

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 5. The Illinois Administrative Procedure Act is
5 amended by adding Section 5-45.65 as follows:

6 (5 ILCS 100/5-45.65 new)

7 Sec. 5-45.65. Emergency rulemaking; Department of Natural
8 Resources. To provide for the expeditious and timely
9 implementation of the Open Space Lands Acquisition and
10 Development Act, emergency rules may be adopted in accordance
11 with Section 5-45 by the Department of Natural Resources. The
12 adoption of emergency rules authorized by Section 5-45 and
13 this Section is deemed to be necessary for the public
14 interest, safety, and welfare.

15 This Section is repealed one year after the effective date
16 of this amendatory Act of the 104th General Assembly.

17 Section 10. The Open Space Lands Acquisition and
18 Development Act is amended by changing Sections 2, 3, 5, 6, and
19 9 as follows:

20 (525 ILCS 35/2) (from Ch. 85, par. 2102)

21 Sec. 2. Definitions. As used in this Act:

1 "Applicant" means a local government that files an
2 application for a grant under this Act.

3 "Complete application" means an application that has all
4 of the required documentation and is submitted within the
5 notice of funding opportunity application period.

6 "Department" means the Department of Natural Resources.

7 "Director" means the Director of the Department of Natural
8 Resources.

9 "Distressed community" means an eligible unit of local
10 government, as determined by the Department, that meets at
11 least one of the following criteria, as determined by the
12 Department:

13 (1) the area has a poverty rate of at least 20%
14 according to the latest federal decennial census;

15 (2) 75% or more of the children in the area
16 participate in the federal free lunch program according to
17 reported statistics from the State Board of Education;

18 (3) at least 20% of the households in the area receive
19 assistance under the Supplemental Nutrition Assistance
20 Program; or

21 (4) the area has an average unemployment rate, as
22 determined by the Department of Employment Security, that
23 is more than 120% of the national unemployment average, as
24 determined by the United States Department of Labor, for a
25 period of at least 2 consecutive calendar years preceding
26 the date of the application.

1 "Distressed location" means a census tract or comparable
2 geographic area, as determined by the Department, that meets
3 at least one of the following criteria, as determined by the
4 Department:

5 (1) the area has a poverty rate of at least 20%
6 according to the latest federal decennial census;

7 (2) 75% or more of the children in the area
8 participate in the federal free lunch program according to
9 reported statistics from the State Board of Education;

10 (3) at least 20% of the households in the area receive
11 assistance under the Supplemental Nutrition Assistance
12 Program; or

13 (4) the area has an average unemployment rate, as
14 determined by the Department of Employment Security, that
15 is more than 120% of the national unemployment average, as
16 determined by the United States Department of Labor, for a
17 period of at least 2 consecutive calendar years preceding
18 the date of the application.

19 "Local government" means a county, township, municipality,
20 park district, conservation district, forest preserve
21 district, river conservancy district, or any other unit of
22 local government empowered to expend public funds for the
23 acquisition and development of land for public outdoor parks
24 or recreation or conservation purposes.

25 "Notice of funding opportunity" means the notice provided
26 to the public that is required under the Grant Accountability

1 and Transparency Act, which provides detailed instructions on
2 how much funding is expected to be available, who can apply for
3 the funding, how to apply for the funding, the notice of
4 funding opportunity application period, and how the
5 applications will be scored.

6 "Notice of funding opportunity application period" means
7 the period during which applications for grants issued under
8 this Act must be submitted to the Department.

9 "Project" means a proposal for the acquisition of open
10 space lands or for the capital development of park,
11 recreation, or conservation areas by a local government.

12 ~~As used in this Act, unless the context otherwise requires,~~
13 ~~the terms defined in the Sections following this Section and~~
14 ~~preceding Section 3 have the meanings ascribed to them in~~
15 ~~those Sections.~~

16 (Source: P.A. 97-333, eff. 8-12-11.)

17 (525 ILCS 35/3) (from Ch. 85, par. 2103)

18 Sec. 3. Grants to local governments.

19 (a) From appropriations made from the Capital Development
20 Fund, Build Illinois Bond Fund or other available or
21 designated funds for such purposes, the Department shall make
22 grants to local governments as financial assistance for the
23 capital development and improvement of park, recreation or
24 conservation areas, marinas and shorelines, including planning
25 and engineering costs, and for the acquisition of open space

1 lands, including acquisition of easements and other property
2 interests less than fee simple ownership if the Department
3 determines that such property interests are sufficient to
4 carry out the purposes of this Act, subject to the conditions
5 and limitations set forth in this Act.

6 (b) No more than 10% of the amount so appropriated for any
7 fiscal year may be committed or expended on any one project
8 described in an application under this Act.

9 (c) Except as otherwise provided in subsection (d) for
10 ~~grants awarded from new appropriations in fiscal years 2023~~
11 ~~through fiscal year 2025,~~ any grant under this Act to a unit of
12 local government shall be conditioned upon the state providing
13 assistance on a 50/50 matching basis for the acquisition of
14 open space lands and for capital development and improvement
15 proposals.

16 (d)(1) A distressed location project located within a
17 distressed community shall be eligible, as determined by the
18 Department, for assistance of up to 100% for the acquisition
19 of open space lands and for capital development and
20 improvement proposals that are in conformity with the purposes
21 of this Act.

22 (2) A project located within a distressed community,
23 regardless of whether the project is located within a
24 distressed location, ~~However, a local government defined as~~
25 ~~"distressed" under criteria adopted by the Department through~~
26 ~~administrative rule~~ shall be eligible, as determined by the

1 Department, for assistance of up to 90% for the acquisition of
2 open space lands and for capital development and improvement
3 proposals that are in conformity with the purposes of this Act
4 as determined by the Department. ~~, provided that~~

5 (3) A distressed location project that is not located in a
6 distressed community shall be eligible, as determined by the
7 Department, for assistance of up to 75% for the acquisition of
8 open space lands and for capital development and improvement
9 proposals that are in conformity with the purposes of this
10 Act.

11 (e) No ~~no~~ more than 10% of the amount appropriated under
12 this Act in any fiscal year shall be ~~is~~ made available as
13 grants to distressed communities under paragraph (1) of
14 subsection (d). No more than 30% of the amount appropriated
15 under this Act in any fiscal year shall be made available as
16 grants to distressed communities under paragraph (2) of
17 subsection (d). No more than 10% of the amount appropriated
18 under this Act in any fiscal year shall be made available as
19 grants to communities where the distressed location project in
20 not located in a distressed community under paragraph (3) of
21 subsection (d). ~~local governments. For grants awarded from new~~
22 ~~appropriations in fiscal years 2023 through fiscal year 2025~~
23 ~~only, a local government defined as "distressed" is eligible~~
24 ~~for assistance up to 100% for the acquisition of open space~~
25 ~~lands and for capital development and improvement proposals.~~
26 ~~The Department may make more than 10% of the amount~~

1 ~~appropriated in fiscal years 2023 through fiscal year 2025~~
2 ~~available as grants to distressed local governments.~~

3 (f) To be awarded a grant under this Section, a grant
4 applicant must submit a complete application and comply with
5 the requirements of the notice of funding opportunity.

6 (g) An advance payment of a minimum of 50% of any grant
7 made to a unit of local government under this Act must be paid
8 to the unit of local government at the time the Department
9 awards the grant. A unit of local government may opt out of the
10 advanced payment option at the time of the award of the grant.
11 The remainder of the grant shall be distributed to the local
12 government quarterly on a reimbursement basis. The Department
13 shall consider an applicant's request for an extension to a
14 grant under this Act if (i) the advanced payment is expended or
15 legally obligated within the 2 years required by Section 5 of
16 the Illinois Grant Funds Recovery Act or (ii) no advanced
17 payment was made.

18 (Source: P.A. 102-200, eff. 7-30-21; 102-699, eff. 4-19-22;
19 103-8, eff. 6-7-23; 103-588, eff. 6-5-24.)

20 (525 ILCS 35/5) (from Ch. 85, par. 2105)

21 Sec. 5. Prioritization of projects. In considering
22 applications for grants under this Act, the Department shall
23 give priority to projects that: ~~which will~~

24 (1) will provide the greatest benefit to the residents
25 of the areas of the State which have the highest

1 concentration or density of population; ~~7~~

2 (2) ~~which~~ are based upon criteria established by the
3 Department that ~~which~~ reflect outdoor recreation needs and
4 priorities identified through the Statewide Comprehensive
5 Outdoor Recreation Plan (SCORP) Program carried out by the
6 Department; ~~7 or~~

7 (3) are located in distressed locations and distressed
8 communities; or

9 (4) ~~which~~ are located in flood plain areas.

10 The total amount of grants made for any fiscal year may not
11 exceed the amount of the appropriation for grants made for
12 that fiscal year.

13 (Source: P.A. 84-109.)

14 (525 ILCS 35/6) (from Ch. 85, par. 2106)

15 Sec. 6. Consideration of grant applications. The
16 Department shall consider all applications for grants for a
17 fiscal year before awarding any grants for that year. No
18 consideration shall be given for that fiscal year to an
19 application that has not been timely filed. If an application
20 does not describe a project that is compatible with the
21 purposes of this Act, the Department shall deny that
22 application. The Department shall evaluate those applications
23 that have been timely filed and have been approved as being
24 compatible with the purposes of this Act and, subject to the
25 limits established by Section 3, list in order of priority the

1 applicant, project and dollar amount of each grant recommended
2 to be awarded. The Department shall also indicate on the
3 priority listing of approved projects the last grant that
4 ~~which~~ may be paid during that fiscal year because of the limit
5 of moneys appropriated for grants for that fiscal year.

6 (Source: P.A. 84-109.)

7 (525 ILCS 35/9) (from Ch. 85, par. 2109)

8 Sec. 9. Rulemaking. The Department shall adopt ~~promulgate~~
9 rules and regulations to effectuate the purposes of this Act.
10 The Department may adopt emergency rules in accordance with
11 Sections 5-45 and 5-45.65 of the Illinois Administrative
12 Procedure Act. The adoption of emergency rules authorized by
13 Sections 5-45 and 5-45.65 of the Illinois Administrative
14 Procedure Act and this paragraph is deemed to be necessary for
15 the public interest, safety, and welfare.

16 (Source: P.A. 84-109.)

17 (525 ILCS 35/2.01 rep.)

18 (525 ILCS 35/2.02 rep.)

19 (525 ILCS 35/2.03 rep.)

20 (525 ILCS 35/2.04 rep.)

21 (525 ILCS 35/2.05 rep.)

22 (525 ILCS 35/11.1 rep.)

23 Section 15. The Open Space Lands Acquisition and
24 Development Act is amended by repealing Sections 2.01, 2.02,

1 2.03, 2.04, 2.05, and 11.1.