



Rep. Barbara Flynn Currie

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1 AMENDMENT TO SENATE BILL 1723

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1723 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Capital Development Board Act is amended by  
5 changing Section 14 as follows:

6 (20 ILCS 3105/14) (from Ch. 127, par. 783.01)

7 Sec. 14. (a) It is the purpose of this Act to provide for  
8 the promotion and preservation of the arts by securing suitable  
9 works of art for the adornment of public buildings constructed  
10 or subjected to major renovation by the State or which utilize  
11 State funds, and thereby reflecting the diverse cultural  
12 heritage of Illinois ~~our cultural heritage~~, with emphasis on  
13 the works of Illinois artists.

14 (b) As used in this Act: "Works of art" shall apply to and  
15 include paintings, prints, sculptures, graphics, mural  
16 decorations, stained glass, statues, bas reliefs, ornaments,

1 fountains, ornamental gateways, or other creative works which  
2 reflect form, beauty and aesthetic perceptions.

3 (c) Beginning with the fiscal year ending June 30, 1979,  
4 and for each succeeding fiscal year thereafter, the Capital  
5 Development Board shall set aside 1/2 of 1 percent of the  
6 amount authorized and appropriated for construction or  
7 reconstruction of each public building financed in whole or in  
8 part by State funds and generally accessible to and used by the  
9 public for purchase and placement of suitable works of art in  
10 such public buildings. The location and character of the work  
11 or works of art to be installed in such public buildings shall  
12 be determined by the Chairperson of the Illinois Arts Council,  
13 in consultation with the designing architect. The work or works  
14 of art shall be in a permanent and prominent location. ~~by the~~  
15 ~~designing architect, provided, however, that the work or works~~  
16 ~~of art shall be in a permanent and prominent location.~~

17 (d) There is created a Fine Arts Review Committee  
18 consisting of the designing architect, the Chairperson  
19 ~~Chairman~~ of the Illinois Arts Council or his or her designee,  
20 who shall serve as the chair of the Committee, the Director of  
21 the Illinois State Museum or his or her designee, and a  
22 representative of the using agency. ~~three persons from the area~~  
23 ~~in which the project is to be located who are familiar with the~~  
24 ~~local area and are knowledgeable in matters of art. Of the~~  
25 ~~three local members, two shall be selected by the County Board~~  
26 ~~to the County in which the project is located and one shall be~~

1 ~~selected by the Mayor or other chief executive officer of the~~  
2 ~~municipality in which the project is located.~~ The Committee,  
3 after such study as it deems necessary, shall recommend three  
4 artists or works of art in order of preference, ~~to the Capital~~  
5 ~~Development Board.~~ The Chairperson of the Illinois Arts Council  
6 ~~The Board~~ will make the final selection from among the  
7 recommendations submitted ~~to it.~~ The Illinois Arts Council  
8 shall provide administrative support for the Fine Arts Review  
9 Committee and may promulgate rules to implement this  
10 subsection.

11 (e) Subsection (c) does not apply to projects for which the  
12 amount appropriated is less than \$1,000,000. ~~There is created a~~  
13 ~~Public Arts Advisory Committee whose function is to advise the~~  
14 ~~Capital Development Board and the Fine Arts Review Committee on~~  
15 ~~various technical and aesthetic perceptions that may be~~  
16 ~~utilized in the creation or major renovation of public~~  
17 ~~buildings. The Public Arts Advisory Committee shall consist of~~  
18 ~~12 members who shall serve for terms of 2 years ending on June~~  
19 ~~30 of odd numbered years, except the first appointees to the~~  
20 ~~Committee shall serve for a term ending June 30, 1979. The~~  
21 ~~Public Arts Advisory Committee shall meet four times each~~  
22 ~~fiscal year. Four members shall be appointed by the Governor;~~  
23 ~~four shall be chosen by the Senate, two of whom shall be chosen~~  
24 ~~by the President, two by the minority leader; and four shall be~~  
25 ~~appointed by the House of Representatives, two of whom shall be~~  
26 ~~chosen by the Speaker and two by the minority leader. There~~

1 ~~shall also be a Chairman who shall be chosen from the committee~~  
2 ~~members by the majority vote of that Committee.~~

3       (f) The Capital Development Board shall enter into a  
4 contract with the artist, or with the owner of the work or  
5 works of art, selected by the Chairperson of the Illinois Arts  
6 Council as provided in subsection (d) of this Section. The  
7 total amount of the contract or contracts shall not exceed the  
8 amount set aside pursuant to subsection (c) of this Section. If  
9 the Capital Development Board cannot reach an agreement with  
10 the artist or owner of the work or works of art, then the Board  
11 shall notify the Chairperson of the Illinois Arts Council, and  
12 the Chairperson may select a different artist or work or works  
13 of art from the three recommendations made by the Fine Arts  
14 Review Committee. All necessary expenses of the Public Arts  
15 Advisory Committee and the Fine Arts Review Committee shall be  
16 paid by the Capital Development Board.

17 (Source: P.A. 90-655, eff. 7-30-98.)".

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

20       (30 ILCS 500/1-10)

21       Sec. 1-10. Application.

22       (a) This Code applies only to procurements for which  
23 contractors were first solicited on or after July 1, 1998. This  
24 Code shall not be construed to affect or impair any contract,

1 or any provision of a contract, entered into based on a  
2 solicitation prior to the implementation date of this Code as  
3 described in Article 99, including but not limited to any  
4 covenant entered into with respect to any revenue bonds or  
5 similar instruments. All procurements for which contracts are  
6 solicited between the effective date of Articles 50 and 99 and  
7 July 1, 1998 shall be substantially in accordance with this  
8 Code and its intent.

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

12 (1) Contracts between the State and its political  
13 subdivisions or other governments, or between State  
14 governmental bodies except as specifically provided in  
15 this Code.

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

18 (3) Purchase of care.

19 (4) Hiring of an individual as employee and not as an  
20 independent contractor, whether pursuant to an employment  
21 code or policy or by contract directly with that  
22 individual.

23 (5) Collective bargaining contracts.

24 (6) Purchase of real estate, except that notice of this  
25 type of contract with a value of more than \$25,000 must be  
26 published in the Procurement Bulletin within 7 days after

1 the deed is recorded in the county of jurisdiction. The  
2 notice shall identify the real estate purchased, the names  
3 of all parties to the contract, the value of the contract,  
4 and the effective date of the contract.

5 (7) Contracts necessary to prepare for anticipated  
6 litigation, enforcement actions, or investigations,  
7 provided that the chief legal counsel to the Governor shall  
8 give his or her prior approval when the procuring agency is  
9 one subject to the jurisdiction of the Governor, and  
10 provided that the chief legal counsel of any other  
11 procuring entity subject to this Code shall give his or her  
12 prior approval when the procuring entity is not one subject  
13 to the jurisdiction of the Governor.

14 (8) Contracts for services to Northern Illinois  
15 University by a person, acting as an independent  
16 contractor, who is qualified by education, experience, and  
17 technical ability and is selected by negotiation for the  
18 purpose of providing non-credit educational service  
19 activities or products by means of specialized programs  
20 offered by the university.

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

23 (10) Procurement expenditures by the Illinois Health  
24 Information Exchange Authority involving private funds  
25 from the Health Information Exchange Fund. "Private funds"  
26 means gifts, donations, and private grants.

1           (11) Public-private agreements entered into according  
2           to the procurement requirements of Section 20 of the  
3           Public-Private Partnerships for Transportation Act and  
4           design-build agreements entered into according to the  
5           procurement requirements of Section 25 of the  
6           Public-Private Partnerships for Transportation Act.

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

11          (d) Except for Section 20-160 and Article 50 of this Code,  
12          and as expressly required by Section 9.1 of the Illinois  
13          Lottery Law, the provisions of this Code do not apply to the  
14          procurement process provided for under Section 9.1 of the  
15          Illinois Lottery Law.

16          (e) This Code does not apply to the process used by the  
17          Capital Development Board to retain a person or entity to  
18          assist the Capital Development Board with its duties related to  
19          the determination of costs of a clean coal SNG brownfield  
20          facility, as defined by Section 1-10 of the Illinois Power  
21          Agency Act, as required in subsection (h-3) of Section 9-220 of  
22          the Public Utilities Act, including calculating the range of  
23          capital costs, the range of operating and maintenance costs, or  
24          the sequestration costs or monitoring the construction of clean  
25          coal SNG brownfield facility for the full duration of  
26          construction.

1 (f) This Code does not apply to the process used by the  
2 Illinois Power Agency to retain a mediator to mediate sourcing  
3 agreement disputes between gas utilities and the clean coal SNG  
4 brownfield facility, as defined in Section 1-10 of the Illinois  
5 Power Agency Act, as required under subsection (h-1) of Section  
6 9-220 of the Public Utilities Act.

7 (g) This Code does not apply to the processes used by the  
8 Illinois Power Agency to retain a mediator to mediate contract  
9 disputes between gas utilities and the clean coal SNG facility  
10 and to retain an expert to assist in the review of contracts  
11 under subsection (h) of Section 9-220 of the Public Utilities  
12 Act. This Code does not apply to the process used by the  
13 Illinois Commerce Commission to retain an expert to assist in  
14 determining the actual incurred costs of the clean coal SNG  
15 facility and the reasonableness of those costs as required  
16 under subsection (h) of Section 9-220 of the Public Utilities  
17 Act.

18 (h) This Code does not apply to the process to procure or  
19 contracts entered into in accordance with Sections 11-5.2 and  
20 11-5.3 of the Illinois Public Aid Code.

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

26 (j) This Code does not apply to the process used by the

1 Capital Development Board to retain an artist or work or works  
2 of art as required in of Section 14 of the Capital Development  
3 Board Act.

4 (Source: P.A. 96-840, eff. 12-23-09; 96-1331, eff. 7-27-10;  
5 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502, eff. 8-23-11;  
6 97-689, eff. 6-14-12; 97-813, eff. 7-13-12; 97-895, eff.  
7 8-3-12; revised 8-23-12.)

8 Section 15. The Design-Build Procurement Act is amended by  
9 changing Sections 25 and 90 as follows:

10 (30 ILCS 537/25)

11 (Section scheduled to be repealed on July 1, 2014)

12 Sec. 25. Selection committee.

13 (a) When the State construction agency elects to use the  
14 design-build delivery method, it shall establish a committee to  
15 evaluate and select the design-build entity. The committee,  
16 under the discretion of the State construction agency, shall  
17 consist of at least 5 but no more than ~~or~~ 7 members and shall  
18 include at least one licensed design professional and 2 members  
19 of the public. Public members may not be employed or associated  
20 with any firm holding a contract with the State construction  
21 agency. Within 30 days of receiving notice, one ~~one~~ public  
22 member shall be nominated by associations representing the  
23 general design or construction industry and one member shall be  
24 nominated by associations that represent minority or

1 female-owned design or construction industry businesses. If  
2 either group fails to nominate a suitable candidate within the  
3 30 day period, the State construction agency shall nominate an  
4 appropriate public member. ~~The selection committee may be~~  
5 ~~designated for a set term or for the particular project subject~~  
6 ~~to the request for proposal.~~

7 (b) The members of the selection committee must certify for  
8 each request for proposal that no conflict of interest exists  
9 between the members and the design-build entities submitting  
10 proposals. If a conflict is discovered before proposals are  
11 reviewed ~~exists~~, the member must be replaced before any review  
12 of proposals.

13 If a conflict is discovered after proposals are reviewed,  
14 the member with the conflict shall be removed and the committee  
15 may continue with only one public member.

16 If at least 5 members remain, the remaining committee  
17 members may complete the selection process.

18 (Source: P.A. 94-716, eff. 12-13-05.)

19 (30 ILCS 537/90)

20 (Section scheduled to be repealed on July 1, 2014)

21 Sec. 90. Repealer. This Act is repealed on July 1, 2019  
22 2014.

23 (Source: P.A. 96-21, eff. 6-30-09.)".