

1 AN ACT concerning conservation.

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

4 Section 5. The Illinois Conservation Foundation Act is  
5 amended by changing Section 15 and by adding Section 20 as  
6 follows:

7 (20 ILCS 880/15)

8 Sec. 15. Organization, powers, and duties of Foundation.  
9 As soon as practical after the Foundation is created, the  
10 Board of Directors shall meet, organize, and designate, by  
11 majority vote, a treasurer, secretary, and any additional  
12 officers that may be needed to carry out the activities of  
13 the Foundation, and shall adopt bylaws of the Foundation.  
14 The Department of Natural Resources may adopt other rules  
15 deemed necessary to govern Foundation procedures.

16 The Foundation may accept gifts or grants from the  
17 federal government, its agencies or officers, or from any  
18 person, firm, or corporation, and may expend receipts on  
19 activities that it considers suitable to the performance of  
20 its duties under this Act and consistent with any requirement  
21 of the grant, gift, or bequest. Funds collected by the  
22 Foundation shall be considered private funds and shall be  
23 held in an appropriate account outside of the State Treasury.  
24 Private funds collected by the Foundation are not subject to  
25 the Public Funds Investment Act. Foundation procurement is  
26 exempt from the Illinois Procurement Code when private funds  
27 are used for procurement expenditures. The treasurer of the  
28 Foundation shall be custodian of all Foundation funds. The  
29 Foundation's accounts and books shall be set up and  
30 maintained in a manner approved by the Auditor General; and  
31 the Foundation and its officers shall be responsible for the

1 approval of recording of receipts, approval of payments, and  
 2 the proper filing of required reports. The Foundation may be  
 3 assisted in carrying out its functions by personnel of the  
 4 Department of Natural Resources ~~on-matters-falling-within~~  
 5 ~~their--scope--and--function.~~ The Department shall provide  
 6 reasonable assistance to the Foundation to achieve the  
 7 purposes of the Foundation. The Foundation shall cooperate  
 8 fully with the boards, commissions, agencies, departments,  
 9 and institutions of the State. The funds held and made  
 10 available by the Illinois Conservation Foundation shall be  
 11 subject to financial and compliance audits by the Auditor  
 12 General in compliance with the Illinois State Auditing Act.

13 The Foundation shall not have any power of eminent  
 14 domain.

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

16 (20 ILCS 880/20 new)

17 Sec. 20. Disclosure to donors of exemption from Public  
 18 Funds Investment Act. The Foundation must provide a written  
 19 notice to any entity providing a gift, grant, or bequest to  
 20 the Foundation that the Foundation is not subject to the  
 21 provisions of the Public Funds Investment Act which Act  
 22 places limitations on the types of securities in which a  
 23 public agency may invest public funds.

24 Section 10. The Public Funds Investment Act is amended  
 25 by changing Section 1 as follows:

26 (30 ILCS 235/1) (from Ch. 85, par. 901)

27 Sec. 1. The words "public funds", as used in this Act,  
 28 mean current operating funds, special funds, interest and  
 29 sinking funds, and funds of any kind or character belonging  
 30 to or in the custody of any public agency.

31 The words "public agency", as used in this Act, mean the

1 State of Illinois, the various counties, townships, cities,  
2 towns, villages, school districts, educational service  
3 regions, special road districts, public water supply  
4 districts, fire protection districts, drainage districts,  
5 levee districts, sewer districts, housing authorities, the  
6 Illinois Bank Examiners' Education Foundation, the Chicago  
7 Park District, and all other political corporations or  
8 subdivisions of the State of Illinois, now or hereafter  
9 created, whether herein specifically mentioned or not. This  
10 Act does not apply to the Illinois Prepaid Tuition Trust  
11 Fund, private funds collected by the Illinois Conservation  
12 Foundation, or pension funds or retirement systems  
13 established under the Illinois Pension Code, except as  
14 otherwise provided in that Code.

15 (Source: P.A. 90-507, eff. 8-22-97; 91-669, eff. 1-1-00.)

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

18 (30 ILCS 500/1-10)

19 Sec. 1-10. Application.

20 (a) This Code applies only to procurements for which  
21 contractors were first solicited on or after July 1, 1998.  
22 This Code shall not be construed to affect or impair any  
23 contract, or any provision of a contract, entered into based  
24 on a solicitation prior to the implementation date of this  
25 Code as described in Article 99, including but not limited to  
26 any covenant entered into with respect to any revenue bonds  
27 or similar instruments. All procurements for which contracts  
28 are solicited between the effective date of Articles 50 and  
29 99 and July 1, 1998 shall be substantially in accordance with  
30 this Code and its intent.

31 (b) This Code shall apply regardless of the source of  
32 the funds with which the contracts are paid, including

1 federal assistance moneys. This Code shall not apply to:

2 (1) contracts between the State and its political  
3 subdivisions or other governments, or between State  
4 governmental bodies except as specifically provided in  
5 this Code.

6 (2) grants, except for the filing requirements of  
7 Section 20-80.

8 (3) purchase of care.

9 (4) hiring of an individual as employee and not as  
10 an independent contractor, whether pursuant to an  
11 employment code or policy or by contract directly with  
12 that individual.

13 (5) collective bargaining contracts.

14 (6) purchase of real estate.

15 (7) contracts necessary to prepare for anticipated  
16 litigation, enforcement actions, or investigations,  
17 provided that the chief legal counsel to the Governor  
18 shall give his or her prior approval when the procuring  
19 agency is one subject to the jurisdiction of the  
20 Governor, and provided that the chief legal counsel of  
21 any other procuring entity subject to this Code shall  
22 give his or her prior approval when the procuring entity  
23 is not one subject to the jurisdiction of the Governor.

24 (8) contracts for services to Northern Illinois  
25 University by a person, acting as an independent  
26 contractor, who is qualified by education, experience,  
27 and technical ability and is selected by negotiation for  
28 the purpose of providing non-credit educational service  
29 activities or products by means of specialized programs  
30 offered by the university.

31 (9) procurement expenditures by the Illinois  
32 Conservation Foundation when only private funds are used.

33 (Source: P.A. 90-572, eff. date - See Sec. 99-5; 91-627, eff.  
34 8-19-99; 91-904, eff. 7-6-00.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.