



Sen. Dave Syverson

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09500SB2142sam001

LRB095 19158 LCT 49404 a

1 AMENDMENT TO SENATE BILL 2142

2 AMENDMENT NO. _____. Amend Senate Bill 2142 by replacing
3 the title with the following:

4 "AN ACT concerning State fiscal matters."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Pension Impact Note Act is amended by
8 changing Section 2 as follows:

9 (25 ILCS 55/2) (from Ch. 63, par. 42.42)

10 Sec. 2. Pension impact notes. The Commission on Government
11 Forecasting and Accountability, hereafter in this Act referred
12 to as the "Commission", shall prepare a written pension system
13 impact note in relation to any bill introduced in either house
14 of the General Assembly which proposes to amend, revise, or add
15 to any provision of the Illinois Pension Code or the State

1 Pension Funds Continuing Appropriation Act. Upon the
2 introduction of any such bill, the Clerk of the House or the
3 Secretary of the Senate shall forward the bill to the
4 Commission, which shall prepare such a note within 7 calendar
5 days after receiving the request. The bill shall be held on
6 second reading until the note has been received.

7 The note on any bill altering the basis on which the
8 State's contributions to any retirement system created under
9 the Illinois Pension Code is made shall include actuarial,
10 long-term projections comparing year-by-year contributions to
11 the system through fiscal year 2045 with those under the
12 proposed changes in the bill.

13 Copies of each pension impact note shall be furnished by
14 the Commission to the presiding officer of each house, the
15 minority leader of each house, the Clerk of the House of
16 Representatives, the Secretary of the Senate, the sponsor of
17 the bill which is the subject of the note, the member, if any,
18 who initiated the request for the note, the Chairman of the
19 House Committee on Personnel and Pensions, and the Chairman of
20 the Senate Committee on Insurance, Pensions and Licensed
21 Activities.

22 (Source: P.A. 93-632, eff. 2-1-04; 93-1067, eff. 1-15-05.)

23 Section 10. The Criminal Code of 1961 is amended by
24 changing Section 33-3 as follows:

1 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

2 Sec. 33-3. Official Misconduct.) A public officer or
3 employee or special government agent commits misconduct when,
4 in his official capacity or capacity as a special government
5 agent, he commits any of the following acts:

6 (a) Intentionally or recklessly fails to perform any
7 mandatory duty as required by law; or

8 (b) Knowingly performs an act which he knows he is
9 forbidden by law to perform; or

10 (c) With intent to obtain a personal advantage for
11 himself or another, he performs an act in excess of his
12 lawful authority; or

13 (d) Solicits or knowingly accepts for the performance
14 of any act a fee or reward which he knows is not authorized
15 by law; or -

16 (e) Intentionally or recklessly as Governor introduces
17 a budget in the General Assembly or makes any proposal
18 which represents gubernatorial financial irresponsibility.
19 For the purposes of this paragraph (e), "gubernatorial
20 financial irresponsibility" means a budget or separate
21 proposal made by the Governor, or implementation by an
22 agency under the Governor without specific legislative
23 approval of any proposal, which (i) expands or creates
24 State government programs or services without an
25 identified revenue source sufficient to fully fund the
26 costs of such expanded or new programs or services; (ii)

1 materially increases costs to the State beyond the next
2 fiscal year (including but not limited to pension and bond
3 debt payments), without an identified revenue source
4 sufficient to fully fund the long-term costs; or (iii)
5 includes a funding or financing plan which would not meet
6 generally accepted prudent business or financing practices
7 in the private sector. The identified and previously
8 enacted revenue source shall not exceed the revenue
9 estimated for such source by the Governor's Office of
10 Management and Budget, with detailed estimates provided as
11 an addendum to any budget or proposal proposed by the
12 Governor; or

13 (f) Intentionally or recklessly as a legislator votes
14 to approve legislation which represents legislative
15 financial irresponsibility. For the purposes of this
16 paragraph (f), "legislative financial irresponsibility"
17 means an appropriation bill or substantive legislation
18 which (i) expands or creates State government programs or
19 services without an identified and previously enacted
20 revenue source sufficient to fully fund the cost of such
21 expanded or new programs or services; (ii) materially
22 increases costs to the State beyond the next fiscal year
23 (including but not limited to pension and bond debt
24 payments), without an identified and previously enacted
25 revenue source sufficient to fully fund the long-term
26 costs; or (iii) includes a funding or financing plan which

1 would not meet generally accepted prudent business or
2 financing practices in the private sector. The identified
3 and previously enacted revenue source shall not exceed the
4 revenue estimated for such source by the Commission on
5 Government Forecasting and Accountability, in the amount
6 required in the Commission's judgment to fully fund the
7 legislation and all other such legislation previously
8 enacted.

9 A public officer or employee or special government agent
10 convicted of violating any provision of this Section forfeits
11 his office or employment or position as a special government
12 agent. In addition, he commits a Class 3 felony. In addition,
13 any elected State official who is convicted of violating
14 paragraph (e) or (f) of this Section and who is entitled to a
15 State-funded pension shall be liable for damages, payable to
16 the State, which shall equal the sum of the present value of
17 all State pension payments payable to him or her after his or
18 her forfeiture of office, as calculated by the actuaries for
19 any State pension system for which the official is entitled to
20 a pension. In addition, any elected State official who is
21 convicted of violating paragraph (e) or (f) of this Section
22 shall be liable for damages, payable to the State, for the
23 costs of attorneys' fees and time, and related court costs,
24 incurred by the State or local officials prosecuting the
25 violation.

26 For purposes of this Section, "special government agent"

1 has the meaning ascribed to it in subsection (1) of Section
2 4A-101 of the Illinois Governmental Ethics Act.
3 (Source: P.A. 94-338, eff. 1-1-06.)".