



Rep. Dan Reitz

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09700HB0390ham001

LRB097 03906 CEL 54088 a

1 AMENDMENT TO HOUSE BILL 390

2 AMENDMENT NO. _____. Amend House Bill 390 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Parks Designation Act is amended by
5 adding Section 11 as follows:

6 (20 ILCS 840/11 new)

7 Sec. 11. Leasing property.

8 (a) Notwithstanding any provision of this Act or any other
9 law to the contrary, property located within Pyramid State Park
10 and described in subsection (b) of this Section shall not be
11 deemed park property, and the Department of Natural Resources
12 shall lease such property to a private entity owning property
13 adjacent thereto on which mining operations are planned,
14 provided that the private entity shall demonstrate to the
15 Department that:

16 (1) the property described in subsection (b) of this

1 Section does not include areas:

2 (A) listed on the Illinois Natural Areas
3 Inventory;

4 (B) serving as known habitats for species listed as
5 threatened or endangered in Illinois;

6 (C) serving as part of a floodplain; or

7 (D) that are part of an Illinois State Natural
8 Preserve.

9 (2) mining operations are feasible on the adjacent
10 property;

11 (3) such operations shall consist of overburden
12 removal and, at the option of the Department, replacement
13 of topsoil in reclamation;

14 (4) such operations shall have a significant impact on
15 the local economy as they are projected to create
16 employment opportunities for approximately 45 persons and
17 to serve as the source of payroll and direct expenditures
18 of approximately \$12 to \$15 million per year;

19 (5) no surface mining shall be conducted on the
20 property described in subsection (b) of this Section;

21 (6) the property described in subsection (b) of this
22 Section and the property adjacent thereto on which mining
23 operations are planned shall be reclaimed by the State on
24 the expiration of the lease and shall be fit for
25 conservation and recreation purposes; and

26 (7) the property adjacent to the property described in

1 subsection (b) of this Section consists of 240 acres and
2 shall ultimately be transferred to the State.

3 (b) The property is described as follows:

4 The East 300 feet of even width of the Northwest
5 Quarter, of Section 8,

6 And

7 The East 300 feet of even width of the South 1,620 feet
8 of the Southwest Quarter, Section 5

9 And

10 South 300 feet of even width of the North Half of the
11 Southeast Quarter, Section 5,

12 And

13 The West 300 feet of even width of the South 1,620 feet
14 of the Southwest Quarter, Section 4

15 And

16 The West 300 feet of even width of the North 2,940 feet
17 of the West Half, Section 9

18 And

19 North Half of the Southeast Quarter, Section 8.

20 All in Township 6 South, Range 3 West, of the Third
21 Principal Meridian, Perry County, Illinois.

22 (c) The Department of Natural Resources shall lease the
23 property described in subsection (b) of this Section for fair
24 market value, and the term of the lease shall be for a period
25 of no longer than 10 years with no option for renewal.

26 (d) Prior to the execution of the lease, the private entity

1 owning property adjacent to the property described in
2 subsection (b) of this Section shall provide a plan to the
3 Department of Natural Resources for the reclamation by the
4 State of both the property described in subsection (b) of this
5 Section and the property adjacent thereto on which mining
6 operations are planned. The plan shall include a cost estimate
7 and timeline for reclamation activities. At the option of the
8 Department, both properties shall be reclaimed to farmland
9 standards, with reclamation activities occurring
10 contemporaneously with farmland activities. On the expiration
11 of the lease and on request of the Department of Natural
12 Resources, the private entity must execute the reclamation
13 plan.

14 (e) Any and all leases for the property described in
15 subsection (b) of this Section in effect on the effective date
16 of this amendatory Act of the 97th General Assembly are
17 terminated by operation of law.

18 (f) The provisions of this Section only apply to property
19 described in subsection (b) of this Section and property
20 adjacent thereto, and do not apply to any other property within
21 Pyramid State Park, any other property within any other
22 designated State park under the jurisdiction of the Department
23 of Natural Resources, or any other State property.

24 (g) The requirement that the Department lease property
25 under this Section shall not apply if the Department determines
26 that mining activities pose a risk to the recreational uses,

1 wildlife, hydrology, water quality, habitat, or potential for
2 habitat restoration of lands owned by the Department.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".