



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4082**

Introduced 1/15/2004, by Jack D. Franks

**SYNOPSIS AS INTRODUCED:**

20 ILCS 880/5  
20 ILCS 880/15  
30 ILCS 500/1-10

Amends the Illinois Conservation Foundation Act. Provides that the Foundation is a not for profit corporation (now foundation) operating within the provisions of the General Not For Profit Corporation Act of 1986. Provides that the Department of Natural Resources may promulgate procedures to govern interaction between the Department and the Foundation. Makes corresponding changes in the Illinois Procurement Code. Effective immediately.

LRB093 15450 RAS 41053 b

1 AN ACT concerning conservation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Conservation Foundation Act is  
5 amended by changing Sections 5 and 15 as follows:

6 (20 ILCS 880/5)

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

26 (Source: P.A. 88-591, eff. 8-20-94; 89-445, eff. 2-7-96.)

27 (20 ILCS 880/15)

28 Sec. 15. Organization, powers, and duties of Foundation. As  
29 soon as practical after the Foundation is created, the Board of  
30 Directors shall meet, organize, and designate, by majority  
31 vote, a treasurer, secretary, and any additional officers that

1 may be needed to carry out the activities of the Foundation,  
2 and shall adopt bylaws of the Foundation. As a not for profit  
3 corporation operating within the provisions of the General Not  
4 For Profit Corporation Act of 1986, the Foundation shall not  
5 operate nor be construed as a State agency, public corporation,  
6 corporate outgrowth of State government, or body politic and  
7 corporate of State government. ~~The Department of Natural~~  
8 ~~Resources may adopt other rules deemed necessary to govern~~  
9 ~~Foundation procedures.~~

10 Consistent with its status as a not for profit corporation  
11 operating under the General Not For Profit Corporation Act of  
12 1986, the ~~The~~ Foundation may accept gifts or grants from the  
13 federal government, its agencies or officers, or from any  
14 person, firm, or corporation, and may expend receipts on  
15 activities that it considers suitable to the performance of its  
16 duties under this Act and consistent with any requirement of  
17 the grant, gift, or bequest. As a not for profit corporation,  
18 funds ~~Funds~~ collected by the Foundation shall be considered  
19 private funds, ~~except those received from public entities,~~ and  
20 shall be held in an appropriate account outside of the State  
21 Treasury. As a not for profit corporation, ~~Private~~ funds  
22 collected by the Foundation are not subject to the Public Funds  
23 Investment Act. As a not for profit corporation, Foundation  
24 procurement is exempt from the Illinois Procurement Code ~~when~~  
25 ~~only private funds are used for procurement expenditures.~~ The  
26 treasurer of the Foundation shall be custodian of all  
27 Foundation funds. The Foundation's accounts and books shall be  
28 set up and maintained in a manner approved by the Auditor  
29 General; and the Foundation and its officers shall be  
30 responsible for the approval of recording of receipts, approval  
31 of payments, and the proper filing of required reports. The  
32 Foundation may be assisted in carrying out its functions by  
33 personnel of the Department of Natural Resources. The  
34 Department shall provide reasonable assistance to the  
35 Foundation to achieve the purposes of the Foundation, and may  
36 promulgate procedures to govern the Department's interaction

1 with the Foundation. The Foundation shall cooperate fully with  
2 the boards, commissions, agencies, departments, and  
3 institutions of the State. The funds held and made available by  
4 the Illinois Conservation Foundation shall be subject to  
5 financial and compliance audits by the Auditor General in  
6 compliance with the Illinois State Auditing Act.

7 ~~The Foundation shall not have any power of eminent domain.~~  
8 (Source: P.A. 92-797, eff. 8-15-02.)

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

11 (30 ILCS 500/1-10)

12 Sec. 1-10. Application.

13 (a) This Code applies only to procurements for which  
14 contractors were first solicited on or after July 1, 1998. This  
15 Code shall not be construed to affect or impair any contract,  
16 or any provision of a contract, entered into based on a  
17 solicitation prior to the implementation date of this Code as  
18 described in Article 99, including but not limited to any  
19 covenant entered into with respect to any revenue bonds or  
20 similar instruments. All procurements for which contracts are  
21 solicited between the effective date of Articles 50 and 99 and  
22 July 1, 1998 shall be substantially in accordance with this  
23 Code and its intent.

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

27 (1) Contracts between the State and its political  
28 subdivisions or other governments, or between State  
29 governmental bodies except as specifically provided in  
30 this Code.

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

33 (3) Purchase of care.

34 (4) Hiring of an individual as employee and not as an

1 independent contractor, whether pursuant to an employment  
2 code or policy or by contract directly with that  
3 individual.

4 (5) Collective bargaining contracts.

5 (6) Purchase of real estate.

6 (7) Contracts necessary to prepare for anticipated  
7 litigation, enforcement actions, or investigations,  
8 provided that the chief legal counsel to the Governor shall  
9 give his or her prior approval when the procuring agency is  
10 one subject to the jurisdiction of the Governor, and  
11 provided that the chief legal counsel of any other  
12 procuring entity subject to this Code shall give his or her  
13 prior approval when the procuring entity is not one subject  
14 to the jurisdiction of the Governor.

15 (8) Contracts for services to Northern Illinois  
16 University by a person, acting as an independent  
17 contractor, who is qualified by education, experience, and  
18 technical ability and is selected by negotiation for the  
19 purpose of providing non-credit educational service  
20 activities or products by means of specialized programs  
21 offered by the university.

22 ~~(9) Procurement expenditures by the Illinois~~  
23 ~~Conservation Foundation when only private funds are used.~~

24 (Source: P.A. 91-627, eff. 8-19-99; 91-904, eff. 7-6-00;  
25 92-797, eff. 8-15-02.)

26 Section 99. Effective date. This Act takes effect upon  
27 becoming law.