

1 AN ACT concerning State government.

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

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.

17 (5) Accounting for housing in employee compensation.

18 (6) Employee responsibilities that necessitate
19 State-provided housing.

20 (7) Procedures for setting and adjusting rent,
21 security deposits, and utility payments.

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

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

2 (5 ILCS 412/5-10)

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

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

13 (5 ILCS 412/5-15)

14 Sec. 5-15. Rental housing. The ~~Department of Conservation,~~
15 ~~the~~ Department of Corrections, the Historic Preservation
16 Agency, the Department of Transportation, the University of
17 Illinois, and the University of Illinois Foundation shall each
18 analyze the need for providing low-rent housing to its
19 employees and shall consider alternatives to State-owned
20 housing. Rent charged for State-owned housing shall be
21 evaluated every 3 years for adjustments, including that
22 necessitated by changing economic conditions.

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

1 (5 ILCS 412/5-20)

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

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

11 (5 ILCS 412/5-25)

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

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

21 (5 ILCS 412/5-30)

22 Sec. 5-30. Tenant selection. The ~~Department of~~
23 ~~Conservation, the~~ Department of Corrections, the Historic
24 Preservation Agency, the Department of Transportation, the

1 University of Illinois, and the University of Illinois
2 Foundation shall each develop and maintain application forms
3 for its State-owned housing, written criteria for selecting
4 employee tenants, and records of decisions as to who was
5 selected to receive State housing and why they were selected.

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

7 (5 ILCS 412/5-35)

8 Sec. 5-35. Housing justification. The ~~Department of~~
9 ~~Conservation, the~~ Historic Preservation Agency, and the
10 University of Illinois shall each develop written criteria for
11 determining which employment positions necessitate provision
12 of State housing. The criteria shall include the specific
13 employee responsibilities that can only be performed
14 effectively by occupying State housing.

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

16 (15 ILCS 315/Act rep.)

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

18 (20 ILCS 805/805-320 rep.)

19 (20 ILCS 805/805-435 rep.)

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

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

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

3 (20 ILCS 1128/5-20)

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

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

7 (20 ILCS 1128/5-30)

8 Sec. 5-30. Evaluation of proposals.

9 The Council shall evaluate proposals made by the User
10 Advisory Committee and make recommendations to the Governor and
11 General Assembly on the efficient development, use, and funding
12 of geographic information management technology (GIMT) for
13 Illinois' State, regional, local, and academic agencies and
14 institutions.

15 These include:

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

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

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

1 (4) Statewide basemap development.

2 (5) The development of multiyear strategies for
3 integration of GIMT in Illinois.

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

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

9 ~~(b) the current status of integration of State and~~
10 ~~local government efforts with those of the federal~~
11 ~~government and the private sector; and~~

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

14 (7) As necessary, the Council may enter into agreements
15 with professional non-profit organizations to achieve its
16 objectives.

17 (8) The Council may accept grants and gifts from
18 corporations, for-profit or not-for-profit, or
19 associations for the purpose of conducting research,
20 evaluations, or demonstration projects directed towards
21 the development of an integrated statewide system of
22 geographic information management technology.

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

24 (20 ILCS 1128/5-15 rep.)

25 Section 20. The Illinois Geographic Information Council

1 Act is amended by repealing Section 5-15.

2 (30 ILCS 768/Act rep.)

3 Section 27. The Park and Recreational Facility
4 Construction Act is repealed.

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

7 (55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)

8 Sec. 5-1062. Stormwater management.

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

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

19 (2) setting minimum standards for floodplain and
20 stormwater management; and

21 (3) preparing a countywide plan for the management of
22 stormwater runoff, including the management of natural and
23 man-made drainageways. The countywide plan may incorporate

1 watershed plans.

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

13 The county board members shall be appointed by the chairman
14 of the county board. Municipal members from each county board
15 district or other represented area shall be appointed by a
16 majority vote of the mayors of those municipalities which have
17 the greatest percentage of their respective populations
18 residing in such county board district or other represented
19 area. All municipal and county board representatives shall be
20 entitled to a vote; the other members shall be nonvoting
21 members, unless authorized to vote by the unanimous consent of
22 the municipal and county board representatives. A municipality
23 that is located in more than one county may choose, at the time
24 of formation of the stormwater management planning committee
25 and based on watershed boundaries, to participate in the
26 stormwater management planning program of either or both of the

1 counties. Subcommittees of the stormwater management planning
2 committee may be established to serve a portion of the county
3 or a particular drainage basin that has similar stormwater
4 management needs. The stormwater management planning committee
5 shall adopt by-laws, by a majority vote of the county and
6 municipal members, to govern the functions of the committee and
7 its subcommittees. Officers of the committee shall include a
8 chair and vice chair, one of whom shall be a county
9 representative and one a municipal representative.

10 The principal duties of the committee shall be to develop a
11 stormwater management plan for presentation to and approval by
12 the county board, and to direct the plan's implementation and
13 revision. The committee may retain engineering, legal and
14 financial advisors and inspection personnel. The committee
15 shall meet at least quarterly and shall hold at least one
16 public meeting during the preparation of the plan and prior to
17 its submittal to the county board.

18 (c) In the preparation of a stormwater management plan, a
19 county stormwater management planning committee shall
20 coordinate the planning process with each adjoining county to
21 ensure that recommended stormwater projects will have no
22 significant impact on the levels or flows of stormwaters in
23 inter-county watersheds or on the capacity of existing and
24 planned stormwater retention facilities. An adopted stormwater
25 management plan shall identify steps taken by the county to
26 coordinate the development of plan recommendations with

1 adjoining counties.

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

19 (e) Prior to recommending the plan to the county board, the
20 stormwater management planning committee shall hold at least
21 one public hearing thereon and shall afford interested persons
22 an opportunity to be heard. The hearing shall be held in the
23 county seat. Notice of the hearing shall be published at least
24 once no less than 15 days in advance thereof in a newspaper of
25 general circulation published in the county. The notice shall
26 state the time and place of the hearing and the place where

1 copies of the proposed plan will be accessible for examination
2 by interested parties. If an affected municipality having a
3 stormwater management plan adopted by ordinance wishes to
4 protest the proposed county plan provisions, it shall appear at
5 the hearing and submit in writing specific proposals to the
6 stormwater management planning committee. After consideration
7 of the matters raised at the hearing, the committee may amend
8 or approve the plan and recommend it to the county board for
9 adoption.

10 The county board may enact the proposed plan by ordinance.
11 If the proposals for modification of the plan made by an
12 affected municipality having a stormwater management plan are
13 not included in the proposed county plan, and the municipality
14 affected by the plan opposes adoption of the county plan by
15 resolution of its corporate authorities, approval of the county
16 plan shall require an affirmative vote of at least two-thirds
17 of the county board members present and voting. If the county
18 board wishes to amend the county plan, it shall submit in
19 writing specific proposals to the stormwater management
20 planning committee. If the proposals are not approved by the
21 committee, or are opposed by resolution of the corporate
22 authorities of an affected municipality having a municipal
23 stormwater management plan, amendment of the plan shall require
24 an affirmative vote of at least two-thirds of the county board
25 members present and voting.

26 (f) The county board may prescribe by ordinance reasonable

1 rules and regulations for floodplain management and for
2 governing the location, width, course and release rate of all
3 stormwater runoff channels, streams and basins in the county,
4 in accordance with the adopted stormwater management plan.
5 These rules and regulations shall, at a minimum, meet the
6 standards for floodplain management established by the Office
7 of Water Resources and the requirements of the Federal
8 Emergency Management Agency for participation in the National
9 Flood Insurance Program.

10 (g) In accordance with, and if recommended in, the adopted
11 stormwater management plan, the county board may adopt a
12 schedule of fees as may be necessary to mitigate the effects of
13 increased stormwater runoff resulting from new development.
14 The fees shall not exceed the cost of satisfying the onsite
15 stormwater retention or detention requirements of the adopted
16 stormwater management plan. The fees shall be used to finance
17 activities undertaken by the county or its included
18 municipalities to mitigate the effects of urban stormwater
19 runoff by providing regional stormwater retention or detention
20 facilities, as identified in the county plan. All such fees
21 collected by the county shall be held in a separate fund, and
22 shall be expended only in the watershed within which they were
23 collected.

24 (h) For the purpose of implementing this Section and for
25 the development, design, planning, construction, operation and
26 maintenance of stormwater facilities provided for in the

1 stormwater management plan, a county board that has established
2 a stormwater management planning committee pursuant to this
3 Section may cause an annual tax of not to exceed 0.20% of the
4 value, as equalized or assessed by the Department of Revenue,
5 of all taxable property in the county to be levied upon all the
6 taxable property in the county. The tax shall be in addition to
7 all other taxes authorized by law to be levied and collected in
8 the county and shall be in addition to the maximum tax rate
9 authorized by law for general county purposes. The 0.20%
10 limitation provided in this Section may be increased or
11 decreased by referendum in accordance with the provisions of
12 Sections 18-120, 18-125, and 18-130 of the Property Tax Code.

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

18 However, unless at least part of the county has been
19 declared after July 1, 1986 by presidential proclamation to be
20 a disaster area as a result of flooding, the tax authorized by
21 this subsection (h) shall not be levied until the question of
22 its adoption, either for a specified period or indefinitely,
23 has been submitted to the electors thereof and approved by a
24 majority of those voting on the question. This question may be
25 submitted at any election held in the county after the adoption
26 of a resolution by the county board providing for the

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

22 The dissolution of any drainage district shall not affect
23 the obligation of any bonds issued or contracts entered into by
24 the district nor invalidate the levy, extension or collection
25 of any taxes or special assessments upon the property in the
26 former drainage district. All property and obligations of the

1 former drainage district shall be assumed and managed by the
2 county, and the debts of the former drainage district shall be
3 discharged as soon as practicable.

4 If a drainage district lies only partly within a county
5 that adopts a county stormwater management plan, the county may
6 petition the circuit court to disconnect from the drainage
7 district that portion of the district that lies within that
8 county. The property of the drainage district within the
9 disconnected area shall be assumed and managed by the county.
10 The county shall also assume a portion of the drainage
11 district's debt at the time of disconnection, based on the
12 portion of the value of the taxable property of the drainage
13 district which is located within the area being disconnected.

14 The operations of any drainage district that continues to
15 exist in a county that has adopted a stormwater management plan
16 in accordance with this Section shall be in accordance with the
17 adopted plan.

18 (j) Any county that has adopted a county stormwater
19 management plan under this Section may, after 10 days written
20 notice to the owner or occupant, enter upon any lands or waters
21 within the county for the purpose of inspecting stormwater
22 facilities or causing the removal of any obstruction to an
23 affected watercourse. The county shall be responsible for any
24 damages occasioned thereby.

25 (k) Upon petition of the municipality, and based on a
26 finding of the stormwater management planning committee, the

1 county shall not enforce rules and regulations adopted by the
2 county in any municipality located wholly or partly within the
3 county that has a municipal stormwater management ordinance
4 that is consistent with and at least as stringent as the county
5 plan and ordinance, and is being enforced by the municipal
6 authorities.

7 (l) A county may issue general obligation bonds for
8 implementing any stormwater plan adopted under this Section in
9 the manner prescribed in Section 5-1012; except that the
10 referendum requirement of Section 5-1012 shall not apply to
11 bonds issued pursuant to this Section on which the principal
12 and interest are to be paid entirely out of funds generated by
13 the taxes and fees authorized by this Section.

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

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

22 (o) Pursuant to paragraphs (g) and (i) of Section 6 of
23 Article VII of the Illinois Constitution, this Section
24 specifically denies and limits the exercise of any power which
25 is inconsistent herewith by home rule units in any county with
26 a population of less than 1,500,000 in the area served by the

1 Northeastern Illinois Planning Commission. This Section does
2 not prohibit the concurrent exercise of powers consistent
3 herewith.

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

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

7 (305 ILCS 20/5) (from Ch. 111 2/3, par. 1405)

8 Sec. 5. Policy Advisory Council.

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

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

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

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

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

24 (4) one member agreed upon by gas public utilities that

1 serve more than 500,000 and fewer than 1,500,000 customers
2 in this State;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (6) to advise the Department on the use of funds

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

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

7 (305 ILCS 20/8 rep.)

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

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

12 (415 ILCS 130/20)

13 Sec. 20. Legislative referral and public hearings.

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

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

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

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

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

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

10 (515 ILCS 5/1-235 rep.)

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

13 (520 ILCS 20/2 rep.)

14 (520 ILCS 20/6 rep.)

15 (520 ILCS 20/7 rep.)

16 (520 ILCS 20/8 rep.)

17 (520 ILCS 20/9 rep.)

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

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

22 (615 ILCS 5/23a) (from Ch. 19, par. 70a)

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

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

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

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

1 governmental unit of any new rule, regulation, ordinance, law,
2 or other requirement passed after the construction of the dam,
3 shall be deemed to constitute a serious threat to life or a
4 threat of substantial property damage if it was designed and
5 constructed under a permit from the State of Illinois in
6 conformance with all applicable standards existing at the time
7 of its construction and is in good repair.

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

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

26 Opportunity for hearing is not required in emergency

1 situations when the Department finds there is imminent hazard
2 to personal public safety of people.

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

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

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

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

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