



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5332

Introduced 2/5/2010, by Rep. Maria Antonia Berrios

SYNOPSIS AS INTRODUCED:

30 ILCS 500/50-13

Amends the Illinois Procurement Code. Prohibits a State government appointee or employee, or his or her spouse or minor child, whose compensation exceeds 40% (now, 60%) of the Governor's salary from having or acquiring a State contract, a direct pecuniary interest in a State contract, or specified percentages of the distributive income of a State contractor.

LRB096 18806 JAM 34192 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 50-13 as follows:

6 (30 ILCS 500/50-13)

7 Sec. 50-13. Conflicts of interest.

8 (a) Prohibition. It is unlawful for any person holding an
9 elective office in this State, holding a seat in the General
10 Assembly, or appointed to or employed in any of the offices or
11 agencies of State government and who receives compensation for
12 such employment in excess of 40% ~~60%~~ of the salary of the
13 Governor of the State of Illinois, or who is an officer or
14 employee of the Capital Development Board or the Illinois Toll
15 Highway Authority, or who is the spouse or minor child of any
16 such person to have or acquire any contract, or any direct
17 pecuniary interest in any contract therein, whether for
18 stationery, printing, paper, or any services, materials, or
19 supplies, that will be wholly or partially satisfied by the
20 payment of funds appropriated by the General Assembly of the
21 State of Illinois or in any contract of the Capital Development
22 Board or the Illinois Toll Highway Authority.

23 (b) Interests. It is unlawful for any firm, partnership,

1 association, or corporation, in which any person listed in
2 subsection (a) is entitled to receive (i) more than 7 1/2% of
3 the total distributable income or (ii) an amount in excess of
4 the salary of the Governor, to have or acquire any such
5 contract or direct pecuniary interest therein.

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

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

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

20 (e) Prior interests. This Section does not affect the
21 validity of any contract made between the State and an officer
22 or employee of the State or member of the General Assembly, his
23 or her spouse, minor child, or other immediate family member
24 living in his or her residence or any combination of those
25 persons if that contract was in existence before his or her
26 election or employment as an officer, member, or employee. The

1 contract is voidable, however, if it cannot be completed within
2 365 days after the officer, member, or employee takes office or
3 is employed.

4 (f) Exceptions.

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

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

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

24 (4) Child and family services. This Section does not
25 apply to payments made to a member of the General Assembly,
26 a State officer or employee, his or her spouse or minor

1 child acting as a foster parent, homemaker, advocate, or
2 volunteer for or in behalf of a child or family served by
3 the Department of Children and Family Services.

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

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

14 (Source: P.A. 95-331, eff. 8-21-07.)