



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 1703

2 AMENDMENT NO. _____. Amend Senate Bill 1703 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Open
5 Space Financing Act.

6 Section 5. Definitions. For purposes of this Act:

7 "Act" means the Open Space Financing Act.

8 "Bond" means any type of revenue obligation, including,
9 without limitation, fixed rate, variable rate, auction rate or
10 similar bond, note, certificate, or other instrument, payable
11 from and secured by a pledge of real estate transfer tax
12 receipts collected and deposited under this Act into the Open
13 Space Bond Repayment Fund and the Natural Areas Bond Repayment
14 Fund, and all interest and other earnings upon such amounts
15 held in these funds, all to the extent provided in the
16 proceedings authorizing the obligation.

17 "Bond administrative expenses" means expenses and fees
18 incurred to administer and issue the bonds issued pursuant to
19 this Act, including fees for paying agents, trustees, financial
20 advisors, underwriters, remarketing agents, attorneys and for
21 other professional services necessary to ensure compliance
22 with applicable state or federal law and including expenses and
23 fees, if any, incurred upon a conversion of any of the bonds
24 from one mode to another and from taxable to tax-exempt.

1 "Bond obligations" means the principal of a bond and any
2 premium and interest on a bond issued pursuant to this Act,
3 together with any amount owed under a related credit agreement.

4 "Credit agreement" means, without limitation, a loan
5 agreement, a revolving credit agreement, an agreement
6 establishing a line of credit, a letter of credit, notes,
7 municipal bond insurance, standby bond purchase agreements,
8 surety bonds, remarketing agreements and the like, by which the
9 Department may borrow funds to pay or redeem or purchase and
10 hold its bonds, agreements for the purchase or remarketing of
11 bonds, or any other agreement that enhances the marketability,
12 security, or creditworthiness of a bond issued under this Act.

13 "Department" means the Department of Natural Resources.

14 "Department real estate transfer tax receipts" means the
15 moneys collected and deposited into the Open Space Lands
16 Acquisition and Development Fund and the Natural Areas
17 Acquisition Fund under Section 31-35 of the Real Estate
18 Transfer Tax Law of the Property Tax Code.

19 "Director" means the Director of Natural Resources.

20 "Natural Areas Acquisition Fund" or "NAA Fund" means the
21 fund established under Section 14 of the Open Space Lands
22 Acquisition and Development Act.

23 "Open Space Lands Acquisition Fund" or "OSLAD Fund" means
24 the fund established under Section 13 of the Open Space Lands
25 Acquisition and Development Act.

26 "Natural Areas Bond Repayment Fund" means that Fund as
27 established under Section 15.5 of the Open Space Lands
28 Acquisition and Development Act.

29 "Open Space Bond Repayment Fund" means that Fund as
30 established under Section 15 of the Open Space Lands
31 Acquisition and Development Act.

32 "Required NAA Fund real estate transfer tax receipts
33 amount" means the amount of real estate transfer tax receipts
34 that must be deposited and maintained in the Natural Areas Bond

1 Repayment Fund under subsection (i) of Section 10.

2 "Required OSLAD Fund real estate transfer tax receipts
3 amount" means the amount of real estate transfer tax receipts
4 that must be deposited and maintained in the Open Space Bond
5 Repayment Fund under subsection (h) of Section 10.

6 Section 10. Authority to issue revenue bonds.

7 (a) The Department has the continuing power to borrow money
8 for the purposes set forth in Section 15 of this Act.

9 (b) As evidence of the obligation of the Department to
10 repay money borrowed for the purposes set forth in subsection
11 (a), the Department may issue and dispose of its interest
12 bearing revenue bonds and may also, from time-to-time, issue
13 and dispose of its interest bearing revenue bonds to purchase,
14 redeem, refund, advance refund, or defease (including, any
15 combination of the foregoing) any bonds at maturity or pursuant
16 to redemption provisions or at any time before maturity. The
17 Director shall have the power to direct that the bonds be
18 issued. Bonds may be issued in one or more series and under
19 terms and conditions necessary to further the purposes of this
20 Act. The Illinois Finance Authority shall provide technical,
21 legal, or administrative services with regard to the issuance
22 of bonds. The bonds shall be issued in the name of the State of
23 Illinois for the benefit of the Department and shall be
24 executed by the Director. In case any Director whose signature
25 appears on any bond ceases (after attaching his or her
26 signature) to hold that office, her or his signature shall
27 nevertheless be valid and effective for all purposes.

28 (c) All bonds issued under this Act for purposes of Section
29 13 of the Open Space Lands Acquisition and Development Act are
30 payable from Department real estate transfer tax receipts
31 deposited in the Open Space Lands Acquisition and Development
32 Fund. All bonds issued under this Act for purposes of Section
33 14 of the Open Space Lands Acquisition and Development Act are

1 payable from Department real estate transfer tax receipts
2 deposited in the Natural Areas Acquisition Fund. Bonds may also
3 be paid from proceeds of bonds, interest income thereon, and
4 receipts from related credit and exchange agreements, to the
5 extent allowed by this Act and applicable legal requirements.

6 (d) The maximum principal amount of the bonds, when
7 combined with the outstanding principal of all other bonds
8 issued under this Act, may not, at any time, exceed:

9 (1) for bonds issued for purposes of Section 13 of the
10 Open Space Lands Acquisition and Development Act,
11 \$140,000,000, excluding all of the outstanding principal
12 of any other bonds issued under this Act for which payment
13 has been irrevocably provided by refunding or other manner
14 of defeasance; and

15 (2) for bonds issued for purposes of Section 14 of the
16 Open Space Lands Acquisition and Development Act,
17 \$60,000,000, excluding all of the outstanding principal of
18 any other bonds issued under this Act for which payment has
19 been irrevocably provided by refunding or other manner of
20 defeasance.

21 It is the intent of this Act that the outstanding bond
22 authorization limits provided for in this subsection shall be
23 revolving in nature, such that the amount of bonds outstanding
24 that are not refunded or otherwise defeased shall be included
25 in determining the maximum amount of bonds authorized to be
26 issued under the Act.

27 (e) The bonds and refunding bonds issued under this Act may
28 bear such date or dates, may mature at such time or times not
29 exceeding 30 years from their respective dates of issuance, and
30 may bear interest at such rate or rates not exceeding the
31 maximum rate authorized by the Bond Authorization Act, as
32 amended and in effect at the time of the issuance of the bonds.

33 (f) The Department may enter into a credit agreement
34 pertaining to the issuance of the bonds, upon terms that are

1 not inconsistent with this Act and any other laws, provided
2 that the term of the credit agreement shall not exceed the term
3 of the bonds, plus any time period necessary to cure any
4 defaults under the credit agreement.

5 (g) Interest earnings paid to holders of the bonds shall
6 not be exempt from income taxes imposed by the State.

7 (h) While any bond obligations are outstanding or
8 anticipated to come due as a result of bonds expected to be
9 issued for purposes of Section 13 of the Open Space Lands
10 Acquisition and Development Act in either or both of the 2
11 immediately succeeding calendar quarters, the Department must
12 collect and deposit Department real estate transfer tax
13 receipts from the Open Space Lands Acquisition and Development
14 Fund into the Open Space Bond Repayment Fund in an amount
15 necessary to satisfy the required OSLAD Fund real estate
16 transfer tax receipts amount prior to expending real estate
17 transfer tax receipts for any other purpose. The required OSLAD
18 Fund real estate transfer tax receipts amount shall be that
19 amount necessary to ensure the marketability of the bonds,
20 which shall be specified in the Bond Sale Order executed by the
21 Director in connection with the issuance of the bonds.

22 (i) While any bond obligations are outstanding or
23 anticipated to come due as a result of bonds expected to be
24 issued for the purposes of Section 14 of the Open Space Lands
25 Acquisition and Development Act in either or both of the 2
26 immediately succeeding calendar quarters, the Department must
27 collect and deposit Department real estate transfer tax
28 receipts from the Natural Areas Acquisition Fund into the
29 Natural Areas Bond Repayment Fund in an amount necessary to
30 satisfy the required NAA Fund real estate transfer tax receipts
31 amount prior to expending real estate transfer tax receipts for
32 any other purpose. The required NAA Fund real estate transfer
33 tax receipts amount shall be that amount necessary to ensure
34 the marketability of the bonds, which shall be specified in the

1 Bond Sale Order executed by the Director in connection with the
2 issuance of the bonds.

3 (j) Holders of the bonds issued for purposes of Section 13
4 of the Open Space Lands Acquisition and Development Act shall
5 have a first and priority claim on all moneys held in the Open
6 Space Bond Repayment Fund in parity with all other holders of
7 those bonds, provided that this claim may be subordinated to
8 the provider of any credit agreement for any of the bonds.
9 Holders of the bonds issued for purposes of Section 14 of the
10 Open Space Lands Acquisition and Development Act shall have a
11 first and priority claim on all moneys held in the Natural
12 Areas Bond Repayment Fund in parity with all other holders of
13 those bonds, provided that this claim may be subordinated to
14 the provider of any credit agreement for any of the bonds.

15 (k) To the extent that Department real estate transfer tax
16 receipts in the Open Space Bond Repayment Fund are not
17 otherwise needed to satisfy the requirements of this Act and
18 the instruments authorizing the issuance of the bonds, such
19 moneys shall be used by the Department, in such amounts as
20 determined by the Director, to purchase, refinance, redeem,
21 refund, advance refund, or defease (or any combination of the
22 foregoing) outstanding bonds, to the extent such action is
23 legally available and financially prudent. To the extent that
24 the moneys in the Open Space Bond Repayment Fund are not
25 otherwise needed for the foregoing purposes, such moneys shall
26 be transferred back into the Open Space Lands Acquisition and
27 Development Fund.

28 (l) To the extent that Department real estate transfer tax
29 receipts in the Natural Areas Bond Repayment Fund are not
30 otherwise needed to satisfy the requirements of this Act and
31 the instruments authorizing the issuance of the bonds, such
32 moneys shall be used by the Department, in such amounts as
33 determined by the Director, to purchase, refinance, redeem,
34 refund, advance refund, or defease (or any combination of the

1 foregoing) outstanding bonds, to the extent such action is
2 legally available and financially prudent. To the extent that
3 the moneys in the Natural Areas Bond Repayment Fund are not
4 otherwise needed for the foregoing purposes, such moneys shall
5 be transferred back into the Natural Areas Acquisition Fund.

6 (m) The Director shall determine the method of sale, type
7 of bond, bond form, redemption provisions, and other terms of
8 the bonds that, in the Director's judgment, best achieve the
9 purposes of this Act and effect the borrowing at the lowest
10 practicable cost, provided that those determinations are not
11 inconsistent with this Act or other applicable legal
12 requirements. Those determinations shall be set forth in a
13 document entitled "Bond Sale Order".

14 (n) The Director shall identify the grants to be made to
15 local governments under Section 13 of the Open Space Lands
16 Acquisition and Development Act from the proceeds of the bonds
17 and any other expenditures from the proceeds of the bonds for
18 purposes permitted under Section 13 of the Open Space Lands
19 Acquisition and Development Act. The Director shall identify
20 the natural areas to be acquired under Section 14 of the Open
21 Space Lands Acquisition and Development Act from the proceeds
22 of the bonds and any other expenditures from the proceeds of
23 the bonds for purposes permitted under Section 14 of the Open
24 Space Lands Acquisition and Development Act.

25 Section 13. Credit agreement requirements.

26 (a) Any credit agreement entered into by the Department
27 under this Act must provide the following:

28 (1) The choice of law for the obligations of a
29 financial provider may be made for any state of these
30 United States, but the law that applies to the bonds is the
31 law of the State of Illinois and jurisdiction to enforce
32 the credit agreement as against the Department is
33 exclusively in the courts of the State of Illinois or in

1 the applicable federal court having jurisdiction and
2 located within the State of Illinois.

3 (2) The credit agreement is fully enforceable as a
4 valid and binding contract as and to the extent provided by
5 applicable law.

6 (b) The credit agreement may include any of the following
7 provisions:

8 (1) Interest rates on the bonds may vary from time to
9 time depending upon criteria established by the Director,
10 which may include, without limitation: (i) a variation in
11 interest rates as may be necessary to cause the bonds to be
12 remarketed from time to time at a price equal to their
13 principal amount plus any accrued interest; (ii) rates set
14 by auctions; or (iii) rates set by formula.

15 (2) A national banking association, bank, trust
16 company, investment banker or other financial institution
17 may be appointed to serve as a remarketing agent in that
18 connection, and the remarketing agent may be delegated
19 authority by the Department to determine interest rates in
20 accordance with criteria established by the Department.

21 (3) Alternative interest rates or provisions may apply
22 during such times as the bonds are held by the financial
23 providers or similar persons or entities providing a credit
24 agreement for those bonds and, during such times, the
25 interest on the bonds may be deemed not exempt from income
26 taxation under the Internal Revenue Code for purposes of
27 State law, as contained in the Bond Authorization Act,
28 relating to the permissible rate of interest to be borne
29 thereon.

30 (4) Fees may be paid to the financial providers or
31 similar persons or entities providing a credit agreement,
32 including all reasonably related costs, including therein
33 costs of enforcement and litigation (all such fees and
34 costs being financial provider payments) and financial

1 provider payments may be paid, without limitation, from
2 proceeds of the bonds being the subject of such agreements,
3 or from bonds issued to refund such bonds, provided that
4 such financial provider payments shall be made subordinate
5 to the payments on the bonds.

6 (5) The bonds need not be held in physical form by the
7 financial providers or similar persons or entities
8 providing a credit agreement when providing funds to
9 purchase or carry the bonds from others but may be
10 represented in uncertificated form in the credit
11 agreement.

12 (6) The debt or obligation of the Department
13 represented by a Bond tendered for purchase to or otherwise
14 made available to the Department thereupon acquired by
15 either the Department or a financial provider shall not be
16 deemed to be extinguished for purposes of State law until
17 cancelled by the Department or its agent.

18 (7) The credit agreement may provide for acceleration
19 of the principal amounts due on the bonds.

20 Section 14. Bond repayment funds.

21 (a) The required OSLAD Fund real estate transfer tax
22 receipts amount deposited into the Open Space Bond Repayment
23 Fund under subsection (h) of Section 10 shall be irrevocably
24 pledged to the timely payment of bond obligations and bond
25 administrative expenses due on any bonds issued under this Act
26 for purposes of Section 13 of the Open Space Lands Acquisition
27 and Development Act and any credit agreement entered in
28 connection with those bonds. The Open Space Bond Repayment Fund
29 shall be held separate and apart from all other State funds.
30 Moneys in the Open Space Bond Repayment Fund may not be
31 commingled with other State funds, but they must be deposited,
32 as required by law, and maintained in a separate account on the
33 books of a savings and loan association, bank, or other

1 qualified financial institution. All interest earnings on
2 amounts within the Open Space Bond Repayment Fund shall accrue
3 to the Open Space Bond Repayment Fund. The Open Space Bond
4 Repayment Fund may include funds and accounts necessary for the
5 deposit of bond proceeds, OSLAD Fund transfer tax receipts,
6 payment of principal, interest, administrative expenses, costs
7 of issuance, in the case of bonds that are exempt from federal
8 taxation, rebate payments, and other funds and accounts
9 necessary for the implementation and administration of this
10 Act. The Director is liable on the Director's general official
11 bond for the faithful performance of the Director's duties as
12 custodian of the Open Space Bond Repayment Fund. This liability
13 exists in addition to the Director's liability upon any
14 separate bond given by the Director. All sums recovered for
15 losses sustained by the Open Space Bond Repayment Fund must be
16 deposited into the Open Space Bond Repayment Fund.

17 (b) The required NAA Fund real estate transfer tax receipts
18 amount deposited into the Natural Areas Bond Repayment Fund
19 under subsection (i) of Section 10 shall be irrevocably pledged
20 to the timely payment of bond obligations and bond
21 administrative expenses due on any bonds issued under this Act
22 for purposes of Section 14 of the Open Lands Acquisition and
23 Development Act and any credit agreement entered in connection
24 with those bonds. The Natural Areas Bond Repayment Fund shall
25 be held separate and apart from all other State funds. Moneys
26 in the Natural Areas Bond Repayment Fund may not be commingled
27 with other State funds, but they must be deposited, as required
28 by law, and maintained in a separate account on the books of a
29 savings and loan association, bank, or other qualified
30 financial institution. All interest earnings on amounts within
31 the Natural Areas Bond Repayment Fund shall accrue to the
32 Natural Areas Bond Repayment Fund. The Natural Areas Bond
33 Repayment Fund may include funds and accounts necessary for the
34 deposit of bond proceeds, NAA Fund transfer tax receipts,

1 payment of principal, interest, administrative expenses, costs
2 of issuance, in the case of bonds that are exempt from federal
3 taxation, rebate payments, and other funds and accounts
4 necessary for the implementation and administration of this
5 Act. The Director is liable on the Director's general official
6 bond for the faithful performance of the Director's duties as
7 custodian of the Natural Areas Bond Repayment Fund. This
8 liability exists in addition to the Director's liability upon
9 any separate bond given by the Director. All sums recovered for
10 losses sustained by the Natural Areas Bond Repayment Fund must
11 be deposited into the Natural Areas Bond Repayment Fund.

12 Section 15. Bond proceeds.

13 (a) The proceeds of any bonds issued under this Act for
14 purposes of Section 13 of the Open Space Lands Acquisition and
15 Development Act, including investment income thereon, must be
16 deposited into the Open Space Lands Acquisition and Development
17 Fund. The proceeds of any bonds issued under this Act for
18 purposes of Section 14 of the Open Space Lands Acquisition and
19 Development Act, including investment income thereon, must be
20 deposited into the Natural Areas Acquisition Fund. The proceeds
21 may be used for the following purposes and in such amounts as
22 determined by the Director:

23 (1) To carry out the purposes of Sections 13 or 14,
24 respectively, of the Open Space Lands Acquisition and
25 Development Act;

26 (2) Paying the costs of issuing or refinancing any
27 bonds issued under this Act;

28 (3) Paying the costs incurred pursuant to any credit
29 agreement executed in connection with bonds issued under
30 this Act;

31 (4) Providing an appropriate reserve for any such bonds
32 to the extent that the Director determines that an
33 appropriate reserve is warranted; and

1 (5) Paying capitalized interest on the bonds for the
2 period determined necessary by the Department, not to
3 exceed 2 years from the date of issuance of such bonds.

4 (b) Excess bond proceeds remaining available after the
5 payments and deposits required under subsection (a) have been
6 made, may be used for the following purposes, as determined by
7 the Director: (i) to purchase, redeem, or defease outstanding
8 bonds, to the extent this action is legally available; or (ii)
9 to pay any scheduled interest payment or payments due on any
10 outstanding bonds.

11 Section 20. Bonds not a pledge of the State.

12 (a) Any bonds issued under this Act, and any related credit
13 agreement, are not a pledge of the faith and credit or moral
14 obligation of the State or any State agency or political
15 subdivision of the State. All bonds, bond obligations, and
16 payment obligations deriving from any credit agreement are
17 payable solely as provided in subsection (c) of Section 10.

18 (b) Any bonds and any related credit agreement issued under
19 this Act must contain a conspicuous statement to the effect
20 that:

21 (1) Neither the State, nor any State agency, political
22 corporation, nor political subdivision of the State is
23 obligated to pay the principal of or interest on the bonds,
24 except as provided by the Open Space Lands Acquisition and
25 Development Act; and

26 (2) Neither the faith and credit of the State or any
27 State agency, political corporation, or political
28 subdivision of the State, nor the moral obligation of any
29 of them, is pledged to the payment of the principal of or
30 interest on the bonds.

31 Section 25. State not to impair bond obligations. While
32 bonds under this Act are outstanding, the State irrevocably

1 pledges and covenants that it shall not:

2 (1) take action to limit or restrict the rights of the
3 Department to fulfill its responsibilities to pay bond
4 obligations or bond administrative expenses or otherwise
5 comply with instruments entered into by the Department
6 pertaining to the issuance of the bonds;

7 (2) in any way impair the rights and remedies of the
8 holders of the bonds until the bonds are fully discharged;
9 or

10 (3) reduce the real estate transfer tax rates below the
11 levels in existence on the effective date of this Act.

12 Section 30. Continuing appropriation. This Act shall
13 constitute an irrevocable and continuing appropriation of all
14 amounts necessary in respect to use of Department real estate
15 transfer tax receipts and bond proceeds for purposes specified
16 in this Act, including, without limitation, for the provision
17 for payment of principal and interest on the bonds and other
18 amounts due in connection with the issuance of the bonds under
19 this Act, to the fullest extent the appropriation is required.

20 Section 35. Director's supplemental authority. The
21 Director, on behalf of the Department, is authorized to enter
22 into the covenants and agreements required by this Act, make
23 any determinations, calculations, rules, or other
24 promulgations required by this Act and engage or hire the
25 necessary attorneys, financial advisors, consultants,
26 verification agents, trustees, underwriters, remarketing
27 agents, and other professionals necessary to carry out the
28 purposes and intent of this Act, unless otherwise expressly
29 specified or required under this Act.

30 Section 40. Personal liability. No director, officer, or
31 employee of the Department or the State shall be personally

1 liable as a result of exercising the rights and
2 responsibilities granted under this Act.

3 Section 45. Omnibus Bonds Acts. With respect to
4 instruments for the payment of moneys issued under this Act, it
5 is and always has been the intention of the General Assembly
6 (i) that the Omnibus Bond Acts are and always have been
7 supplementary grants of power to issue instruments in
8 accordance with the Omnibus Bond Acts, regardless of any
9 provision of this Act that may appear to be or to have been
10 more restrictive than those Omnibus Bond Acts, (ii) that the
11 provisions of this Act are not a limitation on the
12 supplementary authority granted by the Omnibus Bond Acts, and
13 (iii) that instruments issued under this Act within the
14 supplementary authority granted by the Omnibus Bond Acts are
15 not invalid because of any provision of this Act that may
16 appear to be or to have been more restrictive than those
17 Omnibus Bond Acts.

18 Section 95. The Illinois Natural Areas Preservation Act is
19 amended by adding Section 7.05a as follows:

20 (525 ILCS 30/7.05a new)

21 Sec. 7.05a. To determine the manner and extent to which
22 property under consideration for acquisition would assist in
23 storm water management, water supply and quality assurance, or
24 other infrastructure needs. The Department, however, may
25 acquire property regardless of the results of this
26 determination.

27 Section 100. The Open Space Lands Acquisition and
28 Development Act is amended by changing Sections 3, 11, 13, and
29 14 and by adding Sections 8, 9.1, 15, and 15.5 as follows:

1 (525 ILCS 35/3) (from Ch. 85, par. 2103)

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

17 No more than 10% of the amount so appropriated for any
18 fiscal year may be committed or expended on any one project
19 described in an application submitted under this Act. No more
20 than 20% of the amount so appropriated for any fiscal year may
21 be committed or expended on projects under Section 8 of this
22 Act.

23 Any grant under this Act to a local government shall be
24 conditioned upon the state providing assistance on a 50/50
25 matching basis for the acquisition of open space lands and for
26 capital development and improvement proposals; provided,
27 however, that grants made before December 31, 2009 to units of
28 local government that apply under Section 8 of this Act may be
29 conditioned upon the State providing no more than 60% of the
30 total cost of the project and the unit of local government
31 providing at least 40% of the total cost of the project.

32 (Source: P.A. 84-1308.)

33 (525 ILCS 35/8 new)

1 Sec. 8. Green infrastructure projects.

2 (a) The purpose of this Section is to foster, through the
3 environmentally sensitive design and management of open
4 spaces, the acquisition, restoration, design, and management
5 of open spaces, parks, forest preserves, and conservation areas
6 for the combined purposes of creating recreational
7 opportunities and of performing green infrastructure services
8 traditionally provided by built infrastructure, including but
9 not limited to, stormwater mitigation, flood control, and air
10 and water quality enhancement.

11 (b) In addition to the requirements set forth in Section 4
12 of this Act, an application made pursuant to this Section shall
13 demonstrate:

14 (1) how the project combines recreational
15 opportunities with green infrastructure services;

16 (2) the relationship of the project to plans of the
17 applicant and other local government entities, including
18 but not limited to, plans for trail systems, flood control,
19 surface water and storm water management, and habitat
20 conservation; and

21 (3) whether the project is part of a proposed or
22 existing green corridor connecting open spaces or natural
23 areas.

24 (c) In considering applications for grants under this
25 Section, the Department shall give additional points in scoring
26 criteria to projects that demonstrate the greatest potential
27 for improving water supply and quality or for reducing the
28 capital, operating, or maintenance costs of meeting
29 water-related infrastructure requirements.

30 (525 ILCS 35/9.1 new)

31 Sec. 9.1. Technical assistance; green infrastructure
32 projects. The Department shall provide technical assistance to
33 units of local government in preparing applications for grants

1 and in performing evaluations of projects funded pursuant to
2 Section 8 of this Act. The Department, through December 31,
3 2008, may use no more than 2% (and no more than 1% thereafter)
4 of funds appropriated for the purposes of this Act to contract
5 with other public bodies and other entities, including
6 universities and non-profit organizations, for technical
7 assistance in developing, testing, and evaluating the green
8 infrastructure policies and programs authorized in this Act,
9 and for the provision of technical assistance to units of local
10 government.

11 (525 ILCS 35/11) (from Ch. 85, par. 2111)

12 Sec. 11. Progress reports on the implementation ~~and~~
13 ~~development~~ of this Act shall be filed annually with the
14 Governor and the General Assembly. Such reports shall include a
15 statement of goals and objectives and such quantifiable support
16 documentation as expenditures, allocation of funds by
17 location, including ~~such~~ performance and measurement criteria
18 sufficient to enable the General Assembly to properly evaluate
19 and review program effectiveness. Beginning in calendar year
20 2006, the annual report shall also include: (i) descriptions of
21 projects approved pursuant to Section 8 of this Act, including
22 an evaluation of the cost-effectiveness of those projects in
23 providing green infrastructure services, including but not
24 limited to, storm water mitigation, flood control, and air and
25 water quality enhancement and (ii) information on bonds issued
26 pursuant to the Open Space Financing Act and bonds outstanding.

27 (Source: P.A. 84-109.)

28 (525 ILCS 35/13) (from Ch. 85, par. 2113)

29 Sec. 13. Open Space Lands Acquisition and Development Fund.
30 There is hereby created in the State Treasury the Open Space
31 Lands Acquisition and Development Fund. The fund shall be used
32 by the Department (i) to make grants to local governments in

1 the manner and for the purposes described in Section 3; (ii) to
2 provide funding for the services described in Section 9.1; and
3 (iii) for the purposes set forth in Section 15 of the Open
4 Space Financing Act.

5 (Source: P.A. 86-925.)

6 (525 ILCS 35/14) (from Ch. 85, par. 2114)

7 Sec. 14. There is hereby created in the State Treasury the
8 Natural Areas Acquisition Fund. The fund shall be used by the
9 Department for (i) the acquisition, preservation and
10 stewardship of natural areas, including habitats for
11 endangered and threatened species, high quality natural
12 communities, wetlands, and other areas with unique or unusual
13 natural heritage qualities and (ii) for the purposes set forth
14 in Section 15 of the Open Space Financing Act.

15 (Source: P.A. 86-925.)

16 (525 ILCS 35/15 new)

17 Sec. 15. Open Space Bond Repayment Fund. There is
18 established the Open Space Bond Repayment Fund held by the
19 Director or his or her designee as ex-officio custodian thereof
20 separate and apart from all other State funds. The moneys in
21 the Fund must be used in accordance with the Open Space
22 Financing Act.

23 (525 ILCS 35/15.5 new)

24 Sec. 15.5. Natural Areas Bond Repayment Fund. There is
25 established the Natural Areas Bond Repayment Fund held by the
26 Director or his or her designee as ex-officio custodian thereof
27 separate and apart from all other State funds. The moneys in
28 the Fund must be used in accordance with the Open Space
29 Financing Act.

30 Section 999. Effective date. This Act takes effect upon

1 becoming law.".