



Sen. Jeffrey M. Schoenberg

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09700SB3498sam001

LRB097 19804 JDS 68013 a

1 AMENDMENT TO SENATE BILL 3498

2 AMENDMENT NO. _____. Amend Senate Bill 3498 by replacing
3 everything after the enacting clause with the following:

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 consist of the following
16 members: the Attorney General or his or her designee, 2 members

1 appointed by the President of the Illinois Senate; 2 members
2 appointed by the Minority Leader of the Illinois Senate; 2
3 members appointed by the Speaker of the Illinois House of
4 Representatives; 2 members appointed by the Minority Leader of
5 the Illinois House of Representatives; and 4 members appointed
6 by the Governor. Vacancies shall be filled in the same manner
7 as original appointments. The Director of State Police shall
8 chair the Board of Directors of the Foundation. No member of
9 the Board of Directors may receive additional compensation for
10 his or her services to the Foundation.

11 Section 10. Foundation purposes. The purposes of the
12 Foundation are: to promote, support, assist, sustain, and
13 encourage the continuing improvement of the processing of DNA
14 samples received for testing by the Department of State Police,
15 with a primary focus on the reduction, and future prevention,
16 of any backlog in the processing of DNA samples by the
17 Department of State Police; to solicit and accept aid or
18 contributions consistent with the stated intent of the donor
19 and the goals of the Foundation; to solicit and generate
20 private funding and donations consistent with the foregoing
21 purposes. The foundation shall operate within the provisions of
22 the General Not For Profit Corporation Act of 1986.

23 Section 15. Organization, powers, and duties of
24 Foundation. As soon as practical after the Foundation is

1 created, the Board of Directors shall meet, organize, and
2 designate, by majority vote, a treasurer, secretary, and any
3 additional officers that may be needed to carry out the
4 activities of the Foundation, and shall adopt bylaws of the
5 Foundation. The Department of State Police may adopt other
6 rules deemed necessary to govern Foundation procedures.

7 The Foundation may accept gifts or grants from the federal
8 government, its agencies or officers, or from any person, firm,
9 or corporation, and may expend receipts on activities that it
10 considers suitable to the performance of its duties under this
11 Act, including the making of grants to the Department of State
12 Police to accomplish the purposes specified in Section 10 of
13 this Act, and consistent with any requirement of the grant,
14 gift, or bequest; however, the Foundation shall not accept
15 gifts, grants, or any other funds from, or on behalf of, an
16 incarcerated person, a person with a pending criminal case in
17 State or federal court, or a person having a familial
18 relationship with such a person. Funds collected by the
19 Foundation shall be considered private funds, except those
20 received from public entities, and shall be held in an
21 appropriate account outside of the State Treasury. Private
22 funds collected by the Foundation are not subject to the Public
23 Funds Investment Act. Foundation procurement is exempt from the
24 Illinois Procurement Code when only private funds are used for
25 procurement expenditures. The treasurer of the Foundation
26 shall be custodian of all Foundation funds. The Foundation's

1 accounts and books shall be set up and maintained in a manner
2 approved by the Auditor General; and the Foundation and its
3 officers shall be responsible for the approval of recording of
4 receipts, approval of payments, and the proper filing of
5 required reports. The Foundation may be assisted in carrying
6 out its functions by personnel of the Department of State
7 Police. The Department shall provide reasonable assistance to
8 the Foundation to achieve the purposes of the Foundation. The
9 Foundation shall cooperate fully with the boards, commissions,
10 agencies, departments, and institutions of the State. The funds
11 held and made available by the Illinois State Police DNA
12 Backlog Foundation shall be subject to financial and compliance
13 audits by the Auditor General in compliance with the Illinois
14 State Auditing Act.

15 Section 20. Disclosure to donors of exemption from Public
16 Funds Investment Act. The Foundation must provide a written
17 notice to any entity providing a gift, grant, or bequest to the
18 Foundation that the Foundation is not subject to the provisions
19 of the Public Funds Investment Act which Act places limitations
20 on the types of securities in which a public agency may invest
21 public funds."