



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5836

Introduced 11/10/2020, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

615 ILCS 5/29b new

Amends the Rivers, Lakes, and Streams Act. Provides that no person, State agency, or unit of local government shall materially reduce, demolish, materially impair, or remove in whole or in part a structure located within 50 feet of the historic district commonly known as Graue Mill without approval of the Graue Mill Intergovernmental Oversight Board. Creates and provides for the membership of the Graue Mill Intergovernmental Oversight Board. Provides that no structure that was built, in whole or in part, using funds from this State shall be demolished without first securing advance written approval from the State agency supplying the funding. Provides that, if that agency no longer exists or the proper agency cannot be determined, then notice shall be given to the Governor, but only upon the approval of the State Representative and State Senator for the area where the structure is located. Provides that nothing in the new provisions shall prevent the party responsible for a structure from engaging in ordinary and customary maintenance and repair of the structure, including dredging around the structure, so long as the process does not materially impair or destabilize the structure. Effective immediately.

LRB101 22207 HEP 73311 b

1 AN ACT concerning transportation.

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

4 Section 5. The Rivers, Lakes, and Streams Act is amended by
5 adding Section 29b as follows:

6 (615 ILCS 5/29b new)

7 Sec. 29b. Modification of certain structures associated
8 with Graue Mill.

9 (a) As used in this Section, "structure" means a dike, dam,
10 weir, barrage, or man-made public works or private improvement
11 that directs or controls stormwater, drainage, flooding, or
12 erosion within a waterway and is contained fully within, or is
13 located within 50 feet of, the historic district commonly known
14 as Graue Mill and located at 3800 York Road in the Village of
15 Oak Brook.

16 (b) Notwithstanding any other provision of law, after
17 January 1, 2021 or the effective date of this amendatory Act of
18 the 101st General Assembly, whichever is later, no person,
19 State agency, or unit of local government shall materially
20 reduce, demolish, materially impair, or remove in whole or in
21 part a structure without approval of the Graue Mill
22 Intergovernmental Oversight Board.

23 (c) The Graue Mill Intergovernmental Oversight Board is

1 created. The Graue Mill Intergovernmental Oversight Board
2 shall include the following members:

3 (1) A designee by each owner of property lying within
4 50 feet of the structure. If the surrounding land is public
5 space, then a designee of the unit of local government
6 responsible for the repair and maintenance of the structure
7 shall be appointed by the head of the unit of local
8 government.

9 (2) An appointee from the DuPage County Board, to be
10 selected by the County Board Chair. The County Board
11 appointee shall be either: (i) an elected county board
12 member in whose district the structure is located; or (ii)
13 an elected county board member who has responsibilities for
14 stormwater management, at the discretion of the County
15 Board Chair. If no qualified elected member is willing to
16 serve, then the appointment may be at the discretion of the
17 County Board Chair.

18 (3) An appointee by the head of any municipality that
19 is geographically located within 1,000 feet of the
20 structure.

21 (4) An appointee by any historical district that is
22 geographically located within 500 feet of the structure.

23 (5) As ex officio members, a representative from the
24 Department of Natural Resources; the State Representative
25 and State Senator encompassing the area where the
26 structure; and a representative of the County Board of the

1 next County downstream from the structure.

2 (d) No structure that was built, in whole or in part, using
3 funds from this State shall be demolished without first
4 securing advance written approval from the State agency
5 supplying the funding. If that agency no longer exists or the
6 proper agency cannot be determined, then notice shall be given
7 to the Governor, but only upon the approval of the State
8 Representative and State Senator for the area where the
9 structure is located. Nothing in this Section shall prevent the
10 party responsible for a structure from engaging in ordinary and
11 customary maintenance and repair of the structure, including
12 dredging around the structure, so long as the process does not
13 materially impair or destabilize the structure.

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