



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5015

by Rep. Ryan Spain

SYNOPSIS AS INTRODUCED:

20 ILCS 805/805-40
20 ILCS 805/805-45

was 20 ILCS 805/63a41

Amends the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois. Amends provisions concerning the Department of Natural Resources Adopt-A-Park and Adopt-A-Trail programs. Provides that a volunteer may bring his or her own light equipment, including, but not limited to, a lawn mower, chainsaw, or other appropriate equipment to carry out functions granted by the Department at his or her own risk, so long as it does not interfere with work historically performed by Department employees.

LRB100 16632 SLF 31769 b

1 AN ACT concerning State government.

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

4 Section 5. The Department of Natural Resources
5 (Conservation) Law of the Civil Administrative Code of Illinois
6 is amended by changing Sections 805-40 and 805-45 as follows:

7 (20 ILCS 805/805-40) (was 20 ILCS 805/63a41)

8 Sec. 805-40. Adopt-A-Park program. The Department shall
9 establish and maintain Adopt-A-Park programs with individual
10 or group volunteers, if requested by an individual or group
11 volunteers, in an effort to reduce and remove litter from parks
12 and park lands and to provide other services. The Department
13 shall retain the ability to approve or deny an individual or
14 group volunteer's request; however, the Department must state
15 the reason for the request denial. These programs shall include
16 but not be limited to the following:

17 (1) Providing and coordinating services by volunteers
18 to reduce the amount of litter, including providing trash
19 bags and trash bag pickup and, in designated areas where
20 volunteers may be in close proximity to moving vehicles.
21 Individuals or volunteers must bring their own reflective
22 safety gear.

23 (2) The Department shall provide a certificate of

1 appreciation to individual or group volunteers as
2 recognition of their Adopt-A-Park efforts at a particular
3 Department site.

4 (3) Volunteer services shall not include work
5 historically performed by Department employees, including
6 services that result in a reduction of hours or
7 compensation or that may be performed by an employee on
8 layoff; nor shall volunteer services be inconsistent with
9 the terms of a collective bargaining agreement.

10 (4) A volunteer may bring his or her own light
11 equipment, including, but not limited to, a lawn mower,
12 chainsaw, or other appropriate equipment to carry out
13 functions granted by the Department at his or her own risk,
14 so long as it does not interfere with work historically
15 performed by Department employees.

16 The State and the Department, its directors, employees, and
17 agents shall not be liable for any damages or injury suffered
18 by any person resulting from his or her participation in the
19 program or from the actions or activities of the volunteers,
20 except in cases of willful and wanton misconduct. Any group and
21 its individual members who wish to volunteer or any individual
22 who wishes to volunteer is required to execute a general
23 release and hold harmless agreement before beginning any
24 volunteer activity or work. An officer, director, or other
25 representative of any group shall also be required to execute a
26 general release and hold harmless on behalf of a group. The

1 agreement shall be prepared and provided by the Department.

2 By engaging in volunteer activities under this Act,
3 volunteers fully acknowledge and understand that there shall be
4 neither any (1) promise or expectation of compensation of any
5 type, including benefits, nor (2) creation of an
6 employer-employee relationship. The Prevailing Wage Act and
7 the administrative rules adopted thereunder, 56 Ill. Adm. Code
8 100, shall not apply to any Department project or job in which
9 volunteers are utilized under the Adopt-A-Park program.

10 (Source: P.A. 97-1082, eff. 8-24-12.)

11 (20 ILCS 805/805-45)

12 Sec. 805-45. Adopt-a-Trail program.

13 (a) The Department shall establish an "Adopt-a-Trail"
14 program that will allow volunteer groups to assist in
15 maintaining and enhancing trails on State owned land.

16 (b) Subject to subsection (c) of this Section, volunteer
17 groups in the Adopt-a-Trail program may adopt any available
18 trail or trail segment and may choose any one or more of the
19 following volunteer activities:

- 20 (1) spring cleanups;
21 (2) accessibility projects;
22 (3) special events;
23 (4) trail maintenance, enhancement, or realignment;
24 (5) public information and assistance; or
25 (6) training.

1 The Department shall designate and approve specific
2 activities to be performed by a volunteer group in the
3 Adopt-a-Trail program which shall be executed with an approved
4 Adopt-a-Trail agreement. Volunteer services shall not include
5 work historically performed by Department employees, including
6 services that result in a reduction of hours or compensation or
7 that may be performed by an employee on layoff, ~~nor~~ nor shall
8 volunteer services be inconsistent with the terms of a
9 collective bargaining agreement. A volunteer may bring his or
10 her own light equipment, including, but not limited to, a lawn
11 mower, chainsaw, or other appropriate equipment to carry out
12 functions granted by the Department at his or her own risk, so
13 long as it does not interfere with work historically performed
14 by Department employees. The Department may provide for more
15 than one volunteer group to adopt an eligible trail or trail
16 segment.

17 (c) If the Department operates other programs in the
18 vicinity of the trail that allows volunteers to participate in
19 the Department's Adopt-A-Park ~~Adopt-a-park~~ program or other
20 resource, the Department shall coordinate these programs to
21 provide for efficient and effective volunteer programs in the
22 area.

23 (d) A volunteer group that wishes to participate in the
24 Adopt-a-Trail program shall submit an application to the
25 Department on a form provided by the Department. Volunteer
26 groups shall agree to the following:

1 (1) volunteer groups shall participate in the program
2 for at least a 2-year period;

3 (2) volunteer groups shall consist of at least 6 people
4 who are 18 years of age or older, unless the volunteer
5 group is a school or scout organization, in which case the
6 volunteers may be under 18 years of age, but supervised by
7 someone over the age of 18;

8 (3) volunteer groups shall contribute a total of at
9 least 200 service hours over a 2-year period;

10 (4) volunteer groups shall only execute Adopt-a-Trail
11 projects and activities after a volunteer project
12 agreement has been completed and approved by the
13 Department; and

14 (5) volunteer groups shall comply with all reasonable
15 requirements of the Department.

16 (Source: P.A. 100-180, eff. 8-18-17; revised 10-5-17.)