

1 AN ACT concerning radioactive materials.

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

4 Section 3. The Radiation Protection Act of 1990 is  
5 amended by changing Section 3 and by adding Section 49 as  
6 follows:

7 (420 ILCS 40/3) (from Ch. 111 1/2, par. 210-3)

8 (Section scheduled to be repealed on January 1, 2011)

9 Sec. 3. Purpose. It is the purpose of this Act to  
10 effectuate the policies set forth in Section 2 by providing  
11 for:

12 (1) a program of effective regulation of radiation  
13 sources for the protection of human health, welfare and  
14 safety;

15 (2) a program to promote an orderly regulatory pattern  
16 within the State, among the States and between the Federal  
17 Government and the State and facilitate intergovernmental  
18 cooperation with respect to use and regulation of sources of  
19 ionizing radiation to the end that duplication of regulation  
20 may be minimized;

21 (3) a program to establish procedures for assumption and  
22 performance of certain regulatory responsibilities with  
23 respect to by-product, source and special nuclear materials;  
24 and

25 (4) a program to permit maximum utilization of sources  
26 of ionizing radiation consistent with the health and safety  
27 of the public; and-

28 (5) a cost-effective remediation that is protective of  
29 the public health of the sites designated as the Ottawa  
30 radiation sites on the National Priorities List under the  
31 federal Comprehensive Environmental Response, Compensation

1 and Liability Act of 1980, as amended.

2 (Source: P.A. 86-1341.)

3 (420 ILCS 40/49 new)

4 Sec. 49. Remediation of Ottawa radiation sites. In  
5 order to accomplish a cost-effective remediation that is  
6 protective of the public health, the Department shall have  
7 the following powers regarding the sites designated as the  
8 Ottawa radiation sites on the National Priorities List under  
9 the federal Comprehensive Environmental Response,  
10 Compensation and Liability Act of 1980, as amended:

11 (1) to cooperate with and receive the assistance of  
12 other State agencies including, but not limited to, the  
13 Illinois Attorney General, the Department of Natural  
14 Resources, the Department of Transportation, and the  
15 Environmental Protection Agency;

16 (2) to enter into contracts; and

17 (3) to accept by gift, donation, or bequest and to  
18 purchase any interests in lands, buildings, grounds, and  
19 rights-of-way in, around, or adjacent to the Ottawa  
20 radiation sites and, upon completion of remediation, to  
21 transfer property to the Department of Natural Resources.

22 Section 5. The Radon Industry Licensing Act is amended  
23 by changing Sections 20 and 35 as follows:

24 (420 ILCS 44/20)

25 Sec. 20. General powers.

26 (a) The Department may undertake projects to determine  
27 whether and to what extent radon and radon progeny are  
28 present in dwellings and other buildings, to determine to  
29 what extent their presence constitutes a risk to public  
30 health, and to determine what measures are effective in  
31 reducing and preventing the risk to public health.

1 (b) In addition to other powers granted under this Act,  
2 the Department is authorized to:

3 (1) Establish a program for measuring radon or  
4 radon progeny in dwellings and other buildings.

5 (2) Conduct surveys and studies in cooperation with  
6 the Department of Natural Resources and the Department of  
7 Public Health to determine the distribution and  
8 concentration of radon or radon progeny in dwellings and  
9 other buildings and the associated health risk and to  
10 evaluate measures that may be used to mitigate a present  
11 or potential health risk.

12 (3) Enter into dwellings and other buildings with  
13 the consent of the owner or occupant to engage in  
14 monitoring activities or to conduct remedial action  
15 studies or programs.

16 (4) Enter into contracts for projects undertaken  
17 pursuant to subsection (a).

18 (5) Enter into agreements with other departments,  
19 agencies, and subdivisions of the federal government, the  
20 State, and units of local government to implement this  
21 Act.

22 (6) Establish training and educational programs.

23 (7) Apply for, accept, and use grants or other  
24 financial assistance and accept and use gifts of money or  
25 property to implement this Act.

26 (8) Provide technical assistance to persons and to  
27 other State departments, agencies, political  
28 subdivisions, units of local government, and school  
29 districts.

30 (9) Prescribe forms for application for licensure.

31 (10) Establish the minimum qualifications for  
32 licensure, including requirements for examinations or  
33 performance testing, and issue licenses to persons found  
34 to be qualified.

1           (10.5) Investigate any unlicensed activity.

2           (11) Conduct hearings or proceedings to revoke,  
3 suspend, or refuse to issue or renew a license, or assess  
4 civil penalties.

5           (12) Adopt rules for the administration and  
6 enforcement of this Act.

7           (13) Establish by rule the application and  
8 inspection fees for the licensing program.

9 (Source: P.A. 90-262, eff. 7-30-97.)

10           (420 ILCS 44/35)

11           Sec. 35. Penalties.

12           (a) A person required to be licensed under Section 25 of  
13 this Act who sells a device or performs a service without  
14 being properly licensed under this Act shall, in addition to  
15 any other penalty provided by law, pay a civil penalty to the  
16 Department in an amount not to exceed \$5,000, for each  
17 offense, as determined by the Department. Any person  
18 assessed a civil penalty under this Section shall be afforded  
19 an opportunity for hearing in accordance with Department  
20 regulations prior to final action by the Department. The  
21 civil penalty must be paid within 30 days after the order  
22 becomes a final and binding administrative determination.

23           (b) A person who violates a provision of this Act shall  
24 be guilty of a business offense and shall be fined not less  
25 than \$500 nor more than \$1,000 for the first offense and  
26 shall be guilty of a Class A misdemeanor for a subsequent  
27 offense. Each day that a violation continues constitutes a  
28 separate offense. A licensed radon contractor found guilty  
29 of a violation of a provision of this Act shall automatically  
30 have his or her license terminated by the Department.

31 (Source: P.A. 90-262, eff. 7-30-97.)

32           Section 99. Effective date. This Act takes effect upon

1 becoming law.