removal or
18 remedial action. The punitive damages imposed by the Board
19 shall be in addition to any costs recovered from such person
20 pursuant to this Section and in addition to any other penalty
21 or relief provided by this Act or any other law.

22 Any monies received by the State pursuant to this
23 subsection (k) shall be deposited in the Hazardous Waste Fund.

24 (l) Beginning January 1, 1988, the Agency shall annually
25 collect a \$250 fee for each Special Waste Hauling Permit
26 Application and, in addition, shall collect a fee of \$20 for

1 each waste hauling vehicle identified in the annual permit
2 application and for each vehicle which is added to the permit
3 during the annual period. The Agency shall deposit 85% of such
4 fees collected under this subsection in the State Treasury to
5 the credit of the Hazardous Waste Research Fund; and shall
6 deposit the remaining 15% of such fees collected in the State
7 Treasury to the credit of the Environmental Protection Permit
8 and Inspection Fund. The majority of such receipts which are
9 deposited in the Hazardous Waste Research Fund pursuant to this
10 subsection shall be used by the University of Illinois
11 ~~Department of Natural Resources~~ for activities which relate to
12 the protection of underground waters. Persons engaged in the
13 offsite transportation of hazardous waste by highway and
14 participating in the Uniform Program under subsection (1-5) are
15 not required to file a Special Waste Hauling Permit
16 Application.

17 (1-5) (1) As used in this subsection:

18 "Base state" means the state selected by a transporter
19 according to the procedures established under the Uniform
20 Program.

21 "Base state agreement" means an agreement between
22 participating states electing to register or permit
23 transporters.

24 "Participating state" means a state electing to
25 participate in the Uniform Program by entering into a base
26 state agreement.

1 "Transporter" means a person engaged in the offsite
2 transportation of hazardous waste by highway.

3 "Uniform application" means the uniform registration
4 and permit application form prescribed under the Uniform
5 Program.

6 "Uniform Program" means the Uniform State Hazardous
7 Materials Transportation Registration and Permit Program
8 established in the report submitted and amended pursuant to
9 49 U.S.C. Section 5119(b), as implemented by the Agency
10 under this subsection.

11 "Vehicle" means any self-propelled motor vehicle,
12 except a truck tractor without a trailer, designed or used
13 for the transportation of hazardous waste subject to the
14 hazardous waste manifesting requirements of 40 U.S.C.
15 Section 6923(a)(3).

16 (2) Beginning July 1, 1998, the Agency shall implement
17 the Uniform State Hazardous Materials Transportation
18 Registration and Permit Program. On and after that date, no
19 person shall engage in the offsite transportation of
20 hazardous waste by highway without registering and
21 obtaining a permit under the Uniform Program. A transporter
22 with its principal place of business in Illinois shall
23 register with and obtain a permit from the Agency. A
24 transporter that designates another participating state in
25 the Uniform Program as its base state shall likewise
26 register with and obtain a permit from that state before

1 transporting hazardous waste in Illinois.

2 (3) Beginning July 1, 1998, the Agency shall annually
3 collect no more than a \$250 processing and audit fee from
4 each transporter of hazardous waste who has filed a uniform
5 application and, in addition, the Agency shall annually
6 collect an apportioned vehicle registration fee of \$20. The
7 amount of the apportioned vehicle registration fee shall be
8 calculated consistent with the procedures established
9 under the Uniform Program.

10 All moneys received by the Agency from the collection
11 of fees pursuant to the Uniform Program shall be deposited
12 into the Hazardous Waste Transporter account hereby
13 created within the Environmental Protection Permit and
14 Inspection Fund. Moneys remaining in the account at the
15 close of the fiscal year shall not lapse to the General
16 Revenue Fund. The State Treasurer may receive money or
17 other assets from any source for deposit into the account.
18 The Agency may expend moneys from the account, upon
19 appropriation, for the implementation of the Uniform
20 Program, including the costs to the Agency of fee
21 collection and administration. In addition, funds not
22 expended for the implementation of the Uniform Program may
23 be utilized for emergency response and cleanup activities
24 related to hazardous waste transportation that are
25 initiated by the Agency.

26 Whenever the amount of the Hazardous Waste Transporter

1 account exceeds by 115% the amount annually appropriated by the
2 General Assembly, the Agency shall credit participating
3 transporters an amount, proportionately based on the amount of
4 the vehicle fee paid, equal to the excess in the account, and
5 shall determine the need to reduce the amount of the fee
6 charged transporters in the subsequent fiscal year by the
7 amount of the credit.

8 (4) (A) The Agency may propose and the Board shall
9 adopt rules as necessary to implement and enforce the
10 Uniform Program. The Agency is authorized to enter into
11 agreements with other agencies of this State as necessary
12 to carry out administrative functions or enforcement of the
13 Uniform Program.

14 (B) The Agency shall recognize a Uniform Program
15 registration as valid for one year from the date a notice
16 of registration form is issued and a permit as valid for 3
17 years from the date issued or until a transporter fails to
18 renew its registration, whichever occurs first.

19 (C) The Agency may inspect or examine any motor vehicle
20 or facility operated by a transporter, including papers,
21 books, records, documents, or other materials to determine
22 if a transporter is complying with the Uniform Program. The
23 Agency may also conduct investigations and audits as
24 necessary to determine if a transporter is entitled to a
25 permit or to make suspension or revocation determinations
26 consistent with the standards of the Uniform Program.

1 (5) The Agency may enter into agreements with federal
2 agencies, national repositories, or other participating
3 states as necessary to allow for the reciprocal
4 registration and permitting of transporters pursuant to
5 the Uniform Program. The agreements may include procedures
6 for determining a base state, the collection and
7 distribution of registration fees, dispute resolution, the
8 exchange of information for reporting and enforcement
9 purposes, and other provisions necessary to fully
10 implement, administer, and enforce the Uniform Program.

11 (m) (Blank).

12 (n) (Blank).

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

14 Section 875. The Illinois Pesticide Act is amended by
15 changing Section 19 as follows:

16 (415 ILCS 60/19) (from Ch. 5, par. 819)

17 Sec. 19. Interagency Committee on Pesticides. The Director
18 is authorized to create an interagency committee on pesticides.
19 Its purpose is to study and advise on the use of pesticides on
20 State property. Also, its purpose is to advise any State agency
21 in connection with quarantine programs or the protection of the
22 public health and welfare, and to recommend needed legislation
23 concerning pesticides.

24 1. An interagency committee on pesticides shall consist of:

1 (1) the Director of the Department of Agriculture, (2) the
2 Director of Natural Resources, (3) the Director of the
3 Environmental Protection Agency, (4) the Director of the
4 Department of Public Health, (5) the Secretary of the
5 Department of Transportation, (6) the President ~~Chief~~ of the
6 University of Illinois or his or her designee representing the
7 State Natural History Survey and (7) the Dean of the College of
8 Agriculture, University of Illinois. Each member of the
9 committee may designate some person in his department to serve
10 on the committee in his stead. Other State agencies may, at the
11 discretion of the Director, be asked to serve on the
12 interagency committee on pesticides. The Director of the
13 Department of Agriculture shall be chairman of this committee.

14 2. The interagency committee shall: (1) Review the current
15 status of the sales and use of pesticides within the State of
16 Illinois. (2) Review pesticide programs to be sponsored or
17 directed by a governmental agency. (3) Consider the problems
18 arising from pesticide use with particular emphasis on the
19 possible adverse effects on human health, livestock, crops,
20 fish, and wildlife, business, industry, agriculture, or the
21 general public. (4) Recommend legislation to the Governor, if
22 appropriate, which will prohibit the irresponsible use of
23 pesticides. (5) Review rules and regulations pertaining to the
24 regulation or prohibition of the sale, use or application of
25 pesticides and labeling of pesticides for approval prior to
26 promulgation and adoption. (6) Contact various experts and lay

1 groups, such as the Illinois Pesticide Control Committee, to
2 obtain their views and cooperation. (7) Advise on and approve
3 of all programs involving the use of pesticides on State owned
4 property, state controlled property, or administered by State
5 agencies. This shall not be construed to include research
6 programs, or the generally accepted and approved practices
7 essential to good farm and institutional management on the
8 premises of the various State facilities.

9 3. Members of this committee shall receive no compensation
10 for their services as members of this committee other than that
11 provided by law for their respective positions with the State
12 of Illinois. All necessary expenses for travel of the committee
13 members shall be paid out of regular appropriations of their
14 respective agencies.

15 4. The committee shall meet at least once each quarter of
16 the calendar year, and may hold additional meetings upon the
17 call of the chairman. Four members shall constitute a quorum.

18 5. The committee shall make a detailed report of its
19 findings and recommendations to the Governor of Illinois prior
20 to each General Assembly Session.

21 6. The Interagency Committee on Pesticides shall, at a
22 minimum, annually, during the spring, conduct a statewide
23 public education campaign and agriculture chemical safety
24 campaign to inform the public about pesticide products, uses
25 and safe disposal techniques. A toll-free hot line number shall
26 be made available for the public to report misuse cases.

1 The Committee shall include in its educational program
2 information and advice about the effects of various pesticides
3 and application techniques upon the groundwater and drinking
4 water of the State.

5 7. The Interagency Committee on Pesticides shall conduct a
6 special study of the effects of chemigation and other
7 agricultural applications of pesticides upon the groundwater
8 of this State. The results of such study shall be reported to
9 the General Assembly by March 1, 1989. The members of the
10 Committee may utilize the technical and clerical resources of
11 their respective departments and agencies as necessary or
12 useful in the conduct of the study.

13 8. In consultation with the Interagency Committee, the
14 Department shall develop, and the Interagency Committee shall
15 approve, procedures, methods, and guidelines for addressing
16 agrichemical pesticide contamination at agrichemical
17 facilities in Illinois. In developing those procedures,
18 methods, and guidelines, the following shall be considered and
19 addressed: (1) an evaluation and assessment of site conditions
20 and operational practices at agrichemical facilities where
21 agricultural pesticides are handled; (2) what constitutes
22 pesticide contamination; (3) cost effective procedures for
23 site assessments and technologies for remedial action; and (4)
24 achievement of adequate protection of public health and the
25 environment from such actual or potential hazards. In
26 consultation with the Interagency Committee, the Department

1 shall develop, and the Interagency Committee shall approve,
2 guidelines and recommendations regarding long term financial
3 resources which may be necessary to remediate pesticide
4 contamination at agrichemical facilities in Illinois. The
5 Department, in consultation with the Interagency Committee,
6 shall present a report on those guidelines and recommendations
7 to the Governor and the General Assembly on or before January
8 1, 1993. The Department and the Interagency Committee shall
9 consult with the Illinois Pesticide Control Committee and other
10 appropriate parties during this development process.

11 9. As part of the consideration of cost effective
12 technologies pursuant to subsection 8 of this Section, the
13 Department may, upon request, provide a written authorization
14 to the owner or operator of an agrichemical facility for land
15 application of agrichemical contaminated soils at agronomic
16 rates. As used in this Section, "agrichemical" means pesticides
17 or commercial fertilizers, at an agrichemical facility, in
18 transit from an agrichemical facility to the field of
19 application, or at the field of application. The written
20 authorization may also provide for use of groundwater
21 contaminated by the release of an agrichemical, provided that
22 the groundwater is not also contaminated due to the release of
23 a petroleum product or hazardous substance other than an
24 agrichemical. The uses of agrichemical contaminated
25 groundwater authorized by the Department shall be limited to
26 supervised application or irrigation onto farmland and

1 blending as make-up water in the preparation of agrichemical
2 spray solutions that are to be applied to farmland. In either
3 case, the use of the agrichemical contaminated water shall not
4 cause (i) the total annual application amounts of a pesticide
5 to exceed the respective pesticide label application rate on
6 any authorized sites or (ii) the total annual application
7 amounts of a fertilizer to exceed the generally accepted annual
8 application rate on any authorized sites. All authorizations
9 shall prescribe appropriate operational control practices to
10 protect the site of application and shall identify each site or
11 sites where land application or irrigation take place. Where
12 agrichemical contaminated groundwater is used on farmland, the
13 prescribed practices shall be designed to prevent off-site
14 runoff or conveyance through underground tile systems. The
15 Department shall periodically advise the Interagency Committee
16 regarding the issuance of such authorizations and the status of
17 compliance at the application sites.

18 (Source: P.A. 92-113, eff. 7-20-01.)

19 Section 880. The Toxic Pollution Prevention Act is amended
20 by changing Section 5 as follows:

21 (415 ILCS 85/5) (from Ch. 111 1/2, par. 7955)

22 Sec. 5. Toxic Pollution Prevention Assistance Program.
23 There is hereby established a Toxic Pollution Prevention
24 Assistance Program at the Waste Management and Research Center.

1 The Center may establish cooperative programs with public and
2 private colleges and universities designed to augment the
3 implementation of this Section. The Center may establish fees,
4 tuition, or other financial charges for participation in the
5 Assistance Program. These monies shall be deposited in the
6 Toxic Pollution Prevention Fund established in Section 7 of
7 this Act. Through the Assistance Program, the Center:

8 (1) Shall provide general information about and actively
9 publicize the advantages of and developments in toxic pollution
10 prevention.

11 (2) May establish courses, seminars, conferences and other
12 events, and reports, updates, guides and other publications and
13 other means of providing technical information for industries,
14 local governments and citizens concerning toxic pollution
15 prevention strategies, and may, as appropriate, work in
16 cooperation with the Agency.

17 (3) Shall engage in research on toxic pollution prevention
18 methods. Such research shall include assessments of the impact
19 of adopting toxic pollution prevention methods on the
20 environment, the public health, and worker exposure, and
21 assessments of the impact on profitability and employment
22 within affected industries.

23 (4) Shall provide on-site technical consulting, to the
24 extent practicable, to help facilities to identify
25 opportunities for toxic pollution prevention, and to develop
26 toxic pollution prevention plans. To be eligible for such

1 consulting, the owner or operator of a facility must agree to
2 allow information regarding the results of such consulting to
3 be shared with the public, provided that the identity of the
4 facility shall be made available only with its consent, and
5 trade secret information shall remain protected.

6 (5) May sponsor pilot projects in cooperation with the
7 Agency, or an institute of higher education to develop and
8 demonstrate innovative technologies and methods for toxic
9 pollution prevention. The results of all such projects shall be
10 available for use by the public, but trade secret information
11 shall remain protected.

12 (6) May award grants for activities that further the
13 purposes of this Act, including but not limited to the
14 following:

15 (A) grants to not-for-profit organizations to
16 establish free or low-cost technical assistance or
17 educational programs to supplement the toxic pollution
18 prevention activities of the Center;

19 (B) grants to assist trade associations, business
20 organizations, labor organizations and educational
21 institutions in developing training materials to foster
22 toxic pollution prevention; and

23 (C) grants to assist industry, business organizations,
24 labor organizations, education institutions and industrial
25 hygienists to identify, evaluate and implement toxic
26 pollution prevention measures and alternatives through

1 audits, plans and programs.

2 The Center may establish criteria and terms for such
3 grants, including a requirement that a grantee provide
4 matching funds. Grant money awarded under this Section may
5 not be spent for capital improvements or equipment.

6 In determining whether to award a grant, the Center
7 ~~Director~~ shall consider at least the following:

8 (i) the potential of the project to prevent
9 pollution;

10 (ii) the likelihood that the project will develop
11 techniques or processes that will minimize the
12 transfer of pollution from one environmental medium to
13 another;

14 (iii) the extent to which information to be
15 developed through the project will be applicable to
16 other persons in the State; and

17 (iv) the willingness of the grant applicant to
18 assist the Center in disseminating information about
19 the pollution prevention methods to be developed
20 through the project.

21 (7) Shall establish and operate a State information
22 clearinghouse that assembles, catalogues and disseminates
23 information about toxic pollution prevention and available
24 consultant services. Such clearinghouse shall include a
25 computer database containing information on managerial,
26 technical and operational approaches to achieving toxic

1 pollution prevention. The computer database must be maintained
2 on a system designed to enable businesses, governmental
3 agencies and the general public readily to obtain information
4 specific to production technologies, materials, operations and
5 products. A business shall not be required to submit to the
6 clearinghouse any information that is a trade secret.

7 (8) May contract with an established institution of higher
8 education to assist the Center in carrying out the provisions
9 of this Section. The assistance provided by such an institution
10 may include, but need not be limited to:

11 (A) engineering field internships to assist industries
12 in identifying toxic pollution prevention opportunities;

13 (B) development of a toxic pollution prevention
14 curriculum for students and faculty; and

15 (C) applied toxic pollution prevention and recycling
16 research.

17 (9) Shall emphasize assistance to businesses that have
18 inadequate technical and financial resources to obtain
19 information and to assess and implement toxic pollution
20 prevention methods.

21 (10) Shall publish a biannual report on its toxic pollution
22 prevention activities, achievements, identified problems and
23 future goals.

24 (Source: P.A. 90-490, eff. 8-17-97.)

25 Section 885. The Illinois Low-Level Radioactive Waste

1 Management Act is amended by changing Section 3 as follows:

2 (420 ILCS 20/3) (from Ch. 111 1/2, par. 241-3)

3 Sec. 3. Definitions.

4 (a) "Broker" means any person who takes possession of
5 low-level waste for purposes of consolidation and shipment.

6 (b) "Compact" means the Central Midwest Interstate
7 Low-Level Radioactive Waste Compact.

8 (c) "Decommissioning" means the measures taken at the end
9 of a facility's operating life to assure the continued
10 protection of the public from any residual radioactivity or
11 other potential hazards present at a facility.

12 (d) "Department" means the Department of Nuclear Safety.

13 (e) "Director" means the Director of the Department of
14 Nuclear Safety.

15 (f) "Disposal" means the isolation of waste from the
16 biosphere in a permanent facility designed for that purpose.

17 (g) "Facility" means a parcel of land or site, together
18 with structures, equipment and improvements on or appurtenant
19 to the land or site, which is used or is being developed for
20 the treatment, storage or disposal of low-level radioactive
21 waste. "Facility" does not include lands, sites, structures or
22 equipment used by a generator in the generation of low-level
23 radioactive wastes.

24 (h) "Generator" means any person who produces or possesses
25 low-level radioactive waste in the course of or incident to

1 manufacturing, power generation, processing, medical diagnosis
2 and treatment, research, education or other activity.

3 (i) "Hazardous waste" means a waste, or combination of
4 wastes, which because of its quantity, concentration, or
5 physical, chemical, or infectious characteristics may cause or
6 significantly contribute to an increase in mortality or an
7 increase in serious, irreversible, or incapacitating
8 reversible, illness; or pose a substantial present or potential
9 hazard to human health or the environment when improperly
10 treated, stored, transported, or disposed of, or otherwise
11 managed, and which has been identified, by characteristics or
12 listing, as hazardous under Section 3001 of the Resource
13 Conservation and Recovery Act of 1976, P.L. 94-580 or under
14 regulations of the Pollution Control Board.

15 (j) "High-level radioactive waste" means:

16 (1) the highly radioactive material resulting from the
17 reprocessing of spent nuclear fuel including liquid waste
18 produced directly in reprocessing and any solid material
19 derived from the liquid waste that contains fission
20 products in sufficient concentrations; and

21 (2) the highly radioactive material that the Nuclear
22 Regulatory Commission has determined, on the effective
23 date of this Amendatory Act of 1988, to be high-level
24 radioactive waste requiring permanent isolation.

25 (k) "Low-level radioactive waste" or "waste" means
26 radioactive waste not classified as high-level radioactive

1 waste, transuranic waste, spent nuclear fuel or byproduct
2 material as defined in Section 11e(2) of the Atomic Energy Act
3 of 1954 (42 U.S.C. 2014).

4 (l) "Mixed waste" means waste that is both "hazardous
5 waste" and "low-level radioactive waste" as defined in this
6 Act.

7 (m) "Person" means an individual, corporation, business
8 enterprise or other legal entity either public or private and
9 any legal successor, representative, agent or agency of that
10 individual, corporation, business enterprise, or legal entity.

11 (n) "Post-closure care" means the continued monitoring of
12 the regional disposal facility after closure for the purposes
13 of detecting a need for maintenance, ensuring environmental
14 safety, and determining compliance with applicable licensure
15 and regulatory requirements, and includes undertaking any
16 remedial actions necessary to protect public health and the
17 environment from radioactive releases from the facility.

18 (o) "Regional disposal facility" or "disposal facility"
19 means the facility established by the State of Illinois under
20 this Act for disposal away from the point of generation of
21 waste generated in the region of the Compact.

22 (p) "Release" means any spilling, leaking, pumping,
23 pouring, emitting, emptying, discharging, injecting, escaping,
24 leaching, dumping or disposing into the environment of
25 low-level radioactive waste.

26 (q) "Remedial action" means those actions taken in the

1 event of a release or threatened release of low-level
2 radioactive waste into the environment, to prevent or minimize
3 the release of the waste so that it does not migrate to cause
4 substantial danger to present or future public health or
5 welfare or the environment. The term includes, but is not
6 limited to, actions at the location of the release such as
7 storage, confinement, perimeter protection using dikes,
8 trenches or ditches, clay cover, neutralization, cleanup of
9 released low-level radioactive wastes, recycling or reuse,
10 dredging or excavations, repair or replacement of leaking
11 containers, collection of leachate and runoff, onsite
12 treatment or incineration, provision of alternative water
13 supplies and any monitoring reasonably required to assure that
14 these actions protect human health and the environment.

15 (q-5) "Scientific Surveys" means, collectively, the State
16 Geological Survey ~~Division~~ and the State Water Survey ~~Division~~
17 of the University of Illinois ~~Department of Natural Resources~~.

18 (r) "Shallow land burial" means a land disposal facility in
19 which radioactive waste is disposed of in or within the upper
20 30 meters of the earth's surface. However, this definition
21 shall not include an enclosed, engineered, structurally
22 re-enforced and solidified bunker that extends below the
23 earth's surface.

24 (s) "Storage" means the temporary holding of waste for
25 treatment or disposal for a period determined by Department
26 regulations.

1 (t) "Treatment" means any method, technique or process,
2 including storage for radioactive decay, designed to change the
3 physical, chemical or biological characteristics or
4 composition of any waste in order to render the waste safer for
5 transport, storage or disposal, amenable to recovery,
6 convertible to another usable material or reduced in volume.

7 (u) "Waste management" means the storage, transportation,
8 treatment or disposal of waste.

9 (Source: P.A. 90-29, eff. 6-26-97.)

10 Section 890. The Wildlife Code is amended by changing
11 Section 1.3 as follows:

12 (520 ILCS 5/1.3)

13 Sec. 1.3. The Department shall have the authority to manage
14 wildlife and regulate the taking of wildlife for the purposes
15 of providing public recreation and controlling wildlife
16 populations. The seasons during which wildlife may be taken,
17 the methods for taking wildlife, the daily bag limits, and the
18 possession limits shall be established by the Department
19 through administrative rule, but the Department may not provide
20 for a longer season, a larger daily bag limit, or a larger
21 possession limit than is provided in this Code.

22 The Natural Resources Advisory Board may also recommend to
23 the Director of Natural Resources any reductions or increases
24 of seasons and bag or possession limits or the closure of any

1 season when research and inventory data indicate the need for
2 such changes.

3 The Department is authorized to establish seasons for the
4 taking of migratory birds within the dates established annually
5 by Proclamation of the Secretary, United States Department of
6 the Interior, known as the "Rules and Regulations for Migratory
7 Bird Hunting" (50 CFR 20 et seq.). When the biological balance
8 of any species is affected, the Director may with the approval
9 of the Conservation Advisory Board, by administrative rule,
10 lengthen, shorten or close the season during which waterfowl
11 may be taken within the federal limitations prescribed. If the
12 Department does not adopt an administrative rule establishing a
13 season, then the season shall be as set forth in the current
14 "Rules and Regulations for Migratory Bird Hunting". The
15 Department shall advise the public by reasonable means of the
16 dates of the various seasons.

17 The Department may utilize the services of the staff of the
18 Illinois State Natural History Survey of the University of
19 Illinois ~~Division in the Department of Natural Resources~~ for
20 making investigations as to the population status of the
21 various species of wildlife.

22 Employees or agents of any state, federal, or municipal
23 government or body when engaged in investigational work and law
24 enforcement, may with prior approval of the Director, be
25 exempted from the provisions of this Act.

26 (Source: P.A. 89-445, eff. 2-7-96; 90-435, eff. 1-1-98.)

1 Section 895. The Rivers, Lakes, and Streams Act is amended
2 by changing Section 18g as follows:

3 (615 ILCS 5/18g) (from Ch. 19, par. 65g)

4 Sec. 18g. (a) The Department of Natural Resources shall
5 define the 100-year floodway within metropolitan counties
6 located in the area served by the Northeastern Illinois
7 Planning Commission, except for the part of that area which is
8 within any city with a population exceeding 1,500,000. In
9 defining the 100-year floodway, the Department may rely on
10 published data and maps which have been prepared by the
11 Department itself, by the Illinois State Water Survey of the
12 University of Illinois, by federal, State or local governmental
13 agencies, or by any other private or public source which it
14 determines to be reliable and appropriate.

15 (b) The Department may issue permits for construction that
16 is an appropriate use of the designated 100-year floodway in
17 such metropolitan counties. If a unit of local government has
18 adopted an ordinance that establishes minimum standards for
19 appropriate use of the floodway that are at least as
20 restrictive as those established by the Department and this
21 Section, and the unit of local government has adequate staff to
22 enforce the ordinance, the Department may delegate to such unit
23 of local government the authority to issue permits for
24 construction that is an appropriate use of the floodway within

1 its jurisdiction.

2 (c) No person may engage in any new construction within the
3 100-year floodway as designated by the Department in such
4 metropolitan counties, unless such construction relates to an
5 appropriate use of the floodway. No unit of local government,
6 including home rule units, in such metropolitan counties may
7 issue any building permit or other apparent authorization for
8 any prohibited new construction within the 100-year floodway.

9 (d) For the purpose of this Section:

10 (1) "100-year floodway" means the channel and that
11 portion of the floodplain adjacent to a stream or
12 watercourse which is needed to store and convey the
13 100-year frequency flood discharge without a significant
14 increase in stage.

15 (2) "New construction" means the construction of any
16 new building or structure or the placement of any fill or
17 material, but does not include the repair, remodeling or
18 maintenance of buildings or structures in existence on the
19 effective date of this amendatory Act of 1987.

20 (3) "Appropriate use of the floodway" means use for (i)
21 flood control structures, dikes, dams and other public
22 works or private improvements relating to the control of
23 drainage, flooding or erosion; (ii) structures or
24 facilities relating to the use of, or requiring access to,
25 the water or shoreline, including pumping and treatment
26 facilities, and facilities and improvements related to

1 recreational boats, commercial shipping and other
2 functionally dependent uses; and (iii) any other purposes
3 which the Department determines, by rule, to be appropriate
4 to the 100-year floodway, and the periodic inundation of
5 which will not pose a danger to the general health and
6 welfare of the user, or require the expenditure of public
7 funds or the provision of public resources or disaster
8 relief services. Appropriate use of the floodway does not
9 include construction of a new building unless such building
10 is a garage, storage shed or other structure accessory to
11 an existing building and such building does not increase
12 flood stages.

13 (4) "Person" includes natural persons, corporations,
14 associations, governmental entities, and all other legal
15 entities.

16 (e) All construction undertaken on a designated 100-year
17 floodway in such metropolitan counties, without benefit of a
18 permit from the Department of Natural Resources, shall be
19 unlawful and the Department or any affected unit of local
20 government may, in its discretion, proceed to obtain injunctive
21 relief for abatement or removal of such unlawful construction.
22 The Department, in its discretion, may make such investigations
23 and conduct such hearings and adopt such rules as may be
24 necessary to the performance of its duties under this Section.

25 (f) This Section does not limit any power granted to the
26 Department by any other Act.

1 (g) This Section does not limit the concurrent exercise by
2 any unit of local government of any power consistent herewith.

3 (h) This Section does not apply to any city with a
4 population exceeding 1,500,000.

5 (Source: P.A. 89-445, eff. 2-7-96.)

6 Section 998. The State Finance Act is amended by adding
7 Section 80 as follows:

8 (30 ILCS 105/80 new)

9 Sec. 80. Transfer to the University of Illinois Income
10 Fund. Immediately upon the effective date of this Section, the
11 State Comptroller shall direct and the State Treasurer shall
12 transfer \$15,826,499 from the General Revenue Fund to the
13 University of Illinois Income Fund.

14 Section 999. Effective date. This Section and Section 998
15 take effect on July 1, 2008. The other provisions of this Act
16 take effect on July 1, 2008 or on the date the transfer from
17 the General Revenue Fund to the University of Illinois Income
18 Fund is made as required by Section 80 of the State Finance
19 Act, whichever is later."