



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB4739

Introduced 1/27/2022, by Rep. Mark L. Walker

#### SYNOPSIS AS INTRODUCED:

15 ILCS 405/19.5	
20 ILCS 415/4c	from Ch. 127, par. 63b104c
30 ILCS 105/3	from Ch. 127, par. 139
30 ILCS 500/20-80	

Amends the State Comptroller Act. Makes changes to provisions concerning an annual comprehensive (currently, comprehensive annual) financial report as compiled and published by the Comptroller. Amends the State Finance Act. Provides that each officer of the executive department and all public institutions of the State shall, no later than January 7 of each year, make and deliver to the Governor an annual report of their acts and doings, respectively, arranged so as to show the acts and doings of each for the specified relevant fiscal year. Amends the Illinois Procurement Code. Exempts grants, among other items, that do not obligate funds held within the State treasury for fiscal year 2022 and thereafter from specified contract filing requirements. Provides that a chief procurement officer may approve (currently, request) an exception to specified contract filing requirements by submitting a written statement to the Comptroller (removes submission to Treasurer requirement) setting forth the circumstances and reasons why the contract could not be reduced to writing before the supplies were received or services were performed. Removes waiver provision. Makes a conforming change. Effective immediately.

LRB102 23328 RJF 32494 b

1 AN ACT concerning State government.

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

4 Section 5. The State Comptroller Act is amended by  
5 changing Section 19.5 as follows:

6 (15 ILCS 405/19.5)

7 Sec. 19.5. Annual Comprehensive ~~Comprehensive Annual~~  
8 Financial Report; procedures and reporting.

9 (a) On or before October 31, 2012, and on or before each  
10 October 31 thereafter, State agencies shall report to the  
11 Comptroller all financial information deemed necessary by the  
12 Comptroller to compile and publish an annual comprehensive ~~a~~  
13 ~~comprehensive annual~~ financial report using generally accepted  
14 accounting principles for the fiscal year ending June 30 of  
15 that year. The Comptroller may require certain State agencies  
16 to submit the required information before October 31 under a  
17 schedule established by the Comptroller. If a State agency has  
18 submitted no or insufficient financial information by October  
19 31, the Comptroller shall serve a written notice to each  
20 respective State agency director or secretary about the  
21 delinquency or inadequacy of the financial information.

22 (b) If the financial information required in subsection  
23 (a) is submitted to the Comptroller on or before October 31,

1 the lapse period is not extended past August 31 for the given  
2 fiscal year, and the Office of the Auditor General has  
3 completed an audit of the annual comprehensive ~~comprehensive~~  
4 ~~annual~~ financial report, then the Comptroller shall publish an  
5 annual comprehensive ~~a comprehensive annual~~ financial report  
6 using generally accepted accounting principles for the fiscal  
7 year ending June 30 of that year by December 31. If the  
8 information as required by subsection (a) is not provided to  
9 the Comptroller in time to publish the report by December 31,  
10 then upon notice from the Comptroller of the delay, each  
11 respective State agency director or secretary shall report his  
12 or her State agency's delinquency and provide an action plan  
13 to bring his or her State agency into compliance to the  
14 Comptroller, the Auditor General, the Office of the Governor,  
15 the Speaker and Minority Leader of the House of  
16 Representatives, and the President and Minority Leader of the  
17 Senate. Upon receiving that report from a State agency  
18 director or secretary, the Comptroller shall post that report  
19 with the action plan on his or her official website.

20 (c) If an annual comprehensive ~~a comprehensive annual~~  
21 financial report using generally accepted accounting  
22 principles cannot be published by December 31 due to  
23 insufficient or inadequate reporting to the Comptroller, the  
24 lapse period is extended past August 31 for the given fiscal  
25 year, or the Office of the Auditor General has not completed an  
26 audit of the annual comprehensive ~~comprehensive annual~~

1 financial report, then the Comptroller may issue interim  
2 reports containing financial information made available by  
3 reporting State agencies until an audit opinion is issued by  
4 the Auditor General on the annual comprehensive ~~comprehensive~~  
5 ~~annual~~ financial report.

6 (Source: P.A. 102-291, eff. 8-6-21.)

7 Section 10. The Personnel Code is amended by changing  
8 Section 4c as follows:

9 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

10 Sec. 4c. General exemptions. The following positions in  
11 State service shall be exempt from jurisdictions A, B, and C,  
12 unless the jurisdictions shall be extended as provided in this  
13 Act:

14 (1) All officers elected by the people.

15 (2) All positions under the Lieutenant Governor,  
16 Secretary of State, State Treasurer, State Comptroller,  
17 State Board of Education, Clerk of the Supreme Court,  
18 Attorney General, and State Board of Elections.

19 (3) Judges, and officers and employees of the courts,  
20 and notaries public.

21 (4) All officers and employees of the Illinois General  
22 Assembly, all employees of legislative commissions, all  
23 officers and employees of the Illinois Legislative  
24 Reference Bureau and the Legislative Printing Unit.

1           (5) All positions in the Illinois National Guard and  
2 Illinois State Guard, paid from federal funds or positions  
3 in the State Military Service filled by enlistment and  
4 paid from State funds.

5           (6) All employees of the Governor at the executive  
6 mansion and on his immediate personal staff.

7           (7) Directors of Departments, the Adjutant General,  
8 the Assistant Adjutant General, the Director of the  
9 Illinois Emergency Management Agency, members of boards  
10 and commissions, and all other positions appointed by the  
11 Governor by and with the consent of the Senate.

12           (8) The presidents, other principal administrative  
13 officers, and teaching, research and extension faculties  
14 of Chicago State University, Eastern Illinois University,  
15 Governors State University, Illinois State University,  
16 Northeastern Illinois University, Northern Illinois  
17 University, Western Illinois University, the Illinois  
18 Community College Board, Southern Illinois University,  
19 Illinois Board of Higher Education, University of  
20 Illinois, State Universities Civil Service System,  
21 University Retirement System of Illinois, and the  
22 administrative officers and scientific and technical staff  
23 of the Illinois State Museum.

24           (9) All other employees except the presidents, other  
25 principal administrative officers, and teaching, research  
26 and extension faculties of the universities under the

1 jurisdiction of the Board of Regents and the colleges and  
2 universities under the jurisdiction of the Board of  
3 Governors of State Colleges and Universities, Illinois  
4 Community College Board, Southern Illinois University,  
5 Illinois Board of Higher Education, Board of Governors of  
6 State Colleges and Universities, the Board of Regents,  
7 University of Illinois, State Universities Civil Service  
8 System, University Retirement System of Illinois, so long  
9 as these are subject to the provisions of the State  
10 Universities Civil Service Act.

11 (10) The Illinois State Police so long as they are  
12 subject to the merit provisions of the Illinois State  
13 Police Act. Employees of the Illinois State Police Merit  
14 Board are subject to the provisions of this Code.

15 (11) (Blank).

16 (12) The technical and engineering staffs of the  
17 Department of Transportation, the Department of Nuclear  
18 Safety, the Pollution Control Board, and the Illinois  
19 Commerce Commission, and the technical and engineering  
20 staff providing architectural and engineering services in  
21 the Department of Central Management Services.

22 (13) All employees of the Illinois State Toll Highway  
23 Authority.

24 (14) The Secretary of the Illinois Workers'  
25 Compensation Commission.

26 (15) All persons who are appointed or employed by the

1 Director of Insurance under authority of Section 202 of  
2 the Illinois Insurance Code to assist the Director of  
3 Insurance in discharging his responsibilities relating to  
4 the rehabilitation, liquidation, conservation, and  
5 dissolution of companies that are subject to the  
6 jurisdiction of the Illinois Insurance Code.

7 (16) All employees of the St. Louis Metropolitan Area  
8 Airport Authority.

9 (17) All investment officers employed by the Illinois  
10 State Board of Investment.

11 (18) Employees of the Illinois Young Adult  
12 Conservation Corps program, administered by the Illinois  
13 Department of Natural Resources, authorized grantee under  
14 Title VIII of the Comprehensive Employment and Training  
15 Act of 1973, 29 U.S.C. ~~USC~~ 993.

16 (19) Seasonal employees of the Department of  
17 Agriculture for the operation of the Illinois State Fair  
18 and the DuQuoin State Fair, no one person receiving more  
19 than 29 days of such employment in any calendar year.

20 (20) All "temporary" employees hired under the  
21 Department of Natural Resources' Illinois Conservation  
22 Service, a youth employment program that hires young  
23 people to work in State parks for a period of one year or  
24 less.

25 (21) All hearing officers of the Human Rights  
26 Commission.

1           (22) All employees of the Illinois Mathematics and  
2 Science Academy.

3           (23) All employees of the Kankakee River Valley Area  
4 Airport Authority.

5           (24) The commissioners and employees of the Executive  
6 Ethics Commission.

7           (25) The Executive Inspectors General, including  
8 special Executive Inspectors General, and employees of  
9 each Office of an Executive Inspector General.

10          (26) The commissioners and employees of the  
11 Legislative Ethics Commission.

12          (27) The Legislative Inspector General, including  
13 special Legislative Inspectors General, and employees of  
14 the Office of the Legislative Inspector General.

15          (28) The Auditor General's Inspector General and  
16 employees of the Office of the Auditor General's Inspector  
17 General.

18          (29) All employees of the Illinois Power Agency.

19          (30) Employees having demonstrable, defined advanced  
20 skills in accounting, financial reporting, or technical  
21 expertise who are employed within executive branch  
22 agencies and whose duties are directly related to the  
23 submission to the Office of the Comptroller of financial  
24 information for the publication of the Annual  
25 Comprehensive ~~Comprehensive Annual~~ Financial Report.

26          (31) All employees of the Illinois Sentencing Policy



1           Advisory Council.

2           (Source: P.A. 101-652, eff. 1-1-22; 102-291, eff. 8-6-21;  
3           102-538, eff. 8-20-21; revised 10-5-21.)

4           Section 15. The State Finance Act is amended by changing  
5           Section 3 as follows:

6           (30 ILCS 105/3) (from Ch. 127, par. 139)

7           Sec. 3. (a) Except as otherwise provided in subsection  
8           (b), each officer of the executive department and all public  
9           institutions of the State shall, no later than January 7 of  
10          ~~each year, at least ten days preceding each regular session of~~  
11          ~~the General Assembly,~~ make and deliver to the Governor an  
12          annual report of their acts and doings, respectively, arranged  
13          so as to show the acts and doings of each for the fiscal year  
14          ending in the calendar year immediately preceding the calendar  
15          year in which that regular session of the General Assembly  
16          convenes.

17          (b) The University of Illinois shall, at least 10 days  
18          preceding each regular session of the General Assembly, make  
19          and deliver to the Governor an annual report of its acts and  
20          doings for the fiscal year ending in the calendar year  
21          immediately preceding the calendar year in which that regular  
22          session of the General Assembly convenes.

23          (Source: P.A. 90-372, eff. 7-1-98.)

1 Section 20. The Illinois Procurement Code is amended by  
2 changing Section 20-80 as follows:

3 (30 ILCS 500/20-80)

4 Sec. 20-80. Contract files.

5 (a) Written determinations. All written determinations  
6 required under this Article shall be placed in the contract  
7 file maintained by the chief procurement officer.

8 (b) Filing with Comptroller. Whenever a grant, defined  
9 pursuant to accounting standards established by the  
10 Comptroller, or a contract liability, except for: (1)  
11 contracts paid from personal services, (2) contracts between  
12 the State and its employees to defer compensation in  
13 accordance with Article 24 of the Illinois Pension Code, or  
14 (3) contracts or grants that do not obligate funds held within  
15 the State treasury for fiscal year 2022 and thereafter,  
16 exceeding \$20,000 is incurred by any State agency, a copy of  
17 the contract, purchase order, grant, or lease shall be filed  
18 with the Comptroller within 30 calendar days thereafter.  
19 Beginning in fiscal year 2022, information pertaining to  
20 contracts exceeding \$20,000 that do not obligate funds held  
21 within the State treasury shall be submitted in a quarterly  
22 report to the Comptroller in a form and manner prescribed by  
23 the Comptroller. The Comptroller shall make the quarterly  
24 report available on his or her website. Beginning January 1,  
25 2013, the Comptroller may require that contracts and grants

1 required to be filed with the Comptroller under this Section  
2 shall be filed electronically, unless the agency is incapable  
3 of filing the contract or grant electronically because it does  
4 not possess the necessary technology or equipment. Any State  
5 agency that is incapable of electronically filing its  
6 contracts or grants shall submit a written statement to the  
7 Governor and to the Comptroller attesting to the reasons for  
8 its inability to comply. This statement shall include a  
9 discussion of what the State agency needs in order to  
10 effectively comply with this Section. Prior to requiring  
11 electronic filing, the Comptroller shall consult with the  
12 Governor as to the feasibility of establishing mutually  
13 agreeable technical standards for the electronic document  
14 imaging, storage, and transfer of contracts and grants, taking  
15 into consideration the technology available to that agency,  
16 best practices, and the technological capabilities of State  
17 agencies. Nothing in this amendatory Act of the 97th General  
18 Assembly shall be construed to impede the implementation of an  
19 Enterprise Resource Planning (ERP) system. For each State  
20 contract for supplies or services awarded on or after July 1,  
21 2010, the contracting agency shall provide the applicable rate  
22 and unit of measurement of the supplies or services on the  
23 contract obligation document as required by the Comptroller.  
24 If the contract obligation document that is submitted to the  
25 Comptroller contains the rate and unit of measurement of the  
26 supplies or services, the Comptroller shall provide that

1 information on his or her official website. Any cancellation  
2 or modification to any such contract liability shall be filed  
3 with the Comptroller within 30 calendar days of its execution.

4 (c) Late filing affidavit. When a contract, purchase  
5 order, grant, or lease required to be filed by this Section has  
6 not been filed within 30 calendar days of execution, the  
7 Comptroller shall refuse to issue a warrant for payment  
8 thereunder until the agency files with the Comptroller the  
9 contract, purchase order, grant, or lease and an affidavit,  
10 signed by the chief executive officer of the agency or his or  
11 her designee, setting forth an explanation of why the contract  
12 liability was not filed within 30 calendar days of execution.  
13 A copy of this affidavit shall be filed with the Auditor  
14 General.

15 (d) Timely execution of contracts. Except as set forth in  
16 subsection (b) of this Section, no voucher shall be submitted  
17 to the Comptroller for a warrant to be drawn for the payment of  
18 money from the State treasury or from other funds held by the  
19 State Treasurer on account of any contract unless the contract  
20 is reduced to writing before the services are performed and  
21 filed with the Comptroller. Contractors shall not be paid for  
22 any supplies that were received or services that were rendered  
23 before the contract was reduced to writing and signed by all  
24 necessary parties. A chief procurement officer may approve  
25 ~~request~~ an exception to this subsection by submitting a  
26 written statement to the Comptroller ~~and Treasurer~~ setting

1     forth the circumstances and reasons why the contract could not  
2     be reduced to writing before the supplies were received or  
3     services were performed. ~~A waiver of this subsection must be~~  
4     ~~approved by the Comptroller and Treasurer.~~ This Section shall  
5     not apply to emergency purchases if notice of the emergency  
6     purchase is filed with the Procurement Policy Board and  
7     published in the Bulletin as required by this Code.

8             (e) Method of source selection. When a contract is filed  
9     with the Comptroller under this Section, the Comptroller's  
10    file shall identify the method of source selection used in  
11    obtaining the contract.

12    (Source: P.A. 102-291, eff. 8-6-21.)

13             Section 99. Effective date. This Act takes effect upon  
14    becoming law.