



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4405

Introduced 1/29/2020, by Rep. Kelly M. Burke

SYNOPSIS AS INTRODUCED:

525 ILCS 35/3

from Ch. 85, par. 2103

Amends the Open Space Lands Acquisition and Development Act. Provides that any portion of an advanced grant payment not expended by a grantee within 2 years shall be returned to the Department of Natural Resources for distribution with the remainder of the grant on a reimbursement basis. Clarifies that grant funds may be made available for expenditure by a grantee for a period longer than 2 years as long as the grant funds have been legally obligated by the unit of local government prior to the expiration of the 2-year period. Effective immediately.

LRB101 19648 CMG 69136 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Development
5 Act is amended by changing Section 3 as follows:

6 (525 ILCS 35/3) (from Ch. 85, par. 2103)

7 Sec. 3. From appropriations made from the Capital
8 Development Fund, Build Illinois Bond Fund or other available
9 or designated funds for such purposes, the Department shall
10 make grants to local governments as financial assistance for
11 the capital development and improvement of park, recreation or
12 conservation areas, marinas and shorelines, including planning
13 and engineering costs, and for the acquisition of open space
14 lands, including acquisition of easements and other property
15 interests less than fee simple ownership if the Department
16 determines that such property interests are sufficient to carry
17 out the purposes of this Act, subject to the conditions and
18 limitations set forth in this Act.

19 No more than 10% of the amount so appropriated for any
20 fiscal year may be committed or expended on any one project
21 described in an application under this Act.

22 Any grant under this Act to a local government shall be
23 conditioned upon the state providing assistance on a 50/50

1 matching basis for the acquisition of open space lands and for
2 capital development and improvement proposals. However, a
3 local government defined as "distressed" under criteria
4 adopted by the Department through administrative rule shall be
5 eligible for assistance up to 90% for the acquisition of open
6 space lands and for capital development and improvement
7 proposals, provided that no more than 10% of the amount
8 appropriated under this Act in any fiscal year is made
9 available as grants to distressed local governments.

10 A minimum of 50% of any grant made to a unit of local
11 government under this Act must be paid to the unit of local
12 government at the time the Department awards the grant. The
13 remainder of the grant shall be distributed to the local
14 government quarterly on a reimbursement basis. Any portion of
15 the advanced payment not expended by the unit of local
16 government within 2 years shall be returned by the unit of
17 local government to the Department. The Department shall
18 distribute any such returned amount along with the remainder of
19 the grant to the unit of local government on a reimbursement
20 basis. A grant may be extended for a period longer than 2 years
21 to allow a unit of local government to complete an approved
22 project and to make any remaining grant funds available for
23 expenditure by the unit of local government if the grant funds
24 have been legally obligated by the unit of local government
25 prior to the expiration of the 2-year period. Nothing in this
26 Act or the Illinois Grant Funds Recovery Act prohibits the

1 Department from granting an extension beyond 2 years.

2 (Source: P.A. 98-326, eff. 8-12-13; 98-520, eff. 8-23-13;
3 98-756, eff. 7-16-14.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.