



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1402

Introduced 1/31/2025, by Sen. Dale Fowler

SYNOPSIS AS INTRODUCED:

New Act

Creates the Department of Natural Resources Sahara Woods State Recreation Area Act. Authorizes the Department of Natural Resources to enter into a public-private agreement to develop, construct, finance, lease, manage, and operate campground facilities at Sahara Woods State Recreation Area. Authorizes the Director of Natural Resources to enter into discussions with interested persons prior to soliciting requests for proposals. Directs the Department to comply with specified provisions of the Illinois Procurement Code. Describes the request-for-proposal process that is to be employed. Contains provisions concerning the payment of prevailing wages and the use of project labor agreements. Specifies that the term of any public-private agreement entered into under the Act shall be no less than 25 years and no more than 99 years. Defines terms. Effective immediately.

LRB104 04619 BDA 14646 b

1 AN ACT concerning conservation.

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

4 Section 1. Short title. This Act may be cited as the
5 Department of Natural Resources Sahara Woods State Recreation
6 Area Act.

7 Section 5. Legislative intent. The General Assembly finds
8 that authorizing the Department of Natural Resources to enter
9 into a public-private partnership for the development,
10 construction, maintenance, or operation of campground
11 facilities at Sahara Woods State Recreation Area will allow
12 greater utilization of the Area and is in the best interest of
13 the State and the local community.

14 Section 10. Definitions.

15 "Contractor" means a person who has been selected to enter
16 or has entered into a public-private agreement with the
17 Department on behalf of the State for the development,
18 financing, management, or operation of campgrounds facilities
19 at Sahara Woods State Recreational Area pursuant to this Act.

20 "Department" means the Department of Natural Resources.

21 "Director" means the Director of Natural Resources.

22 "Maintain" or "maintenance" includes ordinary maintenance,

1 repair, rehabilitation, capital maintenance, replacement, and
2 any other categories of maintenance that may be designated by
3 the Department.

4 "Offeror" means a person who responds to a request for
5 proposals under this Act.

6 "Operate" or "operation" means to do one or more of the
7 following: maintain, improve, equip, modify, or otherwise
8 operate.

9 "Person" means any individual, firm, association, joint
10 venture, partnership, estate, trust, syndicate, fiduciary,
11 corporation, or any other legal entity, group, or combination
12 thereof.

13 "Public-private agreement" means an agreement or contract
14 between the Department and the contractor on behalf of the
15 State and all schedules, exhibits, and attachments thereto,
16 entered into pursuant to a competitive request for proposals
17 process governed by this Act, for the development,
18 construction, financing, management and operation of
19 campground facilities at Sahara Woods State Recreation Area
20 under this Act.

21 "Revenues" means all revenues, including, but not limited
22 to, income, user fees, earnings, interest, lease payments,
23 allocations, moneys from the federal government, the State,
24 and units of local government, including, but not limited to,
25 federal, State, and local appropriations, grants, loans, lines
26 of credit, and credit guarantees; bond proceeds; equity

1 investments; service payments; or other receipts arising out
2 of or in connection with the development, construction,
3 financing, development, management, or operation of campground
4 facilities at Sahara Woods State Recreation Area.

5 "Sahara Woods State Recreation Area" means real property
6 in Carrier Mills, Illinois, consisting of approximately 4,000
7 acres of vacated strip mine land including the 98 acre Sahara
8 Lake and numerous strip cuts that make up approximately 270
9 acres of fishable water.

10 Section 15. Authority to enter public-private agreement.
11 Notwithstanding any provision of law to the contrary, the
12 Department, on behalf of the State, may enter into a
13 public-private agreement to develop, construct, finance,
14 lease, manage, and operate campground facilities at Sahara
15 Woods State Recreation Area on behalf of the State, pursuant
16 to which the contractors may receive certain revenues,
17 including management or user fees in consideration of the
18 payment of moneys to the State for that right.

19 Section 20. Engagement prior to request for proposals. The
20 Director or the Director's designee may, prior to soliciting
21 requests for proposals, enter into discussions with interested
22 persons in order to assess existing market conditions and
23 demands, provided that no such interested persons shall have
24 any role in drafting any request for proposals, nor shall any

1 request for proposal be provided to any interested person
2 prior to its general public distribution. The Director may
3 issue a request for qualifications that requests interested
4 persons to provide such information as the Director deems
5 necessary in order to evaluate the qualifications of such
6 interested persons. This may include, but is not limited to,
7 the ability of interested persons to acquire the property, as
8 determined by the Director. Such engagement and discussions
9 with interested persons are exempt from Sections 50-10.5,
10 50-39, 50-40, 50-45, and 50-50 of the Illinois Procurement
11 Code.

12 Section 25. Requests for proposals. If requests for
13 proposals are made by the Department, the Department shall
14 comply with the competitive request for proposals process
15 under Article 20 of the Illinois Procurement Code, rules
16 adopted under that Code, and this Act.

17 Section 30. Request for proposal process.

18 (a) The Department, on behalf of the State, may select a
19 contractor through a competitive request for proposals process
20 under Article 20 of the Illinois Procurement Code and rules
21 adopted under that Article of the Code.

22 (b) The competitive request for proposals process shall
23 solicit statements of qualification and proposals from
24 offerors.

1 (c) In addition to any requirements under Article 20 of
2 the Illinois Procurement Code, the competitive request for
3 proposals process may take into account the following
4 criteria:

5 (1) the offeror's plans for the campgrounds project at
6 Sahara Woods State Recreation Area;

7 (2) the offeror's current and past business practices;
8 and

9 (3) the offeror's poor or inadequate past performance
10 in developing, financing, constructing, managing, or
11 operating other historic landmark properties or other
12 public assets.

13 Section 35. Provisions of the public-private agreement.
14 The public-private agreement shall include all of the
15 following:

16 (1) the term of the public-private agreement that is
17 consistent with Section 45;

18 (2) the powers, duties, responsibilities, obligations,
19 and functions of the Department and the contractor;

20 (3) compensation or payments to the Department, if
21 applicable;

22 (4) compensation or payments to the contractor, if
23 applicable;

24 (5) a provision specifying that the Department:

25 (A) has ready access to information regarding the

1 contractor's powers, duties, responsibilities,
2 obligations, and functions under the public-private
3 agreement;

4 (B) has the right to demand and receive
5 information from the contractor concerning any aspect
6 of the contractor's powers, duties, responsibilities,
7 obligations, and functions under the public-private
8 agreement; and

9 (C) has the authority to direct or countermand
10 decisions by the contractor at any time;

11 (6) a provision imposing an affirmative duty on the
12 contractor to provide the Department with any information
13 the contractor reasonably believes the Department would
14 want to know or would need to know to enable the Department
15 to exercise its powers, carry out its duties,
16 responsibilities, and obligations, and perform its
17 functions under this Act or the public-private agreement
18 or as otherwise required by law;

19 (7) the authority of the Department to request that
20 the contractor reimburse the Department for third party
21 consultants related to the monitoring the project;

22 (8) a provision governing the contractor's authority
23 to negotiate and execute subcontracts with third parties;

24 (9) the authority of the contractor to impose user
25 fees and the amounts of those fees;

26 (10) a provision governing the deposit and allocation

1 of revenues including user fees;

2 (11) a provision governing rights to real and personal
3 property of the State, the Department, the contractor, and
4 other third parties;

5 (12) grounds for termination of the agreement by the
6 Department or the contractor and a restatement of the
7 Department's rights under this Act;

8 (13) a requirement that the contractor enter into a
9 project labor agreement;

10 (14) a provision stating that construction contractors
11 shall comply with the requirements of Section 30-22 of the
12 Illinois Procurement Code;

13 (15) rights and remedies of the Department if the
14 contractor defaults or otherwise fails to comply with the
15 terms of the agreement;

16 (16) procedures for amendment to the agreement;

17 (17) a requirement that the contract complies with the
18 Business Enterprise for Minorities, Women, and Persons
19 with Disabilities Act and Section 2-105 of the Illinois
20 Human Rights Act; and

21 (18) all other terms, conditions, and provisions
22 acceptable to the Department that the Department deems
23 necessary and proper and in the public interest.

24 Section 40. Labor.

25 (a) A public-private agreement related to Sahara Woods

1 State Recreation Area pertaining to the building, altering,
2 repairing, maintaining, improving, or demolishing of
3 campground facilities shall require the contractor and all
4 subcontractors to comply with the requirements of Section
5 30-22 of the Illinois Procurement Code as they apply to
6 responsible bidders, including, but not limited to, all
7 applicable provisions of the Prevailing Wage Act, and to
8 present satisfactory evidence of that compliance to the
9 Department, unless the project is federally funded and the
10 application of those requirements would jeopardize the receipt
11 or use of federal funds in support of the project.

12 (b) A public-private agreement related to Sahara Woods
13 State Recreation Area pertaining to the building, altering,
14 repairing, maintaining, improving, or demolishing campground
15 facilities at the Area shall require the contractor and all
16 subcontractors to enter into a project labor agreement used by
17 the Capital Development Board.

18 Section 45. Term of agreement; reversion of property to
19 the Department.

20 (a) The term of any public-private agreement entered into
21 under this Act shall be no less than 25 years and no more than
22 99 years.

23 (b) The Department may terminate the contractor's
24 authority and duties under the public-private agreement on the
25 date set forth in the public-private agreement. The Department

1 may also terminate the public-private agreement pursuant to
2 any clause or condition as set forth in the public-private
3 agreement.

4 (c) Upon termination of the public-private agreement, the
5 authority, and duties of the contractor under this Act cease,
6 except for those duties and obligations that extend beyond the
7 termination, as set forth in the public-private agreement, and
8 all interests in the campground facilities at Sahara Woods
9 State Recreation Area shall revert to the Department.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.