



Sen. Chapin Rose

**Filed: 4/20/2018**

10000SB2706sam001

LRB100 17610 XWW 38810 a

1 AMENDMENT TO SENATE BILL 2706

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2706 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Illinois Underground Natural Gas Storage Safety Act.

6 Section 5. Definitions. As used in this Act, unless the  
7 context otherwise requires:

8 "Commission" means the Illinois Commerce Commission.

9 "Contaminant" means gas, salt water, or any other  
10 deleterious substance released from an underground natural gas  
11 storage facility.

12 "Department" means the Department of Natural Resources.

13 "Director" means the Director of Natural Resources.

14 "Downhole" means the portion of the underground natural gas  
15 storage facility from the first flange attaching the wellhead  
16 to the pipeline equipment and continuing down the well casing

1 to and including the storage reservoir.

2 "Federal Act" has the meaning given to that term in the  
3 Illinois Gas Pipeline Safety Act.

4 "Gas" means natural gas.

5 "Notice of probable violation" means a written notice,  
6 satisfying the criteria set forth in Section 35, given by the  
7 underground natural gas storage safety manager to a person who  
8 operates an underground natural gas storage facility that  
9 identifies a failure of such person to comply with the  
10 provisions of this Act or the provisions of 49 U.S.C. Chapter  
11 601 concerning underground natural gas storage facilities, or  
12 any Department order or rule issued under this Act, and may  
13 include recommendations for a penalty in connection therewith,  
14 subject to the terms of this Act.

15 "Person" means an individual, firm, joint venture,  
16 partnership, corporation, company, limited liability company,  
17 firm, association, municipality, cooperative association, or  
18 joint stock association. "Person" includes a trustee,  
19 receiver, assignee, or personal representative thereof.

20 "Underground natural gas storage facility" means a gas  
21 pipeline facility that stores natural gas in an underground  
22 facility, including a depleted hydrocarbon reservoir, an  
23 aquifer reservoir, and a solution-mined salt cavern reservoir.

24 "Underground natural gas storage safety manager" means the  
25 manager of the Department's Underground Natural Gas Storage  
26 Safety Program or other staff of the Department assigned to

1 underground natural gas storage safety issues.

2 Section 10. Minimum safety standards.

3 (a) As soon as practicable, but not later than 3 months  
4 after the effective date of this Act, the Department shall  
5 adopt rules establishing minimum safety standards for  
6 underground natural gas storage facilities. Such rules shall be  
7 at least as inclusive, stringent, and compatible with the  
8 minimum safety standards adopted by the Secretary of  
9 Transportation under 49 U.S.C. 60141. Thereafter, the  
10 Department shall maintain such rules so that the rules are at  
11 least as inclusive, stringent, and compatible with the minimum  
12 standards from time to time in effect under 49 U.S.C. 60141.

13 (b) Standards established under this Section may apply to  
14 the design, installation, inspection, testing, construction,  
15 extension, operation, replacement, and maintenance of  
16 underground natural gas storage facilities. In accordance with  
17 49 U.S.C. 60104(b), standards affecting the design,  
18 installation, construction, initial inspection, and initial  
19 testing are not applicable to underground natural gas storage  
20 facilities in existence on the date the standards are adopted.  
21 If the Department finds that a facility is hazardous to life or  
22 property, it may require the person operating the facility to  
23 take the steps necessary to remove the hazard.

24 (c) Standards established by the Department under this Act  
25 shall, subject to subsections (a) and (b), be practicable and

1 designed to meet the need for underground natural gas storage  
2 facility safety. In prescribing the standards, the Department  
3 shall consider 49 U.S.C. 60141(b).

4 Section 15. Waiver. Subject to 49 U.S.C. 60118(d), the  
5 Department may, upon application by any person operating an  
6 underground natural gas storage facility, waive in whole or in  
7 part compliance with any standard established under this Act if  
8 it determines that such a waiver is consistent with the safety  
9 of underground natural gas storage facilities.

10 Section 20. Inspection and maintenance plan. A person who  
11 operates an underground natural gas storage facility shall file  
12 with the Department a plan for inspection and maintenance of  
13 the downhole portion of each underground natural gas storage  
14 facility owned or operated by the person, as well as any  
15 changes in the plan, in accordance with rules prescribed by the  
16 Department. The Department may, by rule, also require the  
17 person to file the plans for approval. If the Department finds,  
18 at any time, that the plan is inadequate to achieve safe  
19 operation, the Department shall, after notice and opportunity  
20 for a hearing, require the plan to be revised. The plan  
21 required by the Department under this Section must be  
22 practicable and designed to meet the need for the safety of  
23 underground natural gas storage facilities. In determining the  
24 adequacy of a plan, the Department shall consider: (i) relevant

1 available underground natural gas storage facility safety  
2 data; (ii) whether the plan is appropriate for the particular  
3 type of facility; (iii) the reasonableness of the plan; and  
4 (iv) the extent to which the plan will contribute to public  
5 safety.

6 Section 25. Requirements; underground natural gas storage  
7 facility operation. A person who operates an underground  
8 natural gas storage facility shall: (1) after the date any  
9 applicable safety standard established under this Act takes  
10 effect, comply with the requirements of such standard at all  
11 times; (2) file and comply with the plan of inspection and  
12 maintenance required by Section 20; (3) keep records, make  
13 reports, provide information, and permit inspection of its  
14 books, records, and facilities as the Department reasonably  
15 requires to ensure compliance with this Act and the rules  
16 established under this Act; and (4) file with the Department,  
17 under rules adopted by the Department, reports of all accidents  
18 involving or related to the downhole portion of an underground  
19 natural gas storage facility.

20 Section 30. Penalties; action for penalties; Department  
21 approval of penalties.

22 (a) A person who violates Section 25 or any rule or order  
23 issued under this Act is subject to a civil penalty not to  
24 exceed the maximum penalties established by 49 U.S.C.

1 60122(a)(1) for each day the violation persists.

2 (b) Any civil penalty may be compromised by the Department  
3 or, subject to this Act, by the underground natural gas storage  
4 safety manager. In determining the amount of the penalty, the  
5 Department shall consider the standards set forth in 49 U.S.C.  
6 60122(b). The final amount of the penalty or the amount agreed  
7 upon in the compromise shall be paid or deducted from any sums  
8 owing by the State of Illinois to the person charged under the  
9 terms and conditions of the notice of probable violation, the  
10 agreed compromise, or the Department order, whichever applies,  
11 or may be recovered in a civil action in accordance with  
12 subsection (c). Unless specifically stated otherwise in the  
13 terms and conditions of a compromise agreement, a compromise of  
14 a penalty recommended in a notice of probable violation by the  
15 person charged shall not be an admission of liability.

16 (c) Actions to recover penalties under this Act shall be  
17 brought in the name of the People of the State of Illinois in  
18 the circuit court in and for the county where the cause or part  
19 of the cause arose, where the Department has a principal place  
20 of business, where the corporation complained of, if any, has  
21 its principal place of business, or where the person, if any,  
22 complained of resides. All penalties recovered by the State in  
23 an action shall be paid to the Underground Resources  
24 Conservation Enforcement Fund. The action shall be commenced  
25 and prosecuted to final judgment by the Attorney General on  
26 behalf of the Department. In all such actions, the procedure

1 and rules of evidence shall comply with the Civil Practice Law  
2 and other rules of court governing civil trials.

3 (d) The Department may proceed under Section 11 of the  
4 Illinois Oil and Gas Act, either by mandamus or injunction, to  
5 secure compliance with its rules and orders issued under this  
6 Act.

7 (e) A person penalized under this Section is not subject to  
8 any other penalty provided in the Illinois Oil and Gas Act for  
9 the same action.

10 (f) If a penalty recommended by the underground natural gas  
11 storage safety manager is paid by the person charged in the  
12 applicable notice of probable violation in accordance with  
13 subsection (b), or in accordance with the terms and conditions  
14 of a compromise agreed upon by the person and the underground  
15 natural gas storage safety manager, then the underground  
16 natural gas storage safety manager shall report to, and request  
17 the approval of, the Director for each payment of a recommended  
18 penalty or agreed compromise, whichever applies, and shall also  
19 post the report on the Department's website as a public  
20 document. If the report and request for approval is made to the  
21 Director, the Director shall have the power, and is hereby  
22 given the authority, either upon the complaint or upon her or  
23 his own motion, after reasonable notice has been given within  
24 45 days after the report and request for approval was made, to  
25 enter a hearing concerning the propriety of the applicable  
26 notice of probable violation, payment, or compromise. If the

1 Director does not exercise this power within the 45-day period,  
2 the payment or agreed compromise referenced in the report shall  
3 be approved by the Director by operation of law at the  
4 expiration of the 45-day period and the notice of probable  
5 violation and related investigation shall be closed.

6 Section 35. Notice of probable violation; Department  
7 hearing.

8 (a) As used in this Section, "violation" means a failure to  
9 comply with any provision of this Act or any Department order  
10 or rule issued under this Act.

11 (b) After investigation and determination of a probable  
12 violation, the underground natural gas storage safety manager  
13 may issue a notice of probable violation. The notice of  
14 probable violation shall be considered served when sent by  
15 first class mail to the person or permittee at his or her last  
16 known address or by electronic mail in a manner prescribed by  
17 rules adopted by the Department under this Act. Any notice of  
18 probable violation issued and served as described in this  
19 subsection may also be posted on the Department's website as a  
20 public document.

21 (c) A notice of probable violation shall include, at a  
22 minimum, the following: (1) the date the notice of probable  
23 violation was issued and served; (2) a description of the  
24 violation or violations alleged; (3) the date and location of  
25 the safety incident, if applicable, related to each alleged



1 violation; (4) a detailed description of the circumstances that  
2 support the determination of each proposed violation; (5) a  
3 detailed description of the corrective action required with  
4 respect to each proposed violation; (6) the amount of the  
5 penalty, if any, recommended with respect to each proposed  
6 violation; (7) the applicable recommended deadline for payment  
7 of each proposed penalty and for completion of each proposed  
8 corrective action; (8) notification that any such recommended  
9 deadline may be extended by mutual agreement of the parties for  
10 the purpose of facilitating settlement or compromise; and (9) a  
11 brief description of the procedures by which any recommended  
12 penalty or proposed corrective action may be challenged at the  
13 Department or approved pursuant to subsection (f) of Section  
14 30.

15 (d) Payment in full of each of the recommended penalties  
16 and full completion of each of the proposed corrective actions,  
17 as identified in the notice of probable violation and in  
18 accordance with the terms and conditions described in the  
19 notice of probable violation including, without limitation,  
20 the respective recommended deadlines described in the notice of  
21 probable violation for the payment or completion, shall  
22 constitute a final resolution of the notice of probable  
23 violation, subject to the approval by the Director of the  
24 recommended penalty and payment in accordance with subsection  
25 (f) of Section 30.

26 (e) The person charged in the applicable notice of probable

1 violation shall have 30 days from the date of service of the  
2 notice of probable violation to request a hearing. The filing  
3 of a request for a hearing shall not operate as a stay of the  
4 notice of probable violation.

5 After receipt of a request, the Department shall provide  
6 the person with an opportunity for a formal hearing after  
7 giving a notice not less than 5 days. The hearing shall be  
8 conducted by the Director or anyone designated by him or her  
9 for that purpose and shall be located and conducted in  
10 accordance with the rules adopted by the Department. Failure of  
11 the person or permittee to timely request a hearing or, if a  
12 civil penalty has been assessed, to timely tender the assessed  
13 civil penalty shall constitute a waiver of all legal rights to  
14 contest the notice of probable violation, including the amount  
15 of any civil penalty. Within 30 days after the close of the  
16 hearing record or expiration of the time to request a hearing,  
17 the Department shall issue a final administrative order.

18 Section 40. Application; the Illinois Oil and Gas Act.  
19 Except as otherwise provided in this Act, the Illinois Oil and  
20 Gas Act applies to underground natural gas storage facilities  
21 and to persons operating underground natural gas storage  
22 facilities.

23 Section 45. Annual certification and report. The  
24 Department shall prepare and file with the Secretary of

1 Transportation the initial and annual certification and report  
2 required by 49 U.S.C. 60105(a).

3 Section 50. Federal moneys. The Department may apply for,  
4 accept, receive, and receipt for federal moneys for the State  
5 given by the federal government under the Federal Act for any  
6 purpose within the authority of the Department. The Department  
7 may also act as an agent for an agency or officer of the  
8 federal government for any purpose that is otherwise within the  
9 authority of the Department, and the Department may enter into  
10 agreements for that purpose with the agency or officer.

11 Section 55. Jurisdiction.

12 (a) The Department and the Commission shall work  
13 cooperatively with each other and with other entities in the  
14 federal and State governments to ensure that the policies  
15 embodied in the Federal Act, the Illinois Gas Pipeline Safety  
16 Act, this Act, the Illinois Oil and Gas Act, the Public  
17 Utilities Act, and the rules adopted thereunder are fully  
18 effectuated. The Department and the Commission shall take steps  
19 to avoid the duplication of efforts while at the same time  
20 ensuring that all regulatory obligations are fulfilled. As long  
21 as the Department submits to the Secretary of Transportation  
22 annually the certification described in 49 U.S.C. 60105(a), and  
23 the certification is not rejected under 49 U.S.C. 60105(f), the  
24 Department shall have jurisdiction over the downhole portion of

1 underground natural gas storage facilities subject to this Act.  
2 The Commission shall retain jurisdiction over all other  
3 portions of the underground natural gas storage facilities.

4 (b) Nothing contained in this Act is intended, nor shall it  
5 be construed, to limit or diminish the authority of the  
6 Department under the Illinois Oil and Gas Act or the Commission  
7 under the Public Utilities Act.

8 Section 60. Saving clause. If any provision, clause, or  
9 phrase of this Act or the application thereof to any person or  
10 circumstances is held invalid, such invalidity shall not affect  
11 other provisions or application of this Act that can be given  
12 effect without the invalid provision or application and to this  
13 end provisions of this Act are declared to be separable.

14 Section 65. Department authority; enforcement. The  
15 Department shall have the authority to adopt reasonable rules  
16 as may be necessary from time to time in the proper  
17 administration and enforcement of this Act.

18 Section 70. Annual inspections.

19 (a) The Department shall conduct annual inspections at  
20 underground natural gas storage facilities subject to this Act  
21 to ensure that there are no infrastructure deficiencies or  
22 failures in or related to the downhole portions of the  
23 facilities that could pose harm to the environment or public

1 health. Owners of underground natural gas storage facilities  
2 regulated under this Act shall pay an annual fee in the amount  
3 of \$500 per unplugged wellbore present at each facility.

4 (b) Fees shall be assessed for each calendar year  
5 commencing in 2018 for all wells of record as of July 1, 2018  
6 and July 1 of each year thereafter. The fees assessed by the  
7 Department under this Section are in addition to any other fees  
8 required by law. All fees assessed under this Section shall be  
9 submitted to the Department no later than 30 days from the date  
10 listed on the annual fee assessment letter sent to the  
11 underground natural gas storage facility owners. The fees  
12 assessed and collected by the Department each year under this  
13 Section shall be deposited into the Underground Resources  
14 Conservation Enforcement Fund.

15 (c) The moneys deposited into the Underground Resources  
16 Conservation Enforcement Fund under this Section shall not be  
17 subject to administrative charges or chargebacks unless  
18 otherwise authorized by this Act.

19 Section 905. The Illinois Administrative Procedure Act is  
20 amended by changing Section 5-45 as follows:

21 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

22 Sec. 5-45. Emergency rulemaking.

23 (a) "Emergency" means the existence of any situation that  
24 any agency finds reasonably constitutes a threat to the public

1 interest, safety, or welfare.

2 (b) If any agency finds that an emergency exists that  
3 requires adoption of a rule upon fewer days than is required by  
4 Section 5-40 and states in writing its reasons for that  
5 finding, the agency may adopt an emergency rule without prior  
6 notice or hearing upon filing a notice of emergency rulemaking  
7 with the Secretary of State under Section 5-70. The notice  
8 shall include the text of the emergency rule and shall be  
9 published in the Illinois Register. Consent orders or other  
10 court orders adopting settlements negotiated by an agency may  
11 be adopted under this Section. Subject to applicable  
12 constitutional or statutory provisions, an emergency rule  
13 becomes effective immediately upon filing under Section 5-65 or  
14 at a stated date less than 10 days thereafter. The agency's  
15 finding and a statement of the specific reasons for the finding  
16 shall be filed with the rule. The agency shall take reasonable  
17 and appropriate measures to make emergency rules known to the  
18 persons who may be affected by them.

19 (c) An emergency rule may be effective for a period of not  
20 longer than 150 days, but the agency's authority to adopt an  
21 identical rule under Section 5-40 is not precluded. No  
22 emergency rule may be adopted more than once in any 24-month  
23 period, except that this limitation on the number of emergency  
24 rules that may be adopted in a 24-month period does not apply  
25 to (i) emergency rules that make additions to and deletions  
26 from the Drug Manual under Section 5-5.16 of the Illinois

1 Public Aid Code or the generic drug formulary under Section  
2 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
3 emergency rules adopted by the Pollution Control Board before  
4 July 1, 1997 to implement portions of the Livestock Management  
5 Facilities Act, (iii) emergency rules adopted by the Illinois  
6 Department of Public Health under subsections (a) through (i)  
7 of Section 2 of the Department of Public Health Act when  
8 necessary to protect the public's health, (iv) emergency rules  
9 adopted pursuant to subsection (n) of this Section, (v)  
10 emergency rules adopted pursuant to subsection (o) of this  
11 Section, or (vi) emergency rules adopted pursuant to subsection  
12 (c-5) of this Section. Two or more emergency rules having  
13 substantially the same purpose and effect shall be deemed to be  
14 a single rule for purposes of this Section.

15 (c-5) To facilitate the maintenance of the program of group  
16 health benefits provided to annuitants, survivors, and retired  
17 employees under the State Employees Group Insurance Act of  
18 1971, rules to alter the contributions to be paid by the State,  
19 annuitants, survivors, retired employees, or any combination  
20 of those entities, for that program of group health benefits,  
21 shall be adopted as emergency rules. The adoption of those  
22 rules shall be considered an emergency and necessary for the  
23 public interest, safety, and welfare.

24 (d) In order to provide for the expeditious and timely  
25 implementation of the State's fiscal year 1999 budget,  
26 emergency rules to implement any provision of Public Act 90-587

1 or 90-588 or any other budget initiative for fiscal year 1999  
2 may be adopted in accordance with this Section by the agency  
3 charged with administering that provision or initiative,  
4 except that the 24-month limitation on the adoption of  
5 emergency rules and the provisions of Sections 5-115 and 5-125  
6 do not apply to rules adopted under this subsection (d). The  
7 adoption of emergency rules authorized by this subsection (d)  
8 shall be deemed to be necessary for the public interest,  
9 safety, and welfare.

10 (e) In order to provide for the expeditious and timely  
11 implementation of the State's fiscal year 2000 budget,  
12 emergency rules to implement any provision of Public Act 91-24  
13 or any other budget initiative for fiscal year 2000 may be  
14 adopted in accordance with this Section by the agency charged  
15 with administering that provision or initiative, except that  
16 the 24-month limitation on the adoption of emergency rules and  
17 the provisions of Sections 5-115 and 5-125 do not apply to  
18 rules adopted under this subsection (e). The adoption of  
19 emergency rules authorized by this subsection (e) shall be  
20 deemed to be necessary for the public interest, safety, and  
21 welfare.

22 (f) In order to provide for the expeditious and timely  
23 implementation of the State's fiscal year 2001 budget,  
24 emergency rules to implement any provision of Public Act 91-712  
25 or any other budget initiative for fiscal year 2001 may be  
26 adopted in accordance with this Section by the agency charged



1 with administering that provision or initiative, except that  
2 the 24-month limitation on the adoption of emergency rules and  
3 the provisions of Sections 5-115 and 5-125 do not apply to  
4 rules adopted under this subsection (f). The adoption of  
5 emergency rules authorized by this subsection (f) shall be  
6 deemed to be necessary for the public interest, safety, and  
7 welfare.

8 (g) In order to provide for the expeditious and timely  
9 implementation of the State's fiscal year 2002 budget,  
10 emergency rules to implement any provision of Public Act 92-10  
11 or any other budget initiative for fiscal year 2002 may be  
12 adopted in accordance with this Section by the agency charged  
13 with administering that provision or initiative, except that  
14 the 24-month limitation on the adoption of emergency rules and  
15 the provisions of Sections 5-115 and 5-125 do not apply to  
16 rules adopted under this subsection (g). The adoption of  
17 emergency rules authorized by this subsection (g) shall be  
18 deemed to be necessary for the public interest, safety, and  
19 welfare.

20 (h) In order to provide for the expeditious and timely  
21 implementation of the State's fiscal year 2003 budget,  
22 emergency rules to implement any provision of Public Act 92-597  
23 or any other budget initiative for fiscal year 2003 may be  
24 adopted in accordance with this Section by the agency charged  
25 with administering that provision or initiative, except that  
26 the 24-month limitation on the adoption of emergency rules and

1 the provisions of Sections 5-115 and 5-125 do not apply to  
2 rules adopted under this subsection (h). The adoption of  
3 emergency rules authorized by this subsection (h) shall be  
4 deemed to be necessary for the public interest, safety, and  
5 welfare.

6 (i) In order to provide for the expeditious and timely  
7 implementation of the State's fiscal year 2004 budget,  
8 emergency rules to implement any provision of Public Act 93-20  
9 or any other budget initiative for fiscal year 2004 may be  
10 adopted in accordance with this Section by the agency charged  
11 with administering that provision or initiative, except that  
12 the 24-month limitation on the adoption of emergency rules and  
13 the provisions of Sections 5-115 and 5-125 do not apply to  
14 rules adopted under this subsection (i). The adoption of  
15 emergency rules authorized by this subsection (i) shall be  
16 deemed to be necessary for the public interest, safety, and  
17 welfare.

18 (j) In order to provide for the expeditious and timely  
19 implementation of the provisions of the State's fiscal year  
20 2005 budget as provided under the Fiscal Year 2005 Budget  
21 Implementation (Human Services) Act, emergency rules to  
22 implement any provision of the Fiscal Year 2005 Budget  
23 Implementation (Human Services) Act may be adopted in  
24 accordance with this Section by the agency charged with  
25 administering that provision, except that the 24-month  
26 limitation on the adoption of emergency rules and the

1 provisions of Sections 5-115 and 5-125 do not apply to rules  
2 adopted under this subsection (j). The Department of Public Aid  
3 may also adopt rules under this subsection (j) necessary to  
4 administer the Illinois Public Aid Code and the Children's  
5 Health Insurance Program Act. The adoption of emergency rules  
6 authorized by this subsection (j) shall be deemed to be  
7 necessary for the public interest, safety, and welfare.

8 (k) In order to provide for the expeditious and timely  
9 implementation of the provisions of the State's fiscal year  
10 2006 budget, emergency rules to implement any provision of  
11 Public Act 94-48 or any other budget initiative for fiscal year  
12 2006 may be adopted in accordance with this Section by the  
13 agency charged with administering that provision or  
14 initiative, except that the 24-month limitation on the adoption  
15 of emergency rules and the provisions of Sections 5-115 and  
16 5-125 do not apply to rules adopted under this subsection (k).  
17 The Department of Healthcare and Family Services may also adopt  
18 rules under this subsection (k) necessary to administer the  
19 Illinois Public Aid Code, the Senior Citizens and Persons with  
20 Disabilities Property Tax Relief Act, the Senior Citizens and  
21 Disabled Persons Prescription Drug Discount Program Act (now  
22 the Illinois Prescription Drug Discount Program Act), and the  
23 Children's Health Insurance Program Act. The adoption of  
24 emergency rules authorized by this subsection (k) shall be  
25 deemed to be necessary for the public interest, safety, and  
26 welfare.

1           (1) In order to provide for the expeditious and timely  
2 implementation of the provisions of the State's fiscal year  
3 2007 budget, the Department of Healthcare and Family Services  
4 may adopt emergency rules during fiscal year 2007, including  
5 rules effective July 1, 2007, in accordance with this  
6 subsection to the extent necessary to administer the  
7 Department's responsibilities with respect to amendments to  
8 the State plans and Illinois waivers approved by the federal  
9 Centers for Medicare and Medicaid Services necessitated by the  
10 requirements of Title XIX and Title XXI of the federal Social  
11 Security Act. The adoption of emergency rules authorized by  
12 this subsection (1) shall be deemed to be necessary for the  
13 public interest, safety, and welfare.

14           (m) In order to provide for the expeditious and timely  
15 implementation of the provisions of the State's fiscal year  
16 2008 budget, the Department of Healthcare and Family Services  
17 may adopt emergency rules during fiscal year 2008, including  
18 rules effective July 1, 2008, in accordance with this  
19 subsection to the extent necessary to administer the  
20 Department's responsibilities with respect to amendments to  
21 the State plans and Illinois waivers approved by the federal  
22 Centers for Medicare and Medicaid Services necessitated by the  
23 requirements of Title XIX and Title XXI of the federal Social  
24 Security Act. The adoption of emergency rules authorized by  
25 this subsection (m) shall be deemed to be necessary for the  
26 public interest, safety, and welfare.

1           (n) In order to provide for the expeditious and timely  
2 implementation of the provisions of the State's fiscal year  
3 2010 budget, emergency rules to implement any provision of  
4 Public Act 96-45 or any other budget initiative authorized by  
5 the 96th General Assembly for fiscal year 2010 may be adopted  
6 in accordance with this Section by the agency charged with  
7 administering that provision or initiative. The adoption of  
8 emergency rules authorized by this subsection (n) shall be  
9 deemed to be necessary for the public interest, safety, and  
10 welfare. The rulemaking authority granted in this subsection  
11 (n) shall apply only to rules promulgated during Fiscal Year  
12 2010.

13           (o) In order to provide for the expeditious and timely  
14 implementation of the provisions of the State's fiscal year  
15 2011 budget, emergency rules to implement any provision of  
16 Public Act 96-958 or any other budget initiative authorized by  
17 the 96th General Assembly for fiscal year 2011 may be adopted  
18 in accordance with this Section by the agency charged with  
19 administering that provision or initiative. The adoption of  
20 emergency rules authorized by this subsection (o) is deemed to  
21 be necessary for the public interest, safety, and welfare. The  
22 rulemaking authority granted in this subsection (o) applies  
23 only to rules promulgated on or after July 1, 2010 (the  
24 effective date of Public Act 96-958) through June 30, 2011.

25           (p) In order to provide for the expeditious and timely  
26 implementation of the provisions of Public Act 97-689,

1 emergency rules to implement any provision of Public Act 97-689  
2 may be adopted in accordance with this subsection (p) by the  
3 agency charged with administering that provision or  
4 initiative. The 150-day limitation of the effective period of  
5 emergency rules does not apply to rules adopted under this  
6 subsection (p), and the effective period may continue through  
7 June 30, 2013. The 24-month limitation on the adoption of  
8 emergency rules does not apply to rules adopted under this  
9 subsection (p). The adoption of emergency rules authorized by  
10 this subsection (p) is deemed to be necessary for the public  
11 interest, safety, and welfare.

12 (q) In order to provide for the expeditious and timely  
13 implementation of the provisions of Articles 7, 8, 9, 11, and  
14 12 of Public Act 98-104, emergency rules to implement any  
15 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104  
16 may be adopted in accordance with this subsection (q) by the  
17 agency charged with administering that provision or  
18 initiative. The 24-month limitation on the adoption of  
19 emergency rules does not apply to rules adopted under this  
20 subsection (q). The adoption of emergency rules authorized by  
21 this subsection (q) is deemed to be necessary for the public  
22 interest, safety, and welfare.

23 (r) In order to provide for the expeditious and timely  
24 implementation of the provisions of Public Act 98-651,  
25 emergency rules to implement Public Act 98-651 may be adopted  
26 in accordance with this subsection (r) by the Department of

1 Healthcare and Family Services. The 24-month limitation on the  
2 adoption of emergency rules does not apply to rules adopted  
3 under this subsection (r). The adoption of emergency rules  
4 authorized by this subsection (r) is deemed to be necessary for  
5 the public interest, safety, and welfare.

6 (s) In order to provide for the expeditious and timely  
7 implementation of the provisions of Sections 5-5b.1 and 5A-2 of  
8 the Illinois Public Aid Code, emergency rules to implement any  
9 provision of Section 5-5b.1 or Section 5A-2 of the Illinois  
10 Public Aid Code may be adopted in accordance with this  
11 subsection (s) by the Department of Healthcare and Family  
12 Services. The rulemaking authority granted in this subsection  
13 (s) shall apply only to those rules adopted prior to July 1,  
14 2015. Notwithstanding any other provision of this Section, any  
15 emergency rule adopted under this subsection (s) shall only  
16 apply to payments made for State fiscal year 2015. The adoption  
17 of emergency rules authorized by this subsection (s) is deemed  
18 to be necessary for the public interest, safety, and welfare.

19 (t) In order to provide for the expeditious and timely  
20 implementation of the provisions of Article II of Public Act  
21 99-6, emergency rules to implement the changes made by Article  
22 II of Public Act 99-6 to the Emergency Telephone System Act may  
23 be adopted in accordance with this subsection (t) by the  
24 Department of State Police. The rulemaking authority granted in  
25 this subsection (t) shall apply only to those rules adopted  
26 prior to July 1, 2016. The 24-month limitation on the adoption

1 of emergency rules does not apply to rules adopted under this  
2 subsection (t). The adoption of emergency rules authorized by  
3 this subsection (t) is deemed to be necessary for the public  
4 interest, safety, and welfare.

5 (u) In order to provide for the expeditious and timely  
6 implementation of the provisions of the Burn Victims Relief  
7 Act, emergency rules to implement any provision of the Act may  
8 be adopted in accordance with this subsection (u) by the  
9 Department of Insurance. The rulemaking authority granted in  
10 this subsection (u) shall apply only to those rules adopted  
11 prior to December 31, 2015. The adoption of emergency rules  
12 authorized by this subsection (u) is deemed to be necessary for  
13 the public interest, safety, and welfare.

14 (v) In order to provide for the expeditious and timely  
15 implementation of the provisions of Public Act 99-516,  
16 emergency rules to implement Public Act 99-516 may be adopted  
17 in accordance with this subsection (v) by the Department of  
18 Healthcare and Family Services. The 24-month limitation on the  
19 adoption of emergency rules does not apply to rules adopted  
20 under this subsection (v). The adoption of emergency rules  
21 authorized by this subsection (v) is deemed to be necessary for  
22 the public interest, safety, and welfare.

23 (w) In order to provide for the expeditious and timely  
24 implementation of the provisions of Public Act 99-796,  
25 emergency rules to implement the changes made by Public Act  
26 99-796 may be adopted in accordance with this subsection (w) by



1 the Adjutant General. The adoption of emergency rules  
2 authorized by this subsection (w) is deemed to be necessary for  
3 the public interest, safety, and welfare.

4 (x) In order to provide for the expeditious and timely  
5 implementation of the provisions of Public Act 99-906,  
6 emergency rules to implement subsection (i) of Section 16-115D,  
7 subsection (g) of Section 16-128A, and subsection (a) of  
8 Section 16-128B of the Public Utilities Act may be adopted in  
9 accordance with this subsection (x) by the Illinois Commerce  
10 Commission. The rulemaking authority granted in this  
11 subsection (x) shall apply only to those rules adopted within  
12 180 days after June 1, 2017 (the effective date of Public Act  
13 99-906). The adoption of emergency rules authorized by this  
14 subsection (x) is deemed to be necessary for the public  
15 interest, safety, and welfare.

16 (y) In order to provide for the expeditious and timely  
17 implementation of the provisions of this amendatory Act of the  
18 100th General Assembly, emergency rules to implement the  
19 changes made by this amendatory Act of the 100th General  
20 Assembly to Section 4.02 of the Illinois Act on Aging, Sections  
21 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30  
22 of the Alcoholism and Other Drug Abuse and Dependency Act, and  
23 Sections 74 and 75 of the Mental Health and Developmental  
24 Disabilities Administrative Act may be adopted in accordance  
25 with this subsection (y) by the respective Department. The  
26 adoption of emergency rules authorized by this subsection (y)

1 is deemed to be necessary for the public interest, safety, and  
2 welfare.

3 (z) In order to provide for the expeditious and timely  
4 implementation of the provisions of this amendatory Act of the  
5 100th General Assembly, emergency rules to implement the  
6 changes made by this amendatory Act of the 100th General  
7 Assembly to Section 4.7 of the Lobbyist Registration Act may be  
8 adopted in accordance with this subsection (z) by the Secretary  
9 of State. The adoption of emergency rules authorized by this  
10 subsection (z) is deemed to be necessary for the public  
11 interest, safety, and welfare.

12 (aa) In order to provide for the expeditious and timely  
13 initial implementation of the changes made to Articles 5, 5A,  
14 12, and 14 of the Illinois Public Aid Code under the provisions  
15 of this amendatory Act of the 100th General Assembly, the  
16 Department of Healthcare and Family Services may adopt  
17 emergency rules in accordance with this subsection (aa). The  
18 24-month limitation on the adoption of emergency rules does not  
19 apply to rules to initially implement the changes made to  
20 Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code  
21 adopted under this subsection (aa). The adoption of emergency  
22 rules authorized by this subsection (aa) is deemed to be  
23 necessary for the public interest, safety, and welfare.

24 (bb) In order to provide for the expeditious and timely  
25 implementation of the provisions of this amendatory Act of the  
26 100th General Assembly, emergency rules implementing the

1 Illinois Underground Natural Gas Storage Safety Act may be  
2 adopted in accordance with this subsection by the Department of  
3 Natural Resources. The adoption of emergency rules authorized  
4 by this subsection is deemed to be necessary for the public  
5 interest, safety, and welfare.

6 (Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143,  
7 eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16;  
8 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17;  
9 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff.  
10 3-12-18.)

11 Section 910. The Illinois Gas Pipeline Safety Act is  
12 amended by changing Sections 2.01, 2.07, 2.08, 3, 4, 9, and 11  
13 and by adding Sections 2.10, 2.11, and 2.12 as follows:

14 (220 ILCS 20/2.01) (from Ch. 111 2/3, par. 552.1)

15 Sec. 2.01. "Person" means any individual, firm, joint  
16 venture, partnership, corporation, company, limited liability  
17 company, firm, association, municipality, cooperative  
18 association, or joint stock association, and includes any  
19 trustee, receiver, assignee or personal representative  
20 thereof.

21 (Source: P.A. 76-1588.)

22 (220 ILCS 20/2.07) (from Ch. 111 2/3, par. 552.7)

23 Sec. 2.07. "Federal Act" means 49 U.S.C. Chapter 601. This

1 amendatory Act of the 100th General Assembly is intended to  
2 reflect numbering and citation changes to the United States  
3 Code occurring after the enactment of this amendatory Act of  
4 the 100th General Assembly ~~the "Natural Gas Pipeline Safety Act~~  
5 ~~of 1968"~~.

6 (Source: P.A. 76-1588.)

7 (220 ILCS 20/2.08)

8 Sec. 2.08. Notice of probable violation. "Notice of  
9 probable violation" or "NOPV" means a written notice,  
10 satisfying the criteria set forth in Section 7.5 of this Act,  
11 given by the pipeline safety manager to a person who engages in  
12 the transportation of gas or who owns or operates pipeline  
13 facilities that identifies a failure of such person to comply  
14 with the provisions of this Act, the Federal Act ~~federal~~  
15 ~~Natural Gas Pipeline Safety Act of 1968~~, or any Commission  
16 order or rule issued under this Act and may recommend a penalty  
17 in connection therewith, subject to the terms of this Act.

18 (Source: P.A. 98-526, eff. 8-23-13.)

19 (220 ILCS 20/2.10 new)

20 Sec. 2.10. Department. "Department" means the Department  
21 of Natural Resources.

22 (220 ILCS 20/2.11 new)

23 Sec. 2.11. Downhole. "Downhole" means the portion of the

1 underground natural gas storage facility from the first flange  
2 attaching the wellhead to the pipeline equipment and continuing  
3 down the well casing to and including the storage reservoir.

4 (220 ILCS 20/2.12 new)

5 Sec. 2.12. Underground natural gas storage facility.  
6 "Underground natural gas storage facility" means a gas pipeline  
7 facility that stores natural gas in an underground facility,  
8 including a depleted hydrocarbon reservoir, an aquifer  
9 reservoir, and a solution-mined salt cavern reservoir.

10 (220 ILCS 20/3) (from Ch. 111 2/3, par. 553)

11 Sec. 3. (a) As soon as practicable, but not later than 3  
12 months after the effective date of this Act, the Commission  
13 shall adopt rules establishing minimum safety standards for the  
14 transportation of gas and for pipeline facilities. Such rules  
15 shall be at least as inclusive, as stringent, and compatible  
16 with, the minimum safety standards adopted by the Secretary of  
17 Transportation under the Federal Act. Thereafter, the  
18 Commission shall maintain such rules so that the rules are at  
19 least as inclusive, as stringent, and compatible with, the  
20 minimum standards from time to time in effect under the Federal  
21 Act. Notwithstanding the generality of the foregoing, the  
22 Commission shall not adopt or enforce standards governing  
23 downhole portions of an underground natural gas storage  
24 facility, as long as the Department submits to the Secretary of

1 Transportation annually the certification described in 49  
2 U.S.C. 60105(a) and the certification is not rejected under 49  
3 U.S.C. 60105(f). The Commission and the Department shall work  
4 cooperatively with each other and with other entities in the  
5 federal and State governments to ensure that the policies  
6 embodied in the Federal Act, the Illinois Underground Natural  
7 Gas Storage Safety Act, this Act, the Illinois Oil and Gas Act,  
8 the Public Utilities Act, and the rules adopted thereunder, are  
9 fully effectuated. The Commission and the Department shall take  
10 steps to avoid the duplication of efforts while at the same  
11 time ensuring that all regulatory obligations are fulfilled. As  
12 long as the Department submits to the Secretary of  
13 Transportation annually the certification described in 49  
14 U.S.C. 60105(a) and the certification is not rejected under 49  
15 U.S.C. 60105(f), the Department shall have jurisdiction over  
16 the downhole portion of underground natural gas storage  
17 facilities subject to this Act. The Commission shall retain  
18 jurisdiction over all other portions of the underground natural  
19 gas storage facilities.

20 (b) Standards established under this Act may apply to the  
21 design, installation, inspection, testing, construction,  
22 extension, operation, replacement, and maintenance of pipeline  
23 facilities. Standards affecting the design, installation,  
24 construction, initial inspection and initial testing are not  
25 applicable to pipeline facilities in existence on the date such  
26 standards are adopted. Whenever the Commission finds a

1 particular facility to be hazardous to life or property, it may  
2 require the person operating such facility to take the steps  
3 necessary to remove the hazard.

4 (c) Standards established by the Commission under this Act  
5 shall, subject to paragraphs (a) and (b) of this Section 3, be  
6 practicable and designed to meet the need for pipeline safety.  
7 In prescribing such standards, the Commission shall consider:  
8 similar standards established in other states; relevant  
9 available pipeline safety data; whether such standards are  
10 appropriate for the particular type of pipeline  
11 transportation; the reasonableness of any proposed standards;  
12 and the extent to which such standards will contribute to  
13 public safety.

14 Rules adopted under this Act are subject to "The Illinois  
15 Administrative Procedure Act", approved September 22, 1975, as  
16 amended.

17 (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-906,  
18 eff. 8-7-12.)

19 (220 ILCS 20/4) (from Ch. 111 2/3, par. 554)

20 Sec. 4. Subject to 49 U.S.C. 60118(d) ~~Section 3, paragraph~~  
21 ~~(c) of the Federal Act~~, the Commission may, upon application by  
22 any person engaged in the transportation of gas or the  
23 operation of pipeline facilities, waive in whole or in part,  
24 compliance with any standard established under this Act, if it  
25 determines that such a waiver is not inconsistent with gas

1 pipeline safety.

2 (Source: P.A. 76-1588.)

3 (220 ILCS 20/9) (from Ch. 111 2/3, par. 559)

4 Sec. 9. The Commission shall prepare and file with the  
5 Secretary of Transportation the initial and annual  
6 certification and report required by 49 U.S.C. 60105(a) ~~Section~~  
7 ~~5, paragraph (a) of the Federal Act.~~

8 (Source: P.A. 76-1588.)

9 (220 ILCS 20/11) (from Ch. 111 2/3, par. 561)

10 Sec. 11. Nothing contained in this Act is intended, nor  
11 shall it be construed, to limit or diminish the authority of  
12 the Commission under the Public Utilities Act or the Department  
13 under the Illinois Oil and Gas Act ~~"An Act concerning public~~  
14 ~~utilities", approved June 29, 1921, as amended.~~

15 (Source: P.A. 76-1588.)

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