



Rep. Frank J. Mautino

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1 AMENDMENT TO HOUSE BILL 404

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 404, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

8 (5 ILCS 412/5-5)

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

- 14 (1) Purpose of providing housing.
- 15 (2) Application procedures.
- 16 (3) Eligibility.

1 (4) Tenant selection criteria.

2 (5) Accounting for housing in employee compensation.

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

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

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

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

10 (5 ILCS 412/5-10)

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

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

21 (5 ILCS 412/5-15)

22 Sec. 5-15. Rental housing. The ~~Department of Conservation,~~  
23 ~~the~~ Department of Corrections, the Historic Preservation  
24 Agency, the Department of Transportation, the University of

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

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

8 (5 ILCS 412/5-20)

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

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

18 (5 ILCS 412/5-25)

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

1 due to extenuating circumstances, such as occupancy of  
2 dormitories not individually metered.

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

4 (5 ILCS 412/5-30)

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

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

14 (5 ILCS 412/5-35)

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

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

23 (15 ILCS 315/Act rep.)

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

2 (20 ILCS 805/805-320 rep.)

3 (20 ILCS 805/805-435 rep.)

4 (20 ILCS 805/805-505 rep.)

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

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

10 (20 ILCS 1128/5-20)

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

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

14 (20 ILCS 1128/5-30)

15 Sec. 5-30. Evaluation of proposals.

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

22 These include:

1           (1) Standards for the collection (geodetic),  
2 maintenance, dissemination, and documentation of spatial  
3 data, consistent with established and on-going development  
4 of national standards and guidelines when applicable.

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

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

9           (4) Statewide basemap development.

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

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

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

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

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

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

25          (8) The Council may accept grants and gifts from  
26 corporations, for-profit or not-for-profit, or

1 associations for the purpose of conducting research,  
2 evaluations, or demonstration projects directed towards  
3 the development of an integrated statewide system of  
4 geographic information management technology.

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

6 (20 ILCS 1128/5-15 rep.)

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

9 Section 22. The State Finance Act is amended by adding  
10 Section 5.811 as follows:

11 (30 ILCS 105/5.811 new)

12 Sec. 5.811. The Mining Safety, Inspection, and Regulation  
13 Fund.

14 Section 25. The Illinois Coal Technology Development  
15 Assistance Act is amended by changing Section 3 and by adding  
16 Sections 7 and 8 as follows:

17 (30 ILCS 730/3) (from Ch. 96 1/2, par. 8203)

18 Sec. 3. Transfers to Coal Technology Development  
19 Assistance Funds. As soon as may be practicable after the first  
20 day of each month, the Department of Revenue shall certify to  
21 the Treasurer an amount equal to 1/64 of the revenue realized

1 from the tax imposed by the Electricity Excise Tax Law, Section  
2 of the Public Utilities Revenue Act, Section 2 of the  
3 Messages Tax Act, and Section 2 of the Gas Revenue Tax Act,  
4 during the preceding month. Upon receipt of the certification,  
5 the Treasurer shall transfer the amount shown on such  
6 certification from the General Revenue Fund, less the amount of  
7 \$416,666 each month that shall be transferred to the Mining  
8 Safety, Inspection, and Regulation Fund, which is hereby  
9 created as a special fund in the State treasury, to the Coal  
10 Technology Development Assistance Fund, which is hereby  
11 created as a special fund in the State treasury, except that no  
12 transfer to the Coal Technology Development Assistance Fund  
13 shall be made in any month in which the Fund has reached the  
14 following balance:

15 (1) \$7,000,000 during fiscal year 1994.

16 (2) \$8,500,000 during fiscal year 1995.

17 (3) \$10,000,000 during fiscal years 1996 and 1997.

18 (4) During fiscal year 1998 through fiscal year 2004,  
19 an amount equal to the sum of \$10,000,000 plus additional  
20 moneys deposited into the Coal Technology Development  
21 Assistance Fund from the Renewable Energy Resources and  
22 Coal Technology Development Assistance Charge under  
23 Section 6.5 of the Renewable Energy, Energy Efficiency, and  
24 Coal Resources Development Law of 1997.

25 (5) During fiscal year 2005, an amount equal to the sum  
26 of \$7,000,000 plus additional moneys deposited into the



1 Coal Technology Development Assistance Fund from the  
2 Renewable Energy Resources and Coal Technology Development  
3 Assistance Charge under Section 6.5 of the Renewable  
4 Energy, Energy Efficiency, and Coal Resources Development  
5 Law of 1997.

6 (6) During fiscal year 2006 and each fiscal year  
7 thereafter, an amount equal to the sum of \$10,000,000 plus  
8 additional moneys deposited into the Coal Technology  
9 Development Assistance Fund from the Renewable Energy  
10 Resources and Coal Technology Development Assistance  
11 Charge under Section 6.5 of the Renewable Energy, Energy  
12 Efficiency, and Coal Resources Development Law of 1997.

13 (Source: P.A. 93-839, eff. 7-30-04.)

14 (30 ILCS 730/7 new)

15 Sec. 7. Transfers to Mining Safety, Inspection, and  
16 Regulation Funds. As soon as may be practicable after the first  
17 day of each month, the Department of Revenue shall certify to  
18 the Treasurer an amount equal to 1/64 of the revenue realized  
19 from the tax imposed by the Electricity Excise Tax Law, Section  
20 2 of the Public Utilities Revenue Act, Section 2 of the  
21 Messages Tax Act, and Section 2 of the Gas Revenue Tax Act,  
22 during the preceding month. Upon receipt of the certification,  
23 the Treasurer shall transfer \$416,666 from the amount shown on  
24 the certification from the General Revenue Fund to the Mining  
25 Safety, Inspection, and Regulation Fund.

1 (30 ILCS 730/8 new)

2 Sec. 8. Expenditures from Mining Safety, Inspection, and  
3 Regulation Fund. The contents of the Mining Safety, Inspection,  
4 and Regulation Fund may be used for expenses, subject to  
5 appropriation by the General Assembly, in the amounts and at  
6 such times as the Department of Natural Resources may deem  
7 necessary or desirable for the purposes of operations of the  
8 Office of Mines and Minerals within the Department of Natural  
9 Resources to ensure proper mining safety and regulations and  
10 other mining related issues.

11 (30 ILCS 768/Act rep.)

12 Section 27. The Park and Recreational Facility  
13 Construction Act is repealed.

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

16 (55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)

17 Sec. 5-1062. Stormwater management.

18 (a) The purpose of this Section is to allow management and  
19 mitigation of the effects of urbanization on stormwater  
20 drainage in metropolitan counties located in the area served by  
21 the Northeastern Illinois Planning Commission, and references  
22 to "county" in this Section shall apply only to those counties.

1 This Section shall not apply to any county with a population in  
2 excess of 1,500,000, except as provided in subsection (c). The  
3 purpose of this Section shall be achieved by:

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

6 (2) setting minimum standards for floodplain and  
7 stormwater management; and

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

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

23 The county board members shall be appointed by the chairman  
24 of the county board. Municipal members from each county board  
25 district or other represented area shall be appointed by a  
26 majority vote of the mayors of those municipalities which have

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

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

1 its submittal to the county board.

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

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

1 ~~amendments to the plan shall be submitted to the Office and the~~  
2 ~~Commission for review.~~

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

20 The county board may enact the proposed plan by ordinance.  
21 If the proposals for modification of the plan made by an  
22 affected municipality having a stormwater management plan are  
23 not included in the proposed county plan, and the municipality  
24 affected by the plan opposes adoption of the county plan by  
25 resolution of its corporate authorities, approval of the county  
26 plan shall require an affirmative vote of at least two-thirds

1 of the county board members present and voting. If the county  
2 board wishes to amend the county plan, it shall submit in  
3 writing specific proposals to the stormwater management  
4 planning committee. If the proposals are not approved by the  
5 committee, or are opposed by resolution of the corporate  
6 authorities of an affected municipality having a municipal  
7 stormwater management plan, amendment of the plan shall require  
8 an affirmative vote of at least two-thirds of the county board  
9 members present and voting.

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

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

1 activities undertaken by the county or its included  
2 municipalities to mitigate the effects of urban stormwater  
3 runoff by providing regional stormwater retention or detention  
4 facilities, as identified in the county plan. All such fees  
5 collected by the county shall be held in a separate fund, and  
6 shall be expended only in the watershed within which they were  
7 collected.

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

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



1 for implementing this Section.

2 However, unless at least part of the county has been  
3 declared after July 1, 1986 by presidential proclamation to be  
4 a disaster area as a result of flooding, the tax authorized by  
5 this subsection (h) shall not be levied until the question of  
6 its adoption, either for a specified period or indefinitely,  
7 has been submitted to the electors thereof and approved by a  
8 majority of those voting on the question. This question may be  
9 submitted at any election held in the county after the adoption  
10 of a resolution by the county board providing for the  
11 submission of the question to the electors of the county. The  
12 county board shall certify the resolution and proposition to  
13 the proper election officials, who shall submit the proposition  
14 at an election in accordance with the general election law. If  
15 a majority of the votes cast on the question is in favor of the  
16 levy of the tax, it may thereafter be levied in the county for  
17 the specified period or indefinitely, as provided in the  
18 proposition. The question shall be put in substantially the  
19 following form:

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

1 ..... County?

2 -----

3 (i) Upon the creation and implementation of a county  
4 stormwater management plan, the county may petition the circuit  
5 court to dissolve any or all drainage districts created  
6 pursuant to the Illinois Drainage Code or predecessor Acts  
7 which are located entirely within the area of the county  
8 covered by the plan.

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

1 court. In that case, the notice and hearing requirements for  
2 the court shall be the same as herein provided for the  
3 committee. The court shall likewise render its decision of  
4 whether to dissolve the district based upon the best interests  
5 of residents of the district.

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

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

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

1 adopted plan.

2 (j) Any county that has adopted a county stormwater  
3 management plan under this Section may, after 10 days written  
4 notice to the owner or occupant, enter upon any lands or waters  
5 within the county for the purpose of inspecting stormwater  
6 facilities or causing the removal of any obstruction to an  
7 affected watercourse. The county shall be responsible for any  
8 damages occasioned thereby.

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

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

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

1 (n) The powers and taxes authorized by this Section are in  
2 addition to the powers and taxes authorized by Division 5-15;  
3 in exercising its powers under this Section, a county shall not  
4 be subject to the restrictions and requirements of that  
5 Division.

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

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

15 (55 ILCS 5/5-1062.1 rep.)

16 Section 35. The Counties Code is amended by repealing  
17 Section 5-1062.1.

18 Section 40. The Coal Mining Act is amended by changing  
19 Section 2.08 as follows:

20 (225 ILCS 705/2.08) (from Ch. 96 1/2, par. 308)

21 Sec. 2.08. The Director of ~~the Office of Mines and Minerals~~  
22 ~~within~~ the Department of Natural Resources, or his or her  
23 designee, shall be the executive officer of the Mining Board

1 and shall execute the orders, rules and regulations made and  
2 promulgated by the Mining Board. ~~The Manager of the Office of~~  
3 ~~Mines and Minerals may act as executive officer in the absence~~  
4 ~~of the Director of the Office of Mines and Minerals.~~

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

6 Section 45. The Energy Assistance Act is amended by  
7 changing Section 5 as follows:

8 (305 ILCS 20/5) (from Ch. 111 2/3, par. 1405)

9 Sec. 5. Policy Advisory Council.

10 (a) Within the Department of Commerce and Economic  
11 Opportunity is created a Low Income Energy Assistance Policy  
12 Advisory Council.

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

18 (1) one member designated by the Illinois Commerce  
19 Commission;

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

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

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

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

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

9           (7) one member agreed upon by the Illinois Municipal  
10          Electric Agency and the Association of Illinois Electric  
11          Cooperatives;

12          (8) one member agreed upon by the Illinois Industrial  
13          Energy Consumers;

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

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

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

21          (12) one member designated by the Illinois Retail  
22          Merchants Association to represent commercial energy  
23          customers;

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

26          (14) three members designated by the Mayor of the City

1 of Chicago.

2 (c) Designated and appointed members shall serve 2 year  
3 terms and until their successors are appointed and qualified.  
4 The designating organization shall notify the chairperson of  
5 any changes or substitutions of a designee within 10 business  
6 days of a change or substitution. Members shall serve without  
7 compensation, but may receive reimbursement for actual costs  
8 incurred in fulfilling their duties as members of the Council.

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

10 (1) to monitor the administration of this Act to ensure  
11 effective, efficient, and coordinated program development  
12 and implementation;

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

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

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

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



1           (6) to advise the Department on the use of funds  
2           collected pursuant to Section 11 of this Act, and on any  
3           changes to existing low income energy assistance programs  
4           to make effective use of such funds, so long as such uses  
5           and changes are consistent with the requirements of the  
6           Act.

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

8           (305 ILCS 20/8 rep.)

9           Section 50. The Energy Assistance Act is amended by  
10          repealing Section 8.

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

13          (415 ILCS 130/20)

14          Sec. 20. Legislative referral and public hearings.

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

1 shall submit the proposed memorandum of understanding or State  
2 Implementation Plan to the House Committee and the Senate  
3 Committee for their consideration. At that time, the Director  
4 shall also submit information detailing any alternate  
5 strategies.

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

23 (c) Upon receipt of the information required by subsections  
24 (a) and (b) of this Section, the House Committee and Senate  
25 Committee shall each convene one or more public hearings to  
26 receive comments from agencies of government and other

1 interested parties on the memorandum of understanding's or  
2 State Implementation Plan's prospective economic and  
3 environmental impacts, including its impacts on energy use,  
4 economic development, utility costs and rates, and  
5 competitiveness. Additionally, comments shall be received on  
6 the prospective economic and environmental impacts, including  
7 impacts on energy use, economic development, utility costs and  
8 rates, and competitiveness, which may result from  
9 implementation of any alternate strategies.

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

11 (515 ILCS 5/1-235 rep.)

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

14 (520 ILCS 20/2 rep.)

15 (520 ILCS 20/6 rep.)

16 (520 ILCS 20/7 rep.)

17 (520 ILCS 20/8 rep.)

18 (520 ILCS 20/9 rep.)

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

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

1 (615 ILCS 5/23a) (from Ch. 19, par. 70a)

2 Sec. 23a. The Department is authorized to carry out  
3 inspections of any dam within the State, and to establish  
4 standards and issue permits for the safe construction of new  
5 dams and the reconstruction, repair, operation and maintenance  
6 of all existing dams. If any inspection carried out by the  
7 Department or by a federal agency in which the Department  
8 concurs determines that a dam is in an unsafe condition, the  
9 Department shall so notify the appropriate public officials of  
10 the affected city or county, the State's Attorney of the county  
11 in which the dam is located, and the Illinois Emergency  
12 Management Agency.

13 The Department may compel the installation of fishways in  
14 dams wherever deemed necessary.

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

19 Upon a determination of the Department that a dam  
20 constitutes a serious threat to life or a threat of substantial  
21 property damage, the Department may issue orders to require  
22 changes in the structure or its operation or maintenance  
23 necessary for proper control of water levels at normal stages  
24 and for the disposal of flood waters and for the protection of  
25 navigation and any persons or property situated downstream from  
26 the dam or to otherwise remove the threat provided, however,

1 that no existing dam, based solely upon the enactment by any  
2 governmental unit of any new rule, regulation, ordinance, law,  
3 or other requirement passed after the construction of the dam,  
4 shall be deemed to constitute a serious threat to life or a  
5 threat of substantial property damage if it was designed and  
6 constructed under a permit from the State of Illinois in  
7 conformance with all applicable standards existing at the time  
8 of its construction and is in good repair.

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

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

1           Opportunity for hearing is not required in emergency  
2 situations when the Department finds there is imminent hazard  
3 to personal public safety of people.

4           The Department may enforce the provisions of this Section  
5 and of rules and orders issued hereunder by injunction or other  
6 appropriate action.

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

15           ~~The Department shall review and update its operations~~  
16 ~~manuals for the Algonquin Dam and the William G. Stratton Lock~~  
17 ~~and Dam on an annual basis.~~

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

19           Section 999. Effective date. This Act takes effect upon  
20 becoming law."