



Rep. Lance Yednock

Filed: 4/16/2024

10300HB4209ham002

LRB103 34958 BDA 72351 a

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 shall prioritize commercial solar energy system
26 sites with a significant history of disturbance, such as

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

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

16 (20 ILCS 801/1-50 new)

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

20 Section 10. The Department of Natural Resources
21 (Conservation) Law of the Civil Administrative Code of
22 Illinois is amended by changing Sections 805-5, 805-230,
23 805-235, 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
25 rights-of-way for the purposes of ingress or egress to those

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

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

8 (20 ILCS 805/805-235) (was 20 ILCS 805/63a6)

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

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

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

8 (20 ILCS 805/805-280 new)

9 Sec. 805-280. Leases for the purpose of creating,
10 operating, or maintaining a commercial solar energy system or
11 clean energy project. The Department may lease any land or
12 property over which the Department has jurisdiction for the
13 purpose of creating, operating, or maintaining a commercial
14 solar energy system, as defined in Section 10-720 of the
15 Property Tax Code, or a clean energy project. The lease shall
16 not be for a period longer than 40 years. The lease may be
17 renewed for periods not longer than 40 years per renewal. The
18 Department shall require that any lease must provide for a
19 signed project labor agreement for the length of the lease
20 term. A project labor agreement entered into under this
21 Section shall be entered into with the local building and
22 construction trades council having geographic jurisdiction
23 over the project. If practical, the Department shall require
24 that any land or property over which the Department has
25 jurisdiction that is used for the purpose of creating,

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

16 (20 ILCS 805/805-580 new)

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

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

24 (b) The Department may adopt and publish specifications
25 detailing the kind and type of electric vehicle charging

1 stations to be provided and may adopt rules governing the fees
2 for use of electric vehicle charging stations at State parks
3 or other real property that is owned by the Department.

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

6 (20 ILCS 835/2) (from Ch. 105, par. 466)

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

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

20 (2) To set aside as public reservations those
21 locations which have unusual scenic attractions caused by
22 geologic or topographic formations, such as canyons,
23 gorges, caves, dunes, beaches, moraines, palisades,
24 examples of Illinois prairie, and points of scientific

1 interest to botanists and naturalists. These areas should
2 be large in size and whenever practicable shall be not
3 less than 1,000 acres in extent. However, smaller areas
4 may be acquired wherever conditions do not warrant the
5 acquisition of the larger acreage.

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

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

25 The Department of Natural Resources is authorized on ~~in~~
26 behalf of the State of Illinois to accept by donation or

1 bequest, to purchase or acquire by condemnation proceedings in
2 the manner provided for the exercise of the power of eminent
3 domain under the Eminent Domain Act, or by contract for deed
4 payable over a period of time not to exceed 10 years, or in any
5 other legal manner, the title to all such lands, waters or
6 regions, and the easements appurtenant or contributory
7 thereto, which shall be in accord with such policy in respect
8 to a system of State parks, for the purpose of which the
9 General Assembly may make an appropriation. Purchases by
10 contract for deed under this Section shall not exceed
11 \$20,000,000 in total purchase price for land under contract at
12 any one given time.

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

14 (20 ILCS 835/3) (from Ch. 105, par. 467)

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

1 these site modifications and uses are hereby deemed to support
2 conservation of the original character of the parks.

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

4 (20 ILCS 835/3a) (from Ch. 105, par. 467a)

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

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

11 (20 ILCS 835/4) (from Ch. 105, par. 468)

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

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

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

20 (3) To lay out, construct and maintain all needful roads,
21 parking areas, paths or trails, bridges, and docks, camp or
22 lodge sites, picnic areas, beach houses, lodges and cabins and
23 any other structures and improvements necessary and
24 appropriate in any state park or easement thereto; and to

1 provide water supplies, heat and light, and sanitary
2 facilities for the public and living quarters for the
3 custodians and keepers of state parks.

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

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

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

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

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

1 operating, or maintaining a commercial solar energy system
2 shall have implemented on it and maintained management
3 practices that would qualify the land or property as a
4 beneficial habitat under the Pollinator-Friendly Solar Site
5 Act. The Department shall require that any lease must include
6 a signed project labor agreement for the length of the lease
7 term. A project labor agreement entered into under this
8 Section shall be entered into with the local building and
9 construction trades council having geographic jurisdiction
10 over the project. The Department shall prioritize commercial
11 solar energy system sites based on their suitability and
12 economic feasibility for solar use. The Department shall
13 prioritize commercial solar energy system sites with a
14 significant history of disturbance, such as former strip mines
15 or previously developed sites. In making a determination for
16 the suitability of a site, the Department may consider any
17 land use that is lost from the installation of a commercial
18 solar energy system.

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

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

22 (30 ILCS 500/1-10)

23 Sec. 1-10. Application.

24 (a) This Code applies only to procurements for which

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

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

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

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

21 (3) Purchase of care, except as provided in Section
22 5-30.6 of the Illinois Public Aid Code and this Section.

23 (4) Hiring of an individual as an 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.

1 (5) Collective bargaining contracts.

2 (6) Purchase of real estate, except that notice of
3 this type of contract with a value of more than \$25,000
4 must be published in the Procurement Bulletin within 10
5 calendar days after the deed is recorded in the county of
6 jurisdiction. The notice shall identify the real estate
7 purchased, the names of all parties to the contract, the
8 value of the contract, and the effective date of the
9 contract.

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

19 (8) (Blank).

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

22 (10) (Blank).

23 (11) Public-private agreements entered into according
24 to the procurement requirements of Section 20 of the
25 Public-Private Partnerships for Transportation Act and
26 design-build agreements entered into according to the

1 procurement requirements of Section 25 of the
2 Public-Private Partnerships for Transportation Act.

3 (12) (A) Contracts for legal, financial, and other
4 professional and artistic services entered into by the
5 Illinois Finance Authority in which the State of Illinois
6 is not obligated. Such contracts shall be awarded through
7 a competitive process authorized by the members of the
8 Illinois Finance Authority and are subject to Sections
9 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
10 as well as the final approval by the members of the
11 Illinois Finance Authority of the terms of the contract.

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

22 (13) Contracts for services, commodities, and
23 equipment to support the delivery of timely forensic
24 science services in consultation with and subject to the
25 approval of the Chief Procurement Officer as provided in
26 subsection (d) of Section 5-4-3a of the Unified Code of

1 Corrections, except for the requirements of Sections
2 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
3 Code; however, the Chief Procurement Officer may, in
4 writing with justification, waive any certification
5 required under Article 50 of this Code. For any contracts
6 for services which are currently provided by members of a
7 collective bargaining agreement, the applicable terms of
8 the collective bargaining agreement concerning
9 subcontracting shall be followed.

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

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

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

1 of the Public Utilities Act, (3) electric cooperatives as
2 defined in Section 3.4 of the Electric Supplier Act, (4)
3 telephone or telecommunications cooperatives as defined in
4 Section 13-212 of the Public Utilities Act, (5) rural
5 water or waste water systems with 10,000 connections or
6 less, (6) a holder as defined in Section 21-201 of the
7 Public Utilities Act, and (7) municipalities owning or
8 operating utility systems consisting of public utilities
9 as that term is defined in Section 11-117-2 of the
10 Illinois Municipal Code.

11 (16) Procurement expenditures necessary for the
12 Department of Public Health to provide the delivery of
13 timely newborn screening services in accordance with the
14 Newborn Metabolic Screening Act.

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

24 (18) This Code does not apply to any procurements
25 necessary for the Department of Agriculture, the
26 Department of Financial and Professional Regulation, the

1 Department of Human Services, the Department of Commerce
2 and Economic Opportunity, and the Department of Public
3 Health to implement the Cannabis Regulation and Tax Act if
4 the applicable agency has made a good faith determination
5 that it is necessary and appropriate for the expenditure
6 to fall within this exemption and if the process is
7 conducted in a manner substantially in accordance with the
8 requirements of Sections 20-160, 25-60, 30-22, 50-5,
9 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
10 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
11 Section 50-35, compliance applies only to contracts or
12 subcontracts over \$100,000. Notice of each contract
13 entered into under this paragraph (18) that is related to
14 the procurement of goods and services identified in
15 paragraph (1) through (9) of this subsection shall be
16 published in the Procurement Bulletin within 14 calendar
17 days after contract execution. The Chief Procurement
18 Officer shall prescribe the form and content of the
19 notice. Each agency shall provide the Chief Procurement
20 Officer, on a monthly basis, in the form and content
21 prescribed by the Chief Procurement Officer, a report of
22 contracts that are related to the procurement of goods and
23 services identified in this subsection. At a minimum, this
24 report shall include the name of the contractor, a
25 description of the supply or service provided, the total
26 amount of the contract, the term of the contract, and the

1 exception to this Code utilized. A copy of any or all of
2 these contracts shall be made available to the Chief
3 Procurement Officer immediately upon request. The Chief
4 Procurement Officer shall submit a report to the Governor
5 and General Assembly no later than November 1 of each year
6 that includes, at a minimum, an annual summary of the
7 monthly information reported to the Chief Procurement
8 Officer. This exemption becomes inoperative 5 years after
9 June 25, 2019 (the effective date of Public Act 101-27).

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

1 For purposes of this paragraph (19):

2 "Assistive technology devices" means any item, piece
3 of equipment, or product system, whether acquired
4 commercially off the shelf, modified, or customized, that
5 is used to increase, maintain, or improve functional
6 capabilities of individuals with disabilities.

7 "Assistive technology services" means any service that
8 directly assists an individual with a disability in
9 selection, acquisition, or use of an assistive technology
10 device.

11 "Qualified" has the same meaning and use as provided
12 under the federal Americans with Disabilities Act when
13 describing an individual with a disability.

14 (20) Procurement expenditures necessary for the
15 Illinois Commerce Commission to hire third-party
16 facilitators pursuant to Sections 16-105.17 and 16-108.18
17 of the Public Utilities Act or an ombudsman pursuant to
18 Section 16-107.5 of the Public Utilities Act, a
19 facilitator pursuant to Section 16-105.17 of the Public
20 Utilities Act, or a grid auditor pursuant to Section
21 16-105.10 of the Public Utilities Act.

22 (21) Procurement expenditures for the purchase,
23 renewal, and expansion of software, software licenses, or
24 software maintenance agreements that support the efforts
25 of the Illinois State Police to enforce, regulate, and
26 administer the Firearm Owners Identification Card Act, the

1 Firearm Concealed Carry Act, the Firearms Restraining
2 Order Act, the Firearm Dealer License Certification Act,
3 the Law Enforcement Agencies Data System (LEADS), the
4 Uniform Crime Reporting Act, the Criminal Identification
5 Act, the Illinois Uniform Conviction Information Act, and
6 the Gun Trafficking Information Act, or establish or
7 maintain record management systems necessary to conduct
8 human trafficking investigations or gun trafficking or
9 other stolen firearm investigations. This paragraph (21)
10 applies to contracts entered into on or after January 10,
11 2023 (the effective date of Public Act 102-1116) and the
12 renewal of contracts that are in effect on January 10,
13 2023 (the effective date of Public Act 102-1116).

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

25 (23) Procurements necessary for the Department of
26 Insurance to implement the Illinois Health Benefits

1 Exchange Law if the Department of Insurance has made a
2 good faith determination that it is necessary and
3 appropriate for the expenditure to fall within this
4 exemption. The procurement process shall be conducted in a
5 manner substantially in accordance with the requirements
6 of Sections 20-160 and 25-60 and Article 50 of this Code. A
7 copy of these contracts shall be made available to the
8 Chief Procurement Officer immediately upon request. This
9 paragraph is inoperative 5 years after June 27, 2023 (the
10 effective date of Public Act 103-103).

11 (24) ~~(22)~~ Contracts for public education programming,
12 noncommercial sustaining announcements, public service
13 announcements, and public awareness and education
14 messaging with the nonprofit trade associations of the
15 providers of those services that inform the public on
16 immediate and ongoing health and safety risks and hazards.

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

1 103rd General Assembly and the renewal of contracts that
2 are in effect on the effective date of this amendatory Act
3 of the 103rd General Assembly regarding all purchases by
4 the Department of Natural Resources related to the Law
5 Enforcement Officer-Worn Body Camera Act.

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

22 (27) Expenditures necessary to provide for the
23 purchase, site preparation, installation, maintenance, and
24 repair of a clean energy project, including, but not
25 limited to, solar energy projects, renewable energy
26 projects, and electrification of facility infrastructure,

1 and electric vehicle charging stations, as defined in the
2 Electric Vehicle Act. Such expenditures may include, but
3 are not limited to, erection and maintenance of electric
4 vehicle charging stations, wireless network
5 infrastructure, water infrastructure, solar projects, and
6 other projects that decrease the energy footprint of the
7 State of Illinois. This paragraph (27) applies to
8 contracts entered into, on or after the effective date of
9 this amendatory Act of the 103rd General Assembly and the
10 renewal of contracts that are in effect on the effective
11 date of this amendatory Act of the 103rd General Assembly
12 regarding all purchases by the Department of Natural
13 Resources related to the erection and maintenance of clean
14 energy projects. Contracts, excluding contracts for
15 equipment purchases, entered into under this Section shall
16 comply with the Project Labor Agreements Act, except that
17 a project labor agreement entered into under this Section
18 shall be entered into with the local building and
19 construction trades council having geographic jurisdiction
20 over the project. Contracts entered into under this
21 Section shall comply with the Business Enterprise for
22 Minorities, Women, and Persons with Disabilities Act. This
23 paragraph (27) becomes inapplicable 5 years after the
24 effective date of this amendatory Act of the 103rd General
25 Assembly.

26 As used in this paragraph (27), "clean energy project"

1 has the meaning given in the Department of Natural
2 Resources (Conservation) Law of the Civil Administrative
3 Code of Illinois.

4 Notwithstanding any other provision of law, for contracts
5 with an annual value of more than \$100,000 entered into on or
6 after October 1, 2017 under an exemption provided in any
7 paragraph of this subsection (b), except paragraph (1), (2),
8 or (5), each State agency shall post to the appropriate
9 procurement bulletin the name of the contractor, a description
10 of the supply or service provided, the total amount of the
11 contract, the term of the contract, and the exception to the
12 Code utilized. The chief procurement officer shall submit a
13 report to the Governor and General Assembly no later than
14 November 1 of each year that shall include, at a minimum, an
15 annual summary of the monthly information reported to the
16 chief procurement officer.

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

23 (d) Except for Section 20-160 and Article 50 of this Code,
24 and as expressly required by Section 9.1 of the Illinois
25 Lottery Law, the provisions of this Code do not apply to the
26 procurement process provided for under Section 9.1 of the

1 Illinois Lottery Law.

2 (e) This Code does not apply to the process used by the
3 Capital Development Board to retain a person or entity to
4 assist the Capital Development Board with its duties related
5 to the determination of costs of a clean coal SNG brownfield
6 facility, as defined by Section 1-10 of the Illinois Power
7 Agency Act, as required in subsection (h-3) of Section 9-220
8 of the Public Utilities Act, including calculating the range
9 of capital costs, the range of operating and maintenance
10 costs, or the sequestration costs or monitoring the
11 construction of clean coal SNG brownfield facility for the
12 full duration of construction.

13 (f) (Blank).

14 (g) (Blank).

15 (h) This Code does not apply to the process to procure or
16 contracts entered into in accordance with Sections 11-5.2 and
17 11-5.3 of the Illinois Public Aid Code.

18 (i) Each chief procurement officer may access records
19 necessary to review whether a contract, purchase, or other
20 expenditure is or is not subject to the provisions of this
21 Code, unless such records would be subject to attorney-client
22 privilege.

23 (j) This Code does not apply to the process used by the
24 Capital Development Board to retain an artist or work or works
25 of art as required in Section 14 of the Capital Development
26 Board Act.

1 (k) This Code does not apply to the process to procure
2 contracts, or contracts entered into, by the State Board of
3 Elections or the State Electoral Board for hearing officers
4 appointed pursuant to the Election Code.

5 (l) This Code does not apply to the processes used by the
6 Illinois Student Assistance Commission to procure supplies and
7 services paid for from the private funds of the Illinois
8 Prepaid Tuition Fund. As used in this subsection (l), "private
9 funds" means funds derived from deposits paid into the
10 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

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

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