



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5610

by Rep. Jaime M. Andrade, Jr.

#### SYNOPSIS AS INTRODUCED:

30 ILCS 500/50-63 new

Amends the Illinois Procurement Code. Provides that no contract for services made by a State agency under the Code shall be entered into without funding being appropriated and available for such contracted services as follows: (1) for a contract to be performed within a single fiscal year, the funding required for the contract must be available within the funds appropriated for that fiscal year, after taking into account all other recurring and anticipated expenses of the State agency for that fiscal year; and (2) for a contract to be performed over 2 or more fiscal years, the funding required for each fiscal year of the contract must be equal to the amount available within the funds appropriated for the first fiscal year of the contract, after taking into account all other recurring and anticipated expenses of the State agency for that first fiscal year. Provides that if a Chief Procurement Officer, or any other person on behalf of a State agency, enters into any contract for services without funding, upon the signing of the contract, that person commits fraud, and is guilty of a Class A misdemeanor. Provides that if the person signing the contract on behalf of the State agency is a lawyer or a certified public accountant, he or she shall also be subject to a revocation of his or her license. Provides that the funding requirement does not apply to contracts entered into on behalf of a State agency which are intended to be funded by grants or other non-appropriated funding provided by a federal or private entity to support a project or program administered by the contracting State agency.

LRB100 20630 RJF 36070 b

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 adding Section 50-63 as follows:

6 (30 ILCS 500/50-63 new)

7 Sec. 50-63. State Contracts funding.

8 (a) No contract for services made by a State agency under  
9 this Code shall be entered into without funding being  
10 appropriated and available for such contracted services as  
11 follows:

12 (1) For a contract to be performed within a single  
13 fiscal year, the funding required for the contract must be  
14 available within the funds appropriated for that fiscal  
15 year, after taking into account all other recurring and  
16 anticipated expenses of the State agency for that fiscal  
17 year.

18 (2) For a contract to be performed over 2 or more  
19 fiscal years, the funding required for each fiscal year of  
20 the contract must be equal to the amount available within  
21 the funds appropriated for the first fiscal year of the  
22 contract, after taking into account all other recurring and  
23 anticipated expenses of the State agency for that first

1 fiscal year.

2 (b) If a Chief Procurement Officer, or any other person on  
3 behalf of a State agency, enters into any contract for services  
4 under this Code without funding as required under subsection  
5 (a), upon the signing of the contract, that person commits  
6 fraud, and is guilty of a Class A misdemeanor. If the person  
7 signing the contract on behalf of the State agency is a lawyer  
8 or a certified public accountant, he or she shall also be  
9 subject to a revocation of his or her license.

10 (c) The provisions of this Section do not apply to  
11 contracts entered into on behalf of a State agency which are  
12 intended to be funded by grants or other non-appropriated  
13 funding provided by a federal or private entity to support a  
14 project or program administered by the contracting State  
15 agency.