

SB3356



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3356

Introduced 2/10/2010, by Sen. Jeffrey M. Schoenberg

SYNOPSIS AS INTRODUCED:

30 ILCS 500/50-20

Amends the Illinois Procurement Code. With respect to the waiving of the prohibition against certain State officials and employees having State contracts, (i) requires that a granted waiver must be filed with the Secretary of State and Comptroller within 60 days after issuance or when contract performance begins, whichever is earlier, (ii) requires that the filing must occur before the contract is executed, (iii) requires that the waiver must be published in the electronic Illinois Procurement Bulletin before the contract is executed, and (iv) provides that a contract for which an issued waiver has not been properly filed and published is voidable. Effective immediately.

LRB096 20432 JAM 36086 b

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 Illinois Procurement Code is amended by
5 changing Section 50-20 as follows:

6 (30 ILCS 500/50-20)

7 (Text of Section before amendment by P.A. 96-795)

8 Sec. 50-20. Exemptions. With the approval of the
9 appropriate chief procurement officer involved, the Governor,
10 or an executive ethics board or commission he or she
11 designates, may exempt named individuals from the prohibitions
12 of Section 50-13 when, in his, her, or its judgment, the public
13 interest in having the individual in the service of the State
14 outweighs the public policy evidenced in that Section. An
15 exemption is effective only when it is filed with the Secretary
16 of State and the Comptroller within 60 days after its issuance
17 or when performance of the contract begins, whichever is
18 earlier, and includes a statement setting forth the name of the
19 individual and all the pertinent facts that would make that
20 Section applicable, setting forth the reason for the exemption,
21 and declaring the individual exempted from that Section.
22 Exemptions must be filed with the Secretary of State and
23 Comptroller prior to execution of any contracts. A copy of

1 ~~Notice of~~ each exemption shall be published in the Illinois
2 Procurement Bulletin in its electronic form prior to execution
3 of the contract. The changes to this Section made by this
4 amendatory Act of the 96th General Assembly apply to exemptions
5 granted on or after its effective date.

6 A contract for which a waiver has been issued but has not
7 been filed in accordance with this Section is voidable.

8 (Source: P.A. 90-572, eff. 2-6-98.)

9 (Text of Section after amendment by P.A. 96-795)

10 Sec. 50-20. Exemptions. The appropriate chief procurement
11 officer may file a request with the Executive Ethics Commission
12 to exempt named individuals from the prohibitions of Section
13 50-13 when, in his or her judgment, the public interest in
14 having the individual in the service of the State outweighs the
15 public policy evidenced in that Section. The Executive Ethics
16 Commission may grant an exemption after a public hearing at
17 which any person may present testimony. The chief procurement
18 officer shall publish notice of the date, time, and location of
19 the hearing in the online electronic Bulletin at least 14 days
20 prior to the hearing and provide notice to the individual
21 subject to the waiver and the Procurement Policy Board. The
22 Executive Ethics Commission shall also provide public notice of
23 the date, time, and location of the hearing on its website. If
24 the Commission grants an exemption, the exemption is effective
25 only if it is filed with the Secretary of State and the

1 Comptroller within 60 days after its issuance or when
2 performance of the contract begins, whichever is earlier, ~~prior~~
3 to the execution of any contract and includes a statement
4 setting forth the name of the individual and all the pertinent
5 facts that would make that Section applicable, setting forth
6 the reason for the exemption, and declaring the individual
7 exempted from that Section. Exemptions must be filed with the
8 Secretary of State and Comptroller prior to execution of any
9 contracts. A copy of ~~Notice~~ of each exemption shall be
10 published in the Illinois Procurement Bulletin in its
11 electronic form prior to execution of the contract. The changes
12 to this Section made by this amendatory Act of the 96th General
13 Assembly apply to exemptions granted on or after its effective
14 date. A contract for which a waiver has been issued but has not
15 been filed in accordance with this Section is voidable by the
16 State. The changes to this Section made by this amendatory Act
17 of the 96th General Assembly shall apply to exemptions granted
18 on or after its effective date.

19 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
20 for the effective date of changes made by P.A. 96-795).)

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.