

8026--A

Cal. No. 1668

I N S E N A T E

June 6, 2016

Introduced by Sens. LITTLE, AMEDORE, BONACIC, FARLEY, GRIFFO, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 14 of the constitution, in relation to allowing public utility lines and bicycle paths on certain state lands in the forest preserve and establishing a forest preserve health and safety land account

1 Section 1. Resolved (if the Assembly concur), That section 1 of arti-
2 cle 14 of the constitution be amended by adding a new undesignated para-
3 graph to read as follows:
4 NOTWITHSTANDING THE FOREGOING PROVISIONS AND SUBJECT TO LEGISLATIVE
5 APPROVAL PRIOR TO ACTUAL TRANSFER OF TITLE, A TOTAL OF NO MORE THAN TWO
6 HUNDRED FIFTY ACRES OF FOREST PRESERVE LAND SHALL BE USED FOR THE ESTAB-
7 LISHMENT OF A HEALTH AND SAFETY LAND ACCOUNT. WHERE NO VIABLE ALTERNA-
8 TIVE EXISTS AND OTHER CRITERIA DEVELOPED BY THE LEGISLATURE ARE SATIS-
9 FIED, A TOWN, VILLAGE OR COUNTY MAY APPLY, PURSUANT TO A PROCESS
10 DETERMINED BY THE LEGISLATURE, TO THE HEALTH AND SAFETY LAND ACCOUNT FOR
11 PROJECTS LIMITED TO: ADDRESS BRIDGE HAZARDS OR SAFETY ON COUNTY HIGH-
12 WAYS, AND TOWN HIGHWAYS LISTED ON THE LOCAL HIGHWAY INVENTORY MAINTAINED
13 BY THE DEPARTMENT OF TRANSPORTATION, DEDICATED, AND IN EXISTENCE ON
14 JANUARY FIRST, TWO THOUSAND FIFTEEN, AND ANNUALLY PLOWED AND REGULARLY
15 MAINTAINED; ELIMINATION OF THE HAZARDS OF DANGEROUS CURVES AND GRADES ON
16 COUNTY HIGHWAYS, AND TOWN HIGHWAYS LISTED ON THE LOCAL HIGHWAY INVENTORY
17 MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DEDICATED, AND IN EXIST-
18 ENCE ON JANUARY FIRST, TWO THOUSAND FIFTEEN, AND ANNUALLY PLOWED AND
19 REGULARLY MAINTAINED; RELOCATION AND RECONSTRUCTION AND MAINTENANCE OF
20 COUNTY HIGHWAYS, AND TOWN HIGHWAYS LISTED ON THE LOCAL HIGHWAY INVENTORY
21 MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DEDICATED, AND IN EXIST-
22 ENCE ON JANUARY FIRST, TWO THOUSAND FIFTEEN AND ANNUALLY PLOWED AND
23 REGULARLY MAINTAINED, PROVIDED FURTHER THAT NO SINGLE RELOCATED PORTION

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 OF ANY SUCH HIGHWAY SHALL EXCEED ONE MILE IN LENGTH; AND WATER WELLS AND
2 NECESSARY APPURTENANCES WHEN SUCH WELLS ARE NECESSARY TO MEET DRINKING
3 WATER QUALITY STANDARDS AND ARE LOCATED WITHIN FIVE HUNDRED THIRTY FEET
4 OF STATE HIGHWAYS, COUNTY HIGHWAYS, AND TOWN HIGHWAYS LISTED ON THE
5 LOCAL HIGHWAY INVENTORY MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION,
6 DEDICATED, AND IN EXISTENCE ON JANUARY FIRST, TWO THOUSAND FIFTEEN, AND
7 ANNUALLY PLOWED AND REGULARLY MAINTAINED. AS A CONDITION OF THE CREATION
8 OF SUCH HEALTH AND SAFETY LAND ACCOUNT THE STATE SHALL ACQUIRE TWO
9 HUNDRED FIFTY ACRES OF LAND FOR INCORPORATION INTO THE FOREST PRESERVE,
10 ON CONDITION THAT THE LEGISLATURE SHALL APPROVE SUCH LANDS TO BE ADDED
11 TO THE FOREST PRESERVE.

12 S 2. Resolved (if the Assembly concur), That article 14 of the consti-
13 tution be amended by adding a new section 6 to read as follows:

14 S 6. WHERE STATE, COUNTY, OR TOWN HIGHWAYS LISTED ON THE LOCAL HIGHWAY
15 INVENTORY MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DEDICATED AND
16 IN EXISTENCE ON JANUARY FIRST, TWO THOUSAND FIFTEEN, AND ANNUALLY PLOWED
17 AND REGULARLY MAINTAINED, TRAVERSE FOREST PRESERVE LAND, PUBLIC UTILITY
18 LINES, LIMITED TO ELECTRIC, TELEPHONE, BROADBAND, WATER OR SEWER LINES
19 AS DEFINED IN LAW, MAY, CONSISTENT WITH STANDARDS AND REQUIREMENTS SET
20 FORTH IN LAW, AND FOLLOWING RECEIPT OF ALL PERMITS OR AUTHORIZATIONS
21 REQUIRED BY LAW, BE BURIED OR CO-LOCATED WITHIN THE WIDTHS OF SUCH HIGH-
22 WAYS AS DEFINED IN LAW, AND BICYCLE PATHS MAY, CONSISTENT WITH STANDARDS
23 AND REQUIREMENTS SET FORTH IN LAW, AND FOLLOWING RECEIPT OF ALL PERMITS
24 OR AUTHORIZATIONS REQUIRED BY LAW, BE CONSTRUCTED AND MAINTAINED WITHIN
25 THE WIDTHS OF SUCH HIGHWAYS, AS DEFINED IN LAW; PROVIDED, HOWEVER, WHEN
26 NO VIABLE ALTERNATIVE EXISTS AND WHEN NECESSARY TO ENSURE PUBLIC HEALTH
27 AND SAFETY, A STABILIZATION DEVICE FOR AN EXISTING UTILITY POLE MAY BE
28 LOCATED IN PROXIMITY TO THE WIDTH OF THE ROAD, AS DEFINED IN LAW;
29 PROVIDED FURTHER, THAT ANY CO-LOCATION, BURIAL, MAINTENANCE OR
30 CONSTRUCTION SHALL MINIMIZE THE REMOVAL OF TREES OR VEGETATION AND SHALL
31 NOT INCLUDE THE CONSTRUCTION OF ANY NEW INTRASTATE NATURAL GAS OR OIL
32 PIPELINES THAT HAVE NOT RECEIVED ALL NECESSARY STATE AND LOCAL PERMITS
33 AND AUTHORIZATIONS AS OF JUNE FIRST, TWO THOUSAND SIXTEEN.

34 S 3. Resolved (if the Assembly concur), That the foregoing amendments
35 be referred to the first regular legislative session convening after the
36 next succeeding general election of members to the assembly, and, in
37 conformity with section 1 of article 19 of the constitution, be
38 published for 3 months previous to the time of such election.