

## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4654

Introduced 2/6/2024, by Rep. Katie Stuart

#### SYNOPSIS AS INTRODUCED:

20 ILCS 880/3 new  
20 ILCS 880/5  
20 ILCS 880/10  
20 ILCS 880/15  
20 ILCS 880/25 new

Amends the Illinois Conservation Foundation Act. Defines terms. Provides that the Foundation's Board of Directors shall be 9 members appointed by the Governor. Provides that one appointed member shall serve a two-year term and one appointed member shall serve a three-year term. Provides that the remaining 7 members shall have four-year terms. Eliminates the requirement that vacancies be filled by the official who made the recommendation for the vacated appointment. Provides that the Governor may immediately remove members for neglect of duty, incompetence, or malfeasance. Requires the Director of Natural Resources, or the Director's designee, to serve as a non-voting ex officio member of the Board. Requires the Director to select an Executive Director of the Foundation, who shall serve at the pleasure of the Director, and shall be employed by the Foundation. Requires that an annual budget be prepared by the Executive Director and the Board and that the budget be presented to and approved by the Director within 30 days before the expiration of the previously approved budget. Specifies that the budget may be adopted only upon the approval of the Director. Provides that prior to commencing projects, the Foundation shall coordinate with the Department to assess and prioritize the Department's needs with respect to the acquisition, construction, improvement, and development of potential projects. Requires the Department to provide reasonable assistance to the Foundation to achieve the purposes of the Foundation, provided there are no conflicts of interest between the interests of the Department and the Foundation. Requires the Foundation to cooperate fully with the boards, commissions, agencies, departments, and institutions of the State, including the Office of the Executive Inspector General (for the Agencies of the Governor). Requires the Foundation to comply with the Open Meetings Act, when carrying out its duties and engaging in its statutory activities under the Act.

LRB103 37387 JAG 67509 b

A BILL FOR

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 Sections 5, 10, and 15 and by adding  
6 Sections 3 and 25 as follows:

7 (20 ILCS 880/3 new)

8 Sec. 3. Definitions. As used in this Act, unless the  
9 context requires otherwise:

10 "Board" means the Board of Directors of the Illinois  
11 Conservation Foundation.

12 "Chairperson" means the chair of the Board.

13 "Department" means the Department of Natural Resources.

14 "Director" means the Director of the Department of Natural  
15 Resources.

16 "Executive Director" means the Director of the Illinois  
17 Conservation Foundation.

18 "Foundation" means the Illinois Conservation Foundation.

19 (20 ILCS 880/5)

20 Sec. 5. Creation of Foundation. The General Assembly  
21 authorizes the Department ~~of Natural Resources~~, in accordance  
22 with Section 10 of the State Agency Entity Creation Act, to

1 create the Illinois Conservation Foundation. Under this  
2 authority, the Department ~~of Natural Resources~~ shall create  
3 the Illinois Conservation Foundation as a not-for-profit  
4 foundation. The Department shall file articles of  
5 incorporation as required under the General Not For Profit  
6 Corporation Act of 1986 to create the Foundation. The  
7 Foundation's Board of Directors shall be 9 members appointed  
8 by the Governor. One appointed member shall serve a ~~appointed~~  
9 ~~as follows: 2 by the President of the Illinois Senate; 2 by the~~  
10 ~~Minority Leader of the Illinois Senate; 2 by the Speaker of the~~  
11 ~~Illinois House of Representatives; 2 by the Minority Leader of~~  
12 ~~the Illinois House of Representatives; and 4 by the Governor.~~  
13 ~~Each appointing individual shall have: one~~ two-year term and  
14 one appointed member shall serve a three-year term  
15 appointment. Seven members ~~The Governor~~ shall have 4 four-year  
16 term appointments. The Governor, in his or her sole  
17 discretion, may immediately remove members for neglect of  
18 duty, incompetence, or malfeasance. Absence from any 3  
19 consecutive regular meetings of the Foundation shall  
20 constitute one example of neglect of duty. The Director of the  
21 Department of Natural Resources, or the Director's designee,  
22 shall serve as a non-voting ex officio member of the board.  
23 ~~Vacancies shall be filled by the official who made the~~  
24 ~~recommendation for the vacated appointment.~~ The Governor  
25 ~~Director of Natural Resources~~ shall appoint the chairperson of  
26 ~~chair~~ the Board of Directors of the Foundation who shall serve

1 at the pleasure of the Governor during the Chair's appointment  
2 term. No member of the Board of Directors may receive  
3 compensation for his or her services to the Foundation.  
4 (Source: P.A. 102-303, eff. 1-1-22.)

5 (20 ILCS 880/10)

6 Sec. 10. Foundation purposes. The purposes of the  
7 Foundation are: to promote, support, assist, sustain, and  
8 encourage the charitable, educational, scientific, cultural,  
9 historical, and recreational programs, projects, ~~and policies,~~  
10 and mission of the Department ~~of Natural Resources~~; to solicit  
11 and accept aid or contributions consistent with the stated  
12 intent of the donor and the needs of the Department ~~goals of~~  
13 ~~the Foundation~~; to accept grants for the acquisition,  
14 construction, improvement, and development of potential  
15 Department ~~Foundation~~ projects; to solicit and generate  
16 private funding and donations that assist in enhancing and  
17 preserving Illinois' natural habitats, historic sites, river  
18 and stream corridors, state parks, forests, and fish and  
19 wildlife areas; and to engage generally in other lawful  
20 endeavors consistent with the foregoing purposes. The  
21 Foundation ~~foundation~~ shall operate within the provisions of  
22 the General Not For Profit Corporation Act of 1986.

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

24 (20 ILCS 880/15)

1           Sec. 15. Organization, powers, and duties of Foundation.  
2       As soon as practical after the Foundation is created, the  
3       Board of Directors shall meet, organize, and designate, by  
4       majority vote, a vice-chair, treasurer, secretary, and any  
5       additional officers that may be needed to carry out the  
6       activities of the Foundation, and shall adopt bylaws of the  
7       Foundation. The Department ~~of Natural Resources~~ may adopt  
8       other rules deemed necessary to govern Foundation procedures.

9           The Director shall select an Executive Director of the  
10          Foundation, who shall serve at the pleasure of the Director,  
11          and shall be employed by the Foundation. The Foundation shall  
12          ~~may~~ accept gifts or grants from the federal government, its  
13          agencies or officers, and shall actively solicit gifts and  
14          actively raise funds ~~or~~ from individuals and entities. Upon  
15          approval of the Director, the Executive Director of the  
16          Foundation may ~~any person, firm, or corporation, and may~~  
17          expend receipts on activities that it considers suitable to  
18          the performance of its duties under this Act and consistent  
19          with any requirement of the grant, gift, or bequest. Funds  
20          collected by the Foundation shall be considered private funds,  
21          except those received from public entities, and shall be held  
22          in an appropriate account outside of the State Treasury.  
23          Private funds collected by the Foundation are not subject to  
24          the Public Funds Investment Act. Foundation procurement is  
25          exempt from the Illinois Procurement Code when only private  
26          funds are used for procurement expenditures. The treasurer of

1 the Foundation shall be custodian of all Foundation funds. An  
2 annual budget is to be prepared by the Executive Director and  
3 the Board and must be presented to the Director within 30 days  
4 before the expiration of the previously approved budget, and  
5 the budget may only be adopted upon the approval of the  
6 Director. The Foundation's accounts, ~~and~~ books, and records  
7 shall be set up and maintained in a manner approved by the  
8 Auditor General; and the Foundation and its officers shall be  
9 responsible for the approval of recording of receipts,  
10 approval of payments, and the proper filing of required  
11 reports. Prior to commencing projects, the Foundation shall  
12 coordinate with the Department to assess and prioritize the  
13 Department's needs with respect to the acquisition,  
14 construction, improvement, and development of potential  
15 projects. The Foundation may be assisted in carrying out its  
16 functions by personnel of the Department ~~of Natural Resources.~~  
17 As such, the ~~The~~ Department shall provide reasonable  
18 assistance to the Foundation to achieve the purposes of the  
19 Foundation, provided there are no conflicts of interest  
20 between the interests of the Department and the Foundation.  
21 The Foundation shall cooperate fully with the boards,  
22 commissions, agencies, departments, and institutions of the  
23 State, including the Office of the Executive Inspector General  
24 (for the Agencies of the Governor). The funds held and made  
25 available by the ~~Illinois Conservation~~ Foundation shall be  
26 subject to financial and compliance audits by the Auditor

1 General in compliance with the Illinois State Auditing Act.

2 The Foundation shall not have any power of eminent domain.

3 (Source: P.A. 92-797, eff. 8-15-02.)

4 (20 ILCS 880/25 new)

5 Sec. 25. Honest and Open Government. The Foundation shall  
6 comply with the Open Meetings Act when carrying out its duties  
7 and engaging in its statutory activities under this Act.