



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB6635

by Rep. Robert F. Flider

SYNOPSIS AS INTRODUCED:

220 ILCS 5/15-401

Amends the Common Carrier by Pipeline Law in the Public Utilities Act. Provides that no certificate of good standing issued by the Illinois Commerce Commission shall be valid unless the common carrier by pipeline provides all employees a wage of no less than the general prevailing hourly rate as paid for work of a similar character in the locality in which the work is performed as prescribed by the Prevailing Wage Act. Provides that the Commission may require the Illinois Department of Labor to certify a common carrier by pipeline's compliance with specified provisions. Provides that the Commission may reinstate a certificate in good standing to a common carrier by pipeline upon receiving reasonable evidence that the common carrier by pipeline has complied with specified provisions. Effective immediately.

LRB095 21355 MJR 50587 b

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 5. The Public Utilities Act is amended by changing
5 Section 15-401 as follows:

6 (220 ILCS 5/15-401)

7 Sec. 15-401. Licensing.

8 (a) No person shall operate as a common carrier by pipeline
9 unless the person possesses a certificate in good standing
10 authorizing it to operate as a common carrier by pipeline. No
11 person shall begin or continue construction of a pipeline or
12 other facility, other than the repair or replacement of an
13 existing pipeline or facility, for use in operations as a
14 common carrier by pipeline unless the person possesses a
15 certificate in good standing.

16 (b) Requirements for issuance. The Commission, after a
17 hearing, shall grant an application for a certificate
18 authorizing operations as a common carrier by pipeline, in
19 whole or in part, to the extent that it finds that the
20 application was properly filed; a public need for the service
21 exists; the applicant is fit, willing, and able to provide the
22 service in compliance with this Act, Commission regulations,
23 and orders; and the public convenience and necessity requires

1 issuance of the certificate.

2 In its determination of public convenience and necessity
3 for a proposed pipeline or facility designed or intended to
4 transport crude oil and any alternate locations for such
5 proposed pipeline or facility, the Commission shall consider,
6 but not be limited to, the following:

7 (1) any evidence presented by the Illinois
8 Environmental Protection Agency regarding the
9 environmental impact of the proposed pipeline or other
10 facility;

11 (2) any evidence presented by the Illinois Department
12 of Transportation regarding the impact of the proposed
13 pipeline or facility on traffic safety, road construction,
14 or other transportation issues;

15 (3) any evidence presented by the Department of Natural
16 Resources regarding the impact of the proposed pipeline or
17 facility on any conservation areas, forest preserves,
18 wildlife preserves, wetlands, or any other natural
19 resource;

20 (4) any evidence of the effect of the pipeline upon the
21 economy, infrastructure, and public safety presented by
22 local governmental units that will be affected by the
23 proposed pipeline or facility;

24 (5) any evidence of the effect of the pipeline upon
25 property values presented by property owners who will be
26 affected by the proposed pipeline or facility;

1 (6) any evidence presented by the Department of
2 Commerce and Economic Opportunity regarding the current
3 and future economic effect of the proposed pipeline or
4 facility including, but not limited to, property values,
5 employment rates, and residential and business
6 development; and

7 (7) any evidence presented by any other State agency
8 that participates in the proceeding.

9 In its written order, the Commission shall address all of
10 the evidence presented, and if the order is contrary to any of
11 the evidence, the Commission shall state the reasons for its
12 determination with regard to that evidence. The provisions of
13 this amendatory Act of 1996 apply to any certificate granted or
14 denied after the effective date of this amendatory Act of 1996.

15 (c) Duties and obligations of common carriers by pipeline.
16 Each common carrier by pipeline shall provide adequate service
17 to the public at reasonable rates and without discrimination.

18 (d) No certificate in good standing issued by the
19 Commission shall be valid unless the common carrier by pipeline
20 provides all employees a wage of no less than the general
21 prevailing hourly rate as paid for work of a similar character
22 in the locality in which the work is performed as prescribed by
23 the Prevailing Wage Act. The Commission may require the
24 Illinois Department of Labor to certify a common carrier by
25 pipeline's compliance with this subsection (d).

26 (e) The Commission may reinstate a certificate in good

1 standing to a common carrier by pipeline upon receiving
2 reasonable evidence that the common carrier by pipeline has
3 complied with subsection (d) of this Section.

4 (Source: P.A. 94-793, eff. 5-19-06.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.