

SB0033



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0033

Introduced 1/30/2009, by Sen. Bill Brady

SYNOPSIS AS INTRODUCED:

30 ILCS 330/11
30 ILCS 425/8

from Ch. 127, par. 661
from Ch. 127, par. 2808

Amends the General Obligation Bond Act and Build Illinois Bond Act. Removes provisions authorizing the sale of bonds by negotiated sale. Eliminates certain provisions relating to compliance with the competitive request for proposal process set forth in the Illinois Procurement Code. Effective immediately.

LRB096 03894 RCE 13929 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The General Obligation Bond Act is amended by
5 changing Section 11 as follows

6 (30 ILCS 330/11) (from Ch. 127, par. 661)

7 Sec. 11. Sale of Bonds. ~~Except as otherwise provided in~~
8 ~~this Section,~~ Bonds shall be sold from time to time pursuant to
9 notice of sale and public bid ~~or by negotiated sale~~ in such
10 amounts and at such times as is directed by the Governor, upon
11 recommendation by the Director of the Governor's Office of
12 Management and Budget. ~~At least 25%, based on total principal~~
13 ~~amount, of all Bonds issued each fiscal year shall be sold~~
14 ~~pursuant to notice of sale and public bid. At all times during~~
15 ~~each fiscal year, no more than 75%, based on total principal~~
16 ~~amount, of the Bonds issued each fiscal year, shall have been~~
17 ~~sold by negotiated sale. Failure to satisfy the requirements in~~
18 ~~the preceding 2 sentences shall not affect the validity of any~~
19 ~~previously issued Bonds.~~

20 ~~If any Bonds, including refunding Bonds, are to be sold by~~
21 ~~negotiated sale, the Director of the Governor's Office of~~
22 ~~Management and Budget shall comply with the competitive request~~
23 ~~for proposal process set forth in the Illinois Procurement Code~~

1 ~~and all other applicable requirements of that Code.~~

2 ~~The~~ If Bonds are to be sold pursuant to notice of sale and
3 ~~public bid,~~ the Director of the Governor's Office of Management
4 and Budget shall, from time to time, as Bonds are to be sold,
5 advertise the sale of the Bonds in at least 2 daily newspapers,
6 one of which is published in the City of Springfield and one in
7 the City of Chicago. The sale of the Bonds shall also be
8 advertised in the volume of the Illinois Procurement Bulletin
9 that is published by the Department of Central Management
10 Services. Each of the advertisements for proposals shall be
11 published once at least 10 days prior to the date fixed for the
12 opening of the bids. The Director of the Governor's Office of
13 Management and Budget may reschedule the date of sale upon the
14 giving of such additional notice as the Director deems adequate
15 to inform prospective bidders of such change; provided,
16 however, that all other conditions of the sale shall continue
17 as originally advertised.

18 Executed Bonds shall, upon payment therefor, be delivered
19 to the purchaser, and the proceeds of Bonds shall be paid into
20 the State Treasury as directed by Section 12 of this Act.

21 (Source: P.A. 93-839, eff. 7-30-04.)

22 Section 10. The Build Illinois Bond Act is amended by
23 changing Section 8 as follows:

24 (30 ILCS 425/8) (from Ch. 127, par. 2808)

1 Sec. 8. Sale of Bonds. Bonds, ~~except as otherwise provided~~
2 ~~in this Section,~~ shall be sold from time to time pursuant to
3 notice of sale and public bid ~~or by negotiated sale~~ in such
4 amounts and at such times as are directed by the Governor, upon
5 recommendation by the Director of the Governor's Office of
6 Management and Budget. ~~At least 25%, based on total principal~~
7 ~~amount, of all Bonds issued each fiscal year shall be sold~~
8 ~~pursuant to notice of sale and public bid. At all times during~~
9 ~~each fiscal year, no more than 75%, based on total principal~~
10 ~~amount, of the Bonds issued each fiscal year shall have been~~
11 ~~sold by negotiated sale. Failure to satisfy the requirements in~~
12 ~~the preceding 2 sentences shall not affect the validity of any~~
13 ~~previously issued Bonds.~~

14 ~~If any Bonds are to be sold pursuant to notice of sale and~~
15 ~~public bid, the Director of the Governor's Office of Management~~
16 ~~and Budget shall comply with the competitive request for~~
17 ~~proposal process set forth in the Illinois Procurement Code and~~
18 ~~all other applicable requirements of that Code.~~

19 The ~~If Bonds are to be sold pursuant to notice of sale and~~
20 ~~public bid,~~ the Director of the Governor's Office of Management
21 and Budget shall, from time to time, as Bonds are to be sold,
22 advertise the sale of the Bonds in at least 2 daily newspapers,
23 one of which is published in the City of Springfield and one in
24 the City of Chicago. The sale of the Bonds shall also be
25 advertised in the volume of the Illinois Procurement Bulletin
26 that is published by the Department of Central Management

1 Services. Each of the advertisements for proposals shall be
2 published once at least 10 days prior to the date fixed for the
3 opening of the bids. The Director of the Governor's Office of
4 Management and Budget may reschedule the date of sale upon the
5 giving of such additional notice as the Director deems adequate
6 to inform prospective bidders of the change; provided, however,
7 that all other conditions of the sale shall continue as
8 originally advertised. Executed Bonds shall, upon payment
9 therefor, be delivered to the purchaser, and the proceeds of
10 Bonds shall be paid into the State Treasury as directed by
11 Section 9 of this Act. The Governor or the Director of the
12 Governor's Office of Management and Budget is hereby authorized
13 and directed to execute and deliver contracts of sale with
14 underwriters and to execute and deliver such certificates,
15 indentures, agreements and documents, including any
16 supplements or amendments thereto, and to take such actions and
17 do such things as shall be necessary or desirable to carry out
18 the purposes of this Act. Any action authorized or permitted to
19 be taken by the Director of the Governor's Office of Management
20 and Budget pursuant to this Act is hereby authorized to be
21 taken by any person specifically designated by the Governor to
22 take such action in a certificate signed by the Governor and
23 filed with the Secretary of State.

24 (Source: P.A. 93-839, eff. 7-30-04.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.