

1 AN ACT concerning regulation.

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

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
17 to and including the storage reservoir.

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

20 "Gas" means natural gas.

21 "Notice of probable violation" means a written notice,
22 satisfying the criteria set forth in Section 35, given by the
23 underground natural gas storage safety manager to a person who

1 operates an underground natural gas storage facility that
2 identifies a failure of such person to comply with the
3 provisions of this Act or the provisions of 49 U.S.C. Chapter
4 601 concerning underground natural gas storage facilities, or
5 any Department order or rule issued under this Act, and may
6 include recommendations for a penalty in connection therewith,
7 subject to the terms of this Act.

8 "Person" means an individual, firm, joint venture,
9 partnership, corporation, company, limited liability company,
10 firm, association, municipality, cooperative association, or
11 joint stock association. "Person" includes a trustee,
12 receiver, assignee, or personal representative thereof.

13 "Underground natural gas storage facility" means a gas
14 pipeline facility that stores natural gas in an underground
15 facility, including a depleted hydrocarbon reservoir, an
16 aquifer reservoir, and a solution-mined salt cavern reservoir.

17 "Underground natural gas storage safety manager" means the
18 manager of the Department's Underground Natural Gas Storage
19 Safety Program or other staff of the Department assigned to
20 underground natural gas storage safety issues.

21 Section 10. Minimum safety standards.

22 (a) As soon as practicable, but not later than 3 months
23 after the effective date of this Act, the Department shall
24 adopt rules establishing minimum safety standards for
25 underground natural gas storage facilities. Such rules shall be

1 at least as inclusive, stringent, and compatible with the
2 minimum safety standards adopted by the Secretary of
3 Transportation under 49 U.S.C. 60141. Thereafter, the
4 Department shall maintain such rules so that the rules are at
5 least as inclusive, stringent, and compatible with the minimum
6 standards from time to time in effect under 49 U.S.C. 60141.

7 (b) Standards established under this Section may apply to
8 the design, installation, inspection, testing, construction,
9 extension, operation, replacement, and maintenance of
10 underground natural gas storage facilities. In accordance with
11 49 U.S.C. 60104(b), standards affecting the design,
12 installation, construction, initial inspection, and initial
13 testing are not applicable to underground natural gas storage
14 facilities in existence on the date the standards are adopted.
15 If the Department finds that a facility is hazardous to life or
16 property, it may require the person operating the facility to
17 take the steps necessary to remove the hazard.

18 (c) Standards established by the Department under this Act
19 shall, subject to subsections (a) and (b), be practicable and
20 designed to meet the need for underground natural gas storage
21 facility safety. In prescribing the standards, the Department
22 shall consider 49 U.S.C. 60141(b).

23 Section 15. Waiver. Subject to 49 U.S.C. 60118(d), the
24 Department may, upon application by any person operating an
25 underground natural gas storage facility, waive in whole or in

1 part compliance with any standard established under this Act if
2 it determines that such a waiver is consistent with the safety
3 of underground natural gas storage facilities.

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

24 Section 25. Requirements; underground natural gas storage

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

14 Section 30. Penalties; action for penalties; Department
15 approval of penalties.

16 (a) A person who violates Section 25 or any rule or order
17 issued under this Act is subject to a civil penalty not to
18 exceed the maximum penalties established by 49 U.S.C.
19 60122(a) (1) for each day the violation persists.

20 (b) Any civil penalty may be compromised by the Department
21 or, subject to this Act, by the underground natural gas storage
22 safety manager. In determining the amount of the penalty, the
23 Department shall consider the standards set forth in 49 U.S.C.
24 60122(b). The final amount of the penalty or the amount agreed
25 upon in the compromise shall be paid or deducted from any sums

1 owing by the State of Illinois to the person charged under the
2 terms and conditions of the notice of probable violation, the
3 agreed compromise, or the Department order, whichever applies,
4 or may be recovered in a civil action in accordance with
5 subsection (c). Unless specifically stated otherwise in the
6 terms and conditions of a compromise agreement, a compromise of
7 a penalty recommended in a notice of probable violation by the
8 person charged shall not be an admission of liability.

9 (c) Actions to recover penalties under this Act shall be
10 brought in the name of the People of the State of Illinois in
11 the circuit court in and for the county where the cause or part
12 of the cause arose, where the Department has a principal place
13 of business, where the corporation complained of, if any, has
14 its principal place of business, or where the person, if any,
15 complained of resides. All penalties recovered by the State in
16 an action shall be paid to the Underground Resources
17 Conservation Enforcement Fund. The action shall be commenced
18 and prosecuted to final judgment by the Attorney General on
19 behalf of the Department. In all such actions, the procedure
20 and rules of evidence shall comply with the Civil Practice Law
21 and other rules of court governing civil trials.

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

26 (e) A person penalized under this Section is not subject to

1 any other penalty provided in the Illinois Oil and Gas Act for
2 the same action.

3 (f) If a penalty recommended by the underground natural gas
4 storage safety manager is paid by the person charged in the
5 applicable notice of probable violation in accordance with
6 subsection (b), or in accordance with the terms and conditions
7 of a compromise agreed upon by the person and the underground
8 natural gas storage safety manager, then the underground
9 natural gas storage safety manager shall report to, and request
10 the approval of, the Director for each payment of a recommended
11 penalty or agreed compromise, whichever applies, and shall also
12 post the report on the Department's website as a public
13 document. If the report and request for approval is made to the
14 Director, the Director shall have the power, and is hereby
15 given the authority, either upon the complaint or upon her or
16 his own motion, after reasonable notice has been given within
17 45 days after the report and request for approval was made, to
18 enter a hearing concerning the propriety of the applicable
19 notice of probable violation, payment, or compromise. If the
20 Director does not exercise this power within the 45-day period,
21 the payment or agreed compromise referenced in the report shall
22 be approved by the Director by operation of law at the
23 expiration of the 45-day period and the notice of probable
24 violation and related investigation shall be closed.

25 Section 35. Notice of probable violation; Department

1 hearing.

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

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

15 (c) A notice of probable violation shall include, at a
16 minimum, the following: (1) the date the notice of probable
17 violation was issued and served; (2) a description of the
18 violation or violations alleged; (3) the date and location of
19 the safety incident, if applicable, related to each alleged
20 violation; (4) a detailed description of the circumstances that
21 support the determination of each proposed violation; (5) a
22 detailed description of the corrective action required with
23 respect to each proposed violation; (6) the amount of the
24 penalty, if any, recommended with respect to each proposed
25 violation; (7) the applicable recommended deadline for payment
26 of each proposed penalty and for completion of each proposed

1 corrective action; (8) notification that any such recommended
2 deadline may be extended by mutual agreement of the parties for
3 the purpose of facilitating settlement or compromise; and (9) a
4 brief description of the procedures by which any recommended
5 penalty or proposed corrective action may be challenged at the
6 Department or approved pursuant to subsection (f) of Section
7 30.

8 (d) Payment in full of each of the recommended penalties
9 and full completion of each of the proposed corrective actions,
10 as identified in the notice of probable violation and in
11 accordance with the terms and conditions described in the
12 notice of probable violation including, without limitation,
13 the respective recommended deadlines described in the notice of
14 probable violation for the payment or completion, shall
15 constitute a final resolution of the notice of probable
16 violation, subject to the approval by the Director of the
17 recommended penalty and payment in accordance with subsection
18 (f) of Section 30.

19 (e) The person charged in the applicable notice of probable
20 violation shall have 30 days from the date of service of the
21 notice of probable violation to request a hearing. The filing
22 of a request for a hearing shall not operate as a stay of the
23 notice of probable violation.

24 After receipt of a request, the Department shall provide
25 the person with an opportunity for a formal hearing after
26 giving a notice of not less than 5 days. The hearing shall be

1 conducted by the Director or anyone designated by him or her
2 for that purpose and shall be located and conducted in
3 accordance with the rules adopted by the Department. Failure of
4 the person or permittee to timely request a hearing or, if a
5 civil penalty has been assessed, to timely tender the assessed
6 civil penalty shall constitute a waiver of all legal rights to
7 contest the notice of probable violation, including the amount
8 of any civil penalty. Within 30 days after the close of the
9 hearing record or expiration of the time to request a hearing,
10 the Department shall issue a final administrative order.

11 Section 40. Application; the Illinois Oil and Gas Act.
12 Except as otherwise provided in this Act, the Illinois Oil and
13 Gas Act applies to underground natural gas storage facilities
14 and to persons operating underground natural gas storage
15 facilities.

16 Section 45. Annual certification and report. The
17 Department shall prepare and file with the Secretary of
18 Transportation the initial and annual certification and report
19 required by 49 U.S.C. 60105(a).

20 Section 50. Federal moneys. The Department may apply for,
21 accept, receive, and receipt for federal moneys for the State
22 given by the federal government under the Federal Act for any
23 purpose within the authority of the Department. The Department

1 may also act as an agent for an agency or officer of the
2 federal government for any purpose that is otherwise within the
3 authority of the Department, and the Department may enter into
4 agreements for that purpose with the agency or officer.

5 Section 55. Jurisdiction.

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

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

1 Section 60. Saving clause. If any provision, clause, or
2 phrase of this Act or the application thereof to any person or
3 circumstances is held invalid, such invalidity shall not affect
4 other provisions or application of this Act that can be given
5 effect without the invalid provision or application and to this
6 end provisions of this Act are declared to be separable.

7 Section 65. Department authority; enforcement. The
8 Department shall have the authority to adopt reasonable rules
9 as may be necessary from time to time in the proper
10 administration and enforcement of this Act.

11 Section 900. The Illinois Administrative Procedure Act is
12 amended by changing Section 5-45 as follows:

13 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

14 Sec. 5-45. Emergency rulemaking.

15 (a) "Emergency" means the existence of any situation that
16 any agency finds reasonably constitutes a threat to the public
17 interest, safety, or welfare.

18 (b) If any agency finds that an emergency exists that
19 requires adoption of a rule upon fewer days than is required by
20 Section 5-40 and states in writing its reasons for that
21 finding, the agency may adopt an emergency rule without prior
22 notice or hearing upon filing a notice of emergency rulemaking

1 with the Secretary of State under Section 5-70. The notice
2 shall include the text of the emergency rule and shall be
3 published in the Illinois Register. Consent orders or other
4 court orders adopting settlements negotiated by an agency may
5 be adopted under this Section. Subject to applicable
6 constitutional or statutory provisions, an emergency rule
7 becomes effective immediately upon filing under Section 5-65 or
8 at a stated date less than 10 days thereafter. The agency's
9 finding and a statement of the specific reasons for the finding
10 shall be filed with the rule. The agency shall take reasonable
11 and appropriate measures to make emergency rules known to the
12 persons who may be affected by them.

13 (c) An emergency rule may be effective for a period of not
14 longer than 150 days, but the agency's authority to adopt an
15 identical rule under Section 5-40 is not precluded. No
16 emergency rule may be adopted more than once in any 24-month
17 period, except that this limitation on the number of emergency
18 rules that may be adopted in a 24-month period does not apply
19 to (i) emergency rules that make additions to and deletions
20 from the Drug Manual under Section 5-5.16 of the Illinois
21 Public Aid Code or the generic drug formulary under Section
22 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
23 emergency rules adopted by the Pollution Control Board before
24 July 1, 1997 to implement portions of the Livestock Management
25 Facilities Act, (iii) emergency rules adopted by the Illinois
26 Department of Public Health under subsections (a) through (i)

1 of Section 2 of the Department of Public Health Act when
2 necessary to protect the public's health, (iv) emergency rules
3 adopted pursuant to subsection (n) of this Section, (v)
4 emergency rules adopted pursuant to subsection (o) of this
5 Section, or (vi) emergency rules adopted pursuant to subsection
6 (c-5) of this Section. Two or more emergency rules having
7 substantially the same purpose and effect shall be deemed to be
8 a single rule for purposes of this Section.

9 (c-5) To facilitate the maintenance of the program of group
10 health benefits provided to annuitants, survivors, and retired
11 employees under the State Employees Group Insurance Act of
12 1971, rules to alter the contributions to be paid by the State,
13 annuitants, survivors, retired employees, or any combination
14 of those entities, for that program of group health benefits,
15 shall be adopted as emergency rules. The adoption of those
16 rules shall be considered an emergency and necessary for the
17 public interest, safety, and welfare.

18 (d) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 1999 budget,
20 emergency rules to implement any provision of Public Act 90-587
21 or 90-588 or any other budget initiative for fiscal year 1999
22 may be adopted in accordance with this Section by the agency
23 charged with administering that provision or initiative,
24 except that the 24-month limitation on the adoption of
25 emergency rules and the provisions of Sections 5-115 and 5-125
26 do not apply to rules adopted under this subsection (d). The

1 adoption of emergency rules authorized by this subsection (d)
2 shall be deemed to be necessary for the public interest,
3 safety, and welfare.

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

16 (f) In order to provide for the expeditious and timely
17 implementation of the State's fiscal year 2001 budget,
18 emergency rules to implement any provision of Public Act 91-712
19 or any other budget initiative for fiscal year 2001 may be
20 adopted in accordance with this Section by the agency charged
21 with administering that provision or initiative, except that
22 the 24-month limitation on the adoption of emergency rules and
23 the provisions of Sections 5-115 and 5-125 do not apply to
24 rules adopted under this subsection (f). The adoption of
25 emergency rules authorized by this subsection (f) shall be
26 deemed to be necessary for the public interest, safety, and

1 welfare.

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

14 (h) In order to provide for the expeditious and timely
15 implementation of the State's fiscal year 2003 budget,
16 emergency rules to implement any provision of Public Act 92-597
17 or any other budget initiative for fiscal year 2003 may be
18 adopted in accordance with this Section by the agency charged
19 with administering that provision or initiative, except that
20 the 24-month limitation on the adoption of emergency rules and
21 the provisions of Sections 5-115 and 5-125 do not apply to
22 rules adopted under this subsection (h). The adoption of
23 emergency rules authorized by this subsection (h) shall be
24 deemed to be necessary for the public interest, safety, and
25 welfare.

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

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

12 (j) In order to provide for the expeditious and timely
13 implementation of the provisions of the State's fiscal year
14 2005 budget as provided under the Fiscal Year 2005 Budget
15 Implementation (Human Services) Act, emergency rules to
16 implement any provision of the Fiscal Year 2005 Budget
17 Implementation (Human Services) Act may be adopted in
18 accordance with this Section by the agency charged with
19 administering that provision, except that the 24-month
20 limitation on the adoption of emergency rules and the
21 provisions of Sections 5-115 and 5-125 do not apply to rules
22 adopted under this subsection (j). The Department of Public Aid
23 may also adopt rules under this subsection (j) necessary to
24 administer the Illinois Public Aid Code and the Children's
25 Health Insurance Program Act. The adoption of emergency rules
26 authorized by this subsection (j) shall be deemed to be

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

2 (k) In order to provide for the expeditious and timely
3 implementation of the provisions of the State's fiscal year
4 2006 budget, emergency rules to implement any provision of
5 Public Act 94-48 or any other budget initiative for fiscal year
6 2006 may be adopted in accordance with this Section by the
7 agency charged with administering that provision or
8 initiative, except that the 24-month limitation on the adoption
9 of emergency rules and the provisions of Sections 5-115 and
10 5-125 do not apply to rules adopted under this subsection (k).
11 The Department of Healthcare and Family Services may also adopt
12 rules under this subsection (k) necessary to administer the
13 Illinois Public Aid Code, the Senior Citizens and Persons with
14 Disabilities Property Tax Relief Act, the Senior Citizens and
15 Disabled Persons Prescription Drug Discount Program Act (now
16 the Illinois Prescription Drug Discount Program Act), and the
17 Children's Health Insurance Program Act. The adoption of
18 emergency rules authorized by this subsection (k) shall be
19 deemed to be necessary for the public interest, safety, and
20 welfare.

21 (l) In order to provide for the expeditious and timely
22 implementation of the provisions of the State's fiscal year
23 2007 budget, the Department of Healthcare and Family Services
24 may adopt emergency rules during fiscal year 2007, including
25 rules effective July 1, 2007, in accordance with this
26 subsection to the extent necessary to administer the

1 Department's responsibilities with respect to amendments to
2 the State plans and Illinois waivers approved by the federal
3 Centers for Medicare and Medicaid Services necessitated by the
4 requirements of Title XIX and Title XXI of the federal Social
5 Security Act. The adoption of emergency rules authorized by
6 this subsection (l) shall be deemed to be necessary for the
7 public interest, safety, and welfare.

8 (m) In order to provide for the expeditious and timely
9 implementation of the provisions of the State's fiscal year
10 2008 budget, the Department of Healthcare and Family Services
11 may adopt emergency rules during fiscal year 2008, including
12 rules effective July 1, 2008, in accordance with this
13 subsection to the extent necessary to administer the
14 Department's responsibilities with respect to amendments to
15 the State plans and Illinois waivers approved by the federal
16 Centers for Medicare and Medicaid Services necessitated by the
17 requirements of Title XIX and Title XXI of the federal Social
18 Security Act. The adoption of emergency rules authorized by
19 this subsection (m) shall be deemed to be necessary for the
20 public interest, safety, and welfare.

21 (n) In order to provide for the expeditious and timely
22 implementation of the provisions of the State's fiscal year
23 2010 budget, emergency rules to implement any provision of
24 Public Act 96-45 or any other budget initiative authorized by
25 the 96th General Assembly for fiscal year 2010 may be adopted
26 in accordance with this Section by the agency charged with

1 administering that provision or initiative. The adoption of
2 emergency rules authorized by this subsection (n) shall be
3 deemed to be necessary for the public interest, safety, and
4 welfare. The rulemaking authority granted in this subsection
5 (n) shall apply only to rules promulgated during Fiscal Year
6 2010.

7 (o) In order to provide for the expeditious and timely
8 implementation of the provisions of the State's fiscal year
9 2011 budget, emergency rules to implement any provision of
10 Public Act 96-958 or any other budget initiative authorized by
11 the 96th General Assembly for fiscal year 2011 may be adopted
12 in accordance with this Section by the agency charged with
13 administering that provision or initiative. The adoption of
14 emergency rules authorized by this subsection (o) is deemed to
15 be necessary for the public interest, safety, and welfare. The
16 rulemaking authority granted in this subsection (o) applies
17 only to rules promulgated on or after July 1, 2010 (the
18 effective date of Public Act 96-958) through June 30, 2011.

19 (p) In order to provide for the expeditious and timely
20 implementation of the provisions of Public Act 97-689,
21 emergency rules to implement any provision of Public Act 97-689
22 may be adopted in accordance with this subsection (p) by the
23 agency charged with administering that provision or
24 initiative. The 150-day limitation of the effective period of
25 emergency rules does not apply to rules adopted under this
26 subsection (p), and the effective period may continue through

1 June 30, 2013. The 24-month limitation on the adoption of
2 emergency rules does not apply to rules adopted under this
3 subsection (p). The adoption of emergency rules authorized by
4 this subsection (p) is deemed to be necessary for the public
5 interest, safety, and welfare.

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

17 (r) In order to provide for the expeditious and timely
18 implementation of the provisions of Public Act 98-651,
19 emergency rules to implement Public Act 98-651 may be adopted
20 in accordance with this subsection (r) by the Department of
21 Healthcare and Family Services. The 24-month limitation on the
22 adoption of emergency rules does not apply to rules adopted
23 under this subsection (r). The adoption of emergency rules
24 authorized by this subsection (r) is deemed to be necessary for
25 the public interest, safety, and welfare.

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

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

13 (t) In order to provide for the expeditious and timely
14 implementation of the provisions of Article II of Public Act
15 99-6, emergency rules to implement the changes made by Article
16 II of Public Act 99-6 to the Emergency Telephone System Act may
17 be adopted in accordance with this subsection (t) by the
18 Department of State Police. The rulemaking authority granted in
19 this subsection (t) shall apply only to those rules adopted
20 prior to July 1, 2016. The 24-month limitation on the adoption
21 of emergency rules does not apply to rules adopted under this
22 subsection (t). The adoption of emergency rules authorized by
23 this subsection (t) is deemed to be necessary for the public
24 interest, safety, and welfare.

25 (u) In order to provide for the expeditious and timely
26 implementation of the provisions of the Burn Victims Relief

1 Act, emergency rules to implement any provision of the Act may
2 be adopted in accordance with this subsection (u) by the
3 Department of Insurance. The rulemaking authority granted in
4 this subsection (u) shall apply only to those rules adopted
5 prior to December 31, 2015. The adoption of emergency rules
6 authorized by this subsection (u) is deemed to be necessary for
7 the public interest, safety, and welfare.

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

17 (w) In order to provide for the expeditious and timely
18 implementation of the provisions of Public Act 99-796,
19 emergency rules to implement the changes made by Public Act
20 99-796 may be adopted in accordance with this subsection (w) by
21 the Adjutant General. The adoption of emergency rules
22 authorized by this subsection (w) is deemed to be necessary for
23 the public interest, safety, and welfare.

24 (x) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 99-906,
26 emergency rules to implement subsection (i) of Section 16-115D,

1 subsection (g) of Section 16-128A, and subsection (a) of
2 Section 16-128B of the Public Utilities Act may be adopted in
3 accordance with this subsection (x) by the Illinois Commerce
4 Commission. The rulemaking authority granted in this
5 subsection (x) shall apply only to those rules adopted within
6 180 days after June 1, 2017 (the effective date of Public Act
7 99-906). The adoption of emergency rules authorized by this
8 subsection (x) is deemed to be necessary for the public
9 interest, safety, and welfare.

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

23 (z) In order to provide for the expeditious and timely
24 implementation of the provisions of Public Act 100-554 ~~this~~
25 ~~amendatory Act of the 100th General Assembly~~, emergency rules
26 to implement the changes made by Public Act 100-554 ~~this~~

1 ~~amendatory Act of the 100th General Assembly~~ to Section 4.7 of
2 the Lobbyist Registration Act may be adopted in accordance with
3 this subsection (z) by the Secretary of State. The adoption of
4 emergency rules authorized by this subsection (z) is deemed to
5 be necessary for the public interest, safety, and welfare.

6 (aa) In order to provide for the expeditious and timely
7 initial implementation of the changes made to Articles 5, 5A,
8 12, and 14 of the Illinois Public Aid Code under the provisions
9 of Public Act 100-581 ~~this amendatory Act of the 100th General~~
10 ~~Assembly~~, the Department of Healthcare and Family Services may
11 adopt emergency rules in accordance with this subsection (aa).
12 The 24-month limitation on the adoption of emergency rules does
13 not apply to rules to initially implement the changes made to
14 Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code
15 adopted under this subsection (aa). The adoption of emergency
16 rules authorized by this subsection (aa) is deemed to be
17 necessary for the public interest, safety, and welfare.

18 (bb) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 100-587 ~~this~~
20 ~~amendatory Act of the 100th General Assembly~~, emergency rules
21 to implement the changes made by Public Act 100-587 ~~this~~
22 ~~amendatory Act of the 100th General Assembly~~ to Section 4.02 of
23 the Illinois Act on the Aging, Sections 5.5.4 and 5-5.4i of the
24 Illinois Public Aid Code, subsection (b) of Section 55-30 of
25 the Alcoholism and Other Drug Abuse and Dependency Act, Section
26 5-104 of the Specialized Mental Health Rehabilitation Act of

1 2013, and Section 75 and subsection (b) of Section 74 of the
2 Mental Health and Developmental Disabilities Administrative
3 Act may be adopted in accordance with this subsection (bb) by
4 the respective Department. The adoption of emergency rules
5 authorized by this subsection (bb) is deemed to be necessary
6 for the public interest, safety, and welfare.

7 (cc) ~~(bb)~~ In order to provide for the expeditious and
8 timely implementation of the provisions of Public Act 100-587
9 ~~this amendatory Act of the 100th General Assembly~~, emergency
10 rules may be adopted in accordance with this subsection (cc)
11 ~~(bb)~~ to implement the changes made by Public Act 100-587 ~~this~~
12 ~~amendatory Act of the 100th General Assembly~~ to: Sections
13 14-147.5 and 14-147.6 of the Illinois Pension Code by the Board
14 created under Article 14 of the Code; Sections 15-185.5 and
15 15-185.6 of the Illinois Pension Code by the Board created
16 under Article 15 of the Code; and Sections 16-190.5 and
17 16-190.6 of the Illinois Pension Code by the Board created
18 under Article 16 of the Code. The adoption of emergency rules
19 authorized by this subsection (cc) ~~(bb)~~ is deemed to be
20 necessary for the public interest, safety, and welfare.

21 (dd) ~~(aa)~~ In order to provide for the expeditious and
22 timely implementation of the provisions of Public Act 100-864
23 ~~this amendatory Act of the 100th General Assembly~~, emergency
24 rules to implement the changes made by Public Act 100-864 ~~this~~
25 ~~amendatory Act of the 100th General Assembly~~ to Section 3.35 of
26 the Newborn Metabolic Screening Act may be adopted in

1 accordance with this subsection (dd) ~~(aa)~~ by the Secretary of
2 State. The adoption of emergency rules authorized by this
3 subsection (dd) ~~(aa)~~ is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (ee) In order to provide for the expeditious and timely
6 implementation of the provisions of this amendatory Act of the
7 100th General Assembly, emergency rules implementing the
8 Illinois Underground Natural Gas Storage Safety Act may be
9 adopted in accordance with this subsection by the Department of
10 Natural Resources. The adoption of emergency rules authorized
11 by this subsection is deemed to be necessary for the public
12 interest, safety, and welfare.

13 (Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143,
14 eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16;
15 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17;
16 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff.
17 3-12-18; 100-587, Article 95, Section 95-5, eff. 6-4-18;
18 100-587, Article 110, Section 110-5, eff. 6-4-18; 100-864, eff.
19 8-14-18; revised 10-18-18.)

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

23 (220 ILCS 20/2.01) (from Ch. 111 2/3, par. 552.1)

24 Sec. 2.01. "Person" means any individual, firm, joint

1 venture, partnership, corporation, company, limited liability
2 company, firm, association, municipality, cooperative
3 association, or joint stock association, and includes any
4 trustee, receiver, assignee or personal representative
5 thereof.

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

7 (220 ILCS 20/2.07) (from Ch. 111 2/3, par. 552.7)

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

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

15 (220 ILCS 20/2.08)

16 Sec. 2.08. Notice of probable violation. "Notice of
17 probable violation" or "NOPV" means a written notice,
18 satisfying the criteria set forth in Section 7.5 of this Act,
19 given by the pipeline safety manager to a person who engages in
20 the transportation of gas or who owns or operates pipeline
21 facilities that identifies a failure of such person to comply
22 with the provisions of this Act, the Federal Act ~~federal~~
23 ~~Natural Gas Pipeline Safety Act of 1968~~, or any Commission
24 order or rule issued under this Act and may recommend a penalty

1 in connection therewith, subject to the terms of this Act.

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

3 (220 ILCS 20/2.10 new)

4 Sec. 2.10. Department. "Department" means the Department
5 of Natural Resources.

6 (220 ILCS 20/2.11 new)

7 Sec. 2.11. Downhole. "Downhole" means the portion of the
8 underground natural gas storage facility from the first flange
9 attaching the wellhead to the pipeline equipment and continuing
10 down the well casing to and including the storage reservoir.

11 (220 ILCS 20/2.12 new)

12 Sec. 2.12. Underground natural gas storage facility.
13 "Underground natural gas storage facility" means a gas pipeline
14 facility that stores natural gas in an underground facility,
15 including a depleted hydrocarbon reservoir, an aquifer
16 reservoir, and a solution-mined salt cavern reservoir.

17 (220 ILCS 20/3) (from Ch. 111 2/3, par. 553)

18 Sec. 3. (a) As soon as practicable, but not later than 3
19 months after the effective date of this Act, the Commission
20 shall adopt rules establishing minimum safety standards for the
21 transportation of gas and for pipeline facilities. Such rules
22 shall be at least as inclusive, as stringent, and compatible

1 with, the minimum safety standards adopted by the Secretary of
2 Transportation under the Federal Act. Thereafter, the
3 Commission shall maintain such rules so that the rules are at
4 least as inclusive, as stringent, and compatible with, the
5 minimum standards from time to time in effect under the Federal
6 Act. Notwithstanding the generality of the foregoing, the
7 Commission shall not adopt or enforce standards governing
8 downhole portions of an underground natural gas storage
9 facility, as long as the Department submits to the Secretary of
10 Transportation annually the certification described in 49
11 U.S.C. 60105(a) and the certification is not rejected under 49
12 U.S.C. 60105(f). The Commission and the Department 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 Underground Natural
16 Gas Storage Safety Act, this Act, the Illinois Oil and Gas Act,
17 the Public Utilities Act, and the rules adopted thereunder, are
18 fully effectuated. The Commission and the Department shall take
19 steps to avoid the duplication of efforts while at the same
20 time ensuring that all regulatory obligations are fulfilled. As
21 long as the Department submits to the Secretary of
22 Transportation annually the certification described in 49
23 U.S.C. 60105(a) and the certification is not rejected under 49
24 U.S.C. 60105(f), the Department shall have jurisdiction over
25 the downhole portion of underground natural gas storage
26 facilities subject to this Act. The Commission shall retain

1 jurisdiction over all other portions of the underground natural
2 gas storage facilities.

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

13 (c) Standards established by the Commission under this Act
14 shall, subject to paragraphs (a) and (b) of this Section 3, be
15 practicable and designed to meet the need for pipeline safety.
16 In prescribing such standards, the Commission shall consider:
17 similar standards established in other states; relevant
18 available pipeline safety data; whether such standards are
19 appropriate for the particular type of pipeline
20 transportation; the reasonableness of any proposed standards;
21 and the extent to which such standards will contribute to
22 public safety.

23 Rules adopted under this Act are subject to "The Illinois
24 Administrative Procedure Act", approved September 22, 1975, as
25 amended.

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

1 eff. 8-7-12.)

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

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

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

11 (220 ILCS 20/9) (from Ch. 111 2/3, par. 559)

12 Sec. 9. The Commission shall prepare and file with the
13 Secretary of Transportation the initial and annual
14 certification and report required by 49 U.S.C. 60105(a) ~~Section~~
15 ~~5, paragraph (a) of the Federal Act.~~

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

17 (220 ILCS 20/11) (from Ch. 111 2/3, par. 561)

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

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

1 Section 999. Effective date. This Act takes effect upon
2 becoming law.