

AN ACT concerning regulation.

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

Section 1. Short title. This Act may be cited as the Illinois Underground Natural Gas Storage Safety Act.

Section 5. Definitions. As used in this Act, unless the context otherwise requires:

"Commission" means the Illinois Commerce Commission.

"Contaminant" means gas, salt water, or any other deleterious substance released from an underground natural gas storage facility.

"Department" means the Department of Natural Resources.

"Director" means the Director of Natural Resources.

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

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

"Gas" means natural gas.

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

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

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

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

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

Section 10. Minimum safety standards.

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

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

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

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

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

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

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

Section 25. Requirements; underground natural gas storage

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

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

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

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

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

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

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

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

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

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

Section 35. Notice of probable violation; Department

hearing.

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

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

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

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

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

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

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

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

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

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

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

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

Section 55. Jurisdiction.

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

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

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

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

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

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

Sec. 5-45. Emergency rulemaking.

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

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

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

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

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

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

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

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

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

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

welfare.

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

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

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

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

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

necessary for the public interest, safety, and welfare.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(220 ILCS 20/2.08)

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

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

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

(220 ILCS 20/2.10 new)

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

(220 ILCS 20/2.11 new)

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

(220 ILCS 20/2.12 new)

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

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

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

with, the minimum safety standards adopted by the Secretary of Transportation under the Federal Act. Thereafter, the Commission shall maintain such rules so that the rules are at least as inclusive, as stringent, and compatible with, the minimum standards from time to time in effect under the Federal Act. Notwithstanding the generality of the foregoing, the Commission shall not adopt or enforce standards governing downhole portions of an underground natural gas storage facility, as long as the Department submits to the Secretary of Transportation annually the certification described in 49 U.S.C. 60105(a) and the certification is not rejected under 49 U.S.C. 60105(f). The Commission and the Department shall work cooperatively with each other and with other entities in the federal and State governments to ensure that the policies embodied in the Federal Act, the Illinois Underground Natural Gas Storage Safety Act, this Act, the Illinois Oil and Gas Act, the Public Utilities Act, and the rules adopted thereunder, are fully effectuated. The Commission and the Department shall take steps to avoid the duplication of efforts while at the same time ensuring that all regulatory obligations are fulfilled. As long as the Department submits to the Secretary of Transportation annually the certification described in 49 U.S.C. 60105(a) and the certification is not rejected under 49 U.S.C. 60105(f), the Department shall have jurisdiction over the downhole portion of underground natural gas storage facilities subject to this Act. The Commission shall retain

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

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

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

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

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

eff. 8-7-12.)

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

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

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

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

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

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

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

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

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

Public Act 100-1172

SB3549 Enrolled

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