



Rep. Dan Reitz

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09700HB0390ham002

LRB097 03906 CEL 54313 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 no longer
11 be designated part of Pyramid State Park and the Department of
12 Natural Resources is authorized to lease such property to a
13 private entity having options to purchase property adjacent
14 thereto on which mining operations are planned, provided that
15 the private entity shall demonstrate to the 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 critical habitats for species
5 listed as 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 for the extraction of coal shall
20 be conducted on the property described in subsection (b) of
21 this Section;

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

1 (7) the adjacent property consists of 240 acres and
2 shall ultimately be conveyed to the State, Department of
3 Natural Resources.

4 (b) The property is described as follows:

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

7 And

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

10 And

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

13 And

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

16 And

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

19 And

20 North Half of the Southeast Quarter, Section 8.

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

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

1 (d) Prior to the execution of the lease, the private entity
2 must receive Department approval of a plan for the reclamation
3 of both the property described in subsection (b) of this
4 Section and the property adjacent thereto on which mining
5 operations are planned. The plan shall include a cost estimate
6 and timeline for reclamation activities. The private entity
7 shall provide financial assurance in an amount and in a form
8 sufficient to fund all reclamation activities in the
9 Department-approved reclamation plan. At the option of the
10 Department, both properties shall be reclaimed to farmland
11 standards, with reclamation activities occurring
12 contemporaneously with farmland activities. On the expiration
13 of the lease and upon the request of the Department of Natural
14 Resources, the private entity must execute the reclamation
15 plan.

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

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

26 (g) The authorization for the Department lease property

1 under this Section shall not apply if the Department determines
2 that mining activities pose a risk to the recreational uses,
3 wildlife, hydrology, water quality, habitat, or potential for
4 habitat restoration of lands owned by the Department.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".