



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4713

Introduced 1/27/2022, by Rep. Lawrence Walsh, Jr.

SYNOPSIS AS INTRODUCED:

20 ILCS 5/5-560 rep.
20 ILCS 801/1-15
520 ILCS 5/1.3
525 ILCS 33/15
525 ILCS 33/25

Amends the Departments of State Government Law of the Civil Administrative Code of Illinois by repealing the Section that created the Department of Natural Resources Advisory Board. Makes corresponding changes in the Wildlife Code and the Illinois Open Land Trust Act. Amends the Department of Natural Resources Act. Authorizes the Department of Natural Resources to conduct regional yearly public forums to obtain public input and comments on subjects, matters, or programs under the control of the Department of Natural Resources. Requires the Department of Natural Resources to consider all comments received during a public forum.

LRB102 25046 NLB 34305 b

1 AN ACT concerning natural resources.

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

4 (20 ILCS 5/5-560 rep.)

5 Section 5. The Civil Administrative Code of Illinois is
6 amended by repealing Section 5-560.

7 Section 10. The Department of Natural Resources Act is
8 amended by changing Section 1-15 as follows:

9 (20 ILCS 801/1-15)

10 Sec. 1-15. General powers and duties.

11 (a) It shall be the duty of the Department to investigate
12 practical problems, implement studies, conduct research and
13 provide assistance, information and data relating to the
14 technology and administration of the natural history,
15 entomology, zoology, and botany of this State; the geology and
16 natural resources of this State; the water and atmospheric
17 resources of this State; and the archeological and cultural
18 history of this State.

19 (b) The Department (i) shall obtain, store, and process
20 relevant data; recommend technological, administrative, and
21 legislative changes and developments; cooperate with other
22 federal, state, and local governmental research agencies,

1 facilities, or institutes in the selection of projects for
2 study; cooperate with the Board of Higher Education and with
3 the public and private colleges and universities in this State
4 in developing relevant interdisciplinary approaches to
5 problems; and evaluate curricula at all levels of education
6 and provide assistance to instructors and (ii) may sponsor an
7 annual conference of leaders in government, industry, health,
8 and education to evaluate the state of this State's
9 environment and natural resources.

10 (c) The Director, in accordance with the Personnel Code,
11 shall employ such personnel, provide such facilities, and
12 contract for such outside services as may be necessary to
13 carry out the purposes of the Department. Maximum use shall be
14 made of existing federal and state agencies, facilities, and
15 personnel in conducting research under this Act.

16 (d) In addition to its other powers, the Department has
17 the following powers:

18 (1) To obtain, store, process, and provide data and
19 information related to the powers and duties of the
20 Department under this Act. This subdivision (d)(1) does
21 not give authority to the Department to require reports
22 from nongovernmental sources or entities.

23 (2) To cooperate with and support the Illinois Science
24 and Technology Advisory Committee and the Illinois
25 Coalition for the purpose of facilitating the effective
26 operations and activities of such entities. Support may

1 include, but need not be limited to, providing space for
2 the operations of the Committee and the Illinois
3 Coalition.

4 (e) The Department is authorized to make grants to local
5 not-for-profit organizations for the purposes of development,
6 maintenance and study of wetland areas.

7 (f) The Department has the authority to accept, receive
8 and administer on behalf of the State any gifts, bequests,
9 donations, income from property rental and endowments. Any
10 such funds received by the Department shall be deposited into
11 the Natural Resources Fund, a special fund which is hereby
12 created in the State treasury, and used for the purposes of
13 this Act or, when appropriate, for such purposes and under
14 such restrictions, terms and conditions as are predetermined
15 by the donor or grantor of such funds or property. Any accrued
16 interest from money deposited into the Natural Resources Fund
17 shall be reinvested into the Fund and used in the same manner
18 as the principal. The Director shall maintain records which
19 account for and assure that restricted funds or property are
20 disbursed or used pursuant to the restrictions, terms or
21 conditions of the donor.

22 (g) The Department shall recognize, preserve, and promote
23 our special heritage of recreational hunting and trapping by
24 providing opportunities to hunt and trap in accordance with
25 the Wildlife Code.

26 (h) Within 5 years after the effective date of this

1 amendatory Act of the 102nd General Assembly, the Department
2 shall fly a United States Flag, an Illinois flag, and a POW/MIA
3 flag at all State parks. Donations may be made by groups and
4 individuals to the Department's Special Projects Fund for
5 costs related to the implementation of this subsection.

6 (i) The Department is authorized to and may conduct
7 regional yearly public forums to obtain public input and
8 comments on any subject, matter, or program that is under the
9 control of the Department. This may include, but is not
10 limited to, the following matters: the protection and
11 conservation of renewable resources of the State of Illinois;
12 the development of areas and facilities for outdoor
13 recreation; the prevention of timber destruction and other
14 forest growth by fire or otherwise; the reforestation of
15 suitable lands of this State; the management of wildlife
16 resources, including migratory fowl, and fisheries resources,
17 including the construction of new water impoundment areas; and
18 the expressing of comments or concerns for the proper
19 dissemination and enforcement of the various laws pertinent to
20 the conservation programs of Illinois and the nation. Public
21 input or comments may be accepted in written, electronic, or
22 oral form. The Department shall consider all comments that it
23 receives during these public forums when enacting policies or
24 managing programs that are under the purview of the
25 Department. These forums shall be governed by administrative
26 rule.

1 (Source: P.A. 102-388, eff. 1-1-22.)

2 Section 15. The Wildlife Code is amended by changing
3 Section 1.3 as follows:

4 (520 ILCS 5/1.3)

5 Sec. 1.3. The Department shall have the authority to
6 manage wildlife and regulate the taking of wildlife for the
7 purposes of providing public recreation and controlling
8 wildlife populations. The seasons during which wildlife may be
9 taken, the methods for taking wildlife, the daily bag limits,
10 and the possession limits shall be established by the
11 Department through administrative rule, but the Department may
12 not provide for a longer season, a larger daily bag limit, or a
13 larger possession limit than is provided in this Code.

14 ~~The Natural Resources Advisory Board may also recommend to~~
15 ~~the Director of Natural Resources any reductions or increases~~
16 ~~of seasons and bag or possession limits or the closure of any~~
17 ~~season when research and inventory data indicate the need for~~
18 ~~such changes.~~

19 The Department is authorized to establish seasons for the
20 taking of migratory birds within the dates established
21 annually by Proclamation of the Secretary, United States
22 Department of the Interior, known as the "Rules and
23 Regulations for Migratory Bird Hunting" (50 CFR 20 et seq.).
24 When the biological balance of any species is affected, the

1 Director ~~may with the approval of the Conservation Advisory~~
2 ~~Board~~, by administrative rule, may lengthen, shorten or close
3 the season during which waterfowl may be taken within the
4 federal limitations prescribed. If the Department does not
5 adopt an administrative rule establishing a season, then the
6 season shall be as set forth in the current "Rules and
7 Regulations for Migratory Bird Hunting". The Department shall
8 advise the public by reasonable means of the dates of the
9 various seasons.

10 The Department may utilize the services of the staff of
11 the Illinois Natural History Survey of the University of
12 Illinois for making investigations as to the population status
13 of the various species of wildlife.

14 Employees or agents of any state, federal, or municipal
15 government or body when engaged in investigational work and
16 law enforcement, may with prior approval of the Director, be
17 exempted from the provisions of this Act.

18 (Source: P.A. 98-346, eff. 8-14-13.)

19 Section 20. The Illinois Open Land Trust Act is amended by
20 changing Sections 15 and 25 as follows:

21 (525 ILCS 33/15)

22 Sec. 15. Powers and duties. The Department of Natural
23 Resources has the following powers and duties:

24 (a) To develop and administer the Illinois Open Land Trust

1 program.

2 (b) To acquire real property, including, but not limited
3 to, open space and natural areas for conservation and
4 recreation purposes. The lands shall be held in (i) fee simple
5 title or (ii) conservation easements for natural areas,
6 provided that these mechanisms are all voluntary on the part
7 of the landowners and do not involve the use of eminent domain.

8 (c) To make grants to units of local government under
9 Section 25 of this Act ~~in consultation with the Natural~~
10 ~~Resources Advisory Board.~~

11 (d) To make loans to units of local government under
12 Section 30 of this Act ~~in consultation with the Natural~~
13 ~~Resources Advisory Board.~~

14 (e) To promulgate any rules, regulations, guidelines, and
15 directives necessary to implement the purposes of this Act.

16 (f) To execute contracts, grant or loan agreements,
17 memoranda of understanding, intergovernmental cooperation
18 agreements, and any other agreements with other State agencies
19 and units of local government that are necessary to implement
20 this Act.

21 (g) To execute contracts, memoranda of understanding, and
22 any other agreements with not-for-profit corporations that are
23 consistent with the purpose of this Act.

24 (h) To accept grants, loans, or appropriations from the
25 federal government or the State, or any agency or
26 instrumentality thereof, for the purposes of the Department

1 under this Act, including to make loans of any funds and to
2 enter into any agreement with the federal government or the
3 State, or any agency or instrumentality thereof, in
4 relationship to the grants, loans, or appropriations.

5 (i) To establish any interest rates, terms of repayment,
6 and other terms and conditions regarding loans made pursuant
7 to this Act that the Department deems necessary or appropriate
8 to protect the public interest and carry out the purposes of
9 this Act.

10 (j) To establish application, eligibility, selection,
11 notification, contract, and other procedures, rules, or
12 regulations deemed necessary and appropriate to carry out the
13 provisions of this Act.

14 (k) To fix, determine, charge, and collect any premiums,
15 fees, charges, costs, and expenses, including, without
16 limitation, any application fees, commitment fees, program
17 fees, or financing charges from any person in connection with
18 its activities under this Act.

19 (l) To report annually to the Governor and the General
20 Assembly on the progress made in implementing this Act and on
21 the status of all real property acquired pursuant to the Act.

22 (Source: P.A. 91-220, eff. 7-21-99.)

23 (525 ILCS 33/25)

24 Sec. 25. Grant program. From appropriations for these
25 purposes, the Department may make grants to units of local

1 government as financial assistance for the acquisition of open
2 space and natural lands if the Department determines that the
3 property interests are sufficient to carry out the purposes of
4 this Act.

5 The Department shall adopt rules concerning the selection
6 or grant recipients, amount of grant awards, and eligibility
7 requirements. The rules must include the following additional
8 requirements:

9 (1) No more than \$2,000,000 may be awarded to any
10 grantee for a single project for any fiscal year.

11 (2) Any grant under this Act must be conditioned upon
12 the grantee providing a required match as defined by rule.

13 (3) Funds may be used only to purchase interests in
14 land from willing sellers and may not involve the use of
15 eminent domain.

16 (4) (Blank). ~~The Department shall provide for a public~~
17 ~~meeting to be conducted by the Natural Resources Advisory~~
18 ~~Board prior to grant approval.~~

19 (5) All real property acquired with grant funds must
20 be accessible to the public for conservation and
21 recreation purposes, unless the Department determines that
22 public accessibility would be detrimental to the real
23 property or any associated natural resources.

24 (6) No real property acquired with grant funds may be
25 sold, leased, exchanged, or otherwise encumbered, unless
26 it is used to qualify for a federal program or, subject to

1 Department approval, transferred to the federal
2 government, the State, or a unit of local government for
3 conservation and recreation purposes consistent with this
4 Act.

5 (7) All grantees must agree to convey to the State at
6 no charge a conservation easement on the lands to be
7 acquired using the grant funds.

8 (8) Grantees must agree to manage lands in accordance
9 with the terms of the grant. Any changes in management
10 must be approved by the Department before implementation.

11 (9) The Department is authorized to promulgate, by
12 rule, any other reasonable requirements determined
13 necessary to effectively implement this Act.

14 (Source: P.A. 91-220, eff. 7-21-99.)