



Rep. Jay Hoffman

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10200HB3656ham001

LRB102 13852 RJF 24126 a

1 AMENDMENT TO HOUSE BILL 3656

2 AMENDMENT NO. _____. Amend House Bill 3656 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. 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

1 solicited between the effective date of Articles 50 and 99 and
2 July 1, 1998 shall be substantially in accordance with this
3 Code and its intent.

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

7 (1) Contracts between the State and its political
8 subdivisions or other governments, or between State
9 governmental bodies, except as specifically provided in
10 this Code.

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

13 (3) Purchase of care, except as provided in Section
14 5-30.6 of the Illinois Public Aid Code and this Section.

15 (4) Hiring of an individual as employee and not as an
16 independent contractor, whether pursuant to an employment
17 code or policy or by contract directly with that
18 individual.

19 (5) Collective bargaining contracts.

20 (6) Purchase of real estate, except that notice of
21 this type of contract with a value of more than \$25,000
22 must be published in the Procurement Bulletin within 10
23 calendar days after the deed is recorded in the county of
24 jurisdiction. The notice shall identify the real estate
25 purchased, the names of all parties to the contract, the
26 value of the contract, and the effective date of the

1 contract.

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

11 (8) (Blank).

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

14 (10) (Blank).

15 (11) Public-private agreements entered into according
16 to the procurement requirements of Section 20 of the
17 Public-Private Partnerships for Transportation Act and
18 design-build agreements entered into according to the
19 procurement requirements of Section 25 of the
20 Public-Private Partnerships for Transportation Act.

21 (12) Contracts for legal, financial, and other
22 professional and artistic services entered into on or
23 before December 31, 2018 by the Illinois Finance Authority
24 in which the State of Illinois is not obligated. Such
25 contracts shall be awarded through a competitive process
26 authorized by the Board of the Illinois Finance Authority

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

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

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

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

24 (15) Contracts with a railroad or utility that
25 requires the State to reimburse the railroad or utilities
26 for the relocation of utilities for construction or other

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

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

24 (17) Procurement expenditures necessary for the
25 Department of Agriculture, the Department of Financial and
26 Professional Regulation, the Department of Human Services,

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

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

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

20 Notwithstanding any other provision of law, for contracts
21 entered into on or after October 1, 2017 under an exemption
22 provided in any paragraph of this subsection (b), except
23 paragraph (1), (2), or (5), each State agency shall post to the
24 appropriate procurement bulletin the name of the contractor, a
25 description of the supply or service provided, the total
26 amount of the contract, the term of the contract, and the

1 exception to the Code utilized. The chief procurement officer
2 shall submit a report to the Governor and General Assembly no
3 later than November 1 of each year that shall include, at a
4 minimum, an annual summary of the monthly information reported
5 to the chief procurement officer.

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

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

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

26 (f) (Blank).

1 (g) (Blank).

2 (h) This Code does not apply to the process to procure or
3 contracts entered into in accordance with Sections 11-5.2 and
4 11-5.3 of the Illinois Public Aid Code.

5 (i) Each chief procurement officer may access records
6 necessary to review whether a contract, purchase, or other
7 expenditure is or is not subject to the provisions of this
8 Code, unless such records would be subject to attorney-client
9 privilege.

10 (j) This Code does not apply to the process used by the
11 Capital Development Board to retain an artist or work or works
12 of art as required in Section 14 of the Capital Development
13 Board Act.

14 (k) This Code does not apply to the process to procure
15 contracts, or contracts entered into, by the State Board of
16 Elections or the State Electoral Board for hearing officers
17 appointed pursuant to the Election Code.

18 (l) This Code does not apply to the processes used by the
19 Illinois Student Assistance Commission to procure supplies and
20 services paid for from the private funds of the Illinois
21 Prepaid Tuition Fund. As used in this subsection (l), "private
22 funds" means funds derived from deposits paid into the
23 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

24 (m) This Code does not apply to contracts for services,
25 commodities, and equipment to support the health, protection,
26 safety, welfare, and accountability of State police officers

1 in consultation with and subject to the approval of the chief
2 procurement officer. Procurements under this subsection are
3 not subject to the provisions of this Code, except for the
4 requirements of Sections 20-60, 20-65, 20-70, and 20-160 and
5 Article 50; however, the chief procurement officer may, in
6 writing with justification, waive any certification required
7 under Article 50 of this Code. For any contracts for services
8 which are currently provided by members of a collective
9 bargaining agreement, the applicable terms of the collective
10 bargaining agreement concerning subcontracting shall be
11 followed. The provisions of this subsection (m), other than
12 this sentence, are inoperative on and after January 2, 2025 or
13 4 years after the effective date of this amendatory Act of the
14 102nd General Assembly, whichever is later.

15 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;
16 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.
17 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised
18 9-17-19.)

19 Section 10. The Illinois Vehicle Code is amended by
20 changing Section 11-907 as follows:

21 (625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)

22 Sec. 11-907. Operation of vehicles and streetcars on
23 approach of authorized emergency vehicles.

24 (a) Upon the immediate approach of an authorized emergency

1 vehicle making use of audible and visual signals meeting the
2 requirements of this Code or a police vehicle properly and
3 lawfully making use of an audible or visual signal:

4 (1) the driver of every other vehicle shall yield the
5 right-of-way and shall immediately drive to a position
6 parallel to, and as close as possible to, the right-hand
7 edge or curb of the highway clear of any intersection and
8 shall, if necessary to permit the safe passage of the
9 emergency vehicle, stop and remain in such position until
10 the authorized emergency vehicle has passed, unless
11 otherwise directed by a police officer; and

12 (2) the operator of every streetcar shall immediately
13 stop such car clear of any intersection and keep it in such
14 position until the authorized emergency vehicle has
15 passed, unless otherwise directed by a police officer.

16 (b) This Section shall not operate to relieve the driver
17 of an authorized emergency vehicle from the duty to drive with
18 due regard for the safety of all persons using the highway.

19 (c) Upon approaching a stationary authorized emergency
20 vehicle, when the authorized emergency vehicle is giving a
21 signal by displaying alternately flashing red, red and white,
22 blue, or red and blue lights or amber or yellow warning lights,
23 a person who drives an approaching vehicle shall:

24 (1) proceeding with due caution, yield the
25 right-of-way by making a lane change into a lane not
26 adjacent to that of the authorized emergency vehicle, if

1 possible with due regard to safety and traffic conditions,
2 if on a highway having at least 4 lanes with not less than
3 2 lanes proceeding in the same direction as the
4 approaching vehicle; or

5 (2) if changing lanes would be impossible or unsafe,
6 proceeding with due caution, reduce the speed of the
7 vehicle, maintaining a safe speed for road conditions and
8 leaving a safe distance until safely past the stationary
9 emergency vehicles.

10 The visual signal specified under this subsection (c)
11 given by an authorized emergency vehicle is an indication to
12 drivers of approaching vehicles that a hazardous condition is
13 present when circumstances are not immediately clear. Drivers
14 of vehicles approaching a stationary emergency vehicle in any
15 lane shall heed the warning of the signal, reduce the speed of
16 the vehicle, proceed with due caution, maintain a safe speed
17 for road conditions, be prepared to stop, and leave a safe
18 distance until safely passed the stationary emergency vehicle.

19 As used in this subsection (c), "authorized emergency
20 vehicle" includes any vehicle authorized by law to be equipped
21 with oscillating, rotating, or flashing lights under Section
22 12-215 of this Code, while the owner or operator of the vehicle
23 is engaged in his or her official duties.

24 (d) A person who violates subsection (c) of this Section
25 commits a business offense punishable by a fine of not less
26 than \$250 or more than \$10,000 for a first violation, and a

1 fine of not less than \$750 or more than \$10,000 for a second or
2 subsequent violation. It is a factor in aggravation if the
3 person committed the offense while in violation of Section
4 11-501, 12-610.1, or 12-610.2 of this Code. Imposition of the
5 penalties authorized by this subsection (d) for a violation of
6 subsection (c) of this Section that results in the death of
7 another person does not preclude imposition of appropriate
8 additional civil or criminal penalties. A person who violates
9 subsection (c) and the violation results in damage to another
10 vehicle commits a Class A misdemeanor. A person who violates
11 subsection (c) and the violation results in the injury or
12 death of another person commits a Class 4 felony.

13 (e) If a violation of subsection (c) of this Section
14 results in damage to the property of another person, in
15 addition to any other penalty imposed, the person's driving
16 privileges shall be suspended for a fixed period of not less
17 than 90 days and not more than one year.

18 (f) If a violation of subsection (c) of this Section
19 results in injury to another person, in addition to any other
20 penalty imposed, the person's driving privileges shall be
21 suspended for a fixed period of not less than 180 days and not
22 more than 2 years.

23 (g) If a violation of subsection (c) of this Section
24 results in the death of another person, in addition to any
25 other penalty imposed, the person's driving privileges shall
26 be suspended for 2 years.

1 (h) The Secretary of State shall, upon receiving a record
2 of a judgment entered against a person under subsection (c) of
3 this Section:

4 (1) suspend the person's driving privileges for the
5 mandatory period; or

6 (2) extend the period of an existing suspension by the
7 appropriate mandatory period.

8 (i) The Scott's Law Fund shall be a special fund in the
9 State treasury. Subject to appropriation by the General
10 Assembly and approval by the Director, the Director of the
11 State Police shall use all moneys in the Scott's Law Fund in
12 the Department's discretion to fund the production of
13 materials to educate drivers on approaching stationary
14 authorized emergency vehicles, to hire off-duty Department of
15 State Police for enforcement of this Section, and for other
16 law enforcement purposes the Director deems necessary in these
17 efforts.

18 (j) For violations of this Section issued by a county or
19 municipal police officer, the assessment shall be deposited
20 into the county's or municipality's Transportation Safety
21 Highway Hire-back Fund. The county shall use the moneys in its
22 Transportation Safety Highway Hire-back Fund to hire off-duty
23 county police officers to monitor construction or maintenance
24 zones in that county on highways other than interstate
25 highways. The county, in its discretion, may also use a
26 portion of the moneys in its Transportation Safety Highway

1 Hire-back Fund to purchase equipment for county law
2 enforcement and fund the production of materials to educate
3 drivers on construction zone safe driving habits and
4 approaching stationary authorized emergency vehicles.

5 (Source: P.A. 100-201, eff. 8-18-17; 101-173, eff. 1-1-20.)".