



Sen. Doris Turner

Filed: 5/21/2024

10300HB4209sam002

LRB103 34958 BDA 73699 a

1 AMENDMENT TO HOUSE BILL 4209

2 AMENDMENT NO. _____. Amend House Bill 4209 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Natural Resources Act is
5 amended by changing Section 1-20 and by adding Section 1-50 as
6 follows:

7 (20 ILCS 801/1-20)

8 Sec. 1-20. Real property. The Department has the power:

9 (a) To transfer jurisdiction of any realty under the
10 control of the Department to any other Department of the State
11 Government, or to any authority, commission or other agency of
12 the State, and to acquire or accept federal lands, when such
13 transfer, acquisition or acceptance is advantageous to the
14 State and is approved in writing by the Governor.

15 (b) To lease, from time to time, any land or property, with
16 or without appurtenances, of which the Department has

1 jurisdiction, and which are not immediately to be used or
2 developed by the State; provided that no such lease be for a
3 longer period of time than that in which it can reasonably be
4 expected the State will not have use for such property, and
5 further provided that no such lease be for a longer period of
6 time than 10 ~~5~~ years.

7 (c) To lease any land or property over which the
8 Department has jurisdiction for the purpose of creating,
9 operating, or maintaining a commercial solar energy system, as
10 defined in Section 10-720 of the Property Tax Code, or a clean
11 energy project, as defined in the Department of Natural
12 Resources (Conservation) Law of the Civil Administrative Code
13 of Illinois. A lease under this subsection (c) shall not be for
14 a period longer than 40 years. If practical, the Department
15 shall require that any land or property over which the
16 Department has jurisdiction and that is used for the purpose
17 of creating, operating, or maintaining a commercial solar
18 energy system shall have implemented on it and maintained
19 management practices that would qualify the land or property
20 as a beneficial habitat under the Pollinator-Friendly Solar
21 Site Act. The Department shall prioritize commercial solar
22 energy system sites based on their suitability and economic
23 feasibility for solar use. The Department shall then
24 prioritize commercial solar energy system sites with a
25 significant history of disturbance, such as former strip mines
26 or previously developed sites. The Department may consider any

1 land use that is lost from the installation of a commercial
2 solar energy system in making a determination regarding the
3 suitability of a site. At least 60 days before entering into a
4 lease for a commercial solar energy system under this
5 subsection (c), the Department shall post in the Illinois
6 Register and on the Department's website notice of the
7 Department's intent to enter into the lease and shall provide
8 a copy of the notice to a municipality if the leased area is
9 located within the borders of the municipality. The notice
10 shall include the specific location and size of the proposed
11 commercial solar energy system. The Department shall consider
12 and respond to all public comments regarding the posting that
13 are received by the Department within 30 days of the posting.

14 (Source: P.A. 89-445, eff. 2-7-96.)

15 (20 ILCS 801/1-50 new)

16 Sec. 1-50. Administrative rules. The Department of Natural
17 Resources may adopt rules necessary to carry out its duties
18 under this Act.

19 Section 10. The Department of Natural Resources
20 (Conservation) Law of the Civil Administrative Code of
21 Illinois is amended by changing Sections 805-5, 805-230,
22 805-235, and 805-280 and by adding Section 805-580 as follows:

23 (20 ILCS 805/805-5)

1 Sec. 805-5. Definitions. In this Law:

2 "Clean energy" means energy that is generated, by design
3 or operation, in a manner that is substantially free of carbon
4 dioxide emissions or in a manner that otherwise contributes to
5 the reduction in emissions of environmentally hazardous
6 materials or reduces the volume of environmentally dangerous
7 materials.

8 "Clean energy project" means a project that is undertaken
9 to acquire, construct, refurbish, create, develop, or
10 redevelop any facility, equipment, machinery, or real or
11 personal property and that will aid, assist, or encourage the
12 development or implementation of clean energy in the State.

13 "Department" means the Department of Natural Resources.

14 "Director" means the Director of Natural Resources.

15 (Source: P.A. 91-239, eff. 1-1-00.)

16 (20 ILCS 805/805-230) (was 20 ILCS 805/63a18)

17 Sec. 805-230. Developing recreational areas. The
18 Department has the power to lease from individuals,
19 corporations, or any other form of private ownership, from any
20 municipality, public corporation, or political subdivision of
21 this State, or from the United States any lands or waters for
22 the purpose of developing outdoor recreational areas for
23 public use and to acquire all necessary property or
24 rights-of-way for the purposes of ingress or egress to those
25 lands and waters and to construct buildings and other

1 recreational facilities, including roadways, bridges, ~~and~~
2 parking areas, commercial solar energy systems, and clean
3 energy projects that the Department deems necessary or
4 desirable for maximum utilization of recreational facilities
5 for public use of the areas.

6 (Source: P.A. 91-239, eff. 1-1-00.)

7 (20 ILCS 805/805-235) (was 20 ILCS 805/63a6)

8 Sec. 805-235. Lease of lands acquired by the Department;
9 disposition of obsolete buildings. The Department has the
10 power to do and perform each and every act or thing considered
11 by the Director to be necessary or desirable to fulfill and
12 carry out the intent and purpose of all laws pertaining to the
13 Department, including the right to rehabilitate or sell at
14 public auction buildings or structures affixed to lands over
15 which the Department has acquired jurisdiction when in the
16 judgment of the Director those buildings or structures are
17 obsolete, inadequate, or unusable for the purposes of the
18 Department and to lease those lands with or without
19 appurtenances for a consideration in money or in kind for a
20 period of time not in excess of 10 ~~5~~ years for the purposes and
21 upon the terms and conditions that the Director considers to
22 be in the best interests of the State when those lands are not
23 immediately to be used or developed by the State. All those
24 sales shall be made subject to the written approval of the
25 Governor. The funds derived from those sales and from those

1 leases shall be deposited in the State Parks Fund, except that
2 funds derived from those sales and from those leases on lands
3 managed and operated principally as wildlife or fisheries
4 areas by the Department shall be deposited in the Wildlife and
5 Fish Fund.

6 (Source: P.A. 91-239, eff. 1-1-00.)

7 (20 ILCS 805/805-280 new)

8 Sec. 805-280. Leases for the purpose of creating,
9 operating, or maintaining a commercial solar energy system or
10 clean energy project. The Department may lease any land or
11 property over which the Department has jurisdiction for the
12 purpose of creating, operating, or maintaining a commercial
13 solar energy system, as defined in Section 10-720 of the
14 Property Tax Code, or a clean energy project. The lease shall
15 not be for a period longer than 40 years. The Department shall
16 require that any lease must provide for a signed project labor
17 agreement for the length of the lease term. A project labor
18 agreement entered into under this Section shall be entered
19 into with the local building and construction trades council
20 having geographic jurisdiction over the project. If practical,
21 the Department shall require that any land or property over
22 which the Department has jurisdiction that is used for the
23 purpose of creating, operating, or maintaining a commercial
24 solar energy system shall have implemented on it and
25 maintained management practices that would qualify the land or

1 property as a beneficial habitat under the Pollinator-Friendly
2 Solar Site Act. The Department shall require that any lease
3 must include a signed project labor agreement for the length
4 of the lease term. The Department shall prioritize commercial
5 solar energy system sites based on their suitability and
6 economic feasibility for solar use. The Department shall then
7 prioritize commercial solar energy system sites with a
8 significant history of disturbance, such as former strip mines
9 or previously developed sites. The Department may consider any
10 land use that is lost from the installation of a commercial
11 solar energy system in making a determination for the
12 suitability of a site.

13 (20 ILCS 805/805-580 new)

14 Sec. 805-580. Electric vehicle charging stations.

15 (a) The Department may provide for at least one electric
16 vehicle charging station, as defined in the Electric Vehicle
17 Act, at any State park or other real property that is owned by
18 the Department where electrical service will reasonably
19 permit. The Department is authorized to charge user fees for
20 the use of such electric vehicle charging stations.

21 (b) The Department may adopt and publish specifications
22 detailing the kind and type of electric vehicle charging
23 stations to be provided and may adopt rules governing the fees
24 for use of electric vehicle charging stations at State parks
25 or other real property that is owned by the Department.

1 Section 15. The State Parks Act is amended by changing
2 Sections 2, 3, 3a, and 4 as follows:

3 (20 ILCS 835/2) (from Ch. 105, par. 466)

4 Sec. 2. It shall be the policy of the State of Illinois to
5 acquire a system of State parks which shall embody the
6 following purposes and objectives:

7 (1) To preserve the most important historic sites and
8 events ~~that which~~ are connected with the peoples who are
9 geographically and culturally affiliated to the land now
10 known as the State of Illinois ~~early pioneer or Indian~~
11 ~~history,~~ so that their ~~such~~ history ~~of the Indians,~~
12 ~~explorers, missionaries and settlers~~ may be preserved, not
13 only as a tribute to those peoples that came before us ~~who~~
14 ~~made possible the building of the State of Illinois and of~~
15 ~~the Union,~~ but also as a part of the education of present
16 and future Illinois citizens.

17 (2) To set aside as public reservations those
18 locations which have unusual scenic attractions caused by
19 geologic or topographic formations, such as canyons,
20 gorges, caves, dunes, beaches, moraines, palisades,
21 examples of Illinois prairie, and points of scientific
22 interest to botanists and naturalists. These areas should
23 be large in size and whenever practicable shall be not
24 less than 1,000 acres in extent. However, smaller areas

1 may be acquired wherever conditions do not warrant the
2 acquisition of the larger acreage.

3 (3) To preserve large forested areas and marginal
4 lands along the rivers, small water courses, and lakes for
5 a recreation use different from that given by the typical
6 city park, and so that these tracts may remain unchanged
7 by civilization, so far as possible, and be kept for
8 future generations. Such areas also, should be acquired in
9 units of 1,000 acres or more and may be available as fish
10 and game preserves. However, smaller areas may be acquired
11 wherever conditions do not warrant the acquisition of the
12 larger acreage.

13 (4) To connect these parks with each other by a system
14 of scenic parkways with widths varying from 100 to 1,000
15 feet, as a supplement to and completion of the State
16 highway system. Where the present State highway routes may
17 serve this purpose, their location, alignment and design
18 should be studied with this plan in view. At suitable
19 locations along these highways, pure water supplies and
20 shelters and comfort facilities of attractive design may
21 be installed for the convenience of the public.

22 The Department of Natural Resources is authorized on ~~in~~
23 behalf of the State of Illinois to accept by donation or
24 bequest, to purchase or acquire by condemnation proceedings in
25 the manner provided for the exercise of the power of eminent
26 domain under the Eminent Domain Act, or by contract for deed

1 payable over a period of time not to exceed 10 years, or in any
2 other legal manner, the title to all such lands, waters or
3 regions, and the easements appurtenant or contributory
4 thereto, which shall be in accord with such policy in respect
5 to a system of State parks, for the purpose of which the
6 General Assembly may make an appropriation. Purchases by
7 contract for deed under this Section shall not exceed
8 \$20,000,000 in total purchase price for land under contract at
9 any one given time.

10 (Source: P.A. 94-1055, eff. 1-1-07.)

11 (20 ILCS 835/3) (from Ch. 105, par. 467)

12 Sec. 3. In maintaining the State parks the Department of
13 Natural Resources shall conserve the original character as
14 distinguished from the artificial landscaping of such parks.
15 As used in this Section, "artificial landscaping" does not
16 include any landscaping or other site modification or use
17 resulting from any lease entered into by the Department of
18 Natural Resources for the creation, operation, or maintenance
19 of a commercial solar energy system, as defined in Section
20 10-720 of the Property Tax Code, or a clean energy project, as
21 defined in the Department of Natural Resources (Conservation)
22 Law of the Civil Administrative Code of Illinois. Instead,
23 these site modifications and uses are hereby deemed to support
24 conservation of the original character of the parks.

25 (Source: P.A. 89-445, eff. 2-7-96.)

1 (20 ILCS 835/3a) (from Ch. 105, par. 467a)

2 Sec. 3a. The Department of Natural Resources shall not
3 dispose of any portion of a State park except as specifically
4 authorized by law. This prohibition shall not restrict the
5 Department from conveyance of easements, leases, and other
6 lesser interests in land.

7 (Source: P.A. 89-445, eff. 2-7-96.)

8 (20 ILCS 835/4) (from Ch. 105, par. 468)

9 Sec. 4. The Department of Natural Resources has the power:

10 (1) To make rules and regulations necessary to carry out
11 its duties under this Act, including rules and regulations for
12 the use, care, improvement, control and administration of
13 lands under its jurisdiction, and to enforce the same.

14 (2) To employ such custodians, keepers, clerks,
15 assistants, laborers and subordinates as may be necessary to
16 carry out the provisions of this Act.

17 (3) To lay out, construct and maintain all needful roads,
18 parking areas, paths or trails, bridges, and docks, camp or
19 lodge sites, picnic areas, beach houses, lodges and cabins and
20 any other structures and improvements necessary and
21 appropriate in any state park or easement thereto; and to
22 provide water supplies, heat and light, and sanitary
23 facilities for the public and living quarters for the
24 custodians and keepers of state parks.

1 (4) To replant any devastated native plant areas of any
2 State park or increase or supplement the same when necessary
3 with plant material indigenous to such park.

4 (5) To cooperate with the United States government and
5 with other states in matters relating to the care,
6 improvement, control and administration of national or
7 interstate parks.

8 (6) To cooperate and contract with any agency,
9 organization or individual in a manner consistent with the
10 purposes of this Act and the powers granted the Department
11 herein.

12 (7) To accept and administer gifts, grants and legacies of
13 money, securities or property to be used by the Department of
14 Natural Resources for the purposes of this Act and according
15 to the tenor of such gift, grant or legacy.

16 (8) To enter into leases that allow for the creation,
17 operation, or maintenance of a commercial solar energy system,
18 as defined in Section 10-720 of the Property Tax Code, or a
19 clean energy project, as defined in the Department of Natural
20 Resources (Conservation) Law of the Civil Administrative Code
21 of Illinois. If practical, the Department shall require that
22 any land or property over which the Department has
23 jurisdiction that is used for the purpose of creating,
24 operating, or maintaining a commercial solar energy system
25 shall have implemented on it and maintained management
26 practices that would qualify the land or property as a

1 beneficial habitat under the Pollinator-Friendly Solar Site
2 Act. The Department shall require that any lease must include
3 a signed project labor agreement for the length of the lease
4 term. A project labor agreement entered into under this
5 Section shall be entered into with the local building and
6 construction trades council having geographic jurisdiction
7 over the project. The Department shall prioritize commercial
8 solar energy system sites based on their suitability and
9 economic feasibility for solar use. The Department shall then
10 prioritize commercial solar energy system sites with a
11 significant history of disturbance, such as former strip mines
12 or previously developed sites. In making a determination for
13 the suitability of a site, the Department may consider any
14 land use that is lost from the installation of a commercial
15 solar energy system.

16 (Source: P.A. 89-445, eff. 2-7-96.)".