



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3548

Introduced 2/8/2012, by Sen. Tim Bivins

SYNOPSIS AS INTRODUCED:

50 ILCS 752/15
50 ILCS 752/20
50 ILCS 752/30
50 ILCS 752/35

Amends the Illinois Public Safety Agency Network Act. Provides that the Executive Director of the Illinois Public Safety Agency Network (IPSAN) shall have the authority to tender required reports. Provides that the IPSAN board shall consist of 9 members (now, 14). Sets forth requirements concerning expertise of the board members, voting, and terms. Removes provisions concerning the development of policies and certain reports. Provides that the board may execute notes and mortgage or trust deeds to secure the payment of the notes and may purchase or lease real estate or personal property. Removes provisions concerning the transfer of funds from the Criminal Justice Information Systems Trust Fund, the acceptance of certain services from board members, and reporting of certain information to the Governor and General Assembly. Effective immediately.

LRB097 19844 KMW 65121 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Public Safety Agency Network Act is
5 amended by changing Sections 15, 20, 30, and 35 as follows:

6 (50 ILCS 752/15)

7 Sec. 15. Partnership established. A not-for-profit
8 corporation to be known as "Illinois Public Safety Agency
9 Network" shall be created. IPSAN shall be incorporated under
10 the General Not for Profit Corporation Act of 1986 and shall be
11 registered, incorporated, organized, and operated in
12 compliance with the laws of this State and the Executive
13 Director as Chief Operations Officer, as described in this Act,
14 shall have the authority to tender required reports. IPSAN
15 shall not be a State agency, but shall have statewide
16 jurisdiction to fulfill the findings and purpose declared in
17 this Act. The General Assembly determines, however, that public
18 policy dictates that IPSAN operate in the most open and
19 accessible manner consistent with its public purpose. To this
20 end, the General Assembly specifically declares that IPSAN and
21 its Board and Advisory Committee shall adopt and adhere to the
22 provisions of the General Not for Profit Corporation Act of
23 1986 and related regulations promulgated by the Secretary of

1 ~~State Open Meetings Act, the State Records Act, and the Freedom~~
2 ~~of Information Act.~~ IPSAN shall establish one or more corporate
3 offices as determined by the Board.

4 (Source: P.A. 94-896, eff. 7-1-06.)

5 (50 ILCS 752/20)

6 Sec. 20. Board of directors. IPSAN shall be governed by a
7 board of directors. The IPSAN Board shall consist of 9 ~~14~~
8 members. Nine ~~of the~~ members shall be voting members, 3 of whom
9 shall be appointed by the Illinois Sheriffs' Association, 3 of
10 whom shall be appointed by the Illinois Association of Chiefs
11 of Police, and 3 of whom shall be appointed by the Illinois
12 Fire Chiefs Association, ~~all of these Associations consisting~~
13 ~~of representatives of criminal justice agencies that are the~~
14 ~~users of criminal justice information systems developed and~~
15 ~~operated for them by the Authority before the effective date of~~
16 ~~this Act or by the IPSAN on or after the effective date of this~~
17 ~~Act. Voting members shall be appointed in such a fashion as to~~
18 ~~guarantee the representation of all 3 systems (ALERTS, ALECS,~~
19 ~~and PIMS).~~ To the extent practical, members appointed by the
20 Associations should be active or retired chiefs or sheriffs,
21 and should represent statewide interests of the respective
22 appointing Association. The Director of Corrections, the
23 Director of the Illinois Emergency Management Agency, the
24 Director of the Illinois State Police, the Sheriff of Cook
25 County, and the Superintendent of the Chicago Police

1 Department, or the designee of each, may be invited by the
2 board of directors to serve as ~~shall be~~ non-voting ex officio
3 members. The Executive Director described in this Act shall
4 serve as a non-voting ex officio member of the board of
5 directors.

6 Members shall serve terms of one year, at the pleasure of
7 the respective association, but shall annually be eligible for
8 re-appointment. ~~Of the initial members appointed, 6 members~~
9 ~~shall serve 4 year terms and 3 members shall serve 2 year~~
10 ~~terms, as designated by the respective Associations.~~
11 ~~Thereafter, members appointed shall serve 4 year terms.~~ A
12 vacancy among members appointed shall be filled by appointment
13 by the respective appointing association for the remainder of
14 the vacated term.

15 Members of the Board shall receive no compensation but
16 shall be reimbursed for reasonable expenses incurred in the
17 performance of their duties. A board member, who is a retired
18 member of the appointing Association, may be entitled to
19 reimbursement for services provided to or on behalf of IPSAN as
20 may be appropriate from time-to-time.

21 The Board shall designate a temporary chair of the Board
22 from among the members, who shall serve until a permanent
23 president chair is elected by the Board of Directors. The Board
24 shall meet at the call of the president, or as the bylaws,
25 rules and policies of the board of directors may otherwise
26 provide chair.

1 IPSAN shall comply with reporting requirements as
2 prescribed in the General Not for Profit Corporation Act of
3 1986 and related regulations promulgated by the Secretary of
4 State.

5 ~~Not less than 90 days after a majority of the members of~~
6 ~~the Board of Directors of the IPSAN are appointed, the Board~~
7 ~~shall develop a policy adopted by resolution of the Board~~
8 ~~stating the Board's plan for the use of services provided by~~
9 ~~businesses owned by minorities, females, and persons with~~
10 ~~disabilities, as defined under the Business Enterprise for~~
11 ~~Minorities, Females, and Persons with Disabilities Act. The~~
12 ~~Board shall provide a copy of this resolution to the Governor~~
13 ~~and the General Assembly upon its adoption.~~

14 ~~On December 31 of each year, the Board shall report to the~~
15 ~~General Assembly and the Governor regarding the use of services~~
16 ~~provided by businesses owned by minorities, females, and~~
17 ~~persons with disabilities, as defined under the Business~~
18 ~~Enterprise for Minorities, Females, and Persons with~~
19 ~~Disabilities Act.~~

20 (Source: P.A. 94-896, eff. 7-1-06.)

21 (50 ILCS 752/30)

22 Sec. 30. Powers of the Board of Directors. The Board of
23 Directors shall have the power to:

24 (1) Secure funding for programs and activities of IPSAN
25 from federal, State, local, and private sources and from

1 fees charged for services and published materials;
2 solicit, receive, hold, invest, and administer any grant,
3 including federal and State grants for enhancements to
4 public safety communications and management systems and
5 the promotion of interoperability between all public
6 safety disciplines throughout the State, payment, or gift
7 of funds or property; execute a note or notes and to
8 execute a mortgage or trust deed to secure the payment of
9 the note or notes, the trust deed or mortgage shall cover
10 real estate, or some part thereof, or personal property
11 owned by the corporation and the lien of the mortgage shall
12 apply to the real estate or personal property so mortgaged
13 by the corporation, and the proceeds of the note or notes
14 may be used in the acquisition of personal property or of
15 real estate or in the erection of improvements on the real
16 estate; and make expenditures consistent with the powers
17 granted to it.

18 (2) Make and enter into contracts, agreements, and
19 other instruments necessary or convenient for the exercise
20 of its powers and to facilitate the use by the members of
21 IPSAN of other criminal justice information systems and
22 networks.

23 (3) Sue and be sued, and appear and defend in all
24 actions and proceedings, in its corporate name to the same
25 extent as a natural person.

26 (4) Adopt, use, and alter a common corporate seal for

1 IPSAN.

2 (5) Elect, employ, or appoint officers and agents as
3 its affairs require and allow them reasonable
4 compensation.

5 (6) Adopt, amend, and repeal bylaws and policies, not
6 inconsistent with the powers granted to it or the articles
7 of incorporation, for the administration of the affairs of
8 IPSAN and the exercise of its corporate powers.

9 (7) Acquire, enjoy, use, and dispose of patents,
10 copyrights, and trademarks and any licenses, radio
11 frequencies, royalties, and other rights or interests
12 thereunder or therein.

13 (8) Do all acts and things necessary or convenient to
14 carry out the powers granted to it.

15 (9) Appoint an Executive Director who shall serve as
16 the Chief Operations Officer of IPSAN and who shall direct
17 and supervise the administrative affairs and activities of
18 the Board and of IPSAN, in accordance with this Act and the
19 Board's bylaws, rules, and policies.

20 (10) Purchase or lease either real estate or personal
21 property to be used for the purposes of the corporation
22 through contracts which provide for the consideration for
23 any purchase or lease to be paid through installments to be
24 made at stated intervals during a certain period of time,
25 but, in no case, shall the contracts provide for the
26 consideration to be paid during a period of time in excess

1 of 25 years.

2 (Source: P.A. 94-896, eff. 7-1-06.)

3 (50 ILCS 752/35)

4 Sec. 35. Finances; audits; annual report.

5 (a) (Blank) ~~The current balance of the Criminal Justice~~
6 ~~Information Systems Trust Fund upon the effective date of this~~
7 ~~Act and all future moneys deposited into that Fund shall be~~
8 ~~promptly transferred to the IPSAN operating fund by the State~~
9 ~~Treasurer notwithstanding current obligations as determined by~~
10 ~~the IPSAN Board in cooperation with the Authority.~~

11 (b) IPSAN may accept funds, grants, gifts, and services
12 from the government of the United States or its agencies, from
13 this State or its departments, agencies, or instrumentalities,
14 from any other governmental unit, and from private and civic
15 sources for the purpose of funding any projects authorized by
16 this Act.

17 (c) (Blank) ~~Services of personnel, use of equipment and~~
18 ~~office space, and other necessary services may be accepted from~~
19 ~~members of the Board as part of IPSAN's financial support.~~

20 (d) The Board shall arrange for the annual financial audit
21 of IPSAN by one or more independent certified public
22 accountants in accordance with generally accepted accounting
23 principles. The annual audit results shall be included in the
24 annual report required under subsection (e) of this Section.

25 (e) (Blank) ~~IPSAN shall report annually on its activities~~

1 ~~and finances to the Governor and the members of the General~~
2 ~~Assembly.~~

3 (f) IPSAN shall comply with reporting requirements as
4 prescribed in the General Not for Profit Corporation Act of
5 1986 and related regulations promulgated by the Secretary of
6 State.

7 (Source: P.A. 94-896, eff. 7-1-06.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.