



Rep. Tony M. McCombie

**Filed: 4/16/2024**

10300HB1855ham001

LRB103 28119 BDA 72439 a

1 AMENDMENT TO HOUSE BILL 1855

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1855 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Grant Accountability and Transparency Act  
5 is amended by changing Section 45 as follows:

6 (30 ILCS 708/45)

7 Sec. 45. Applicability.

8 (a) Except as otherwise provided in this Section, the  
9 requirements established under this Act apply to State  
10 grant-making agencies that make State and federal pass-through  
11 awards to non-federal entities. These requirements apply to  
12 all costs related to State and federal pass-through awards.  
13 The requirements established under this Act do not apply to  
14 private awards, to allocations of State revenues paid over by  
15 the Comptroller to units of local government and other taxing  
16 districts pursuant to the State Revenue Sharing Act from the

1 Local Government Distributive Fund or the Personal Property  
2 Tax Replacement Fund, to allotments of State motor fuel tax  
3 revenues distributed by the Department of Transportation to  
4 units of local government pursuant to the Motor Fuel Tax Law  
5 from the Motor Fuel Tax Fund or the Transportation Renewal  
6 Fund, or to awards, including capital appropriated funds, made  
7 by the Department of Transportation to units of local  
8 government for the purposes of transportation projects  
9 utilizing State funds, federal funds, or both State and  
10 federal funds. This Act shall recognize that federal and  
11 federal pass-through awards from the Department of  
12 Transportation to units of local government are governed by  
13 and must comply with federal guidelines under 2 CFR Part 200.

14 The changes made by this amendatory Act of the 102nd  
15 General Assembly apply to pending actions as well as actions  
16 commenced on or after the effective date of this amendatory  
17 Act of the 102nd General Assembly.

18 (a-5) Nothing in this Act shall prohibit the use of State  
19 funds for purposes of federal match or maintenance of effort.

20 (b) The terms and conditions of State, federal, and  
21 pass-through awards apply to subawards and subrecipients  
22 unless a particular Section of this Act or the terms and  
23 conditions of the State or federal award specifically indicate  
24 otherwise. Non-federal entities shall comply with requirements  
25 of this Act regardless of whether the non-federal entity is a  
26 recipient or subrecipient of a State or federal pass-through

1 award. Pass-through entities shall comply with the  
2 requirements set forth under the rules adopted under  
3 subsection (a) of Section 20 of this Act, but not to any  
4 requirements in this Act directed towards State or federal  
5 awarding agencies, unless the requirements of the State or  
6 federal awards indicate otherwise.

7 When a non-federal entity is awarded a cost-reimbursement  
8 contract, only 2 CFR 200.330 through 200.332 are incorporated  
9 by reference into the contract. However, when the Cost  
10 Accounting Standards are applicable to the contract, they take  
11 precedence over the requirements of this Act unless they are  
12 in conflict with Subpart F of 2 CFR 200. In addition, costs  
13 that are made unallowable under 10 U.S.C. 2324(e) and 41  
14 U.S.C. 4304(a), as described in the Federal Acquisition  
15 Regulations, subpart 31.2 and subpart 31.603, are always  
16 unallowable. For requirements other than those covered in  
17 Subpart D of 2 CFR 200.330 through 200.332, the terms of the  
18 contract and the Federal Acquisition Regulations apply.

19 With the exception of Subpart F of 2 CFR 200, which is  
20 required by the Single Audit Act, in any circumstances where  
21 the provisions of federal statutes or regulations differ from  
22 the provisions of this Act, the provision of the federal  
23 statutes or regulations govern. This includes, for agreements  
24 with Indian tribes, the provisions of the Indian  
25 Self-Determination and Education and Assistance Act, as  
26 amended, 25 U.S.C. 450-458ddd-2.

1           (c) State grant-making agencies may apply subparts A  
2 through E of 2 CFR 200 to for-profit entities, foreign public  
3 entities, or foreign organizations, except where the awarding  
4 agency determines that the application of these subparts would  
5 be inconsistent with the international obligations of the  
6 United States or the statute or regulations of a foreign  
7 government.

8           (d) 2 CFR 200.101 specifies how 2 CFR 200 is applicable to  
9 different types of awards. The same applicability applies to  
10 this Act.

11           (e) (Blank).

12           (f) For public institutions of higher education, the  
13 provisions of this Act apply only to awards funded by federal  
14 pass-through awards from a State agency to public institutions  
15 of higher education. This Act shall recognize provisions in 2  
16 CFR 200 as applicable to public institutions of higher  
17 education, including Appendix III of Part 200 and the cost  
18 principles under Subpart E.

19           (g) Each grant-making agency shall enhance its processes  
20 to monitor and address noncompliance with reporting  
21 requirements and with program performance standards. Where  
22 applicable, the process may include a corrective action plan.  
23 The monitoring process shall include a plan for tracking and  
24 documenting performance-based contracting decisions.

25           (h) Notwithstanding any provision of law to the contrary,  
26 grants awarded from federal funds received from the federal

1 Coronavirus State Fiscal Recovery Fund in accordance with  
2 Section 9901 of the American Rescue Plan Act of 2021 are  
3 subject to the provisions of this Act, but only to the extent  
4 required by Section 9901 of the American Rescue Plan Act of  
5 2021 and other applicable federal law or regulation.

6 (i) Payments and agreements made pursuant to Section 5 of  
7 the Illinois Forestry Development Act are not subject to the  
8 provisions of this Act.

9 (Source: P.A. 101-81, eff. 7-12-19; 102-16, eff. 6-17-21;  
10 102-626, eff. 8-27-21; 102-813, eff. 5-13-22; 102-1092, eff.  
11 6-10-22.)

12 Section 10. The Illinois Forestry Development Act is  
13 amended by changing Section 5 as follows:

14 (525 ILCS 15/5) (from Ch. 96 1/2, par. 9105)

15 Sec. 5. A forest development cost share program is created  
16 and shall be administered by the Department of Natural  
17 Resources.

18 A timber grower who desires to participate in the cost  
19 share program shall devise a forest management plan. To be  
20 eligible to submit a proposed forest management plan, a timber  
21 grower must own or operate at least 10 contiguous acres of land  
22 in this State on which timber is produced, except that, no acre  
23 on which a permanent building is located shall be included in  
24 calculations of acreage for the purpose of determining

1 eligibility. Timber growers with Department approved forest  
2 management plans covering less than 10 acres in effect on or  
3 before the effective date of this amendatory Act of the 96th  
4 General Assembly shall continue to be eligible under the  
5 Illinois Forestry Development Act provisions. The proposed  
6 forest management plan shall include a description of the land  
7 to be managed under the plan, a description of the types of  
8 timber to be grown, a projected harvest schedule, a  
9 description of forest management practices to be applied to  
10 the land, an estimation of the cost of such practices, plans  
11 for afforestation, plans for regenerative harvest and  
12 reforestation, and a description of soil and water  
13 conservation goals and wildlife habitat enhancement which will  
14 be served by implementation of the forest management plan.

15 Upon receipt from a timber grower of a draft forest  
16 management plan, the Department shall review the plan and, if  
17 necessary, assist the timber grower to revise the plan. The  
18 Department shall officially approve acceptable plans. Forest  
19 management plans shall be revised as necessary and all  
20 revisions must be approved by the Department. A plan shall be  
21 evaluated every 2 years for reapproval.

22 The eligible land shall be maintained in a forest  
23 condition for a period of 10 years or until commercial  
24 harvest, whichever last occurs, as required by the plan.

25 The Department shall enter into agreements with timber  
26 growers with approved forest management plans under which the

1 Department shall agree to pay a share of the total cost of  
2 acceptable forest management plans and practices implemented  
3 under the plan. The cost share amount is up to 80% of the total  
4 cost of the forest management practices for such practices  
5 approved to be funded from monies appropriated for this  
6 purpose for subsequent fiscal years. Cost share funds shall be  
7 paid from monies appropriated to the Department by the General  
8 Assembly for that purpose from the Illinois Forestry  
9 Development Fund or any other fund in the State Treasury.  
10 These cost share payments shall not exceed the amount  
11 appropriated for such purposes. The Department shall create by  
12 administrative rule the criteria used to evaluate and approve  
13 cost share payment requests, including what forest management  
14 practices shall be prioritized for payment. Payments shall  
15 only be made after approved practices have been completed and  
16 written documentation is provided to the Department showing  
17 the total amount paid by the landowner for such practice.

18 Starting in 2025, the Department shall file a report in  
19 writing to the General Assembly on or before March 1 of each  
20 year with the following information from the preceding year:  
21 the total number of agreements entered into pursuant to this  
22 Section, the total amount of payments made pursuant to this  
23 Section from the Illinois Forestry Development Fund, and the  
24 total number of acres that were affected by said payments.  
25 Payments and agreements made pursuant to this Section are not  
26 subject to the Grant Accountability and Transparency Act.

1           The Department, upon recommendations made to it by the  
2 Council, may provide for the categorization of forest  
3 management practices and determine an appropriate cost share  
4 percentage for each such category. Forest management practices  
5 submitted by timber growers on whose timber sales fees of 4% of  
6 the sale amount were paid as provided in Section 9a of the  
7 "Timber Buyers Licensing Act", approved September 1, 1969, may  
8 be accorded a priority for approval within the assigned  
9 category. Such timber growers may receive a cost share amount  
10 which is increased above the amount for which they would  
11 otherwise qualify by an amount equal to the fees paid by the  
12 timber grower on sales occurring in the 2 fiscal years  
13 immediately preceding the fiscal year in which the forest  
14 management practices are approved and funded; provided,  
15 however, that the total cost share amount shall not exceed the  
16 total cost of the approved forest management practices.

17           Upon transfer of his or her right and interest in the land  
18 or a change in land use, the timber grower shall forfeit all  
19 rights to future payments and other benefits resulting from an  
20 approved plan and shall refund to the Department all payments  
21 received therefrom during the previous 10 years unless the  
22 transferee of any such land agrees with the Department to  
23 assume all obligations under the plan.

24           (Source: P.A. 96-217, eff. 8-10-09; 96-545, eff. 8-17-09.)

25           Section 99. Effective date. This Act takes effect upon



1 becoming law.".