

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 Grant Accountability and Transparency Act
5 is amended by changing Section 45 as follows:

6 (30 ILCS 708/45)

7 Sec. 45. Applicability.

8 (a) Except as otherwise provided in this Section, the
9 requirements established under this Act apply to State
10 grant-making agencies that make State and federal pass-through
11 awards to non-federal entities. These requirements apply to
12 all costs related to State and federal pass-through awards.
13 The requirements established under this Act do not apply to
14 private awards, to allocations of State revenues paid over by
15 the Comptroller to units of local government and other taxing
16 districts pursuant to the State Revenue Sharing Act from the
17 Local Government Distributive Fund or the Personal Property
18 Tax Replacement Fund, to allotments of State motor fuel tax
19 revenues distributed by the Department of Transportation to
20 units of local government pursuant to the Motor Fuel Tax Law
21 from the Motor Fuel Tax Fund or the Transportation Renewal
22 Fund, or to awards, including capital appropriated funds, made
23 by the Department of Transportation to units of local

1 government for the purposes of transportation projects
2 utilizing State funds, federal funds, or both State and
3 federal funds. This Act shall recognize that federal and
4 federal pass-through awards from the Department of
5 Transportation to units of local government are governed by
6 and must comply with federal guidelines under 2 CFR Part 200.

7 The changes made by this amendatory Act of the 102nd
8 General Assembly apply to pending actions as well as actions
9 commenced on or after the effective date of this amendatory
10 Act of the 102nd General Assembly.

11 (a-5) Nothing in this Act shall prohibit the use of State
12 funds for purposes of federal match or maintenance of effort.

13 (b) The terms and conditions of State, federal, and
14 pass-through awards apply to subawards and subrecipients
15 unless a particular Section of this Act or the terms and
16 conditions of the State or federal award specifically indicate
17 otherwise. Non-federal entities shall comply with requirements
18 of this Act regardless of whether the non-federal entity is a
19 recipient or subrecipient of a State or federal pass-through
20 award. Pass-through entities shall comply with the
21 requirements set forth under the rules adopted under
22 subsection (a) of Section 20 of this Act, but not to any
23 requirements in this Act directed towards State or federal
24 awarding agencies, unless the requirements of the State or
25 federal awards indicate otherwise.

26 When a non-federal entity is awarded a cost-reimbursement

1 contract, only 2 CFR 200.330 through 200.332 are incorporated
2 by reference into the contract. However, when the Cost
3 Accounting Standards are applicable to the contract, they take
4 precedence over the requirements of this Act unless they are
5 in conflict with Subpart F of 2 CFR 200. In addition, costs
6 that are made unallowable under 10 U.S.C. 2324(e) and 41
7 U.S.C. 4304(a), as described in the Federal Acquisition
8 Regulations, subpart 31.2 and subpart 31.603, are always
9 unallowable. For requirements other than those covered in
10 Subpart D of 2 CFR 200.330 through 200.332, the terms of the
11 contract and the Federal Acquisition Regulations apply.

12 With the exception of Subpart F of 2 CFR 200, which is
13 required by the Single Audit Act, in any circumstances where
14 the provisions of federal statutes or regulations differ from
15 the provisions of this Act, the provision of the federal
16 statutes or regulations govern. This includes, for agreements
17 with Indian tribes, the provisions of the Indian
18 Self-Determination and Education and Assistance Act, as
19 amended, 25 U.S.C. 450-458ddd-2.

20 (c) State grant-making agencies may apply subparts A
21 through E of 2 CFR 200 to for-profit entities, foreign public
22 entities, or foreign organizations, except where the awarding
23 agency determines that the application of these subparts would
24 be inconsistent with the international obligations of the
25 United States or the statute or regulations of a foreign
26 government.

1 (d) 2 CFR 200.101 specifies how 2 CFR 200 is applicable to
2 different types of awards. The same applicability applies to
3 this Act.

4 (e) (Blank).

5 (f) For public institutions of higher education, the
6 provisions of this Act apply only to awards funded by federal
7 pass-through awards from a State agency to public institutions
8 of higher education. This Act shall recognize provisions in 2
9 CFR 200 as applicable to public institutions of higher
10 education, including Appendix III of Part 200 and the cost
11 principles under Subpart E.

12 (g) Each grant-making agency shall enhance its processes
13 to monitor and address noncompliance with reporting
14 requirements and with program performance standards. Where
15 applicable, the process may include a corrective action plan.
16 The monitoring process shall include a plan for tracking and
17 documenting performance-based contracting decisions.

18 (h) Notwithstanding any provision of law to the contrary,
19 grants awarded from federal funds received from the federal
20 Coronavirus State Fiscal Recovery Fund in accordance with
21 Section 9901 of the American Rescue Plan Act of 2021 are
22 subject to the provisions of this Act, but only to the extent
23 required by Section 9901 of the American Rescue Plan Act of
24 2021 and other applicable federal law or regulation.

25 (i) Payments and agreements made pursuant to Section 5 of
26 the Illinois Forestry Development Act are not subject to the

1 provisions of this Act.

2 (Source: P.A. 101-81, eff. 7-12-19; 102-16, eff. 6-17-21;
3 102-626, eff. 8-27-21; 102-813, eff. 5-13-22; 102-1092, eff.
4 6-10-22.)

5 Section 10. The Illinois Forestry Development Act is
6 amended by changing Section 5 as follows:

7 (525 ILCS 15/5) (from Ch. 96 1/2, par. 9105)

8 Sec. 5. A forest development cost share program is created
9 and shall be administered by the Department of Natural
10 Resources.

11 A timber grower who desires to participate in the cost
12 share program shall devise a forest management plan. To be
13 eligible to submit a proposed forest management plan, a timber
14 grower must own or operate at least 10 contiguous acres of land
15 in this State on which timber is produced, except that, no acre
16 on which a permanent building is located shall be included in
17 calculations of acreage for the purpose of determining
18 eligibility. Timber growers with Department approved forest
19 management plans covering less than 10 acres in effect on or
20 before the effective date of this amendatory Act of the 96th
21 General Assembly shall continue to be eligible under the
22 Illinois Forestry Development Act provisions. The proposed
23 forest management plan shall include a description of the land
24 to be managed under the plan, a description of the types of

1 timber to be grown, a projected harvest schedule, a
2 description of forest management practices to be applied to
3 the land, an estimation of the cost of such practices, plans
4 for afforestation, plans for regenerative harvest and
5 reforestation, and a description of soil and water
6 conservation goals and wildlife habitat enhancement which will
7 be served by implementation of the forest management plan.

8 Upon receipt from a timber grower of a draft forest
9 management plan, the Department shall review the plan and, if
10 necessary, assist the timber grower to revise the plan. The
11 Department shall officially approve acceptable plans. Forest
12 management plans shall be revised as necessary and all
13 revisions must be approved by the Department. A plan shall be
14 evaluated every 2 years for reapproval.

15 The eligible land shall be maintained in a forest
16 condition for a period of 10 years or until commercial
17 harvest, whichever last occurs, as required by the plan.

18 The Department shall enter into agreements with timber
19 growers with approved forest management plans under which the
20 Department shall agree to pay a share of the total cost of
21 acceptable forest management plans and practices implemented
22 under the plan. The cost share amount is up to 80% of the total
23 cost of the forest management practices for such practices
24 approved to be funded from monies appropriated for this
25 purpose for subsequent fiscal years. Cost share funds shall be
26 paid from monies appropriated to the Department by the General

1 Assembly for that purpose from the Illinois Forestry
2 Development Fund or any other fund in the State Treasury.
3 These cost share payments shall not exceed the amount
4 appropriated for such purposes. The Department shall create by
5 administrative rule the criteria used to evaluate and approve
6 cost share payment requests, including what forest management
7 practices shall be prioritized for payment. Payments shall
8 only be made after approved practices have been completed and
9 written documentation is provided to the Department showing
10 the total amount paid by the landowner for such practice.

11 Starting in 2025, the Department shall file a report in
12 writing to the General Assembly on or before March 1 of each
13 year with the following information from the preceding year:
14 the total number of agreements entered into pursuant to this
15 Section, the total amount of payments made pursuant to this
16 Section from the Illinois Forestry Development Fund, and the
17 total number of acres that were affected by said payments.
18 Payments and agreements made pursuant to this Section are not
19 subject to the Grant Accountability and Transparency Act.

20 The Department, upon recommendations made to it by the
21 Council, may provide for the categorization of forest
22 management practices and determine an appropriate cost share
23 percentage for each such category. Forest management practices
24 submitted by timber growers on whose timber sales fees of 4% of
25 the sale amount were paid as provided in Section 9a of the
26 "Timber Buyers Licensing Act", approved September 1, 1969, may

1 be accorded a priority for approval within the assigned
2 category. Such timber growers may receive a cost share amount
3 which is increased above the amount for which they would
4 otherwise qualify by an amount equal to the fees paid by the
5 timber grower on sales occurring in the 2 fiscal years
6 immediately preceding the fiscal year in which the forest
7 management practices are approved and funded; provided,
8 however, that the total cost share amount shall not exceed the
9 total cost of the approved forest management practices.

10 Upon transfer of his or her right and interest in the land
11 or a change in land use, the timber grower shall forfeit all
12 rights to future payments and other benefits resulting from an
13 approved plan and shall refund to the Department all payments
14 received therefrom during the previous 10 years unless the
15 transferee of any such land agrees with the Department to
16 assume all obligations under the plan.

17 (Source: P.A. 96-217, eff. 8-10-09; 96-545, eff. 8-17-09.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.