



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4279

Introduced 1/5/2022, by Rep. Mark L. Walker

SYNOPSIS AS INTRODUCED:

15 ILCS 405/19.5

15 ILCS 405/23.9

20 ILCS 415/4c

30 ILCS 500/20-80

from Ch. 127, par. 63b104c

Amends the State Comptroller Act. Makes changes to provisions concerning an annual comprehensive (currently, comprehensive annual) financial report as compiled and published by the Comptroller. Removes a provision requiring the collection of a fee of \$15 to cover expenses related to the administration of the State Comptroller Minority Contractor Opportunity Initiative. Amends the Illinois Procurement Code. Exempts grants, among other items, that do not obligate funds held within the State treasury for fiscal year 2022 and thereafter from specified contract filing requirements. Provides that a chief procurement officer may approve (currently, request) an exception to specified contract filing requirements by submitting a written statement to the Comptroller (removes submission to Treasurer requirement) setting forth the circumstances and reasons why the contract could not be reduced to writing before the supplies were received or services were performed. Removes waiver provision. Makes a conforming change. Effective immediately.

LRB102 21912 RJF 31033 b

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 State Comptroller Act is amended by
5 changing Sections 19.5 and 23.9 as follows:

6 (15 ILCS 405/19.5)

7 Sec. 19.5. Annual Comprehensive ~~Comprehensive Annual~~
8 Financial Report; procedures and reporting.

9 (a) On or before October 31, 2012, and on or before each
10 October 31 thereafter, State agencies shall report to the
11 Comptroller all financial information deemed necessary by the
12 Comptroller to compile and publish an annual comprehensive ~~a~~
13 ~~comprehensive annual~~ financial report using generally accepted
14 accounting principles for the fiscal year ending June 30 of
15 that year. The Comptroller may require certain State agencies
16 to submit the required information before October 31 under a
17 schedule established by the Comptroller. If a State agency has
18 submitted no or insufficient financial information by October
19 31, the Comptroller shall serve a written notice to each
20 respective State agency director or secretary about the
21 delinquency or inadequacy of the financial information.

22 (b) If the financial information required in subsection
23 (a) is submitted to the Comptroller on or before October 31,

1 the lapse period is not extended past August 31 for the given
2 fiscal year, and the Office of the Auditor General has
3 completed an audit of the annual comprehensive ~~comprehensive~~
4 ~~annual~~ financial report, then the Comptroller shall publish an
5 annual comprehensive ~~a comprehensive annual~~ financial report
6 using generally accepted accounting principles for the fiscal
7 year ending June 30 of that year by December 31. If the
8 information as required by subsection (a) is not provided to
9 the Comptroller in time to publish the report by December 31,
10 then upon notice from the Comptroller of the delay, each
11 respective State agency director or secretary shall report his
12 or her State agency's delinquency and provide an action plan
13 to bring his or her State agency into compliance to the
14 Comptroller, the Auditor General, the Office of the Governor,
15 the Speaker and Minority Leader of the House of
16 Representatives, and the President and Minority Leader of the
17 Senate. Upon receiving that report from a State agency
18 director or secretary, the Comptroller shall post that report
19 with the action plan on his or her official website.

20 (c) If an annual comprehensive ~~a comprehensive annual~~
21 financial report using generally accepted accounting
22 principles cannot be published by December 31 due to
23 insufficient or inadequate reporting to the Comptroller, the
24 lapse period is extended past August 31 for the given fiscal
25 year, or the Office of the Auditor General has not completed an
26 audit of the annual comprehensive ~~comprehensive annual~~

1 financial report, then the Comptroller may issue interim
2 reports containing financial information made available by
3 reporting State agencies until an audit opinion is issued by
4 the Auditor General on the annual comprehensive ~~comprehensive~~
5 ~~annual~~ financial report.

6 (Source: P.A. 102-291, eff. 8-6-21.)

7 (15 ILCS 405/23.9)

8 Sec. 23.9. Minority Contractor Opportunity Initiative. The
9 State Comptroller Minority Contractor Opportunity Initiative
10 is created to provide greater opportunities for minority-owned
11 businesses, women-owned businesses, businesses owned by
12 persons with disabilities, and small businesses with 20 or
13 fewer employees in this State to participate in the State
14 procurement process. The initiative shall be administered by
15 the Comptroller. Under this initiative, the Comptroller is
16 responsible for the following: (i) outreach to minority-owned
17 businesses, women-owned businesses, businesses owned by
18 persons with disabilities, and small businesses capable of
19 providing services to the State; (ii) education of
20 minority-owned businesses, women-owned businesses, businesses
21 owned by persons with disabilities, and small businesses
22 concerning State contracting and procurement; (iii)
23 notification of minority-owned businesses, women-owned
24 businesses, businesses owned by persons with disabilities, and
25 small businesses of State contracting opportunities; and (iv)

1 maintenance of an online database of State contracts that
2 identifies the contracts awarded to minority-owned businesses,
3 women-owned businesses, businesses owned by persons with
4 disabilities, and small businesses that includes the total
5 amount paid by State agencies to contractors and the
6 percentage paid to minority-owned businesses, women-owned
7 businesses, businesses owned by persons with disabilities, and
8 small businesses.

9 The Business Enterprise Council created under Section 5 of
10 the Business Enterprise for Minorities, Women, and Persons
11 with Disabilities Act shall provide the Comptroller with
12 names, Federal Employer Identification Numbers, and
13 designations of Business Enterprise Program certified vendors
14 to fulfill the Comptroller's responsibilities under this
15 Section, including, but not limited to, identification of
16 minority-owned businesses, women-owned businesses, and
17 businesses owned by persons with disabilities.

18 The Comptroller shall annually prepare and submit a report
19 to the Governor and the General Assembly concerning the
20 progress of this initiative including the following
21 information for the preceding fiscal year: (i) a statement of
22 the total amounts paid by each executive branch agency to
23 contractors since the previous report; (ii) the percentage of
24 the amounts that were paid to minority-owned businesses,
25 women-owned businesses, businesses owned by persons with
26 disabilities, and small businesses; (iii) the successes

1 achieved and the challenges faced by the Comptroller in
2 operating outreach programs for minorities, women, persons
3 with disabilities, and small businesses; (iv) the challenges
4 each executive branch agency may face in hiring qualified
5 minority, woman, and small business employees and employees
6 with disabilities and contracting with qualified
7 minority-owned businesses, women-owned businesses, businesses
8 owned by persons with disabilities, and small businesses; and
9 (v) any other information, findings, conclusions, and
10 recommendations for legislative or agency action, as the
11 Comptroller deems appropriate.

12 ~~On and after the effective date of this amendatory Act of~~
13 ~~the 97th General Assembly, any bidder or offeror awarded a~~
14 ~~contract of \$1,000 or more under Section 20-10, 20-15, 20-25,~~
15 ~~or 20-30 of the Illinois Procurement Code is required to pay a~~
16 ~~fee of \$15 to cover expenses related to the administration of~~
17 ~~this Section. The Comptroller shall deduct the fee from the~~
18 ~~first check issued to the vendor under the contract and~~
19 ~~deposit the fee into the Comptroller's Administrative Fund.~~
20 ~~Contracts administered for statewide orders placed by agencies~~
21 ~~(commonly referred to as "statewide master contracts") are~~
22 ~~exempt from this fee.~~

23 Each Chief Procurement Officer shall provide the
24 Comptroller with names and Federal Employer Identification
25 Numbers of vendors registered in the Illinois Small Business
26 Set Aside Program to aid the Comptroller in fulfilling his or

1 her responsibilities under this Section.

2 (Source: P.A. 99-143, eff. 7-27-15; 100-391, eff. 8-25-17;
3 100-801, eff. 8-10-18.)

4 Section 10. The Personnel Code is amended by changing
5 Section 4c as follows:

6 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

7 Sec. 4c. General exemptions. The following positions in
8 State service shall be exempt from jurisdictions A, B, and C,
9 unless the jurisdictions shall be extended as provided in this
10 Act:

11 (1) All officers elected by the people.

12 (2) All positions under the Lieutenant Governor,
13 Secretary of State, State Treasurer, State Comptroller,
14 State Board of Education, Clerk of the Supreme Court,
15 Attorney General, and State Board of Elections.

16 (3) Judges, and officers and employees of the courts,
17 and notaries public.

18 (4) All officers and employees of the Illinois General
19 Assembly, all employees of legislative commissions, all
20 officers and employees of the Illinois Legislative
21 Reference Bureau and the Legislative Printing Unit.

22 (5) All positions in the Illinois National Guard and
23 Illinois State Guard, paid from federal funds or positions
24 in the State Military Service filled by enlistment and

1 paid from State funds.

2 (6) All employees of the Governor at the executive
3 mansion and on his immediate personal staff.

4 (7) Directors of Departments, the Adjutant General,
5 the Assistant Adjutant General, the Director of the
6 Illinois Emergency Management Agency, members of boards
7 and commissions, and all other positions appointed by the
8 Governor by and with the consent of the Senate.

9 (8) The presidents, other principal administrative
10 officers, and teaching, research and extension faculties
11 of Chicago State University, Eastern Illinois University,
12 Governors State University, Illinois State University,
13 Northeastern Illinois University, Northern Illinois
14 University, Western Illinois University, the Illinois
15 Community College Board, Southern Illinois University,
16 Illinois Board of Higher Education, University of
17 Illinois, State Universities Civil Service System,
18 University Retirement System of Illinois, and the
19 administrative officers and scientific and technical staff
20 of the Illinois State Museum.

21 (9) All other employees except the presidents, other
22 principal administrative officers, and teaching, research
23 and extension faculties of the universities under the
24 jurisdiction of the Board of Regents and the colleges and
25 universities under the jurisdiction of the Board of
26 Governors of State Colleges and Universities, Illinois

1 Community College Board, Southern Illinois University,
2 Illinois Board of Higher Education, Board of Governors of
3 State Colleges and Universities, the Board of Regents,
4 University of Illinois, State Universities Civil Service
5 System, University Retirement System of Illinois, so long
6 as these are subject to the provisions of the State
7 Universities Civil Service Act.

8 (10) The Illinois State Police so long as they are
9 subject to the merit provisions of the Illinois State
10 Police Act. Employees of the Illinois State Police Merit
11 Board are subject to the provisions of this Code.

12 (11) (Blank).

13 (12) The technical and engineering staffs of the
14 Department of Transportation, the Department of Nuclear
15 Safety, the Pollution Control Board, and the Illinois
16 Commerce Commission, and the technical and engineering
17 staff providing architectural and engineering services in
18 the Department of Central Management Services.

19 (13) All employees of the Illinois State Toll Highway
20 Authority.

21 (14) The Secretary of the Illinois Workers'
22 Compensation Commission.

23 (15) All persons who are appointed or employed by the
24 Director of Insurance under authority of Section 202 of
25 the Illinois Insurance Code to assist the Director of
26 Insurance in discharging his responsibilities relating to

1 the rehabilitation, liquidation, conservation, and
2 dissolution of companies that are subject to the
3 jurisdiction of the Illinois Insurance Code.

4 (16) All employees of the St. Louis Metropolitan Area
5 Airport Authority.

6 (17) All investment officers employed by the Illinois
7 State Board of Investment.

8 (18) Employees of the Illinois Young Adult
9 Conservation Corps program, administered by the Illinois
10 Department of Natural Resources, authorized grantee under
11 Title VIII of the Comprehensive Employment and Training
12 Act of 1973, 29 U.S.C. ~~usc~~ 993.

13 (19) Seasonal employees of the Department of
14 Agriculture for the operation of the Illinois State Fair
15 and the DuQuoin State Fair, no one person receiving more
16 than 29 days of such employment in any calendar year.

17 (20) All "temporary" employees hired under the
18 Department of Natural Resources' Illinois Conservation
19 Service, a youth employment program that hires young
20 people to work in State parks for a period of one year or
21 less.

22 (21) All hearing officers of the Human Rights
23 Commission.

24 (22) All employees of the Illinois Mathematics and
25 Science Academy.

26 (23) All employees of the Kankakee River Valley Area

1 Airport Authority.

2 (24) The commissioners and employees of the Executive
3 Ethics Commission.

4 (25) The Executive Inspectors General, including
5 special Executive Inspectors General, and employees of
6 each Office of an Executive Inspector General.

7 (26) The commissioners and employees of the
8 Legislative Ethics Commission.

9 (27) The Legislative Inspector General, including
10 special Legislative Inspectors General, and employees of
11 the Office of the Legislative Inspector General.

12 (28) The Auditor General's Inspector General and
13 employees of the Office of the Auditor General's Inspector
14 General.

15 (29) All employees of the Illinois Power Agency.

16 (30) Employees having demonstrable, defined advanced
17 skills in accounting, financial reporting, or technical
18 expertise who are employed within executive branch
19 agencies and whose duties are directly related to the
20 submission to the Office of the Comptroller of financial
21 information for the publication of the Annual
22 Comprehensive ~~Comprehensive Annual~~ Financial Report.

23 (31) All employees of the Illinois Sentencing Policy
24 Advisory Council.

25 (Source: P.A. 101-652, eff. 1-1-22; 102-291, eff. 8-6-21;
26 102-538, eff. 8-20-21; revised 10-5-21.)

1 Section 15. The Illinois Procurement Code is amended by
2 changing Section 20-80 as follows:

3 (30 ILCS 500/20-80)

4 Sec. 20-80. Contract files.

5 (a) Written determinations. All written determinations
6 required under this Article shall be placed in the contract
7 file maintained by the chief procurement officer.

8 (b) Filing with Comptroller. Whenever a grant, defined
9 pursuant to accounting standards established by the
10 Comptroller, or a contract liability, except for: (1)
11 contracts paid from personal services, (2) contracts between
12 the State and its employees to defer compensation in
13 accordance with Article 24 of the Illinois Pension Code, or
14 (3) contracts or grants that do not obligate funds held within
15 the State treasury for fiscal year 2022 and thereafter,
16 exceeding \$20,000 is incurred by any State agency, a copy of
17 the contract, purchase order, grant, or lease shall be filed
18 with the Comptroller within 30 calendar days thereafter.
19 Beginning in fiscal year 2022, information pertaining to
20 contracts exceeding \$20,000 that do not obligate funds held
21 within the State treasury shall be submitted in a quarterly
22 report to the Comptroller in a form and manner prescribed by
23 the Comptroller. The Comptroller shall make the quarterly
24 report available on his or her website. Beginning January 1,

1 2013, the Comptroller may require that contracts and grants
2 required to be filed with the Comptroller under this Section
3 shall be filed electronically, unless the agency is incapable
4 of filing the contract or grant electronically because it does
5 not possess the necessary technology or equipment. Any State
6 agency that is incapable of electronically filing its
7 contracts or grants shall submit a written statement to the
8 Governor and to the Comptroller attesting to the reasons for
9 its inability to comply. This statement shall include a
10 discussion of what the State agency needs in order to
11 effectively comply with this Section. Prior to requiring
12 electronic filing, the Comptroller shall consult with the
13 Governor as to the feasibility of establishing mutually
14 agreeable technical standards for the electronic document
15 imaging, storage, and transfer of contracts and grants, taking
16 into consideration the technology available to that agency,
17 best practices, and the technological capabilities of State
18 agencies. Nothing in this amendatory Act of the 97th General
19 Assembly shall be construed to impede the implementation of an
20 Enterprise Resource Planning (ERP) system. For each State
21 contract for supplies or services awarded on or after July 1,
22 2010, the contracting agency shall provide the applicable rate
23 and unit of measurement of the supplies or services on the
24 contract obligation document as required by the Comptroller.
25 If the contract obligation document that is submitted to the
26 Comptroller contains the rate and unit of measurement of the

1 supplies or services, the Comptroller shall provide that
2 information on his or her official website. Any cancellation
3 or modification to any such contract liability shall be filed
4 with the Comptroller within 30 calendar days of its execution.

5 (c) Late filing affidavit. When a contract, purchase
6 order, grant, or lease required to be filed by this Section has
7 not been filed within 30 calendar days of execution, the
8 Comptroller shall refuse to issue a warrant for payment
9 thereunder until the agency files with the Comptroller the
10 contract, purchase order, grant, or lease and an affidavit,
11 signed by the chief executive officer of the agency or his or
12 her designee, setting forth an explanation of why the contract
13 liability was not filed within 30 calendar days of execution.
14 A copy of this affidavit shall be filed with the Auditor
15 General.

16 (d) Timely execution of contracts. Except as set forth in
17 subsection (b) of this Section, no voucher shall be submitted
18 to the Comptroller for a warrant to be drawn for the payment of
19 money from the State treasury or from other funds held by the
20 State Treasurer on account of any contract unless the contract
21 is reduced to writing before the services are performed and
22 filed with the Comptroller. Contractors shall not be paid for
23 any supplies that were received or services that were rendered
24 before the contract was reduced to writing and signed by all
25 necessary parties. A chief procurement officer may approve
26 ~~request~~ an exception to this subsection by submitting a

1 written statement to the Comptroller ~~and Treasurer~~ setting
2 forth the circumstances and reasons why the contract could not
3 be reduced to writing before the supplies were received or
4 services were performed. ~~A waiver of this subsection must be~~
5 ~~approved by the Comptroller and Treasurer.~~ This Section shall
6 not apply to emergency purchases if notice of the emergency
7 purchase is filed with the Procurement Policy Board and
8 published in the Bulletin as required by this Code.

9 (e) Method of source selection. When a contract is filed
10 with the Comptroller under this Section, the Comptroller's
11 file shall identify the method of source selection used in
12 obtaining the contract.

13 (Source: P.A. 102-291, eff. 8-6-21.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.