



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4189

Introduced 10/25/2023, by Rep. Nicholas K. Smith - Sonya M. Harper, Lance Yednock and William "Will" Davis

SYNOPSIS AS INTRODUCED:

525 ILCS 35/2.06 new	
525 ILCS 35/3	from Ch. 85, par. 2103
525 ILCS 35/4	from Ch. 85, par. 2104
525 ILCS 35/5	from Ch. 85, par. 2105
525 ILCS 35/6	from Ch. 85, par. 2106
525 ILCS 35/7	from Ch. 85, par. 2107
525 ILCS 35/9	from Ch. 85, par. 2109

Amends the Open Space Lands Acquisition and Development Act. Provides that a local government that has submitted a distressed location project as defined by Department of Natural Resources rule shall be eligible for assistance up to 100% for the acquisition of open space lands and for capital development and improvement projects on distressed location projects. Provides that no less than 10% of the amount appropriated under the Act in any fiscal year shall be made available as grants to distressed communities.

LRB103 34889 RLC 64756 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 5. The Open Space Lands Acquisition and
5 Development Act is amended by changing Sections 3, 4, 5, 6, 7,
6 and 9 and by adding Section 2.06 as follows:

7 (525 ILCS 35/2.06 new)

8 Sec. 2.06. Distressed location project. "Distressed
9 location 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 when
12 the location of the project for the acquisition or capital
13 development is located within a distressed area as determined
14 by the Department through administrative rule.

15 (525 ILCS 35/3) (from Ch. 85, par. 2103)

16 Sec. 3. From appropriations made from the Capital
17 Development Fund, Build Illinois Bond Fund or other available
18 or designated funds for such purposes, the Department shall
19 make grants to local governments as financial assistance for
20 the 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

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

10 ~~Any Except for grants awarded from new appropriations in~~
11 ~~fiscal year 2023 and fiscal year 2024, any grant under this Act~~
12 to a local government shall be conditioned upon the state
13 providing assistance on a 50/50 matching basis for the
14 acquisition of open space lands and for capital development
15 and improvement proposals. However, a local government that is
16 defined as a "distressed community" under criteria adopted by
17 the Department through administrative rule or a local
18 government that has submitted a "distressed location project"
19 as defined under criteria adopted by the Department through
20 administrative rule shall be eligible for assistance up to
21 100% 90% for the acquisition of open space lands and for
22 capital development and improvement projects or distressed
23 location projects. No proposals, provided that no more than
24 10% of the amount appropriated under this Act in any fiscal
25 year shall be is made available as grants to distressed
26 location projects local governments. No less than 10% of the

1 amount appropriated under this Act in any fiscal year shall be
2 made available as grants to distressed communities. ~~For grants~~
3 ~~awarded from new appropriations in fiscal year 2023 and fiscal~~
4 ~~year 2024 only, a local government defined as "distressed" is~~
5 ~~eligible for assistance up to 100% for the acquisition of open~~
6 ~~space lands and for capital development and improvement~~
7 ~~proposals. The Department may make more than 10% of the amount~~
8 ~~appropriated in fiscal year 2023 and fiscal year 2024~~
9 ~~available as grants to distressed local governments.~~

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

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

24 (525 ILCS 35/4) (from Ch. 85, par. 2104)

25 Sec. 4. Any local government may apply to the Department

1 for a grant under this Act. An application must be in writing
2 and contain a narrative description of the project or the
3 distressed location project, the legal description of the open
4 lands to be acquired or used for the capital development
5 project or capital development of a distressed location
6 project, a current appraisal showing the fair market value of
7 those lands to be acquired, the project or distressed location
8 project cost, identification of a source of continuous funding
9 sufficient to maintain the new facilities to be created by
10 capital development, the amount of the ~~project~~ cost the
11 applicant proposes to provide and such other information as
12 the Department reasonably requires.

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

14 (525 ILCS 35/5) (from Ch. 85, par. 2105)

15 Sec. 5. In considering applications for grants under this
16 Act, the Department shall give priority to distressed location
17 projects and projects ~~which~~ (i) that will provide the greatest
18 benefit to the residents of ~~the~~ areas of the State that ~~which~~
19 have the highest concentration or density of population, (ii)
20 that ~~which~~ are based upon criteria established by the
21 Department that ~~which~~ reflect outdoor recreation needs and
22 priorities identified through the Statewide Comprehensive
23 Outdoor Recreation Plan (SCORP) Program carried out by the
24 Department, or (iii) that ~~which~~ are located in flood plain
25 areas.

1 The total amount of grants made for any fiscal year may not
2 exceed the amount of the appropriation for grants made for
3 that fiscal year.

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

5 (525 ILCS 35/6) (from Ch. 85, par. 2106)

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

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

24 (525 ILCS 35/7) (from Ch. 85, par. 2107)

1 Sec. 7. Within 30 days after completing its consideration
2 of applications for grants for a fiscal year, the Department
3 shall notify each applicant of the disposition made of its
4 application. The Department shall, in addition, direct the
5 payment of grants to those applicants whose projects or
6 distressed location projects have been approved and have been
7 assigned a priority within the limits of the amounts
8 appropriated for grants for that fiscal year.

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

10 (525 ILCS 35/9) (from Ch. 85, par. 2109)

11 Sec. 9. The Department shall adopt ~~promulgate~~ rules and
12 regulations to effectuate the purposes of this Act, including,
13 but not limited to, rules establishing the criteria and
14 definitions that the Department shall use to determine what is
15 a distressed location project.

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