



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4445

Introduced 4/28/2009, by Rep. Michael J. Madigan - Lisa M. Dugan, Edward J. Acevedo, Luis Arroyo, Maria Antonia Berrios, et al.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Compensation Review Act. Prohibits any increase in compensation that would otherwise apply based on a cost of living adjustment, as authorized by Senate Joint Resolution 192 of the 86th General Assembly, for or during only the fiscal year beginning July 1, 2009, but not thereafter. Requires all members of the General Assembly to take X furlough days in the fiscal year beginning July 1, 2009. Provides that if salary or compensation is provided by law as set by the Compensation Review Board, then that means the salary or compensation in effect on the effective date of the amendatory Act and the future cost of living adjustments. Repeals all other provisions of the Act except the prohibition of the FY03 COLA. Amends the Civil Administrative Code of Illinois and various other Acts to provide that the compensation of certain officials of executive branch agencies is as set by the Compensation Review Board (instead of as set by the Governor or by the Compensation Review Board, whichever is higher). Effective immediately.

LRB096 12552 RCE 25766 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning compensation.

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

4 Section 5. The Civil Administrative Code of Illinois is
5 amended by changing Sections 5-310, 5-315, 5-320, 5-325, 5-330,
6 5-335, 5-340, 5-345, 5-350, 5-355, 5-360, 5-362, 5-365, 5-370,
7 5-375, 5-385, 5-390, 5-395, 5-400, 5-405, 5-410, 5-415, and
8 5-420 as follows:

9 (20 ILCS 5/5-310) (was 20 ILCS 5/9.21)

10 Sec. 5-310. In the Department on Aging. The Director of
11 Aging shall receive an annual salary ~~as set by the Governor~~
12 ~~from time to time or~~ as set by the Compensation Review Board,
13 ~~whichever is greater.~~

14 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
15 eff. 6-28-01.)

16 (20 ILCS 5/5-315) (was 20 ILCS 5/9.02)

17 Sec. 5-315. In the Department of Agriculture. The Director
18 of Agriculture shall receive an annual salary ~~as set by the~~
19 ~~Governor from time to time or~~ as set by the Compensation Review
20 Board, ~~whichever is greater.~~

21 The Assistant Director of Agriculture shall receive an
22 annual salary ~~as set by the Governor from time to time or~~ as

1 set by the Compensation Review Board,~~whichever is greater.~~
2 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
3 eff. 6-28-01.)

4 (20 ILCS 5/5-320) (was 20 ILCS 5/9.19)

5 Sec. 5-320. In the Department of Central Management
6 Services. The Director of Central Management Services shall
7 receive an annual salary as set ~~by the Governor from time to~~
8 ~~time or an amount set~~ by the Compensation Review Board,~~7~~
9 ~~whichever is greater.~~

10 Each Assistant Director of Central Management Services
11 shall receive an annual salary as set ~~by the Governor from time~~
12 ~~to time or an amount set~~ by the Compensation Review Board,~~7~~
13 ~~whichever is greater.~~

14 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
15 eff. 6-28-01.)

16 (20 ILCS 5/5-325) (was 20 ILCS 5/9.16)

17 Sec. 5-325. In the Department of Children and Family
18 Services. The Director of Children and Family Services shall
19 receive an annual salary ~~as set by the Governor from time to~~
20 ~~time or~~ as set by the Compensation Review Board,~~7~~ ~~whichever is~~
21 ~~greater.~~

22 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
23 eff. 6-28-01.)

1 (20 ILCS 5/5-330) (was 20 ILCS 5/9.18)

2 Sec. 5-330. In the Department of Commerce and Economic
3 Opportunity. The Director of Commerce and Economic Opportunity
4 shall receive an annual salary ~~as set by the Governor from time~~
5 ~~to time or~~ as set by the Compensation Review Board, ~~whichever~~
6 ~~is greater.~~

7 The Assistant Director of Commerce and Economic
8 Opportunity shall receive an annual salary ~~as set by the~~
9 ~~Governor from time to time or~~ as set by the Compensation Review
10 Board, ~~whichever is greater.~~

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

12 (20 ILCS 5/5-335) (was 20 ILCS 5/9.11a)

13 Sec. 5-335. In the Department of Corrections. The Director
14 of Corrections shall receive an annual salary ~~as set by the~~
15 ~~Governor from time to time or~~ as set by the Compensation Review
16 Board, ~~whichever is greater.~~

17 The Assistant Director of Corrections - Adult Division
18 shall receive an annual salary ~~as set by the Governor from time~~
19 ~~to time or~~ as set by the Compensation Review Board, ~~whichever~~
20 ~~is greater.~~

21 (Source: P.A. 94-696, eff. 6-1-06.)

22 (20 ILCS 5/5-340) (was 20 ILCS 5/9.30)

23 Sec. 5-340. In the Department of Employment Security. The
24 Director of Employment Security shall receive an annual salary

1 of as set ~~by the Governor from time to time or an amount set~~ by
2 the Compensation Review Board, ~~whichever is greater.~~

3 Each member of the Board of Review shall receive \$15,000.
4 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
5 eff. 6-28-01.)

6 (20 ILCS 5/5-345) (was 20 ILCS 5/9.15)

7 Sec. 5-345. In the Department of Financial Institutions.
8 The Director of Financial Institutions shall receive an annual
9 salary ~~as set by the Governor from time to time or~~ as set by the
10 Compensation Review Board, ~~whichever is greater.~~

11 The Assistant Director of Financial Institutions shall
12 receive an annual salary ~~as set by the Governor from time to~~
13 ~~time or~~ as set by the Compensation Review Board, ~~whichever is~~
14 ~~greater.~~

15 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
16 eff. 6-28-01.)

17 (20 ILCS 5/5-350) (was 20 ILCS 5/9.24)

18 Sec. 5-350. In the Department of Human Rights. The Director
19 of Human Rights shall receive an annual salary ~~as set by the~~
20 ~~Governor from time to time or~~ as set by the Compensation Review
21 Board, ~~whichever is greater.~~

22 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
23 eff. 6-28-01.)

1 (20 ILCS 5/5-355) (was 20 ILCS 5/9.05a)

2 Sec. 5-355. In the Department of Human Services. The
3 Secretary of Human Services shall receive an annual salary as
4 ~~set by the Governor from time to time or such other amount as~~
5 ~~may be set~~ by the Compensation Review Board, ~~whichever is~~
6 ~~greater.~~

7 The Assistant Secretaries of Human Services shall each
8 receive an annual salary as set ~~by the Governor from time to~~
9 ~~time or such other amount as may be set~~ by the Compensation
10 Review Board, ~~whichever is greater.~~

11 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
12 eff. 6-28-01.)

13 (20 ILCS 5/5-360) (was 20 ILCS 5/9.10)

14 Sec. 5-360. In the Department of Insurance. The Director of
15 Insurance shall receive an annual salary ~~as set by the Governor~~
16 ~~from time to time or~~ as set by the Compensation Review Board,
17 ~~whichever is greater.~~

18 The Assistant Director of Insurance shall receive an annual
19 salary ~~as set by the Governor from time to time or~~ as set by the
20 Compensation Review Board, ~~whichever is greater.~~

21 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
22 eff. 6-28-01.)

23 (20 ILCS 5/5-362)

24 Sec. 5-362. In the Department of Juvenile Justice. The

1 Director of Juvenile Justice shall receive an annual salary ~~as~~
2 ~~set by the Governor from time to time or~~ as set by the
3 Compensation Review Board, ~~whichever is greater.~~

4 (Source: P.A. 94-696, eff. 6-1-06.)

5 (20 ILCS 5/5-365) (was 20 ILCS 5/9.03)

6 Sec. 5-365. In the Department of Labor. The Director of
7 Labor shall receive an annual salary ~~as set by the Governor~~
8 ~~from time to time or~~ as set by the Compensation Review Board,
9 ~~whichever is greater.~~

10 The Assistant Director of Labor shall receive an annual
11 salary ~~as set by the Governor from time to time or~~ as set by the
12 Compensation Review Board, ~~whichever is greater.~~

13 The Chief Factory Inspector shall receive \$24,700 from the
14 third Monday in January, 1979 to the third Monday in January,
15 1980, and \$25,000 thereafter, or as set by the Compensation
16 Review Board, whichever is greater.

17 The Superintendent of Safety Inspection and Education
18 shall receive \$27,500, or as set by the Compensation Review
19 Board, whichever is greater.

20 The Superintendent of Women's and Children's Employment
21 shall receive \$22,000 from the third Monday in January, 1979 to
22 the third Monday in January, 1980, and \$22,500 thereafter, or
23 as set by the Compensation Review Board, whichever is greater.

24 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
25 eff. 6-28-01.)

1 (20 ILCS 5/5-370) (was 20 ILCS 5/9.31)

2 Sec. 5-370. In the Department of the Lottery. The Director
3 of the Lottery shall receive an annual salary as set ~~by the~~
4 ~~Governor from time to time or an amount set~~ by the Compensation
5 Review Board, ~~whichever is greater.~~

6 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
7 eff. 6-28-01.)

8 (20 ILCS 5/5-375) (was 20 ILCS 5/9.09)

9 Sec. 5-375. In the Department of Natural Resources. The
10 Director of Natural Resources shall continue to receive the
11 annual salary set by law for the Director of Conservation until
12 January 20, 1997. Beginning on that date, the Director of
13 Natural Resources shall receive an annual salary as set ~~by the~~
14 ~~Governor from time to time or the amount set~~ by the
15 Compensation Review Board, ~~whichever is greater.~~

16 The Assistant Director of Natural Resources shall continue
17 to receive the annual salary set by law for the Assistant
18 Director of Conservation until January 20, 1997. Beginning on
19 that date, the Assistant Director of Natural Resources shall
20 receive an annual salary as set ~~by the Governor from time to~~
21 ~~time or the amount set~~ by the Compensation Review Board,
22 ~~whichever is greater.~~

23 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
24 eff. 6-28-01.)

1 (20 ILCS 5/5-385) (was 20 ILCS 5/9.25)

2 Sec. 5-385. In the Department of Nuclear Safety. The
3 Director of Nuclear Safety shall receive an annual salary ~~as~~
4 ~~set by the Governor from time to time or~~ as set by the
5 Compensation Review Board, ~~whichever is greater.~~

6 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
7 eff. 6-28-01.)

8 (20 ILCS 5/5-390) (was 20 ILCS 5/9.08)

9 Sec. 5-390. In the Department of Professional Regulation.
10 The Director of Professional Regulation shall receive an annual
11 salary ~~as set by the Governor from time to time or~~ as set by the
12 Compensation Review Board, ~~whichever is greater.~~

13 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
14 eff. 6-28-01.)

15 (20 ILCS 5/5-395) (was 20 ILCS 5/9.17)

16 Sec. 5-395. In the Department of Healthcare and Family
17 Services. The Director of Healthcare and Family Services shall
18 receive an annual salary ~~as set by the Governor from time to~~
19 ~~time or~~ as set by the Compensation Review Board, ~~whichever is~~
20 ~~greater.~~

21 The Assistant Director of Healthcare and Family Services
22 shall receive an annual salary ~~as set by the Governor from time~~
23 ~~to time or~~ as set by the Compensation Review Board, ~~whichever~~

1 ~~is greater.~~

2 (Source: P.A. 95-331, eff. 8-21-07.)

3 (20 ILCS 5/5-400) (was 20 ILCS 5/9.07)

4 Sec. 5-400. In the Department of Public Health. The
5 Director of Public Health shall receive an annual salary ~~as set~~
6 ~~by the Governor from time to time or~~ as set by the Compensation
7 Review Board, ~~whichever is greater.~~

8 The Assistant Director of Public Health shall receive an
9 annual salary ~~as set by the Governor from time to time or~~ as
10 set by the Compensation Review Board, ~~whichever is greater.~~

11 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
12 eff. 6-28-01.)

13 (20 ILCS 5/5-405) (was 20 ILCS 5/9.12)

14 Sec. 5-405. In the Department of Revenue. The Director of
15 Revenue shall receive an annual salary ~~as set by the Governor~~
16 ~~from time to time or~~ as set by the Compensation Review Board,
17 ~~whichever is greater.~~

18 The Assistant Director of Revenue shall receive an annual
19 salary ~~as set by the Governor from time to time or~~ as set by the
20 Compensation Review Board, ~~whichever is greater.~~

21 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 91-798,
22 eff. 7-9-00.)

23 (20 ILCS 5/5-410) (was 20 ILCS 5/9.11)

1 Sec. 5-410. In the Department of State Police. The Director
2 of State Police shall receive an annual salary ~~as set by the~~
3 ~~Governor from time to time or~~ as set by the Compensation Review
4 Board, ~~whichever is greater.~~

5 The Assistant Director of State Police shall receive an
6 annual salary ~~as set by the Governor from time to time or~~ as
7 set by the Compensation Review Board, ~~whichever is greater.~~

8 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
9 eff. 6-28-01.)

10 (20 ILCS 5/5-415) (was 20 ILCS 5/9.05)

11 Sec. 5-415. In the Department of Transportation. The
12 Secretary of Transportation shall receive an annual salary ~~as~~
13 ~~set by the Governor from time to time or~~ as set by the
14 Compensation Review Board, ~~whichever is greater.~~

15 The Assistant Secretary of Transportation shall receive an
16 annual salary ~~as set by the Governor from time to time or~~ as
17 set by the Compensation Review Board, ~~whichever is greater.~~

18 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
19 eff. 6-28-01.)

20 (20 ILCS 5/5-420) (was 20 ILCS 5/9.22)

21 Sec. 5-420. In the Department of Veterans' Affairs. The
22 Director of Veterans' Affairs shall receive an annual salary ~~as~~
23 ~~set by the Governor from time to time or~~ as set by the
24 Compensation Review Board, ~~whichever is greater.~~

1 The Assistant Director of Veterans' Affairs shall receive
2 an annual salary ~~as set by the Governor from time to time or as~~
3 set by the Compensation Review Board, ~~whichever is greater.~~
4 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
5 eff. 6-28-01.)

6 Section 10. The Military Code of Illinois is amended by
7 changing Section 17 as follows:

8 (20 ILCS 1805/17) (from Ch. 129, par. 220.17)

9 Sec. 17. The Adjutant General and the Assistant Adjutants
10 General shall give their entire time to their military duties.
11 The Adjutant General shall receive an annual salary ~~as set by~~
12 ~~the Governor from time to time or~~ as set by the Compensation
13 Review Board, ~~whichever is greater,~~ and each Assistant Adjutant
14 General shall receive an annual salary ~~as set by the Governor~~
15 ~~from time to time or~~ as set by the Compensation Review Board,
16 ~~whichever is greater. If set by the Governor, those annual~~
17 ~~salaries may not exceed 85% of the Governor's annual salary.~~
18 (Source: P.A. 91-25, eff. 6-9-99.)

19 Section 15. The State Fire Marshal Act is amended by
20 changing Section 1 as follows:

21 (20 ILCS 2905/1) (from Ch. 127 1/2, par. 1)

22 Sec. 1. There is hereby created the Office of the State

1 Fire Marshal, hereinafter referred to as the Office.

2 The Office shall be under an executive director who shall
3 be appointed by the Governor with the advice and consent of the
4 Senate.

5 The executive director of the Office shall be known as the
6 State Fire Marshal and shall receive an annual salary ~~as set by~~
7 ~~the Governor from time to time or~~ as set by the Compensation
8 Review Board, ~~whichever is greater. If set by the Governor, the~~
9 ~~annual salary may not exceed 85% of the annual salary of the~~
10 ~~Governor.~~

11 The Office of the State Fire Marshal shall have a division
12 that shall assume the duties of the Division of Fire
13 Prevention, Department of Law Enforcement, and a division that
14 shall assume the duties of Illinois Fire Protection Personnel
15 Standards and Education Commission. Each division shall be
16 headed by a division manager who shall be employed by the Fire
17 Marshal, subject to the Personnel Code, and shall be
18 responsible to the Fire Marshal.

19 (Source: P.A. 94-178, eff. 1-1-06.)

20 Section 20. The Office of Banks and Real Estate Act is
21 amended by changing Section 1 as follows:

22 (20 ILCS 3205/1) (from Ch. 17, par. 451)

23 Sec. 1. Salary.

24 (a) The Commissioner of Banks and Trust Companies shall

1 receive an annual salary ~~as set by the Governor from time to~~
2 ~~time or~~ as set by the Compensation Review Board, ~~whichever is~~
3 ~~greater,~~ payable in equal monthly installments. The First
4 Deputy Commissioner shall receive an annual salary ~~as set by~~
5 ~~the Governor from time to time or~~ as set by the Compensation
6 Review Board, ~~whichever is greater,~~ and the other deputy
7 commissioners shall receive an annual salary of \$38,000, or as
8 set by the Compensation Review Board, whichever is greater,
9 each payable in equal monthly installments. ~~If set by the~~
10 ~~Governor, those annual salaries may not exceed 85% of the~~
11 ~~Governor's annual salary.~~

12 (b) The Commissioner of the Office of Banks and Real Estate
13 shall receive the annual salary provided by law for the
14 Commissioner of Banks and Trust Companies until the General
15 Assembly or the Compensation Review Board establishes a salary
16 for the Commissioner of the Office of Banks and Real Estate.
17 The First Deputy Commissioner and Deputy Commissioners of the
18 Office of Banks and Real Estate shall receive the annual
19 salaries provided by law for the First Deputy Commissioner and
20 Deputy Commissioners of Banks and Trust Companies,
21 respectively, until the General Assembly or the Compensation
22 Review Board establishes salaries for the First Deputy
23 Commissioner and Deputy Commissioners of the Office of Banks
24 and Real Estate.

25 (Source: P.A. 91-25, eff. 6-9-99.)

1 Section 25. The Illinois Emergency Management Agency Act is
2 amended by changing Section 5 as follows:

3 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

4 Sec. 5. Illinois Emergency Management Agency.

5 (a) There is created within the executive branch of the
6 State Government an Illinois Emergency Management Agency and a
7 Director of the Illinois Emergency Management Agency, herein
8 called the "Director" who shall be the head thereof. The
9 Director shall be appointed by the Governor, with the advice
10 and consent of the Senate, and shall serve for a term of 2
11 years beginning on the third Monday in January of the
12 odd-numbered year, and until a successor is appointed and has
13 qualified; except that the term of the first Director appointed
14 under this Act shall expire on the third Monday in January,
15 1989. The Director shall not hold any other remunerative public
16 office. The Director shall receive an annual salary as set ~~by~~
17 ~~the Governor from time to time or the amount set by the~~
18 ~~Compensation Review Board, whichever is higher. If set by the~~
19 ~~Governor, the Director's annual salary may not exceed 85% of~~
20 ~~the Governor's annual salary.~~

21 (b) The Illinois Emergency Management Agency shall obtain,
22 under the provisions of the Personnel Code, technical,
23 clerical, stenographic and other administrative personnel, and
24 may make expenditures within the appropriation therefor as may
25 be necessary to carry out the purpose of this Act. The agency

1 created by this Act is intended to be a successor to the agency
2 created under the Illinois Emergency Services and Disaster
3 Agency Act of 1975 and the personnel, equipment, records, and
4 appropriations of that agency are transferred to the successor
5 agency as of the effective date of this Act.

6 (c) The Director, subject to the direction and control of
7 the Governor, shall be the executive head of the Illinois
8 Emergency Management Agency and the State Emergency Response
9 Commission and shall be responsible under the direction of the
10 Governor, for carrying out the program for emergency management
11 of this State. The Director shall also maintain liaison and
12 cooperate with the emergency management organizations of this
13 State and other states and of the federal government.

14 (d) The Illinois Emergency Management Agency shall take an
15 integral part in the development and revision of political
16 subdivision emergency operations plans prepared under
17 paragraph (f) of Section 10. To this end it shall employ or
18 otherwise secure the services of professional and technical
19 personnel capable of providing expert assistance to the
20 emergency services and disaster agencies. These personnel
21 shall consult with emergency services and disaster agencies on
22 a regular basis and shall make field examinations of the areas,
23 circumstances, and conditions that particular political
24 subdivision emergency operations plans are intended to apply.

25 (e) The Illinois Emergency Management Agency and political
26 subdivisions shall be encouraged to form an emergency

1 management advisory committee composed of private and public
2 personnel representing the emergency management phases of
3 mitigation, preparedness, response, and recovery. The Local
4 Emergency Planning Committee, as created under the Illinois
5 Emergency Planning and Community Right to Know Act, shall serve
6 as an advisory committee to the emergency services and disaster
7 agency or agencies serving within the boundaries of that Local
8 Emergency Planning Committee planning district for:

9 (1) the development of emergency operations plan
10 provisions for hazardous chemical emergencies; and

11 (2) the assessment of emergency response capabilities
12 related to hazardous chemical emergencies.

13 (f) The Illinois Emergency Management Agency shall:

14 (1) Coordinate the overall emergency management
15 program of the State.

16 (2) Cooperate with local governments, the federal
17 government and any public or private agency or entity in
18 achieving any purpose of this Act and in implementing
19 emergency management programs for mitigation,
20 preparedness, response, and recovery.

21 (2.5) Develop a comprehensive emergency preparedness
22 and response plan for any nuclear accident in accordance
23 with Section 65 of the Department of Nuclear Safety Law of
24 2004 (20 ILCS 3310) and in development of the Illinois
25 Nuclear Safety Preparedness program in accordance with
26 Section 8 of the Illinois Nuclear Safety Preparedness Act.

1 (2.6) Coordinate with the Department of Public Health
2 with respect to planning for and responding to public
3 health emergencies.

4 (3) Prepare, for issuance by the Governor, executive
5 orders, proclamations, and regulations as necessary or
6 appropriate in coping with disasters.

7 (4) Promulgate rules and requirements for political
8 subdivision emergency operations plans that are not
9 inconsistent with and are at least as stringent as
10 applicable federal laws and regulations.

11 (5) Review and approve, in accordance with Illinois
12 Emergency Management Agency rules, emergency operations
13 plans for those political subdivisions required to have an
14 emergency services and disaster agency pursuant to this
15 Act.

16 (5.5) Promulgate rules and requirements for the
17 political subdivision emergency management exercises,
18 including, but not limited to, exercises of the emergency
19 operations plans.

20 (5.10) Review, evaluate, and approve, in accordance
21 with Illinois Emergency Management Agency rules, political
22 subdivision emergency management exercises for those
23 political subdivisions required to have an emergency
24 services and disaster agency pursuant to this Act.

25 (6) Determine requirements of the State and its
26 political subdivisions for food, clothing, and other

1 necessities in event of a disaster.

2 (7) Establish a register of persons with types of
3 emergency management training and skills in mitigation,
4 preparedness, response, and recovery.

5 (8) Establish a register of government and private
6 response resources available for use in a disaster.

7 (9) Expand the Earthquake Awareness Program and its
8 efforts to distribute earthquake preparedness materials to
9 schools, political subdivisions, community groups, civic
10 organizations, and the media. Emphasis will be placed on
11 those areas of the State most at risk from an earthquake.
12 Maintain the list of all school districts, hospitals,
13 airports, power plants, including nuclear power plants,
14 lakes, dams, emergency response facilities of all types,
15 and all other major public or private structures which are
16 at the greatest risk of damage from earthquakes under
17 circumstances where the damage would cause subsequent harm
18 to the surrounding communities and residents.

19 (10) Disseminate all information, completely and
20 without delay, on water levels for rivers and streams and
21 any other data pertaining to potential flooding supplied by
22 the Division of Water Resources within the Department of
23 Natural Resources to all political subdivisions to the
24 maximum extent possible.

25 (11) Develop agreements, if feasible, with medical
26 supply and equipment firms to supply resources as are

1 necessary to respond to an earthquake or any other disaster
2 as defined in this Act. These resources will be made
3 available upon notifying the vendor of the disaster.
4 Payment for the resources will be in accordance with
5 Section 7 of this Act. The Illinois Department of Public
6 Health shall determine which resources will be required and
7 requested.

8 (11.5) In coordination with the Department of State
9 Police, develop and implement a community outreach program
10 to promote awareness among the State's parents and children
11 of child abduction prevention and response.

12 (12) Out of funds appropriated for these purposes,
13 award capital and non-capital grants to Illinois hospitals
14 or health care facilities located outside of a city with a
15 population in excess of 1,000,000 to be used for purposes
16 that include, but are not limited to, preparing to respond
17 to mass casualties and disasters, maintaining and
18 improving patient safety and quality of care, and
19 protecting the confidentiality of patient information. No
20 single grant for a capital expenditure shall exceed
21 \$300,000. No single grant for a non-capital expenditure
22 shall exceed \$100,000. In awarding such grants, preference
23 shall be given to hospitals that serve a significant number
24 of Medicaid recipients, but do not qualify for
25 disproportionate share hospital adjustment payments under
26 the Illinois Public Aid Code. To receive such a grant, a

1 hospital or health care facility must provide funding of at
2 least 50% of the cost of the project for which the grant is
3 being requested. In awarding such grants the Illinois
4 Emergency Management Agency shall consider the
5 recommendations of the Illinois Hospital Association.

6 (13) Do all other things necessary, incidental or
7 appropriate for the implementation of this Act.

8 (Source: P.A. 93-249, eff. 7-22-03; 93-310, eff. 7-23-03;
9 94-334, eff. 1-1-06.)

10 Section 30. The Nuclear Safety Law of 2004 is amended by
11 changing Section 45 as follows:

12 (20 ILCS 3310/45)

13 Sec. 45. Appointment of Assistant Director. The Assistant
14 Director shall be an officer appointed by the Governor, with
15 the advice and consent of the Senate, and shall serve for a
16 term of 2 years beginning on the third Monday in January of the
17 odd-numbered year, and until a successor is appointed and has
18 qualified; except that the first Assistant Director under this
19 Act shall be the Director of Nuclear Safety. The Assistant
20 Director shall not hold any other remunerative public office.
21 The Assistant Director shall receive an annual salary as set ~~by~~
22 ~~the Governor from time to time or the amount set~~ by the
23 Compensation Review Board, ~~whichever is higher. If set by the~~
24 ~~Governor, the Assistant Director's annual salary may not exceed~~

1 ~~85% of the Governor's annual salary.~~

2 (Source: P.A. 93-1029, eff. 8-25-04.)

3 Section 35. The Compensation Review Act is amended by
4 adding Sections 2.1, 3.1, and 5.6 as follows:

5 (25 ILCS 120/2.1 new)

6 Sec. 2.1. "Set by Compensation Review Board"; meaning. If
7 salary or compensation is provided by law as set by the
8 Compensation Review Board, then that means the salary or
9 compensation in effect on the effective date of this amendatory
10 Act of the 96th General Assembly and as provided in Section 5.6
11 of the Compensation Review Act.

12 (25 ILCS 120/3.1 new)

13 Sec. 3.1. FY10 furlough days. During the fiscal year
14 beginning on July 1, 2009, every member of the General Assembly
15 is mandatorily required to forfeit X days of compensation. The
16 days shall be designated by the Speaker of the House of
17 Representatives for House majority caucus members, by the House
18 Minority Leader for House minority caucus members, by the
19 President of the Senate for Senate majority caucus members, and
20 by the Senate Minority Leader for Senate minority caucus
21 members.

22 (25 ILCS 120/5.6 new)

1 Sec. 5.6. FY10 COLA's prohibited. Notwithstanding any
2 former or current provision of this Act, any other law, any
3 report of the Compensation Review Board, or any resolution of
4 the General Assembly to the contrary, members of the General
5 Assembly, judges, other than the county supplement, State's
6 attorneys, other than the county supplement, the elected
7 constitutional officers of State government, and certain
8 appointed officers of State government, including members of
9 State departments, agencies, boards, and commissions whose
10 annual compensation was recommended or determined by the
11 Compensation Review Board, are prohibited from receiving and
12 shall not receive any increase in compensation that would
13 otherwise apply based on a cost of living adjustment, as
14 authorized by Senate Joint Resolution 192 of the 86th General
15 Assembly, for or during the fiscal year beginning July 1, 2009.
16 That cost of living adjustment shall apply again in the fiscal
17 year beginning July 1, 2010 and thereafter.

18 (25 ILCS 120/2 rep.)

19 (25 ILCS 120/3 rep.)

20 (25 ILCS 120/4 rep.)

21 (25 ILCS 120/5 rep.)

22 (25 ILCS 120/6 rep.)

23 Section 40. The Compensation Review Act is amended by
24 repealing Sections 2, 3, 4, 5, and 6.

1 Section 45. The Environmental Protection Act is amended by
2 changing Section 4 as follows:

3 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

4 Sec. 4. Environmental Protection Agency; establishment;
5 duties.

6 (a) There is established in the Executive Branch of the
7 State Government an agency to be known as the Environmental
8 Protection Agency. This Agency shall be under the supervision
9 and direction of a Director who shall be appointed by the
10 Governor with the advice and consent of the Senate. The term of
11 office of the Director shall expire on the third Monday of
12 January in odd numbered years, provided that he or she shall
13 hold office until a successor is appointed and has qualified.
14 The Director shall receive an annual salary ~~as set by the~~
15 ~~Governor from time to time or~~ as set by the Compensation Review
16 Board, ~~whichever is greater. If set by the Governor, the~~
17 ~~Director's annual salary may not exceed 85% of the Governor's~~
18 ~~annual salary.~~ The Director, in accord with the Personnel Code,
19 shall employ and direct such personnel, and shall provide for
20 such laboratory and other facilities, as may be necessary to
21 carry out the purposes of this Act. In addition, the Director
22 may by agreement secure such services as he or she may deem
23 necessary from any other department, agency, or unit of the
24 State Government, and may employ and compensate such
25 consultants and technical assistants as may be required.

1 (b) The Agency shall have the duty to collect and
2 disseminate such information, acquire such technical data, and
3 conduct such experiments as may be required to carry out the
4 purposes of this Act, including ascertainment of the quantity
5 and nature of discharges from any contaminant source and data
6 on those sources, and to operate and arrange for the operation
7 of devices for the monitoring of environmental quality.

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

12 (d) In accordance with constitutional limitations, the
13 Agency shall have authority to enter at all reasonable times
14 upon any private or public property for the purpose of:

15 (1) Inspecting and investigating to ascertain possible
16 violations of this Act, any rule or regulation adopted
17 under this Act, any permit or term or condition of a
18 permit, or any Board order; or

19 (2) In accordance with the provisions of this Act,
20 taking whatever preventive or corrective action, including
21 but not limited to removal or remedial action, that is
22 necessary or appropriate whenever there is a release or a
23 substantial threat of a release of (A) a hazardous
24 substance or pesticide or (B) petroleum from an underground
25 storage tank.

26 (e) The Agency shall have the duty to investigate

1 violations of this Act, any rule or regulation adopted under
2 this Act, any permit or term or condition of a permit, or any
3 Board order; to issue administrative citations as provided in
4 Section 31.1 of this Act; and to take such summary enforcement
5 action as is provided for by Section 34 of this Act.

6 (f) The Agency shall appear before the Board in any hearing
7 upon a petition for variance, the denial of a permit, or the
8 validity or effect of a rule or regulation of the Board, and
9 shall have the authority to appear before the Board in any
10 hearing under the Act.

11 (g) The Agency shall have the duty to administer, in accord
12 with Title X of this Act, such permit and certification systems
13 as may be established by this Act or by regulations adopted
14 thereunder. The Agency may enter into written delegation
15 agreements with any department, agency, or unit of State or
16 local government under which all or portions of this duty may
17 be delegated for public water supply storage and transport
18 systems, sewage collection and transport systems, air
19 pollution control sources with uncontrolled emissions of 100
20 tons per year or less and application of algicides to waters of
21 the State. Such delegation agreements will require that the
22 work to be performed thereunder will be in accordance with
23 Agency criteria, subject to Agency review, and shall include
24 such financial and program auditing by the Agency as may be
25 required.

26 (h) The Agency shall have authority to require the

1 submission of complete plans and specifications from any
2 applicant for a permit required by this Act or by regulations
3 thereunder, and to require the submission of such reports
4 regarding actual or potential violations of this Act, any rule
5 or regulation adopted under this Act, any permit or term or
6 condition of a permit, or any Board order, as may be necessary
7 for the purposes of this Act.

8 (i) The Agency shall have authority to make recommendations
9 to the Board for the adoption of regulations under Title VII of
10 the Act.

11 (j) The Agency shall have the duty to represent the State
12 of Illinois in any and all matters pertaining to plans,
13 procedures, or negotiations for interstate compacts or other
14 governmental arrangements relating to environmental
15 protection.

16 (k) The Agency shall have the authority to accept, receive,
17 and administer on behalf of the State any grants, gifts, loans,
18 indirect cost reimbursements, or other funds made available to
19 the State from any source for purposes of this Act or for air
20 or water pollution control, public water supply, solid waste
21 disposal, noise abatement, or other environmental protection
22 activities, surveys, or programs. Any federal funds received by
23 the Agency pursuant to this subsection shall be deposited in a
24 trust fund with the State Treasurer and held and disbursed by
25 him in accordance with Treasurer as Custodian of Funds Act,
26 provided that such monies shall be used only for the purposes

1 for which they are contributed and any balance remaining shall
2 be returned to the contributor.

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

6 (1) The Agency is hereby designated as water pollution
7 agency for the state for all purposes of the Federal Water
8 Pollution Control Act, as amended; as implementing agency for
9 the State for all purposes of the Safe Drinking Water Act,
10 Public Law 93-523, as now or hereafter amended, except Section
11 1425 of that Act; as air pollution agency for the state for all
12 purposes of the Clean Air Act of 1970, Public Law 91-604,
13 approved December 31, 1970, as amended; and as solid waste
14 agency for the state for all purposes of the Solid Waste
15 Disposal Act, Public Law 89-272, approved October 20, 1965, and
16 amended by the Resource Recovery Act of 1970, Public Law
17 91-512, approved October 26, 1970, as amended, and amended by
18 the Resource Conservation and Recovery Act of 1976, (P.L.
19 94-580) approved October 21, 1976, as amended; as noise control
20 agency for the state for all purposes of the Noise Control Act
21 of 1972, Public Law 92-574, approved October 27, 1972, as
22 amended; and as implementing agency for the State for all
23 purposes of the Comprehensive Environmental Response,
24 Compensation, and Liability Act of 1980 (P.L. 96-510), as
25 amended; and otherwise as pollution control agency for the
26 State pursuant to federal laws integrated with the foregoing

1 laws, for financing purposes or otherwise. The Agency is hereby
2 authorized to take all action necessary or appropriate to
3 secure to the State the benefits of such federal Acts, provided
4 that the Agency shall transmit to the United States without
5 change any standards adopted by the Pollution Control Board
6 pursuant to Section 5(c) of this Act. This subsection (l) of
7 Section 4 shall not be construed to bar or prohibit the
8 Environmental Protection Trust Fund Commission from accepting,
9 receiving, and administering on behalf of the State any grants,
10 gifts, loans or other funds for which the Commission is
11 eligible pursuant to the Environmental Protection Trust Fund
12 Act. The Agency is hereby designated as the State agency for
13 all purposes of administering the requirements of Section 313
14 of the federal Emergency Planning and Community Right-to-Know
15 Act of 1986.

16 Any municipality, sanitary district, or other political
17 subdivision, or any Agency of the State or interstate Agency,
18 which makes application for loans or grants under such federal
19 Acts shall notify the Agency of such application; the Agency
20 may participate in proceedings under such federal Acts.

21 (m) The Agency shall have authority, consistent with
22 Section 5(c) and other provisions of this Act, and for purposes
23 of Section 303(e) of the Federal Water Pollution Control Act,
24 as now or hereafter amended, to engage in planning processes
25 and activities and to develop plans in cooperation with units
26 of local government, state agencies and officers, and other

1 appropriate persons in connection with the jurisdiction or
2 duties of each such unit, agency, officer or person. Public
3 hearings shall be held on the planning process, at which any
4 person shall be permitted to appear and be heard, pursuant to
5 procedural regulations promulgated by the Agency.

6 (n) In accordance with the powers conferred upon the Agency
7 by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the
8 Agency shall have authority to establish and enforce minimum
9 standards for the operation of laboratories relating to
10 analyses and laboratory tests for air pollution, water
11 pollution, noise emissions, contaminant discharges onto land
12 and sanitary, chemical, and mineral quality of water
13 distributed by a public water supply. The Agency may enter into
14 formal working agreements with other departments or agencies of
15 state government under which all or portions of this authority
16 may be delegated to the cooperating department or agency.

17 (o) The Agency shall have the authority to issue
18 certificates of competency to persons and laboratories meeting
19 the minimum standards established by the Agency in accordance
20 with Section 4(n) of this Act and to promulgate and enforce
21 regulations relevant to the issuance and use of such
22 certificates. The Agency may enter into formal working
23 agreements with other departments or agencies of state
24 government under which all or portions of this authority may be
25 delegated to the cooperating department or agency.

26 (p) Except as provided in Section 17.7, the Agency shall

1 have the duty to analyze samples as required from each public
2 water supply to determine compliance with the contaminant
3 levels specified by the Pollution Control Board. The maximum
4 number of samples which the Agency shall be required to analyze
5 for microbiological quality shall be 6 per month, but the
6 Agency may, at its option, analyze a larger number each month
7 for any supply. Results of sample analyses for additional
8 required bacteriological testing, turbidity, residual chlorine
9 and radionuclides are to be provided to the Agency in
10 accordance with Section 19. Owners of water supplies may enter
11 into agreements with the Agency to provide for reduced Agency
12 participation in sample analyses.

13 (q) The Agency shall have the authority to provide notice
14 to any person who may be liable pursuant to Section 22.2(f) of
15 this Act for a release or a substantial threat of a release of
16 a hazardous substance or pesticide. Such notice shall include
17 the identified response action and an opportunity for such
18 person to perform the response action.

19 (r) The Agency may enter into written delegation agreements
20 with any unit of local government under which it may delegate
21 all or portions of its inspecting, investigating and
22 enforcement functions. Such delegation agreements shall
23 require that work performed thereunder be in accordance with
24 Agency criteria and subject to Agency review. Notwithstanding
25 any other provision of law to the contrary, no unit of local
26 government shall be liable for any injury resulting from the

1 exercise of its authority pursuant to such a delegation
2 agreement unless the injury is proximately caused by the
3 willful and wanton negligence of an agent or employee of the
4 unit of local government, and any policy of insurance coverage
5 issued to a unit of local government may provide for the denial
6 of liability and the nonpayment of claims based upon injuries
7 for which the unit of local government is not liable pursuant
8 to this subsection (r).

9 (s) The Agency shall have authority to take whatever
10 preventive or corrective action is necessary or appropriate,
11 including but not limited to expenditure of monies appropriated
12 from the Build Illinois Bond Fund and the Build Illinois
13 Purposes Fund for removal or remedial action, whenever any
14 hazardous substance or pesticide is released or there is a
15 substantial threat of such a release into the environment. The
16 State, the Director, and any State employee shall be
17 indemnified for any damages or injury arising out of or
18 resulting from any action taken under this subsection. The
19 Director of the Agency is authorized to enter into such
20 contracts and agreements as are necessary to carry out the
21 Agency's duties under this subsection.

22 (t) The Agency shall have authority to distribute grants,
23 subject to appropriation by the General Assembly, for financing
24 and construction of municipal wastewater facilities. With
25 respect to all monies appropriated from the Build Illinois Bond
26 Fund and the Build Illinois Purposes Fund for wastewater

1 facility grants, the Agency shall make distributions in
2 conformity with the rules and regulations established pursuant
3 to the Anti-Pollution Bond Act, as now or hereafter amended.

4 (u) Pursuant to the Illinois Administrative Procedure Act,
5 the Agency shall have the authority to adopt such rules as are
6 necessary or appropriate for the Agency to implement Section
7 31.1 of this Act.

8 (v) (Blank.)

9 (w) Neither the State, nor the Director, nor the Board, nor
10 any State employee shall be liable for any damages or injury
11 arising out of or resulting from any action taken under
12 subsection (s).

13 (x)(1) The Agency shall have authority to distribute
14 grants, subject to appropriation by the General Assembly,
15 to units of local government for financing and construction
16 of public water supply facilities. With respect to all
17 monies appropriated from the Build Illinois Bond Fund or
18 the Build Illinois Purposes Fund for public water supply
19 grants, such grants shall be made in accordance with rules
20 promulgated by the Agency. Such rules shall include a
21 requirement for a local match of 30% of the total project
22 cost for projects funded through such grants.

23 (2) The Agency shall not terminate a grant to a unit of
24 local government for the financing and construction of
25 public water supply facilities unless and until the Agency
26 adopts rules that set forth precise and complete standards,

1 pursuant to Section 5-20 of the Illinois Administrative
2 Procedure Act, for the termination of such grants. The
3 Agency shall not make determinations on whether specific
4 grant conditions are necessary to ensure the integrity of a
5 project or on whether subagreements shall be awarded, with
6 respect to grants for the financing and construction of
7 public water supply facilities, unless and until the Agency
8 adopts rules that set forth precise and complete standards,
9 pursuant to Section 5-20 of the Illinois Administrative
10 Procedure Act, for making such determinations. The Agency
11 shall not issue a stop-work order in relation to such
12 grants unless and until the Agency adopts precise and
13 complete standards, pursuant to Section 5-20 of the
14 Illinois Administrative Procedure Act, for determining
15 whether to issue a stop-work order.

16 (y) The Agency shall have authority to release any person
17 from further responsibility for preventive or corrective
18 action under this Act following successful completion of
19 preventive or corrective action undertaken by such person upon
20 written request by the person.

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.

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