



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3455

by Rep. Ryan Spain

SYNOPSIS AS INTRODUCED:

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

was 20 ILCS 805/63a41

Amends the Department of Natural Resources Law of the Civil Administrative Code of Illinois. Provides in the Department of Natural Resource's Adopt-A-Park program that volunteers may assist with vegetation management, providing building and facility repair, or other appropriate services. Creates the Adopt-A-Trail Program. Provides that the Department shall establish and maintain Adopt-A-Trail programs with individual or group volunteers, if requested by an individual or group volunteers, in an effort to reduce and remove litter from trails and to provide other services. Provides that the Department shall retain the ability to approve or deny an individual or group volunteer's request; however, the Department must state the reason for the request denial. Provides that by engaging in volunteer activities under the Act, volunteers fully acknowledge and understand that there shall be neither a (1) promise or expectation of compensation of any type, including benefits, nor (2) creation of an employer-employee relationship. Makes other changes.

LRB100 06179 SLF 16213 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 805-40 and by adding Section
7 805-45 as follows:

8 (20 ILCS 805/805-40) (was 20 ILCS 805/63a41)

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

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

1 management, providing building and facility repair, or
2 other appropriate services not inconsistent with paragraph
3 (3) of this Section.

4 (2) The Department shall provide a certificate of
5 appreciation to individual or group volunteers as
6 recognition of their Adopt-A-Park efforts at a particular
7 Department site.

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

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

26 By engaging in volunteer activities under this Act,

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

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

10 (20 ILCS 805/805-45 new)

11 Sec. 805-45. Adopt-A-Trail program. The Department shall
12 establish and maintain Adopt-A-Trail programs with individual
13 or group volunteers, if requested by an individual or group
14 volunteers, in an effort to reduce and remove litter from
15 trails and to provide other services. The Department shall
16 retain the ability to approve or deny an individual or group
17 volunteer's request; however, the Department must state the
18 reason for the request denial. These programs shall include but
19 not be limited to the following:

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

1 management, providing building and facility repair, or
2 other appropriate services not inconsistent with paragraph
3 (3) of this Section.

4 (2) The Department shall provide a certificate of
5 appreciation to individual or group volunteers as
6 recognition of their Adopt-A-Trail efforts at a particular
7 Department site.

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

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4 employer-employee relationship. The Prevailing Wage Act and
5 the administrative rules adopted under it shall not apply to
6 any Department project or job in which volunteers are utilized
7 under the Adopt-A-Trail program.