



Rep. Lance Yednock

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1 AMENDMENT TO HOUSE BILL 4209

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4209 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Natural Resources Act is  
5 amended by changing Section 1-20 and by adding Section 1-50 as  
6 follows:

7 (20 ILCS 801/1-20)

8 Sec. 1-20. Real property. The Department has the power:

9 (a) To transfer jurisdiction of any realty under the  
10 control of the Department to any other Department of the State  
11 Government, or to any authority, commission or other agency of  
12 the State, and to acquire or accept federal lands, when such  
13 transfer, acquisition or acceptance is advantageous to the  
14 State and is approved in writing by the Governor.

15 (b) To lease, from time to time, any land or property, with  
16 or without appurtenances, of which the Department has

1 jurisdiction, and which are not immediately to be used or  
2 developed by the State; provided that no such lease be for a  
3 longer period of time than that in which it can reasonably be  
4 expected the State will not have use for such property, and  
5 further provided that no such lease be for a longer period of  
6 time than 10 ~~5~~ years.

7 (c) To lease any land or property over which the  
8 Department has jurisdiction for the purpose of creating,  
9 operating, or maintaining a commercial solar energy system, as  
10 defined in Section 10-720 of the Property Tax Code, or a clean  
11 energy project, as defined in the Department of Natural  
12 Resources (Conservation) Law of the Civil Administrative Code  
13 of Illinois. A lease under this subsection (c) shall not be for  
14 a period longer than 40 years. The lease may be renewed by the  
15 Department for periods not longer than 40 years per renewal.  
16 If practical, the Department shall require that any land or  
17 property over which the Department has jurisdiction and that  
18 is used for the purpose of creating, operating, or maintaining  
19 a commercial solar energy system shall have implemented on it  
20 and maintained management practices that would qualify the  
21 land or property as a beneficial habitat under the  
22 Pollinator-Friendly Solar Site Act. The Department shall  
23 prioritize commercial solar energy system sites based on their  
24 suitability and economic feasibility for solar use. The  
25 Department may also prioritize commercial solar energy system  
26 sites with a significant history of disturbance, such as

1 former strip mines, marginally productive agricultural land,  
2 or previously developed sites. The Department may consider any  
3 land use that is lost from the installation of a commercial  
4 solar energy system in making a determination regarding the  
5 suitability of a site. At least 60 days before entering into a  
6 lease for a commercial solar energy system under this  
7 subsection (c), the Department shall post in the Illinois  
8 Register notice of the Department's intent to enter into the  
9 lease and shall provide a copy of the notice to a municipality  
10 if the leased area is located within the borders of the  
11 municipality. The notice shall include the specific location  
12 and size of the proposed commercial solar energy system. The  
13 Department shall consider and respond to all public comments  
14 regarding the posting that are received by the Department  
15 within 30 days of the posting.

16 (Source: P.A. 89-445, eff. 2-7-96.)

17 (20 ILCS 801/1-50 new)

18 Sec. 1-50. Administrative rules. The Department of Natural  
19 Resources may adopt rules necessary to carry out its duties  
20 under this Act.

21 Section 10. The Department of Natural Resources  
22 (Conservation) Law of the Civil Administrative Code of  
23 Illinois is amended by changing Sections 805-5, 805-230,  
24 805-235, and 805-280 and by adding Section 805-580 as follows:

1 (20 ILCS 805/805-5)

2 Sec. 805-5. Definitions. In this Law:

3 "Clean energy" means energy that is generated, by design  
4 or operation, in a manner that is substantially free of carbon  
5 dioxide emissions or in a manner that otherwise contributes to  
6 the reduction in emissions of environmentally hazardous  
7 materials or reduces the volume of environmentally dangerous  
8 materials.

9 "Clean energy project" means a project that is undertaken  
10 to acquire, construct, refurbish, create, develop, or  
11 redevelop any facility, equipment, machinery, or real or  
12 personal property and that will aid, assist, or encourage the  
13 development or implementation of clean energy in the State.

14 "Department" means the Department of Natural Resources.

15 "Director" means the Director of Natural Resources.

16 (Source: P.A. 91-239, eff. 1-1-00.)

17 (20 ILCS 805/805-230) (was 20 ILCS 805/63a18)

18 Sec. 805-230. Developing recreational areas. The  
19 Department has the power to lease from individuals,  
20 corporations, or any other form of private ownership, from any  
21 municipality, public corporation, or political subdivision of  
22 this State, or from the United States any lands or waters for  
23 the purpose of developing outdoor recreational areas for  
24 public use and to acquire all necessary property or

1 rights-of-way for the purposes of ingress or egress to those  
2 lands and waters and to construct buildings and other  
3 recreational facilities, including roadways, bridges, ~~and~~  
4 parking areas, commercial solar energy systems, and clean  
5 energy projects that the Department deems necessary or  
6 desirable for maximum utilization of recreational facilities  
7 for public use of the areas.

8 (Source: P.A. 91-239, eff. 1-1-00.)

9 (20 ILCS 805/805-235) (was 20 ILCS 805/63a6)

10 Sec. 805-235. Lease of lands acquired by the Department;  
11 disposition of obsolete buildings. The Department has the  
12 power to do and perform each and every act or thing considered  
13 by the Director to be necessary or desirable to fulfill and  
14 carry out the intent and purpose of all laws pertaining to the  
15 Department, including the right to rehabilitate or sell at  
16 public auction buildings or structures affixed to lands over  
17 which the Department has acquired jurisdiction when in the  
18 judgment of the Director those buildings or structures are  
19 obsolete, inadequate, or unusable for the purposes of the  
20 Department and to lease those lands with or without  
21 appurtenances for a consideration in money or in kind for a  
22 period of time not in excess of 10 ~~5~~ years for the purposes and  
23 upon the terms and conditions that the Director considers to  
24 be in the best interests of the State when those lands are not  
25 immediately to be used or developed by the State. All those

1 sales shall be made subject to the written approval of the  
2 Governor. The funds derived from those sales and from those  
3 leases shall be deposited in the State Parks Fund, except that  
4 funds derived from those sales and from those leases on lands  
5 managed and operated principally as wildlife or fisheries  
6 areas by the Department shall be deposited in the Wildlife and  
7 Fish Fund.

8 (Source: P.A. 91-239, eff. 1-1-00.)

9 (20 ILCS 805/805-280 new)

10 Sec. 805-280. Leases for the purpose of creating,  
11 operating, or maintaining a commercial solar energy system or  
12 clean energy project. The Department may lease any land or  
13 property over which the Department has jurisdiction for the  
14 purpose of creating, operating, or maintaining a commercial  
15 solar energy system, as defined in Section 10-720 of the  
16 Property Tax Code, or a clean energy project. The lease shall  
17 not be for a period longer than 40 years. The lease may be  
18 renewed for periods not longer than 40 years per renewal. The  
19 Department shall require that any lease must provide for a  
20 signed project labor agreement for the length of the lease  
21 term. If practical, the Department shall require that any land  
22 or property over which the Department has jurisdiction that is  
23 used for the purpose of creating, operating, or maintaining a  
24 commercial solar energy system shall have implemented on it  
25 and maintained management practices that would qualify the

1 land or property as a beneficial habitat under the  
2 Pollinator-Friendly Solar Site Act. The Department shall  
3 require that any lease must include a signed project labor  
4 agreement for the length of the lease term. The Department  
5 shall prioritize commercial solar energy system sites based on  
6 their suitability and economic feasibility for solar use. The  
7 Department may also prioritize commercial solar energy system  
8 sites with a significant history of disturbance, such as  
9 former strip mines, marginally productive agricultural land,  
10 or previously developed sites. The Department may consider any  
11 land use that is lost from the installation of a commercial  
12 solar energy system in making a determination for the  
13 suitability of a site.

14 (20 ILCS 805/805-580 new)

15 Sec. 805-580. Electric vehicle charging stations.

16 (a) The Department may provide for at least one electric  
17 vehicle charging station, as defined in the Electric Vehicle  
18 Act, at any State park or other real property that is owned by  
19 the Department where electrical service will reasonably  
20 permit. The Department is authorized to charge user fees for  
21 the use of such electric vehicle charging stations.

22 (b) The Department may adopt and publish specifications  
23 detailing the kind and type of electric vehicle charging  
24 stations to be provided and may adopt rules governing the fees  
25 for use of electric vehicle charging stations at State parks

1 or other real property that is owned by the Department.

2 Section 15. The State Parks Act is amended by changing  
3 Sections 2, 3, 3a, and 4 as follows:

4 (20 ILCS 835/2) (from Ch. 105, par. 466)

5 Sec. 2. It shall be the policy of the State of Illinois to  
6 acquire a system of State parks which shall embody the  
7 following purposes and objectives:

8 (1) To preserve the most important historic sites and  
9 events that ~~which~~ are connected with the peoples who are  
10 geographically and culturally affiliated to the land now  
11 known as the State of Illinois ~~early pioneer or Indian~~  
12 ~~history,~~ so that their ~~such~~ history ~~of the Indians,~~  
13 ~~explorers, missionaries and settlers~~ may be preserved, not  
14 only as a tribute to those peoples that came before us ~~who~~  
15 ~~made possible the building of the State of Illinois and of~~  
16 ~~the Union,~~ but also as a part of the education of present  
17 and future Illinois citizens.

18 (2) To set aside as public reservations those  
19 locations which have unusual scenic attractions caused by  
20 geologic or topographic formations, such as canyons,  
21 gorges, caves, dunes, beaches, moraines, palisades,  
22 examples of Illinois prairie, and points of scientific  
23 interest to botanists and naturalists. These areas should  
24 be large in size and whenever practicable shall be not



1 less than 1,000 acres in extent. However, smaller areas  
2 may be acquired wherever conditions do not warrant the  
3 acquisition of the larger acreage.

4 (3) To preserve large forested areas and marginal  
5 lands along the rivers, small water courses, and lakes for  
6 a recreation use different from that given by the typical  
7 city park, and so that these tracts may remain unchanged  
8 by civilization, so far as possible, and be kept for  
9 future generations. Such areas also, should be acquired in  
10 units of 1,000 acres or more and may be available as fish  
11 and game preserves. However, smaller areas may be acquired  
12 wherever conditions do not warrant the acquisition of the  
13 larger acreage.

14 (4) To connect these parks with each other by a system  
15 of scenic parkways with widths varying from 100 to 1,000  
16 feet, as a supplement to and completion of the State  
17 highway system. Where the present State highway routes may  
18 serve this purpose, their location, alignment and design  
19 should be studied with this plan in view. At suitable  
20 locations along these highways, pure water supplies and  
21 shelters and comfort facilities of attractive design may  
22 be installed for the convenience of the public.

23 The Department of Natural Resources is authorized on ~~in~~  
24 behalf of the State of Illinois to accept by donation or  
25 bequest, to purchase or acquire by condemnation proceedings in  
26 the manner provided for the exercise of the power of eminent

1 domain under the Eminent Domain Act, or by contract for deed  
2 payable over a period of time not to exceed 10 years, or in any  
3 other legal manner, the title to all such lands, waters or  
4 regions, and the easements appurtenant or contributory  
5 thereto, which shall be in accord with such policy in respect  
6 to a system of State parks, for the purpose of which the  
7 General Assembly may make an appropriation. Purchases by  
8 contract for deed under this Section shall not exceed  
9 \$20,000,000 in total purchase price for land under contract at  
10 any one given time.

11 (Source: P.A. 94-1055, eff. 1-1-07.)

12 (20 ILCS 835/3) (from Ch. 105, par. 467)

13 Sec. 3. In maintaining the State parks the Department of  
14 Natural Resources shall conserve the original character as  
15 distinguished from the artificial landscaping of such parks.  
16 As used in this Section, "artificial landscaping" does not  
17 include any landscaping or other site modification or use  
18 resulting from any lease entered into by the Department of  
19 Natural Resources for the creation, operation, or maintenance  
20 of a commercial solar energy system, as defined in Section  
21 10-720 of the Property Tax Code, or a clean energy project, as  
22 defined in the Department of Natural Resources (Conservation)  
23 Law of the Civil Administrative Code of Illinois. Instead,  
24 these site modifications and uses are hereby deemed to support  
25 conservation of the original character of the parks.

1 (Source: P.A. 89-445, eff. 2-7-96.)

2 (20 ILCS 835/3a) (from Ch. 105, par. 467a)

3 Sec. 3a. The Department of Natural Resources shall not  
4 dispose of any portion of a State park except as specifically  
5 authorized by law. This prohibition shall not restrict the  
6 Department from conveyance of easements, leases, and other  
7 lesser interests in land.

8 (Source: P.A. 89-445, eff. 2-7-96.)

9 (20 ILCS 835/4) (from Ch. 105, par. 468)

10 Sec. 4. The Department of Natural Resources has the power:

11 (1) To make rules and regulations necessary to carry out  
12 its duties under this Act, including rules and regulations for  
13 the use, care, improvement, control and administration of  
14 lands under its jurisdiction, and to enforce the same.

15 (2) To employ such custodians, keepers, clerks,  
16 assistants, laborers and subordinates as may be necessary to  
17 carry out the provisions of this Act.

18 (3) To lay out, construct and maintain all needful roads,  
19 parking areas, paths or trails, bridges, and docks, camp or  
20 lodge sites, picnic areas, beach houses, lodges and cabins and  
21 any other structures and improvements necessary and  
22 appropriate in any state park or easement thereto; and to  
23 provide water supplies, heat and light, and sanitary  
24 facilities for the public and living quarters for the

1 custodians and keepers of state parks.

2 (4) To replant any devastated native plant areas of any  
3 State park or increase or supplement the same when necessary  
4 with plant material indigenous to such park.

5 (5) To cooperate with the United States government and  
6 with other states in matters relating to the care,  
7 improvement, control and administration of national or  
8 interstate parks.

9 (6) To cooperate and contract with any agency,  
10 organization or individual in a manner consistent with the  
11 purposes of this Act and the powers granted the Department  
12 herein.

13 (7) To accept and administer gifts, grants and legacies of  
14 money, securities or property to be used by the Department of  
15 Natural Resources for the purposes of this Act and according  
16 to the tenor of such gift, grant or legacy.

17 (8) To enter into leases that allow for the creation,  
18 operation, or maintenance of a commercial solar energy system,  
19 as defined in Section 10-720 of the Property Tax Code, or a  
20 clean energy project, as defined in the Department of Natural  
21 Resources (Conservation) Law of the Civil Administrative Code  
22 of Illinois. If practical, the Department shall require that  
23 any land or property over which the Department has  
24 jurisdiction that is used for the purpose of creating,  
25 operating, or maintaining a commercial solar energy system  
26 shall have implemented on it and maintained management

1 practices that would qualify the land or property as a  
2 beneficial habitat under the Pollinator-Friendly Solar Site  
3 Act. The Department shall require that any lease must include  
4 a signed project labor agreement for the length of the lease  
5 term. The Department shall prioritize commercial solar energy  
6 system sites based on their suitability and economic  
7 feasibility for solar use. The Department may also prioritize  
8 commercial solar energy system sites with a significant  
9 history of disturbance, such as former strip mines, marginally  
10 productive agricultural land, or previously developed sites.  
11 In making a determination for the suitability of a site, the  
12 Department may consider any land use that is lost from the  
13 installation of a commercial solar energy system.

14 (Source: P.A. 89-445, eff. 2-7-96.)

15 Section 20. The Illinois Procurement Code is amended by  
16 changing Section 1-10 as follows:

17 (30 ILCS 500/1-10)

18 Sec. 1-10. Application.

19 (a) This Code applies only to procurements for which  
20 bidders, offerors, potential contractors, or contractors were  
21 first solicited on or after July 1, 1998. This Code shall not  
22 be construed to affect or impair any contract, or any  
23 provision of a contract, entered into based on a solicitation  
24 prior to the implementation date of this Code as described in

1 Article 99, including, but not limited to, any covenant  
2 entered into with respect to any revenue bonds or similar  
3 instruments. All procurements for which contracts are  
4 solicited between the effective date of Articles 50 and 99 and  
5 July 1, 1998 shall be substantially in accordance with this  
6 Code and its intent.

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

10 (1) Contracts between the State and its political  
11 subdivisions or other governments, or between State  
12 governmental bodies, except as specifically provided in  
13 this Code.

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

16 (3) Purchase of care, except as provided in Section  
17 5-30.6 of the Illinois Public Aid Code and this Section.

18 (4) Hiring of an individual as an employee and not as  
19 an independent contractor, whether pursuant to an  
20 employment code or policy or by contract directly with  
21 that individual.

22 (5) Collective bargaining contracts.

23 (6) Purchase of real estate, except that notice of  
24 this type of contract with a value of more than \$25,000  
25 must be published in the Procurement Bulletin within 10  
26 calendar days after the deed is recorded in the county of

1 jurisdiction. The notice shall identify the real estate  
2 purchased, the names of all parties to the contract, the  
3 value of the contract, and the effective date of the  
4 contract.

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

14 (8) (Blank).

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

17 (10) (Blank).

18 (11) Public-private agreements entered into according  
19 to the procurement requirements of Section 20 of the  
20 Public-Private Partnerships for Transportation Act and  
21 design-build agreements entered into according to the  
22 procurement requirements of Section 25 of the  
23 Public-Private Partnerships for Transportation Act.

24 (12) (A) Contracts for legal, financial, and other  
25 professional and artistic services entered into by the  
26 Illinois Finance Authority in which the State of Illinois

1 is not obligated. Such contracts shall be awarded through  
2 a competitive process authorized by the members of the  
3 Illinois Finance Authority and are subject to Sections  
4 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,  
5 as well as the final approval by the members of the  
6 Illinois Finance Authority of the terms of the contract.

7 (B) Contracts for legal and financial services entered  
8 into by the Illinois Housing Development Authority in  
9 connection with the issuance of bonds in which the State  
10 of Illinois is not obligated. Such contracts shall be  
11 awarded through a competitive process authorized by the  
12 members of the Illinois Housing Development Authority and  
13 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,  
14 and 50-37 of this Code, as well as the final approval by  
15 the members of the Illinois Housing Development Authority  
16 of the terms of the contract.

17 (13) Contracts for services, commodities, and  
18 equipment to support the delivery of timely forensic  
19 science services in consultation with and subject to the  
20 approval of the Chief Procurement Officer as provided in  
21 subsection (d) of Section 5-4-3a of the Unified Code of  
22 Corrections, except for the requirements of Sections  
23 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
24 Code; however, the Chief Procurement Officer may, in  
25 writing with justification, waive any certification  
26 required under Article 50 of this Code. For any contracts



1 for services which are currently provided by members of a  
2 collective bargaining agreement, the applicable terms of  
3 the collective bargaining agreement concerning  
4 subcontracting shall be followed.

5 On and after January 1, 2019, this paragraph (13),  
6 except for this sentence, is inoperative.

7 (14) Contracts for participation expenditures required  
8 by a domestic or international trade show or exhibition of  
9 an exhibitor, member, or sponsor.

10 (15) Contracts with a railroad or utility that  
11 requires the State to reimburse the railroad or utilities  
12 for the relocation of utilities for construction or other  
13 public purpose. Contracts included within this paragraph  
14 (15) shall include, but not be limited to, those  
15 associated with: relocations, crossings, installations,  
16 and maintenance. For the purposes of this paragraph (15),  
17 "railroad" means any form of non-highway ground  
18 transportation that runs on rails or electromagnetic  
19 guideways and "utility" means: (1) public utilities as  
20 defined in Section 3-105 of the Public Utilities Act, (2)  
21 telecommunications carriers as defined in Section 13-202  
22 of the Public Utilities Act, (3) electric cooperatives as  
23 defined in Section 3.4 of the Electric Supplier Act, (4)  
24 telephone or telecommunications cooperatives as defined in  
25 Section 13-212 of the Public Utilities Act, (5) rural  
26 water or waste water systems with 10,000 connections or

1 less, (6) a holder as defined in Section 21-201 of the  
2 Public Utilities Act, and (7) municipalities owning or  
3 operating utility systems consisting of public utilities  
4 as that term is defined in Section 11-117-2 of the  
5 Illinois Municipal Code.

6 (16) Procurement expenditures necessary for the  
7 Department of Public Health to provide the delivery of  
8 timely newborn screening services in accordance with the  
9 Newborn Metabolic Screening Act.

10 (17) Procurement expenditures necessary for the  
11 Department of Agriculture, the Department of Financial and  
12 Professional Regulation, the Department of Human Services,  
13 and the Department of Public Health to implement the  
14 Compassionate Use of Medical Cannabis Program and Opioid  
15 Alternative Pilot Program requirements and ensure access  
16 to medical cannabis for patients with debilitating medical  
17 conditions in accordance with the Compassionate Use of  
18 Medical Cannabis Program Act.

19 (18) This Code does not apply to any procurements  
20 necessary for the Department of Agriculture, the  
21 Department of Financial and Professional Regulation, the  
22 Department of Human Services, the Department of Commerce  
23 and Economic Opportunity, and the Department of Public  
24 Health to implement the Cannabis Regulation and Tax Act if  
25 the applicable agency has made a good faith determination  
26 that it is necessary and appropriate for the expenditure

1 to fall within this exemption and if the process is  
2 conducted in a manner substantially in accordance with the  
3 requirements of Sections 20-160, 25-60, 30-22, 50-5,  
4 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
5 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
6 Section 50-35, compliance applies only to contracts or  
7 subcontracts over \$100,000. Notice of each contract  
8 entered into under this paragraph (18) that is related to  
9 the procurement of goods and services identified in  
10 paragraph (1) through (9) of this subsection shall be  
11 published in the Procurement Bulletin within 14 calendar  
12 days after contract execution. The Chief Procurement  
13 Officer shall prescribe the form and content of the  
14 notice. Each agency shall provide the Chief Procurement  
15 Officer, on a monthly basis, in the form and content  
16 prescribed by the Chief Procurement Officer, a report of  
17 contracts that are related to the procurement of goods and  
18 services identified in this subsection. At a minimum, this  
19 report shall include the name of the contractor, a  
20 description of the supply or service provided, the total  
21 amount of the contract, the term of the contract, and the  
22 exception to this Code utilized. A copy of any or all of  
23 these contracts shall be made available to the Chief  
24 Procurement Officer immediately upon request. The Chief  
25 Procurement Officer shall submit a report to the Governor  
26 and General Assembly no later than November 1 of each year

1 that includes, at a minimum, an annual summary of the  
2 monthly information reported to the Chief Procurement  
3 Officer. This exemption becomes inoperative 5 years after  
4 June 25, 2019 (the effective date of Public Act 101-27).

5 (19) Acquisition of modifications or adjustments,  
6 limited to assistive technology devices and assistive  
7 technology services, adaptive equipment, repairs, and  
8 replacement parts to provide reasonable accommodations (i)  
9 that enable a qualified applicant with a disability to  
10 complete the job application process and be considered for  
11 the position such qualified applicant desires, (ii) that  
12 modify or adjust the work environment to enable a  
13 qualified current employee with a disability to perform  
14 the essential functions of the position held by that  
15 employee, (iii) to enable a qualified current employee  
16 with a disability to enjoy equal benefits and privileges  
17 of employment as are enjoyed by other similarly situated  
18 employees without disabilities, and (iv) that allow a  
19 customer, client, claimant, or member of the public  
20 seeking State services full use and enjoyment of and  
21 access to its programs, services, or benefits.

22 For purposes of this paragraph (19):

23 "Assistive technology devices" means any item, piece  
24 of equipment, or product system, whether acquired  
25 commercially off the shelf, modified, or customized, that  
26 is used to increase, maintain, or improve functional

1 capabilities of individuals with disabilities.

2 "Assistive technology services" means any service that  
3 directly assists an individual with a disability in  
4 selection, acquisition, or use of an assistive technology  
5 device.

6 "Qualified" has the same meaning and use as provided  
7 under the federal Americans with Disabilities Act when  
8 describing an individual with a disability.

9 (20) Procurement expenditures necessary for the  
10 Illinois Commerce Commission to hire third-party  
11 facilitators pursuant to Sections 16-105.17 and 16-108.18  
12 of the Public Utilities Act or an ombudsman pursuant to  
13 Section 16-107.5 of the Public Utilities Act, a  
14 facilitator pursuant to Section 16-105.17 of the Public  
15 Utilities Act, or a grid auditor pursuant to Section  
16 16-105.10 of the Public Utilities Act.

17 (21) Procurement expenditures for the purchase,  
18 renewal, and expansion of software, software licenses, or  
19 software maintenance agreements that support the efforts  
20 of the Illinois State Police to enforce, regulate, and  
21 administer the Firearm Owners Identification Card Act, the  
22 Firearm Concealed Carry Act, the Firearms Restraining  
23 Order Act, the Firearm Dealer License Certification Act,  
24 the Law Enforcement Agencies Data System (LEADS), the  
25 Uniform Crime Reporting Act, the Criminal Identification  
26 Act, the Illinois Uniform Conviction Information Act, and

1 the Gun Trafficking Information Act, or establish or  
2 maintain record management systems necessary to conduct  
3 human trafficking investigations or gun trafficking or  
4 other stolen firearm investigations. This paragraph (21)  
5 applies to contracts entered into on or after January 10,  
6 2023 (the effective date of Public Act 102-1116) and the  
7 renewal of contracts that are in effect on January 10,  
8 2023 (the effective date of Public Act 102-1116).

9 (22) Contracts for project management services and  
10 system integration services required for the completion of  
11 the State's enterprise resource planning project. This  
12 exemption becomes inoperative 5 years after June 7, 2023  
13 (the effective date of the changes made to this Section by  
14 Public Act 103-8). This paragraph (22) applies to  
15 contracts entered into on or after June 7, 2023 (the  
16 effective date of the changes made to this Section by  
17 Public Act 103-8) and the renewal of contracts that are in  
18 effect on June 7, 2023 (the effective date of the changes  
19 made to this Section by Public Act 103-8).

20 (23) Procurements necessary for the Department of  
21 Insurance to implement the Illinois Health Benefits  
22 Exchange Law if the Department of Insurance has made a  
23 good faith determination that it is necessary and  
24 appropriate for the expenditure to fall within this  
25 exemption. The procurement process shall be conducted in a  
26 manner substantially in accordance with the requirements

1 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
2 copy of these contracts shall be made available to the  
3 Chief Procurement Officer immediately upon request. This  
4 paragraph is inoperative 5 years after June 27, 2023 (the  
5 effective date of Public Act 103-103).

6 (24) ~~(22)~~ Contracts for public education programming,  
7 noncommercial sustaining announcements, public service  
8 announcements, and public awareness and education  
9 messaging with the nonprofit trade associations of the  
10 providers of those services that inform the public on  
11 immediate and ongoing health and safety risks and hazards.

12 (25) Expenditures for the Department of Natural  
13 Resources to achieve and maintain compliance with the Law  
14 Enforcement Officer-Worn Body Camera Act and involving  
15 body cameras, information technology, or contractual  
16 services relevant to the collection of evidence that is to  
17 be used in administrative, judicial, legislative, or  
18 disciplinary proceedings and that must be maintained in a  
19 secure and confidential manner to protect its integrity.  
20 This paragraph (25) applies to contracts entered into on  
21 or after the effective date of this amendatory Act of the  
22 103rd General Assembly and the renewal of contracts that  
23 are in effect on the effective date of this amendatory Act  
24 of the 103rd General Assembly regarding all purchases by  
25 the Department of Natural Resources related to the Law  
26 Enforcement Officer-Worn Body Camera Act.

1           (26) Expenditures for the purchase, renewal, and  
2           expansion of technology, software, software licenses, or  
3           software maintenance agreements that support the efforts  
4           of the Department of Natural Resources, Office of Law  
5           Enforcement, for administrative purposes and to enforce  
6           and regulate all criminal statutes, including, but not  
7           limited to, the Boat Registration and Safety Act, the Fish  
8           and Aquatic Life Code, the Wildlife Code, the Snowmobile  
9           Registration and Safety Act, and the Timber Buyers  
10           Licensing Act and all applicable administrative rules, and  
11           to establish or maintain record management systems  
12           necessary to ensure that law enforcement records are  
13           created, managed, retained, and disposed of in a manner  
14           that supports all laws and the operational needs the  
15           Office of Law Enforcement while also protecting the rights  
16           and interests of individuals and the public.

17           (27) Expenditures necessary to provide for the  
18           purchase, site preparation, installation, maintenance, and  
19           repair of a clean energy project, including, but not  
20           limited to, solar energy projects, renewable energy  
21           projects, and electrification of facility infrastructure,  
22           and electric vehicle charging stations, as defined in the  
23           Electric Vehicle Act. Such expenditures may include, but  
24           are not limited to, erection and maintenance of electric  
25           vehicle charging stations, wireless network  
26           infrastructure, water infrastructure, solar projects, and



1       other projects that decrease the energy footprint of the  
2       State of Illinois. This paragraph (27) applies to  
3       contracts entered into, on or after the effective date of  
4       this amendatory Act of the 103rd General Assembly and the  
5       renewal of contracts that are in effect on the effective  
6       date of this amendatory Act of the 103rd General Assembly  
7       regarding all purchases by the Department of Natural  
8       Resources related to the erection and maintenance of clean  
9       energy projects. Contracts, excluding contracts for  
10       equipment purchases, entered into under this Section shall  
11       comply with the Project Labor Agreements Act, except that  
12       a project labor agreement entered into under this Section  
13       shall be entered into with the local building and  
14       construction trades council having geographic jurisdiction  
15       over the project. Contracts entered into under this  
16       Section shall comply with the Business Enterprise for  
17       Minorities, Women, and Persons with Disabilities Act. This  
18       paragraph (27) becomes inapplicable 5 years after the  
19       effective date of this amendatory Act of the 103rd General  
20       Assembly.

21       As used in this paragraph (27), "clean energy project"  
22       has the meaning given in the Department of Natural  
23       Resources (Conservation) Law of the Civil Administrative  
24       Code of Illinois.

25       Notwithstanding any other provision of law, for contracts  
26       with an annual value of more than \$100,000 entered into on or

1 after October 1, 2017 under an exemption provided in any  
2 paragraph of this subsection (b), except paragraph (1), (2),  
3 or (5), each State agency shall post to the appropriate  
4 procurement bulletin the name of the contractor, a description  
5 of the supply or service provided, the total amount of the  
6 contract, the term of the contract, and the exception to the  
7 Code utilized. The chief procurement officer shall submit a  
8 report to the Governor and General Assembly no later than  
9 November 1 of each year that shall include, at a minimum, an  
10 annual summary of the monthly information reported to the  
11 chief procurement officer.

12 (c) This Code does not apply to the electric power  
13 procurement process provided for under Section 1-75 of the  
14 Illinois Power Agency Act and Section 16-111.5 of the Public  
15 Utilities Act. This Code does not apply to the procurement of  
16 technical and policy experts pursuant to Section 1-129 of the  
17 Illinois Power Agency Act.

18 (d) Except for Section 20-160 and Article 50 of this Code,  
19 and as expressly required by Section 9.1 of the Illinois  
20 Lottery Law, the provisions of this Code do not apply to the  
21 procurement process provided for under Section 9.1 of the  
22 Illinois Lottery Law.

23 (e) This Code does not apply to the process used by the  
24 Capital Development Board to retain a person or entity to  
25 assist the Capital Development Board with its duties related  
26 to the determination of costs of a clean coal SNG brownfield

1 facility, as defined by Section 1-10 of the Illinois Power  
2 Agency Act, as required in subsection (h-3) of Section 9-220  
3 of the Public Utilities Act, including calculating the range  
4 of capital costs, the range of operating and maintenance  
5 costs, or the sequestration costs or monitoring the  
6 construction of clean coal SNG brownfield facility for the  
7 full duration of construction.

8 (f) (Blank).

9 (g) (Blank).

10 (h) This Code does not apply to the process to procure or  
11 contracts entered into in accordance with Sections 11-5.2 and  
12 11-5.3 of the Illinois Public Aid Code.

13 (i) Each chief procurement officer may access records  
14 necessary to review whether a contract, purchase, or other  
15 expenditure is or is not subject to the provisions of this  
16 Code, unless such records would be subject to attorney-client  
17 privilege.

18 (j) This Code does not apply to the process used by the  
19 Capital Development Board to retain an artist or work or works  
20 of art as required in Section 14 of the Capital Development  
21 Board Act.

22 (k) This Code does not apply to the process to procure  
23 contracts, or contracts entered into, by the State Board of  
24 Elections or the State Electoral Board for hearing officers  
25 appointed pursuant to the Election Code.

26 (l) This Code does not apply to the processes used by the

1 Illinois Student Assistance Commission to procure supplies and  
2 services paid for from the private funds of the Illinois  
3 Prepaid Tuition Fund. As used in this subsection (1), "private  
4 funds" means funds derived from deposits paid into the  
5 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

6 (m) This Code shall apply regardless of the source of  
7 funds with which contracts are paid, including federal  
8 assistance moneys. Except as specifically provided in this  
9 Code, this Code shall not apply to procurement expenditures  
10 necessary for the Department of Public Health to conduct the  
11 Healthy Illinois Survey in accordance with Section 2310-431 of  
12 the Department of Public Health Powers and Duties Law of the  
13 Civil Administrative Code of Illinois.

14 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff 1-1-22;  
15 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.  
16 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;  
17 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.  
18 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; revised  
19 1-2-24.)".