

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 Open Space Lands Acquisition and
5 Development Act is amended by changing Sections 2, 3, 5, 6, and
6 9 as follows:

7 (525 ILCS 35/2) (from Ch. 85, par. 2102)

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

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

11 "Complete application" means an application that has all
12 of the required documentation and is submitted within the
13 notice of funding opportunity application period.

14 "Department" means the Department of Natural Resources.

15 "Director" means the Director of Natural Resources.

16 "Distressed community" means an eligible local government,
17 as determined by the Department, that meets at least one of the
18 following criteria, as determined by the Department:

19 (1) the area has a poverty rate of at least 20%
20 according to the latest American Community Survey from the
21 United States Census Bureau;

22 (2) 75% or more of the children in the area
23 participate in the national school lunch program according

1 to reported statistics from the State Board of Education;

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

5 (4) the area has an average unemployment rate, as
6 determined by the Department of Employment Security, that
7 is more than 120% of the national unemployment average, as
8 determined by the United States Department of Labor, for a
9 period of at least 2 consecutive calendar years preceding
10 the date of the application.

11 If any one or more of the criteria listed in paragraphs
12 (1), (2), (3), or (4) of this definition have not been
13 published within 3 years of an application that is made under
14 this Act, then any of the criteria that is over 3 years old
15 shall not be used by the Department in determining if a local
16 government is a distressed community.

17 "Distressed location" means a census tract or comparable
18 geographic area, as determined by the Department, that meets
19 at least one of the following criteria, as determined by the
20 Department:

21 (1) the area has a poverty rate of at least 20%
22 according to the latest American Community Survey from the
23 United States Census Bureau;

24 (2) 75% or more of the children in the area
25 participate in the national school lunch program according
26 to reported statistics from the State Board of Education;

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

4 (4) the area has an average unemployment rate, as
5 determined by the Department of Employment Security, that
6 is more than 120% of the national unemployment average, as
7 determined by the United States Department of Labor, for a
8 period of at least 2 consecutive calendar years preceding
9 the date of the application.

10 If any one or more of the criteria listed in paragraphs
11 (1), (2), (3), or (4) of this definition have not been
12 published within 3 years of an application that is made under
13 this Act, then any of the criteria that is over 3 years old
14 shall not be used by the Department in determining if a
15 location is a distressed location.

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

22 "Notice of funding opportunity" means the notice provided
23 to the public that is required under the Grant Accountability
24 and Transparency Act, which provides detailed instructions on
25 how much funding is expected to be available, who can apply for
26 the funding, how to apply for the funding, the notice of

1 funding opportunity application period, and how the
2 applications will be scored.

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

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

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

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

14 (525 ILCS 35/3) (from Ch. 85, par. 2103)

15 Sec. 3. Grants to local governments.

16 (a) From appropriations made from the Capital Development
17 Fund, Build Illinois Bond Fund or other available or
18 designated funds for such purposes, the Department shall make
19 grants to local governments as financial assistance for the
20 capital development and improvement of park, recreation or
21 conservation areas, marinas and shorelines, including planning
22 and engineering costs, and for the acquisition of open space
23 lands, including acquisition of easements and other property
24 interests less than fee simple ownership if the Department
25 determines that such property interests are sufficient to

1 carry out the purposes of this Act, subject to the conditions
2 and limitations set forth in this Act.

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

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

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

19 (2) A project located within a distressed community,
20 regardless of whether the project is located within a
21 distressed location, However, a local government defined as
22 ~~"distressed" under criteria adopted by the Department through~~
23 ~~administrative rule shall be eligible, as determined by the~~
24 Department, for assistance of up to 90% for the acquisition of
25 open space lands and for capital development and improvement
26 proposals that are in conformity with the purposes of this Act

1 as determined by the Department. ~~, provided that~~

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

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

26 (f) To be awarded a grant under this Section, a grant

1 applicant must submit a complete application and comply with
2 the requirements of the notice of funding opportunity.

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

15 (Source: P.A. 102-200, eff. 7-30-21; 102-699, eff. 4-19-22;
16 103-8, eff. 6-7-23; 103-588, eff. 6-5-24.)

17 (525 ILCS 35/5) (from Ch. 85, par. 2105)

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

21 (1) will provide the greatest benefit to the residents
22 of the areas of the State which have the highest
23 concentration or density of population; ~~7~~

24 (2) which are based upon criteria established by the
25 Department that ~~which~~ reflect outdoor recreation needs and

1 priorities identified through the Statewide Comprehensive
2 Outdoor Recreation Plan (SCORP) Program carried out by the
3 Department; ~~or~~
4 (3) are located in distressed locations and distressed
5 communities; or
6 (4) which are located in flood plain areas.

7 The total amount of grants made for any fiscal year may not
8 exceed the amount of the appropriation for grants made for
9 that fiscal year.

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

11 (525 ILCS 35/6) (from Ch. 85, par. 2106)

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

1 ~~which~~ may be paid during that fiscal year because of the limit
2 of moneys appropriated for grants for that fiscal year.

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

4 (525 ILCS 35/9) (from Ch. 85, par. 2109)

5 Sec. 9. Rulemaking. The Department shall adopt ~~promulgate~~
6 rules and regulations to effectuate the purposes of this Act.

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

8 (525 ILCS 35/2.01 rep.)

9 (525 ILCS 35/2.02 rep.)

10 (525 ILCS 35/2.03 rep.)

11 (525 ILCS 35/2.04 rep.)

12 (525 ILCS 35/2.05 rep.)

13 (525 ILCS 35/11.1 rep.)

14 Section 15. The Open Space Lands Acquisition and
15 Development Act is amended by repealing Sections 2.01, 2.02,
16 2.03, 2.04, 2.05, and 11.1.