

1 AMENDMENT TO HOUSE BILL 3507

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3507 on page 2,  
3 line 22, by replacing "Foundation" with "Foundation, except  
4 those received from public entities,"; and

5 on page 2, line 23, after the period, by inserting "Private  
6 funds collected by the Foundation are not subject to the  
7 Public Funds Investment Act. Foundation procurement is  
8 exempt from the Illinois Procurement Code when only private  
9 funds are used for procurement expenditures."; and

10 on page 2, by replacing lines 32 and 33 with the following:  
11 "Protection Agency. The Agency shall provide reasonable  
12 assistance to the Foundation to achieve the purposes of the  
13 Foundation. The Foundation shall cooperate fully with the";  
14 and

15 on page 3, immediately below line 6, by inserting the  
16 following:

17 "Section 20. Disclosure to donors of exemption from the  
18 Public Funds Investment Act. The Foundation must provide a  
19 written notice to any entity providing a gift, grant, or  
20 bequest to the Foundation that the Foundation is not subject  
21 to the provisions of the Public Funds Investment Act and that

1 the Public Funds Investment Act places limitations on the  
2 types of securities in which a public agency may invest  
3 public funds.

4 Section 90. The Public Funds Investment Act is amended  
5 by changing Section 1 as follows:

6 (30 ILCS 235/1) (from Ch. 85, par. 901)

7 Sec. 1. The words "public funds", as used in this Act,  
8 mean current operating funds, special funds, interest and  
9 sinking funds, and funds of any kind or character belonging  
10 to or in the custody of any public agency.

11 The words "public agency", as used in this Act, mean the  
12 State of Illinois, the various counties, townships, cities,  
13 towns, villages, school districts, educational service  
14 regions, special road districts, public water supply  
15 districts, fire protection districts, drainage districts,  
16 levee districts, sewer districts, housing authorities, the  
17 Illinois Bank Examiners' Education Foundation, the Chicago  
18 Park District, and all other political corporations or  
19 subdivisions of the State of Illinois, now or hereafter  
20 created, whether herein specifically mentioned or not. This  
21 Act does not apply to the Illinois Prepaid Tuition Trust  
22 Fund, private funds collected by the Illinois Conservation  
23 Foundation or the Environmental Protection Foundation, or  
24 pension funds or retirement systems established under the  
25 Illinois Pension Code, except as otherwise provided in that  
26 Code.

27 (Source: P.A. 91-669, eff. 1-1-00; 92-797, eff. 8-15-02.)

28 Section 91. The Illinois Procurement Code is amended by  
29 changing Section 1-10 as follows:

30 (30 ILCS 500/1-10)

1           Sec. 1-10. Application.

2           (a) This Code applies only to procurements for which  
3 contractors were first solicited on or after July 1, 1998.  
4 This Code shall not be construed to affect or impair any  
5 contract, or any provision of a contract, entered into based  
6 on a solicitation prior to the implementation date of this  
7 Code as described in Article 99, including but not limited to  
8 any covenant entered into with respect to any revenue bonds  
9 or similar instruments. All procurements for which contracts  
10 are solicited between the effective date of Articles 50 and  
11 99 and July 1, 1998 shall be substantially in accordance with  
12 this Code and its intent.

13           (b) This Code shall apply regardless of the source of  
14 the funds with which the contracts are paid, including  
15 federal assistance moneys. This Code shall not apply to:

16                 (1) Contracts between the State and its political  
17 subdivisions or other governments, or between State  
18 governmental bodies except as specifically provided in  
19 this Code.

20                 (2) Grants, except for the filing requirements of  
21 Section 20-80.

22                 (3) Purchase of care.

23                 (4) Hiring of an individual as employee and not as  
24 an independent contractor, whether pursuant to an  
25 employment code or policy or by contract directly with  
26 that individual.

27                 (5) Collective bargaining contracts.

28                 (6) Purchase of real estate.

29                 (7) Contracts necessary to prepare for anticipated  
30 litigation, enforcement actions, or investigations,  
31 provided that the chief legal counsel to the Governor  
32 shall give his or her prior approval when the procuring  
33 agency is one subject to the jurisdiction of the  
34 Governor, and provided that the chief legal counsel of

1 any other procuring entity subject to this Code shall  
2 give his or her prior approval when the procuring entity  
3 is not one subject to the jurisdiction of the Governor.

4 (8) Contracts for services to Northern Illinois  
5 University by a person, acting as an independent  
6 contractor, who is qualified by education, experience,  
7 and technical ability and is selected by negotiation for  
8 the purpose of providing non-credit educational service  
9 activities or products by means of specialized programs  
10 offered by the university.

11 (9) Procurement expenditures by the Illinois  
12 Conservation Foundation when only private funds are used.

13 (10) Procurement expenditures by the Environmental  
14 Protection Foundation when only private funds are used.

15 (Source: P.A. 91-627, eff. 8-19-99; 91-904, eff. 7-6-00;  
16 92-797, eff. 8-15-02.)".