



Sen. Antonio Muñoz

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1 AMENDMENT TO SENATE BILL 856

2 AMENDMENT NO. _____. Amend Senate Bill 856 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Sections 1-15.13, 1-15.15, 1-15.100, 1-15.105, and
6 10-20 and by adding Sections 1-13.5, 1-15.63, and 10-35 as
7 follows:

8 (30 ILCS 500/1-13.5 new)

9 Sec. 1-13.5. Applicability to public institutions of
10 higher education.

11 (a) Public institutions of higher education shall procure
12 their needs in a manner substantially in accordance with the
13 requirements of this Code and a Chief Procurement Officer
14 selected by the Board of Trustees of the Illinois Public
15 Higher Education Cooperative shall adopt rules to meet their
16 needs. The Chief Procurement Officer shall adopt such rules in

1 accordance with Section 5-25.

2 (b) The Chief Procurement Officer shall have
3 qualifications meeting those outlined in subsection (c) of
4 Section 10-35 at minimum, but shall have past experience in
5 Higher Education or exhibit an above average understanding of
6 Higher Education.

7 (30 ILCS 500/1-15.13)

8 Sec. 1-15.13. Chief Procurement Office. "Chief Procurement
9 Office" means the offices to which the chief procurement
10 officers are appointed pursuant to Section 10-20 and the
11 Office of the Chief Procurement Officer for Higher Education
12 as appointed under Section 10-35.

13 (Source: P.A. 98-1076, eff. 1-1-15.)

14 (30 ILCS 500/1-15.15)

15 Sec. 1-15.15. Chief Procurement Officer.

16 "Chief Procurement Officer" means any of the 3 ~~4~~ persons
17 appointed or approved by a majority of the members of the
18 Executive Ethics Commission:

19 (1) for procurements for construction and
20 construction-related services committed by law to the
21 jurisdiction or responsibility of the Capital Development
22 Board, the independent chief procurement officer appointed
23 by a majority of the members of the Executive Ethics
24 Commission.

1 (2) for procurements for all construction,
2 construction-related services, operation of any facility,
3 and the provision of any construction or
4 construction-related service or activity committed by law
5 to the jurisdiction or responsibility of the Illinois
6 Department of Transportation, including the direct or
7 reimbursable expenditure of all federal funds for which
8 the Department of Transportation is responsible or
9 accountable for the use thereof in accordance with federal
10 law, regulation, or procedure, the independent chief
11 procurement officer appointed by the Secretary of
12 Transportation with the consent of the majority of the
13 members of the Executive Ethics Commission.

14 (3) (Blank). ~~for all procurements made by a public~~
15 ~~institution of higher education, the independent chief~~
16 ~~procurement officer appointed by a majority of the members~~
17 ~~of the Executive Ethics Commission.~~

18 (4) (Blank).

19 (5) for all other procurements, the independent chief
20 procurement officer appointed by a majority of the members
21 of the Executive Ethics Commission.

22 "Chief Procurement Officer" also includes the Chief
23 Procurement Officer for Higher Education as appointed under
24 Section 10-35.

25 (Source: P.A. 95-481, eff. 8-28-07; 96-795, eff. 7-1-10 (see
26 Section 5 of P.A. 96-793 for the effective date of changes made

1 by P.A. 96-795); 96-920, eff. 7-1-10.)

2 (30 ILCS 500/1-15.63 new)

3 Sec. 1-15.63. Public institution of higher education.
4 "Public institution of higher education" means the governing
5 boards of the University of Illinois, Southern Illinois
6 University, Illinois State University, Eastern Illinois
7 University, Northern Illinois University, Western Illinois
8 University, Chicago State University, Governors State
9 University, and Northeastern Illinois University.

10 (30 ILCS 500/1-15.100)

11 Sec. 1-15.100. State agency. "State agency" means and
12 includes all boards, commissions, agencies, institutions,
13 authorities, and bodies politic and corporate of the State,
14 created by or in accordance with the constitution or statute,
15 of the executive branch of State government ~~and does include~~
16 ~~colleges, universities, and institutions under the~~
17 ~~jurisdiction of the governing boards of the University of~~
18 ~~Illinois, Southern Illinois University, Illinois State~~
19 ~~University, Eastern Illinois University, Northern Illinois~~
20 ~~University, Western Illinois University, Chicago State~~
21 ~~University, Governors State University, Northeastern Illinois~~
22 ~~University, and the Board of Higher Education. However, this~~
23 ~~term does not apply to public employee retirement systems or~~
24 ~~investment boards that are subject to fiduciary duties imposed~~

1 ~~by the Illinois Pension Code or to the University of Illinois~~
2 ~~Foundation.~~ "State agency" does not include units of local
3 government, school districts, community colleges under the
4 Public Community College Act, colleges, universities, and
5 institutions under the jurisdiction of the governing boards of
6 the University of Illinois, Southern Illinois University,
7 Illinois State University, Eastern Illinois University,
8 Northern Illinois University, Western Illinois University,
9 Chicago State University, Governors State University,
10 Northeastern Illinois University, and the Board of Higher
11 Education. "State agency" also does not apply to public
12 employee retirement systems or investment boards that are
13 subject to fiduciary duties imposed by the Illinois Pension
14 Code or to the University of Illinois Foundation and the
15 Illinois Comprehensive Health Insurance Board.

16 (Source: P.A. 101-81, eff. 7-12-19.)

17 (30 ILCS 500/1-15.105)

18 Sec. 1-15.105. State purchasing officer. "State purchasing
19 officer" means, except as otherwise provided in this Section,
20 a person appointed by any of the chief procurement officers to
21 exercise the procurement authority created by this Code or by
22 rule. For public institutions of higher education, the State
23 purchasing officer for each institution shall be the Director
24 of Purchasing, or his or her designee, as appointed by the
25 President for each public institution of higher education.

1 (Source: P.A. 90-572, eff. 2-6-98.)

2 (30 ILCS 500/10-20)

3 Sec. 10-20. Independent chief procurement officers.

4 (a) Appointment. Within 60 calendar days after the
5 effective date of this amendatory Act of the 96th General
6 Assembly, the Executive Ethics Commission, with the advice and
7 consent of the Senate shall appoint or approve 3 ~~4~~ chief
8 procurement officers, one for each of the following
9 categories:

10 (1) for procurements for construction and
11 construction-related services committed by law to the
12 jurisdiction or responsibility of the Capital Development
13 Board;

14 (2) for procurements for all construction,
15 construction-related services, operation of any facility,
16 and the provision of any service or activity committed by
17 law to the jurisdiction or responsibility of the Illinois
18 Department of Transportation, including the direct or
19 reimbursable expenditure of all federal funds for which
20 the Department of Transportation is responsible or
21 accountable for the use thereof in accordance with federal
22 law, regulation, or procedure, the chief procurement
23 officer recommended for approval under this item appointed
24 by the Secretary of Transportation after consent by the
25 Executive Ethics Commission;

1 (3) (blank); and ~~for all procurements made by a public~~
2 ~~institution of higher education; and~~

3 (4) for all other procurement needs of State agencies.

4 ~~A chief procurement officer shall be responsible to the~~
5 ~~Executive Ethics Commission but must be located within the~~
6 ~~agency that the officer provides with procurement services.~~
7 ~~The chief procurement officer for higher education shall have~~
8 ~~an office located within the Board of Higher Education, unless~~
9 ~~otherwise designated by the Executive Ethics Commission.~~ The
10 chief procurement officer for all other procurement needs of
11 the State shall have an office located within the Department
12 of Central Management Services, unless otherwise designated by
13 the Executive Ethics Commission.

14 (b) Terms and independence. Each chief procurement officer
15 appointed under this Section shall serve for a term of 5 years
16 beginning on the date of the officer's appointment. The chief
17 procurement officer may be removed for cause after a hearing
18 by the Executive Ethics Commission. The Governor or the
19 director of a State agency directly responsible to the
20 Governor may institute a complaint against the officer by
21 filing such complaint with the Commission. The Commission
22 shall have a hearing based on the complaint. The officer and
23 the complainant shall receive reasonable notice of the hearing
24 and shall be permitted to present their respective arguments
25 on the complaint. After the hearing, the Commission shall make
26 a finding on the complaint and may take disciplinary action,

1 including but not limited to removal of the officer.

2 The salary of a chief procurement officer shall be
3 established by the Executive Ethics Commission and may not be
4 diminished during the officer's term. The salary may not
5 exceed the salary of the director of a State agency for which
6 the officer serves as chief procurement officer.

7 (c) Qualifications. In addition to any other requirement
8 or qualification required by State law, each chief procurement
9 officer must within 12 months of employment be a Certified
10 Professional Public Buyer or a Certified Public Purchasing
11 Officer, pursuant to certification by the Universal Public
12 Purchasing Certification Council, and must reside in Illinois.

13 (d) Fiduciary duty. Each chief procurement officer owes a
14 fiduciary duty to the State.

15 (e) Vacancy. In case of a vacancy in one or more of the
16 offices of a chief procurement officer under this Section
17 during the recess of the Senate, the Executive Ethics
18 Commission shall make a temporary appointment until the next
19 meeting of the Senate, when the Executive Ethics Commission
20 shall nominate some person to fill the office, and any person
21 so nominated who is confirmed by the Senate shall hold office
22 during the remainder of the term and until his or her successor
23 is appointed and qualified. If the Senate is not in session at
24 the time this amendatory Act of the 96th General Assembly
25 takes effect, the Executive Ethics Commission shall make a
26 temporary appointment as in the case of a vacancy.

1 (f) (Blank).

2 (g) (Blank).

3 (Source: P.A. 98-1076, eff. 1-1-15.)

4 (30 ILCS 500/10-35 new)

5 Sec. 10-35. Chief Procurement Officer for Higher
6 Education.

7 (a) The Chief Procurement Officer for Higher Education
8 shall be appointed by the Illinois Public Higher Education
9 Cooperative Board of Trustees and shall be responsible to the
10 Illinois Public Higher Education Cooperative Board and reside
11 in one of the 13 public institutions of higher education
12 determined by the Illinois Public Higher Education Cooperative
13 Board of Trustees.

14 (b) The Chief Procurement Officer for Higher Education
15 shall serve for a term of 5 years beginning on the date of the
16 Officer's appointment.

17 (c) In addition to any other requirement or qualification
18 required by State law, the Chief Procurement Officer for
19 Higher Education must within 12 months after commencement of
20 his or her employment be a Certified Professional Public Buyer
21 or a Certified Public Purchasing Officer, pursuant to
22 certification by the Universal Public Purchasing Certification
23 Council, and must reside in Illinois.

24 (d) The salary of Chief Procurement Officer for Higher
25 Education shall be established by the Illinois Public Higher

1 Education Cooperative Board of Trustees and may not be
2 diminished during the Officer's term. The salary will be
3 commensurate with the qualification of the appointed
4 candidate. The Illinois Public Higher Education Cooperative
5 Board shall establish the salary and discretionary budget for
6 the Chief Procurement Officer for Higher Education and any
7 such funds will be transferred from the Illinois Public Higher
8 Education Cooperative office to the public institution of
9 higher education housing the Chief Procurement Officer for
10 Higher Education.

11 (30 ILCS 500/1-13 rep.)

12 Section 10. The Illinois Procurement Code is amended by
13 repealing Section 1-13."