



Sen. Jeffrey M. Schoenberg

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1 AMENDMENT TO HOUSE BILL 1457

2 AMENDMENT NO. _____. Amend House Bill 1457 on page 1, by
3 replacing lines 4 and 5 with the following:

4 "Section 5. The Illinois Governmental Ethics Act is amended
5 by changing Section 4A-105 as follows:

6 (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

7 Sec. 4A-105. Time for filing. Except as provided in
8 Section 4A-106.1, by May 1 of each year a statement must be
9 filed by each person whose position at that time subjects him
10 to the filing requirements of Section 4A-101 unless he has
11 already filed a statement in relation to the same unit of
12 government in that calendar year.

13 Statements must also be filed as follows:

14 (a) A candidate for elective office shall file his
15 statement not later than the end of the period during which
16 he can take the action necessary under the laws of this
17 State to attempt to qualify for nomination, election, or
18 retention to such office if he has not filed a statement in
19 relation to the same unit of government within a year
20 preceding such action.

21 (b) A person whose appointment to office is subject to
22 confirmation by the Senate shall file his statement at the
23 time his name is submitted to the Senate for confirmation.

24 (b-5) A special government agent, as defined in item

1 (1) of Section 4A-101 of this Act, shall file a statement
2 within 60 days after assuming responsibilities as a special
3 government agent ~~30 days after making the first ex parte~~
4 ~~communication~~ and each May 1 thereafter if he or she has
5 made an ex parte communication within the previous 12
6 months.

7 (c) Any other person required by this Article to file
8 the statement shall file a statement at the time of his or
9 her initial appointment or employment in relation to that
10 unit of government if appointed or employed by May 1.

11 If any person who is required to file a statement of
12 economic interests fails to file such statement by May 1 of any
13 year, the officer with whom such statement is to be filed under
14 Section 4A-106 of this Act shall, within 7 days after May 1,
15 notify such person by certified mail of his or her failure to
16 file by the specified date. Except as may be prescribed by rule
17 of the Secretary of State, such person shall file his or her
18 statement of economic interests on or before May 15 with the
19 appropriate officer, together with a \$15 late filing fee. Any
20 such person who fails to file by May 15 shall be subject to a
21 penalty of \$100 for each day from May 16 to the date of filing,
22 which shall be in addition to the \$15 late filing fee specified
23 above. Failure to file by May 31 shall result in a forfeiture
24 in accordance with Section 4A-107 of this Act.

25 Any person who takes office or otherwise becomes required
26 to file a statement of economic interests within 30 days prior
27 to May 1 of any year may file his or her statement at any time
28 on or before May 31 without penalty. If such person fails to
29 file such statement by May 31, the officer with whom such
30 statement is to be filed under Section 4A-106 of this Act
31 shall, within 7 days after May 31, notify such person by
32 certified mail of his or her failure to file by the specified
33 date. Such person shall file his or her statement of economic
34 interests on or before June 15 with the appropriate officer,

1 together with a \$15 late filing fee. Any such person who fails
2 to file by June 15 shall be subject to a penalty of \$100 per day
3 for each day from June 16 to the date of filing, which shall be
4 in addition to the \$15 late filing fee specified above. Failure
5 to file by June 30 shall result in a forfeiture in accordance
6 with Section 4A-107 of this Act.

7 All late filing fees and penalties collected pursuant to
8 this Section shall be paid into the General Revenue Fund in the
9 State treasury, if the Secretary of State receives such
10 statement for filing, or into the general fund in the county
11 treasury, if the county clerk receives such statement for
12 filing. The Attorney General, with respect to the State, and
13 the several State's Attorneys, with respect to counties, shall
14 take appropriate action to collect the prescribed penalties.

15 Failure to file a statement of economic interests within
16 the time prescribed shall not result in a fine or ineligibility
17 for, or forfeiture of, office or position of employment, as the
18 case may be; provided that the failure to file results from not
19 being included for notification by the appropriate agency,
20 clerk, secretary, officer or unit of government, as the case
21 may be, and that a statement is filed within 30 days of actual
22 notice of the failure to file.

23 (Source: P.A. 93-617, eff. 12-9-03.)

24 Section 10. The Illinois Procurement Code is amended by
25 changing Sections 20-10, 50-13, and 50-20 as follows:"; and

26 on page 3, by inserting after line 9 the following:

27 "(30 ILCS 500/50-13)

28 Sec. 50-13. Conflicts of interest.

29 (a) Prohibition. It is unlawful for any person holding an
30 elective office in this State, holding a seat in the General
31 Assembly, or appointed to or employed in any of the offices or

1 agencies of State government ~~and who receives compensation for~~
2 ~~such employment in excess of 60% of the salary of the Governor~~
3 ~~of the State of Illinois~~, or who is an officer or employee of
4 the Capital Development Board or the Illinois Toll Highway
5 Authority, or who is the spouse or minor child of any such
6 person to have or acquire any contract, or any direct pecuniary
7 interest in any contract therein, whether for stationery,
8 printing, paper, or any services, materials, or supplies, that
9 will be wholly or partially satisfied by the payment of funds
10 appropriated by the General Assembly of the State of Illinois
11 or in any contract of the Capital Development Board or the
12 Illinois Toll Highway Authority.

13 (b) Interests. It is unlawful for any firm, partnership,
14 association, or corporation, in which any person listed in
15 subsection (a) is entitled to receive (i) more than 7 1/2% of
16 the total distributable income or (ii) an amount in excess of
17 the salary of the Governor, to have or acquire any such
18 contract or direct pecuniary interest therein.

19 (c) Combined interests. It is unlawful for any firm,
20 partnership, association, or corporation, in which any person
21 listed in subsection (a) together with his or her spouse or
22 minor children is entitled to receive (i) more than 15%, in the
23 aggregate, of the total distributable income or (ii) an amount
24 in excess of 2 times the salary of the Governor, to have or
25 acquire any such contract or direct pecuniary interest therein.

26 (c-5) Appointees and firms. In addition to any provisions
27 of this Code, the interests of certain appointees and their
28 firms are subject to Section 3A-35 of the Illinois Governmental
29 Ethics Act.

30 (d) Securities. Nothing in this Section invalidates the
31 provisions of any bond or other security previously offered or
32 to be offered for sale or sold by or for the State of Illinois.

33 (e) Prior interests. This Section does not affect the
34 validity of any contract made between the State and an officer

1 or employee of the State or member of the General Assembly, his
2 or her spouse, minor child, or other immediate family member
3 living in his or her residence or any combination of those
4 persons if that contract was in existence before his or her
5 election or employment as an officer, member, or employee. The
6 contract is voidable, however, if it cannot be completed within
7 365 days after the officer, member, or employee takes office or
8 is employed.

9 (f) Exceptions.

10 (1) Public aid payments. This Section does not apply to
11 payments made for a public aid recipient.

12 (2) Teaching. This Section does not apply to a contract
13 for personal services as a teacher or school administrator
14 between a member of the General Assembly or his or her
15 spouse, or a State officer or employee or his or her
16 spouse, and any school district, public community college
17 district, the University of Illinois, Southern Illinois
18 University, Illinois State University, Eastern Illinois
19 University, Northern Illinois University, Western Illinois
20 University, Chicago State University, Governor State
21 University, or Northeastern Illinois University.

22 (3) Ministerial duties. This Section does not apply to
23 a contract for personal services of a wholly ministerial
24 character, including but not limited to services as a
25 laborer, clerk, typist, stenographer, page, bookkeeper,
26 receptionist, or telephone switchboard operator, made by a
27 spouse or minor child of an elective or appointive State
28 officer or employee or of a member of the General Assembly.

29 (4) Child and family services. This Section does not
30 apply to payments made to a member of the General Assembly,
31 a State officer or employee, his or her spouse or minor
32 child acting as a foster parent, homemaker, advocate, or
33 volunteer for or in behalf of a child or family served by
34 the Department of Children and Family Services.

1 (5) Licensed professionals. Contracts with licensed
2 professionals, provided they are competitively bid or part
3 of a reimbursement program for specific, customary goods
4 and services through the Department of Children and Family
5 Services, the Department of Human Services, the Department
6 of Public Aid, the Department of Public Health, or the
7 Department on Aging.

8 (g) Penalty. A person convicted of a violation of this
9 Section is guilty of a business offense and shall be fined not
10 less than \$1,000 nor more than \$5,000.

11 (Source: P.A. 93-615, eff. 11-19-03.)

12 (30 ILCS 500/50-20)

13 Sec. 50-20. Exemptions. With the approval of the
14 appropriate chief procurement officer involved, the Governor,
15 or an executive ethics board or commission he or she
16 designates, may exempt named individuals from the prohibitions
17 of Section 50-13 when, in his, her, or its judgment, the public
18 interest in having the individual in the service of the State
19 outweighs the public policy evidenced in that Section. An
20 exemption is effective only when it is filed with the Secretary
21 of State and the Comptroller within 60 days after its issuance
22 or when performance of the contract begins, whichever is
23 earlier, and includes a statement setting forth the name of the
24 individual and all the pertinent facts that would make that
25 Section applicable, setting forth the reason for the exemption,
26 and declaring the individual exempted from that Section. Notice
27 of each exemption shall be published in the Illinois
28 Procurement Bulletin.

29 A contract for which a waiver has been issued but has not
30 been filed in accordance with this Section is voidable.

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

32 Section 15. The State Facilities Closure Act is amended by

1 changing Section 5-5 as follows:

2 (30 ILCS 608/5-5)

3 Sec. 5-5. Definitions. In this Act:

4 "Commission" means the Commission on Government
5 Forecasting and Accountability.

6 "State facility" means any facility ~~(i)~~ that is owned and
7 operated by the State or leased and operated by the State ~~and~~
8 ~~(ii) that is the primary stationary work location for 25 or~~
9 ~~more State employees.~~ "State facility" does not include any
10 facility under the jurisdiction of the legislative branch,
11 including the Auditor General, or the judicial branch.

12 (Source: P.A. 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05.)".