SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

74TH LEGISLATIVE DAY

TUESDAY, FEBRUARY 14, 2006

12:13 O'CLOCK P.M.

NO. 74
[February 14, 2006]

SENATE
Daily Journal Index
74th Legislative Day

The Senate met pursuant to adjournment.
Senator Miguel Del Valle, Chicago, Illinois, presiding.
Prayer by Reverend Joseph Eby, Chatham Presbyterian Church, Chatham, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Thursday, February 9, 2006, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Fiscal Year 2005 Annual Bond Indebtedness and Long Term Obligations Report, submitted by the Office of the Comptroller.

Annual Report, Fiscal Years 2004 and 2005, submitted by the Educational Labor Relations Board.

Illinois Groundwater Protection Program, Biennial Comprehensive Status and Self-Assessment Report, submitted by the Illinois Environmental Protection Agency.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 2 to Senate Bill 2277
Senate Floor Amendment No. 1 to Senate Bill 2570
Senate Floor Amendment No. 1 to Senate Bill 2784

The following Committee amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Senate Committee Amendment No. 6 to Senate Bill 2144
Senate Committee Amendment No. 1 to Senate Bill 2185
Senate Committee Amendment No. 2 to Senate Bill 2197
Senate Committee Amendment No. 1 to Senate Bill 2243
Senate Committee Amendment No. 1 to Senate Bill 2254
Senate Committee Amendment No. 1 to Senate Bill 2284
Senate Committee Amendment No. 1 to Senate Bill 2291
Senate Committee Amendment No. 2 to Senate Bill 2310
Senate Committee Amendment No. 1 to Senate Bill 2353
Senate Committee Amendment No. 1 to Senate Bill 2394
Senate Committee Amendment No. 1 to Senate Bill 2400
Senate Committee Amendment No. 1 to Senate Bill 2442
Senate Committee Amendment No. 1 to Senate Bill 2483
Senate Committee Amendment No. 1 to Senate Bill 2505
Senate Committee Amendment No. 1 to Senate Bill 2568
Senate Committee Amendment No. 1 to Senate Bill 2579
Senate Committee Amendment No. 1 to Senate Bill 2613
Senate Committee Amendment No. 1 to Senate Bill 2616
Senate Committee Amendment No. 1 to Senate Bill 2650
Senate Committee Amendment No. 1 to Senate Bill 2673
Senate Committee Amendment No. 2 to Senate Bill 2688

Senate Committee Amendment No. 2 to Senate Bill 2716
Senate Committee Amendment No. 1 to Senate Bill 2720
Senate Committee Amendment No. 1 to Senate Bill 2737
Senate Committee Amendment No. 1 to Senate Bill 2738
Senate Committee Amendment No. 1 to Senate Bill 2762
Senate Committee Amendment No. 1 to Senate Bill 2777
Senate Committee Amendment No. 1 to Senate Bill 2869
Senate Committee Amendment No. 2 to Senate Bill 2869
Senate Committee Amendment No. 1 to Senate Bill 2933
Senate Committee Amendment No. 1 to Senate Bill 2949
Senate Committee Amendment No. 1 to Senate Bill 2955
Senate Committee Amendment No. 1 to Senate Bill 2962
Senate Committee Amendment No. 1 to Senate Bill 2965
Senate Committee Amendment No. 1 to Senate Bill 2968
Senate Committee Amendment No. 1 to Senate Bill 2971
Senate Committee Amendment No. 1 to Senate Bill 2980
Senate Committee Amendment No. 1 to Senate Bill 3056
Senate Committee Amendment No. 2 to Senate Bill 3087

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 624

Offered by Senator Shadid and all Senators:
Mourns the death of Dolores m. Maloof of Peoria.

SENATE RESOLUTION 625

Offered by Senator J. Sullivan and all Senators:
Mourns the death of Lyle F. Scheetz of Adrian.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Sandoval offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 77

WHEREAS, In the National Labor Relations Act of 1935 (29 U.S.C. Sec. 151, et seq.) the United States Congress declared it to be the policy of the United States to encourage the practice of collective bargaining by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection; and

WHEREAS, The freedom to form or join a union is a fundamental human right; and

WHEREAS, Unions benefit communities by strengthening tax bases, promoting equal treatment, and enhancing civic participation; and

WHEREAS, Fifty-seven million United States workers have indicated that they would join a union if given the opportunity; and

WHEREAS, Even though the nation's workers ostensibly have the freedom to choose whether to organize, in reality they are routinely denied that right; and

WHEREAS, When the right of workers to form a union is violated, wages decline, race and gender pay gaps widen, workplace discrimination increases, and job safety standards lapse; and

WHEREAS, Each year, 20,000 of America's workers are illegally threatened, coerced, or terminated for attempting to form a union; and

WHEREAS, Most violations of workers' freedom to join a union occur behind closed doors, and each year millions of dollars are spent to frustrate workers' efforts to organize; and

WHEREAS, A worker's fundamental right to join a union is a public issue that requires public policy solutions, including legislative remedies; and

WHEREAS, Federal legislation, the Employee Free Choice Act, has been introduced in the United States Congress with bipartisan support in both chambers (S. 842 and H.R. 1696) in order to restore workers' freedom to join unions; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that that we urge the Congress of the United States of America to enact the Employee Free Choice Act that would protect and preserve the freedom of America's workers to organize and join unions by authorizing the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorization cards (commonly known as "card check" recognition), providing for first contract mediation and arbitration, and establishing meaningful penalties for violations of a worker's right to join a union; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

INTRODUCTION OF BILLS

SENATE BILL NO. 3096. Introduced by Senator Sandoval, a bill for AN ACT concerning community policing grants.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4121
A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 4714
A bill for AN ACT concerning safety.

HOUSE BILL NO. 4719
A bill for AN ACT concerning business.

Passed the House, February 9, 2006.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 4121, 4714 and 4719** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 75

WHEREAS, The U.S. Department of Justice, Bureau of Justice Statistics, reported that 1,498,000 children had a parent in prison in 1999, an increase of more than 500,000 since 1991; in that study, 46% of the parents reported living with their children prior to incarceration; the survey estimated that 336,300 U.S. households with minor children are affected by the imprisonment of a resident parent; and

WHEREAS, As the new millennium advances, the plight of children impacted by parental incarceration is among the most pervasive problems challenging correction policymakers and child welfare advocates; research results show that when a parent is incarcerated, the lives of their children are disrupted by separation from parents, severance from siblings, and displacement to different caregivers, a large number placed in foster care; and

WHEREAS, About 80% of the roughly 2,800 women locked up in Illinois are mothers; and

WHEREAS, Studies show that the more contact parents have with their children, the less likely they are to reenter the penal system and the less likely their children are to be involved in delinquent behaviors; and

WHEREAS, The Illinois Department of Children and Family Services is responsible for the care and maintenance of hundreds of children whose parents are incarcerated in Illinois Department of Corrections facilities; and

WHEREAS, The importance of parent/child visitation is acknowledged by the Illinois Department of Children and Family Services in its rules (89 Ill. Adm. Code 301.210(a)) which provide: "The Department recognizes that there is a strong correlation between regular parental visits and contacts with a child and the child's discharge from placement services"; and

WHEREAS, The locations of the State's penal facilities often create logistical obstacles, preventing frequent in-person contacts between these children and their incarcerated parents, as a result, these children are often restricted to 4 visits a year, or less, although State officials recognize that more frequent contacts would be in the children's best interests; and

WHEREAS, It would be in the best interests of many children of incarcerated parents to be able to visit at least monthly with their parents by way of video conferencing at the offices of Illinois Department of Children and Family Services and the child welfare agencies; and

WHEREAS, While video conferencing is not a substitute for actual face to face visitation, when used as a tool to bridge the distance and time until the next physical visit, it can be extremely beneficial and will nurture parent-child relationships, however, the availability of video-conferencing should in no way reduce or limit the child's opportunity to have in person visitation with the parent, but should supplement that in person contact; and

WHEREAS, Through the use of high speed Internet services, the costs related to video conferencing have been greatly reduced; and

WHEREAS, The Illinois Department of Corrections and the Women's Treatment Center sponsor a program called "Parent and Child Together" (PACT), a small video conferencing program which allows about 100 incarcerated women at the Decatur Correctional Center to "visit" with their children 180 miles away in a networked Chicago office; and

WHEREAS, The Illinois Department of Corrections has concluded that this program has been a success; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL

ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Illinois Department of Children and Family Services and the Illinois Department of Corrections shall jointly prepare a report as to the costs and feasibility of providing monthly video conferencing visitation to appropriate children in State care, whose parents are incarcerated in facilities of the Illinois Department of Corrections, where there is a judicial finding that video conference visitation, as supplement to in person visitation, would be in the child's best interests; and be it further

RESOLVED, That the Illinois Department of Children and Family Services and the Illinois Department of Corrections shall present the report to the General Assembly no later than October 1, 2006; and be it further

RESOLVED, That a copy of this resolution be sent to the Director of Children and Family Services and the Director of Corrections.

Adopted by the House, January 31, 2006.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 75 was referred to the Committee on Rules.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 76

Concurred in by the House, February 9, 2006.

MARK MAHONEY, Clerk of the House

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4192, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4242, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4383, sponsored by Senator Dillard, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4561, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4752, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4864, sponsored by Senator Cronin, was taken up, read by title a first time and referred to the Committee on Rules.

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its February 14, 2006 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture & Conservation: **Senate Committee Amendment No. 1 to Senate Bill 2716**.

Education: **Senate Committee Amendment No. 1 to Senate Bill 2762; Senate Committee Amendment No. 1 to Senate Bill 2796; Senate Committee Amendment No. 1 to Senate Bill 2882**.

Environment & Energy: **Senate Committee Amendment No. 1 to Senate Bill 2353; Senate Committee Amendment No. 1 to Senate Bill 2579; Senate Committee Amendment No. 1 to Senate Bill 2720**.

Executive: **Senate Committee Amendment No. 2 to Senate Bill 2310; Senate Committee Amendment No. 1 to Senate Bill 2445; Senate Committee Amendment No. 1 to Senate Bill 2505; Senate Committee Amendment No. 1 to Senate Bill 2688; Senate Committee Amendment No. 1 to Senate Bill 2983; Senate Committee Amendment No. 1 to Senate Bill 3086**.

Financial Institutions: **Senate Committee Amendment No. 1 to Senate Bill 2349**.

Health & Human Services: **Senate Committee Amendment No. 1 to Senate Bill 2254; Senate Committee Amendment No. 1 to Senate Bill 2394; Senate Committee Amendment No. 1 to Senate Bill 2483; Senate Committee Amendment No. 1 to Senate Bill 2561; Senate Committee Amendment No. 1 to Senate Bill 2568; Senate Committee Amendment No. 1 to Senate Bill 2965; Senate Committee Amendment No. 2 to Senate Bill 3087**.

Judiciary: **Senate Committee Amendment No. 2 to Senate Bill 2197; Senate Committee Amendment No. 1 to Senate Bill 2243; Senate Committee Amendment No. 1 to Senate Bill 2253; Senate Committee Amendment No. 1 to Senate Bill 2284; Senate Committee Amendment No. 1 to Senate Bill 2291; Senate Committee Amendment No. 1 to Senate Bill 2320; Senate Committee Amendment No. 1 to Senate Bill 2613; Senate Committee Amendment No. 1 to Senate Bill 2616; Senate Committee Amendment No. 1 to Senate Bill 2676; Senate Committee Amendment No. 1 to Senate Bill 2737; Senate Committee Amendment No. 1 to Senate Bill 2738; Senate Committee Amendment No. 1 to Senate Bill 2673; Senate Committee Amendment No. 1 to Senate Bill 2869; Senate Committee Amendment No. 1 to Senate Bill 2873; Senate Committee Amendment No. 1 to Senate Bill 2955; Senate Committee Amendment No. 1 to Senate Bill 2962; Senate Committee Amendment No. 1 to Senate Bill 2968; Senate Committee Amendment No. 1 to Senate Bill 2980**.

Labor:**Senate Committee Amendment No. 1 to Senate Bill 2442**.

Licensed Activities:**Senate Committee Amendment No. 6 to Senate Bill 2144**.

Local Government: **Senate Committee Amendment No. 1 to Senate Bill 2340**.

Revenue: **Senate Committee Amendment No. 1 to Senate Bill 2123; Senate Committee Amendment No. 1 to Senate Bill 2185; Senate Committee Amendment No. 1 to Senate Bill 2709**.

Transportation: **Senate Committee Amendment No. 1 to Senate Bill 2405; Senate Committee Amendment No. 1 to Senate Bill 2650**.

Senator Viverito, Chairperson of the Committee on Rules, to which was referred **Senate Bill No. 1547** on July 1, 2005, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 1547** was returned to the order of third reading.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Demuzio, **Senate Bill No. 2236** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Agriculture & Conservation, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2236

AMENDMENT NO. 1. Amend Senate Bill 2236 on page 1, line 6, by replacing "15-e, and 20-a" with "15-e, 20-a, and 35"; and

on page 1, immediately after line 19, by inserting the following:

""Denatured ethanol" means an agriculturally derived ethyl alcohol for blending with gasolines for use as automotive spark-ignition engine fuel."; and

on page 6, immediately after line 5, by inserting the following:

"(20 ILCS 689/35 new)

Sec. 35. Renewable Fuels Standard.

(a) Illinois has a long-standing policy of promoting the research, development, and usage of alternative transportation fuels. This policy shall encourage alternative fuel development through a combination of market-based loans, incentives, and promotions. The success of these programs is indicated by Illinois becoming and remaining the leader in the usage of alternative fuels.

(b) Beginning January 1, 2008, and notwithstanding any other provision of law, denatured ethanol used as a blending agent to produce gasohol or majority blended ethanol in Illinois for the current fiscal year must equate to a minimum of 10% of all taxable gasoline sold in Illinois during the previous fiscal year.

(c) Beginning January 1, 2012, it shall be the goal of the State of Illinois that denatured ethanol used as a blending agent to produce gasohol or majority blended ethanol in Illinois for the current fiscal year shall equate to a minimum of 15% of all taxable gasoline sold in Illinois during the previous fiscal year."; and

on page 20 by deleting lines 13 through 21.

Floor Amendment No. 2 was held in the Committee on Rules.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 2292** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Licensed Activities.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 2292

AMENDMENT NO. 2. Amend Senate Bill 2292 on page 25, line 23, by replacing "the effective date of this Act" with "January 1, 2008"; and

on page 25, line 28, by replacing "Act" with "Act."; and

on page 26, immediately below line 13, by inserting the following:

"Section 903. The Regulatory Sunset Act is amended by changing Section 4.18 as follows:

(5 ILCS 80/4.18)

Sec. 4.18. Acts repealed January 1, 2008. The following Acts are repealed on January 1, 2008:

The Acupuncture Practice Act.

The Clinical Social Work and Social Work Practice Act.

The Home Medical Equipment and Services Provider License Act.

The Nursing and Advanced Practice Nursing Act.

The Illinois Petroleum Education and Marketing Act.

The Illinois Speech-Language Pathology and Audiology Practice Act.

The Marriage and Family Therapy Licensing Act.

The Nursing Home Administrators Licensing and Disciplinary Act.

The Pharmacy Practice Act of 1987.

The Physician Assistant Practice Act of 1987.
The Podiatric Medical Practice Act of 1987.
The Interpreters for the Deaf Act.
(Source: P.A. 91-357, eff. 7-29-99; 92-180, eff. 7-1-02.)"; and

on page 27, line 4, by replacing "hearing impaired's" with "deaf and hard of hearing's"; and

on page 27, lines 6, 9, 18, and 33, by replacing "interpreter for the hearing impaired" each time it appears with "interpreter for the deaf and hard of hearing"; and

on page 27, lines 28 and 29, by replacing "a interpreter for the hearing impaired" with "an interpreter for the deaf and hard of hearing"; and

on page 28, by replacing lines 8 and 9 with the following:

"Section 999. Effective date. This Act takes effect July 1, 2006.".

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 2639** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on State Government, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2639

AMENDMENT NO. 1. Amend Senate Bill 2639 by deleting everything after the enacting clause and replacing it with the following:

"Section 5. The Radioactive Waste Compact Enforcement Act is amended by changing Sections 25, 30, and 31 as follows:

(45 ILCS 141/25)

Sec. 25. Enforcement.

(a) The Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall adopt regulations to administer and enforce the provisions of this Act. The regulations shall be adopted with the consultation and cooperation of the Commission.

Regulations adopted by the Department or the Agency under this Act shall prohibit the shipment into or acceptance of waste in Illinois if the shipment or acceptance would result in a violation of any provision of the Compact or this Act.

(b) The Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, may, by regulation, impose conditions on the shipment into or acceptance of waste in Illinois that the Department or the Agency determines to be reasonable and necessary to enforce the provisions of this Act. The conditions may include, but are not limited to (i) requiring prior notification of any proposed shipment or receipt of waste; (ii) requiring the shipper or recipient to identify the location to which the waste will be sent for disposal following treatment or storage in Illinois; (iii) limiting the time that waste from outside Illinois may be held in Illinois; (iv) requiring the shipper or recipient to post bond or by other mechanism to assure that radioactive material will not be treated, stored, or disposed of in Illinois in violation of any provision of this Act; (v) requiring that the shipper consent to service of process before shipment of waste into Illinois.

(c) The Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall, by regulation, impose a system of civil penalties in accordance with the provisions of this Act. Amounts recovered under these regulations shall be deposited in the Low-Level Radioactive Waste Facility Development and Operation Fund.

(d) The regulations adopted by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, may provide for the granting of exemptions, but only upon a showing by the applicant that the granting of an exemption would be consistent with the Compact.
(Source: P.A. 87-1166.)

(45 ILCS 141/30)

Sec. 30. Penalties.

(a) Any person who ships or receives radioactive material in violation of any provision of this Act or a regulation of the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, adopted under this Act shall be subject to a civil penalty not to exceed $100,000 per occurrence.

(b) Any person who fails to pay a civil penalty imposed by regulations adopted under this Act, or any portion of the penalty, shall be liable in a civil action in an amount not to exceed 4 times the amount imposed and not paid.

(c) Any person who intentionally violates a provision of subsection (a)(1), (a)(2), (a)(3), (a)(4) or (a)(6) of Section 20 of this Act shall be guilty of a Class 4 felony.

(d) At the request of the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, the Attorney General shall, on behalf of the State, bring an action for the recovery of any civil penalty or the prosecution of any criminal offense provided for by this Act. Any civil penalties so recovered shall be deposited in the Low-Level Radioactive Waste Facility Development and Operation Fund.

(Source: P.A. 87-1166.)

(45 ILCS 141/31)

Sec. 31. The Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, may accept donations of money, equipment, supplies, materials, and services from any person for accomplishing the purposes of this Act. Any donation of money shall be deposited in the Low-Level Radioactive Waste Facility Development and Operation Fund and shall be expended by the Department only in accordance with the purposes of the donation.

(Source: P.A. 87-1166.)

Section 10. The Environmental Protection Act is amended by changing Sections 25a-1 and 25b as follows:

(415 ILCS 5/25a-1) (from Ch. 111 1/2, par. 1025a-1)

Sec. 25a-1. At least 60 days before beginning the decommissioning of any nuclear power plant located in this State, the owner or operator of the plant shall file, for information purposes only, a copy of the decommissioning plan for the plant with the Environmental Protection Agency and a copy with the Illinois Emergency Management Agency ~~Department of Nuclear Safety~~.

(Source: P.A. 86-901.)

(415 ILCS 5/25b) (from Ch. 111 1/2, par. 1025b)

Sec. 25b. Any person, corporation or public authority intending to construct a nuclear steam-generating facility or a nuclear fuel reprocessing plant shall file with the Illinois Emergency Management Agency ~~Department of Nuclear Safety~~ an environmental feasibility report which incorporates the data provided in the preliminary safety analysis required to be filed with the United States Nuclear Regulatory Commission. The Board may by rule prescribe the form of such report. The Board shall have the power to adopt standards to protect the health, safety and welfare of the citizens of Illinois from the hazards of radiation to the extent that such powers are not preempted under the federal constitution.

(Source: P.A. 87-292.)

Section 15. The Illinois Nuclear Facility Safety Act is amended by adding Section 1.5 and changing Sections 2, 4, 5, and 7 as follows:

(420 ILCS 10/1.5 new)

Sec. 1.5. Definition. In this Act, "Agency" means the Illinois Emergency Management Agency.

(420 ILCS 10/2) (from Ch. 111 1/2, par. 4352)

Sec. 2. Policy statement. It is declared to be the policy of the State of Illinois to prevent accidents at nuclear facilities in Illinois for the economic well-being of the People of the State of Illinois and for the health and safety of workers at nuclear facilities and private citizens who could be injured as a result of releases of radioactive materials from nuclear facilities. It is the intent of the General Assembly that this Act should be construed consistently with federal law to maximize the role of the State in contributing to safety at nuclear facilities in Illinois. It is the intent of the General Assembly that the Agency ~~Illinois Department of Nuclear Safety~~ should not take any actions which are preempted by federal law or engage in dual regulation of nuclear facilities, unless dual regulation is allowed by federal law and policies of the Nuclear Regulatory Commission. In implementing its responsibilities under this Act, the Agency ~~Illinois Department of Nuclear Safety~~ shall not take any action which interferes with the safe operation of a nuclear facility.

(Source: P.A. 86-901.)

(420 ILCS 10/4) (from Ch. 111 1/2, par. 4354)

Sec. 4. Authorization. The Agency ~~Department~~ is authorized to enter into any and all cooperative agreements with the federal Nuclear Regulatory Commission consistent with the applicable provisions of the Atomic Energy Act.

(Source: P.A. 86-901.)

(420 ILCS 10/5) (from Ch. 111 1/2, par. 4355)

Sec. 5. Program for Illinois nuclear power plant inspectors.

(a) Consistent with federal law and policy statements of and cooperative agreements with the Nuclear Regulatory Commission with respect to State participation in health and safety regulation of nuclear facilities, and in recognition of the role provided for the states by such laws, policy statements and cooperative agreements, the Agency ~~Department~~ shall develop and implement a program for Illinois resident inspectors that, when fully implemented, shall provide for one full-time Agency ~~Departmental~~ Illinois resident inspector at each nuclear power plant in Illinois. The owner of each of the nuclear power plants to which they are assigned shall provide, at its expense, office space and equipment reasonably required by the resident inspectors while they are on the premises of the nuclear power plants. The Illinois resident inspectors shall operate in accordance with a cooperative agreement executed by the Agency ~~Department~~ and the Nuclear Regulatory Commission and shall have access to the nuclear power plants to which they have been assigned in accordance with that agreement; provided, however, that the Illinois resident inspectors shall have no greater access than is afforded to a resident inspector of the Nuclear Regulatory Commission.

(b) The Agency ~~Department~~ may also inspect licensed nuclear power plants that have permanently ceased operations. The inspections shall be performed by inspectors qualified as Illinois resident inspectors. The inspectors need not be resident at nuclear power plants that have permanently ceased operations. The inspectors shall conduct inspections in accordance with a cooperative agreement executed by the Agency (or its predecessor agency, the Department of Nuclear Safety) and the Nuclear Regulatory Commission and shall have access to the nuclear power plants that have permanently ceased operations; provided, however, that the Illinois inspectors shall have no greater access than is afforded to inspectors of the Nuclear Regulatory Commission. The owner of each of the nuclear power plants that has permanently ceased operations shall provide, at its expense, office space and equipment reasonably required by the inspectors while they are on the premises of the nuclear power plants.

(c) The Illinois resident inspectors and inspectors assigned under subsection (b) shall each operate in accordance with the security plan for the nuclear power plant to which they are assigned, but in no event shall they be required to meet any requirements imposed by a nuclear power plant owner that are not imposed on resident inspectors and inspectors of the Nuclear Regulatory Commission. The Agency's ~~Department's~~ programs and activities under this Section shall not be inconsistent with federal law.

(Source: P.A. 91-171, eff. 7-16-99.)

(420 ILCS 10/7) (from Ch. 111 1/2, par. 4357)

Sec. 7. The Agency ~~Department~~ shall not engage in any program of Illinois resident inspectors or inspectors assigned under subsection (b) of Section 5 at any nuclear power plant in Illinois except as specifically directed by law.

(Source: P.A. 91-171, eff. 7-16-99.)

Section 20. The Spent Nuclear Fuel Act is amended by changing Section 2 as follows:

(420 ILCS 15/2) (from Ch. 111 1/2, par. 230.22)

Sec. 2. No person may dispose of, store, or accept any spent nuclear fuel which was used in any power generating facility located outside this State, or transport into this State for disposal or storage any spent nuclear fuel which was used in any power generating facility located outside this State, unless the state of origin of such spent nuclear fuel has a facility, which is not part of a power generating facility, for the disposal or storage of spent nuclear fuel substantially like that of this State and has entered into a reciprocity agreement with this State. The determination as to whether the state of origin has a disposal or storage facility for spent nuclear fuel substantially like that of this State is to be made by the Director of the Illinois Emergency Management Agency ~~Department of Nuclear Safety~~ and all reciprocity agreements must be approved by a majority of the members of both Houses of the General Assembly and approved and signed by the Governor.

(Source: P.A. 81-1516, Art. II.)

Section 25. The Illinois Low-Level Radioactive Waste Management Act is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10, 10.2, 10.3, 11, 12.1, 13, 14, 15, 17, 18, and 21.1 as follows:

(420 ILCS 20/3) (from Ch. 111 1/2, par. 241-3)

Sec. 3. Definitions.

(a) "Broker" means any person who takes possession of low-level waste for purposes of consolidation and shipment.

(b) "Compact" means the Central Midwest Interstate Low-Level Radioactive Waste Compact.

(c) "Decommissioning" means the measures taken at the end of a facility's operating life to assure the continued protection of the public from any residual radioactivity or other potential hazards present at a facility.

(d) "Agency" ~~"Department"~~ means the Illinois Emergency Management Agency ~~Department of Nuclear Safety~~.

(e) "Director" means the Director of the Department of Nuclear Safety or the Director of the Emergency Management Agency (as successor to the Director of Nuclear Safety).

(f) "Disposal" means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

(g) "Facility" means a parcel of land or site, together with structures, equipment and improvements on or appurtenant to the land or site, which is used or is being developed for the treatment, storage or disposal of low-level radioactive waste. "Facility" does not include lands, sites, structures or equipment used by a generator in the generation of low-level radioactive wastes.

(h) "Generator" means any person who produces or possesses low-level radioactive waste in the course of or incident to manufacturing, power generation, processing, medical diagnosis and treatment, research, education or other activity.

(i) "Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580 or under regulations of the Pollution Control Board.

(j) "High-level radioactive waste" means:

(1) the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from the liquid waste that contains fission products in sufficient concentrations; and

(2) the highly radioactive material that the Nuclear Regulatory Commission has determined, on the effective date of this Amendatory Act of 1988, to be high-level radioactive waste requiring permanent isolation.

(k) "Low-level radioactive waste" or "waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel or byproduct material as defined in Section 11e(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(l) "Mixed waste" means waste that is both "hazardous waste" and "low-level radioactive waste" as defined in this Act.

(m) "Person" means an individual, corporation, business enterprise or other legal entity either public or private and any legal successor, representative, agent or agency of that individual, corporation, business enterprise, or legal entity.

(n) "Post-closure care" means the continued monitoring of the regional disposal facility after closure for the purposes of detecting a need for maintenance, ensuring environmental safety, and determining compliance with applicable licensure and regulatory requirements, and includes undertaking any remedial actions necessary to protect public health and the environment from radioactive releases from the facility.

(o) "Regional disposal facility" or "disposal facility" means the facility established by the State of Illinois under this Act for disposal away from the point of generation of waste generated in the region of the Compact.

(p) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment of low-level radioactive waste.

(q) "Remedial action" means those actions taken in the event of a release or threatened release of low-level radioactive waste into the environment, to prevent or minimize the release of the waste so that it does not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, actions at the location of the release such as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released low-level radioactive wastes, recycling or reuse, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies and any monitoring reasonably required to assure that these

actions protect human health and the environment.

(q-5) "Scientific Surveys" means, collectively, the State Geological Survey Division and the State Water Survey Division of the Department of Natural Resources.

(r) "Shallow land burial" means a land disposal facility in which radioactive waste is disposed of in or within the upper 30 meters of the earth's surface. However, this definition shall not include an enclosed, engineered, structurally re-enforced and solidified bunker that extends below the earth's surface.

(s) "Storage" means the temporary holding of waste for treatment or disposal for a period determined by Agency ~~Department~~ regulations.

(t) "Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport, storage or disposal, amenable to recovery, convertible to another usable material or reduced in volume.

(u) "Waste management" means the storage, transportation, treatment or disposal of waste.

(Source: P.A. 90-29, eff. 6-26-97.)

(420 ILCS 20/4) (from Ch. 111 1/2, par. 241-4)

Sec. 4. Generator and broker registration.

(a) All generators and brokers of any amount of low-level radioactive waste in Illinois shall register with the Agency ~~Department of Nuclear Safety~~. Generators shall register within 60 days of the commencement of generating any low-level radioactive wastes. Brokers shall register within 60 days of taking possession of any low-level radioactive waste. Such registration shall be on a form developed by the Agency ~~Department~~ and shall contain the name, address and officers of the generator or broker, information on the types and amounts of wastes produced or possessed and any other information required by the Agency ~~Department~~.

(b) All registered generators and brokers of any amount of low-level radioactive waste in Illinois shall file an annual report with the Agency ~~Department~~. The annual report for generators shall contain information on the types and quantities of low-level wastes produced in the previous year and expected to be produced in the future, the methods used to manage these wastes, the technological feasibility, economic reasonableness and environmental soundness of alternative treatment, storage and disposal methods and any other information required by the Agency ~~Department~~. The annual report for brokers shall contain information on the types and quantities of low-level radioactive wastes received and shipped, identification of the generators from whom such wastes were received, and the destination of shipments of such wastes.

(c) All registration forms and annual reports required to be filed with the Agency ~~Department~~ shall be made available to the public for inspection and copying.

(Source: P.A. 90-29, eff. 6-26-97.)

(420 ILCS 20/5) (from Ch. 111 1/2, par. 241-5)

Sec. 5. Requirements for disposal facility contractors; operating agreements.

(a) The Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall promulgate rules and regulations establishing standards applicable to the selection of a contractor or contractors for the design, development, construction, and operation of a low-level radioactive waste disposal facility away from the point of generation necessary to protect human health and the environment. The regulations shall establish, but need not be limited to, the following:

(1) The number of contractors to design, develop, and operate a low-level radioactive waste disposal facility;

(2) Requirements and standards relating to the financial integrity of the firm;

(3) Requirements and standards relating to the experience and performance history of the firm in the design, development, construction and operation of low-level radioactive waste disposal facilities; and

(4) Requirements and standards for the qualifications of the employees of the firm.

The Department or the Agency shall hold at least one public hearing before promulgating the regulations.

(b) The Department or the Agency may enter into one or more operating agreements with a qualified operator of the regional disposal facility, which agreement may contain such provisions with respect to the construction, operation, closure, and post-closure maintenance of the regional disposal facility by the operator as the Department or the Agency shall determine, including, without limitation, (i) provisions leasing, or providing for the lease of, the site to the operator and authorizing the operator to construct, own and operate the facility and to transfer the facility to the Department or the Agency ~~the~~ following the closure and any additional years of post-closure maintenance that the Department or the Agency shall determine; (ii) provisions granting exclusive rights to the operator with respect to the disposal of

low-level radioactive waste in this State during the term of the operating agreement; (iii) provisions authorizing the operator to impose fees upon all persons using the facility as provided in this Act and providing for the Department or the Agency to audit the charges of the operator under the operating agreement; and (iv) provisions relating to the obligations of the operator and the Department or the Agency in the event of any closure of the facility or any termination of the operating agreement.
(Source: P.A. 90-29, eff. 6-26-97.)

(420 ILCS 20/6) (from Ch. 111 1/2, par. 241-6)

Sec. 6. Requirements for disposal facility.

(a) The Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall as it deems necessary to protect human health and the environment, promulgate rules and regulations establishing standards applicable to the regional disposal facility. The rules and regulations shall reflect the best available management technologies which are economically reasonable, technologically feasible and environmentally sound for the disposal of the wastes and shall establish, but need not be limited to the establishment of:

(1) requirements and performance standards for the design, construction, operation, maintenance and monitoring of the low-level radioactive waste disposal facility;

(2) requirements and standards for the keeping of records and the reporting and retaining of data collected by the contractor selected to operate the disposal facility;

(3) requirements and standards for the technical qualifications of the personnel of the contractor selected to develop and operate the disposal facility;

(4) requirements and standards for establishing the financial responsibility of the contractor selected to operate the disposal facility;

(5) requirements and standards for the emergency closure of the disposal facility; and

(6) requirements and standards for the closure, decommissioning and post-closure care, monitoring, maintenance and use of the disposal facility.

(b) The regulations shall include provisions requiring that the contractor selected to operate the disposal facility post a performance bond with the Department or the Agency or show evidence of liability insurance or other means of establishing financial responsibility in an amount sufficient to adequately provide for any necessary remedial actions or liabilities that might be incurred by the operation of the disposal facility during the operating period and during a reasonable period of post-closure care.

(c) The regulations adopted for the requirements and performance standards of a disposal facility shall not provide for the shallow land burial of low-level radioactive wastes.

(d) The Department or the Agency shall hold at least one public hearing before adopting rules under this Section.

(e) All rules adopted under this Section shall be at least as stringent as those promulgated by the U.S. Nuclear Regulatory Commission under the Atomic Energy Act of 1954 (42 U.S.C. 2014) and any other applicable federal laws.

(f) The State of Illinois shall have no liability to any person or entity by reason of a failure, delay, or cessation in the operation of the disposal facility.
(Source: P.A. 90-29, eff. 6-26-97.)

(420 ILCS 20/7) (from Ch. 111 1/2, par. 241-7)

Sec. 7. Requirements for waste treatment. The Agency ~~Department~~ shall promulgate rules and regulations establishing standards applicable to the treatment of low-level radioactive wastes disposed of in any facility in Illinois necessary to protect human health and the environment. Such rules and regulations shall reflect the best available treatment technologies that are economically reasonable, technologically feasible and environmentally sound for reducing the quantity and radioactive quality of such wastes prior to land burial and shall establish, but need not be limited to, requirements respecting:

(1) the form in which low-level radioactive wastes may be disposed;

(2) the use of treatment technologies for recycling, compacting, solidifying or otherwise treating low-level radioactive wastes prior to disposal; and

(3) the use of technologies for the treatment of such wastes to minimize the radioactive characteristics of the waste disposed of or to reduce the tendency of the waste to migrate in geologic and hydrologic formations.

The Agency ~~Department~~ shall hold at least one public hearing prior to promulgating such regulations.
(Source: P.A. 90-29, eff. 6-26-97.)

(420 ILCS 20/8) (from Ch. 111 1/2, par. 241-8)

Sec. 8. Requirements for waste facility licensing.

(a) No person shall operate any facility for the storage, treatment, or disposal of low-level radioactive

wastes away from the point of generation in Illinois without a license granted by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency.

(b) Each application for a license under this Section shall contain such information as may be required by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, including, but not limited to, information respecting:

(1) estimates of the quantities and types of wastes to be stored, treated or disposed of at the facility;

(2) the design specifications and proposed operating procedures of the facility necessary to assure compliance with the rules adopted under Sections 6 and 7;

(3) financial and personnel information necessary to assure the integrity and qualifications of the contractor selected to operate the facility;

(4) a closure plan to ensure the proper closure, decommissioning, and post-closure care of the disposal facility; and

(5) a contingency plan to establish the procedures to be followed in the event of unanticipated radioactive releases.

(c) The Director may issue a license for the construction and operation of a facility authorized by this Act, provided the applicant for the license has complied with applicable provisions of this Act and regulations of the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency. No license issued by the Director shall authorize the disposal of mixed waste at any regional disposal facility. In the event that an applicant or licensee proposes modifications to a facility, or in the event that the Director determines that modifications are necessary to conform to the requirements of this Act, the Director may issue any license modifications necessary to protect human health and the environment and may specify the time allowed to complete the modifications.

(d) Upon a determination by the Director of substantial noncompliance with any license granted under this Act or upon a determination that an emergency exists posing a significant hazard to public health and the environment, the Director may revoke a license issued under this Act. Before revoking any license, the Director shall serve notice upon the alleged violator setting forth the Sections of this Act, or the rules adopted under this Act, that are alleged to have been violated. The Director shall hold at least one public hearing not later than 30 days following the notice.

(e) No person shall operate and the Director shall not issue any license under this Section to operate any disposal facility for the shallow land burial of low-level radioactive wastes in Illinois.

(f) (Blank).

(g) Notwithstanding subsection (d) of Section 10.3 of this Act, a license issued by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, to operate any regional disposal facility shall be revoked as a matter of law to the extent that the license authorizes disposal if:

(1) the facility accepts for disposal byproduct material as defined in Section 11e(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014), high-level radioactive waste or mixed waste, and

(2) (A) if the facility is located more than 1 1/2 miles from the boundary of a municipality and the county in which the facility is located passes an ordinance ordering the license revoked, or

(B) if the facility is located within a municipality or within 1 1/2 miles of the boundary of a municipality and that municipality passes an ordinance ordering the license revoked.

(Source: P.A. 90-29, eff. 6-26-97.)

(420 ILCS 20/9) (from Ch. 111 1/2, par. 241-9)

Sec. 9. Requirements for waste transporters.

(a) No person shall transport any low-level radioactive waste to a storage, treatment or disposal facility in Illinois licensed under Section 8 without a permit granted by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency.

(b) No person shall transport any low-level radioactive waste to a storage, treatment or disposal facility licensed under Section 8 without a manifest document. The Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall develop the form for such manifests and shall promulgate rules and regulations establishing a system of tracking wastes from their point of generation to storage, treatment, and ultimate disposal.

(c) Each application for a permit under this Section shall contain any information as may be required under regulations promulgated by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, including, but not limited to, information respecting:

(1) The name, address, and telephone number of the applicant ~~estimated quantities and types of wastes to be transported to a facility located in Illinois~~;

(2) The name of a contact person for the applicant and applicable contact information ~~procedures and methods used to monitor and inspect the shipments to ensure that leakage or spills do not occur~~;

(3) The radioactive materials license number and licensing agency for the applicant; and ~~timetables according to which the wastes are to be shipped.~~

(4) A certification by the applicant that the applicant will make lawful and suitable arrangements for the final disposition of the waste or that it will retrieve and reclaim physical possession of the waste in the event final disposition or storage has not been arranged. ~~The qualifications and training of personnel handling low-level radioactive waste; and~~

~~(5) The use of interim storage and transshipment facilities.~~

(d) The Director may issue a permit to any applicant who has met and whom he believes will comply with the requirements of the Illinois Hazardous Materials Transportation Act and any other applicable State or federal laws or regulations. In the event that an applicant or permittee proposes modifications of a permit, or in the event that the Director determines that modifications are necessary to conform with the requirements of the Act, the Director may issue any permit modifications necessary to protect human health and the environment and may specify the time allowed to complete the modifications.

(e) The Illinois Emergency Management Agency ~~Department~~ shall inspect each shipment of low-level radioactive wastes received at the regional disposal facility for compliance with the packaging, placarding and other requirements established by rules and regulations promulgated by the Illinois Department of Transportation under the Illinois Hazardous Materials Transportation Act and any other applicable State or federal regulations. The Agency ~~Department~~ shall notify the Attorney General of any apparent violations for possible prosecution under Sections 11 and 12 of that Act.

(Source: P.A. 90-29, eff. 6-26-97.)

(420 ILCS 20/10) (from Ch. 111 1/2, par. 241-10)

Sec. 10. Disposal facility contractor selection. Upon adopting the regulations establishing requirements for waste disposal facilities provided for in Section 6, the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall solicit proposals for the selection of one or more contractors to site, design, develop, construct, operate, close, provide post-closure care for, and decommission the disposal facility. Not later than 6 months after the solicitation of proposals, the Director shall select the applicant who has submitted the proposal that best conforms to the requirements of this Act and to the rules adopted under this Act.

(Source: P.A. 90-29, eff. 6-26-97.)

(420 ILCS 20/10.2) (from Ch. 111 1/2, par. 241-10.2)

Sec. 10.2. Creation of Low-Level Radioactive Waste Task Group; adoption of criteria; selection of site for characterization.

(a) There is hereby created the Low-Level Radioactive Waste Task Group consisting of the Directors of the Environmental Protection Agency, the Department of Natural Resources, and the Department of Nuclear Safety (or their designees) and 6 additional members designated by the Governor. The 6 additional members shall:

(1) be confirmed by the Senate; and

(2) receive compensation of $300 per day for their services on the Task Group unless they are officers or employees of the State, in which case they shall receive no additional compensation.

Four of the additional members shall have expertise in the field of geology, hydrogeology, or hydrology. Of the 2 remaining additional members, one shall be a member of the public with experience in environmental matters and one shall have at least 5 years experience in local government. The Directors of the Environmental Protection Agency, the Department of Natural Resources, and the Department of Nuclear Safety (or their designees) shall receive no additional compensation for their service on the Task Group. All members of the Task Group shall be compensated for their expenses. The Governor shall designate the chairman of the Task Group. Upon adoption of the criteria under subsection (b) of this Section, the Directors of the Department of Nuclear Safety and the Environmental Protection Agency shall be replaced on the Task Group by members designated by the Governor and confirmed by the Senate. The members designated to replace the Directors of the Department of Nuclear Safety and the Environmental Protection Agency shall have such expertise as the Governor may determine. The members of the Task Group shall be members until they resign, are replaced by the Governor, or the Task Group is abolished. Except as provided in this Act, the Task Group shall be subject to the Open Meetings Act and the Illinois Administrative Procedure Act. Any action required to be taken by the Task Group under this Act shall be taken by a majority vote of its members. An identical vote by 5 members of the Task Group shall constitute a majority vote.

(b) To protect the public health, safety and welfare, the Task Group shall develop proposed criteria for

selection of a site for a regional disposal facility. Principal criteria shall relate to the geographic, geologic, seismologic, tectonic, hydrologic, and other scientific conditions best suited for a regional disposal facility. Supplemental criteria may relate to land use (including (i) the location of existing underground mines and (ii) the exclusion of State parks, State conservation areas, and other State owned lands identified by the Task Group), economics, transportation, meteorology, and any other matter identified by the Task Group as relating to desirable conditions for a regional disposal facility. All of the criteria shall be as specific as possible.

The chairman of the Task Group shall publish a notice of availability of the proposed criteria in the State newspaper, make copies of the proposed criteria available without charge to the public, and hold public hearings to receive comments on the proposed criteria. Written comments on the proposed criteria may be submitted to the chairman of the Task Group within a time period to be determined by the Task Group. Upon completion of the review of timely submitted comments on the proposed criteria, the Task Group shall adopt criteria for selection of a site for a regional disposal facility. Adoption of the criteria is not subject to the Illinois Administrative Procedure Act. The chairman of the Task Group shall provide copies of the criteria to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House, and all county boards in the State of Illinois and shall make copies of the criteria available without charge to the public.

(c) Upon adoption of the criteria, the Director of Natural Resources shall direct the Scientific Surveys to screen the State of Illinois. By September 30, 1997, the Scientific Surveys shall (i) complete a Statewide screening of the State using available information and the Surveys' geography-based information system to produce individual and composite maps showing the application of individual criteria; (ii) complete the evaluation of all land volunteered before the effective date of this amendatory Act of 1997 to determine whether any of the volunteered land appears likely to satisfy the criteria; (iii) document the results of the screening and volunteer site evaluations in a written report and submit the report to the chairman of the Task Group and to the Director <u>of Nuclear Safety</u>; and (iv) transmit to the Task Group and to the Department <u>of Nuclear Safety</u>, in a form specified by the Task Group and the Department, all information and documents assembled by the Scientific Surveys in performing the obligations of the Scientific Surveys under this Act. Upon completion of the screening and volunteer site evaluation process, the Director of the Department of Natural Resources shall be replaced on the Task Group by a member appointed by the Governor and confirmed by the Senate. The member appointed to replace the Director of the Department of Natural Resources shall have expertise that the Governor determines to be appropriate.

(c-3) By December 1, 2000, the Department <u>of Nuclear Safety</u>, in consultation with the Task Group, waste generators, and any interested counties and municipalities and after holding 3 public hearings throughout the State, shall prepare a report regarding, at a minimum, the impact and ramifications, if any, of the following factors and circumstances on the siting, design, licensure, development, construction, operation, closure, and post-closure care of a regional disposal facility:

(1) the federal, state, and regional programs for the siting, development, and operation of disposal facilities for low-level radioactive wastes and the nature, extent, and likelihood of any legislative or administrative changes to those programs;

(2) (blank);

(3) the current and most reliable projections regarding the costs of the siting, design, development, construction, operation, closure, decommissioning, and post-closure care of a regional disposal facility;

(4) the current and most reliable estimates of the total volume of low-level radioactive waste that will be disposed at a regional disposal facility in Illinois and the projected annual volume amounts;

(5) the nature and extent of the available, if any, storage and disposal facilities outside the region of the Compact for storage and disposal of low-level radioactive waste generated from within the region of the Compact; and

(6) the development and implementation of a voluntary site selection process in which land may be volunteered for the regional disposal facility jointly by landowners and (i) the municipality in which the land is located, (ii) every municipality within 1 1/2 miles of the land if the land is not within a municipality, or (iii) the county or counties in which the land is located if the land is not within a municipality and not within 1 1/2 miles of a municipality. The Director <u>of Nuclear Safety</u> shall provide copies of the report to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House. The Director shall also publish a notice of availability of the report in the State newspaper and make copies of the report available without charge to the public.

(c-5) Following submittal of the report pursuant to subsection (c-3) of this Section, the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, may adopt rules establishing a site selection process for the regional disposal facility. In developing rules, the Department or the Agency shall, at a minimum, consider the following:

(1) A comprehensive and open process under which the land for sites recommended and proposed by the contractor under subsection (e) of this Section shall be volunteered lands as provided in this Section. Land may be volunteered for the regional disposal facility jointly by landowners and (i) the municipality in which the land is located, (ii) every municipality with 1 1/2 miles of the land if the land is not within a municipality, or (iii) the county or counties in which the land is located if the land is not within a municipality and not within 1 1/2 miles of a municipality.

(2) Utilization of the State screening and volunteer site evaluation report prepared by the Scientific Surveys under subsection (c) of this Section for the purpose of determining whether proposed sites appear likely to satisfy the site selection criteria.

(3) Coordination of the site selection process with the projected annual and total volume of low-level radioactive waste to be disposed at the regional disposal facility as identified in the report prepared under subsection (c-3) of this Section.

The site selection process established under this subsection shall require the contractor selected by the Department or the Agency pursuant to Sections 5 and 10 of this Act to propose one site to the Task Group for approval under subsections (d) through (i) of this Section.

No proposed site shall be selected as the site for the regional disposal facility unless it satisfies the site selection criteria established by the Task Group under subsection (b) of this Section.

(d) The contractor selected by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, under Sections 5 and 10 of this Act shall conduct evaluations, including possible intrusive field investigations, of the sites and locations identified under the site selection process established under subsection (c-5) of this Section.

(e) Upon completion of the site evaluations, the contractor selected by the Department or the Agency shall identify one site of at least 640 acres that appears promising for development of the regional disposal facility in compliance with the site selection criteria established by the Task Group pursuant to subsection (b) of this Section. The contractor may conduct any other evaluation of the site identified under this subsection that the contractor deems appropriate to determine whether the site satisfies the criteria adopted under subsection (b) of this Section. Upon completion of the evaluations under this subsection, the contractor shall prepare and submit to the Department or the Agency a report on the evaluation of the identified site, including a recommendation as to whether the identified site should be further considered for selection as a site for the regional disposal facility. A site so recommended for further consideration is hereinafter referred to as a "proposed site".

(f) A report completed under subsection (e) of this Section that recommends a proposed site shall also be submitted to the chairman of the Task Group. Within 45 days following receipt of a report, the chairman of the Task Group shall publish in newspapers of general circulation in the county or counties in which a proposed site is located a notice of the availability of the report and a notice of a public meeting. The chairman of the Task Group shall also, within the 45-day period, provide copies of the report and the notice to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House, members of the General Assembly from the legislative district or districts in which a proposed site is located, the county board or boards of the county or counties containing a proposed site, and each city, village, and incorporated town within a 5 mile radius of a proposed site. The chairman of the Task Group shall make copies of the report available without charge to the public.

(g) The chairman of the Task Group shall convene at least one public meeting on each proposed site. At the public meeting or meetings, the contractor selected by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall present the results of the evaluation of the proposed site. The Task Group shall receive such other written and oral information about the proposed site that may be submitted at the meeting. Following the meeting, the Task Group shall decide whether the proposed site satisfies the criteria adopted under subsection (b) of this Section. If the Task Group determines that the proposed site does not satisfy the criteria, the Department or the Agency may require a contractor to submit a further report pursuant to subsection (e) of this Section proposing another site from the locations identified under the site selection process established pursuant to subsection (c-5) of this Section as likely to satisfy the criteria. Following notice and distribution of the report as required by subsection (f) of this Section, the new proposed site shall be the subject of a public meeting under this subsection. The contractor selected by the Department or the Agency shall propose additional sites, and the Task Group shall conduct additional public meetings, until the Task Group has approved a proposed site recommended by a contractor as satisfying the criteria adopted under

subsection (b) of this Section. In the event that the Task Group does not approve any of the proposed sites recommended by the contractor under this subsection as satisfying the criteria adopted under subsection (b) of this Section, the Task Group shall immediately suspend all work and the Department or the Agency shall prepare a study containing, at a minimum, the Department's or the Agency's recommendations regarding the viability of the site selection process established pursuant to this Act, based on the factors and circumstances specified in items (1) through (6) of subsection (c-3) of Section 10.2. The Department or the Agency shall provide copies of the study to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House. The Department or the Agency shall also publish a notice of availability of the study in the State newspaper and make copies of the report available without charge to the public.

(h) (Blank).

(i) Upon the Task Group's decision that a proposed site satisfies the criteria adopted under subsection (b) of this Section, the contractor shall proceed with the characterization and licensure of the proposed site under Section 10.3 of this Act and the Task Group shall immediately suspend all work, except as otherwise specifically required in subsection (b) of Section 10.3 of this Act.

(Source: P.A. 90-29, eff. 6-26-97; 91-601, eff. 8-16-99.)

(420 ILCS 20/10.3) (from Ch. 111 1/2, par. 241-10.3)

Sec. 10.3. Site characterization; license application; adjudicatory hearing; exclusivity.

(a) If the contractor, following characterization, determines that the proposed site is appropriate for the development of a regional disposal facility, (i) the contractor shall submit to the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, an application for a license to construct and operate the facility at the selected site and (ii) the Task Group shall be abolished and its records transferred to the Department or the Agency.

(b) If the contractor determines, following or at any time during characterization of the site proposed under Section 10.2 of this Act, that the proposed site is not appropriate for the development of a regional disposal facility, the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, may require the contractor to propose an additional site to the Task Group from the locations identified under the site selection process established under subsection (c-5) of Section 10.2 that is likely to satisfy the criteria adopted under subsection (b) of Section 10.2. The new proposed site shall be the subject of public notice, distribution, and public meeting conducted by the Task Group under the procedures set forth in subsections (f) and (g) of Section 10.2 of this Act. The contractor selected by the Department or the Agency shall propose additional sites and the Task Group shall conduct additional public meetings until (i) the Task Group has approved a proposed site recommended by a contractor as satisfying the criteria adopted under subsection (b) of Section 10.2, and (ii) the contractor has determined, following characterization, that the site is appropriate for the development of the regional disposal facility. Upon the selection of a proposed site under this subsection, (i) the contractor shall submit to the Department or the Agency an application for a license to construct and operate a regional disposal facility at the selected site and (ii) the Task Group shall be abolished and its records transferred to the Department or the Agency.

(c) The Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall review the license application filed pursuant to Section 8 and subsections (a) and (b) of this Section in accordance with its rules and the agreement between the State of Illinois and the Nuclear Regulatory Commission under Section 274 of the Atomic Energy Act. If the Department or the Agency determines that the license should be issued, the Department or the Agency shall publish in the State newspaper a notice of intent to issue the license. Objections to issuance of the license may be filed within 90 days of publication of the notice. Upon receipt of objections, the Director shall appoint a hearing officer who shall conduct an adjudicatory hearing on the objections. The burden of proof at the hearing shall be on the person filing the objections. Upon completion of the hearing, the hearing officer shall recommend to the Director whether the license should be issued. The decision of the Director to issue or deny the license may be appealed under Section 18.

(d) The procedures, criteria, terms, and conditions set forth in this Act, and in the rules adopted under this Act, for the treatment, storage, and disposal of low-level radioactive waste and for the siting, licensure, design, construction, maintenance, operation, closure, decommissioning, and post-closure care of the regional disposal facility shall be the exclusive procedures, criteria, terms, and conditions for those matters.

(Source: P.A. 90-29, eff. 6-26-97.)

(420 ILCS 20/11) (from Ch. 111 1/2, par. 241-11)

Sec. 11. Report by the Agency ~~Department~~.

(a) (Blank).

(b) (Blank).

(c) At any time necessary, as determined by the Director, to ensure proper planning and policy responses relating to the continued availability of facilities for the storage and disposal of low-level radioactive wastes, the Agency ~~Department~~ shall deliver to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House a report that shall include, at a minimum, an analysis of the impacts of restrictions on disposal of low-level radioactive waste at commercial disposal facilities outside the State of Illinois and the Agency's ~~Department's~~ analysis of, and recommendations regarding, the feasibility of a centralized interim storage facility for low-level radioactive waste generated within the region of the Compact and the nature and extent, if any, of the generator's or any other entity's responsibility for or title to the waste to be stored at a centralized interim storage facility after the waste has been delivered to that facility.

(Source: P.A. 90-29, eff. 6-26-97; 91-601, eff. 8-16-99.)

(420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

Sec. 13. Waste fees.

(a) The Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall collect a fee from each generator of low-level radioactive wastes in this State. Except as provided in subsections (b), (c), and (d), the amount of the fee shall be $50.00 or the following amount, whichever is greater:

(1) $1 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurred prior to September 7, 1984;

(2) $2 per cubic foot of waste stored for shipment if storage of the waste occurs on or after September 7, 1984, but prior to October 1, 1985;

(3) $3 per cubic foot of waste stored for shipment if storage of the waste occurs on or after October 1, 1985;

(4) $2 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after September 7, 1984 but prior to October 1, 1985, provided that no fee has been collected previously for storage of the waste;

(5) $3 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after October 1, 1985, provided that no fees have been collected previously for storage of the waste.

Such fees shall be collected annually or as determined by the Department or the Agency and shall be deposited in the low-level radioactive waste funds as provided in Section 14 of this Act. Notwithstanding any other provision of this Act, no fee under this Section shall be collected from a generator for waste generated incident to manufacturing before December 31, 1980, and shipped for disposal outside of this State before December 31, 1992, as part of a site reclamation leading to license termination.

(b) Each nuclear power reactor in this State for which an operating license has been issued by the Nuclear Regulatory Commission shall not be subject to the fee required by subsection (a) with respect to (1) waste stored for shipment if storage of the waste occurs on or after January 1, 1986; and (2) waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after January 1, 1986. In lieu of the fee, each reactor shall be required to pay an annual fee as provided in this subsection for the treatment, storage and disposal of low-level radioactive waste. Beginning with State fiscal year 1986 and through State fiscal year 1997, fees shall be due and payable on January 1st of each year. For State fiscal year 1998 and all subsequent State fiscal years, fees shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1997 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1997, whichever is later.

The owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission for any portion of State fiscal year 1998 shall continue to pay an annual fee of $90,000 for the treatment, storage, and disposal of low-level radioactive waste through State fiscal year 2002. The fee shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1998, whichever is later. If the balance in the Low-Level Radioactive Waste Facility Development and Operation Fund falls below $500,000, as of the end of any fiscal year after fiscal year 2002, the Department (before July 1, 2003) or the Agency (on and after July 1, 2003) is authorized to assess by rule, after notice and a hearing, an additional annual fee to be paid by the owners of nuclear power reactors for which operating licenses have been issued by the Nuclear Regulatory Commission, except that no additional annual fee shall be assessed because of the fund balance at the end of fiscal year 2005 or the end of fiscal year 2006. The additional annual fee shall be payable on the date or dates specified by rule and shall not exceed $30,000 per operating reactor per year.

(c) In each of State fiscal years 1988, 1989 and 1990, in addition to the fee imposed in subsections (b)

and (d), the owner of each nuclear power reactor in this State for which an operating license has been issued by the Nuclear Regulatory Commission shall pay a fee of $408,000. If an operating license is issued during one of those 3 fiscal years, the owner shall pay a prorated amount of the fee equal to $1,117.80 multiplied by the number of days in the fiscal year during which the nuclear power reactor was licensed.

The fee shall be due and payable as follows: in fiscal year 1988, $204,000 shall be paid on October 1, 1987 and $102,000 shall be paid on each of January 1, 1988 and April 1, 1988; in fiscal year 1989, $102,000 shall be paid on each of July 1, 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and in fiscal year 1990, $102,000 shall be paid on each of July 1, 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If the operating license is issued during one of the 3 fiscal years, the owner shall be subject to those payment dates, and their corresponding amounts, on which the owner possesses an operating license and, on June 30 of the fiscal year of issuance of the license, whatever amount of the prorated fee remains outstanding.

All of the amounts collected by the Department or the Agency under this subsection (c) shall be deposited into the Low-Level Radioactive Waste Facility Development and Operation Fund created under subsection (a) of Section 14 of this Act and expended, subject to appropriation, for the purposes provided in that subsection.

(d) In addition to the fees imposed in subsections (b) and (c), the owners of nuclear power reactors in this State for which operating licenses have been issued by the Nuclear Regulatory Commission shall pay the following fees for each such nuclear power reactor: for State fiscal year 1989, $325,000 payable on October 1, 1988, $162,500 payable on January 1, 1989, and $162,500 payable on April 1, 1989; for State fiscal year 1990, $162,500 payable on July 1, $300,000 payable on October 1, $300,000 payable on January 1 and $300,000 payable on April 1; for State fiscal year 1991, either (1) $150,000 payable on July 1, $650,000 payable on September 1, $675,000 payable on January 1, and $275,000 payable on April 1, or (2) $150,000 on July 1, $130,000 on the first day of each month from August through December, $225,000 on the first day of each month from January through March and $92,000 on the first day of each month from April through June; for State fiscal year 1992, $260,000 payable on July 1, $900,000 payable on September 1, $300,000 payable on October 1, $150,000 payable on January 1, and $100,000 payable on April 1; for State fiscal year 1993, $100,000 payable on July 1, $230,000 payable on August 1 or within 10 days after July 31, 1992, whichever is later, and $355,000 payable on October 1; for State fiscal year 1994, $100,000 payable on July 1, $75,000 payable on October 1 and $75,000 payable on April 1; for State fiscal year 1995, $100,000 payable on July 1, $75,000 payable on October 1, and $75,000 payable on April 1, for State fiscal year 1996, $100,000 payable on July 1, $75,000 payable on October 1, and $75,000 payable on April 1. The owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission for any portion of State fiscal year 1998 shall pay an annual fee of $30,000 through State fiscal year 2003. For State fiscal year 2004 and subsequent fiscal years, the owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission shall pay an annual fee of $30,000 per reactor, provided that the fee shall not apply to a nuclear power reactor with regard to which the owner notified the Nuclear Regulatory Commission during State fiscal year 1998 that the nuclear power reactor permanently ceased operations. The fee shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1998, whichever is later. The fee due on July 1, 1997 shall be payable on that date or within 10 days after the effective date of this amendatory Act of 1997, whichever is later. If the payments under this subsection for fiscal year 1993 due on January 1, 1993, or on April 1, 1993, or both, were due before the effective date of this amendatory Act of the 87th General Assembly, then those payments are waived and need not be made.

All of the amounts collected by the Department or the Agency under this subsection (d) shall be deposited into the Low-Level Radioactive Waste Facility Development and Operation Fund created pursuant to subsection (a) of Section 14 of this Act and expended, subject to appropriation, for the purposes provided in that subsection.

All payments made by licensees under this subsection (d) for fiscal year 1992 that are not appropriated and obligated by the Department of Nuclear Safety above $1,750,000 per reactor in fiscal year 1992, shall be credited to the licensees making the payments to reduce the per reactor fees required under this subsection (d) for fiscal year 1993.

(e) The Agency ~~Department~~ shall promulgate rules and regulations establishing standards for the collection of the fees authorized by this Section. The regulations shall include, but need not be limited to:

(1) the records necessary to identify the amounts of low-level radioactive wastes

produced;

(2) the form and submission of reports to accompany the payment of fees to the Agency ~~Department~~; and

(3) the time and manner of payment of fees to the Agency ~~Department~~, which payments shall not be more

frequent than quarterly.

(f) Any operating agreement entered into under subsection (b) of Section 5 of this Act between the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, and any disposal facility contractor shall, subject to the provisions of this Act, authorize the contractor to impose upon and collect from persons using the disposal facility fees designed and set at levels reasonably calculated to produce sufficient revenues (1) to pay all costs and expenses properly incurred or accrued in connection with, and properly allocated to, performance of the contractor's obligations under the operating agreement, and (2) to provide reasonable and appropriate compensation or profit to the contractor under the operating agreement. For purposes of this subsection (f), the term "costs and expenses" may include, without limitation, (i) direct and indirect costs and expenses for labor, services, equipment, materials, insurance and other risk management costs, interest and other financing charges, and taxes or fees in lieu of taxes; (ii) payments to or required by the United States, the State of Illinois or any agency or department thereof, the Central Midwest Interstate Low-Level Radioactive Waste Compact, and subject to the provisions of this Act, any unit of local government; (iii) amortization of capitalized costs with respect to the disposal facility and its development, including any capitalized reserves; and (iv) payments with respect to reserves, accounts, escrows or trust funds required by law or otherwise provided for under the operating agreement.

(g) (Blank).

(h) (Blank).

(i) (Blank).

(j) (Blank).

(j-5) Prior to commencement of facility operations, the Agency ~~Department~~ shall adopt rules providing for the establishment and collection of fees and charges with respect to the use of the disposal facility as provided in subsection (f) of this Section.

(k) The regional disposal facility shall be subject to ad valorem real estate taxes lawfully imposed by units of local government and school districts with jurisdiction over the facility. No other local government tax, surtax, fee or other charge on activities at the regional disposal facility shall be allowed except as authorized by the Agency ~~Department~~.

(l) The Agency ~~Department~~ shall have the power, in the event that acceptance of waste for disposal at the regional disposal facility is suspended, delayed or interrupted, to impose emergency fees on the generators of low-level radioactive waste. Generators shall pay emergency fees within 30 days of receipt of notice of the emergency fees. The Agency ~~Department~~ shall deposit all of the receipts of any fees collected under this subsection into the Low-Level Radioactive Waste Facility Development and Operation Fund created under subsection (b) of Section 14. Emergency fees may be used to mitigate the impacts of the suspension or interruption of acceptance of waste for disposal. The requirements for rulemaking in the Illinois Administrative Procedure Act shall not apply to the imposition of emergency fees under this subsection.

(m) The Agency ~~Department~~ shall promulgate any other rules and regulations as may be necessary to implement this Section.

(Source: P.A. 93-839, eff. 7-30-04; 94-91, eff. 7-1-05.)

(420 ILCS 20/14) (from Ch. 111 1/2, par. 241-14)

Sec. 14. Waste management funds.

(a) There is hereby created in the State treasury a special fund to be known as the "Low-Level Radioactive Waste Facility Development and Operation Fund". All monies within the Low-Level Radioactive Waste Facility Development and Operation Fund shall be invested by the State Treasurer in accordance with established investment practices. Interest earned by such investment shall be returned to the Low-Level Radioactive Waste Facility Development and Operation Fund. Except as otherwise provided in this subsection, the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall deposit 80% of all receipts from the fees required under subsections (a) and (b) of Section 13 in the State Treasury to the credit of this Fund. Beginning July 1, 1997, and until December 31 of the year in which the Task Group approves a proposed site under Section 10.3, the Department or the Agency shall deposit all fees collected under subsections (a) and (b) of Section 13 of this Act into the Fund. Subject to appropriation, the Department or the Agency is authorized to expend all moneys in the Fund in amounts it deems necessary for:

(1) hiring personnel and any other operating and contingent expenses necessary for the proper administration of this Act;

(2) contracting with any firm for the purpose of carrying out the purposes of this Act;

(3) grants to the Central Midwest Interstate Low-Level Radioactive Waste Commission;

(4) hiring personnel, contracting with any person, and meeting any other expenses incurred by the Department or the Agency in fulfilling its responsibilities under the Radioactive Waste Compact Enforcement Act;

(5) activities under Sections 10, 10.2 and 10.3;

(6) payment of fees in lieu of taxes to a local government having within its boundaries a regional disposal facility;

(7) payment of grants to counties or municipalities under Section 12.1; and

(8) fulfillment of obligations under a community agreement under Section 12.1.

In spending monies pursuant to such appropriations, the Department or the Agency shall to the extent practicable avoid duplicating expenditures made by any firm pursuant to a contract awarded under this Section. On or before March 1, 1989 and on or before October 1 of 1989, 1990, 1991, 1992, and 1993, the Department of Nuclear Safety shall deliver to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House, and each of the generators that have contributed during the preceding State fiscal year to the Low-Level Radioactive Waste Facility Development and Operation Fund a financial statement, certified and verified by the Director, which details all receipts and expenditures from the fund during the preceding State fiscal year; provided that the report due on or before March 1, 1989 shall detail all receipts and expenditures from the fund during the period from July 1, 1988 through January 31, 1989. The financial statements shall identify all sources of income to the fund and all recipients of expenditures from the fund, shall specify the amounts of all the income and expenditures, and shall indicate the amounts of all the income and expenditures, and shall indicate the purpose for all expenditures.

(b) There is hereby created in the State Treasury a special fund to be known as the "Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund". All monies within the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund shall be invested by the State Treasurer in accordance with established investment practices. Interest earned by such investment shall be returned to the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund. The Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall deposit 20% of all receipts from the fees required under subsections (a) and (b) of Section 13 of this Act in the State treasury to the credit of this Fund, except that, pursuant to subsection (a) of Section 14 of this Act, there shall be no such deposit into this Fund between July 1, 1997 and December 31 of the year in which the Task Group approves a proposed site pursuant to Section 10.3 of this Act. All deposits into this Fund shall be held by the State Treasurer separate and apart from all public money or funds of this State. Subject to appropriation, the Department or the Agency is authorized to expend any moneys in this Fund in amounts it deems necessary for:

(1) decommissioning and other procedures required for the proper closure of the regional disposal facility;

(2) monitoring, inspecting, and other procedures required for the proper closure, decommissioning, and post-closure care of the regional disposal facility;

(3) taking any remedial actions necessary to protect human health and the environment from releases or threatened releases of wastes from the regional disposal facility;

(4) the purchase of facility and third-party liability insurance necessary during the institutional control period of the regional disposal facility;

(5) mitigating the impacts of the suspension or interruption of the acceptance of waste for disposal;

(6) compensating any person suffering any damages or losses to a person or property caused by a release from the regional disposal facility as provided for in Section 15; and

(7) fulfillment of obligations under a community agreement under Section 12.1.

On or before March 1 of each year, the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, shall deliver to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House, and each of the generators that have contributed during the preceding State fiscal year to the Fund a financial statement, certified and verified by the Director, which details all receipts and expenditures from the Fund during the preceding State fiscal year. The financial statements shall identify all sources of income to the Fund and all recipients of expenditures from the Fund, shall specify the amounts of all the income and expenditures, and shall indicate the amounts of all the income and expenditures, and shall indicate the purpose for all

expenditures.

(c) (Blank).

(d) The Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, may accept for any of its purposes and functions any donations, grants of money, equipment, supplies, materials, and services from any state or the United States, or from any institution, person, firm or corporation. Any donation or grant of money received after January 1, 1986 shall be deposited in either the Low-Level Radioactive Waste Facility Development and Operation Fund or the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund, in accordance with the purpose of the grant.

(Source: P.A. 92-276, eff. 8-7-01.)

(420 ILCS 20/15) (from Ch. 111 1/2, par. 241-15)

Sec. 15. Compensation.

(a) Any person may apply to the Agency ~~Department~~ pursuant to this Section for compensation of a loss caused by the release, in Illinois, of radioactivity from the regional disposal facility. The Agency ~~Department~~ shall prescribe appropriate forms and procedures for claims filed pursuant to this Section, which shall include, as a minimum, the following:

(1) Provisions requiring the claimant to make a sworn verification of the claim to the best of his or her knowledge.

(2) A full description, supported by appropriate evidence from government agencies, of the release of the radioactivity claimed to be the cause of the physical injury, illness, loss of income or property damage.

(3) If making a claim based upon physical injury or illness, certification of the medical history of the claimant for the 5 years preceding the date of the claim, along with certification of the alleged physical injury or illness, and expenses for the physical injury or illness, made by hospitals, physicians or other qualified medical authorities.

(4) If making a claim for lost income, information on the claimant's income as reported on his or her federal income tax return or other document for the preceding 3 years in order to compute lost wages or income.

(b) The Agency ~~Department~~ shall hold at least one hearing, if requested by the claimant, within 60 days of submission of a claim to the Agency ~~Department~~. The Director shall render a decision on a claim within 30 days of the hearing unless all of the parties to the claim agree in writing to an extension of time. All decisions rendered by the Director shall be in writing, with notification to all appropriate parties. The decision shall be considered a final administrative decision for the purposes of judicial review.

(c) The following losses shall be compensable under this Section, provided that the Agency ~~Department~~ has found that the claimant has established, by the weight of the evidence, that the losses were proximately caused by the designated release and are not otherwise compensable under law:

(1) One hundred percent of uninsured, out-of-pocket medical expenses, for up to 3 years from the onset of treatment;

(2) Eighty percent of any uninsured, actual lost wages, or business income in lieu of wages, caused by injury to the claimant or the claimant's property, not to exceed $15,000 per year for 3 years;

(3) Eighty percent of any losses or damages to real or personal property; and

(4) One hundred percent of costs of any remedial actions on such property necessary to protect human health and the environment.

(d) No claim may be presented to the Agency ~~Department~~ under this Section later than 5 years from the date of discovery of the damage or loss.

(e) Compensation for any damage or loss under this Section shall preclude indemnification or reimbursement from any other source for the identical damage or loss, and indemnification or reimbursement from any other source shall preclude compensation under this Section.

(f) The Agency ~~Department~~ shall adopt, and revise when appropriate, rules and regulations necessary to implement the provisions of this Section, including methods that provide for establishing that a claimant has exercised reasonable diligence in satisfying the conditions of the application requirements, for specifying the proof necessary to establish a damage or loss compensable under this Section and for establishing the administrative procedures to be followed in reviewing claims.

(g) Claims approved by the Director shall be paid from the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund, except that claims shall not be paid in excess of the amount available in the Fund. In the case of insufficient amounts in the Fund to satisfy claims against the Fund, the General Assembly may appropriate monies to the Fund in amounts it deems necessary to pay

the claims.
(Source: P.A. 87-1166.)

(420 ILCS 20/17) (from Ch. 111 1/2, par. 241-17)

Sec. 17. Penalties.

(a) Any person operating any facility in violation of Section 8 shall be subject to a civil penalty not to exceed $100,000 per day of violation.

(b) Any person failing to pay the fees provided for in Section 13 shall be liable to a civil penalty not to exceed 4 times the amount of the fees not paid.

(c) At the request of the Agency ~~Department~~, the civil penalties shall be recovered in an action brought by the Attorney General on behalf of the State in the circuit court in which the violation occurred. All amounts collected from fines under this Section shall be deposited in the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund.
(Source: P.A. 87-1166.)

(420 ILCS 20/18) (from Ch. 111 1/2, par. 241-18)

Sec. 18. Judicial review.

Any person affected by a final order or determination of the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, under this Act may obtain judicial review, by filing a petition for review within 90 days after the entry of the order or other final action complained of.

The review proceeding shall be conducted in accordance with the Administrative Review Law, except that the proceeding shall originate in the appellate court rather than in the circuit court.
(Source: P.A. 86-1044; 86-1050; 86-1475; 87-1244; 87-1267.)

(420 ILCS 20/21.1) (from Ch. 111 1/2, par. 241-21.1)

Sec. 21.1. (a) For the purpose of conducting subsurface surveys and other studies under this Act, officers and employees of the Agency ~~Department~~ and officers and employees of any person under contract or subcontract with the Agency ~~Department~~ shall have the power to enter upon the lands or waters of any person upon written notice to the known owners and occupants, if any.

(b) In addition to the powers under subsection (a), and without limitation to those powers, the Agency ~~Department~~ and any person under contract or subcontract with the Agency ~~Department~~ shall also have the power to enter contracts and agreements which allow entry upon the lands or waters of any person for the purpose of conducting subsurface surveys and other studies under this Act.

(c) The Agency ~~Department~~ shall be responsible for any actual damages occasioned by the entry upon the lands or waters of any person under this Section.
(Source: P.A. 85-1133.)

Section 30. The Radioactive Waste Storage Act is amended by adding Section 0.5 and by changing Sections 1, 2, 3, 4, 5, and 6 as follows:

(420 ILCS 35/0.5 new)

Sec. 0.5. Definitions. In this Act:

"Agency" means the Illinois Emergency Management Agency.

"Director" means the Director of the Agency.

(420 ILCS 35/1) (from Ch. 111 1/2, par. 230.1)

Sec. 1. The Director ~~of Nuclear Safety~~ is authorized to acquire by private purchase, acceptance, or by condemnation in the manner provided for the exercise of the power of eminent domain under Article VII of the Code of Civil Procedure, any and all lands, buildings and grounds where radioactive by-products and wastes produced by industrial, medical, agricultural, scientific or other organizations can be concentrated, stored or otherwise disposed in a manner consistent with the public health and safety. Whenever, in the judgment of the Director ~~of Nuclear Safety~~, it is necessary to relocate existing facilities for the construction, operation, closure or long-term care of a facility for the safe and secure disposal of low-level radioactive waste, the cost of relocating such existing facilities may be deemed a part of the disposal facility land acquisition and the Agency ~~Department of Nuclear Safety~~ may, on behalf of the State, pay such costs. Existing facilities include public utilities, commercial or industrial facilities, residential buildings, and such other public or privately owned buildings as the Director ~~of Nuclear Safety~~ deems necessary for relocation. The Agency ~~Department of Nuclear Safety~~ is authorized to operate a relocation program, and to pay such costs of relocation as are provided in the federal "Uniform Relocation Assistance and Real Property Acquisition Policies Act", Public Law 91-646. The Director ~~of Nuclear Safety~~ is authorized to exceed the maximum payments provided pursuant to the federal "Uniform Relocation Assistance and Real Property Acquisition Policies Act" 2f necessary to assure the provision of decent, safe, and sanitary housing, or to secure a suitable alternate location. Payments

issued under this Section shall be made from the Low-level Radioactive Waste Facility Development and Operation Fund established by the Illinois Low-Level Radioactive Waste Management Act.
(Source: P.A. 85-1407.)

(420 ILCS 35/2) (from Ch. 111 1/2, par. 230.2)

Sec. 2. The Director ~~of Nuclear Safety~~ may accept, receive, and receipt for moneys or lands, buildings and grounds for and in behalf of the State, given by the Federal Government under any federal law to the State or by any other public or private agency, for the acquisition or operation of a site or sites for the concentration and storage of radioactive wastes. Such funds received by the Director pursuant to this Section shall be deposited with the State Treasurer and held and disbursed by him in accordance with "An Act in relation to the receipt, custody, and disbursement of money allotted by the United States of America or any agency thereof for use in this State", approved July 3, 1939, as amended. Provided that such moneys or lands, buildings and grounds shall be used only for the purposes for which they are contributed.
(Source: P.A. 81-1516.)

(420 ILCS 35/3) (from Ch. 111 1/2, par. 230.3)

Sec. 3. The Director ~~of Nuclear Safety~~ may lease such lands, buildings and grounds as it may acquire under the provisions of this Act to a private firm or firms for the purpose of operating a site or sites for the concentration and storage of radioactive wastes or for such other purpose not contrary to the public interests.
(Source: P.A. 81-1516.)

(420 ILCS 35/4) (from Ch. 111 1/2, par. 230.4)

Sec. 4. The operation of any and all sites acquired for the concentration and storage of radioactive wastes shall be under the direct supervision of the Agency ~~Department of Nuclear Safety~~ and shall be in accordance with regulations promulgated and enforced by the Agency ~~Department~~ to protect the public health and safety.
(Source: P.A. 81-1516.)

(420 ILCS 35/5) (from Ch. 111 1/2, par. 230.5)

Sec. 5. The Director ~~of Nuclear Safety~~ is authorized to enter into contracts as he or she may deem necessary for carrying out the provisions of this Act. Such contracts may include the assessment of fees by the Agency ~~Director~~. The fees required shall be established at a rate which provides an annual amount equal to the anticipated reasonable cost necessary to maintain, monitor, and otherwise supervise and care for lands and facilities as required in the interest of public health and safety.
(Source: P.A. 81-1516.)

(420 ILCS 35/6) (from Ch. 111 1/2, par. 230.6)

Sec. 6. It is recognized by the General Assembly that any site used for the concentration and storage of radioactive waste material will represent a continuing and perpetual responsibility in the interests of the public health, safety and general welfare, and that the same must ultimately be reposed in a sovereign government without regard for the existence or nonexistence of any particular agency, instrumentality, department, division or officer thereof. In all instances lands, buildings and grounds which are to be designated as sites for the concentration and storage of radioactive waste materials shall be acquired in fee simple absolute and dedicated in perpetuity to such purpose. All rights, title and interest in, of and to any radioactive waste materials accepted by the Agency ~~Department of Nuclear Safety~~ for permanent storage at such facilities, shall upon acceptance become the property of the State and shall be in all respects administered, controlled, and disposed of, including transfer by sale, lease, loan or otherwise, by the Department of Nuclear Safety in the name of the State. All fees received pursuant to contracts entered into by the Agency ~~Director~~ shall be deposited in the State treasury and shall be set apart in a special fund to be known as the "Radioactive Waste Site Perpetual Care Fund". Monies deposited in the fund shall be expended by the Agency ~~Director~~ to monitor and maintain the site as required to protect the public health and safety on a continuing and perpetual basis. All payments received by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, pursuant to the settlement agreement entered May 25, 1988, in the matter of the People of the State of Illinois, et al. v. Teledyne, Inc., et al. (No. 78 MR 25, Circuit Court, Bureau County, Illinois) shall be held by the State Treasurer separate and apart from all public moneys or funds of the State, and shall be used only as provided in such settlement agreement.
(Source: P.A. 86-257.)

Section 35. The Radioactive Waste Tracking and Permitting Act is amended by changing Sections 5, 10, and 15 as follows:

(420 ILCS 37/5)

Sec. 5. Legislative findings.

(a) The General Assembly finds:

(1) that a considerable volume of wastes are produced in this State with even greater volumes to be produced in the future;

(2) that these wastes pose a significant risk to the public health, safety and welfare of the people of Illinois; and

(3) that it is the obligation of the State of Illinois to its citizens to provide for the safe management of the wastes produced within its borders.

(b) It is the intent of this Act to authorize the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, to establish, by regulation, a tracking system for the regulation of the use of facilities licensed under Section 8 of the Illinois Low-Level Radioactive Waste Management Act.

(Source: P.A. 88-616, eff. 9-9-94.)

(420 ILCS 37/10)

Sec. 10. Definitions.

(a) "Agency" means the Illinois Emergency Management Agency. ~~"Department" means the Department of Nuclear Safety.~~

(b) (Blank). ~~"Director" means the Director of the Department of Nuclear Safety.~~

(c) "Disposal" means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

(d) "Facility" means a parcel of land or a site, together with structures, equipment, and improvements on or appurtenant to the land or site, that is used or is being developed for the treatment, storage, or disposal of low-level radioactive waste.

(e) "Low-level radioactive waste" or "waste" means radioactive waste not classified as (1) high-level radioactive waste, (2) transuranic waste, (3) spent nuclear fuel, or (4) by-product material as defined in Section 11e(2) of the Atomic Energy Act. This definition shall apply notwithstanding any declaration by the federal government or a state that any radioactive material is exempt from any regulatory control.

(f) "Person" means an individual, corporation, business enterprise, or other legal entity, public or private, or any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.

(g) "Regional facility" or "disposal facility" means a facility that is located in Illinois and established by Illinois, under designation of Illinois as a host state by the Commission for disposal of waste.

(h) "Storage" means the temporary holding of waste for treatment or disposal for a period determined by Agency ~~Department~~ regulations.

(i) "Treatment" means any method, technique, or process, including storage for radioactive decay, that is designed to change the physical, chemical, or biological characteristics or composition of any waste in order to render the waste safer for transport, storage, or disposal, amenable to recovery, convertible to another usable material, or reduced in volume.

(Source: P.A. 88-616, eff. 9-9-94.)

(420 ILCS 37/15)

Sec. 15. Permit requirements for the storage, treatment, and disposal of waste at a disposal facility.

(a) Upon adoption of regulations under subsection (c) of this Section, no person shall deposit any low-level radioactive waste at a storage, treatment, or disposal facility in Illinois licensed under Section 8 of the Illinois Low-Level Radioactive Waste Management Act without a permit granted by the Department of Nuclear Safety or by its successor agency, the Illinois Emergency Management Agency.

(b) Upon adoption of regulations under subsection (c) of this Section, no person shall operate a storage, treatment, or disposal facility licensed under Section 8 of the Illinois Low-Level Radioactive Waste Management Act without a permit granted by the Department of Nuclear Safety or by its successor agency, the Illinois Emergency Management Agency.

(c) The Agency ~~Department of Nuclear Safety~~ shall adopt regulations providing for the issuance, suspension, and revocation of permits required under subsections (a) and (b) of this Section. The regulations may provide a system for tracking low-level radioactive waste to ensure that waste that other states are responsible for disposing of under federal law does not become the responsibility of the State of Illinois. The regulations shall be consistent with the Federal Hazardous Materials Transportation Act.

(d) The Agency ~~Department~~ may enter into a contract or contracts for operation of the system for tracking low-level radioactive waste as provided in subsection (c) of this Section.

(e) A person who violates this Section or any regulation promulgated under this Section shall be subject to a civil penalty, not to exceed $10,000, for each violation. Each day a violation continues shall constitute a separate offense. A person who fails to pay a civil penalty imposed by a regulation adopted

under this Section, or any portion of the penalty, is liable in a civil action in an amount not to exceed 4 times the amount imposed and not paid. At the request of the Agency ~~Department~~, the Attorney General shall, on behalf of the State, bring an action for the recovery of any civil penalty provided for by this Section. Any civil penalties so recovered shall be deposited in the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund.
(Source: P.A. 88-616, eff. 9-9-94.)

Section 40. The Uranium and Thorium Mill Tailings Control Act is amended by changing Sections 5, 10, 15, 25, 30, 32, 35, and 40 as follows:

(420 ILCS 42/5)

Sec. 5. Legislative findings.

(a) The General Assembly finds:

(1) that a very large volume of by-product material, commonly referred to as uranium and thorium mill tailings, is located within this State, much of it in urban areas;

(2) that such radioactive materials pose a significant risk to the public health, safety, and welfare of the people of Illinois; and

(3) that the Illinois Emergency Management Agency ~~Department of Nuclear Safety~~, pursuant to the provisions of the Radiation Protection Act of 1990, regulates the generation, possession, use, and disposal of such materials to protect the public health and safety from the radiation risks associated with these materials and to ensure that they do not pose an undue risk to the public health, safety, or the environment; and

(4) that in addition to this regulation, it is beneficial for the State to have a policy promoting the safe and timely decommissioning of source material milling facilities that have come to the end of their productive lives and the safe and effective decontamination of areas within the State that are contaminated with uranium or thorium mill tailings.

(a-5) The General Assembly also finds:

(1) that the Director of Nuclear Safety, as represented by the Attorney General, and Kerr-McGee Chemical Corporation entered into an agreement dated May 19, 1994 and other related agreements to facilitate the removal of by-product material from the City of West Chicago in reliance upon the enactment of this amendatory Act of 1994;

(2) that the May 19, 1994 agreement is consistent with the public purpose as expressed in this Act; and

(3) that the May 19, 1994 agreement is not an agreement intended to relieve Kerr-McGee Chemical Corporation from the applicability of this Act under Section 35.

(b) It is the purpose of this Act to establish a comprehensive program for the timely decommissioning of uranium and thorium mill tailings facilities in Illinois and for the decontamination of properties that are contaminated with uranium or thorium mill tailings. It is the intent of the General Assembly that such a program provide for the safe management of these mill tailings and that the program encourage public participation in all phases of the development of this management program. It is further the intent of the General Assembly that this program be in addition to the regulatory program established in the Radiation Protection Act of 1990.
(Source: P.A. 87-1024; 88-638, eff. 9-9-94.)

(420 ILCS 42/10)

Sec. 10. Definitions. As used in this Act:

"Agency" means the Illinois Emergency Management Agency.

"By-product material" means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes.

"Department" means the Department of Nuclear Safety.

"Director" means the Director of the Illinois Emergency Management Agency ~~Department of Nuclear Safety~~.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto.

"Radiation emergency" means the uncontrolled release of radioactive material from a radiation installation that poses a potential threat to the public health, welfare, and safety.

"Source material" means (i) uranium, thorium, or any other material that the Agency ~~Department~~ declares by order to be source material after the United States Nuclear Regulatory Commission or its successor has determined the material to be source material; or (ii) ores containing one or more of those materials in such concentration as the Agency ~~Department~~ declares by order to be source material after the United States Nuclear Regulatory Commission or its successor has determined the material in such concentration to be source material.

"Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of radioactive materials or devices or equipment utilizing radioactive materials.

(Source: P.A. 87-1024.)

(420 ILCS 42/15)

Sec. 15. Storage fees.

(a) Beginning January 1, 1994, an annual fee shall be imposed on the owner or operator of any property that has been used in whole or in part for the milling of source material and is being used for the storage or disposal of by-product material, equal to $2 per cubic foot of by-product material being stored or disposed of by the facility. After a facility is cleaned up in accordance with the ~~Department's~~ radiological soil clean-up criteria specified by the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, no fee shall be due, imposed upon, or collected from an owner. No fee shall be imposed upon any by-product material moved to a facility in contemplation of the subsequent removal of the by-product material pursuant to law or upon any by-product material moved to a facility in contemplation of processing the material through a physical separation facility. No fees shall be collected from any State, county, municipal, or local governmental agency. In connection with settling litigation regarding the amount of the fee to be imposed, the Director may enter into an agreement with the owner or operator of any facility specifying that the fee to be imposed shall not exceed $26,000,000 in any calendar year. The fees assessed under this Section are separate and distinct from any license fees imposed under Section 11 of the Radiation Protection Act of 1990.

The fee shall be due on June 1 of each year or at such other times in such installments as the Director may provide by rule. To facilitate the expeditious removal of by-product material, rules establishing payment dates or schedules may be adopted as emergency rules under Section 5-45 of the Administrative Procedure Act. The fee shall be collected and administered by the Agency ~~Department~~, and shall be deposited into the General Revenue Fund.

(b) Moneys may be expended by the Agency ~~Department~~, subject to appropriation, for the following purposes but only as the moneys relate to by-product material attributable to the owner or operator who pays the fees under subsection (a):

(1) the costs of monitoring, inspecting, and otherwise regulating the storage and disposal of by-product material, wherever located;

(2) the costs of undertaking any maintenance, decommissioning activities, cleanup, responses to radiation emergencies, or remedial action that would otherwise be required of the owner or operator by law or under a license amendment or condition in connection with by-product materials;

(3) the costs that would otherwise be required of the owner or operator, by law or under a license amendment or condition, incurred by the State arising from the transportation of the by-product material from a storage or unlicensed disposal location to a licensed permanent disposal facility; and

(4) reimbursement to the owner or operator of any facility used for the storage or disposal of by-product material for costs incurred by the owner or operator in connection with the decontamination or decommissioning of the storage or disposal facility or other properties contaminated with by-product material. However, the amount of the reimbursements paid to the owner or operator of a by-product material storage or disposal facility shall not be reduced for any amounts recovered by the owner or operator pursuant to Title X of the federal Energy Policy Act of 1992 and shall not exceed the amount of money paid by that owner or operator under subsection (a) plus the interest attributable to amounts paid by that owner or operator.

An owner or operator who incurs costs in connection with the decontamination or decommissioning of the storage or disposal facility or other properties contaminated with by-product material is entitled to have those costs promptly reimbursed as provided in this Section. In the event the owner or operator has incurred reimbursable costs for which there are not adequate moneys with which to provide reimbursement, the Director shall reduce the amount of any fee payable in the future imposed under this

Act by the amount of the reimbursable expenses incurred by the owner or operator. An owner or operator of a facility shall submit requests for reimbursement to the Director in a form reasonably required by the Director. Upon receipt of a request, the Director shall give written notice approving or disapproving each of the owner's or operator's request for reimbursement within 60 days. The Director shall approve requests for reimbursement unless the Director finds that the amount is excessive, erroneous, or otherwise inconsistent with paragraph (4) of this subsection or with any license or license amendments issued in connection with that owner's or operator's decontamination or decommissioning plan. If the Director disapproves a reimbursement request, the Director shall set forth in writing to the owner or operator the reasons for disapproval. The owner or operator may resubmit to the Agency ~~Department~~ a disapproved reimbursement request with additional information as may be required. Disapproval of a reimbursement request shall constitute final action for purposes of the Administrative Review Law unless the owner or operator resubmits the denied request within 35 days. To the extent there are funds available, the Director shall prepare and certify to the Comptroller the disbursement of the approved sums to the owners or operators or, if there are insufficient funds available, the Director shall off-set future fees otherwise payable by the owner or operator by the amount of the approved reimbursable expenses.

(c) To the extent that costs identified in parts (1), (2), and (3) of subsections (b) are recovered by the Department or its successor agency, the Illinois Emergency Management Agency, under the Radiation Protection Act of 1990 or Department or Agency ~~its~~ rules, the Department or the Agency shall not use money under this Section to cover these costs.

(d) (Blank).

(Source: P.A. 94-91, eff. 7-1-05.)

(420 ILCS 42/25)

Sec. 25. Response plans.

(a) Within one year of September 6, 1992 (the effective date of Public Act 87-1024) ~~this Act~~, the owner or operator of any licensed site where by-product material is located on the effective date of this Act shall file with the Department of Nuclear Safety, a detailed plan describing all of the activities necessary for implementation of a permanent remedial action, including, but not limited to, disposal of by-product material at a permanent disposal site, restoration of the licensed site to unrestricted use, and decontamination of all properties that have been identified as being contaminated with by-product material produced at the licensed site. If the licensed site is located in a municipality or within 1.5 miles of the boundary of any municipality, the plan shall also be filed with the governing body of that municipality. If the licensed site is in an unincorporated area of a county and situated more than 1.5 miles from the boundary of the nearest municipality, the plan shall be filed with the governing body of that county.

(b) Within one year of discontinuing active source material milling operations, the owner or operator of any facility where ores are processed primarily for their source material content shall file with the Agency ~~Department~~ a detailed plan describing all of the activities necessary for implementation of a permanent remedial action, including, but not limited to, disposal of by-product material at a permanent disposal site, restoration of the facility site to unrestricted use, and decontamination of all properties that have been identified as being contaminated with by-product material produced at the licensed facility. If the facility is located in a municipality or within 1.5 miles of the boundary of any municipality, the plan shall also be filed with the governing body of that municipality. If the site is in an unincorporated area of a county and situated more than 1.5 miles from the boundary of the nearest municipality, the plan shall be filed with the governing body of that county.

(c) The plans filed under subsection (a) or (b) shall include a schedule for disposal of by-product material at a facility that has a specific license authorizing disposal of by-product material. The schedule shall be such that disposal could be completed within 48 months or less of commencement of disposal activities. The plans shall also describe permits, approvals, and other authorizations that will need to be obtained and the plans for obtaining those permits, approvals and authorizations.

(Source: P.A. 87-1024.)

(420 ILCS 42/30)

Sec. 30. Rules and regulations. The Agency ~~Department~~ may adopt such rules and procedures as it may deem necessary or useful in the execution of its duties under this Act. The rules may require submission of pertinent information by taxpayers.

(Source: P.A. 87-1024.)

(420 ILCS 42/32)

Sec. 32. Limitations on groundwater and property use.

(a) In connection with the decommissioning of a source material milling facility or the termination of

the facility's license, the Agency ~~Department~~ shall have the authority to adopt by rule, or impose by order or license amendment or condition, restrictions on the use of groundwater on any property that has been licensed for the milling of source material and any property downgradient from the property that has been licensed for the milling of source material where the groundwater impacted by a licensed facility has constituents above naturally-occurring levels and is in excess of the groundwater standards enforceable by the Agency ~~Department~~.

(b) In connection with the decommissioning of a source material milling facility or the termination of the facility's license, the Agency ~~Department~~ shall have the authority to adopt by rule, or impose by order or license amendment or condition, restrictions on property that has been licensed for the milling of source material where the soil has constituents above naturally-occurring levels to limit or prohibit:

(1) the construction of basements or other similar below-ground structures, other than footings or pilings, on any portion of the property where elevated levels of the constituents are present in the soil; and

(2) the excavation of soil from a portion of the property where elevated levels of the constituents are present in the excavated soil, unless the excavated soil is (i) disposed of in a facility licensed or permitted to dispose of that soil or (ii) returned to the approximate depth from which it was excavated and covered with an equivalent cover.

(c) The authority granted to the Agency ~~Department~~ under this Section is intended to secure the greatest protection of the public health and safety practicable in the decommissioning of a source material milling facility or the termination of the facility's license and shall be in addition to the authority granted under the Radiation Protection Act of 1990.

(Source: P.A. 90-39, eff. 6-30-97.)

(420 ILCS 42/35)

Sec. 35. Agreements. If the Director ~~of Nuclear Safety~~ certifies to the General Assembly that the State and the owner or operator of a licensed by-product material storage or disposal facility have entered into an agreement enforceable in court that accomplishes the purposes of subsection (b) of Section 5 of this Act, and that also provides financial assurances to protect the State against costs described in parts (1), (2), and (3) of subsection (b) of Section 15, then Sections 15, 25 and 40(b) of this Act, and any rules that the Agency ~~Department~~ may adopt to implement those Sections, shall not apply to that owner or operator.

(Source: P.A. 87-1024.)

(420 ILCS 42/40)

Sec. 40. Violations and penalties.

(a) Any person who violates Section 20 shall be subject to a civil penalty not to exceed $10,000 per day of violation.

(b) Any person failing to pay the fees provided for in Section 15 shall be subject to a civil penalty not to exceed 4 times the amount of the fees not paid.

(c) Violations of this Act shall be prosecuted by the Attorney General at the request of the Agency ~~Department~~. Civil penalties under this Act are recoverable in an action brought by the Attorney General on behalf of the State in the circuit court of the county in which the facility is located. All amounts collected from fines under this Section shall be deposited in the General Revenue Fund. It shall also be the duty of the Attorney General upon the request of the Agency ~~Department~~ to bring an action for an injunction against any person violating any of the provisions of this Act. The Court may assess all or a portion of the cost of actions brought under this subsection, including but not limited to attorney, expert witness, and consultant fees, to the owner or operator of the source material milling facility or to any other person responsible for the violation or contamination.

(Source: P.A. 94-91, eff. 7-1-05.)

Section 45. The Laser System Act of 1997 is amended by changing Sections 10, 15, 20, 22, 25, 30, 35, 40, 45, 50, 60, and 65 as follows:

(420 ILCS 56/10)

Sec. 10. Legislative purpose. It is the purpose of this Act to provide for a program of effective regulation of laser systems for the protection of human health, welfare, and safety. The Agency ~~Department~~ shall therefore regulate laser systems under this Act to ensure the safe use and operation of those systems.

(Source: P.A. 90-209, eff. 7-25-97.)

(420 ILCS 56/15)

Sec. 15. Definitions. For the purposes of this Act, unless the context requires otherwise:

(1) "Agency" means the Illinois Emergency Management Agency. ~~"Department" means the Illinois~~

~~Department of Nuclear Safety.~~

(2) "Director" means the Director of the Illinois Emergency Management Agency ~~Nuclear Safety~~.

(3) "FDA" means the Food and Drug Administration of the United States Department of Health and Human Services.

(4) "Laser installation" means a location or facility where laser systems are produced, stored, disposed of, or used for any purpose.

(5) "Laser machine" means a device that is capable of producing laser radiation when associated controlled devices are operated.

(6) "Laser radiation" means an electromagnetic radiation emitted from a laser system and includes all reflected radiation, any secondary radiation, or other forms of energy resulting from the primary laser beam.

(7) "Laser system" means a device, machine, equipment, or other apparatus that applies a source of energy to a gas, liquid, crystal, or other solid substances or combination thereof in a manner that electromagnetic radiations of a relatively uniform wave length are amplified and emitted in a cohesive beam capable of transmitting the energy developed in a manner that may be harmful to living tissues, including but not limited to electromagnetic waves in the range of visible, infrared, or ultraviolet light. Such systems in schools, colleges, occupational schools, and State colleges and other State institutions are also included in the definition of "laser systems".

(8) "Operator" is an individual, group of individuals, partnership, firm, corporation, association, or other entity conducting the business or activities carried on within a laser installation.

(Source: P.A. 90-209, eff. 7-25-97; 91-188, eff. 7-20-99.)

(420 ILCS 56/20)

Sec. 20. Registration requirements. An operator of a laser installation, unless otherwise exempted, shall register the installation with the Agency ~~Department~~ before the installation is placed in operation. The registration shall be filed annually on a form prescribed by the Agency ~~Department~~. If any change occurs in a laser installation, the change or changes shall be registered with the Agency ~~Department~~ within 30 days. If registering a change in each source of laser radiation or the type or strength of each source of radiation is impractical, the Agency ~~Department~~, upon request of the operator, may approve blanket registration of the installation. Laser installations registered with the Department of Nuclear Safety on July 25, 1997 (the effective date of Public Act 90-209) ~~this Act~~ shall retain their registration.

Registration of a laser installation shall not imply approval of manufacture, storage, use, handling, operation, or disposal of laser systems or laser radiation, but shall serve merely as notice to the Agency ~~Department~~ of the location and character of radiation sources in this State.

(Source: P.A. 90-209, eff. 7-25-97.)

(420 ILCS 56/22)

Sec. 22. State regulation of federal entities. The Agency ~~Department~~ is authorized to regulate laser installations operated by federal entities (or their contractors) if the federal entities agree to be regulated by the State or the regulation is otherwise allowed under federal law. The Agency ~~Department~~ may, by rule, establish fees to support the regulation.

(Source: P.A. 91-188, eff. 7-20-99.)

(420 ILCS 56/25)

Sec. 25. Exemptions. The registration requirements of this Act shall not apply to the following:

(1) a laser system that is not considered to be an acute hazard to the skin and eyes from direct radiation as determined by the FDA classification scheme established in 21 C.F.R. Section 1040.10.

(2) a laser system being transported on railroad cars, motor vehicles, aircraft, or vessels in conformity with rules adopted by an agency having jurisdiction over safety during transportation, or laser systems that have been installed on aircraft, munitions, or other equipment that is subject to the regulations of, and approved by an appropriate agency of, the federal government.

(3) a laser system where the hazard to public health, in the opinion of the Agency ~~Department~~, is absent or negligible.

(Source: P.A. 90-209, eff. 7-25-97.)

(420 ILCS 56/30)

Sec. 30. Registration fee. The Agency ~~Department~~ may establish by rule a registration fee for operators of laser machines required to register under this Act. The Director may by rule exempt public institutions from the registration fee requirement. Registration fees assessed shall be due and payable within 60 days after the date of billing. If, after 60 days, the registration fee is not paid, the Agency ~~Department~~ may issue an order directing the operator of the installation to cease use of the laser

machines for which the fee is outstanding or take other appropriate enforcement action as provided in Section 36 of the Radiation Protection Act of 1990. An order issued by the Agency ~~Department~~ shall afford the operator a right to a hearing before the Agency ~~Department~~. A written request for a hearing must be served on the Agency ~~Department~~ within 10 days of notice of the order. If the operator fails to file a timely request for a hearing with the Agency ~~Department~~, the operator shall be deemed to have waived his or her right to a hearing. All moneys received by the Agency ~~Department~~ under this Act shall be deposited into the Radiation Protection Fund and are not refundable. Pursuant to appropriation, moneys deposited into the Fund may be used by the Agency ~~Department~~ to administer and enforce this Act.

(Source: P.A. 90-209, eff. 7-25-97.)

(420 ILCS 56/35)

Sec. 35. Agency ~~Department~~ rules. The Agency ~~Department~~ is authorized to adopt rules for the administration and enforcement of this Act and to enter upon, inspect, and investigate the premises and operations of all laser systems of this State, whether or not the systems are required to be registered by this Act. In adopting rules authorized by this Section and in exempting certain laser systems from the registration requirements of Section 20, the Agency ~~Department~~ may seek advice and consultation from engineers, physicists, physicians, or other persons with special knowledge of laser systems and of the medical and biological effects of laser systems.

(Source: P.A. 90-209, eff. 7-25-97.)

(420 ILCS 56/40)

Sec. 40. Reports of accidental injuries. The operator of a laser system shall promptly report to the Agency ~~Department~~ an accidental injury to an individual in the course of use, handling, operation, manufacture, or discharge of a laser system.

(Source: P.A. 90-209, eff. 7-25-97.)

(420 ILCS 56/45)

Sec. 45. Agency ~~Department~~ authority in case of immediate threat to health. Notwithstanding any other provision of this Act, whenever the Agency ~~Department~~ finds that a condition exists that constitutes an immediate threat to the public health or safety, the Agency ~~Department~~ is authorized to do all of the following:

(a) Enter onto public or private property and take possession of or require the immediate cessation of use of laser systems that pose an immediate threat to health or safety.

(b) Enter an order for abatement of a violation of a provision of this Act or a rule adopted or an order issued under this Act that requires immediate action to protect the public health or safety. The order shall recite the existence of the immediate threat and the findings of the Agency ~~Department~~ pertaining to the threat. The order shall direct a response that the Agency ~~Department~~ determines appropriate under the circumstances, including but not limited to all of the following:

(1) Discontinuance of the violation.

(2) Rendering the laser system inoperable.

(3) Impounding of a laser system possessed by a person engaging in the violation.

Such order shall be effective immediately but shall include notice of the time and place of a public hearing before the Agency ~~Department~~ to be held within 30 days of the date of the order to assure the justification of the order. On the basis of the public hearing, the Agency ~~Department~~ shall continue its order in effect, revoke it, or modify it. Any party affected by an order of the Agency ~~Department~~ shall have the right to waive the public hearing proceedings.

(c) Direct the Attorney General to obtain an injunction against a person responsible for causing or allowing the continuance of the immediate threat to health or safety.

(Source: P.A. 90-209, eff. 7-25-97.)

(420 ILCS 56/50)

Sec. 50. Public nuisance; injunctive relief. The conducting of any business or the carrying on of activities within a laser installation without registering a laser installation or without complying with the provisions of this Act relating to the laser installation is declared to be inimical to the public welfare and public safety and to constitute a public nuisance. It is the duty of the Attorney General, upon the request of the Agency ~~Department~~, to bring an action in the name of the People of the State of Illinois to enjoin an operator from unlawfully engaging in the business or activity conducted within the laser installation until the operator of the installation complies with the provisions of this Act. This injunctive remedy shall be in addition to, and not in lieu of, any criminal penalty provided in this Act.

(Source: P.A. 90-209, eff. 7-25-97.)

(420 ILCS 56/60)

Sec. 60. Illinois Administrative Procedure Act. The provisions of the Illinois Administrative

Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Agency ~~Department of Nuclear Safety~~ under this Act, except that Section 5 of the Illinois Administrative Procedure Act relating to procedures for rulemaking does not apply to the adoption of any rule required by federal law in connection with which the Agency ~~Department~~ is precluded from exercising any discretion.
(Source: P.A. 90-209, eff. 7-25-97.)

(420 ILCS 56/65)

Sec. 65. Administrative Review Law. All final administrative decisions of the Department of Nuclear Safety or its successor agency, the Illinois Emergency Management Agency, under this Act shall be subject to judicial review under the provisions of the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.
(Source: P.A. 90-209, eff. 7-25-97.)

Section 50. The Boiler and Pressure Vessel Safety Act is amended by changing Sections 2a and 2b as follows:

(430 ILCS 75/2a) (from Ch. 111 1/2, par. 3202a)

Sec. 2a. Nuclear facilities. Notwithstanding any other provision to the contrary, the Illinois Emergency Management Agency ~~Department of Nuclear Safety~~ shall have sole jurisdiction over all boilers and pressure vessels contained within or upon or in connection with any nuclear facility within this State. The Agency ~~Department of Nuclear Safety~~ shall have the same authority and shall have and exercise the same powers and duties in relation to those boilers and pressure vessels under this Act as the Board or the State Fire Marshal have and exercise in relation to all boilers and pressure vessels in this State that are not included in this Section. Notwithstanding any other provision to the contrary, the Agency ~~Department of Nuclear Safety~~ shall establish by rule the types and frequency of inspections of boilers and pressure vessels contained within or upon or in connection with any nuclear facility. The rules may provide that multiple boilers and pressure vessels in a nuclear power system shall be covered by a single inspection certificate. The Agency ~~Department of Nuclear Safety~~ may enter into such agreements with the Board or the State Fire Marshal as are necessary to carry out its duties under this Act. The agreements may provide that the Agency ~~Department of Nuclear Safety~~ shall accept and recognize Special Inspector Commissions issued by the State Fire Marshal.
(Source: P.A. 86-901; 87-1169.)

(430 ILCS 75/2b) (from Ch. 111 1/2, par. 3202b)

Sec. 2b. In addition to its other powers, the Illinois Emergency Management Agency ~~Department of Nuclear Safety~~ is authorized to enter into agreements with the United States Nuclear Regulatory Commission for the establishment of a coordinated and comprehensive program to minimize the risks posed by boilers, pressure vessels, and related components contained within or upon or in connection with any nuclear facility within this State. The program may provide for such inspections of nuclear facilities within the State as may be agreed upon and for inspections within and outside the State of Illinois of boilers and pressure vessels to be installed in any nuclear facility within this State.
(Source: P.A. 86-901.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2691** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2691

AMENDMENT NO. 1. Amend Senate Bill 2691 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 15-170 and 15-176 and by adding Section 15-167 as follows:

(35 ILCS 200/15-167 new)

Sec. 15-167. Returning Veterans' Homestead Exemption.

(a) A homestead exemption limited to a reduction set forth under subsection (b) from the property's

value, as equalized or assessed by the Department, is granted for property that is owned and occupied as a residence by a veteran returning from an armed conflict involving the armed forces of the United States who is liable for paying real estate taxes on the property and is an owner of record of the property or has a legal or equitable interest therein as evidenced by a written instrument, except for a leasehold interest, other than a leasehold interest of land on which a single family residence is located, which is occupied as a residence by a veteran returning from an armed conflict involving the armed forces of the United States who has an ownership interest therein, legal, equitable or as a lessee, and on which he or she is liable for the payment of property taxes. For purposes of the exemption under this Section, "veteran" means an Illinois resident who has served as a member of the United States Armed Forces, a member of the Illinois National Guard, or a member of the United States Reserve Forces.

(b) In all counties, the reduction is $5,000 and only for the tax year in which the veteran returns from active duty in an armed conflict involving the armed forces of the United States. For land improved with an apartment building owned and operated as a cooperative, the maximum reduction from the value of the property, as equalized by the Department, shall be multiplied by the number of apartments or units occupied by a veteran returning from an armed conflict involving the armed forces of the United States who is liable, by contract with the owner or owners of record, for paying property taxes on the property and is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. In a cooperative where a homestead exemption has been granted, the cooperative association or the management firm of the cooperative or facility shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner or resident who qualified for the exemption. Any person who willfully refuses to so credit the savings shall be guilty of a Class B misdemeanor.

(c) Application shall be made during the application period in effect for the county of his or her residence. The assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption provided by this Section by application, visual inspection, questionnaire or other reasonable methods. The determination shall be made in accordance with guidelines established by the Department.

(d) The exemption under this Section is in addition to any other homestead provided in Sections 15-170 through 15-176. Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(35 ILCS 200/15-170)

Sec. 15-170. Senior Citizens Homestead Exemption. An annual homestead exemption limited, except as described here with relation to cooperatives or life care facilities, to a maximum reduction set forth below from the property's value, as equalized or assessed by the Department, is granted for property that is occupied as a residence by a person 65 years of age or older who is liable for paying real estate taxes on the property and is an owner of record of the property or has a legal or equitable interest therein as evidenced by a written instrument, except for a leasehold interest, other than a leasehold interest of land on which a single family residence is located, which is occupied as a residence by a person 65 years or older who has an ownership interest therein, legal, equitable or as a lessee, and on which he or she is liable for the payment of property taxes. Before taxable year 2004, the maximum reduction shall be $2,500 in counties with 3,000,000 or more inhabitants and $2,000 in all other counties. For taxable years 2004 and thereafter, the maximum reduction shall be $3,000 in all counties. For land improved with an apartment building owned and operated as a cooperative, the maximum reduction from the value of the property, as equalized by the Department, shall be multiplied by the number of apartments or units occupied by a person 65 years of age or older who is liable, by contract with the owner or owners of record, for paying property taxes on the property and is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. For land improved with a life care facility, the maximum reduction from the value of the property, as equalized by the Department, shall be multiplied by the number of apartments or units occupied by persons 65 years of age or older, irrespective of any legal, equitable, or leasehold interest in the facility, who are liable, under a contract with the owner or owners of record of the facility, for paying property taxes on the property. In a cooperative or a life care facility where a homestead exemption has been granted, the cooperative association or the management firm of the cooperative or facility shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner or resident who qualified for the exemption. Any person who willfully refuses to so credit the savings shall be guilty of a Class B misdemeanor. Under this Section and Sections 15-175 and 15-176, "life care facility" means a facility as defined in Section 2 of the Life Care Facilities Act, with which the applicant for the homestead exemption has a life care contract as defined in that Act.

When a homestead exemption has been granted under this Section and the person qualifying

subsequently becomes a resident of a facility licensed under the Nursing Home Care Act, the exemption shall continue so long as the residence continues to be occupied by the qualifying person's spouse if the spouse is 65 years of age or older, or if the residence remains unoccupied but is still owned by the person qualified for the homestead exemption.

A person who will be 65 years of age during the current assessment year shall be eligible to apply for the homestead exemption during that assessment year. Application shall be made during the application period in effect for the county of his residence.

Beginning with assessment year 2003, for taxes payable in 2004, property that is first occupied as a residence after January 1 of any assessment year by a person who is eligible for the senior citizens homestead exemption under this Section must be granted a pro-rata exemption for the assessment year. The amount of the pro-rata exemption is the exemption allowed in the county under this Section divided by 365 and multiplied by the number of days during the assessment year the property is occupied as a residence by a person eligible for the exemption under this Section. The chief county assessment officer must adopt reasonable procedures to establish eligibility for this pro-rata exemption.

The assessor or chief county assessment officer may determine the eligibility of a life care facility to receive the benefits provided by this Section, by affidavit, application, visual inspection, questionnaire or other reasonable methods in order to insure that the tax savings resulting from the exemption are credited by the management firm to the apportioned tax liability of each qualifying resident. The assessor may request reasonable proof that the management firm has so credited the exemption.

The chief county assessment officer of each county with less than 3,000,000 inhabitants shall provide to each person allowed a homestead exemption under this Section a form to designate any other person to receive a duplicate of any notice of delinquency in the payment of taxes assessed and levied under this Code on the property of the person receiving the exemption. The duplicate notice shall be in addition to the notice required to be provided to the person receiving the exemption, and shall be given in the manner required by this Code. The person filing the request for the duplicate notice shall pay a fee of $5 to cover administrative costs to the supervisor of assessments, who shall then file the executed designation with the county collector. Notwithstanding any other provision of this Code to the contrary, the filing of such an executed designation requires the county collector to provide duplicate notices as indicated by the designation. A designation may be rescinded by the person who executed such designation at any time, in the manner and form required by the chief county assessment officer.

The assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption provided by this Section by application, visual inspection, questionnaire or other reasonable methods. The determination shall be made in accordance with guidelines established by the Department.

In all counties ~~with less than 3,000,000 inhabitants~~, the county board may by resolution provide that if a person has been granted a homestead exemption under this Section, the person qualifying need not reapply for the exemption.

In counties with less than 3,000,000 inhabitants, if the assessor or chief county assessment officer requires annual application for verification of eligibility for an exemption once granted under this Section, the application shall be mailed to the taxpayer.

The assessor or chief county assessment officer shall notify each person who qualifies for an exemption under this Section that the person may also qualify for deferral of real estate taxes under the Senior Citizens Real Estate Tax Deferral Act. The notice shall set forth the qualifications needed for deferral of real estate taxes, the address and telephone number of county collector, and a statement that applications for deferral of real estate taxes may be obtained from the county collector.

Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 92-196, eff. 1-1-02; 93-511, eff. 8-11-03; 93-715, eff. 7-12-04.)

(35 ILCS 200/15-176)

Sec. 15-176. Alternative general homestead exemption.

(a) For the assessment years as determined under subsection (j), in any county that has elected, by an ordinance in accordance with subsection (k), to be subject to the provisions of this Section in lieu of the provisions of Section 15-175, homestead property is entitled to an annual homestead exemption equal to a reduction in the property's equalized assessed value calculated as provided in this Section.

(b) As used in this Section:

(1) "Assessor" means the supervisor of assessments or the chief county assessment officer of each county.

(2) "Adjusted homestead value" means the lesser of the following values:

(A) The property's base homestead value increased by 7% for each tax year after the

base year through and including the current tax year, or, if the property is sold or ownership is otherwise transferred, the property's base homestead value increased by 7% for each tax year after the year of the sale or transfer through and including the current tax year. The increase by 7% each year is an increase by 7% over the prior year.

(B) The property's equalized assessed value for the current tax year minus (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter.

(3) "Base homestead value".

(A) Except as provided in subdivision (b)(3)(B), "base homestead value" means the equalized assessed value of the property for the base year prior to exemptions, minus (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter, provided that it was assessed for that year as residential property qualified for any of the homestead exemptions under Sections 15-170 through 15-175 of this Code, then in force, and further provided that the property's assessment was not based on a reduced assessed value resulting from a temporary irregularity in the property for that year. Except as provided in subdivision (b)(3)(B), if the property did not have a residential equalized assessed value for the base year, then "base homestead value" means the base homestead value established by the assessor under subsection (c).

(B) If the property is sold or ownership is otherwise transferred, other than sales or transfers between spouses or between a parent and a child, "base homestead value" means the equalized assessed value of the property at the time of the sale or transfer prior to exemptions, minus (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter, provided that it was assessed as residential property qualified for any of the homestead exemptions under Sections 15-170 through 15-175 of this Code, then in force, and further provided that the property's assessment was not based on a reduced assessed value resulting from a temporary irregularity in the property.

(3.5) "Base year" means (i) tax year 2002 in Cook County or (ii) tax year 2004 or 2005 ~~2002 or 2003~~ in all other counties in accordance with the designation made by the county as provided in subsection (k).

(4) "Current tax year" means the tax year for which the exemption under this Section is being applied.

(5) "Equalized assessed value" means the property's assessed value as equalized by the Department.

(6) "Homestead" or "homestead property" means:

(A) Residential property that as of January 1 of the tax year is occupied by its owner or owners as his, her, or their principal dwelling place, or that is a leasehold interest on which a single family residence is situated, that is occupied as a residence by a person who has a legal or equitable interest therein evidenced by a written instrument, as an owner or as a lessee, and on which the person is liable for the payment of property taxes. Residential units in an apartment building owned and operated as a cooperative, or as a life care facility, which are occupied by persons who hold a legal or equitable interest in the cooperative apartment building or life care facility as owners or lessees, and who are liable by contract for the payment of property taxes, shall be included within this definition of homestead property.

(B) A homestead includes the dwelling place, appurtenant structures, and so much of the surrounding land constituting the parcel on which the dwelling place is situated as is used for residential purposes. If the assessor has established a specific legal description for a portion of property constituting the homestead, then the homestead shall be limited to the property within that description.

(7) "Life care facility" means a facility as defined in Section 2 of the Life Care Facilities Act.

(c) If the property did not have a residential equalized assessed value for the base year as provided in subdivision (b)(3)(A) of this Section, then the assessor shall first determine an initial value for the property by comparison with assessed values for the base year of other properties having physical and economic characteristics similar to those of the subject property, so that the initial value is uniform in relation to assessed values of those other properties for the base year. The product of the initial value multiplied by the equalized factor for the base year for homestead properties in that county, less (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter, is the base homestead value.

For any tax year for which the assessor determines or adjusts an initial value and hence a base

homestead value under this subsection (c), the initial value shall be subject to review by the same procedures applicable to assessed values established under this Code for that tax year.

(d) The base homestead value shall remain constant, except that the assessor may revise it under the following circumstances:

(1) If the equalized assessed value of a homestead property for the current tax year is less than the previous base homestead value for that property, then the current equalized assessed value (provided it is not based on a reduced assessed value resulting from a temporary irregularity in the property) shall become the base homestead value in subsequent tax years.

(2) For any year in which new buildings, structures, or other improvements are constructed on the homestead property that would increase its assessed value, the assessor shall adjust the base homestead value as provided in subsection (c) of this Section with due regard to the value added by the new improvements.

(3) If the property is sold or ownership is otherwise transferred, the base homestead value of the property shall be adjusted as provided in subdivision (b)(3)(B). This item (3) does not apply to sales or transfers between spouses or between a parent and a child.

(e) The amount of the exemption under this Section is the equalized assessed value of the homestead property for the current tax year, minus the adjusted homestead value, with the following exceptions:

(1) In Cook County, the ~~The~~ exemption under this Section shall not exceed $20,000 for any taxable year through tax year:

(i) 2005, if the general assessment year for the property is 2003;

(ii) 2006, if the general assessment year for the property is 2004; or

(iii) 2007, if the general assessment year for the property is 2005.

Thereafter, in Cook County, the exemption under this Section shall not exceed $60,000 for any taxable year.

(1.5) For all tax years in all other counties other than Cook County, the exemption under this Section shall not exceed $60,000 for any taxable year.

(2) In the case of homestead property that also qualifies for the exemption under Section 15-172, the property is entitled to the exemption under this Section, limited to the amount of (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter.

(f) In the case of an apartment building owned and operated as a cooperative, or as a life care facility, that contains residential units that qualify as homestead property under this Section, the maximum cumulative exemption amount attributed to the entire building or facility shall not exceed the sum of the exemptions calculated for each qualified residential unit. The cooperative association, management firm, or other person or entity that manages or controls the cooperative apartment building or life care facility shall credit the exemption attributable to each residential unit only to the apportioned tax liability of the owner or other person responsible for payment of taxes as to that unit. Any person who willfully refuses to so credit the exemption is guilty of a Class B misdemeanor.

(g) When married persons maintain separate residences, the exemption provided under this Section shall be claimed by only one such person and for only one residence.

(h) In the event of a sale or other transfer in ownership of the homestead property, the exemption under this Section shall remain in effect for the remainder of the tax year in which the sale or transfer occurs, but (other than for sales or transfers between spouses or between a parent and a child) shall be calculated using the new base homestead value as provided in subdivision (b)(3)(B). The assessor may require the new owner of the property to apply for the exemption in the following year.

(i) The assessor may determine whether property qualifies as a homestead under this Section by application, visual inspection, questionnaire, or other reasonable methods. Each year, at the time the assessment books are certified to the county clerk by the board of review, the assessor shall furnish to the county clerk a list of the properties qualified for the homestead exemption under this Section. The list shall note the base homestead value of each property to be used in the calculation of the exemption for the current tax year.

(j) In counties with 3,000,000 or more inhabitants, the provisions of this Section apply as follows:

(1) If the general assessment year for the property is 2003, this Section applies for assessment years 2003, 2004, ~~and~~ 2005 , 2006, 2007, and 2008. Thereafter, the provisions of Section 15-175 apply.

(2) If the general assessment year for the property is 2004, this Section applies for assessment years 2004, 2005, ~~and~~ 2006 , 2007, 2008, and 2009. Thereafter, the provisions of Section 15-175 apply.

(3) If the general assessment year for the property is 2005, this Section applies for

assessment years 2005, 2006, ~~and~~ 2007 , 2008, 2009, and 2010. Thereafter, the provisions of Section 15-175 apply.

In counties with less than 3,000,000 inhabitants, this Section applies for assessment years (i) 2005, 2006, and 2007 if tax year 2004 ~~2003, 2004, and 2005 if 2002~~ is the designated base year or (ii) 2006, 2007, and 2008 if tax year 2005 ~~2004, 2005, and 2006 if 2003~~ is the designated base year. Thereafter, the provisions of Section 15-175 apply.

(k) To be subject to the provisions of this Section in lieu of Section 15-175, a county must adopt an ordinance to subject itself to the provisions of this Section ~~within 6 months after the effective date of this amendatory Act of the 93rd General Assembly~~. In a county other than Cook County, the ordinance must designate either tax year 2004 ~~2002~~ or tax year 2005 ~~2003~~ as the base year.

(l) Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 93-715, eff. 7-12-04.)

Section 90. The State Mandates Act is amended by adding Section 8.30 as follows:

(30 ILCS 805/8.30 new)

Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 2763,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 2807** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Environment & Energy, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2807

AMENDMENT NO. 1. Amend Senate Bill 2807 by deleting line 4 on page 1 through line 35 on page 2; and

on page 3, line 2, by deleting "4-202.1,"; and

on page 4, line 21, by deleting "or a natural gas cooperative"; and

on page 5, by deleting lines 32 through 34; and

on page 6, by deleting lines 1 through 9.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 2837,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **Senate Bill No. 2966,** having been printed, was taken up, read by title a second time and ordered to a third reading.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, **Senate Bill No. 2156**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Martinez	Rutherford
Axley	Haine	Meeks	Schoenberg
Bomke	Halvorson	Millner	Shadid
Burzynski	Harmon	Munoz	Sieben
Clayborne	Hendon	Pankau	Silverstein
Collins	Hunter	Peterson	Sullivan, J.
Crotty	Jacobs	Petka	Syverson
Cullerton	Jones, J.	Radogno	Trotter
Dahl	Jones, W.	Raoul	Viverito
del Valle	Lauzen	Rauschenberger	Watson
DeLeo	Lightford	Righter	Wilhelmi
Demuzio	Link	Risinger	Winkel
Forby	Luechtefeld	Ronen	Mr. President
Garrett	Maloney	Roskam	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Crotty, **Senate Bill No. 2199**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Haine	Millner	Shadid
Axley	Halvorson	Munoz	Sieben
Bomke	Harmon	Pankau	Silverstein
Burzynski	Hendon	Peterson	Sullivan, J.
Clayborne	Hunter	Petka	Syverson
Collins	Jacobs	Radogno	Trotter
Crotty	Jones, J.	Raoul	Viverito
Cullerton	Jones, W.	Rauschenberger	Watson
Dahl	Lauzen	Righter	Wilhelmi
del Valle	Lightford	Risinger	Winkel
DeLeo	Link	Ronen	Mr. President
Demuzio	Luechtefeld	Roskam	
Forby	Maloney	Rutherford	
Garrett	Martinez	Sandoval	
Geo-Karis	Meeks	Schoenberg	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Wilhelmi, **Senate Bill No. 2283**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Haine	Millner	Shadid
Axley	Halvorson	Munoz	Sieben
Bomke	Harmon	Pankau	Silverstein
Burzynski	Hendon	Peterson	Sullivan, J.
Clayborne	Hunter	Petka	Syverson
Collins	Jacobs	Radogno	Trotter
Crotty	Jones, J.	Raoul	Viverito
Cullerton	Jones, W.	Rauschenberger	Watson
Dahl	Lauzen	Righter	Wilhelmi
del Valle	Lightford	Risinger	Winkel
DeLeo	Link	Ronen	Mr. President
Demuzio	Luechtefeld	Roskam	
Forby	Maloney	Rutherford	
Garrett	Martinez	Sandoval	
Geo-Karis	Meeks	Schoenberg	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Cullerton, **Senate Bill No. 2300**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sandoval
Axley	Geo-Karis	Meeks	Schoenberg
Bomke	Haine	Millner	Shadid
Brady	Halvorson	Munoz	Sieben
Burzynski	Harmon	Pankau	Silverstein
Clayborne	Hendon	Peterson	Sullivan, J.
Collins	Hunter	Petka	Syverson
Crotty	Jacobs	Radogno	Trotter
Cullerton	Jones, J.	Raoul	Viverito
Dahl	Jones, W.	Rauschenberger	Watson
del Valle	Lauzen	Righter	Wilhelmi
DeLeo	Lightford	Risinger	Winkel
Demuzio	Link	Ronen	Mr. President
Dillard	Luechtefeld	Roskam	
Forby	Maloney	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Maloney, **Senate Bill No. 2312**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sandoval
Axley	Geo-Karis	Meeks	Schoenberg
Bomke	Haine	Millner	Shadid
Brady	Halvorson	Munoz	Sieben
Burzynski	Harmon	Pankau	Silverstein
Clayborne	Hendon	Peterson	Sullivan, J.
Collins	Hunter	Petka	Syverson
Crotty	Jacobs	Radogno	Trotter
Cullerton	Jones, J.	Raoul	Viverito
Dahl	Jones, W.	Rauschenberger	Watson
del Valle	Lauzen	Righter	Wilhelmi
DeLeo	Lightford	Risinger	Winkel
Demuzio	Link	Ronen	Mr. President
Dillard	Luechtefeld	Roskam	
Forby	Maloney	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Cullerton, **Senate Bill No. 2348**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Schoenberg
Axley	Haine	Millner	Shadid
Bomke	Halvorson	Munoz	Sieben
Brady	Harmon	Pankau	Silverstein
Burzynski	Hendon	Peterson	Sullivan, J.
Clayborne	Hunter	Petka	Syverson
Collins	Jacobs	Radogno	Trotter
Crotty	Jones, J.	Raoul	Viverito
Cullerton	Jones, W.	Rauschenberger	Watson
Dahl	Lauzen	Righter	Wilhelmi
del Valle	Lightford	Risinger	Winkel
DeLeo	Link	Ronen	Mr. President
Demuzio	Luechtefeld	Roskam	
Forby	Maloney	Rutherford	
Garrett	Martinez	Sandoval	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Hunter, **Senate Bill No. 2356**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Schoenberg
Axley	Haine	Millner	Shadid
Bomke	Halvorson	Munoz	Sieben
Brady	Harmon	Pankau	Silverstein
Burzynski	Hendon	Peterson	Sullivan, J.
Clayborne	Hunter	Petka	Syverson
Collins	Jacobs	Radogno	Trotter
Crotty	Jones, J.	Raoul	Viverito
Cullerton	Jones, W.	Rauschenberger	Watson
Dahl	Lauzen	Righter	Wilhelmi
del Valle	Lightford	Risinger	Winkel
DeLeo	Link	Ronen	Mr. President
Demuzio	Luechtefeld	Roskam	
Forby	Maloney	Rutherford	
Garrett	Martinez	Sandoval	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Link, **Senate Bill No. 2381**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Schoenberg
Axley	Haine	Millner	Shadid
Bomke	Halvorson	Munoz	Sieben
Brady	Harmon	Pankau	Silverstein
Burzynski	Hendon	Peterson	Sullivan, J.
Clayborne	Hunter	Petka	Syverson
Collins	Jacobs	Radogno	Trotter
Crotty	Jones, J.	Raoul	Viverito
Cullerton	Jones, W.	Rauschenberger	Watson
Dahl	Lauzen	Righter	Wilhelmi
del Valle	Lightford	Risinger	Winkel
DeLeo	Link	Ronen	Mr. President

Demuzio	Luechtefeld	Roskam
Forby	Maloney	Rutherford
Garrett	Martinez	Sandoval

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Halvorson, **Senate Bill No. 2399**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Schoenberg
Axley	Haine	Millner	Shadid
Bomke	Halvorson	Munoz	Sieben
Brady	Harmon	Pankau	Silverstein
Burzynski	Hendon	Peterson	Sullivan, J.
Clayborne	Hunter	Petka	Syverson
Collins	Jacobs	Radogno	Trotter
Crotty	Jones, J.	Raoul	Viverito
Cullerton	Jones, W.	Rauschenberger	Watson
Dahl	Lauzen	Righter	Wilhelmi
del Valle	Lightford	Risinger	Winkel
DeLeo	Link	Ronen	Mr. President
Demuzio	Luechtefeld	Roskam	
Forby	Maloney	Rutherford	
Garrett	Martinez	Sandoval	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Forby, **Senate Bill No. 2448**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Schoenberg
Axley	Haine	Millner	Shadid
Bomke	Halvorson	Munoz	Sieben
Brady	Harmon	Pankau	Silverstein
Burzynski	Hendon	Peterson	Sullivan, J.
Clayborne	Hunter	Petka	Syverson
Collins	Jacobs	Radogno	Trotter
Crotty	Jones, J.	Raoul	Viverito
Cullerton	Jones, W.	Rauschenberger	Watson

Dahl	Lauzen	Righter	Wilhelmi
del Valle	Lightford	Risinger	Winkel
DeLeo	Link	Ronen	Mr. President
Demuzio	Luechtefeld	Roskam	
Forby	Maloney	Rutherford	
Garrett	Martinez	Sandoval	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Pankau, **Senate Bill No. 2449**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Schoenberg
Axley	Haine	Millner	Shadid
Bomke	Halvorson	Munoz	Sieben
Brady	Harmon	Pankau	Silverstein
Burzynski	Hendon	Peterson	Sullivan, J.
Clayborne	Hunter	Petka	Syverson
Collins	Jacobs	Radogno	Trotter
Crotty	Jones, J.	Raoul	Viverito
Cullerton	Jones, W.	Rauschenberger	Watson
Dahl	Lauzen	Righter	Wilhelmi
del Valle	Lightford	Risinger	Winkel
DeLeo	Link	Ronen	Mr. President
Demuzio	Luechtefeld	Roskam	
Forby	Maloney	Rutherford	
Garrett	Martinez	Sandoval	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator DeLeo, **Senate Bill No. 2454**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 52; Nays 3.

The following voted in the affirmative:

Althoff	Haine	Pankau	Sieben
Axley	Halvorson	Peterson	Silverstein
Bomke	Harmon	Petka	Sullivan, J.
Brady	Hendon	Radogno	Syverson
Burzynski	Hunter	Raoul	Trotter
Clayborne	Jacobs	Rauschenberger	Viverito

Crotty	Lightford	Righter	Watson
Cullerton	Link	Risinger	Wilhelmi
Dahl	Luechtefeld	Ronen	Winkel
del Valle	Maloney	Roskam	Mr. President
DeLeo	Martinez	Rutherford	
Forby	Meeks	Sandoval	
Garrett	Millner	Schoenberg	
Geo-Karis	Munoz	Shadid	

The following voted in the negative:

Jones, J.
Jones, W.
Lauzen

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Crotty, Chairperson of the Committee on Local Government, announced that the Local Government Committee will meet today in Room A-1 Stratton Building, at 1:00 o'clock p.m.

Senator Martinez, Chairperson of the Committee on Pensions & Investments, announced that the Pensions & Investments Committee will meet today in Room 400, at 4:00 o'clock p.m.

Senator J. Sullivan, Chairperson of the Committee on Agriculture & Conservation, announced that the Agriculture & Conservation Committee will meet Wednesday, February 15, 2006, in Room A-1 Stratton Building, at 9:00 o'clock a.m.

Senator Munoz, Chairperson of the Committee on Transportation, announced that the Transportation Committee will meet today in Room 400, at 2:30 o'clock p.m.

Senator Lightford, Chairperson of the Committee on Education, announced that the Education Committee will meet today in Room 212 immediately upon adjournment.

Senator Clayborne, Chairperson of the Committee on Environment & Energy, announced that the Environment & Energy Committee will meet Wednesday, February 15, 2006, in Room 212, at 9:00 o'clock a.m.

Senator Ronen, Chairperson of the Committee on Health & Human Services, announced that the Health & Human Services Committee will meet Wednesday, February 15, 2006, in Room 400, at 9:00 o'clock a.m.

Senator Harmon, Vice-Chairperson of the Committee on Judiciary, announced that the Judiciary Committee will meet today in Room 212, at 2:30 o'clock p.m.

Senator Haine, Chairperson of the Committee on Insurance, announced that the Insurance Committee will meet today in Room 400, at 1:00 o'clock p.m.

Senator Meeks, Chairperson of the Committee on Housing & Community Affairs, announced that the Housing & Community Affairs Committee will meet today in Room A-1 Stratton Building, at 2:30 o'clock a.m.

At the hour of 1:05 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, February 15, 2006, at 11:00 o'clock a.m..