

1 AN ACT concerning finance.

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

4 Section 3. The Illinois Administrative Procedure Act is
5 amended by changing Sections 1-20 and 1-70 as follows:

6 (5 ILCS 100/1-20) (from Ch. 127, par. 1001-20)

7 Sec. 1-20. "Agency" means each officer, board, commission,
8 and agency created by the Constitution, whether in the
9 executive, legislative, or judicial branch of State
10 government, but other than the circuit court; each officer,
11 department, board, commission, agency, institution, authority,
12 university, and body politic and corporate of the State; each
13 administrative unit or corporate outgrowth of the State
14 government that is created by or pursuant to statute, other
15 than units of local government and their officers, school
16 districts, and boards of election commissioners; and each
17 administrative unit or corporate outgrowth of the above and as
18 may be created by executive order of the Governor. "Agency",
19 however, does not include the following:

20 (1) The House of Representatives and Senate and their
21 respective standing and service committees, including
22 without limitation the Board of the Office of the Architect
23 of the Capitol and the Architect of the Capitol established

1 under the Legislative Commission Reorganization Act of
2 1984.

3 (2) The Governor, except with respect to
4 intergovernmental agreements.

5 (3) The justices and judges of the Supreme and
6 Appellate Courts.

7 (4) The Legislative Ethics Commission.

8 (Source: P.A. 95-331, eff. 8-21-07.)

9 (5 ILCS 100/1-70) (from Ch. 127, par. 1001-70)

10 Sec. 1-70. "Rule" means each agency statement of general
11 applicability that implements, applies, interprets, or
12 prescribes law or policy, but does not include (i) statements
13 concerning only the internal management of an agency and not
14 affecting private rights or procedures available to persons or
15 entities outside the agency, (ii) informal advisory rulings
16 issued under Section 5-150, (iii) intra-agency memoranda, (iv)
17 the prescription of standardized forms, (v) documents prepared
18 or filed or actions taken by the Legislative Reference Bureau
19 under Section 5.04 of the Legislative Reference Bureau Act, or
20 (vi) guidance documents prepared by the Illinois Environmental
21 Protection Agency under Section 39.5 or subsection (s) of
22 Section 39 of the Environmental Protection Act. "Rule" also
23 includes the exclusive means by which a State agency may enter
24 into or implement an intergovernmental agreement as provided in
25 Section 3 of the Intergovernmental Cooperation Act.

1 (Source: P.A. 97-95, eff. 7-12-11; 97-1081, eff. 8-24-12.)

2 Section 5. The Intergovernmental Cooperation Act is
3 amended by changing Section 3 as follows:

4 (5 ILCS 220/3) (from Ch. 127, par. 743)

5 Sec. 3. Intergovernmental cooperation.

6 (a) Any power or powers, privileges, functions, or
7 authority exercised or which may be exercised by a public
8 agency of this State may be exercised, combined, transferred,
9 and enjoyed jointly with any other public agency of this State
10 and jointly with any public agency of any other state or of the
11 United States to the extent that laws of such other state or of
12 the United States do not prohibit joint exercise or enjoyment
13 and except where specifically and expressly prohibited by law.
14 This includes, but is not limited to, (i) arrangements between
15 the Illinois Student Assistance Commission and agencies in
16 other states which issue professional licenses and (ii)
17 agreements between the Department of Healthcare and Family
18 Services (formerly Illinois Department of Public Aid) and
19 public agencies for the establishment and enforcement of child
20 support orders and for the exchange of information that may be
21 necessary for the enforcement of those child support orders.

22 (b) The exclusive means by which a State agency, as defined
23 in Section 1-20 of the Illinois Administrative Procedure Act,
24 may enter into or implement an intergovernmental agreement with

1 another State agency by the prior adoption of rules in
2 accordance with the Illinois Administrative Procedure Act. Two
3 or more State agencies that wish to participate in the same
4 intergovernmental agreement may do so by adopting joint rules
5 in accordance with the Illinois Administrative Procedure Act.
6 The rules must include, at a minimum, the actual terms and
7 conditions of the specific intergovernmental agreement that is
8 contemplated by the State agency or agencies.

9 Within 6 months after the effective date of this amendatory
10 Act of the 99th General Assembly, each State agency must file,
11 with the Legislative Audit Commission, a copy of each
12 intergovernmental agreement entered into by that agency, or any
13 of its predecessor agencies, with another State agency prior to
14 the effective date of this amendatory Act of the 99th General
15 Assembly that was not fully performed by all parties before
16 that effective date.

17 (c) Notwithstanding any other provision of law, no State
18 agency, as defined in Section 1-20 of the Illinois
19 Administrative Procedure Act, may enter into an
20 intergovernmental agreement with another State agency that
21 authorizes sharing of appropriation line items unless that
22 agreement is approved by a joint resolution of the General
23 Assembly.

24 (Source: P.A. 95-331, eff. 8-21-07.)

25 Section 10. The State Finance Act is amended by adding

1 Section 5.866 as follows:

2 (30 ILCS 105/5.866 new)

3 Sec. 5.866. The Coal Mining Land Conservation and
4 Reclamation Fund.

5 Section 15. The Illinois Coal Technology Development
6 Assistance Act is amended by changing Sections 3 and 7 as
7 follows:

8 (30 ILCS 730/3) (from Ch. 96 1/2, par. 8203)

9 Sec. 3. Transfers to and from the Coal Technology
10 Development Assistance Fund Funds.

11 (a) As soon as may be practicable after the first day of
12 each month, the Department of Revenue shall certify to the
13 Treasurer an amount equal to 1/64 of the revenue realized from
14 the tax imposed by the Electricity Excise Tax Law, Section 2 of
15 the Public Utilities Revenue Act, Section 2 of the Messages Tax
16 Act, and Section 2 of the Gas Revenue Tax Act, during the
17 preceding month. Upon receipt of the certification, the
18 Treasurer shall transfer the amount shown on such certification
19 from the General Revenue Fund to the Coal Technology
20 Development Assistance Fund, which is hereby created as a
21 special fund in the State treasury, except that no transfer
22 shall be made in any month in which the Fund has reached the
23 following balance:

1 (1) \$7,000,000 during fiscal year 1994.

2 (2) \$8,500,000 during fiscal year 1995.

3 (3) \$10,000,000 during fiscal years 1996 and 1997.

4 (4) During fiscal year 1998 through fiscal year 2004,
5 an amount equal to the sum of \$10,000,000 plus additional
6 moneys deposited into the Coal Technology Development
7 Assistance Fund from the Renewable Energy Resources and
8 Coal Technology Development Assistance Charge under
9 Section 6.5 of the Renewable Energy, Energy Efficiency, and
10 Coal Resources Development Law of 1997.

11 (5) During fiscal year 2005, an amount equal to the sum
12 of \$7,000,000 plus additional moneys deposited into the
13 Coal Technology Development Assistance Fund from the
14 Renewable Energy Resources and Coal Technology Development
15 Assistance Charge under Section 6.5 of the Renewable
16 Energy, Energy Efficiency, and Coal Resources Development
17 Law of 1997.

18 (6) During fiscal year 2006 and each fiscal year
19 thereafter, an amount equal to the sum of \$10,000,000 plus
20 additional moneys deposited into the Coal Technology
21 Development Assistance Fund from the Renewable Energy
22 Resources and Coal Technology Development Assistance
23 Charge under Section 6.5 of the Renewable Energy, Energy
24 Efficiency, and Coal Resources Development Law of 1997.

25 (b) During fiscal year 2016 and each fiscal year
26 thereafter, an amount of \$333,333.33 shall be transferred from

1 the Coal Technology Development Assistance Fund to the Coal
2 Mining Land Conservation and Reclamation Fund on the first day
3 of each month.

4 (Source: P.A. 93-839, eff. 7-30-04; revised 12-1-14.)

5 (30 ILCS 730/7 new)

6 Sec. 7. Coal Mining Land Conservation and Reclamation Fund.
7 The Coal Mining Land Conservation and Reclamation Fund is
8 hereby created. The Department of Natural Resources shall use
9 all monies from the Coal Mining Land Conservation and
10 Reclamation Fund to administer the Department's
11 responsibilities under the Surface Coal Mining Land
12 Conservation and Reclamation Act. Monies may be used as
13 necessary for additional personal costs associated with
14 administration of the Act. Notwithstanding any other law to the
15 contrary, the Coal Mining Land Conservation and Reclamation
16 Fund is not subject to sweeps, administrative charge-backs, or
17 any other fiscal or budgetary maneuver that would in any way
18 transfer any amounts from the Coal Mining Land Conservation and
19 Reclamation Fund into any other fund of the State.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.