

SB3498



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3498

Introduced 2/8/2012, by Sen. Jeffrey M. Schoenberg

SYNOPSIS AS INTRODUCED:

New Act

Creates the State Police DNA Backlog Foundation. The Foundation's purpose is to raise funds to eliminate the backlog of processing DNA samples by the State Police. Provides for the appointment of the Foundation's board of directors.

LRB097 19804 JWD 65074 b

A BILL FOR

1 AN ACT concerning State government.

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 State
5 Police DNA Backlog Foundation Act.

6 Section 5. Creation of Foundation. The General Assembly
7 authorizes the Department of State Police, in accordance with
8 Section 10 of the State Agency Entity Creation Act, to create
9 the Illinois State Police DNA Backlog Foundation. Under this
10 authority, the Department of State Police shall create the
11 Illinois State Police DNA Backlog Foundation as a
12 not-for-profit foundation. The Department shall file articles
13 of incorporation as required under the General Not For Profit
14 Corporation Act of 1986 to create the Foundation. The
15 Foundation's Board of Directors shall be appointed as follows:
16 2 by the President of the Illinois Senate; 2 by the Minority
17 Leader of the Illinois Senate; 2 by the Speaker of the Illinois
18 House of Representatives; 2 by the Minority Leader of the
19 Illinois House of Representatives; and 4 by the Governor.
20 Vacancies shall be filled by the official who made the
21 recommendation for the vacated appointment. The Director of
22 State Police shall chair the Board of Directors of the
23 Foundation. No member of the Board of Directors may receive

1 compensation for his or her services to the Foundation.

2 Section 10. Foundation purposes. The purposes of the
3 Foundation are: to promote, support, assist, sustain, and
4 encourage the continuing improvement of the processing of DNA
5 samples received for testing by the Department of State Police,
6 with a primary focus on the reduction, and future prevention,
7 of any backlog in the processing of DNA samples by the
8 Department of State Police; to solicit and accept aid or
9 contributions consistent with the stated intent of the donor
10 and the goals of the Foundation; to accept grants for the
11 acquisition, construction, improvement, and development of
12 potential Foundation projects; to solicit and generate private
13 funding and donations consistent with the foregoing purposes.
14 The foundation shall operate within the provisions of the
15 General Not For Profit Corporation Act of 1986.

16 Section 15. Organization, powers, and duties of
17 Foundation. As soon as practical after the Foundation is
18 created, the Board of Directors shall meet, organize, and
19 designate, by majority vote, a treasurer, secretary, and any
20 additional officers that may be needed to carry out the
21 activities of the Foundation, and shall adopt bylaws of the
22 Foundation. The Department of State Police may adopt other
23 rules deemed necessary to govern Foundation procedures.

24 The Foundation may accept gifts or grants from the federal

1 government, its agencies or officers, or from any person, firm,
2 or corporation, and may expend receipts on activities that it
3 considers suitable to the performance of its duties under this
4 Act and consistent with any requirement of the grant, gift, or
5 bequest. Funds collected by the Foundation shall be considered
6 private funds, except those received from public entities, and
7 shall be held in an appropriate account outside of the State
8 Treasury. Private funds collected by the Foundation are not
9 subject to the Public Funds Investment Act. Foundation
10 procurement is exempt from the Illinois Procurement Code when
11 only private funds are used for procurement expenditures. The
12 treasurer of the Foundation shall be custodian of all
13 Foundation funds. The Foundation's accounts and books shall be
14 set up and maintained in a manner approved by the Auditor
15 General; and the Foundation and its officers shall be
16 responsible for the approval of recording of receipts, approval
17 of payments, and the proper filing of required reports. The
18 Foundation may be assisted in carrying out its functions by
19 personnel of the Department of State Police. The Department
20 shall provide reasonable assistance to the Foundation to
21 achieve the purposes of the Foundation. The Foundation shall
22 cooperate fully with the boards, commissions, agencies,
23 departments, and institutions of the State. The funds held and
24 made available by the Illinois State Police DNA Backlog
25 Foundation shall be subject to financial and compliance audits
26 by the Auditor General in compliance with the Illinois State

1 Auditing Act.

2 Section 20. Disclosure to donors of exemption from Public
3 Funds Investment Act. The Foundation must provide a written
4 notice to any entity providing a gift, grant, or bequest to the
5 Foundation that the Foundation is not subject to the provisions
6 of the Public Funds Investment Act which Act places limitations
7 on the types of securities in which a public agency may invest
8 public funds.