



## 96TH GENERAL ASSEMBLY

### State of Illinois

### 2009 and 2010

### SB2145

Introduced 2/20/2009, by Sen. William R. Haine

#### SYNOPSIS AS INTRODUCED:

105 ILCS 105/5a rep.	
105 ILCS 105/6	from Ch. 122, par. 1406
415 ILCS 100/5	from Ch. 111 1/2, par. 7205
415 ILCS 100/8 new	
415 ILCS 120/30	
225 ILCS 220/Act rep.	
225 ILCS 221/Act rep.	

Amends the Asbestos Abatement Act. Deletes a provision requiring the Department of Public Health to (i) require local educational agencies to submit to the Department certain asbestos related response action contracts for which the agency seeks indemnification and (ii) collect from the agency a certain percentage of each response action contract for deposit into the Response Contractors Indemnification Fund. Amends the Response Action Contractor Indemnification Act. Provides that, within 30 days after the effective date, the State Comptroller shall order transferred and the State Treasurer shall transfer all moneys in the Response Action Contractor Indemnification Fund to the Brownfields Redevelopment Fund. Repeals the Act on the 31st day after the effective date. Amends the Alternate Fuels Act. In a Section concerning the rebate program, authorizes the Environmental Protection Agency to establish rebate priorities and provides that the rebate applications must be submitted within 12 months after a vehicle conversion occurred, rather than within the same calendar year (as is currently required). Repeals the Hazardous Waste Crane and Hoisting Equipment Operators Licensing Act and the Hazardous Waste Laborers Licensing Act. Effective immediately.

LRB096 01978 JDS 11988 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning environmental safety.

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

4 (105 ILCS 105/5a rep.)

5 Section 3. The Asbestos Abatement Act is amended by  
6 repealing Section 5a.

7 Section 5. The Asbestos Abatement Act is amended by  
8 changing Section 6 as follows:

9 (105 ILCS 105/6) (from Ch. 122, par. 1406)

10 Sec. 6. Powers and Duties of the Department.

11 (a) The Department is empowered to promulgate any rules  
12 necessary to ensure proper implementation and administration  
13 of this Act and of the federal Asbestos Hazard Emergency  
14 Response Act of 1986, and the regulations promulgated  
15 thereunder.

16 (b) Rules promulgated by the Department shall include, but  
17 not be limited to:

18 (1) all rules necessary to achieve compliance with the  
19 federal Asbestos Hazard Emergency Response Act of 1986 and  
20 the regulations promulgated thereunder;

21 (2) rules providing for the training and licensing of  
22 persons and firms to perform asbestos inspection and air

1 sampling; to perform abatement work; and to serve as  
2 asbestos abatement contractors, management, planners,  
3 project designers, project supervisors, project managers  
4 and asbestos workers for public and private secondary and  
5 elementary schools; and any necessary rules relating to the  
6 correct and safe performance of those tasks; and

7 (3) rules for the development and submission of  
8 asbestos management plans by local educational agencies,  
9 and for review and approval of such plans by the  
10 Department.

11 (c) In carrying out its responsibilities under this Act,  
12 the Department shall:

13 (1) publish a list of persons and firms licensed  
14 pursuant to this Act, except that the Department shall not  
15 be required to publish a list of licensed asbestos workers;  
16 and

17 (2) require each local educational agency to maintain  
18 records of asbestos-related activities, which shall be  
19 made available to the Department upon request. ~~and~~

20 ~~(3) require local educational agencies to submit to the~~  
21 ~~Department for review and approval all asbestos related~~  
22 ~~response action contracts for which the local educational~~  
23 ~~agency seeks indemnification under the Response Action~~  
24 ~~Contractor Indemnification Act, and with respect to such~~  
25 ~~response action contracts, to collect from the local~~  
26 ~~educational agency and deposit in the Response Contractors~~

~~Indemnification Fund 5% of the amount of each response  
action contract, as required under the Response Action  
Contractor Indemnification Act.~~

(d) Adopt rules for the collection of fees for training course approval; and for licensing of inspectors, management planners, project designers, contractors, supervisors, air sampling professionals, project managers and workers.

(Source: P.A. 91-357, eff. 7-29-99.)

Section 10. The Response Action Contractor Indemnification Act is amended by changing Section 5 and adding Section 8 as follows:

(415 ILCS 100/5) (from Ch. 111 1/2, par. 7205)

Sec. 5. Response Contractors Indemnification Fund.

(a) There is hereby created the Response Contractors Indemnification Fund. The State Treasurer, ex officio, shall be custodian of the Fund, and the Comptroller shall direct payments from the Fund upon vouchers properly certified by the Attorney General in accordance with Section 4. The Treasurer shall credit interest on the Fund to the Fund.

(b) Every State response action contract shall provide that 5% of each payment to be made by the State under the contract shall be paid by the State directly into the Response Contractors Indemnification Fund rather than to the contractor, except that when there is at least \$100,000 in the

1 Fund at the beginning of a State fiscal year, State response  
2 action contracts during that fiscal year need not provide that  
3 5% of each payment made under the contract be paid into the  
4 Fund. When only a portion of a contract relates to a remedial  
5 or response action, or to the identification, handling,  
6 storage, treatment or disposal of a pollutant, the contract  
7 shall provide that only that portion is subject to this  
8 subsection.

9 (c) Within 30 days after the effective date of this  
10 amendatory Act of 1997, the Comptroller shall order transferred  
11 and the Treasurer shall transfer \$1,200,000 from the Response  
12 Contractors Indemnification Fund to the Brownfields  
13 Redevelopment Fund. The Comptroller shall order transferred  
14 and the Treasurer shall transfer \$1,200,000 from the Response  
15 Contractors Indemnification Fund to the Brownfields  
16 Redevelopment Fund on the first day of fiscal years 1999, 2000,  
17 2001, 2002, and 2003.

18 (d) Within 30 days after the effective date of this  
19 amendatory Act of the 91st General Assembly, the Comptroller  
20 shall order transferred and the Treasurer shall transfer  
21 \$2,000,000 from the Response Contractors Indemnification Fund  
22 to the Asbestos Abatement Fund.

23 (e) Within 30 days after the effective date of this  
24 amendatory Act of the 93rd General Assembly, the Comptroller  
25 shall order transferred and the Treasurer shall transfer all  
26 monies in the Response Action Contractor Indemnification Fund

1 in excess of \$100,000 from the Response Action Contractor  
2 Indemnification Fund to the Brownfields Redevelopment Fund.

3 (f) Within 30 days after the effective date of this  
4 amendatory Act of the 96th General Assembly, the State  
5 Comptroller shall order transferred and the State Treasurer  
6 shall transfer all moneys in the Response Action Contractor  
7 Indemnification Fund to the Brownfields Redevelopment Fund.

8 (Source: P.A. 92-486, eff. 1-1-02; 93-152, eff. 7-10-03.)

9 (415 ILCS 100/8 new)

10 Sec. 8. Repealer. This Act is repealed on the 31st day  
11 after the effective date of this amendatory Act of the 96th  
12 General Assembly.

13 Section 15. The Alternate Fuels Act is amended by changing  
14 Section 30 as follows:

15 (415 ILCS 120/30)

16 Sec. 30. Rebate program. Beginning January 1, 1997, and as  
17 long as funds are available, each owner of an alternate fuel  
18 vehicle shall be eligible to apply for a rebate. Beginning July  
19 1, 2005, each owner of a vehicle using domestic renewable fuel  
20 is eligible to apply for a fuel cost differential rebate under  
21 subsection (c) of this Section. The Agency shall cause rebates  
22 to be issued under the provisions of this Act. An owner may  
23 apply for only one of 3 types of rebates with regard to an

1 individual alternate fuel vehicle: (i) a conversion cost  
2 rebate, (ii) an OEM differential cost rebate, or (iii) a fuel  
3 cost differential rebate. Only one rebate may be issued with  
4 regard to a particular alternate fuel vehicle during the life  
5 of that vehicle. A rebate shall not exceed \$4,000 per vehicle.  
6 Over the life of this rebate program, an owner of an alternate  
7 fuel vehicle or a vehicle using domestic renewable fuel may not  
8 receive rebates for more than 150 vehicles per location or for  
9 300 vehicles in total.

10 (a) A conversion cost rebate may be issued to an owner or  
11 his or her designee in order to reduce the cost of converting  
12 of a conventional vehicle to an alternate fuel vehicle.  
13 Conversion of a conventional vehicle to alternate fuel  
14 capability must take place in Illinois for the owner to be  
15 eligible for the conversion cost rebate. Amounts spent by  
16 applicants within a calendar year may be claimed on a rebate  
17 application submitted within 12 months after the month in which  
18 the conversion of the vehicle took place ~~during that calendar~~  
19 ~~year~~. Approved conversion cost rebates applied for during or  
20 after calendar year 1997 shall be 80% of all approved  
21 conversion costs claimed and documented. Approval of  
22 conversion cost rebates may continue after calendar year 2002,  
23 if funds are still available. An applicant may include on an  
24 application submitted in 1997 all amounts spent within that  
25 calendar year on the conversion, even if the expenditure  
26 occurred before promulgation of the Agency rules.

1 (b) An OEM differential cost rebate may be issued to an  
2 owner or his or her designee in order to reduce the cost  
3 differential between a conventional vehicle or engine and the  
4 same vehicle or engine, produced by an original equipment  
5 manufacturer, that has the capability to use alternate fuels.

6 A new OEM vehicle or engine must be purchased in Illinois  
7 and must either be an alternate fuel vehicle or used in an  
8 alternate fuel vehicle, respectively, for the owner to be  
9 eligible for an OEM differential cost rebate. Large vehicles,  
10 over 8,500 pounds gross vehicle weight, purchased outside  
11 Illinois are eligible for an OEM differential cost rebate if  
12 the same or a comparable vehicle is not available for purchase  
13 in Illinois. Amounts spent by applicants within a calendar year  
14 may be claimed on a rebate application submitted within 12  
15 months after the month in which the new OEM vehicle or engine  
16 was purchased ~~during that calendar year.~~

17 Approved OEM differential cost rebates applied for during  
18 or after calendar year 1997 shall be 80% of all approved cost  
19 differential claimed and documented. Approval of OEM  
20 differential cost rebates may continue after calendar year  
21 2002, if funds are still available. An applicant may include on  
22 an application submitted in 1997 all amounts spent within that  
23 calendar year on OEM equipment, even if the expenditure  
24 occurred before promulgation of the Agency rules.

25 (c) A fuel cost differential rebate may be issued to an  
26 owner or his or her designee in order to reduce the cost



1 differential between conventional fuels and domestic renewable  
2 fuels or alternate fuels purchased to operate an alternate fuel  
3 vehicle . The fuel cost differential shall be based on a 3-year  
4 life cycle cost analysis developed by the Agency by rulemaking.  
5 The rebate shall apply to and be payable during a consecutive  
6 3-year period commencing on the date the application is  
7 approved by the Agency. Approved fuel cost differential rebates  
8 may be applied for during or after calendar year 1997 and  
9 approved rebates shall be 80% of the cost differential for a  
10 consecutive 3-year period. Approval of fuel cost differential  
11 rebates may continue after calendar year 2002 if funds are  
12 still available.

13 Twenty-five percent of the amount that is appropriated  
14 under Section 40 to be used to fund programs authorized by this  
15 Section during calendar year 2001 shall be designated to fund  
16 fuel cost differential rebates. If the total dollar amount of  
17 approved fuel cost differential rebate applications as of July  
18 1, 2001 is less than the amount designated for that calendar  
19 year, the balance of designated funds shall be immediately  
20 available to fund any rebate authorized by this Section and  
21 approved in the calendar year.

22 An approved fuel cost differential rebate shall be paid to  
23 an owner in 3 annual installments on or about the anniversary  
24 date of the approval of the application. Owners receiving a  
25 fuel cost differential rebate shall be required to demonstrate,  
26 through recordkeeping, the use of domestic renewable fuels

1 during the 3-year period commencing on the date the application  
2 is approved by the Agency. If the vehicle ceases to be  
3 registered to the original applicant owner, a prorated  
4 installment shall be paid to that owner or the owner's designee  
5 and the remainder of the rebate shall be canceled.

6 (d) Vehicles owned by the federal government or vehicles  
7 registered in a state outside Illinois are not eligible for  
8 rebates.

9 (Source: P.A. 94-62, eff. 6-20-05; 94-1079, eff. 6-1-07.)

10 (225 ILCS 220/Act rep.)

11 Section 20. The Hazardous Waste Crane and Hoisting  
12 Equipment Operators Licensing Act is repealed.

13 (225 ILCS 221/Act rep.)

14 Section 25. The Hazardous Waste Laborers Licensing Act is  
15 repealed.

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