



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4308

Introduced 1/5/2022, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

220 ILCS 85/25 new
220 ILCS 85/30 new
220 ILCS 85/35 new
220 ILCS 85/40 new
220 ILCS 85/45 new
220 ILCS 85/50 new
220 ILCS 85/55 new
220 ILCS 85/60 new

Amends the Pembroke Township Natural Gas Investment Pilot Program Act. Provides that none of the funds authorized or appropriated by the Act shall be used to take any of the land or personal property of any landowner or resident of Pembroke Township or the Village of Hopkins Park for the purpose of the design, construction, and installation of any natural gas pipeline without the expressed and written consent of the landowner or property owner. Provides that the Department of Economic Opportunity and the Illinois Commerce Commission may take specified actions in furtherance of public accountability and to guard against any misuse of public funds. Provides for a study and report on energy policy development options and a study of the projected impact and rate estimates for local households, consumers, businesses, farmers, and other industries from design, construction, installation, and operation of any natural gas pipeline. Creates provisions concerning a community benefit agreement. Provides that the Governor shall formally propose that Pembroke Township be permanently protected and preserved as part of the National Natural Landmark Program, support the requisite authorization and approval by the U.S. Secretary of the Interior, and provide requisite planning funds.

LRB102 21452 SPS 30569 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Pembroke Township Natural Gas Investment
5 Pilot Program Act is amended by adding Sections 25, 30, 35, 40,
6 45, 50, 55, and 60 as follows:

7 (220 ILCS 85/25 new)

8 Sec. 25. Prohibition on takings. None of the funds
9 authorized or appropriated pursuant to this Act shall be used
10 to take any of the land or personal property of any landowner
11 or resident of Pembroke Township or the Village of Hopkins
12 Park for the purpose of the design, construction, and
13 installation of any natural gas pipeline without the express
14 and written consent of the landowner or property owner.

15 (220 ILCS 85/30 new)

16 Sec. 30. Protection for socially disadvantaged farmers,
17 ranchers, forest landowners and operators, and other concerned
18 local groups and residents. In compliance and conformity with
19 Section 1006 of Title 1 of the American Rescue Plan Act of 2021
20 as enacted by Congress, none of the funds authorized or
21 appropriated pursuant to this Act shall be used to take or
22 otherwise jeopardize any of the land or personal property of

1 any socially disadvantaged farmers, ranchers, forest land
2 owners and operators, and groups or other residents of
3 Pembroke Township or the Village of Hopkins Park and secured
4 by loans from the Farm Services Agency, the U.S. Department of
5 Agriculture, or any other financing provided by the federal
6 government on or before January 1, 2021 for the purpose of the
7 design, construction, and installation of any natural gas
8 pipeline without the expressed and written consent of the
9 landowner or property owner.

10 (220 ILCS 85/35 new)

11 Sec. 35. Public accountability and anticorruption
12 safeguards.

13 (a) In furtherance of public accountability and to guard
14 against any misuse of public funds, the Department or the
15 Illinois Commerce Commission may:

16 (1) cancel any agreement or contract entered into
17 pursuant to this Act if it determines, with respect to any
18 agreement or contract to be financed by State funds, that
19 corrupt or fraudulent practices were engaged in by any
20 public officials and private representatives of the
21 recipient or beneficiary of the aid funds during the
22 acquisition of any related land or property, during
23 design, procurement, construction, and installation,
24 during the execution of the related agreement or contract,
25 or during the operation of any natural gas pipeline

1 without the recipient having taken timely, transparent,
2 and appropriate action satisfactory to the Department and
3 Illinois Commerce Commission to remedy the situation;

4 (2) inspect accounts and records of realtors,
5 contractors, and suppliers relating to the performance of
6 any agreement or contract and to perform a complete audit
7 by auditors appointed by the Director of Commerce and
8 Economic Opportunity or the Chairperson of the Illinois
9 Commerce Commission; and

10 (3) bar firms from agreements or contracts financed by
11 State funds, either indefinitely or for a specified period
12 of time, if the Director of Commerce and Economic
13 Opportunity or the Chairperson of the Illinois Commerce
14 Commission determines that any party is engaged in corrupt
15 or fraudulent practices in competing for or in executing
16 an agreement or contract financed by State funds.

17 (b) Any violations of this Section shall be subject to
18 applicable civil or criminal penalties, including fines or
19 imprisonment.

20 (220 ILCS 85/40 new)

21 Sec. 40. Public participation; right to know provisions;
22 and public safety, health, and ecological precautions. To
23 ensure full and open public participation, to better inform
24 and reassure all residents of Pembroke Township and the
25 Village of Hopkins Park, and to protect the unique and

1 endangered natural ecosystem in which they live:

2 (1) the Department shall notify every household of all
3 past and pending complaints, legal claims, and regulatory
4 actions concerning public safety, health, and environment
5 and pertaining to any individual and business entity
6 entering into any agreement or bidding on any contract for
7 the design, construction, installation, or operation of
8 any natural gas pipeline pursuant to this Act, no later
9 than 45 days after the effective date of this amendatory
10 Act of the 102nd General Assembly; and

11 (2) the Illinois Commerce Commission shall require
12 every party to any agreement or contract for the design,
13 construction, installation, or operation of any natural
14 gas pipeline to fully comply with the public safety,
15 health, and environmental protection provisions of 49
16 U.S.C. 8 and corresponding rules and regulations,
17 including the Natural Gas Pipeline Safety Act of 1968.

18 (220 ILCS 85/45 new)

19 Sec. 45. Comprehensive study and report on energy policy
20 development options. Prior to entering into or executing any
21 agreement or contract regarding the design, construction,
22 installation, or operation of any natural gas pipeline
23 pursuant to this Act, the Department, the Illinois Commerce
24 Commission, and the Environmental Protection Agency shall
25 jointly conduct a comprehensive cost-benefit analysis of this

1 project and associated risks, including a thorough comparative
2 evaluation of the merits and demerits of designing,
3 constructing, installing, and operating any natural gas
4 pipeline in Pembroke Township and the Village of Hopkins Park
5 relative to solar, wind, biomass, and other options for
6 providing affordable, sustainable utility services to local
7 households, consumers, businesses, and industries. The
8 findings, underpinning documentation, conclusions, and
9 recommendations must be completed and filed as a report with
10 the General Assembly and made available to the public.

11 (220 ILCS 85/50 new)

12 Sec. 50. Projected impact and rate estimates for local
13 households, consumers, farmers, businesses, and industries.
14 Prior to the approval of any certificate of public convenience
15 and necessity or additional regulatory permits requested by
16 any utility pursuant to this Act, the Illinois Commerce
17 Commission shall do a comprehensive and comparative study of
18 the projected impact and rate estimates for local households,
19 consumers, businesses, farmers, and other industries from
20 design, construction, installation, and operation of any
21 natural gas pipeline, including, but not limited to, any
22 proposed and related use of renewable natural gas supplies, in
23 Pembroke Township and the Village of Hopkins Park relative to
24 solar, wind, biomass, and other nonfossil fuel sourced energy
25 options, including, but not limited to, consideration of best

1 practices for building decarbonization. The findings and
2 underpinning economic data and analysis must be completed and
3 filed as a timely report with the General Assembly and made
4 available to the public.

5 (220 ILCS 85/55 new)

6 Sec. 55. Requirement of a community benefit agreement. To
7 protect and preserve the unique natural, ecological,
8 historical, and cultural heritage of Pembroke Township,
9 including the Village of Hopkins Park, and to maximize the
10 benefits for all residents of this vulnerable community, a
11 community benefit agreement must be negotiated, approved, and
12 signed jointly by a community benefit group, including
13 representation of all local stakeholders who have concerns and
14 who will be affected by the design, development, and
15 installation of any natural gas pipeline pursuant to this Act,
16 NICOR, Inc, or any other commercial developer, and the
17 Director of Commerce and Economic Opportunity, the Director of
18 the Environmental Protection Agency, and the Chairperson of
19 the Illinois Commerce Commission. This agreement shall be
20 legally binding and shall take effect prior to the approval of
21 any certificate of public convenience and necessity and
22 additional regulatory permits requested by any utility
23 pursuant to this Act and prior to the design, construction,
24 and installation of any natural gas pipeline.

1 (220 ILCS 85/60 new)

2 Sec. 60. Establishment of a National Natural Landmark in
3 Pembroke Township. In consultation and collaboration with
4 local residents and their elected representatives, the
5 Governor shall formally propose that the natural history and
6 irreplaceable ecological resources of Pembroke Township be
7 permanently protected and preserved as a unique landscape in
8 the State of Illinois and the United States as part of the
9 National Natural Landmark Program, support the requisite
10 authorization and approval by the U.S. Secretary of the
11 Interior, and provide requisite planning funds.