



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

30 ILCS 105/9.02

from Ch. 127, par. 145c

Amends the State Finance Act. Creates the Private Attorney Retention Sunshine Law within the Act. Prohibits the State Comptroller from authorizing payments under State contracts for legal services unless the awarding entity certifies that copies of the contract were filed with the Secretary of the Senate and the Clerk of the House of Representatives for distribution to General Assembly members. Limits the certification and filing requirements to contracts (i) of \$500,000 or more or of a contingent nature; (ii) awarded by executive branch constitutional officers, Code departments, and executive branch boards, commissions, and authorities; and (iii) procured other than through a competitive request for proposals method. Imposes specified limits on contingent fees. Effective July 1, 2004.

LRB093 21082 JAM 47126 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning State contracts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by changing
5 Section 9.02 as follows:

6 (30 ILCS 105/9.02) (from Ch. 127, par. 145c)

7 Sec. 9.02. Vouchers; signature; delegation; electronic
8 submission.

9 (a) (1) Any new contract or contract renewal in the amount
10 of \$250,000 or more in a fiscal year, or any order against a
11 master contract in the amount of \$250,000 or more in a fiscal
12 year, or any contract amendment or change to an existing
13 contract that increases the value of the contract to or by
14 \$250,000 or more in a fiscal year, shall be signed or approved
15 in writing by the chief executive officer of the agency, and
16 shall also be signed or approved in writing by the agency's
17 chief legal counsel and chief fiscal officer. If the agency
18 does not have a chief legal counsel or a chief fiscal officer,
19 the chief executive officer of the agency shall designate in
20 writing a senior executive as the individual responsible for
21 signature or approval.

22 (2) No document identified in paragraph (1) may be filed
23 with the Comptroller, nor may any authorization for payment
24 pursuant to such documents be filed with the Comptroller, if
25 the required signatures or approvals are lacking.

26 (3) Any person who, with knowledge the signatures or
27 approvals required in paragraph (1) are lacking, either files
28 or directs another to file documents or payment authorizations
29 in violation of paragraph (2) shall be subject to discipline up
30 to and including discharge.

31 (4) Procurements shall not be artificially divided so as to
32 avoid the necessity of complying with paragraph (1).

1 (5) Each State agency shall develop and implement
2 procedures to ensure the necessary signatures or approvals are
3 obtained. Each State agency may establish, maintain and follow
4 procedures that are more restrictive than those required
5 herein.

6 (6) This subsection (a) applies to all State agencies as
7 defined in Section 1-7 of the Illinois State Auditing Act,
8 which includes without limitation the General Assembly and its
9 agencies. For purposes of this subsection (a), in the case of
10 the General Assembly, the "chief executive officer of the
11 agency" means (i) the Senate Operations Commission for Senate
12 general operations as provided in Section 4 of the General
13 Assembly Operations Act, (ii) the Speaker of the House of
14 Representatives for House general operations as provided in
15 Section 5 of the General Assembly Operations Act, (iii) the
16 Speaker of the House for majority leadership staff and
17 operations, (iv) the Minority Leader of the House for minority
18 leadership staff and operations, (v) the President of the
19 Senate for majority leadership staff and operations, (vi) the
20 Minority Leader of the Senate for minority staff and
21 operations, and (vii) the Joint Committee on Legislative
22 Support Services for the legislative support services agencies
23 as provided in the Legislative Commission Reorganization Act of
24 1984.

25 (b)(1) Every voucher, as submitted by the agency or office
26 in which it originates, shall bear (i) the signature of the
27 officer responsible for approving and certifying vouchers
28 under this Act and (ii) if authority to sign the responsible
29 officer's name has been properly delegated, also the signature
30 of the person actually signing the voucher.

31 (2) When an officer delegates authority to approve and
32 certify vouchers, he shall send a copy of such authorization
33 containing the signature of the person to whom delegation is
34 made to each office that checks or approves such vouchers and
35 to the State Comptroller. Such delegation may be general or
36 limited. If the delegation is limited, the authorization shall

1 designate the particular types of vouchers that the person is
2 authorized to approve and certify.

3 (3) When any delegation of authority hereunder is revoked,
4 a copy of the revocation of authority shall be sent to the
5 Comptroller and to each office to which a copy of the
6 authorization was sent.

7 The Comptroller may require State agencies to maintain
8 signature documents and records of delegations of voucher
9 signature authority and revocations of those delegations,
10 instead of transmitting those documents to the Comptroller. The
11 Comptroller may inspect such documents and records at any time.

12 (c) The Comptroller may authorize the submission of
13 vouchers through electronic transmissions, on magnetic tape,
14 or otherwise.

15 (d) This subsection may be cited as the Private Attorney
16 Retention Sunshine Law and applies to each contract for legal
17 services awarded on or after the effective date of this
18 amendatory Act of the 93rd General Assembly by an executive
19 branch constitutional officer, a State agency listed in Section
20 5-15 of the Civil Administrative Code of Illinois, or an
21 executive branch board, commission, or authority authorized or
22 created by State law or executive order of the Governor that
23 (i) is reasonably expected to result in fees of \$500,000 or
24 more or is a contingency contract and (ii) was awarded through
25 a selection method other than the competitive request for
26 proposals method required by Section 35-30 of the Illinois
27 Procurement Code or by the rules adopted under subsection (a)
28 of Section 1-30 of that Code.

29 Each officer, agency, board, commission, or authority that
30 awards a contract subject to this subsection must promptly file
31 with the Secretary of the Senate and the Clerk of the House of
32 Representatives copies of that contract. The Secretary of the
33 Senate and the Clerk of the House of Representatives shall
34 distribute copies of each contract to the members of the Senate
35 and the House of Representatives, respectively.

36 The Comptroller may not authorize payment under a contract

1 subject to this subsection unless the executive branch
2 constitutional officer or the chief executive officer of the
3 agency, board, commission, or authority that awarded the
4 contract certifies to the Comptroller that copies of the
5 contract have been filed with the Secretary of the Senate and
6 the Clerk of the House of Representatives. The Comptroller by
7 rule shall provide for the manner and time of the
8 certification.

9 When a contract is on a contingent fee basis, the State
10 shall receive from counsel a statement of the hours worked on
11 the case, expenses incurred, the aggregate fee amount, and a
12 breakdown as to the hourly rate, based on hours worked divided
13 into fees recovered, less expenses. In no case shall the State
14 incur fees and expenses in excess of \$1,000 per hour for legal
15 services. In cases where a disclosure submitted in accordance
16 with this paragraph of this subsection indicates an hourly rate
17 in excess of \$1,000 per hour, the fee amount shall be reduced
18 to an amount equivalent to \$1,000 per hour.

19 As used in this subsection, "executive branch
20 constitutional officer" means the Governor, Lieutenant
21 Governor, Attorney General, Secretary of State, State
22 Comptroller, and State Treasurer.

23 (Source: P.A. 89-360, eff. 8-17-95; 90-452, eff. 8-16-97.)

24 Section 99. Effective date. This Act takes effect July 1,
25 2004.