

1 AMENDMENT TO HOUSE BILL 5727

2 AMENDMENT NO. _____. Amend House Bill 5727 as follows:

3 on page 1, line 7, by changing "Section" to "Sections"; and

4 on page 1, line 8, after "11.5", by inserting "and 20.4"; and

5 on page 5, below line 33, by inserting the following:

6 "(6) The existence of public utilities within and
7 adjacent to the proposed area."; and

8 on page 6, line 1, by changing "(6)" to "(7)"; and

9 on page 13, below line 19, by inserting the following:

10 "(505 ILCS 5/20.4 new)

11 Sec. 20.4. Eminent domain. Except as otherwise provided
12 in this Section, no entity possessing the power of eminent
13 domain under the laws of this State may acquire any land or
14 easements having a gross area greater than 10 acres in size
15 that is located within an agricultural area. Except as
16 otherwise provided in this Section, no governmental unit may
17 advance public funds, whether by grant, loan, interest,
18 subsidy, or otherwise, within an agricultural area for the
19 construction of nonfarm housing or commercial or industrial
20 facilities to serve nonagricultural uses of land.

1 At least 60 days before an acquisition or advance, a
2 notice of intent must be filed with the Director of
3 Agriculture containing any information and in the manner and
4 form required by the Director. The notice of intent must
5 contain a report explaining the proposed action, including an
6 evaluation of alternatives that would not require acquisition
7 or advance within the agricultural area.

8 The Director of Agriculture, in consultation with
9 affected units of local government, must review the proposed
10 action to determine its effect on the preservation and
11 enhancement of agriculture and agricultural resources within
12 the agricultural area and the relationship of the action to
13 local and regional comprehensive plans.

14 If the Director of Agriculture finds that the proposed
15 action might have an unreasonable effect on an agricultural
16 area, he or she must issue an order, within the 60-day
17 period, for the party to desist from the action for another
18 60-day period.

19 During the additional 60-day period, the Director must
20 hold a public hearing concerning the proposed action at a
21 place within the affected agricultural area or otherwise
22 easily accessible to the agricultural area. The Director
23 must provide notice of the hearing not more than 30 but not
24 less than 15 days before the hearing:

25 (1) in a newspaper of general circulation within
26 the agricultural area;

27 (2) in writing, delivered by mail, to the entity
28 proposing to take the action;

29 (3) in writing, delivered by mail, to the units of
30 local government whose territory encompasses the
31 agricultural area; and

32 (4) in writing, delivered by mail, to any
33 governmental unit having the power of review or approval
34 of the action.

1 The review process required by this Section may be conducted
2 jointly with any other environmental impact review required
3 by law.

4 The Director of Agriculture may suspend for up to one
5 year any eminent domain action that he or she determines to
6 be contrary to the purposes of this Act and for which he or
7 she determines there are feasible and prudent alternatives
8 that have less negative impact on agricultural areas.

9 The Director of Agriculture may request the Attorney
10 General to bring a civil action to enjoin any entity from
11 violating the provisions of this Section.

12 This Section does not apply to (i) any utility
13 facilities, including, but not limited to, electric
14 transmission or distribution facilities or lines, facilities
15 used for exploration, production, storage, transmission, or
16 distribution of natural gas, synthetic gas, or oil, or
17 telephone lines and telecommunications facilities or (ii) any
18 emergency project that is immediately necessary for the
19 protection of life and property."