



Illinois Municipal Utilities Association

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Memo

From: Ronald D. Earl, General Manager & CEO

To: IMUA members

Date: 5/17/2005

RE: General Assembly Update #9 – Non telecommunications issues

We move closer to the scheduled adjournment of the General Assembly, set for May 27. Last week was the deadline for bills to clear committees in the House, although some individual bills have had that deadline extended. Deadline for bills to pass on 3rd reading in both chambers is May 20.

As we have in the past, we list below bills you may wish to review. Some are new to our list and we note changes to all as they occur. Please let us know if you have concerns about these or other bills.

SB 1627 – Military Leave Act – This is a new post. This bill is similar to SB 2060 in that it provides a new benefit for family members of active duty service personnel. This includes a number of days of unpaid leave under specified circumstances. The bill is on third reading in the House. The link is here:

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=1627&GAID=8&GA=94&DocTypeID=SB&LegID=19692&SessionID=50>

HB 53 – Act of Terrorism for Endangering the Water Supply - This is a new post. Under this bill, individuals who endanger the water supply as defined in the act are subject to the criminal terrorism statute. There are references in this act to public utilities, but that term is not defined. We have asked the sponsor if he would include in his discussion of the bill on the Senate floor the statement that public utility, for the purposes of this act, is intended to include municipal utilities. The link to the bill is here:

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=0053&GAID=8&GA=94&DocTypeID=HB&LegID=14187&SessionID=50>

SB 241 – IEPA Response to Imminent Environmental Danger and Provision of Landowner Notice – This is a new post. This bill has gone through a number of changes. The idea began as a way for the Illinois EPA to give notice of an environmental spill to affected property owners. As it now exists, the bill allows the IEPA to order clean up of a spill by the entity they deem liable but provides a number of avenues of appeal of such an order. The cost of that clean may also be recovered after the fact by the affected party in some cases. It also has IEPA notify land owners who might be affected by a spill. Industry representatives worked hard to ease the impact of this bill by tightening up the trigger provisions and providing for ways an entity charged with a spill can appeal the IEPA's actions. The bill is on third reading in the House. The link below.

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=0241&GAID=8&GA=94&DocTypeID=SB&LegID=15437&SessionID=50>

HB 1633 – Personal Information Protection Act – This bill would require notification to the people whose personal information is stored in a data base if that data based is breached in some way. It is primarily aimed at large insurance companies and financial institutions, but covers anyone who has a data base of personal information. Therefore, a city or village with a data base of utility customers would be required to notify those in its data base under this law if their data base was breached. While the bill is problematic for many, it is clear that it will pass in some form. It is now on third reading in the Senate. The link to the bill is here:

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=1633&GAID=8&GA=94&DocTypeID=HB&LegID=16440&SessionID=50>

SB 16 – Business Economic Development Assistance via Utility Rate Cut- As noted in our last report, the bill was written by the Department of Commerce and Economic Development (DCEO) as Floor Amendment 1 to SB 16. Its intent, as we have been able to determine it, is to develop a pilot program that would allow DCEO to determine businesses that are either considering coming into the state or threatening to leave, have their host electric utility provide a cut in the businesses' electric costs, and reimburse that cut to the host utility through an income tax credit. It is written to include all segments of the industry, including municipal and cooperative systems. The problem is this - since municipal systems and rural cooperatives don't pay income taxes, the bill has no benefits for them. The bill cleared the Senate but did not clear the Executive Committee in the House.

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=0016&GAID=8&GA=94&DocTypeID=SB&LegID=14830&SessionID=50>

HB 112 - Use of Biodiesel Fuel – This bill would require units of government, under some circumstance, to fuel their diesel vehicles with so-called B2 diesel fuel (a 2% blend of biodiesel) if their trucks refuel from a bulk central refueling facility. The bill passed the House and moved to the Senate, where it is on third reading. The links to the bills are:

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=112&GAID=8&DocTypeID=HB&LegID=14255&SessionID=50&GA=94>

SB 90 – Synthetic natural gas act – This bill would allow contracts between natural gas public utilities and plants that manufacture synthetic natural gas from coal and allow the cost to be included in rates under some circumstances. It cleared the Senate but did not clear the House Executive Committee. The link is below:

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=90&GAID=8&DocTypeID=SB&LegID=14731&SessionID=50&GA=94>

SB 566 – Illinois Transmission Authority - This bill would create a state authority with the power to finance and build new transmission facilities. It is opposed by the state's investor-owned electric utilities through their trade association (the Illinois Energy Association) and is supported by the coal industry, in particular by representatives of the Peabody Coal Company. It is believed that the bill is intended to finance transmission needed for the eventual operation of Peabody's Prairie State plant in southern Illinois. The bill was placed in a subcommittee created by the Environment and Energy Committee and it is expected that negotiation sessions between proponents and opponents will take place over the summer. The bill is now held in the Senate Chemical and Coal Subcommittee. The link is below:

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=566&GAID=8&GA=94&DocTypeID=SB&LegID=17467&SessionID=50>

HB 1364 – Petroleum Storage - This bill would have placed new requirements on the owners of above ground petroleum storage tanks including unspecified fees and potential fines. It was opposed by a wide variety of groups and was killed in the State Government Administration Committee March 9. The link is below:

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=1364&GAID=8&DocTypeID=HB&LegID=16130&SessionID=50&GA=94>

HB 2347 – Truck Idling Bill - This bill restricts the amount of time a diesel truck of greater than 8,000 lbs. can idle, with some exceptions. The sponsor, Rep. Nekritz, drafted changes at the request of a number of entities. The new amendment now allows for up to 10 minutes of idling per hour, allows for exceeding those limits if the temperature is under 32 degrees Fahrenheit, and limits the authority of the bill to non-attainment areas in the state, specifically Cook, Dupage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe counties, and parts of Grundy, Kendall and Randolph counties. The bill has cleared the House and been sent to the Senate where it is on second reading. The link is below:

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=2347&GAID=8&GA=94&DocTypeID=HB&LegID=17340&SessionID=50>

SB 1434 – Electrician’s Licensing Act - This is a reintroduction of the Electricians’ Licensing Act. It contains the exemptions we sought for municipal systems. It remains in the Rules Committee. The link is below:

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=1434&GAID=8&GA=94&DocTypeID=SB&LegID=18588&SessionID=50>

SB 2060 – Military Personnel Non-utility Shut Offs - This bill would not allow the shut off of a number of services, including electric and gas utilities, of active duty military personnel for non-payment. It covers all utility providers, including municipal and cooperatives. It also deals with many other services from insurance to cell phones. An amendment (#1) requires the service personnel to show his or her orders to active duty to receive benefits under the law. That amendment was adopted and the bill has cleared the Senate and is now on third reading in the House. The link is below:

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=2060&GAID=8&GA=94&DocTypeID=SB&LegID=20493&SessionID=50>

HB 3694 and SB 2085 – Water and Sewer Extensions - These bills as originally drafted would not allow a municipality that has extended sewer or water service to another body politic in the state to subsequently require that body to annex into the municipality. They apparently stem from a dispute between the village of Bensenville and a park district in its vicinity. Thanks in great part to the efforts of the City of Springfield, amendments have been negotiated to the bills that narrow their effect. Under the amendments (which are identical in both the Senate and House versions) the bill now applies only to non-home rule communities. Also only the land actually owned by the unit of local government (formerly body politic) taking the water or sewer service is now able to avoid the annexation requirement. Both bills have passed in their original chambers and moved to the opposite chamber where the House bill is on third reading and the Senate on second reading. The links are below:

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=3694&GAID=8&GA=94&DocTypeID=HB&LegID=20175&SessionID=50>

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=2085&GAID=8&GA=94&DocTypeID=SB&LegID=20526&SessionID=50>

HB 634 – Scenic Rivers - This bill would create a designation of Scenic River under the Department of Natural Resources. Only one segment of the rivers seems to impact our members, which is the portion of the Illinois River from Ottawa to Havana. This bill was widely opposed by a variety of interests. It did not clear committee and was sent back to the Rules Committee, essentially dead for the session. The link to the bill is below:

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=634&GAID=8&DocTypeID=HB&LegId=15047&SessionID=50&GA=94>

SB 109 – NPDES fees - This bill would eliminate the annual fees related to discharges under NPDES permits for units of local government. The bill did not clear committee. The link is below:

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=0109&GAID=8&GA=94&DocTypeID=SB&LegID=15003&SessionID=50>

SB 761 – Wetland Preservation - This is the industry preferred bill dealing with preservation of wetlands in Illinois. It cleared the Senate and has been sent to the House. The bill did not clear the House Environment and Energy Committee. The link is below:

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=0761&GAID=8&GA=94&DocTypeID=SB&LegID=17795&SessionID=50>

That's it for now. We will have additional updates for you as they become necessary. Those of you who wish to have additional information on any bill can find it on the General Assembly's web site at <http://www.ilga.gov/legislation/default.asp>

And please feel free to call at any time.