



Rep. Jerry Costello, II

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1 AMENDMENT TO SENATE BILL 3549

2 AMENDMENT NO. _____. Amend Senate Bill 3549 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 plan 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 of 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 900. The Illinois Administrative Procedure Act is
19 amended by changing Section 5-45 as follows:

20 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

21 Sec. 5-45. Emergency rulemaking.

22 (a) "Emergency" means the existence of any situation that

1 any agency finds reasonably constitutes a threat to the public
2 interest, safety, or welfare.

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

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

1 from the Drug Manual under Section 5-5.16 of the Illinois
2 Public Aid Code or the generic drug formulary under Section
3 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
4 emergency rules adopted by the Pollution Control Board before
5 July 1, 1997 to implement portions of the Livestock Management
6 Facilities Act, (iii) emergency rules adopted by the Illinois
7 Department of Public Health under subsections (a) through (i)
8 of Section 2 of the Department of Public Health Act when
9 necessary to protect the public's health, (iv) emergency rules
10 adopted pursuant to subsection (n) of this Section, (v)
11 emergency rules adopted pursuant to subsection (o) of this
12 Section, or (vi) emergency rules adopted pursuant to subsection
13 (c-5) of this Section. Two or more emergency rules having
14 substantially the same purpose and effect shall be deemed to be
15 a single rule for purposes of this Section.

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

25 (d) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 1999 budget,

1 emergency rules to implement any provision of Public Act 90-587
2 or 90-588 or any other budget initiative for fiscal year 1999
3 may be adopted in accordance with this Section by the agency
4 charged with administering that provision or initiative,
5 except that the 24-month limitation on the adoption of
6 emergency rules and the provisions of Sections 5-115 and 5-125
7 do not apply to rules adopted under this subsection (d). The
8 adoption of emergency rules authorized by this subsection (d)
9 shall be deemed to be necessary for the public interest,
10 safety, and welfare.

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

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

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

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

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

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

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

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

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

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

1 welfare.

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

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

1 public interest, safety, and welfare.

2 (n) In order to provide for the expeditious and timely
3 implementation of the provisions of the State's fiscal year
4 2010 budget, emergency rules to implement any provision of
5 Public Act 96-45 or any other budget initiative authorized by
6 the 96th General Assembly for fiscal year 2010 may be adopted
7 in accordance with this Section by the agency charged with
8 administering that provision or initiative. The adoption of
9 emergency rules authorized by this subsection (n) shall be
10 deemed to be necessary for the public interest, safety, and
11 welfare. The rulemaking authority granted in this subsection
12 (n) shall apply only to rules promulgated during Fiscal Year
13 2010.

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

26 (p) In order to provide for the expeditious and timely

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

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

24 (r) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 98-651,
26 emergency rules to implement Public Act 98-651 may be adopted

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

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

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

1 prior to July 1, 2016. The 24-month limitation on the adoption
2 of emergency rules does not apply to rules adopted under this
3 subsection (t). The adoption of emergency rules authorized by
4 this subsection (t) is deemed to be necessary for the public
5 interest, safety, and welfare.

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

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

24 (w) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 99-796,
26 emergency rules to implement the changes made by Public Act

1 99-796 may be adopted in accordance with this subsection (w) by
2 the Adjutant General. The adoption of emergency rules
3 authorized by this subsection (w) is deemed to be necessary for
4 the public interest, safety, and welfare.

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

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

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

4 (z) In order to provide for the expeditious and timely
5 implementation of the provisions of Public Act 100-554 ~~this~~
6 ~~amendatory Act of the 100th General Assembly~~, emergency rules
7 to implement the changes made by Public Act 100-554 ~~this~~
8 ~~amendatory Act of the 100th General Assembly~~ to Section 4.7 of
9 the Lobbyist Registration Act may be adopted in accordance with
10 this subsection (z) by the Secretary of State. The adoption of
11 emergency rules authorized by this subsection (z) is deemed to
12 be necessary for the public interest, safety, and welfare.

13 (aa) In order to provide for the expeditious and timely
14 initial implementation of the changes made to Articles 5, 5A,
15 12, and 14 of the Illinois Public Aid Code under the provisions
16 of Public Act 100-581 ~~this amendatory Act of the 100th General~~
17 ~~Assembly~~, the Department of Healthcare and Family Services may
18 adopt emergency rules in accordance with this subsection (aa).
19 The 24-month limitation on the adoption of emergency rules does
20 not apply to rules to initially implement the changes made to
21 Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code
22 adopted under this subsection (aa). The adoption of emergency
23 rules authorized by this subsection (aa) is deemed to be
24 necessary for the public interest, safety, and welfare.

25 (bb) In order to provide for the expeditious and timely
26 implementation of the provisions of Public Act 100-587 ~~this~~

1 ~~amendatory Act of the 100th General Assembly~~, emergency rules
2 to implement the changes made by Public Act 100-587 ~~this~~
3 ~~amendatory Act of the 100th General Assembly~~ to Section 4.02 of
4 the Illinois Act on the Aging, Sections 5.5.4 and 5-5.4i of the
5 Illinois Public Aid Code, subsection (b) of Section 55-30 of
6 the Alcoholism and Other Drug Abuse and Dependency Act, Section
7 5-104 of the Specialized Mental Health Rehabilitation Act of
8 2013, and Section 75 and subsection (b) of Section 74 of the
9 Mental Health and Developmental Disabilities Administrative
10 Act may be adopted in accordance with this subsection (bb) by
11 the respective Department. The adoption of emergency rules
12 authorized by this subsection (bb) is deemed to be necessary
13 for the public interest, safety, and welfare.

14 (cc) ~~(bb)~~ In order to provide for the expeditious and
15 timely implementation of the provisions of Public Act 100-587
16 ~~this amendatory Act of the 100th General Assembly~~, emergency
17 rules may be adopted in accordance with this subsection (cc)
18 ~~(bb)~~ to implement the changes made by Public Act 100-587 ~~this~~
19 ~~amendatory Act of the 100th General Assembly~~ to: Sections
20 14-147.5 and 14-147.6 of the Illinois Pension Code by the Board
21 created under Article 14 of the Code; Sections 15-185.5 and
22 15-185.6 of the Illinois Pension Code by the Board created
23 under Article 15 of the Code; and Sections 16-190.5 and
24 16-190.6 of the Illinois Pension Code by the Board created
25 under Article 16 of the Code. The adoption of emergency rules
26 authorized by this subsection (cc) ~~(bb)~~ is deemed to be

1 necessary for the public interest, safety, and welfare.

2 (dd) ~~(aa)~~ In order to provide for the expeditious and
3 timely implementation of the provisions of Public Act 100-864
4 ~~this amendatory Act of the 100th General Assembly~~, emergency
5 rules to implement the changes made by Public Act 100-864 ~~this~~
6 ~~amendatory Act of the 100th General Assembly~~ to Section 3.35 of
7 the Newborn Metabolic Screening Act may be adopted in
8 accordance with this subsection (dd) ~~(aa)~~ by the Secretary of
9 State. The adoption of emergency rules authorized by this
10 subsection (dd) ~~(aa)~~ is deemed to be necessary for the public
11 interest, safety, and welfare.

12 (ee) In order to provide for the expeditious and timely
13 implementation of the provisions of this amendatory Act of the
14 100th General Assembly, emergency rules implementing the
15 Illinois Underground Natural Gas Storage Safety Act may be
16 adopted in accordance with this subsection by the Department of
17 Natural Resources. The adoption of emergency rules authorized
18 by this subsection is deemed to be necessary for the public
19 interest, safety, and welfare.

20 (Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143,
21 eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16;
22 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17;
23 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff.
24 3-12-18; 100-587, Article 95, Section 95-5, eff. 6-4-18;
25 100-587, Article 110, Section 110-5, eff. 6-4-18; 100-864, eff.
26 8-14-18; revised 10-18-18.)

1 Section 905. The Illinois Gas Pipeline Safety Act is
2 amended by changing Sections 2.01, 2.07, 2.08, 3, 4, 9, and 11
3 and by adding Sections 2.10, 2.11, and 2.12 as follows:

4 (220 ILCS 20/2.01) (from Ch. 111 2/3, par. 552.1)

5 Sec. 2.01. "Person" means any individual, firm, joint
6 venture, partnership, corporation, company, limited liability
7 company, firm, association, municipality, cooperative
8 association, or joint stock association, and includes any
9 trustee, receiver, assignee or personal representative
10 thereof.

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

12 (220 ILCS 20/2.07) (from Ch. 111 2/3, par. 552.7)

13 Sec. 2.07. "Federal Act" means 49 U.S.C. Chapter 601. This
14 amendatory Act of the 100th General Assembly is intended to
15 reflect numbering and citation changes to the United States
16 Code occurring on or after the effective date of this
17 amendatory Act of the 100th General Assembly ~~the "Natural Gas~~
18 ~~Pipeline Safety Act of 1968".~~

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

20 (220 ILCS 20/2.08)

21 Sec. 2.08. Notice of probable violation. "Notice of
22 probable violation" or "NOPV" means a written notice,

1 satisfying the criteria set forth in Section 7.5 of this Act,
2 given by the pipeline safety manager to a person who engages in
3 the transportation of gas or who owns or operates pipeline
4 facilities that identifies a failure of such person to comply
5 with the provisions of this Act, the Federal Act ~~federal~~
6 ~~Natural Gas Pipeline Safety Act of 1968~~, or any Commission
7 order or rule issued under this Act and may recommend a penalty
8 in connection therewith, subject to the terms of this Act.

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

10 (220 ILCS 20/2.10 new)

11 Sec. 2.10. Department. "Department" means the Department
12 of Natural Resources.

13 (220 ILCS 20/2.11 new)

14 Sec. 2.11. Downhole. "Downhole" means the portion of the
15 underground natural gas storage facility from the first flange
16 attaching the wellhead to the pipeline equipment and continuing
17 down the well casing to and including the storage reservoir.

18 (220 ILCS 20/2.12 new)

19 Sec. 2.12. Underground natural gas storage facility.
20 "Underground natural gas storage facility" means a gas pipeline
21 facility that stores natural gas in an underground facility,
22 including a depleted hydrocarbon reservoir, an aquifer
23 reservoir, and a solution-mined salt cavern reservoir.

1 (220 ILCS 20/3) (from Ch. 111 2/3, par. 553)

2 Sec. 3. (a) As soon as practicable, but not later than 3
3 months after the effective date of this Act, the Commission
4 shall adopt rules establishing minimum safety standards for the
5 transportation of gas and for pipeline facilities. Such rules
6 shall be at least as inclusive, as stringent, and compatible
7 with, the minimum safety standards adopted by the Secretary of
8 Transportation under the Federal Act. Thereafter, the
9 Commission shall maintain such rules so that the rules are at
10 least as inclusive, as stringent, and compatible with, the
11 minimum standards from time to time in effect under the Federal
12 Act. Notwithstanding the generality of the foregoing, the
13 Commission shall not adopt or enforce standards governing
14 downhole portions of an underground natural gas storage
15 facility, as long as the Department submits to the Secretary of
16 Transportation annually the certification described in 49
17 U.S.C. 60105(a) and the certification is not rejected under 49
18 U.S.C. 60105(f). The Commission and the Department shall work
19 cooperatively with each other and with other entities in the
20 federal and State governments to ensure that the policies
21 embodied in the Federal Act, the Illinois Underground Natural
22 Gas Storage Safety Act, this Act, the Illinois Oil and Gas Act,
23 the Public Utilities Act, and the rules adopted thereunder, are
24 fully effectuated. The Commission and the Department shall take
25 steps to avoid the duplication of efforts while at the same

1 time ensuring that all regulatory obligations are fulfilled. As
2 long as the Department submits to the Secretary of
3 Transportation annually the certification described in 49
4 U.S.C. 60105(a) and the certification is not rejected under 49
5 U.S.C. 60105(f), the Department shall have jurisdiction over
6 the downhole portion of underground natural gas storage
7 facilities subject to this Act. The Commission shall retain
8 jurisdiction over all other portions of the underground natural
9 gas storage facilities.

10 (b) Standards established under this Act may apply to the
11 design, installation, inspection, testing, construction,
12 extension, operation, replacement, and maintenance of pipeline
13 facilities. Standards affecting the design, installation,
14 construction, initial inspection and initial testing are not
15 applicable to pipeline facilities in existence on the date such
16 standards are adopted. Whenever the Commission finds a
17 particular facility to be hazardous to life or property, it may
18 require the person operating such facility to take the steps
19 necessary to remove the hazard.

20 (c) Standards established by the Commission under this Act
21 shall, subject to paragraphs (a) and (b) of this Section 3, be
22 practicable and designed to meet the need for pipeline safety.
23 In prescribing such standards, the Commission shall consider:
24 similar standards established in other states; relevant
25 available pipeline safety data; whether such standards are
26 appropriate for the particular type of pipeline

1 transportation; the reasonableness of any proposed standards;
2 and the extent to which such standards will contribute to
3 public safety.

4 Rules adopted under this Act are subject to "The Illinois
5 Administrative Procedure Act", approved September 22, 1975, as
6 amended.

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

9 (220 ILCS 20/4) (from Ch. 111 2/3, par. 554)

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

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

18 (220 ILCS 20/9) (from Ch. 111 2/3, par. 559)

19 Sec. 9. The Commission shall prepare and file with the
20 Secretary of Transportation the initial and annual
21 certification and report required by 49 U.S.C. 60105(a) ~~Section~~
22 ~~5, paragraph (a) of the Federal Act~~.

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

1 (220 ILCS 20/11) (from Ch. 111 2/3, par. 561)

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

7 (Source: P.A. 76-1588; revised 10-19-18.)

8 Section 999. Effective date. This Act takes effect upon
9 becoming law."