

SB2811



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2811

Introduced 1/17/2024, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

20 ILCS 415/4d
30 ILCS 500/1-10

from Ch. 127, par. 63b104d

Amends the Personnel Code. Provides that positions that are paid in accordance with prevailing wage laws, as well as beauticians and teachers of beauty culture and teachers of barbering, are exempt from jurisdiction B (currently, jurisdictions A, B, and C). Amends the Illinois Procurement Code. Provides that the Code does not apply to procurement expenditures related to efforts to recruit candidates to State employment. Effective immediately

LRB103 34858 HLH 66635 b

A BILL FOR

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 Personnel Code is amended by changing
5 Section 4d as follows:

6 (20 ILCS 415/4d) (from Ch. 127, par. 63b104d)

7 Sec. 4d. Partial exemptions. The following positions in
8 State service are exempt from jurisdictions A, B, and C to the
9 extent stated for each, unless those jurisdictions are
10 extended as provided in this Act:

11 (1) In each department, board or commission that now
12 maintains or may hereafter maintain a major administrative
13 division, service or office in both Sangamon County and
14 Cook County, 2 private secretaries for the director or
15 chairman thereof, one located in the Cook County office
16 and the other located in the Sangamon County office, shall
17 be exempt from jurisdiction B; in all other departments,
18 boards and commissions one private secretary for the
19 director or chairman thereof shall be exempt from
20 jurisdiction B. In all departments, boards and commissions
21 one confidential assistant for the director or chairman
22 thereof shall be exempt from jurisdiction B. This
23 paragraph is subject to such modifications or waiver of

1 the exemptions as may be necessary to assure the
2 continuity of federal contributions in those agencies
3 supported in whole or in part by federal funds.

4 (2) The resident administrative head of each State
5 charitable, penal and correctional institution, the
6 chaplains thereof, and all member, patient and inmate
7 employees are exempt from jurisdiction B.

8 (3) The Civil Service Commission, upon written
9 recommendation of the Director of Central Management
10 Services, shall exempt from jurisdiction B other positions
11 which, in the judgment of the Commission, involve either
12 principal administrative responsibility for the
13 determination of policy or principal administrative
14 responsibility for the way in which policies are carried
15 out, except positions in agencies which receive federal
16 funds if such exemption is inconsistent with federal
17 requirements, and except positions in agencies supported
18 in whole by federal funds.

19 (4) All individuals in positions paid in accordance
20 with prevailing wage laws, as well as beauticians and
21 teachers of beauty culture and teachers of barbering, are
22 exempt from jurisdiction B.

23 (5) Licensed attorneys in positions as legal or
24 technical advisors; positions in the Department of Natural
25 Resources requiring incumbents to be either a registered
26 professional engineer or to hold a bachelor's degree in

1 engineering from a recognized college or university;
2 licensed physicians in positions of medical administrator
3 or physician or physician specialist (including
4 psychiatrists); all positions within the Department of
5 Juvenile Justice requiring licensure by the State Board of
6 Education under Article 21B of the School Code; all
7 positions within the Illinois School for the Deaf and the
8 Illinois School for the Visually Impaired requiring
9 licensure by the State Board of Education under Article
10 21B of the School Code and all rehabilitation/mobility
11 instructors and rehabilitation/mobility instructor
12 trainees at the Illinois School for the Visually Impaired;
13 and registered nurses (except those registered nurses
14 employed by the Department of Public Health); except those
15 in positions in agencies which receive federal funds if
16 such exemption is inconsistent with federal requirements
17 and except those in positions in agencies supported in
18 whole by federal funds, are exempt from jurisdiction B
19 only to the extent that the requirements of Section 8b.1,
20 8b.3 and 8b.5 of this Code need not be met.

21 (6) All positions established outside the geographical
22 limits of the State of Illinois to which appointments of
23 other than Illinois citizens may be made are exempt from
24 jurisdiction B.

25 (7) Staff attorneys reporting directly to individual
26 Commissioners of the Illinois Workers' Compensation

1 Commission are exempt from jurisdiction B.

2 (8) (Blank).

3 (Source: P.A. 103-108, eff. 6-27-23.)

4 Section 10. The Illinois Procurement Code is amended by
5 changing Section 1-10 as follows:

6 (30 ILCS 500/1-10)

7 Sec. 1-10. Application.

8 (a) This Code applies only to procurements for which
9 bidders, offerors, potential contractors, or contractors were
10 first solicited on or after July 1, 1998. This Code shall not
11 be construed to affect or impair any contract, or any
12 provision of a contract, entered into based on a solicitation
13 prior to the implementation date of this Code as described in
14 Article 99, including, but not limited to, any covenant
15 entered into with respect to any revenue bonds or similar
16 instruments. All procurements for which contracts are
17 solicited between the effective date of Articles 50 and 99 and
18 July 1, 1998 shall be substantially in accordance with this
19 Code and its intent.

20 (b) This Code shall apply regardless of the source of the
21 funds with which the contracts are paid, including federal
22 assistance moneys. This Code shall not apply to:

23 (1) Contracts between the State and its political
24 subdivisions or other governments, or between State

1 governmental bodies, except as specifically provided in
2 this Code.

3 (2) Grants, except for the filing requirements of
4 Section 20-80.

5 (3) Purchase of care, except as provided in Section
6 5-30.6 of the Illinois Public Aid Code and this Section.

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

11 (5) Collective bargaining contracts.

12 (6) Purchase of real estate, except that notice of
13 this type of contract with a value of more than \$25,000
14 must be published in the Procurement Bulletin within 10
15 calendar days after the deed is recorded in the county of
16 jurisdiction. The notice shall identify the real estate
17 purchased, the names of all parties to the contract, the
18 value of the contract, and the effective date of the
19 contract.

20 (7) Contracts necessary to prepare for anticipated
21 litigation, enforcement actions, or investigations,
22 provided that the chief legal counsel to the Governor
23 shall give his or her prior approval when the procuring
24 agency is one subject to the jurisdiction of the Governor,
25 and provided that the chief legal counsel of any other
26 procuring entity subject to this Code shall give his or

1 her prior approval when the procuring entity is not one
2 subject to the jurisdiction of the Governor.

3 (8) (Blank).

4 (9) Procurement expenditures by the Illinois
5 Conservation Foundation when only private funds are used.

6 (10) (Blank).

7 (11) Public-private agreements entered into according
8 to the procurement requirements of Section 20 of the
9 Public-Private Partnerships for Transportation Act and
10 design-build agreements entered into according to the
11 procurement requirements of Section 25 of the
12 Public-Private Partnerships for Transportation Act.

13 (12) (A) Contracts for legal, financial, and other
14 professional and artistic services entered into by the
15 Illinois Finance Authority in which the State of Illinois
16 is not obligated. Such contracts shall be awarded through
17 a competitive process authorized by the members of the
18 Illinois Finance Authority and are subject to Sections
19 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
20 as well as the final approval by the members of the
21 Illinois Finance Authority of the terms of the contract.

22 (B) Contracts for legal and financial services entered
23 into by the Illinois Housing Development Authority in
24 connection with the issuance of bonds in which the State
25 of Illinois is not obligated. Such contracts shall be
26 awarded through a competitive process authorized by the

1 members of the Illinois Housing Development Authority and
2 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
3 and 50-37 of this Code, as well as the final approval by
4 the members of the Illinois Housing Development Authority
5 of the terms of the contract.

6 (13) Contracts for services, commodities, and
7 equipment to support the delivery of timely forensic
8 science services in consultation with and subject to the
9 approval of the Chief Procurement Officer as provided in
10 subsection (d) of Section 5-4-3a of the Unified Code of
11 Corrections, except for the requirements of Sections
12 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
13 Code; however, the Chief Procurement Officer may, in
14 writing with justification, waive any certification
15 required under Article 50 of this Code. For any contracts
16 for services which are currently provided by members of a
17 collective bargaining agreement, the applicable terms of
18 the collective bargaining agreement concerning
19 subcontracting shall be followed.

20 On and after January 1, 2019, this paragraph (13),
21 except for this sentence, is inoperative.

22 (14) Contracts for participation expenditures required
23 by a domestic or international trade show or exhibition of
24 an exhibitor, member, or sponsor.

25 (15) Contracts with a railroad or utility that
26 requires the State to reimburse the railroad or utilities

1 for the relocation of utilities for construction or other
2 public purpose. Contracts included within this paragraph
3 (15) shall include, but not be limited to, those
4 associated with: relocations, crossings, installations,
5 and maintenance. For the purposes of this paragraph (15),
6 "railroad" means any form of non-highway ground
7 transportation that runs on rails or electromagnetic
8 guideways and "utility" means: (1) public utilities as
9 defined in Section 3-105 of the Public Utilities Act, (2)
10 telecommunications carriers as defined in Section 13-202
11 of the Public Utilities Act, (3) electric cooperatives as
12 defined in Section 3.4 of the Electric Supplier Act, (4)
13 telephone or telecommunications cooperatives as defined in
14 Section 13-212 of the Public Utilities Act, (5) rural
15 water or waste water systems with 10,000 connections or
16 less, (6) a holder as defined in Section 21-201 of the
17 Public Utilities Act, and (7) municipalities owning or
18 operating utility systems consisting of public utilities
19 as that term is defined in Section 11-117-2 of the
20 Illinois Municipal Code.

21 (16) Procurement expenditures necessary for the
22 Department of Public Health to provide the delivery of
23 timely newborn screening services in accordance with the
24 Newborn Metabolic Screening Act.

25 (17) Procurement expenditures necessary for the
26 Department of Agriculture, the Department of Financial and

1 Professional Regulation, the Department of Human Services,
2 and the Department of Public Health to implement the
3 Compassionate Use of Medical Cannabis Program and Opioid
4 Alternative Pilot Program requirements and ensure access
5 to medical cannabis for patients with debilitating medical
6 conditions in accordance with the Compassionate Use of
7 Medical Cannabis Program Act.

8 (18) This Code does not apply to any procurements
9 necessary for the Department of Agriculture, the
10 Department of Financial and Professional Regulation, the
11 Department of Human Services, the Department of Commerce
12 and Economic Opportunity, and the Department of Public
13 Health to implement the Cannabis Regulation and Tax Act if
14 the applicable agency has made a good faith determination
15 that it is necessary and appropriate for the expenditure
16 to fall within this exemption and if the process is
17 conducted in a manner substantially in accordance with the
18 requirements of Sections 20-160, 25-60, 30-22, 50-5,
19 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
20 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
21 Section 50-35, compliance applies only to contracts or
22 subcontracts over \$100,000. Notice of each contract
23 entered into under this paragraph (18) that is related to
24 the procurement of goods and services identified in
25 paragraph (1) through (9) of this subsection shall be
26 published in the Procurement Bulletin within 14 calendar

1 days after contract execution. The Chief Procurement
2 Officer shall prescribe the form and content of the
3 notice. Each agency shall provide the Chief Procurement
4 Officer, on a monthly basis, in the form and content
5 prescribed by the Chief Procurement Officer, a report of
6 contracts that are related to the procurement of goods and
7 services identified in this subsection. At a minimum, this
8 report shall include the name of the contractor, a
9 description of the supply or service provided, the total
10 amount of the contract, the term of the contract, and the
11 exception to this Code utilized. A copy of any or all of
12 these contracts shall be made available to the Chief
13 Procurement Officer immediately upon request. The Chief
14 Procurement Officer shall submit a report to the Governor
15 and General Assembly no later than November 1 of each year
16 that includes, at a minimum, an annual summary of the
17 monthly information reported to the Chief Procurement
18 Officer. This exemption becomes inoperative 5 years after
19 June 25, 2019 (the effective date of Public Act 101-27).

20 (19) Acquisition of modifications or adjustments,
21 limited to assistive technology devices and assistive
22 technology services, adaptive equipment, repairs, and
23 replacement parts to provide reasonable accommodations (i)
24 that enable a qualified applicant with a disability to
25 complete the job application process and be considered for
26 the position such qualified applicant desires, (ii) that

1 modify or adjust the work environment to enable a
2 qualified current employee with a disability to perform
3 the essential functions of the position held by that
4 employee, (iii) to enable a qualified current employee
5 with a disability to enjoy equal benefits and privileges
6 of employment as are enjoyed by other similarly situated
7 employees without disabilities, and (iv) that allow a
8 customer, client, claimant, or member of the public
9 seeking State services full use and enjoyment of and
10 access to its programs, services, or benefits.

11 For purposes of this paragraph (19):

12 "Assistive technology devices" means any item, piece
13 of equipment, or product system, whether acquired
14 commercially off the shelf, modified, or customized, that
15 is used to increase, maintain, or improve functional
16 capabilities of individuals with disabilities.

17 "Assistive technology services" means any service that
18 directly assists an individual with a disability in
19 selection, acquisition, or use of an assistive technology
20 device.

21 "Qualified" has the same meaning and use as provided
22 under the federal Americans with Disabilities Act when
23 describing an individual with a disability.

24 (20) Procurement expenditures necessary for the
25 Illinois Commerce Commission to hire third-party
26 facilitators pursuant to Sections 16-105.17 and 16-108.18

1 of the Public Utilities Act or an ombudsman pursuant to
2 Section 16-107.5 of the Public Utilities Act, a
3 facilitator pursuant to Section 16-105.17 of the Public
4 Utilities Act, or a grid auditor pursuant to Section
5 16-105.10 of the Public Utilities Act.

6 (21) Procurement expenditures for the purchase,
7 renewal, and expansion of software, software licenses, or
8 software maintenance agreements that support the efforts
9 of the Illinois State Police to enforce, regulate, and
10 administer the Firearm Owners Identification Card Act, the
11 Firearm Concealed Carry Act, the Firearms Restraining
12 Order Act, the Firearm Dealer License Certification Act,
13 the Law Enforcement Agencies Data System (LEADS), the
14 Uniform Crime Reporting Act, the Criminal Identification
15 Act, the Illinois Uniform Conviction Information Act, and
16 the Gun Trafficking Information Act, or establish or
17 maintain record management systems necessary to conduct
18 human trafficking investigations or gun trafficking or
19 other stolen firearm investigations. This paragraph (21)
20 applies to contracts entered into on or after the
21 effective date of this amendatory Act of the 102nd General
22 Assembly and the renewal of contracts that are in effect
23 on the effective date of this amendatory Act of the 102nd
24 General Assembly.

25 (22) Contracts for project management services and
26 system integration services required for the completion of

1 the State's enterprise resource planning project. This
2 exemption becomes inoperative 5 years after the effective
3 date of the changes made to this Section by this
4 amendatory Act of the 103rd General Assembly. This
5 paragraph (22) applies to contracts entered into on or
6 after the effective date of the changes made to this
7 Section by this amendatory Act of the 103rd General
8 Assembly and the renewal of contracts that are in effect
9 on the effective date of the changes made to this Section
10 by this amendatory Act of the 103rd General Assembly.

11 (23) ~~(22)~~ Procurements necessary for the Department of
12 Insurance to implement the Illinois Health Benefits
13 Exchange Law if the Department of Insurance has made a
14 good faith determination that it is necessary and
15 appropriate for the expenditure to fall within this
16 exemption. The procurement process shall be conducted in a
17 manner substantially in accordance with the requirements
18 of Sections 20-160 and 25-60 and Article 50 of this Code. A
19 copy of these contracts shall be made available to the
20 Chief Procurement Officer immediately upon request. This
21 paragraph is inoperative 5 years after the effective date
22 of this amendatory Act of the 103rd General Assembly.

23 (24) Procurement expenditures related to efforts to
24 recruit candidates to State employment. The process of
25 recruiting candidates described in this paragraph (24)
26 shall be conducted in a manner substantially in accordance

1 with the requirements of the following provisions of this
2 Code: Sections 50-13, 50-20, and 50-35, and the provisions
3 of this subsection (b) concerning information that is
4 required to be posted to the procurement bulletin. This
5 paragraph (24) does not apply on and after January 1,
6 2029.

7 Notwithstanding any other provision of law, for contracts
8 with an annual value of more than \$100,000 entered into on or
9 after October 1, 2017 under an exemption provided in any
10 paragraph of this subsection (b), except paragraph (1), (2),
11 or (5), each State agency shall post to the appropriate
12 procurement bulletin the name of the contractor, a description
13 of the supply or service provided, the total amount of the
14 contract, the term of the contract, and the exception to the
15 Code utilized. The chief procurement officer shall submit a
16 report to the Governor and General Assembly no later than
17 November 1 of each year that shall include, at a minimum, an
18 annual summary of the monthly information reported to the
19 chief procurement officer.

20 (c) This Code does not apply to the electric power
21 procurement process provided for under Section 1-75 of the
22 Illinois Power Agency Act and Section 16-111.5 of the Public
23 Utilities Act.

24 (d) Except for Section 20-160 and Article 50 of this Code,
25 and as expressly required by Section 9.1 of the Illinois
26 Lottery Law, the provisions of this Code do not apply to the

1 procurement process provided for under Section 9.1 of the
2 Illinois Lottery Law.

3 (e) This Code does not apply to the process used by the
4 Capital Development Board to retain a person or entity to
5 assist the Capital Development Board with its duties related
6 to the determination of costs of a clean coal SNG brownfield
7 facility, as defined by Section 1-10 of the Illinois Power
8 Agency Act, as required in subsection (h-3) of Section 9-220
9 of the Public Utilities Act, including calculating the range
10 of capital costs, the range of operating and maintenance
11 costs, or the sequestration costs or monitoring the
12 construction of clean coal SNG brownfield facility for the
13 full duration of construction.

14 (f) (Blank).

15 (g) (Blank).

16 (h) This Code does not apply to the process to procure or
17 contracts entered into in accordance with Sections 11-5.2 and
18 11-5.3 of the Illinois Public Aid Code.

19 (i) Each chief procurement officer may access records
20 necessary to review whether a contract, purchase, or other
21 expenditure is or is not subject to the provisions of this
22 Code, unless such records would be subject to attorney-client
23 privilege.

24 (j) This Code does not apply to the process used by the
25 Capital Development Board to retain an artist or work or works
26 of art as required in Section 14 of the Capital Development

1 Board Act.

2 (k) This Code does not apply to the process to procure
3 contracts, or contracts entered into, by the State Board of
4 Elections or the State Electoral Board for hearing officers
5 appointed pursuant to the Election Code.

6 (l) This Code does not apply to the processes used by the
7 Illinois Student Assistance Commission to procure supplies and
8 services paid for from the private funds of the Illinois
9 Prepaid Tuition Fund. As used in this subsection (l), "private
10 funds" means funds derived from deposits paid into the
11 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

12 (m) This Code shall apply regardless of the source of
13 funds with which contracts are paid, including federal
14 assistance moneys. Except as specifically provided in this
15 Code, this Code shall not apply to procurement expenditures
16 necessary for the Department of Public Health to conduct the
17 Healthy Illinois Survey in accordance with Section 2310-431 of
18 the Department of Public Health Powers and Duties Law of the
19 Civil Administrative Code of Illinois.

20 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff 1-1-22;
21 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.
22 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
23 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.
24 6-27-23; revised 9-5-23.)

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