



Rep. Frank J. Mautino

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1 AMENDMENT TO HOUSE BILL 404

2 AMENDMENT NO. _____. Amend House Bill 404 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Employee Housing Act is amended by
5 changing Sections 5-5, 5-10, 5-15, 5-20, 5-25, 5-30, and 5-35
6 as follows:

7 (5 ILCS 412/5-5)

8 Sec. 5-5. Policy development. The ~~Department of~~
9 ~~Conservation, the~~ Department of Corrections, the Historic
10 Preservation Agency, the University of Illinois, and the
11 University of Illinois Foundation shall each develop a policy
12 on housing for State employees that addresses the following:

- 13 (1) Purpose of providing housing.
14 (2) Application procedures.
15 (3) Eligibility.
16 (4) Tenant selection criteria.

1 (5) Accounting for housing in employee compensation.

2 (6) Employee responsibilities that necessitate
3 State-provided housing.

4 (7) Procedures for setting and adjusting rent,
5 security deposits, and utility payments.

6 (8) Documented justification for State ownership of
7 each house or property.

8 (Source: P.A. 89-214, eff. 8-4-95.)

9 (5 ILCS 412/5-10)

10 Sec. 5-10. Taxable status. The Department of Agriculture,
11 ~~the Department of Conservation,~~ the Department of Corrections,
12 the Department of Veterans' Affairs, and the University of
13 Illinois shall each develop procedures to determine whether
14 housing provided to employees and non-employees is subject to
15 taxation. The Department of Revenue and the Internal Revenue
16 Service may be consulted to determine the appropriate means of
17 reporting the value of housing provided at below fair market
18 rent to those who do not meet all established criteria.

19 (Source: P.A. 89-214, eff. 8-4-95.)

20 (5 ILCS 412/5-15)

21 Sec. 5-15. Rental housing. The ~~Department of Conservation,~~
22 ~~the~~ Department of Corrections, the Historic Preservation
23 Agency, the Department of Transportation, the University of
24 Illinois, and the University of Illinois Foundation shall each

1 analyze the need for providing low-rent housing to its
2 employees and shall consider alternatives to State-owned
3 housing. Rent charged for State-owned housing shall be
4 evaluated every 3 years for adjustments, including that
5 necessitated by changing economic conditions.

6 (Source: P.A. 89-214, eff. 8-4-95.)

7 (5 ILCS 412/5-20)

8 Sec. 5-20. Security deposit. The ~~Department of~~
9 ~~Conservation, the~~ Department of Corrections, the Department of
10 Transportation, the Historic Preservation Agency, the
11 University of Illinois, and the University of Illinois
12 Foundation shall each analyze the need for all employee and
13 non-employee tenants of State-owned housing to pay a reasonable
14 security deposit and may each collect security deposits and
15 maintain them in interest-bearing accounts.

16 (Source: P.A. 89-214, eff. 8-4-95.)

17 (5 ILCS 412/5-25)

18 Sec. 5-25. Utilities. The ~~Department of Conservation, the~~
19 Department of Corrections, the Historic Preservation Agency,
20 and the University of Illinois may each require its employees
21 for whom it provides housing to pay their own utilities. If
22 direct utility payment is required, a utility schedule shall be
23 established for employees who can not directly pay utilities
24 due to extenuating circumstances, such as occupancy of

1 dormitories not individually metered.

2 (Source: P.A. 89-214, eff. 8-4-95.)

3 (5 ILCS 412/5-30)

4 Sec. 5-30. Tenant selection. The ~~Department of~~
5 ~~Conservation, the~~ Department of Corrections, the Historic
6 Preservation Agency, the Department of Transportation, the
7 University of Illinois, and the University of Illinois
8 Foundation shall each develop and maintain application forms
9 for its State-owned housing, written criteria for selecting
10 employee tenants, and records of decisions as to who was
11 selected to receive State housing and why they were selected.

12 (Source: P.A. 89-214, eff. 8-4-95.)

13 (5 ILCS 412/5-35)

14 Sec. 5-35. Housing justification. The ~~Department of~~
15 ~~Conservation, the~~ Historic Preservation Agency, and the
16 University of Illinois shall each develop written criteria for
17 determining which employment positions necessitate provision
18 of State housing. The criteria shall include the specific
19 employee responsibilities that can only be performed
20 effectively by occupying State housing.

21 (Source: P.A. 89-214, eff. 8-4-95.)

22 (15 ILCS 315/Act rep.)

23 Section 8. The State Museum Construction Act is repealed.

1 (20 ILCS 805/805-320 rep.)

2 (20 ILCS 805/805-435 rep.)

3 (20 ILCS 805/805-505 rep.)

4 Section 10. The Department of Natural Resources
5 (Conservation) Law of the Civil Administrative Code of Illinois
6 is amended by repealing Sections 805-320, 805-435, and 805-505.

7 Section 15. The Illinois Geographic Information Council
8 Act is amended by changing Sections 5-20 and 5-30 as follows:

9 (20 ILCS 1128/5-20)

10 Sec. 5-20. Meetings. The Council shall meet upon the call
11 of its chairmen ~~and shall meet at least twice a year.~~

12 (Source: P.A. 94-961, eff. 6-27-06.)

13 (20 ILCS 1128/5-30)

14 Sec. 5-30. Evaluation of proposals.

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

21 These include:

22 (1) Standards for the collection (geodetic),

1 maintenance, dissemination, and documentation of spatial
2 data, consistent with established and on-going development
3 of national standards and guidelines when applicable.

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

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

8 (4) Statewide basemap development.

9 (5) The development of multiyear strategies for
10 integration of GIMT in Illinois.

11 (6) (Blank). ~~The Council shall report to the Governor~~
12 ~~and the General Assembly by January 31st of each year on:~~

13 ~~(a) the current status of efforts to integrate GIMT~~
14 ~~into the decision making, evaluation, planning, and~~
15 ~~management activities of State and local governments;~~

16 ~~(b) the current status of integration of State and~~
17 ~~local government efforts with those of the federal~~
18 ~~government and the private sector; and~~

19 ~~(c) Council objectives for the next 12 month~~
20 ~~period.~~

21 (7) As necessary, the Council may enter into agreements
22 with professional non-profit organizations to achieve its
23 objectives.

24 (8) The Council may accept grants and gifts from
25 corporations, for-profit or not-for-profit, or
26 associations for the purpose of conducting research,

1 evaluations, or demonstration projects directed towards
2 the development of an integrated statewide system of
3 geographic information management technology.

4 (Source: P.A. 94-961, eff. 6-27-06.)

5 (20 ILCS 1128/5-15 rep.)

6 Section 20. The Illinois Geographic Information Council
7 Act is amended by repealing Section 5-15.

8 (30 ILCS 768/Act rep.)

9 Section 27. The Park and Recreational Facility
10 Construction Act is repealed.

11 Section 30. The Counties Code is amended by changing
12 Section 5-1062 as follows:

13 (55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)

14 Sec. 5-1062. Stormwater management.

15 (a) The purpose of this Section is to allow management and
16 mitigation of the effects of urbanization on stormwater
17 drainage in metropolitan counties located in the area served by
18 the Northeastern Illinois Planning Commission, and references
19 to "county" in this Section shall apply only to those counties.
20 This Section shall not apply to any county with a population in
21 excess of 1,500,000, except as provided in subsection (c). The
22 purpose of this Section shall be achieved by:

1 (1) consolidating the existing stormwater management
2 framework into a united, countywide structure;

3 (2) setting minimum standards for floodplain and
4 stormwater management; and

5 (3) preparing a countywide plan for the management of
6 stormwater runoff, including the management of natural and
7 man-made drainageways. The countywide plan may incorporate
8 watershed plans.

9 (b) A stormwater management planning committee shall be
10 established by county board resolution, with its membership
11 consisting of equal numbers of county board and municipal
12 representatives from each county board district, and such other
13 members as may be determined by the county and municipal
14 members. However, if the county has more than 6 county board
15 districts, the county board may by ordinance divide the county
16 into not less than 6 areas of approximately equal population,
17 to be used instead of county board districts for the purpose of
18 determining representation on the stormwater management
19 planning committee.

20 The county board members shall be appointed by the chairman
21 of the county board. Municipal members from each county board
22 district or other represented area shall be appointed by a
23 majority vote of the mayors of those municipalities which have
24 the greatest percentage of their respective populations
25 residing in such county board district or other represented
26 area. All municipal and county board representatives shall be

1 entitled to a vote; the other members shall be nonvoting
2 members, unless authorized to vote by the unanimous consent of
3 the municipal and county board representatives. A municipality
4 that is located in more than one county may choose, at the time
5 of formation of the stormwater management planning committee
6 and based on watershed boundaries, to participate in the
7 stormwater management planning program of either or both of the
8 counties. Subcommittees of the stormwater management planning
9 committee may be established to serve a portion of the county
10 or a particular drainage basin that has similar stormwater
11 management needs. The stormwater management planning committee
12 shall adopt by-laws, by a majority vote of the county and
13 municipal members, to govern the functions of the committee and
14 its subcommittees. Officers of the committee shall include a
15 chair and vice chair, one of whom shall be a county
16 representative and one a municipal representative.

17 The principal duties of the committee shall be to develop a
18 stormwater management plan for presentation to and approval by
19 the county board, and to direct the plan's implementation and
20 revision. The committee may retain engineering, legal and
21 financial advisors and inspection personnel. The committee
22 shall meet at least quarterly and shall hold at least one
23 public meeting during the preparation of the plan and prior to
24 its submittal to the county board.

25 (c) In the preparation of a stormwater management plan, a
26 county stormwater management planning committee shall

1 coordinate the planning process with each adjoining county to
2 ensure that recommended stormwater projects will have no
3 significant impact on the levels or flows of stormwaters in
4 inter-county watersheds or on the capacity of existing and
5 planned stormwater retention facilities. An adopted stormwater
6 management plan shall identify steps taken by the county to
7 coordinate the development of plan recommendations with
8 adjoining counties.

9 (d) (Blank). ~~Before the stormwater management planning~~
10 ~~committee recommends to the county board a stormwater~~
11 ~~management plan for the county or a portion thereof, it shall~~
12 ~~submit the plan to the Office of Water Resources of the~~
13 ~~Department of Natural Resources and to the Northeastern~~
14 ~~Illinois Planning Commission for review and recommendations.~~
15 ~~The Office and the Commission, in reviewing the plan, shall~~
16 ~~consider such factors as impacts on the levels or flows in~~
17 ~~rivers and streams and the cumulative effects of stormwater~~
18 ~~discharges on flood levels. The Office of Water Resources shall~~
19 ~~determine whether the plan or ordinances enacted to implement~~
20 ~~the plan complies with the requirements of subsection (f).~~
21 ~~Within a period not to exceed 60 days, the review comments and~~
22 ~~recommendations shall be submitted to the stormwater~~
23 ~~management planning committee for consideration. Any~~
24 ~~amendments to the plan shall be submitted to the Office and the~~
25 ~~Commission for review.~~

26 (e) (Blank). ~~Prior to recommending the plan to the county~~

1 ~~board, the stormwater management planning committee shall hold~~
2 ~~at least one public hearing thereon and shall afford interested~~
3 ~~persons an opportunity to be heard. The hearing shall be held~~
4 ~~in the county seat. Notice of the hearing shall be published at~~
5 ~~least once no less than 15 days in advance thereof in a~~
6 ~~newspaper of general circulation published in the county. The~~
7 ~~notice shall state the time and place of the hearing and the~~
8 ~~place where copies of the proposed plan will be accessible for~~
9 ~~examination by interested parties. If an affected municipality~~
10 ~~having a stormwater management plan adopted by ordinance wishes~~
11 ~~to protest the proposed county plan provisions, it shall appear~~
12 ~~at the hearing and submit in writing specific proposals to the~~
13 ~~stormwater management planning committee. After consideration~~
14 ~~of the matters raised at the hearing, the committee may amend~~
15 ~~or approve the plan and recommend it to the county board for~~
16 ~~adoption.~~

17 ~~The county board may enact the proposed plan by ordinance.~~
18 ~~If the proposals for modification of the plan made by an~~
19 ~~affected municipality having a stormwater management plan are~~
20 ~~not included in the proposed county plan, and the municipality~~
21 ~~affected by the plan opposes adoption of the county plan by~~
22 ~~resolution of its corporate authorities, approval of the county~~
23 ~~plan shall require an affirmative vote of at least two thirds~~
24 ~~of the county board members present and voting. If the county~~
25 ~~board wishes to amend the county plan, it shall submit in~~
26 ~~writing specific proposals to the stormwater management~~

1 ~~planning committee. If the proposals are not approved by the~~
2 ~~committee, or are opposed by resolution of the corporate~~
3 ~~authorities of an affected municipality having a municipal~~
4 ~~stormwater management plan, amendment of the plan shall require~~
5 ~~an affirmative vote of at least two thirds of the county board~~
6 ~~members present and voting.~~

7 (f) (Blank). ~~The county board may prescribe by ordinance~~
8 ~~reasonable rules and regulations for floodplain management and~~
9 ~~for governing the location, width, course and release rate of~~
10 ~~all stormwater runoff channels, streams and basins in the~~
11 ~~county, in accordance with the adopted stormwater management~~
12 ~~plan. These rules and regulations shall, at a minimum, meet the~~
13 ~~standards for floodplain management established by the Office~~
14 ~~of Water Resources and the requirements of the Federal~~
15 ~~Emergency Management Agency for participation in the National~~
16 ~~Flood Insurance Program.~~

17 (g) In accordance with, and if recommended in, the adopted
18 stormwater management plan, the county board may adopt a
19 schedule of fees as may be necessary to mitigate the effects of
20 increased stormwater runoff resulting from new development.
21 The fees shall not exceed the cost of satisfying the onsite
22 stormwater retention or detention requirements of the adopted
23 stormwater management plan. The fees shall be used to finance
24 activities undertaken by the county or its included
25 municipalities to mitigate the effects of urban stormwater
26 runoff by providing regional stormwater retention or detention

1 facilities, as identified in the county plan. All such fees
2 collected by the county shall be held in a separate fund, and
3 shall be expended only in the watershed within which they were
4 collected.

5 (h) For the purpose of implementing this Section and for
6 the development, design, planning, construction, operation and
7 maintenance of stormwater facilities provided for in the
8 stormwater management plan, a county board that has established
9 a stormwater management planning committee pursuant to this
10 Section may cause an annual tax of not to exceed 0.20% of the
11 value, as equalized or assessed by the Department of Revenue,
12 of all taxable property in the county to be levied upon all the
13 taxable property in the county. The tax shall be in addition to
14 all other taxes authorized by law to be levied and collected in
15 the county and shall be in addition to the maximum tax rate
16 authorized by law for general county purposes. The 0.20%
17 limitation provided in this Section may be increased or
18 decreased by referendum in accordance with the provisions of
19 Sections 18-120, 18-125, and 18-130 of the Property Tax Code.

20 Any revenues generated as a result of ownership or
21 operation of facilities or land acquired with the tax funds
22 collected pursuant to this subsection (h) shall be held in a
23 separate fund and be used either to abate such property tax or
24 for implementing this Section.

25 However, unless at least part of the county has been
26 declared after July 1, 1986 by presidential proclamation to be

1 a disaster area as a result of flooding, the tax authorized by
 2 this subsection (h) shall not be levied until the question of
 3 its adoption, either for a specified period or indefinitely,
 4 has been submitted to the electors thereof and approved by a
 5 majority of those voting on the question. This question may be
 6 submitted at any election held in the county after the adoption
 7 of a resolution by the county board providing for the
 8 submission of the question to the electors of the county. The
 9 county board shall certify the resolution and proposition to
 10 the proper election officials, who shall submit the proposition
 11 at an election in accordance with the general election law. If
 12 a majority of the votes cast on the question is in favor of the
 13 levy of the tax, it may thereafter be levied in the county for
 14 the specified period or indefinitely, as provided in the
 15 proposition. The question shall be put in substantially the
 16 following form:

17 -----
 18 Shall an annual tax be levied
 19 for stormwater management purposes YES
 20 (for a period of not more than
 21 years) at a rate not exceeding -----
 22% of the equalized assessed
 23 value of the taxable property of NO
 24 County?
 25 -----

26 (i) Upon the creation and implementation of a county

1 stormwater management plan, the county may petition the circuit
2 court to dissolve any or all drainage districts created
3 pursuant to the Illinois Drainage Code or predecessor Acts
4 which are located entirely within the area of the county
5 covered by the plan.

6 However, any active drainage district implementing a plan
7 that is consistent with and at least as stringent as the county
8 stormwater management plan may petition the stormwater
9 management planning committee for exception from dissolution.

10 Upon filing of the petition, the committee shall set a date for
11 hearing not less than 2 weeks, nor more than 4 weeks, from the
12 filing thereof, and the committee shall give at least one
13 week's notice of the hearing in one or more newspapers of
14 general circulation within the district, and in addition shall
15 cause a copy of the notice to be personally served upon each of
16 the trustees of the district. At the hearing, the committee
17 shall hear the district's petition and allow the district
18 trustees and any interested parties an opportunity to present
19 oral and written evidence. The committee shall render its
20 decision upon the petition for exception from dissolution based
21 upon the best interests of the residents of the district. In
22 the event that the exception is not allowed, the district may
23 file a petition within 30 days of the decision with the circuit
24 court. In that case, the notice and hearing requirements for
25 the court shall be the same as herein provided for the
26 committee. The court shall likewise render its decision of

1 whether to dissolve the district based upon the best interests
2 of residents of the district.

3 The dissolution of any drainage district shall not affect
4 the obligation of any bonds issued or contracts entered into by
5 the district nor invalidate the levy, extension or collection
6 of any taxes or special assessments upon the property in the
7 former drainage district. All property and obligations of the
8 former drainage district shall be assumed and managed by the
9 county, and the debts of the former drainage district shall be
10 discharged as soon as practicable.

11 If a drainage district lies only partly within a county
12 that adopts a county stormwater management plan, the county may
13 petition the circuit court to disconnect from the drainage
14 district that portion of the district that lies within that
15 county. The property of the drainage district within the
16 disconnected area shall be assumed and managed by the county.
17 The county shall also assume a portion of the drainage
18 district's debt at the time of disconnection, based on the
19 portion of the value of the taxable property of the drainage
20 district which is located within the area being disconnected.

21 The operations of any drainage district that continues to
22 exist in a county that has adopted a stormwater management plan
23 in accordance with this Section shall be in accordance with the
24 adopted plan.

25 (j) Any county that has adopted a county stormwater
26 management plan under this Section may, after 10 days written

1 notice to the owner or occupant, enter upon any lands or waters
2 within the county for the purpose of inspecting stormwater
3 facilities or causing the removal of any obstruction to an
4 affected watercourse. The county shall be responsible for any
5 damages occasioned thereby.

6 (k) Upon petition of the municipality, and based on a
7 finding of the stormwater management planning committee, the
8 county shall not enforce rules and regulations adopted by the
9 county in any municipality located wholly or partly within the
10 county that has a municipal stormwater management ordinance
11 that is consistent with and at least as stringent as the county
12 plan and ordinance, and is being enforced by the municipal
13 authorities.

14 (l) A county may issue general obligation bonds for
15 implementing any stormwater plan adopted under this Section in
16 the manner prescribed in Section 5-1012; except that the
17 referendum requirement of Section 5-1012 shall not apply to
18 bonds issued pursuant to this Section on which the principal
19 and interest are to be paid entirely out of funds generated by
20 the taxes and fees authorized by this Section.

21 (m) The powers authorized by this Section may be
22 implemented by the county board for a portion of the county
23 subject to similar stormwater management needs.

24 (n) The powers and taxes authorized by this Section are in
25 addition to the powers and taxes authorized by Division 5-15;
26 in exercising its powers under this Section, a county shall not

1 be subject to the restrictions and requirements of that
2 Division.

3 (o) Pursuant to paragraphs (g) and (i) of Section 6 of
4 Article VII of the Illinois Constitution, this Section
5 specifically denies and limits the exercise of any power which
6 is inconsistent herewith by home rule units in any county with
7 a population of less than 1,500,000 in the area served by the
8 Northeastern Illinois Planning Commission. This Section does
9 not prohibit the concurrent exercise of powers consistent
10 herewith.

11 (Source: P.A. 88-670, eff. 12-2-94; 89-445, eff. 2-7-96.)

12 (55 ILCS 5/5-1062.1 rep.)

13 Section 35. The Counties Code is amended by repealing
14 Section 5-1062.1.

15 Section 40. The Coal Mining Act is amended by changing
16 Section 2.08 as follows:

17 (225 ILCS 705/2.08) (from Ch. 96 1/2, par. 308)

18 Sec. 2.08. The Director of ~~the Office of Mines and Minerals~~
19 ~~within~~ the Department of Natural Resources, or his or her
20 designee, shall be the executive officer of the Mining Board
21 and shall execute the orders, rules and regulations made and
22 promulgated by the Mining Board. ~~The Manager of the Office of~~
23 ~~Mines and Minerals may act as executive officer in the absence~~

1 ~~of the Director of the Office of Mines and Minerals.~~

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

3 Section 45. The Energy Assistance Act is amended by
4 changing Section 5 as follows:

5 (305 ILCS 20/5) (from Ch. 111 2/3, par. 1405)

6 Sec. 5. Policy Advisory Council.

7 (a) Within the Department of Commerce and Economic
8 Opportunity is created a Low Income Energy Assistance Policy
9 Advisory Council.

10 (b) The Council shall be chaired by the Director of
11 Commerce and Economic Opportunity or his or her designee. There
12 shall be 19 ~~20~~ members of the Low Income Energy Assistance
13 Policy Advisory Council, including the chairperson and the
14 following members:

15 (1) one member designated by the Illinois Commerce
16 Commission;

17 (2) (blank); ~~one member designated by the Illinois~~
18 ~~Department of Natural Resources;~~

19 (3) one member designated by the Illinois Energy
20 Association to represent electric public utilities serving
21 in excess of 1 million customers in this State;

22 (4) one member agreed upon by gas public utilities that
23 serve more than 500,000 and fewer than 1,500,000 customers
24 in this State;

1 (5) one member agreed upon by gas public utilities that
2 serve 1,500,000 or more customers in this State;

3 (6) one member designated by the Illinois Energy
4 Association to represent combination gas and electric
5 public utilities;

6 (7) one member agreed upon by the Illinois Municipal
7 Electric Agency and the Association of Illinois Electric
8 Cooperatives;

9 (8) one member agreed upon by the Illinois Industrial
10 Energy Consumers;

11 (9) three members designated by the Department to
12 represent low income energy consumers;

13 (10) two members designated by the Illinois Community
14 Action Association to represent local agencies that assist
15 in the administration of this Act;

16 (11) one member designated by the Citizens Utility
17 Board to represent residential energy consumers;

18 (12) one member designated by the Illinois Retail
19 Merchants Association to represent commercial energy
20 customers;

21 (13) one member designated by the Department to
22 represent independent energy providers; and

23 (14) three members designated by the Mayor of the City
24 of Chicago.

25 (c) Designated and appointed members shall serve 2 year
26 terms and until their successors are appointed and qualified.

1 The designating organization shall notify the chairperson of
2 any changes or substitutions of a designee within 10 business
3 days of a change or substitution. Members shall serve without
4 compensation, but may receive reimbursement for actual costs
5 incurred in fulfilling their duties as members of the Council.

6 (d) The Council shall have the following duties:

7 (1) to monitor the administration of this Act to ensure
8 effective, efficient, and coordinated program development
9 and implementation;

10 (2) to assist the Department in developing and
11 administering rules and regulations required to be
12 promulgated pursuant to this Act in a manner consistent
13 with the purpose and objectives of this Act;

14 (3) to facilitate and coordinate the collection and
15 exchange of all program data and other information needed
16 by the Department and others in fulfilling their duties
17 pursuant to this Act;

18 (4) to advise the Department on the proper level of
19 support required for effective administration of the Act;

20 (5) to provide a written opinion concerning any
21 regulation proposed pursuant to this Act, and to review and
22 comment on any energy assistance or related plan required
23 to be prepared by the Department;

24 (6) to advise the Department on the use of funds
25 collected pursuant to Section 11 of this Act, and on any
26 changes to existing low income energy assistance programs

1 to make effective use of such funds, so long as such uses
2 and changes are consistent with the requirements of the
3 Act.

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

5 (305 ILCS 20/8 rep.)

6 Section 50. The Energy Assistance Act is amended by
7 repealing Section 8.

8 Section 55. The Interstate Ozone Transport Oversight Act is
9 amended by changing Section 20 as follows:

10 (415 ILCS 130/20)

11 Sec. 20. Legislative referral and public hearings.

12 (a) Not later than 10 days after the development of any
13 proposed memorandum of understanding by the Ozone Transport
14 Assessment Group potentially requiring the State of Illinois to
15 undertake emission reductions in addition to those specified by
16 the Clean Air Act Amendments of 1990, or subsequent to the
17 issuance of a request made by the United States Environmental
18 Protection Agency on or after June 1, 1997 for submission of a
19 State Implementation Plan for Illinois relating to ozone
20 attainment and before submission of the Plan, the Director
21 shall submit the proposed memorandum of understanding or State
22 Implementation Plan to the House Committee and the Senate
23 Committee for their consideration. At that time, the Director

1 shall also submit information detailing any alternate
2 strategies.

3 (b) To assist the legislative review required by this Act,
4 ~~the Department of Natural Resources and~~ the Department of
5 Commerce and Economic Opportunity shall conduct a joint study
6 of the impacts on the State's economy which may result from
7 implementation of the emission reduction strategies contained
8 within any proposed memorandum of understanding or State
9 Implementation Plan relating to ozone and from implementation
10 of any alternate strategies. The study shall include, but not
11 be limited to, the impacts on economic development, employment,
12 utility costs and rates, personal income, and industrial
13 competitiveness which may result from implementation of the
14 emission reduction strategies contained within any proposed
15 memorandum of agreement or State Implementation Plan relating
16 to ozone and from implementation of any alternate strategies.
17 The study shall be submitted to the House Committee and Senate
18 Committee not less than 10 days prior to any scheduled hearing
19 conducted pursuant to subsection (c) of this Section.

20 (c) Upon receipt of the information required by subsections
21 (a) and (b) of this Section, the House Committee and Senate
22 Committee shall each convene one or more public hearings to
23 receive comments from agencies of government and other
24 interested parties on the memorandum of understanding's or
25 State Implementation Plan's prospective economic and
26 environmental impacts, including its impacts on energy use,

1 economic development, utility costs and rates, and
2 competitiveness. Additionally, comments shall be received on
3 the prospective economic and environmental impacts, including
4 impacts on energy use, economic development, utility costs and
5 rates, and competitiveness, which may result from
6 implementation of any alternate strategies.

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

8 (515 ILCS 5/1-235 rep.)

9 Section 60. The Fish and Aquatic Life Code is amended by
10 repealing Section 1-235.

11 (520 ILCS 20/2 rep.)

12 (520 ILCS 20/6 rep.)

13 (520 ILCS 20/7 rep.)

14 (520 ILCS 20/8 rep.)

15 (520 ILCS 20/9 rep.)

16 Section 65. The Wildlife Habitat Management Areas Act is
17 amended by repealing Sections 2, 6, 7, 8, and 9.

18 Section 70. The Rivers, Lakes, and Streams Act is amended
19 by changing Section 23a as follows:

20 (615 ILCS 5/23a) (from Ch. 19, par. 70a)

21 Sec. 23a. The Department is authorized to carry out
22 inspections of any dam within the State, and to establish

1 standards and issue permits for the safe construction of new
2 dams and the reconstruction, repair, operation and maintenance
3 of all existing dams. If any inspection carried out by the
4 Department or by a federal agency in which the Department
5 concurs determines that a dam is in an unsafe condition, the
6 Department shall so notify the appropriate public officials of
7 the affected city or county, the State's Attorney of the county
8 in which the dam is located, and the Illinois Emergency
9 Management Agency.

10 The Department may compel the installation of fishways in
11 dams wherever deemed necessary.

12 The Department may establish by rule minimum water levels
13 for water behind dams on streams and rivers as necessary to
14 preserve the fish and other aquatic life and to safeguard the
15 health of the community.

16 Upon a determination of the Department that a dam
17 constitutes a serious threat to life or a threat of substantial
18 property damage, the Department may issue orders to require
19 changes in the structure or its operation or maintenance
20 necessary for proper control of water levels at normal stages
21 and for the disposal of flood waters and for the protection of
22 navigation and any persons or property situated downstream from
23 the dam or to otherwise remove the threat provided, however,
24 that no existing dam, based solely upon the enactment by any
25 governmental unit of any new rule, regulation, ordinance, law,
26 or other requirement passed after the construction of the dam,

1 shall be deemed to constitute a serious threat to life or a
2 threat of substantial property damage if it was designed and
3 constructed under a permit from the State of Illinois in
4 conformance with all applicable standards existing at the time
5 of its construction and is in good repair.

6 The Department shall be required, prior to taking any
7 action to compel alteration or breaching of any dam, to furnish
8 in writing to the owner of the dam (1) a detailed and specific
9 list of defects discovered in the course of inspection of the
10 dam, including the specific nature of any inadequacies in the
11 capacity of the spillway system and any indications of seepage,
12 erosion, or other evidence of structural deficiency in the dam
13 or spillway; and (2) a statement of the applicable standards
14 that if complied with by the owner of the dam would put the dam
15 into compliance with the State's requirements.

16 No order shall be issued requiring alteration of any
17 existing dam until after notice and opportunity for hearing has
18 been provided by the Department to the dam owners. If the owner
19 or owners of the dam are unknown, notice will be provided by
20 publication in a newspaper of general circulation in the county
21 in which the structure is located. Any order issued under this
22 Section shall include a statement of the findings supporting
23 the order.

24 Opportunity for hearing is not required in emergency
25 situations when the Department finds there is imminent hazard
26 to personal public safety of people.

1 The Department may enforce the provisions of this Section
2 and of rules and orders issued hereunder by injunction or other
3 appropriate action.

4 Neither the Department of Natural Resources nor employees
5 or agents of the Department shall be liable for damages
6 sustained through the partial or total failure of any dam or
7 the operation or maintenance of any dam by reason of the
8 Department's regulation thereof. Nothing in this Act shall
9 relieve an owner or operator of a dam from the legal duties,
10 obligations, and liabilities arising from ownership or
11 operation.

12 ~~The Department shall review and update its operations~~
13 ~~manuals for the Algonquin Dam and the William C. Stratton Lock~~
14 ~~and Dam on an annual basis.~~

15 (Source: P.A. 96-388, eff. 1-1-10.)

16 Section 999. Effective date. This Act takes effect upon
17 becoming law.".