



## 100TH GENERAL ASSEMBLY

### State of Illinois

#### 2017 and 2018

#### SB3254

Introduced 2/15/2018, by Sen. Dale Fowler

#### SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 801/80-20	
20 ILCS 1105/1	from Ch. 96 1/2, par. 7401
20 ILCS 1105/3	from Ch. 96 1/2, par. 7403
20 ILCS 1108/15	
20 ILCS 1110/3	from Ch. 96 1/2, par. 4103
20 ILCS 1110/3.1	from Ch. 96 1/2, par. 4103.1
20 ILCS 1110/6	from Ch. 96 1/2, par. 4106
20 ILCS 1110/11	from Ch. 96 1/2, par. 4111
30 ILCS 330/7	from Ch. 127, par. 657
30 ILCS 730/2	from Ch. 96 1/2, par. 8202
30 ILCS 730/4	from Ch. 96 1/2, par. 8204
735 ILCS 30/15-5-5	
815 ILCS 355/1	from Ch. 96 1/2, par. 9551

Creates the Executive Order 3 (2017) Implementation Act. Implements and supersedes Executive Order 3 (2017). Provides that all powers, duties, rights, and responsibilities of the Office of Coal Development and Marketing established in accordance with the Energy Conservation and Coal Development Act under the Department of Commerce and Economic Opportunity are transferred to the Department of Natural Resources. Makes corresponding changes to various Acts. Effective immediately.

LRB100 18761 SLF 33996 b

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 Executive Order 3 (2017).

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

20 Section 20. Representation on boards or other entities. The  
21 manner in which any official is appointed, except that whenever

1 any previous Executive Order or any statute provides for  
2 membership on any board, commission, authority, or other entity  
3 by a representative or designee of the Department of Commerce  
4 and Economic Opportunity with responsibility for the functions  
5 transferred to the Department of Natural Resources, the  
6 Director of Natural Resources shall designate the same number  
7 of representatives or designees of the Department of Natural  
8 Resources;

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

11 (2) any eligibility or qualification requirements  
12 pertaining to service as an official; or

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

15 Section 25. Personnel transferred.

16 (b) Personnel and positions within the Department of  
17 Commerce and Economic Opportunity that are engaged in the  
18 performance of the Office of Coal Development and Marketing  
19 functions transferred to the Department of Natural Resources  
20 under this Act are transferred to and shall continue their  
21 service within the Department of Natural Resources. The status  
22 and rights of those employees under the Personnel Code shall  
23 not be affected by this Act. The rights of the employees and  
24 the State of Illinois and its agencies under the Personnel Code  
25 and applicable collective bargaining agreements or under any

1 pension, retirement, or annuity plan shall not be affected by  
2 this Act.

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

14 Section 35. Successor agencies; unexpended moneys  
15 transferred. With respect to the functions of the Office of  
16 Coal Development and Marketing transferred under this Act, the  
17 Department of Natural Resources is the successor agency to the  
18 Department of Commerce and Economic Opportunity under the  
19 Successor Agency Act and Section 9b of the State Finance Act.  
20 All unexpended appropriations and balances and other funds  
21 available for use by the Office of Coal Development and  
22 Marketing shall, pursuant to the direction of the Governor, be  
23 transferred for use by the Department of Natural Resources in  
24 accordance with this Act. Unexpended balances so transferred

1 shall be expended by the Department of Natural Resources only  
2 for the purpose for which the appropriations were originally  
3 made.

4 Section 40. Reports, notices, or papers.

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

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

21 Section 45. Office of Coal Development and Marketing;  
22 rules.

23 (a) Any rules that (1) relate to the functions of the  
24 Office of Coal Development and Marketing transferred to the

1 Department of Natural Resources by this Act, (2) are in full  
2 force on the effective date of Executive Order 3 (2017), and  
3 (3) have been duly adopted by the Department of Commerce and  
4 Economic Opportunity shall become the rules of the Department  
5 of Natural Resources. This Act does not affect the legality of  
6 any such rules in the Illinois Administrative Code.

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

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

20 Section 50. Rights, obligations, and duties unaffected by  
21 transfer. The transfer of powers, duties, rights, and  
22 responsibilities to the Department of Natural Resources under  
23 this Act does not affect any person's rights, obligations, or  
24 duties, including any civil or criminal penalties applicable  
25 thereto, arising out of those transferred powers, duties,

1 rights, and responsibilities.

2 Section 55. Acts and actions unaffected by transfer.

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

8 (b) 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 Coal Development and Marketing  
12 transferred under this Act.

13 (c) This Act does not affect any action or proceeding had  
14 or commenced before the effective date of Executive Order 3  
15 (2017) in an administrative, civil, or criminal cause regarding  
16 a function of the Office of Coal Development and Marketing  
17 transferred from the Department of Commerce and Economic  
18 Opportunity, but any such action or proceeding may be defended,  
19 prosecuted, or continued by the Department of Natural  
20 Resources.

21 Section 60. Exercise of transferred powers; savings  
22 provisions. The powers, duties, rights, and responsibilities  
23 related to the functions of the Office of Coal Development and  
24 Marketing transferred under this Act are vested in and shall be

1 exercised by the Department of Natural Resources. Each act done  
2 in the exercise of those powers, duties, rights, and  
3 responsibilities shall have the same legal effect as if done by  
4 the Department of Commerce and Economic Opportunity or its  
5 divisions, officers, or employees.

6 Section 65. Relationship to other laws.

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

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

16 Section 70. Annual report concerning transfers. The  
17 Department of Natural Resources shall provide a report to the  
18 General Assembly not later than December 31, 2017 and annually  
19 thereafter for 3 years, that includes an analysis of the effect  
20 of the reorganization under this Act related to the Department  
21 on State government and the Illinois taxpayers. The report  
22 shall also include recommendations for further legislation  
23 relating to the implementation of the reorganization. A copy of  
24 each report shall be filed with the General Assembly as

1 provided under Section 3.1 of the General Assembly Organization  
2 Act.

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

5 (20 ILCS 801/80-20)

6 Sec. 80-20. Transfer of powers.

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

11 All of the rights, powers, and duties vested by law in the  
12 Department of Conservation, or in any office, division, or  
13 bureau thereof, pertaining to the Lincoln Monument are  
14 transferred to the Historic Preservation Agency.

15 (b) Except as otherwise provided in this Act, all of the  
16 rights, powers, and duties vested by law in the Department of  
17 Energy and Natural Resources or in any office, division, or  
18 bureau thereof are transferred to the Department of Natural  
19 Resources.

20 All of the rights, powers, and duties vested by law in the  
21 Department of Energy and Natural Resources, or in any office,  
22 division, or bureau thereof, pertaining to recycling programs  
23 and solid waste management, energy conservation and  
24 alternative energy programs, coal development and marketing

1 programs, and Exxon overcharge matters are transferred to the  
2 Department of Commerce and Community Affairs (now Department of  
3 Commerce and Economic Opportunity), except for those rights,  
4 powers, and duties transferred to the Environmental Protection  
5 Agency or the Department of Natural Resource under the  
6 Executive Order 3 (2017) Implementation Act.

7 (c) All of the rights, powers, and duties vested by law in  
8 the Department of Mines and Minerals or in any office,  
9 division, or bureau thereof are transferred to the Department  
10 of Natural Resources.

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

15 (e) All of the rights, powers, and duties vested by law in  
16 the Division of Water Resources of the Department of  
17 Transportation or in any office, division, or bureau thereof  
18 are transferred to the Department of Natural Resources.

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

20 Section 910. The Energy Conservation and Coal Development  
21 Act is amended by changing Sections 1 and 3 as follows:

22 (20 ILCS 1105/1) (from Ch. 96 1/2, par. 7401)

23 Sec. 1. Definitions; transfer of duties.

24 (a) For the purposes of this Act, unless the context

1 otherwise requires:

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

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

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

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

18 (20 ILCS 1105/3) (from Ch. 96 1/2, par. 7403)

19 Sec. 3. Powers and duties.

20 (a) In addition to its other powers, the Department has the  
21 following powers:

22 (1) To administer for the State any energy programs and  
23 activities under federal law, regulations or guidelines,  
24 and to coordinate such programs and activities with other  
25 State agencies, units of local government, and educational

1 institutions.

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

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

13 (4) To cooperate with State colleges and universities  
14 and their governing boards in energy programs and  
15 activities.

16 (5) (Blank).

17 (6) To accept, receive, expend, and administer,  
18 including by contracts and grants to other State agencies,  
19 any energy-related gifts, grants, cooperative agreement  
20 funds, and other funds made available to the Department by  
21 the federal government and other public and private  
22 sources.

23 (7) To investigate practical problems, seek and  
24 utilize financial assistance, implement studies and  
25 conduct research relating to the production, distribution  
26 and use of alcohol fuels.

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

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

16           (10) To operate, within the Department, an Office of  
17 Coal Development and Marketing for the promotion and  
18 marketing of Illinois coal both domestically and  
19 internationally. The Department may use monies  
20 appropriated for this purpose for necessary administrative  
21 expenses.

22           The Office of Coal Development and Marketing shall  
23 develop and implement an initiative to assist the coal  
24 industry in Illinois to increase its share of the  
25 international coal market.

26           (11) To assist the Department of Central Management

1 Services in establishing and maintaining a system to  
2 analyze and report energy consumption of facilities leased  
3 by the Department of Central Management Services.

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

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

14 (b) (Blank).

15 (c) (Blank).

16 (d) The Department shall develop a package of educational  
17 materials containing information regarding the necessity of  
18 waste reduction and recycling to reduce dependence on landfills  
19 and to maintain environmental quality. The Department shall  
20 make this information available to the public on its website  
21 and for schools to access for their development of materials.  
22 Those materials shall be suitable for instructional use in  
23 grades 3, 4 and 5.

24 (e) (Blank).

25 (f) (Blank).

26 (g) (Blank).

1 (h) (Blank).

2 (i) (Blank).

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

4 Section 915. The Clean Coal FutureGen for Illinois Act of  
5 2011 is amended by changing Section 15 as follows:

6 (20 ILCS 1108/15)

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

8 "Agency" means the Illinois Environmental Protection  
9 Agency or the United States Environmental Protection Agency  
10 depending upon which agency has primacy for the CO<sub>2</sub> injection  
11 permit.

12 "Captured CO<sub>2</sub>" means CO<sub>2</sub> and other trace chemical  
13 constituents approved by the Agency for injection into the  
14 Mount Simon Formation.

15 "Carbon capture and storage" means the process of  
16 collecting captured CO<sub>2</sub> from coal combustion by-products for  
17 the purpose of injecting and storing the captured CO<sub>2</sub> for  
18 permanent storage.

19 "Carbon dioxide" or "CO<sub>2</sub>" means a colorless, odorless gas  
20 in the form of one carbon and 2 oxygen atoms that is the  
21 principal greenhouse gas.

22 "Department" means the Department of Natural Resources  
23 ~~Commerce and Economic Opportunity~~.

24 "Director" means the Director of Natural Resources

1 ~~Commerce and Economic Opportunity.~~

2 "Federal Department" means the federal Department of  
3 Energy.

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

9 "FutureGen Project" means the public-private partnership  
10 between the Federal Department, the FutureGen Alliance, and  
11 other partners that will control captured CO<sub>2</sub> and will  
12 construct and operate a pipeline and storage field for captured  
13 CO<sub>2</sub>.

14 "Mount Simon Formation" means the deep sandstone reservoir  
15 into which the sequestered CO<sub>2</sub> is to be injected at a depth  
16 greater than 3,500 feet below ground surface and that is  
17 bounded by the granitic basement below and the Eau Claire Shale  
18 above.

19 "Operator" means the FutureGen Alliance and its member  
20 companies, including their parent companies, subsidiaries,  
21 affiliates, directors, officers, employees, and agents, or a  
22 not-for-profit successor-in-interest approved by the  
23 Department.

24 "Operations phase" means the period of time during which  
25 the Operator injects and simultaneously monitors CO<sub>2</sub> into the  
26 Mount Simon Formation in accordance with its permit approved by

1 the Agency for the FutureGen Project.

2 "Post-injection" means after the captured CO<sub>2</sub> has been  
3 successfully injected into the wellhead at the point at which  
4 the captured CO<sub>2</sub> is transferred into the wellbore for carbon  
5 sequestration and storage into the Mount Simon Formation.

6 "Pre-injection" means all activities and occurrences prior  
7 to successful delivery into the wellhead at the point at which  
8 the captured CO<sub>2</sub> is transferred into the wellbore for carbon  
9 sequestration and storage into the Mount Simon Formation,  
10 including but not limited to, the operation of the FutureGen  
11 Project.

12 "Public liability" means any civil legal liability arising  
13 out of or resulting from the storage, escape, release, or  
14 migration of the sequestered CO<sub>2</sub> that was injected by the  
15 Operator. The term "public liability", however, does not  
16 include any legal liability arising out of or resulting from  
17 the construction, operation, or other pre-injection activity  
18 of the Operator or any other third party.

19 "Public liability action" or "action" means a written  
20 demand, lawsuit, or claim from any third party received by the  
21 Operator seeking a remedy or alleging liability on behalf of  
22 Operator resulting from any public liability and is limited to  
23 such written demands, claims, or lawsuits asserting claims for  
24 property damages, personal or bodily injury damages,  
25 environmental damages, or trespass.

26 "Sequestered CO<sub>2</sub>" means the captured CO<sub>2</sub> from the FutureGen

1 Project operations that is injected into the Mount Simon  
2 Formation by the Operator.

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

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

7 (20 ILCS 1110/3) (from Ch. 96 1/2, par. 4103)

8 Sec. 3. The Department of Natural Resources ~~Commerce and~~  
9 ~~Economic Opportunity~~ shall have the following powers and  
10 duties:

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

14 (b) To enter into contracts, including, but not limited to,  
15 service contracts, with business, industrial, university,  
16 governmental or other qualified individuals or organizations  
17 to promote development of coal and other energy resources. Such  
18 contracts may be for, but are not limited to, the following  
19 purposes: (1) the commercial application of existing  
20 technology for development of coal resources, (2) to initiate  
21 or complete development of new technology for development of  
22 coal resources, and (3) for planning, design, acquisition,  
23 development, construction, improvement and financing a site or  
24 sites and facilities for establishing plants, projects or

1 demonstrations for development of coal resources and research,  
2 development and demonstration of alternative forms of energy;  
3 and

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

1 exercise of the power of condemnation. The hearing shall be  
2 held in a location reasonably accessible to the public  
3 interested in the decision. The Department shall promulgate  
4 guidelines for the conduct of the hearing.

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

6 (20 ILCS 1110/3.1) (from Ch. 96 1/2, par. 4103.1)

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

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

12 (20 ILCS 1110/6) (from Ch. 96 1/2, par. 4106)

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

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

18 (20 ILCS 1110/11) (from Ch. 96 1/2, par. 4111)

19 Sec. 11. Expenditure of funds. At all times, the proceeds  
20 from the sale of Bonds are subject to appropriation by the  
21 General Assembly and may be expended in such amounts and at  
22 such times as the Department of Natural Resources ~~Commerce and~~  
23 ~~Economic Opportunity~~, with the approval of the Illinois Energy

1 Resources Commission, may deem necessary or desirable for the  
2 specific purposes contemplated by this Act.

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

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

6 (30 ILCS 330/7) (from Ch. 127, par. 657)

7 Sec. 7. Coal and Energy Development. The amount of  
8 \$242,700,000 is authorized to be used by the Department of  
9 Natural Resources ~~Commerce and Economic Opportunity (formerly~~  
10 ~~Department of Commerce and Community Affairs)~~ for coal and  
11 energy development purposes, pursuant to Sections 2, 3 and 3.1  
12 of the Illinois Coal and Energy Development Bond Act, for the  
13 purposes specified in Section 8.1 of the Energy Conservation  
14 and Coal Development Act, including, but not limited to, for  
15 the purpose of development costs; and for the purposes  
16 specified in Section 605-332 of the Department of Commerce and  
17 Economic Opportunity Law of the Civil Administrative Code of  
18 Illinois, and for the purpose of facility cost reports prepared  
19 pursuant to Sections 1-58 or 1-75(d)(4) of the Illinois Power  
20 Agency Act and for the purpose of development costs pursuant to  
21 Section 8.1 of the Energy Conservation and Coal Development  
22 Act. Of this amount:

23 (a) \$143,500,000 is for the specific purposes of  
24 acquisition, development, construction, reconstruction,

1 improvement, financing, architectural and technical planning  
2 and installation of capital facilities consisting of  
3 buildings, structures, durable equipment, and land for the  
4 purpose of capital development of coal resources within the  
5 State and for the purposes specified in Section 8.1 of the  
6 Energy Conservation and Coal Development Act;

7 (b) \$35,000,000 is for the purposes specified in Section  
8 8.1 of the Energy Conservation and Coal Development Act and  
9 making grants to generating stations and coal gasification  
10 facilities within the State of Illinois and to the owner of a  
11 generating station located in Illinois and having at least  
12 three coal-fired generating units with accredited summer  
13 capability greater than 500 megawatts each at such generating  
14 station as provided in Section 6 of that Bond Act;

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

18 (d) \$0 is for the purpose of providing financial assistance  
19 to new electric generating facilities as provided in Section  
20 605-332 of the Department of Commerce and Economic Opportunity  
21 Law of the Civil Administrative Code of Illinois; and

22 (e) \$51,000,000 is for the purpose of facility cost reports  
23 prepared for not more than one facility pursuant to Section  
24 1-75(d)(4) of the Illinois Power Agency Act and not more than  
25 one facility pursuant to Section 1-58 of the Illinois Power  
26 Agency Act and for the purpose of up to \$6,000,000 of

1 development costs pursuant to Section 8.1 of the Energy  
2 Conservation and Coal Development Act.

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

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

7 (30 ILCS 730/2) (from Ch. 96 1/2, par. 8202)

8 Sec. 2. As used in this Act:

9 (a) "coal" or "coal resources" means Illinois coal or coal  
10 products extracted from the ground or reclaimed from the waste  
11 material produced by coal extraction operations;

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

18 (c) "coal research" means scientific investigations  
19 conducted for the purpose of increasing the utilization of coal  
20 resources and includes investigations in the areas of  
21 extraction, preparation, characterization, combustion,  
22 gasification, liquefaction and other synthetic processes,  
23 environmental control, marketing, transportation, procurement  
24 of sites, and environmental impacts;

1 (d) "Fund" means the Coal Technology Development  
2 Assistance Fund;

3 (e) "Board" means the Illinois Coal Development Board or  
4 its successor;

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

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

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

15 (30 ILCS 730/4) (from Ch. 96 1/2, par. 8204)

16 Sec. 4. Expenditures from Coal Technology Development  
17 Assistance Fund.

18 (a) The contents of the Coal Technology Development  
19 Assistance Fund may be expended, subject to appropriation by  
20 the General Assembly, in such amounts and at such times as the  
21 Department, with the advice and recommendation of the Board,  
22 may deem necessary or desirable for the purposes of this Act.

23 (b) The Department shall develop a written plan containing  
24 measurable 3-year and 10-year goals and objectives in regard to  
25 the funding of coal research and coal demonstration and

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

17 (c) (Blank).

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

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

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

1 (735 ILCS 30/15-5-5)

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

6 (5 ILCS 220/3.1); Intergovernmental Cooperation Act;  
7 cooperating entities; for Municipal Joint Action Water  
8 Agency purposes.

9 (5 ILCS 220/3.2); Intergovernmental Cooperation Act;  
10 cooperating entities; for Municipal Joint Action Agency  
11 purposes.

12 (5 ILCS 585/1); National Forest Land Act; United States of  
13 America; for national forests.

14 (15 ILCS 330/2); Secretary of State Buildings in Cook County  
15 Act; Secretary of State; for office facilities in Cook  
16 County.

17 (20 ILCS 5/5-675); Civil Administrative Code of Illinois; the  
18 Secretary of Transportation, the Director of Natural  
19 Resources, and the Director of Central Management  
20 Services; for lands, buildings, and grounds for which an  
21 appropriation is made by the General Assembly.

22 (20 ILCS 620/9); Economic Development Area Tax Increment  
23 Allocation Act; municipalities; to achieve the objectives  
24 of the economic development project.

25 (20 ILCS 685/1); Particle Accelerator Land Acquisition Act;

1 Department of Commerce and Economic Opportunity; for a  
2 federal high energy BEV Particle Accelerator.

3 (20 ILCS 835/2); State Parks Act; Department of Natural  
4 Resources; for State parks.

5 (20 ILCS 1110/3); Illinois Coal and Energy Development Bond  
6 Act; Department of Natural Resources ~~Commerce and Economic~~  
7 ~~Opportunity~~; for coal projects.

8 (20 ILCS 1920/2.06); Abandoned Mined Lands and Water  
9 Reclamation Act; Department of Natural Resources; for  
10 reclamation purposes.

11 (20 ILCS 1920/2.08); Abandoned Mined Lands and Water  
12 Reclamation Act; Department of Natural Resources; for  
13 reclamation purposes and for the construction or  
14 rehabilitation of housing.

15 (20 ILCS 1920/2.11); Abandoned Mined Lands and Water  
16 Reclamation Act; Department of Natural Resources; for  
17 eliminating hazards.

18 (20 ILCS 3105/9.08a); Capital Development Board Act; Capital  
19 Development Board; for lands, buildings and grounds for  
20 which an appropriation is made by the General Assembly.

21 (20 ILCS 3110/5); Building Authority Act; Capital Development  
22 Board; for purposes declared by the General Assembly to be  
23 in the public interest.

24 (40 ILCS 5/15-167); Illinois Pension Code; State Universities  
25 Retirement System; for real estate acquired for the use of  
26 the System.

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

2 Section 940. The Hot Water Heater Efficiency Act is amended  
3 by changing Section 1 as follows:

4 (815 ILCS 355/1) (from Ch. 96 1/2, par. 9551)

5 Sec. 1. (a) No new storage hot water heater which is not  
6 certified as meeting the energy efficiency standards of the  
7 American Society of Heating, Refrigerating and Air  
8 Conditioning Engineers, Inc., as set forth as the current  
9 ASHRAE 90 Standard, shall be purchased for resale or  
10 installation in the State after June 1, 1986; provided,  
11 however, that nothing contained herein shall prevent sales from  
12 being made in the State for use outside the State and provided  
13 that the inventory of storage hot water heaters existing on  
14 April 1, 1986 may be sold after June 1, 1986. Upon the  
15 effective date of this Act, no retail seller or distributor  
16 shall increase its inventory of storage hot water heaters which  
17 are not certified as being in compliance with the current  
18 ASHRAE 90 Standard, and all storage hot water heaters sold  
19 after June 1, 1986 shall be certified and labeled by the  
20 manufacturer as being in compliance with the current ASHRAE 90  
21 Standard.

22 (b) The Environmental Protection Agency, in coordination  
23 with the Department of Natural Resources, ~~The Department of~~  
24 Commerce and Economic Opportunity shall provide technical

1 assistance and information to retail sellers and distributors  
2 of storage hot water heaters doing business in Illinois to  
3 facilitate compliance with the provisions of this Act.

4 (c) This Act does not apply to storage hot water heaters  
5 with a capacity of 20 or fewer gallons designed expressly for  
6 use in recreational vehicles.

7 (d) Any violation of subsection (a) shall be a petty  
8 offense; provided a fine of not less than \$50 nor more than  
9 \$500 shall be imposed, and all fines shall be imposed  
10 consecutively. Each storage hot water heater sold in violation  
11 of this Act shall constitute a separate offense.

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

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