

1 AN ACT concerning State government.

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

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  
17 jurisdiction, and which are not immediately to be used or  
18 developed by the State; provided that no such lease be for a  
19 longer period of time than that in which it can reasonably be  
20 expected the State will not have use for such property, and  
21 further provided that no such lease be for a longer period of  
22 time than 10 ~~5~~ years.

23 (c) To lease any land or property over which the

1 Department has jurisdiction for the purpose of creating,  
2 operating, or maintaining a commercial solar energy system, as  
3 defined in Section 10-720 of the Property Tax Code, or a clean  
4 energy project, as defined in the Department of Natural  
5 Resources (Conservation) Law of the Civil Administrative Code  
6 of Illinois. A lease under this subsection (c) shall not be for  
7 a period longer than 40 years. The lease may be renewed by the  
8 Department for periods not longer than 40 years per renewal.  
9 If practical, the Department shall require that any land or  
10 property over which the Department has jurisdiction and that  
11 is used for the purpose of creating, operating, or maintaining  
12 a commercial solar energy system shall have implemented on it  
13 and maintained management practices that would qualify the  
14 land or property as a beneficial habitat under the  
15 Pollinator-Friendly Solar Site Act. The Department shall  
16 prioritize commercial solar energy system sites based on their  
17 suitability and economic feasibility for solar use. The  
18 Department shall then prioritize commercial solar energy  
19 system sites with a significant history of disturbance, such  
20 as former strip mines or previously developed sites. The  
21 Department may consider any land use that is lost from the  
22 installation of a commercial solar energy system in making a  
23 determination regarding the suitability of a site. At least 60  
24 days before entering into a lease for a commercial solar  
25 energy system under this subsection (c), the Department shall  
26 post in the Illinois Register notice of the Department's

1 intent to enter into the lease and shall provide a copy of the  
2 notice to a municipality if the leased area is located within  
3 the borders of the municipality. The notice shall include the  
4 specific location and size of the proposed commercial solar  
5 energy system. The Department shall consider and respond to  
6 all public comments regarding the posting that are received by  
7 the Department within 30 days of the posting.

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

9 (20 ILCS 801/1-50 new)

10 Sec. 1-50. Administrative rules. The Department of Natural  
11 Resources may adopt rules necessary to carry out its duties  
12 under this Act.

13 Section 10. The Department of Natural Resources  
14 (Conservation) Law of the Civil Administrative Code of  
15 Illinois is amended by changing Sections 805-5, 805-230,  
16 805-235, and 805-280 and by adding Section 805-580 as follows:

17 (20 ILCS 805/805-5)

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

19 "Clean energy" means energy that is generated, by design  
20 or operation, in a manner that is substantially free of carbon  
21 dioxide emissions or in a manner that otherwise contributes to  
22 the reduction in emissions of environmentally hazardous  
23 materials or reduces the volume of environmentally dangerous

1 materials.

2 "Clean energy project" means a project that is undertaken  
3 to acquire, construct, refurbish, create, develop, or  
4 redevelop any facility, equipment, machinery, or real or  
5 personal property and that will aid, assist, or encourage the  
6 development or implementation of clean energy in the State.

7 "Department" means the Department of Natural Resources.

8 "Director" means the Director of Natural Resources.

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

10 (20 ILCS 805/805-230) (was 20 ILCS 805/63a18)

11 Sec. 805-230. Developing recreational areas. The  
12 Department has the power to lease from individuals,  
13 corporations, or any other form of private ownership, from any  
14 municipality, public corporation, or political subdivision of  
15 this State, or from the United States any lands or waters for  
16 the purpose of developing outdoor recreational areas for  
17 public use and to acquire all necessary property or  
18 rights-of-way for the purposes of ingress or egress to those  
19 lands and waters and to construct buildings and other  
20 recreational facilities, including roadways, bridges, ~~and~~  
21 parking areas, commercial solar energy systems, and clean  
22 energy projects that the Department deems necessary or  
23 desirable for maximum utilization of recreational facilities  
24 for public use of the areas.

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

1 (20 ILCS 805/805-235) (was 20 ILCS 805/63a6)

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

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

1 (20 ILCS 805/805-280 new)

2 Sec. 805-280. Leases for the purpose of creating,  
3 operating, or maintaining a commercial solar energy system or  
4 clean energy project. The Department may lease any land or  
5 property over which the Department has jurisdiction for the  
6 purpose of creating, operating, or maintaining a commercial  
7 solar energy system, as defined in Section 10-720 of the  
8 Property Tax Code, or a clean energy project. The lease shall  
9 not be for a period longer than 40 years. The lease may be  
10 renewed for periods not longer than 40 years per renewal. The  
11 Department shall require that any lease must provide for a  
12 signed project labor agreement for the length of the lease  
13 term. A project labor agreement entered into under this  
14 Section shall be entered into with the local building and  
15 construction trades council having geographic jurisdiction  
16 over the project. If practical, the Department shall require  
17 that any land or property over which the Department has  
18 jurisdiction that is used for the purpose of creating,  
19 operating, or maintaining a commercial solar energy system  
20 shall have implemented on it and maintained management  
21 practices that would qualify the land or property as a  
22 beneficial habitat under the Pollinator-Friendly Solar Site  
23 Act. The Department shall require that any lease must include  
24 a signed project labor agreement for the length of the lease  
25 term. The Department shall prioritize commercial solar energy

1 system sites based on their suitability and economic  
2 feasibility for solar use. The Department shall then  
3 prioritize commercial solar energy system sites with a  
4 significant history of disturbance, such as former strip mines  
5 or previously developed sites. The Department may consider any  
6 land use that is lost from the installation of a commercial  
7 solar energy system in making a determination for the  
8 suitability of a site.

9 (20 ILCS 805/805-580 new)

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

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

17 (b) The Department may adopt and publish specifications  
18 detailing the kind and type of electric vehicle charging  
19 stations to be provided and may adopt rules governing the fees  
20 for use of electric vehicle charging stations at State parks  
21 or other real property that is owned by the Department.

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

1 (20 ILCS 835/2) (from Ch. 105, par. 466)

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

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

15 (2) To set aside as public reservations those  
16 locations which have unusual scenic attractions caused by  
17 geologic or topographic formations, such as canyons,  
18 gorges, caves, dunes, beaches, moraines, palisades,  
19 examples of Illinois prairie, and points of scientific  
20 interest to botanists and naturalists. These areas should  
21 be large in size and whenever practicable shall be not  
22 less than 1,000 acres in extent. However, smaller areas  
23 may be acquired wherever conditions do not warrant the  
24 acquisition of the larger acreage.

25 (3) To preserve large forested areas and marginal  
26 lands along the rivers, small water courses, and lakes for

1 a recreation use different from that given by the typical  
2 city park, and so that these tracts may remain unchanged  
3 by civilization, so far as possible, and be kept for  
4 future generations. Such areas also, should be acquired in  
5 units of 1,000 acres or more and may be available as fish  
6 and game preserves. However, smaller areas may be acquired  
7 wherever conditions do not warrant the acquisition of the  
8 larger acreage.

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

18 The Department of Natural Resources is authorized on ~~in~~  
19 behalf of the State of Illinois to accept by donation or  
20 bequest, to purchase or acquire by condemnation proceedings in  
21 the manner provided for the exercise of the power of eminent  
22 domain under the Eminent Domain Act, or by contract for deed  
23 payable over a period of time not to exceed 10 years, or in any  
24 other legal manner, the title to all such lands, waters or  
25 regions, and the easements appurtenant or contributory  
26 thereto, which shall be in accord with such policy in respect

1 to a system of State parks, for the purpose of which the  
2 General Assembly may make an appropriation. Purchases by  
3 contract for deed under this Section shall not exceed  
4 \$20,000,000 in total purchase price for land under contract at  
5 any one given time.

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

7 (20 ILCS 835/3) (from Ch. 105, par. 467)

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

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

22 (20 ILCS 835/3a) (from Ch. 105, par. 467a)

23 Sec. 3a. The Department of Natural Resources shall not  
24 dispose of any portion of a State park except as specifically

1 authorized by law. This prohibition shall not restrict the  
2 Department from conveyance of easements, leases, and other  
3 lesser interests in land.

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

5 (20 ILCS 835/4) (from Ch. 105, par. 468)

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

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

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

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

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

25 (5) To cooperate with the United States government and

1 with other states in matters relating to the care,  
2 improvement, control and administration of national or  
3 interstate parks.

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

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

12 (8) To enter into leases that allow for the creation,  
13 operation, or maintenance of a commercial solar energy system,  
14 as defined in Section 10-720 of the Property Tax Code, or a  
15 clean energy project, as defined in the Department of Natural  
16 Resources (Conservation) Law of the Civil Administrative Code  
17 of Illinois. If practical, the Department shall require that  
18 any land or property over which the Department has  
19 jurisdiction that is used for the purpose of creating,  
20 operating, or maintaining a commercial solar energy system  
21 shall have implemented on it and maintained management  
22 practices that would qualify the land or property as a  
23 beneficial habitat under the Pollinator-Friendly Solar Site  
24 Act. The Department shall require that any lease must include  
25 a signed project labor agreement for the length of the lease  
26 term. A project labor agreement entered into under this

1 Section shall be entered into with the local building and  
2 construction trades council having geographic jurisdiction  
3 over the project. The Department shall prioritize commercial  
4 solar energy system sites based on their suitability and  
5 economic feasibility for solar use. The Department shall then  
6 prioritize commercial solar energy system sites with a  
7 significant history of disturbance, such as former strip mines  
8 or previously developed sites. In making a determination for  
9 the suitability of a site, the Department may consider any  
10 land use that is lost from the installation of a commercial  
11 solar energy system.

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

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

15 (30 ILCS 500/1-10)

16 Sec. 1-10. Application.

17 (a) This Code applies only to procurements for which  
18 bidders, offerors, potential contractors, or contractors were  
19 first solicited on or after July 1, 1998. This Code shall not  
20 be construed to affect or impair any contract, or any  
21 provision of a contract, entered into based on a solicitation  
22 prior to the implementation date of this Code as described in  
23 Article 99, including, but not limited to, any covenant  
24 entered into with respect to any revenue bonds or similar

1 instruments. All procurements for which contracts are  
2 solicited between the effective date of Articles 50 and 99 and  
3 July 1, 1998 shall be substantially in accordance with this  
4 Code and its intent.

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

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

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

14 (3) Purchase of care, except as provided in Section  
15 5-30.6 of the Illinois Public Aid Code and this Section.

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

20 (5) Collective bargaining contracts.

21 (6) Purchase of real estate, except that notice of  
22 this type of contract with a value of more than \$25,000  
23 must be published in the Procurement Bulletin within 10  
24 calendar days after the deed is recorded in the county of  
25 jurisdiction. The notice shall identify the real estate  
26 purchased, the names of all parties to the contract, the

1 value of the contract, and the effective date of the  
2 contract.

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

12 (8) (Blank).

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

15 (10) (Blank).

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

22 (12) (A) Contracts for legal, financial, and other  
23 professional and artistic services entered into by the  
24 Illinois Finance Authority in which the State of Illinois  
25 is not obligated. Such contracts shall be awarded through  
26 a competitive process authorized by the members of the

1 Illinois Finance Authority and are subject to Sections  
2 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,  
3 as well as the final approval by the members of the  
4 Illinois Finance Authority of the terms of the contract.

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

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

1 the collective bargaining agreement concerning  
2 subcontracting shall be followed.

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

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

8 (15) Contracts with a railroad or utility that  
9 requires the State to reimburse the railroad or utilities  
10 for the relocation of utilities for construction or other  
11 public purpose. Contracts included within this paragraph  
12 (15) shall include, but not be limited to, those  
13 associated with: relocations, crossings, installations,  
14 and maintenance. For the purposes of this paragraph (15),  
15 "railroad" means any form of non-highway ground  
16 transportation that runs on rails or electromagnetic  
17 guideways and "utility" means: (1) public utilities as  
18 defined in Section 3-105 of the Public Utilities Act, (2)  
19 telecommunications carriers as defined in Section 13-202  
20 of the Public Utilities Act, (3) electric cooperatives as  
21 defined in Section 3.4 of the Electric Supplier Act, (4)  
22 telephone or telecommunications cooperatives as defined in  
23 Section 13-212 of the Public Utilities Act, (5) rural  
24 water or waste water systems with 10,000 connections or  
25 less, (6) a holder as defined in Section 21-201 of the  
26 Public Utilities Act, and (7) municipalities owning or

1 operating utility systems consisting of public utilities  
2 as that term is defined in Section 11-117-2 of the  
3 Illinois Municipal Code.

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

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

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

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

1 Officer. This exemption becomes inoperative 5 years after  
2 June 25, 2019 (the effective date of Public Act 101-27).

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

20 For purposes of this paragraph (19):

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

26 "Assistive technology services" means any service that

1 directly assists an individual with a disability in  
2 selection, acquisition, or use of an assistive technology  
3 device.

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

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

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

1 human trafficking investigations or gun trafficking or  
2 other stolen firearm investigations. This paragraph (21)  
3 applies to contracts entered into on or after January 10,  
4 2023 (the effective date of Public Act 102-1116) and the  
5 renewal of contracts that are in effect on January 10,  
6 2023 (the effective date of Public Act 102-1116).

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

18 (23) Procurements necessary for the Department of  
19 Insurance to implement the Illinois Health Benefits  
20 Exchange Law if the Department of Insurance has made a  
21 good faith determination that it is necessary and  
22 appropriate for the expenditure to fall within this  
23 exemption. The procurement process shall be conducted in a  
24 manner substantially in accordance with the requirements  
25 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
26 copy of these contracts shall be made available to the

1 Chief Procurement Officer immediately upon request. This  
2 paragraph is inoperative 5 years after June 27, 2023 (the  
3 effective date of Public Act 103-103).

4 (24) ~~(22)~~ Contracts for public education programming,  
5 noncommercial sustaining announcements, public service  
6 announcements, and public awareness and education  
7 messaging with the nonprofit trade associations of the  
8 providers of those services that inform the public on  
9 immediate and ongoing health and safety risks and hazards.

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

25 (26) Expenditures for the purchase, renewal, and  
26 expansion of technology, software, software licenses, or

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

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

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

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

23 Notwithstanding any other provision of law, for contracts  
24 with an annual value of more than \$100,000 entered into on or  
25 after October 1, 2017 under an exemption provided in any  
26 paragraph of this subsection (b), except paragraph (1), (2),

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

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

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

21 (e) This Code does not apply to the process used by the  
22 Capital Development Board to retain a person or entity to  
23 assist the Capital Development Board with its duties related  
24 to the determination of costs of a clean coal SNG brownfield  
25 facility, as defined by Section 1-10 of the Illinois Power  
26 Agency Act, as required in subsection (h-3) of Section 9-220

1 of the Public Utilities Act, including calculating the range  
2 of capital costs, the range of operating and maintenance  
3 costs, or the sequestration costs or monitoring the  
4 construction of clean coal SNG brownfield facility for the  
5 full duration of construction.

6 (f) (Blank).

7 (g) (Blank).

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

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

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

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

24 (l) This Code does not apply to the processes used by the  
25 Illinois Student Assistance Commission to procure supplies and  
26 services paid for from the private funds of the Illinois

1 Prepaid Tuition Fund. As used in this subsection (1), "private  
2 funds" means funds derived from deposits paid into the  
3 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

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

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