



Sen. William R. Haine

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09700SB1244sam001

LRB097 06760 RPM 51264 a

1 AMENDMENT TO SENATE BILL 1244

2 AMENDMENT NO. _____. Amend Senate Bill 1244 as follows:

3 on page 1, immediately below line 3, by inserting the
4 following:

5 "Section 3. The Illinois Procurement Code is amended by
6 changing Section 1-10 as follows:

7 (30 ILCS 500/1-10)

8 Sec. 1-10. Application.

9 (a) This Code applies only to procurements for which
10 contractors were first solicited on or after July 1, 1998. This
11 Code shall not be construed to affect or impair any contract,
12 or any provision of a contract, entered into based on a
13 solicitation prior to the implementation date of this Code as
14 described in Article 99, including but not limited to any
15 covenant entered into with respect to any revenue bonds or

1 similar instruments. All procurements for which contracts are
2 solicited between the effective date of Articles 50 and 99 and
3 July 1, 1998 shall be substantially in accordance with this
4 Code and its intent.

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

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

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

14 (3) Purchase of care.

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 this
21 type of contract with a value of more than \$25,000 must be
22 published in the Procurement Bulletin within 7 days after
23 the deed is recorded in the county of jurisdiction. The
24 notice shall identify the real estate purchased, the names
25 of all parties to the contract, the value of the contract,
26 and the effective date of the contract.

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

10 (8) Contracts for services to Northern Illinois
11 University by a person, acting as an independent
12 contractor, who is qualified by education, experience, and
13 technical ability and is selected by negotiation for the
14 purpose of providing non-credit educational service
15 activities or products by means of specialized programs
16 offered by the university.

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

19 (10) Procurement expenditures by the Illinois Health
20 Information Exchange Authority involving private funds
21 from the Health Information Exchange Fund. "Private funds"
22 means gifts, donations, and private grants.

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

1 (d) Except for Section 20-160 and Article 50 of this Code,
2 and as expressly required by Section 9.1 of the Illinois
3 Lottery Law, the provisions of this Code do not apply to the
4 procurement process provided for under Section 9.1 of the
5 Illinois Lottery Law.

6 (e) The provisions of this Code do not apply to contracts
7 between the Director of Insurance and a non-governmental entity
8 entered into pursuant to paragraph (d) of subsection (3) of
9 Section 445 of the Illinois Insurance Code.

10 (Source: P.A. 95-481, eff. 8-28-07; 95-615, eff. 9-11-07;
11 95-876, eff. 8-21-08; 96-840, eff. 12-23-09; 96-1331, eff.
12 7-27-10.); and

13 on page 1, immediately below line 19, by inserting the
14 following:

15 "Home state" means with respect to an insured (i) the
16 state in which an insured maintains its principal place of
17 business or, in the case of an individual, the individual's
18 principal residence or (ii) if 100% of the insured risk is
19 located out of the state referred to in item (i) of this
20 definition for "home state", then the state to which the
21 greatest percentage of the insured's taxable premium for that
22 insurance contract is allocated. With respect to affiliated
23 groups, if more than one insured from an affiliated group are
24 named insureds on a single nonadmitted insurance contract, then
25 the term "home state" means the home state, as defined in items

1 (i) and (ii) of this definition for "home state", of the member
2 of the affiliated group that has the largest percentage of
3 premium attributed to it under the insurance contract."; and

4 on page 6, by replacing line 24 with the following:

5 insurance. Such allocation shall be based upon reports
6 filed by the surplus line producer with the insured's home
7 state or its clearing house designee detailing the portion
8 of the nonadmitted insurance policy premium or premiums
9 attributable to properties, risks, or exposures located in
10 each state. The Director may contract with a"; and

11 on page 7, line 4, after the period, by inserting "Such
12 contracts are exempt from the provisions of the Illinois
13 Procurement Code.".