



Sen. Terri Bryant

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10300HB3456sam001

LRB103 30602 DTM 60674 a

1 AMENDMENT TO HOUSE BILL 3456

2 AMENDMENT NO. _____. Amend House Bill 3456 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Department of Natural Resources World Shooting and
6 Recreational Complex Act.

7 Section 5. Legislative intent. The General Assembly finds
8 that authorizing the Department of Natural Resources to enter
9 into a public-private partnership will allow the World
10 Shooting and Recreational Complex to become a fully
11 reactivated space in a timely manner and is in the best
12 interest of the State and the local community.

13 Section 10. Definitions.

14 "Contractor" means a person who has been selected to enter
15 or has entered into a public-private agreement with the

1 Department on behalf of the State for the development,
2 financing, management, or operation of the World Shooting and
3 Recreational Complex pursuant to this Act.

4 "Department" means the Department of Natural Resources.

5 "Director" means the Director of Natural Resources.

6 "Maintain" or "maintenance" includes ordinary maintenance,
7 repair, rehabilitation, capital maintenance, replacement, and
8 any other categories of maintenance that may be designated by
9 the Department.

10 "Offeror" means a person who responds to a request for
11 proposals under this Act.

12 "Operate" or "operation" means to do one or more of the
13 following: maintain, improve, equip, modify, or otherwise
14 operate.

15 "Person" means any individual, firm, association, joint
16 venture, partnership, estate, trust, syndicate, fiduciary,
17 corporation, or any other legal entity, group, or combination
18 thereof.

19 "Public-private agreement" means an agreement or contract
20 between the Department and the contractor on behalf of the
21 State and all schedules, exhibits, and attachments thereto,
22 entered into pursuant to a competitive request for proposals
23 process governed by this Act, for the financing, management
24 and operation of the World Shooting and Recreational Complex
25 under this Act.

26 "Revenues" means all revenues including, but not limited

1 to, income, user fees, earnings, interest, lease payments,
2 allocations, moneys from the federal government, the State,
3 and units of local government, including, but not limited to,
4 federal, State, and local appropriations, grants, loans, lines
5 of credit, and credit guarantees; bond proceeds; equity,
6 investments; service payments; or other receipts arising out
7 of or in connection with the financing, development,
8 management, or operation of the World Shooting and
9 Recreational Complex.

10 "World Shooting and Recreational Complex" means real
11 property in Sparta, Illinois consisting of approximately 1,620
12 acres including a 117-acre lake, over 1,000 camping sites, 120
13 trap houses, 2 sporting clays courses, 24 combination trap
14 skeet fields, cowboy action shooting area, vendor mall, and
15 restaurant.

16 Section 15. Authority to enter public-private agreement.
17 Notwithstanding any provision of law to the contrary, the
18 Department on behalf of the State may enter into a
19 public-private agreement to develop, finance, lease, manage,
20 and operate the World Shooting and Recreational Complex on
21 behalf of the State, pursuant to which the contractors may
22 receive certain revenues, including management or user fees in
23 consideration of the payment of moneys to the State for that
24 right.

1 Section 20. Engagement prior to request for proposals. The
2 Director or the Director's designee may, prior to soliciting
3 requests for proposals, enter into discussions with interested
4 persons in order to assess existing market conditions and
5 demands, provided that no such interested persons shall have
6 any role in drafting any request for proposals, nor shall any
7 request for proposal be provided to any interested person
8 prior to its general public distribution. The Director may
9 issue a request for qualifications that requests interested
10 persons to provide such information as the Director deems
11 necessary in order to evaluate the qualifications of such
12 interested persons. This may include, but is not limited to,
13 the ability of interested persons to acquire the property, as
14 determined by the Director. Such engagement and discussions
15 with interested persons are exempt from Section 50-10.5,
16 50-39, 50-40, 50-45, 50-50 of the Illinois Procurement Code.

17 Section 25. Requests for proposals. If requests for
18 proposals are made by the Department, the Department shall
19 comply with the competitive request for proposals process
20 under Article 20 of the Illinois Procurement Code, rules
21 adopted under that Code, and this Act.

22 Section 30. Request for proposal process.

23 (a) The Department on behalf of the State may select a
24 contractor through a competitive request for proposals process

1 under Article 20 of the Illinois Procurement Code and rules
2 adopted under that Article of the Code.

3 (b) The competitive request for proposals process shall
4 solicit statements of qualification and proposals from
5 offerors.

6 (c) In addition to any requirements under Article 20 of
7 the Illinois Procurement Code, the competitive request for
8 proposals process may take into account the following
9 criteria:

10 (1) the offeror's plans for the World Shooting and
11 Recreational Complex project;

12 (2) the offeror's current and past business practices;
13 and

14 (3) the offeror's poor or inadequate past performance
15 in developing, financing, constructing, managing, or
16 operating other historic landmark properties or other
17 public assets.

18 Section 35. Provisions of the public-private agreement.

19 (a) The public-private agreement may include, but is not
20 limited to, the following:

21 (1) the powers, duties, responsibilities, obligations,
22 and functions of the Department and the contractor;

23 (2) compensation or payments to the Department, if
24 applicable;

25 (3) compensation or payments to the contractor, if

1 applicable;

2 (4) a provision specifying that the Department:

3 (A) has ready access to information regarding the
4 contractor's powers, duties, responsibilities,
5 obligations, and functions under the public-private
6 agreement;

7 (B) has the right to demand and receive
8 information from the contractor concerning any aspect
9 of the contractor's powers, duties, responsibilities,
10 obligations, and functions under the public-private
11 agreement; and

12 (C) has the authority to direct or countermand
13 decisions by the contractor at any time.

14 (5) the authority of the contractor to impose user
15 fees and the amounts of those fees;

16 (6) a provision governing the deposit and allocation
17 of revenues including user fees;

18 (7) a provision governing rights to real and personal
19 property of the State, the Department, the contractor, and
20 other third parties;

21 (8) rights and remedies of the Department if the
22 contractor defaults or otherwise fails to comply with the
23 terms of the agreement; and

24 (9) all other terms, conditions, and provisions
25 acceptable to the Department that the Department deems
26 necessary and proper and in the public interest.

1 Section 40. Term of agreement; Reversion of property to
2 the Department.

3 (a) The term of any public-private agreement shall be no
4 less than 25 years and no more than 99 years.

5 (b) The Department may terminate the contractor's
6 authority and duties under the public-private agreement on the
7 date set forth in the public-private agreement. The Department
8 may also terminate the public-private agreement pursuant to
9 any clause or condition as set forth in the public-private
10 agreement.

11 (c) Upon termination of the public-private agreement, the
12 authority, and duties of the contractor under this Act cease,
13 except for those duties and obligations that extend beyond the
14 termination, as set forth in the public-private agreement, and
15 all interests in the World Shooting and Recreational Complex
16 shall revert to the Department.

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