



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3760

Introduced 2/25/2005, by Rep. Michael J. Madigan - Gary Hannig

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.640 new

Creates the Park and Recreational Facility Construction Act. Authorizes the Department of Natural Resources to determine eligibility for and authorizes the Capitol Development Board (CDB) to make grants to park or recreation units for park or recreational facility construction projects. Establishes an application procedure. Requires the Department to establish eligibility standards and priority standards for park or recreational facility construction grants. Requires CDB to establish project standards for park or recreational facility construction grants and to generally supervise park or recreational facility construction projects. Requires a park or recreation unit to submit the construction project or its financing to a referendum if required by law. Provides that the Chicago Park District may use park or recreational facility construction grants for payment of debt service or a lease. Provides that park or recreation units eligible for but not awarded grants in a fiscal year shall continue to be considered in the next fiscal year. Authorizes CDB and the Department to promulgate rules concerning park or recreational facility construction grants. Requires the Department and CDB to file with the General Assembly a comprehensive report of the capital needs of all park or recreation units in this State before January 1, 2006 and every 2 years thereafter. Amends the State Finance Act to create the Park and Recreational Facility Construction Fund.

LRB094 08670 MKM 42450 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning parks and recreation.

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 Park
5 and Recreational Facility Construction Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of Natural Resources.

8 "Grant index" means a figure for each park or recreation
9 unit equal to one minus the ratio of the park or recreation
10 unit's equalized assessed valuation per capita to the equalized
11 assessed valuation per capita of the park or recreation unit
12 located at the 90th percentile for all park or recreation units
13 in the State. The grant index shall be no less than 0.35 and no
14 greater than 0.75 for each park or recreation unit; provided
15 that the grant index for park or recreation units whose
16 equalized assessed valuation per capita is at the 99th
17 percentile and above for all park or recreation units in the
18 State shall be 0.00.

19 "Park or recreation unit" means the governmental unit of
20 any public park, park district, park and recreation district,
21 recreational facility, or recreation system established under
22 the Park District Code, the Chicago Park District Act, the
23 Metro-East Park and Recreation District Act, or the Illinois
24 Municipal Code.

25 "Park or recreation unit construction project" means the
26 acquisition, development, construction, reconstruction,
27 rehabilitation, improvement, architectural planning,
28 installation, maintenance, and upkeep of capital facilities
29 consisting of buildings, structures, durable equipment, and
30 land for park or recreation purposes.

31 Section 10. Grant awards. The Capital Development Board is

1 authorized to make grants to park or recreation units for park
2 or recreation unit construction projects with funds
3 appropriated by the General Assembly from the Park and
4 Recreational Facility Construction Fund pursuant to the
5 provisions of this Act.

6 Section 15. Grants. The Department is authorized to
7 determine grant eligibility for park or recreation unit
8 construction projects and shall determine the priority order
9 for park or recreation unit construction project grants to be
10 made by the Capital Development Board. When grant eligibility
11 has been determined for a park or recreation unit construction
12 project, the Capital Development Board shall notify the park or
13 recreation unit of the dollar amount of the park or recreation
14 unit construction project's cost that the park or recreation
15 unit will be required to finance with non-grant funds in order
16 to qualify to receive a park or recreation unit construction
17 project grant under this Act from the Capital Development
18 Board. The Department shall thereafter determine whether a
19 grant shall be made.

20 Section 20. Grant application; facilities plan. Park or
21 recreation units shall apply to the Department for park or
22 recreation unit construction project grants. Park or
23 recreation units filing grant applications shall submit to the
24 Department a facilities plan that shall include, but not be
25 limited to, an assessment of present and future park or
26 recreation facility needs as required by present and
27 anticipated park or recreational programming, the availability
28 of local financial resources including current revenues, fund
29 balances, and unused bonding capacity, a fiscal plan for
30 meeting present and anticipated debt service obligations, and a
31 maintenance plan and schedule that contain necessary
32 assurances that new, renovated, and existing facilities are
33 being or will be properly maintained. The Department shall
34 review and approve park or recreation unit facilities plans

1 prior to determining eligibility and authorizing grants. Each
2 park or recreation unit that is determined to be eligible shall
3 annually update its facilities plan and submit the revised plan
4 to the Department for approval.

5 Section 25. Eligibility and project standards.

6 (a) The Department shall establish eligibility standards
7 for park or recreation unit construction project grants and
8 approve a park or recreation unit's eligibility for a park or
9 recreation unit construction project grant pursuant to the
10 established standards. These standards shall include minimum
11 service population requirements for park or recreation unit
12 construction project grants. The Department shall approve a
13 park or recreation unit's eligibility for a construction
14 project grant and the Chicago Park District's eligibility for a
15 debt service grant or lease grant pursuant to the established
16 standards.

17 (b) The Capital Development Board shall establish project
18 standards for all park or recreation unit construction project
19 grants provided pursuant to this Act. These standards shall
20 include the determination of recognized project costs that
21 shall be eligible for State financial assistance and enrichment
22 costs that shall not be eligible for State financial
23 assistance.

24 (c) The Department and the Capital Development Board shall
25 not establish standards that disapprove or otherwise establish
26 limitations that restrict the eligibility of the Chicago Park
27 District for a park or recreation unit construction project
28 grant based on the fact that any or all of the park or
29 recreation unit construction project grant will be used to make
30 lease payments, as authorized by subsection (b) of Section 35
31 of this Act.

32 Section 30. Priority of construction projects. The
33 Department shall develop standards for the determination of
34 priority needs concerning park or recreation unit construction

1 projects based upon approved facilities plans. These standards
2 shall call for prioritization based on the degree of need and
3 project type in the following order:

4 (1) Replacement or reconstruction of park or
5 recreation unit facilities destroyed or damaged by flood,
6 tornado, fire, earthquake, or other disasters, either
7 man-made or produced by nature;

8 (2) Replacement or reconstruction of park or
9 recreation unit facilities determined to be severe and
10 continuing health or life safety hazards;

11 (3) Alterations necessary to provide accessibility for
12 qualified individuals with disabilities;

13 (4) Projects designed to address population growth or
14 to replace aging park or recreation unit facilities; and

15 (5) Other unique solutions to facility needs.

16 Section 35. Grant amounts; permitted use; prohibited use.

17 (a) The product of the park or recreation unit's grant
18 index and the recognized project cost, as determined by the
19 Capital Development Board, for an approved park or recreation
20 unit construction project shall equal the amount of the grant
21 the Capital Development Board shall provide to the eligible
22 park or recreation unit. The grant index shall not be used in
23 cases where the General Assembly and the Governor approve
24 appropriations designated for specifically identified park or
25 recreation unit construction projects.

26 (b) In each fiscal year in which park or recreation unit
27 construction project grants are awarded, 20% of the total
28 amount awarded statewide shall be awarded to the Chicago Park
29 District, provided that the Chicago Park District complies with
30 the provisions of this Act.

31 In addition to the uses otherwise authorized by this Act,
32 the Chicago Park District is authorized to use any or all of
33 the park or recreation unit construction project grants (i) to
34 pay debt service, as defined in the Local Government Debt
35 Reform Act, on bonds, as defined in the Local Government Debt

1 Reform Act, issued to finance one or more park or recreation
2 unit construction projects and (ii) to the extent that any such
3 bond is a lease or other installment or financing contract
4 between the park or recreation unit and a public building
5 commission that has issued bonds to finance one or more
6 qualifying park or recreation unit construction projects, to
7 make lease payments under the lease.

8 (c) No portion of a park or recreation unit construction
9 project grant awarded by the Capital Development Board shall be
10 used by a park or recreation unit for any on-going operational
11 costs.

12 Section 37. Carry over projects. If a park or recreation
13 unit has been determined eligible for a park or recreation unit
14 construction project, has arranged and approved all local
15 financing, and is eligible to receive a park or recreation unit
16 construction project grant award in any fiscal year, but does
17 not receive such award in that year due to lack of adequate
18 appropriations, those park or recreation unit construction
19 projects shall continue to be considered for grant awards for
20 the following fiscal year.

21 Section 40. Supervision of park or recreation unit
22 construction projects. The Capital Development Board shall
23 exercise general supervision over park or recreation unit
24 construction projects financed pursuant to this Act. Park or
25 recreation units, however, must be allowed to choose the
26 architect and engineer for their park or recreation unit
27 construction projects, and no project may be disapproved by the
28 Department or the Capital Development Board solely due to a
29 park or recreation unit's selection of an architect or
30 engineer.

31 Section 50. Referendum requirements. After the Department
32 has approved all or part of a park or recreation unit's
33 application and made a determination of eligibility for a park

1 or recreation unit construction project grant, the park or
2 recreation unit shall submit the project or the financing of
3 the project to a referendum when the referendum is required by
4 law.

5 Section 55. Rules.

6 (a) The Capital Development Board shall promulgate such
7 rules as it deems necessary for carrying out its
8 responsibilities under the provisions of this Act.

9 (b) The Department shall promulgate such rules as it deems
10 necessary for carrying out its responsibilities under the
11 provisions of this Act.

12 Section 60. Capital needs assessment. The Department and
13 the Capital Development Board shall file with the General
14 Assembly a comprehensive assessment report of the capital needs
15 of all park or recreation units in this State before January 1,
16 2006 and every 2 years thereafter. This assessment shall
17 include, without limitation, an analysis of the 6 categories of
18 capital needs prioritized in Section 5-30 of this Act.

19 Section 900. The State Finance Act is amended by adding
20 Section 5.640 as follows:

21 (30 ILCS 105/5.640 new)

22 Sec. 5.640. The Park and Recreational Facility
23 Construction Fund.