



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB1966**

Introduced 2/25/2005, by Sen. Jeffrey M. Schoenberg

**SYNOPSIS AS INTRODUCED:**

5 ILCS 420/4A-105  
30 ILCS 500/50-13  
30 ILCS 500/50-20

from Ch. 127, par. 604A-105

Amends the Illinois Governmental Ethics Act. Requires that a special government agent file his or her statement of economic interests within 60 days after assuming responsibilities as a special government agent (now, within 30 days after making an ex parte communication). Amends the Illinois Procurement Code. Prohibits all State employees from obtaining State contracts (now, those earning more than 60% of the Governor's compensation). Requires that a waiver from the prohibition against obtaining State contracts must be filed within the earlier of 60 days after it is issued or when contract performance begins, and provides that the contract is voidable if the waiver is not filed within that period.

LRB094 11403 JAM 42296 b

1 AN ACT concerning government.

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

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

31 (c) Any other person required by this Article to file  
32 the statement shall file a statement at the time of his or

1 her initial appointment or employment in relation to that  
2 unit of government if appointed or employed by May 1.

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

17 Any person who takes office or otherwise becomes required  
18 to file a statement of economic interests within 30 days prior  
19 to May 1 of any year may file his or her statement at any time  
20 on or before May 31 without penalty. If such person fails to  
21 file such statement by May 31, the officer with whom such  
22 statement is to be filed under Section 4A-106 of this Act  
23 shall, within 7 days after May 31, notify such person by  
24 certified mail of his or her failure to file by the specified  
25 date. Such person shall file his or her statement of economic  
26 interests on or before June 15 with the appropriate officer,  
27 together with a \$15 late filing fee. Any such person who fails  
28 to file by June 15 shall be subject to a penalty of \$100 per day  
29 for each day from June 16 to the date of filing, which shall be  
30 in addition to the \$15 late filing fee specified above. Failure  
31 to file by June 30 shall result in a forfeiture in accordance  
32 with Section 4A-107 of this Act.

33 All late filing fees and penalties collected pursuant to  
34 this Section shall be paid into the General Revenue Fund in the  
35 State treasury, if the Secretary of State receives such  
36 statement for filing, or into the general fund in the county

1 treasury, if the county clerk receives such statement for  
2 filing. The Attorney General, with respect to the State, and  
3 the several State's Attorneys, with respect to counties, shall  
4 take appropriate action to collect the prescribed penalties.

5 Failure to file a statement of economic interests within  
6 the time prescribed shall not result in a fine or ineligibility  
7 for, or forfeiture of, office or position of employment, as the  
8 case may be; provided that the failure to file results from not  
9 being included for notification by the appropriate agency,  
10 clerk, secretary, officer or unit of government, as the case  
11 may be, and that a statement is filed within 30 days of actual  
12 notice of the failure to file.

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

14 Section 10. The Illinois Procurement Code is amended by  
15 changing Sections 50-13 and 50-20 as follows:

16 (30 ILCS 500/50-13)

17 Sec. 50-13. Conflicts of interest.

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

33 (b) Interests. It is unlawful for any firm, partnership,  
34 association, or corporation, in which any person listed in

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

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

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

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

19 (e) Prior interests. This Section does not affect the  
20 validity of any contract made between the State and an officer  
21 or employee of the State or member of the General Assembly, his  
22 or her spouse, minor child, or other immediate family member  
23 living in his or her residence or any combination of those  
24 persons if that contract was in existence before his or her  
25 election or employment as an officer, member, or employee. The  
26 contract is voidable, however, if it cannot be completed within  
27 365 days after the officer, member, or employee takes office or  
28 is employed.

29 (f) Exceptions.

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

32 (2) Teaching. This Section does not apply to a contract  
33 for personal services as a teacher or school administrator  
34 between a member of the General Assembly or his or her  
35 spouse, or a State officer or employee or his or her  
36 spouse, and any school district, public community college

1 district, the University of Illinois, Southern Illinois  
2 University, Illinois State University, Eastern Illinois  
3 University, Northern Illinois University, Western Illinois  
4 University, Chicago State University, Governor State  
5 University, or Northeastern Illinois University.

6 (3) Ministerial duties. This Section does not apply to  
7 a contract for personal services of a wholly ministerial  
8 character, including but not limited to services as a  
9 laborer, clerk, typist, stenographer, page, bookkeeper,  
10 receptionist, or telephone switchboard operator, made by a  
11 spouse or minor child of an elective or appointive State  
12 officer or employee or of a member of the General Assembly.

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

19 (5) Licensed professionals. Contracts with licensed  
20 professionals, provided they are competitively bid or part  
21 of a reimbursement program for specific, customary goods  
22 and services through the Department of Children and Family  
23 Services, the Department of Human Services, the Department  
24 of Public Aid, the Department of Public Health, or the  
25 Department on Aging.

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

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

30 (30 ILCS 500/50-20)

31 Sec. 50-20. Exemptions. With the approval of the  
32 appropriate chief procurement officer involved, the Governor,  
33 or an executive ethics board or commission he or she  
34 designates, may exempt named individuals from the prohibitions  
35 of Section 50-13 when, in his, her, or its judgment, the public

1 interest in having the individual in the service of the State  
2 outweighs the public policy evidenced in that Section. An  
3 exemption is effective only when it is filed with the Secretary  
4 of State and the Comptroller within 60 days after its issuance  
5 or when performance of the contract begins, whichever is  
6 earlier, and includes a statement setting forth the name of the  
7 individual and all the pertinent facts that would make that  
8 Section applicable, setting forth the reason for the exemption,  
9 and declaring the individual exempted from that Section. Notice  
10 of each exemption shall be published in the Illinois  
11 Procurement Bulletin.

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

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