

1 AN ACT concerning State government.

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 Executive Order 3 (2017) Implementation Act.

6 Section 5. Effect. This Act, including all of the
7 amendatory provisions of this Act, implements and supersedes
8 the provisions of Executive Order 3 (2017) concerning the
9 transfer of rights, powers, duties, responsibilities,
10 employees, property, funds, and functions from the Department
11 of Commerce and Economic Opportunity to the Department of
12 Natural Resources.

13 Section 10. Functions transferred. On the effective date of
14 this Act or as soon thereafter as practical, all powers,
15 duties, rights, and responsibilities of the Office of Coal
16 Development and Marketing established in accordance with the
17 Energy Conservation and Coal Development Act under the
18 Department of Commerce and Economic Opportunity are
19 transferred to the Department of Natural Resources. All of the
20 general powers reasonably necessary and convenient to
21 implement and administer the Office of Coal Development and
22 Marketing are vested in and shall be exercised by the

1 Department of Natural Resources.

2 Section 20. Representation on boards or other entities. The
3 manner in which any official is appointed, except that whenever
4 any previous Executive Order or any statute provides for
5 membership on any board, commission, authority, or other entity
6 by a representative or designee of the Department of Commerce
7 and Economic Opportunity with responsibility for the functions
8 transferred to the Department of Natural Resources, the
9 Director of Natural Resources shall designate the same number
10 of representatives or designees of the Department of Natural
11 Resources;

12 (1) whether the nomination or appointment of any official
13 is subject to the advice and consent of the Senate;

14 (2) any eligibility or qualification requirements
15 pertaining to service as an official; or

16 (3) the service or term of any incumbent official serving
17 as of the effective date of this Act.

18 Section 25. Personnel transferred.

19 (b) Personnel and positions within the Department of
20 Commerce and Economic Opportunity that are engaged in the
21 performance of the Office of Coal Development and Marketing
22 functions transferred to the Department of Natural Resources
23 under this Act are transferred to and shall continue their
24 service within the Department of Natural Resources. The status

1 and rights of those employees under the Personnel Code shall
2 not be affected by this Act. The status and rights of the
3 employees and the State of Illinois and its agencies under the
4 Personnel Code, the Illinois Public Labor Relations Act, and
5 applicable collective bargaining agreements or under any
6 pension, retirement, or annuity plan shall not be affected by
7 this Act.

8 Section 30. Books and records transferred. All books,
9 records, papers, documents, property (real and personal),
10 contracts, causes of action, and pending business pertaining to
11 the powers, duties, rights, and responsibilities transferred
12 related to any of the functions of the Office of Coal
13 Development and Marketing transferred under this Act from the
14 Department of Commerce and Economic Opportunity to the
15 Department of Natural Resources, including, but not limited to,
16 material in electronic or magnetic format and necessary
17 computer hardware and software, shall be transferred to the
18 Department of Natural Resources.

19 Section 35. Successor agencies; unexpended moneys
20 transferred. With respect to the functions of the Office of
21 Coal Development and Marketing transferred under this Act, the
22 Department of Natural Resources is the successor agency to the
23 Department of Commerce and Economic Opportunity under the
24 Successor Agency Act and Section 9b of the State Finance Act.

1 All unexpended appropriations and balances and other funds
2 available for use by the Office of Coal Development and
3 Marketing shall, pursuant to the direction of the Governor, be
4 transferred for use by the Department of Natural Resources in
5 accordance with this Act. Unexpended balances so transferred
6 shall be expended by the Department of Natural Resources only
7 for the purpose for which the appropriations were originally
8 made.

9 Section 40. Reports, notices, or papers.

10 (a) Whenever reports or notices are required to be made or
11 given or papers or documents furnished or served by any person
12 to or upon the Department of Commerce and Economic Opportunity
13 in connection with any of the powers, duties, rights, or
14 responsibilities transferred by this Act to the Environmental
15 Protection Agency, the same shall be made, given, furnished, or
16 served in the same manner to or upon the Environmental
17 Protection Agency.

18 (b) Whenever reports or notices are required to be made or
19 given or papers or documents furnished or served by any person
20 to or upon the Department of Commerce and Economic Opportunity
21 in connection with any of the powers, duties, rights, or
22 responsibilities transferred by this Act to the Department of
23 Natural Resources, the same shall be made, given, furnished, or
24 served in the same manner to or upon the Department of Natural
25 Resources.

1 Section 45. Office of Coal Development and Marketing;
2 rules.

3 (a) Any rules that (1) relate to the functions of the
4 Office of Coal Development and Marketing transferred to the
5 Department of Natural Resources by this Act, (2) are in full
6 force on the effective date of Executive Order 3 (2017), and
7 (3) have been duly adopted by the Department of Commerce and
8 Economic Opportunity shall become the rules of the Department
9 of Natural Resources. This Act does not affect the legality of
10 any such rules in the Illinois Administrative Code.

11 (b) Any proposed rule filed with the Secretary of State by
12 the Department of Commerce and Economic Opportunity that
13 pertains to the functions of the Office of Coal Development and
14 Marketing transferred to the Department of Natural Resources by
15 this Act and that is pending in the rulemaking process on the
16 effective date of Executive Order 3 (2017) shall be deemed to
17 have been filed by the Department of Natural Resources.

18 (c) On and after the effective date of this Act, the
19 Department of Natural Resources may propose and adopt, under
20 the Illinois Administrative Procedure Act, other rules that
21 relate to the functions of the Office of Coal Development and
22 Marketing transferred to the Department of Natural Resources by
23 this Act.

24 Section 50. Rights, obligations, and duties unaffected by

1 transfer. The transfer of powers, duties, rights, and
2 responsibilities to the Department of Natural Resources under
3 this Act does not affect any person's rights, obligations, or
4 duties, including any civil or criminal penalties applicable
5 thereto, arising out of those transferred powers, duties,
6 rights, and responsibilities.

7 Section 55. Acts and actions unaffected by transfer.

8 (a) This Act does not affect any act done, ratified, or
9 canceled, or any right occurring or established, before the
10 effective date of Executive Order 3 (2017) in connection with
11 any function of the Office of Energy and Recycling transferred
12 under this Act.

13 (b) This Act does not affect any act done, ratified, or
14 canceled, or any right occurring or established, before the
15 effective date of Executive Order 3 (2017) in connection with
16 any function of the Office of Coal Development and Marketing
17 transferred under this Act.

18 (c) This Act does not affect any action or proceeding had
19 or commenced before the effective date of Executive Order 3
20 (2017) in an administrative, civil, or criminal cause regarding
21 a function of the Office of Coal Development and Marketing
22 transferred from the Department of Commerce and Economic
23 Opportunity, but any such action or proceeding may be defended,
24 prosecuted, or continued by the Department of Natural
25 Resources.

1 Section 60. Exercise of transferred powers; savings
2 provisions. The powers, duties, rights, and responsibilities
3 related to the functions of the Office of Coal Development and
4 Marketing transferred under this Act are vested in and shall be
5 exercised by the Department of Natural Resources. Each act done
6 in the exercise of those powers, duties, rights, and
7 responsibilities shall have the same legal effect as if done by
8 the Department of Commerce and Economic Opportunity or its
9 divisions, officers, or employees.

10 Section 65. Relationship to other laws.

11 (a) From the effective date of the reorganization under
12 this Act, and as long as the reorganization remains in effect,
13 the operation of any prior Act of the General Assembly
14 inconsistent with this reorganization is suspended to the
15 extent of the inconsistency.

16 (b) This Act does not contravene, and shall not be
17 construed to contravene, any: federal law; State statute,
18 except as provided in subsection (a) of this Section; or
19 collective bargaining agreement.

20 Section 70. Annual report concerning transfers. The
21 Department of Natural Resources shall provide a report to the
22 General Assembly not later than December 31, 2017 and annually
23 thereafter for 3 years, that includes an analysis of the effect

1 of the reorganization under this Act related to the Department
2 on State government and the Illinois taxpayers. The report
3 shall also include recommendations for further legislation
4 relating to the implementation of the reorganization. A copy of
5 each report shall be filed with the General Assembly as
6 provided under Section 3.1 of the General Assembly Organization
7 Act.

8 Section 905. The Department of Natural Resources Act is
9 amended by changing Section 80-20 as follows:

10 (20 ILCS 801/80-20)

11 Sec. 80-20. Transfer of powers.

12 (a) Except as otherwise provided in this Act, all of the
13 rights, powers, and duties vested by law in the Department of
14 Conservation or in any office, division, or bureau thereof are
15 retained by the Department of Natural Resources.

16 All of the rights, powers, and duties vested by law in the
17 Department of Conservation, or in any office, division, or
18 bureau thereof, pertaining to the Lincoln Monument are
19 transferred to the Historic Preservation Agency.

20 (b) Except as otherwise provided in this Act, all of the
21 rights, powers, and duties vested by law in the Department of
22 Energy and Natural Resources or in any office, division, or
23 bureau thereof are transferred to the Department of Natural
24 Resources.

1 All of the rights, powers, and duties vested by law in the
2 Department of Energy and Natural Resources, or in any office,
3 division, or bureau thereof, pertaining to recycling programs
4 and solid waste management, energy conservation and
5 alternative energy programs, coal development and marketing
6 programs, and Exxon overcharge matters are transferred to the
7 Department of Commerce and Community Affairs (now Department of
8 Commerce and Economic Opportunity), except for those rights,
9 powers, and duties transferred to the Environmental Protection
10 Agency or the Department of Natural Resources under the
11 Executive Order 3 (2017) Implementation Act.

12 (c) All of the rights, powers, and duties vested by law in
13 the Department of Mines and Minerals or in any office,
14 division, or bureau thereof are transferred to the Department
15 of Natural Resources.

16 (d) All of the rights, powers, and duties vested by law in
17 the Abandoned Mined Lands Reclamation Council or in any office,
18 division, or bureau thereof are transferred to the Department
19 of Natural Resources.

20 (e) All of the rights, powers, and duties vested by law in
21 the Division of Water Resources of the Department of
22 Transportation or in any office, division, or bureau thereof
23 are transferred to the Department of Natural Resources.

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

25 Section 910. The Energy Conservation and Coal Development

1 Act is amended by changing Sections 1 and 3 as follows:

2 (20 ILCS 1105/1) (from Ch. 96 1/2, par. 7401)

3 Sec. 1. Definitions; transfer of duties.

4 (a) For the purposes of this Act, unless the context
5 otherwise requires:

6 "Department" means the Department of Natural Resources
7 ~~Commerce and Economic Opportunity~~.

8 "Director" means the Director of Natural Resources
9 ~~Commerce and Economic Opportunity~~.

10 (b) As provided in Section 80-20 of the Department of
11 Natural Resources Act, the Department of Commerce and Community
12 Affairs (now Department of Commerce and Economic Opportunity)
13 shall assume the rights, powers, and duties of the former
14 Department of Energy and Natural Resources under this Act,
15 except as those rights, powers, and duties are otherwise
16 allocated or transferred by law. On and after the effective
17 date of this amendatory Act of the 100th General Assembly, the
18 rights, powers, and duties of the Department of Commerce and
19 Economic Opportunity under this Act are transferred to the
20 Department of Natural Resources.

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

22 (20 ILCS 1105/3) (from Ch. 96 1/2, par. 7403)

23 Sec. 3. Powers and duties.

24 (a) In addition to its other powers, the Department has the

1 following powers:

2 (1) To administer for the State any energy programs and
3 activities under federal law, regulations or guidelines,
4 and to coordinate such programs and activities with other
5 State agencies, units of local government, and educational
6 institutions.

7 (2) To represent the State in energy matters involving
8 the federal government, other states, units of local
9 government, and regional agencies.

10 (3) To prepare energy contingency plans for
11 consideration by the Governor and the General Assembly.
12 Such plans shall include procedures for determining when a
13 foreseeable danger exists of energy shortages, including
14 shortages of petroleum, coal, nuclear power, natural gas,
15 and other forms of energy, and shall specify the actions to
16 be taken to minimize hardship and maintain the general
17 welfare during such energy shortages.

18 (4) To cooperate with State colleges and universities
19 and their governing boards in energy programs and
20 activities.

21 (5) (Blank).

22 (6) To accept, receive, expend, and administer,
23 including by contracts and grants to other State agencies,
24 any energy-related gifts, grants, cooperative agreement
25 funds, and other funds made available to the Department by
26 the federal government and other public and private

1 sources.

2 (7) To investigate practical problems, seek and
3 utilize financial assistance, implement studies and
4 conduct research relating to the production, distribution
5 and use of alcohol fuels.

6 (8) To serve as a clearinghouse for information on
7 alcohol production technology; provide assistance,
8 information and data relating to the production and use of
9 alcohol; develop informational packets and brochures, and
10 hold public seminars to encourage the development and
11 utilization of the best available technology.

12 (9) To coordinate with other State agencies in order to
13 promote the maximum flow of information and to avoid
14 unnecessary overlapping of alcohol fuel programs. In order
15 to effectuate this goal, the Director of the Department or
16 his representative shall consult with the Directors, or
17 their representatives, of the Departments of Agriculture,
18 Central Management Services, Transportation, and Revenue,
19 the Office of the State Fire Marshal, and the Environmental
20 Protection Agency.

21 (10) To operate, within the Department, an Office of
22 Coal Development and Marketing for the promotion and
23 marketing of Illinois coal both domestically and
24 internationally. The Department may use monies
25 appropriated for this purpose for necessary administrative
26 expenses.

1 The Office of Coal Development and Marketing shall
2 develop and implement an initiative to assist the coal
3 industry in Illinois to increase its share of the
4 international coal market.

5 (11) To assist the Department of Central Management
6 Services in establishing and maintaining a system to
7 analyze and report energy consumption of facilities leased
8 by the Department of Central Management Services.

9 (12) To consult with the Department ~~Departments~~ of
10 ~~Natural Resources and~~ Transportation and the Illinois
11 Environmental Protection Agency for the purpose of
12 developing methods and standards that encourage the
13 utilization of coal combustion by-products as value added
14 products in productive and benign applications.

15 (13) To provide technical assistance and information
16 to sellers and distributors of storage hot water heaters
17 doing business in Illinois, pursuant to Section 1 of the
18 Hot Water Heater Efficiency Act.

19 (b) (Blank).

20 (c) (Blank).

21 (d) The Department shall develop a package of educational
22 materials containing information regarding the necessity of
23 waste reduction and recycling to reduce dependence on landfills
24 and to maintain environmental quality. The Department shall
25 make this information available to the public on its website
26 and for schools to access for their development of materials.

1 Those materials shall be suitable for instructional use in
2 grades 3, 4 and 5.

3 (e) (Blank).

4 (f) (Blank).

5 (g) (Blank).

6 (h) (Blank).

7 (i) (Blank).

8 (Source: P.A. 98-44, eff. 6-28-13; 98-692, eff. 7-1-14.)

9 Section 915. The Clean Coal FutureGen for Illinois Act of
10 2011 is amended by changing Section 15 as follows:

11 (20 ILCS 1108/15)

12 Sec. 15. Definitions. For the purposes of this Act:

13 "Agency" means the Illinois Environmental Protection
14 Agency or the United States Environmental Protection Agency
15 depending upon which agency has primacy for the CO₂ injection
16 permit.

17 "Captured CO₂" means CO₂ and other trace chemical
18 constituents approved by the Agency for injection into the
19 Mount Simon Formation.

20 "Carbon capture and storage" means the process of
21 collecting captured CO₂ from coal combustion by-products for
22 the purpose of injecting and storing the captured CO₂ for
23 permanent storage.

24 "Carbon dioxide" or "CO₂" means a colorless, odorless gas

1 in the form of one carbon and 2 oxygen atoms that is the
2 principal greenhouse gas.

3 "Department" means the Department of Natural Resources
4 ~~Commerce and Economic Opportunity~~.

5 "Director" means the Director of Natural Resources
6 ~~Commerce and Economic Opportunity~~.

7 "Federal Department" means the federal Department of
8 Energy.

9 "FutureGen Alliance" is a 501(c)(3) non-profit consortium
10 of coal and energy producers created to benefit the public
11 interest and the interest of science through the research,
12 development, and demonstration of near zero-emission coal
13 technology, with the cooperation of the Federal Department.

14 "FutureGen Project" means the public-private partnership
15 between the Federal Department, the FutureGen Alliance, and
16 other partners that will control captured CO₂ and will
17 construct and operate a pipeline and storage field for captured
18 CO₂.

19 "Mount Simon Formation" means the deep sandstone reservoir
20 into which the sequestered CO₂ is to be injected at a depth
21 greater than 3,500 feet below ground surface and that is
22 bounded by the granitic basement below and the Eau Claire Shale
23 above.

24 "Operator" means the FutureGen Alliance and its member
25 companies, including their parent companies, subsidiaries,
26 affiliates, directors, officers, employees, and agents, or a

1 not-for-profit successor-in-interest approved by the
2 Department.

3 "Operations phase" means the period of time during which
4 the Operator injects and simultaneously monitors CO₂ into the
5 Mount Simon Formation in accordance with its permit approved by
6 the Agency for the FutureGen Project.

7 "Post-injection" means after the captured CO₂ has been
8 successfully injected into the wellhead at the point at which
9 the captured CO₂ is transferred into the wellbore for carbon
10 sequestration and storage into the Mount Simon Formation.

11 "Pre-injection" means all activities and occurrences prior
12 to successful delivery into the wellhead at the point at which
13 the captured CO₂ is transferred into the wellbore for carbon
14 sequestration and storage into the Mount Simon Formation,
15 including but not limited to, the operation of the FutureGen
16 Project.

17 "Public liability" means any civil legal liability arising
18 out of or resulting from the storage, escape, release, or
19 migration of the sequestered CO₂ that was injected by the
20 Operator. The term "public liability", however, does not
21 include any legal liability arising out of or resulting from
22 the construction, operation, or other pre-injection activity
23 of the Operator or any other third party.

24 "Public liability action" or "action" means a written
25 demand, lawsuit, or claim from any third party received by the
26 Operator seeking a remedy or alleging liability on behalf of

1 Operator resulting from any public liability and is limited to
2 such written demands, claims, or lawsuits asserting claims for
3 property damages, personal or bodily injury damages,
4 environmental damages, or trespass.

5 "Sequestered CO₂" means the captured CO₂ from the FutureGen
6 Project operations that is injected into the Mount Simon
7 Formation by the Operator.

8 (Source: P.A. 97-618, eff. 10-26-11.)

9 Section 920. The Illinois Coal and Energy Development Bond
10 Act is amended by changing Sections 3, 3.1, 6, and 11 as
11 follows:

12 (20 ILCS 1110/3) (from Ch. 96 1/2, par. 4103)

13 Sec. 3. The Department of Natural Resources ~~Commerce and~~
14 ~~Economic Opportunity~~ shall have the following powers and
15 duties:

16 (a) To solicit, accept and expend gifts, grants or any form
17 of assistance, from any source, including but not limited to,
18 the federal government or any agency thereof;

19 (b) To enter into contracts, including, but not limited to,
20 service contracts, with business, industrial, university,
21 governmental or other qualified individuals or organizations
22 to promote development of coal and other energy resources. Such
23 contracts may be for, but are not limited to, the following
24 purposes: (1) the commercial application of existing

1 technology for development of coal resources, (2) to initiate
2 or complete development of new technology for development of
3 coal resources, and (3) for planning, design, acquisition,
4 development, construction, improvement and financing a site or
5 sites and facilities for establishing plants, projects or
6 demonstrations for development of coal resources and research,
7 development and demonstration of alternative forms of energy;
8 and

9 (c) In the exercise of other powers granted it under this
10 Act, to acquire property, real, personal or mixed, including
11 any rights therein, by exercise of the power of condemnation in
12 accordance with the procedures provided for the exercise of
13 eminent domain under the Eminent Domain Act, provided, however,
14 the power of condemnation shall be exercised solely for the
15 purposes of siting and/or rights of way and/or easements
16 appurtenant to coal utilization and/or coal conversion
17 projects. The Department shall not exercise its powers of
18 condemnation until it has used reasonable good faith efforts to
19 acquire such property before filing a petition for condemnation
20 and may thereafter use such powers when it determines that such
21 condemnation of property rights is necessary to avoid
22 unreasonable delay or economic hardship to the progress of
23 activities carried out in the exercise of powers granted under
24 this Act. After June 30, 1985, the Department shall not
25 exercise its power of condemnation for a project which does not
26 receive State or U.S. Government funding. Before use of the

1 power of condemnation for projects not receiving State or U.S.
2 Government funding, the Department shall hold a public hearing
3 to receive comments on the exercise of the power of
4 condemnation. The Department shall use the information
5 received at hearing in making its final decision on the
6 exercise of the power of condemnation. The hearing shall be
7 held in a location reasonably accessible to the public
8 interested in the decision. The Department shall promulgate
9 guidelines for the conduct of the hearing.

10 (Source: P.A. 94-793, eff. 5-19-06; 94-1055, eff. 1-1-07.)

11 (20 ILCS 1110/3.1) (from Ch. 96 1/2, par. 4103.1)

12 Sec. 3.1. The Department of Natural Resources ~~Commerce and~~
13 ~~Economic Opportunity~~ is authorized to enter into agreements
14 with a county or counties and expend funds authorized by this
15 Act for purposes set forth in the County Coal Processing Act.

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

17 (20 ILCS 1110/6) (from Ch. 96 1/2, par. 4106)

18 Sec. 6. The Department of Natural Resources ~~Commerce and~~
19 ~~Economic Opportunity~~ is authorized to use general obligation
20 bond funds for the purposes of issuing grants in accordance
21 with this Act and the General Obligation Bond Act.

22 (Source: P.A. 96-1465, eff. 8-20-10.)

23 (20 ILCS 1110/11) (from Ch. 96 1/2, par. 4111)

1 Sec. 11. Expenditure of funds. At all times, the proceeds
2 from the sale of Bonds are subject to appropriation by the
3 General Assembly and may be expended in such amounts and at
4 such times as the Department of Natural Resources ~~Commerce and~~
5 ~~Economic Opportunity~~, with the approval of the Illinois Energy
6 Resources Commission, may deem necessary or desirable for the
7 specific purposes contemplated by this Act.

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

9 Section 925. The General Obligation Bond Act is amended by
10 changing Section 7 as follows:

11 (30 ILCS 330/7) (from Ch. 127, par. 657)

12 Sec. 7. Coal and Energy Development. The amount of
13 \$242,700,000 is authorized to be used by the Department of
14 Natural Resources ~~Commerce and Economic Opportunity~~ (formerly
15 ~~Department of Commerce and Community Affairs~~) for coal and
16 energy development purposes, pursuant to Sections 2, 3 and 3.1
17 of the Illinois Coal and Energy Development Bond Act, for the
18 purposes specified in Section 8.1 of the Energy Conservation
19 and Coal Development Act, including, but not limited to, for
20 the purpose of development costs; and for the purposes
21 specified in Section 605-332 of the Department of Commerce and
22 Economic Opportunity Law of the Civil Administrative Code of
23 Illinois, and for the purpose of facility cost reports prepared
24 pursuant to Sections 1-58 or 1-75(d)(4) of the Illinois Power

1 Agency Act and for the purpose of development costs pursuant to
2 Section 8.1 of the Energy Conservation and Coal Development
3 Act. Of this amount:

4 (a) \$143,500,000 is for the specific purposes of
5 acquisition, development, construction, reconstruction,
6 improvement, financing, architectural and technical planning
7 and installation of capital facilities consisting of
8 buildings, structures, durable equipment, and land for the
9 purpose of capital development of coal resources within the
10 State and for the purposes specified in Section 8.1 of the
11 Energy Conservation and Coal Development Act;

12 (b) \$35,000,000 is for the purposes specified in Section
13 8.1 of the Energy Conservation and Coal Development Act and
14 making grants to generating stations and coal gasification
15 facilities within the State of Illinois and to the owner of a
16 generating station located in Illinois and having at least
17 three coal-fired generating units with accredited summer
18 capability greater than 500 megawatts each at such generating
19 station as provided in Section 6 of that Bond Act;

20 (c) \$13,200,000 is for research, development and
21 demonstration of forms of energy other than that derived from
22 coal, either on or off State property;

23 (d) \$0 is for the purpose of providing financial assistance
24 to new electric generating facilities as provided in Section
25 605-332 of the Department of Commerce and Economic Opportunity
26 Law of the Civil Administrative Code of Illinois; and

1 (e) \$51,000,000 is for the purpose of facility cost reports
2 prepared for not more than one facility pursuant to Section
3 1-75(d)(4) of the Illinois Power Agency Act and not more than
4 one facility pursuant to Section 1-58 of the Illinois Power
5 Agency Act and for the purpose of up to \$6,000,000 of
6 development costs pursuant to Section 8.1 of the Energy
7 Conservation and Coal Development Act.

8 (Source: P.A. 98-94, eff. 7-17-13; 98-781, eff. 7-22-14.)

9 Section 930. The Illinois Coal Technology Development
10 Assistance Act is amended by changing Sections 2 and 4 as
11 follows:

12 (30 ILCS 730/2) (from Ch. 96 1/2, par. 8202)

13 Sec. 2. As used in this Act:

14 (a) "coal" or "coal resources" means Illinois coal or coal
15 products extracted from the ground or reclaimed from the waste
16 material produced by coal extraction operations;

17 (b) "coal demonstration and commercialization" means
18 projects for the construction and operation of facilities to
19 prove the scientific and engineering validity or the commercial
20 application of a coal extraction, preparation, combustion,
21 gasification, liquefaction or other synthetic process,
22 environmental control, or transportation method;

23 (c) "coal research" means scientific investigations
24 conducted for the purpose of increasing the utilization of coal

1 resources and includes investigations in the areas of
2 extraction, preparation, characterization, combustion,
3 gasification, liquefaction and other synthetic processes,
4 environmental control, marketing, transportation, procurement
5 of sites, and environmental impacts;

6 (d) "Fund" means the Coal Technology Development
7 Assistance Fund;

8 (e) "Board" means the Illinois Coal Development Board or
9 its successor;

10 (f) "Department" means the Department of Natural Resources
11 ~~Commerce and Economic Opportunity~~;

12 (g) "public awareness and education" means programs of
13 education, curriculum development, public service
14 announcements, informational advertising and informing the
15 news media on issues related to the use of Illinois coal, the
16 coal industry and related developments. Public awareness and
17 education shall be directed toward school age residents of the
18 State, the citizens of the State and other interested parties.

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

20 (30 ILCS 730/4) (from Ch. 96 1/2, par. 8204)

21 Sec. 4. Expenditures from Coal Technology Development
22 Assistance Fund.

23 (a) The contents of the Coal Technology Development
24 Assistance Fund may be expended, subject to appropriation by
25 the General Assembly, in such amounts and at such times as the

1 Department, with the advice and recommendation of the Board,
2 may deem necessary or desirable for the purposes of this Act.

3 (b) The Department shall develop a written plan containing
4 measurable 3-year and 10-year goals and objectives in regard to
5 the funding of coal research and coal demonstration and
6 commercialization projects, and programs designed to preserve
7 and enhance markets for Illinois coal. In developing these
8 goals and objectives, the Department shall consider and
9 determine the appropriate balance for the achievement of
10 near-term and long-term goals and objectives and of ensuring
11 the timely commercial application of cost-effective
12 technologies or energy and chemical production processes or
13 systems utilizing coal. The Department of Commerce and Economic
14 Opportunity shall develop the initial goals and objectives no
15 later than December 1, 1993, and develop revised goals and
16 objectives no later than July 1 annually thereafter until the
17 effective date of this amendatory Act of the 100th General
18 Assembly. On and after the effective date of this amendatory
19 Act of the 100th General Assembly, the Department shall develop
20 the revised goals and objectives under this subsection by no
21 later than July 1 of each year.

22 (c) (Blank).

23 (d) Subject to appropriation, the Department of Natural
24 Resources may use moneys in the Coal Technology Development
25 Assistance Fund to administer its responsibilities under the
26 Surface Coal Mining Land Conservation and Reclamation Act.

1 (Source: P.A. 99-523, eff. 6-30-16.)

2 Section 935. The Eminent Domain Act is amended by changing
3 Section 15-5-5 as follows:

4 (735 ILCS 30/15-5-5)

5 Sec. 15-5-5. Eminent domain powers in ILCS Chapters 5
6 through 40. The following provisions of law may include express
7 grants of the power to acquire property by condemnation or
8 eminent domain:

9 (5 ILCS 220/3.1); Intergovernmental Cooperation Act;
10 cooperating entities; for Municipal Joint Action Water
11 Agency purposes.

12 (5 ILCS 220/3.2); Intergovernmental Cooperation Act;
13 cooperating entities; for Municipal Joint Action Agency
14 purposes.

15 (5 ILCS 585/1); National Forest Land Act; United States of
16 America; for national forests.

17 (15 ILCS 330/2); Secretary of State Buildings in Cook County
18 Act; Secretary of State; for office facilities in Cook
19 County.

20 (20 ILCS 5/5-675); Civil Administrative Code of Illinois; the
21 Secretary of Transportation, the Director of Natural
22 Resources, and the Director of Central Management
23 Services; for lands, buildings, and grounds for which an

1 appropriation is made by the General Assembly.

2 (20 ILCS 620/9); Economic Development Area Tax Increment
3 Allocation Act; municipalities; to achieve the objectives
4 of the economic development project.

5 (20 ILCS 685/1); Particle Accelerator Land Acquisition Act;
6 Department of Commerce and Economic Opportunity; for a
7 federal high energy BEV Particle Accelerator.

8 (20 ILCS 835/2); State Parks Act; Department of Natural
9 Resources; for State parks.

10 (20 ILCS 1110/3); Illinois Coal and Energy Development Bond
11 Act; Department of Natural Resources ~~Commerce and Economic~~
12 ~~Opportunity~~; for coal projects.

13 (20 ILCS 1920/2.06); Abandoned Mined Lands and Water
14 Reclamation Act; Department of Natural Resources; for
15 reclamation purposes.

16 (20 ILCS 1920/2.08); Abandoned Mined Lands and Water
17 Reclamation Act; Department of Natural Resources; for
18 reclamation purposes and for the construction or
19 rehabilitation of housing.

20 (20 ILCS 1920/2.11); Abandoned Mined Lands and Water
21 Reclamation Act; Department of Natural Resources; for
22 eliminating hazards.

23 (20 ILCS 3105/9.08a); Capital Development Board Act; Capital
24 Development Board; for lands, buildings and grounds for
25 which an appropriation is made by the General Assembly.

26 (20 ILCS 3110/5); Building Authority Act; Capital Development

1 Board; for purposes declared by the General Assembly to be
2 in the public interest.

3 (40 ILCS 5/15-167); Illinois Pension Code; State Universities
4 Retirement System; for real estate acquired for the use of
5 the System.

6 (Source: P.A. 94-1055, eff. 1-1-07.)

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