



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3613

Introduced 2/28/2007, by Rep. Brent Hassert

SYNOPSIS AS INTRODUCED:

New Act

30 ILCS 105/5.675 new

35 ILCS 5/50700 new

35 ILCS 5/509

from Ch. 120, par. 5-509

35 ILCS 5/510

from Ch. 120, par. 5-510

Creates the Conservation Acquisition and Resource Enhancement Program Act. Sets out the purpose and the scope of the Program. Provides that the Department of Natural Resources shall administer the Program and provides the terms and conditions of the Program. Creates the Open Space Council to review each land conservation project proposal and consider the recommendations of the Department. Provides that the Council shall have a link on the Department's website providing information on the Program. Creates the Conservation Acquisition and Resource Enhancement Program Fund. Provides for grants awarded by the Council and sets criteria for selecting grant recipients. Amends the State Finance Act. Creates the Conservation Acquisition and Resource Enhancement Program Fund as a special fund in the State treasury. Amends the Illinois Income Tax Act. Creates an income tax checkoff for the Conservation Acquisition and Resource Enhancement Program Fund. Makes changes to references concerning funds subject to the Act's tax checkoff provisions. Effective July 1, 2007.

LRB095 09628 CMK 32216 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 1. Short title. This Act may be cited as the
5 Conservation Acquisition and Resource Enhancement Program Act.

6 Section 5. Legislative findings. The General Assembly
7 recognizes that the statewide network of land and water
8 resources, the State's prime agricultural and forestry lands,
9 and the State's natural, cultural, historic, and recreational
10 areas are a priceless legacy that enhance the health of
11 ecosystems, encourage working landscapes, foster natural
12 resource stewardship, sustain a healthy economy, and promote a
13 sustainable high quality of life for current and future
14 generations of Illinois citizens. The General Assembly
15 recognizes the critical role nonprofit conservation
16 organizations and organizations that are tax-exempt have in
17 partnering with municipalities, counties, and the State in
18 accomplishing land conservation goals.

19 Section 10. Program creation, scope, purpose.

20 (a) The Conservation Acquisition and Resource Enhancement
21 Program is created. The purpose of the Program is to
22 permanently protect land and water, or interests therein, that

1 is in an undeveloped, natural state or that has been developed
2 only to an extent that does not interfere with its conservation
3 value. The following types of resources are eligible for
4 consideration in meeting the purpose of the Program:

5 (1) water quality protection for rivers, streams, and
6 lakes;

7 (2) flood protection;

8 (3) wetlands protection;

9 (4) reduction of erosion through protection of slopes,
10 areas with erodible soils, and stream banks;

11 (5) protection of riparian buffers and other areas that
12 serve as natural habitat and corridors for native plant and
13 animal species;

14 (6) protection of prime agricultural and forestry
15 lands;

16 (7) protection of cultural sites, heritage corridors,
17 and archeological and historic resources;

18 (8) scenic protection;

19 (9) provision of recreation in the form of boating,
20 hiking, camping, fishing, hunting, running, jogging,
21 biking, walking, or similar outdoor activities; and

22 (10) connection of existing or planned areas
23 contributing to the goals set out in this subsection.

24 (b) The Program should promote partnerships for the
25 conservation of land resources that are identified by
26 municipalities or counties as locally valuable or identified by

1 the Department of Natural Resources as having statewide
2 significance. The Program should also promote alternative land
3 conservation funding options in cooperation with private,
4 non-profit, and tax-exempt organizations, which will augment
5 currently available local, State, and federal funding.

6 Section 15. Administration; council.

7 (a) The Department of Natural Resources shall administer
8 the Program.

9 (b) The Open Space Council is created. The Open Space
10 Council shall consist of the Director of the Department of
11 Natural Resource's Office of Resource Conservation or his or
12 her designee, the Director of the Department of Natural
13 Resource's Office of Realty and Environmental Planning or his
14 or her designee, the Director of Agriculture or his or her
15 designee, the Director of Commerce and Economic Opportunity or
16 his or her designee, the president of the Association of Soil
17 and Water Conservation Districts or his or her designee, the
18 Director of the Illinois Finance Authority or his or her
19 designee, and 3 additional members appointed by the Governor.

20 (c) At a minimum, the Program shall include:

21 (1) The opportunity for municipalities or counties to
22 develop, submit to the Council, and sponsor, a community
23 land conservation project to protect locally identified
24 land resources with high environmental values or
25 conservation benefits.

1 (2) Assistance for municipalities and counties with
2 the development of community land conservation project
3 proposals including program requirements and technical
4 assistance with real estate transactions.

5 (3) The Department may develop, submit to the Council,
6 and sponsor a State land conservation project to accomplish
7 the strategic investment in protection of land resources
8 identified by the Department as having high environmental
9 values or conservation benefits.

10 (4) The Department shall make recommendations to the
11 Council based on the review of each land conservation
12 project, including recommended funding sources, funding
13 levels, and conditions.

14 Section 20. Council duties.

15 (a) The Council shall review each land conservation project
16 proposal and shall consider the recommendations of the
17 Department, as well as the Program's procedures, conditions,
18 components, priorities, and criteria under this Act. The
19 decision of the Council that a land conservation project
20 complies with all of the required terms and conditions and is
21 approved shall cause the municipality, county, or Department to
22 become eligible for funding.

23 The Council shall adopt procedures for organizations that
24 are tax-exempt to enter into partnerships with municipalities,
25 counties, or the Department to assist with: (1) the

1 identification and development of land conservation project
2 proposals; (2) the establishment of a local funding match; and
3 (3) to accept and administer property acquired by a
4 municipality, county or the Department.

5 (b) The Council shall have a link on the Department's
6 Internet website providing information on the Conservation
7 Acquisition and Resource Enhancement Program and other open
8 space related programs offered at the State and federal level
9 and programs that may be available through other sources such
10 as non-profit organizations and businesses.

11 (c) The Department may, by agreement with a municipality or
12 county, accept and administer property acquired by the
13 municipality or county or make such other agreements for the
14 ownership and operation of the property.

15 Section 25. Conservation Acquisition and Resource
16 Enhancement Fund.

17 (a) The Conservation Acquisition and Resource Enhancement
18 Program Fund is created as a special fund in the State
19 treasury. The Fund shall consist of moneys appropriated, paid
20 under an intergovernmental contract, voluntarily contributed,
21 federal funds, revenue from the check-off established by this
22 Act, and other moneys acquired by any fund raising or other
23 promotional techniques. Moneys will be made available in each
24 fiscal year for grants to municipalities and counties with an
25 approved community land conservation project under this Act,

1 that have complied with State laws, regulations, contracts, and
2 agreements, and have matching funds at a percentage of the
3 total project cost as established by the Department.

4 The Council shall use at a minimum the following criteria
5 in granting project approval:

6 (1) the project must promote the permanent protection
7 of conservation land;

8 (2) the identification and commitment of local land use
9 ordinances and local conservation and preservation
10 ordinances, policies, and regulations that further the
11 achievement of the permanent protection of conservation
12 land; and

13 (3) a multi-jurisdictional scope or regional impact.

14 (b) Moneys from the Fund shall be expended solely to defray
15 the costs of acquisition of conservation land or of
16 conservation easements that contribute to the goals set out
17 under this Act.

18 Section 90. The State Finance Act is amended by adding
19 Section 5.675 as follows:

20 (30 ILCS 105/5.675 new)

21 Sec. 5.675. The Conservation Acquisition and Resource
22 Enhancement Program Fund.

23 Section 95. The Illinois Income Tax Act is amended by

1 adding Section 50700 and by changing Sections 509 and 510 as
2 follows:

3 (35 ILCS 5/50700 new)

4 Sec. 50700. The conservation enhancement checkoff. For
5 taxable years ending on or after December 31, 2007, the
6 Department shall print, on its standard individual income tax
7 form, a provision indicating that, if the taxpayer wishes to
8 contribute to the Conservation Acquisition and Resource
9 Enhancement Program Fund, as authorized by this amendatory Act
10 of the 95th General Assembly, then he or she may do so by
11 stating the amount of the contribution (not less than \$1) on
12 the return and indicating that the contribution will reduce the
13 taxpayer's refund or increase the amount of payment to
14 accompany the return. The taxpayer's failure to remit any
15 amount of the increased payment reduces the contribution
16 accordingly. This Section does not apply to any amended return.

17 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

18 Sec. 509. Tax checkoff explanations. All individual income
19 tax return forms shall contain appropriate explanations and
20 spaces to enable the taxpayers to designate contributions to
21 the funds to which contributions may be made under this Article
22 5. following funds: the Child Abuse Prevention Fund, the
23 Illinois Wildlife Preservation Fund (as required by the
24 Illinois Non Game Wildlife Protection Act), the Alzheimer's

1 ~~Disease Research Fund (as required by the Alzheimer's Disease~~
2 ~~Research Act), the Assistance to the Homeless Fund (as required~~
3 ~~by this Act), the Penny Severns Breast and Cervical Cancer~~
4 ~~Research Fund, the National World War II Memorial Fund, the~~
5 ~~Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS)~~
6 ~~Research Fund, the Multiple Sclerosis Assistance Fund, the~~
7 ~~Sarcoidosis Research Fund, the Leukemia Treatment and~~
8 ~~Education Fund, the World War II Illinois Veterans Memorial~~
9 ~~Fund, the Korean War Veterans National Museum and Library Fund,~~
10 ~~the Illinois Military Family Relief Fund, the Blindness~~
11 ~~Prevention Fund, the Illinois Veterans' Homes Fund, the~~
12 ~~Epilepsy Treatment and Education Grants in Aid Fund, the~~
13 ~~Diabetes Research Checkoff Fund, the Vince Demuzio Memorial~~
14 ~~Colon Cancer Fund, the Autism Research Fund, the Heartsaver AED~~
15 ~~Fund, the Asthma and Lung Research Fund, and the Illinois Brain~~
16 ~~Tumor Research Fund.~~

17 Each form shall contain a statement that the contributions
18 will reduce the taxpayer's refund or increase the amount of
19 payment to accompany the return. Failure to remit any amount of
20 increased payment shall reduce the contribution accordingly.

21 If, on October 1 of any year, the total contributions to
22 any one of the funds made under this Article 5 ~~Section~~ do not
23 equal \$100,000 or more, the explanations and spaces for
24 designating contributions to the fund shall be removed from the
25 individual income tax return forms for the following and all
26 subsequent years and all subsequent contributions to the fund

1 shall be refunded to the taxpayer.

2 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;
3 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.
4 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.
5 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.
6 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06; revised
7 8-3-06.)

8 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

9 Sec. 510. Determination of amounts contributed. The
10 Department shall determine the total amount contributed to each
11 of the funds made under this Article 5 ~~following: the Child~~
12 ~~Abuse Prevention Fund, the Illinois Wildlife Preservation~~
13 ~~Fund, the Assistance to the Homeless Fund, the Alzheimer's~~
14 ~~Disease Research Fund, the Penny Severns Breast and Cervical~~
15 ~~Cancer Research Fund, the National World War II Memorial Fund,~~
16 ~~the Prostate Cancer Research Fund, the Illinois Military Family~~
17 ~~Relief Fund, the Lou Gehrig's Disease (ALS) Research Fund, the~~
18 ~~Multiple Sclerosis Assistance Fund, the Sarcoidosis Research~~
19 ~~Fund, the Leukemia Treatment and Education Fund, the World War~~
20 ~~II Illinois Veterans Memorial Fund, the Korean War Veterans~~
21 ~~National Museum and Library Fund, the Illinois Veterans' Homes~~
22 ~~Fund, the Epilepsy Treatment and Education Grants in Aid Fund,~~
23 ~~the Diabetes Research Checkoff Fund, the Vince Demuzio Memorial~~
24 ~~Colon Cancer Fund, the Autism Research Fund, the Blindness~~
25 ~~Prevention Fund, the Heartsaver AED Fund, the Asthma and Lung~~

1 ~~Research Fund, and the Illinois Brain Tumor Research Fund,~~ and
2 shall notify the State Comptroller and the State Treasurer of
3 the amounts to be transferred from the General Revenue Fund to
4 each fund, and upon receipt of such notification the State
5 Treasurer and Comptroller shall transfer the amounts.

6 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;
7 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.
8 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.
9 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.
10 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06; revised
11 8-3-06.)

12 Section 99. Effective date. This Act takes effect July 1,
13 2007.