



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1325

Introduced 2/8/2011, 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.

LRB097 09785 PJG 49931 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 Illinois Procurement Code is amended by
5 changing Section 50-20 as follows:

6 (30 ILCS 500/50-20)

7 Sec. 50-20. Exemptions. The appropriate chief procurement
8 officer may file a request with the Executive Ethics Commission
9 to exempt named individuals from the prohibitions of Section
10 50-13 when, in his or her judgment, the public interest in
11 having the individual in the service of the State outweighs the
12 public policy evidenced in that Section. The Executive Ethics
13 Commission may grant an exemption after a public hearing at
14 which any person may present testimony. The chief procurement
15 officer shall publish notice of the date, time, and location of
16 the hearing in the online electronic Bulletin at least 14 days
17 prior to the hearing and provide notice to the individual
18 subject to the waiver and the Procurement Policy Board. The
19 Executive Ethics Commission shall also provide public notice of
20 the date, time, and location of the hearing on its website. If
21 the Commission grants an exemption, the exemption is effective
22 only if it is filed with the Secretary of State and the
23 Comptroller within 60 days after its issuance or when

1 performance of the contract begins, whichever is earlier, prior
2 to the execution of any contract and includes a statement
3 setting forth the name of the individual and all the pertinent
4 facts that would make that Section applicable, setting forth
5 the reason for the exemption, and declaring the individual
6 exempted from that Section. Exemptions must be filed with the
7 Secretary of State and Comptroller prior to execution of any
8 contracts. A copy ~~Notice~~ of each exemption shall be published
9 in the Illinois Procurement Bulletin in its electronic form
10 prior to execution of the contract. The changes to this Section
11 made by this amendatory Act of the 97th General Assembly apply
12 to exemptions granted on or after its effective date. A
13 contract for which a waiver has been issued but has not been
14 filed in accordance with this Section is voidable by the State.
15 The changes to this Section made by this amendatory Act of the
16 96th General Assembly shall apply to exemptions granted on or
17 after its effective date.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.