



Rep. Joe Sosnowski

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LRB098 03796 OMW 40419 a

1 AMENDMENT TO HOUSE BILL 58

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 58 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 4-8-6, 4-8-6a, and 4-8-7 as follows:

6 (65 ILCS 5/4-8-6) (from Ch. 24, par. 4-8-6)

7 Sec. 4-8-6. (a) No officer or employee elected or appointed  
8 under this article shall be interested, directly or indirectly,  
9 in his own name or in the name of any other person,  
10 association, trust or corporation, in any contract for work or  
11 materials, or profits thereof, or services to be furnished or  
12 performed for the municipality or for any person operating a  
13 public utility wholly or partly within the territorial limits  
14 of the municipality.

15 (b) However, any elected or appointed member of the  
16 governing body may provide materials, merchandise, property,

1 services or labor, if:

2 A. the contract is with a person, firm, partnership,  
3 association, corporation, or cooperative association in which  
4 such interested member of the governing body of the  
5 municipality has less than a 7 1/2% share in the ownership; and

6 B. such interested member publicly discloses the nature and  
7 extent of his interest prior to or during deliberations  
8 concerning the proposed award of the contract; and

9 C. such interested member abstains from voting on the award  
10 of the contract, though he shall be considered present for the  
11 purposes of establishing a quorum; and

12 D. such contract is approved by a majority vote of those  
13 members presently holding office; and

14 E. the contract is awarded after sealed bids to the lowest  
15 responsible bidder if the amount of the contract exceeds \$1500,  
16 or awarded without bidding if the amount of the contract is  
17 less than \$1500; and

18 F. the award of the contract would not cause the aggregate  
19 amount of all such contracts so awarded to the same person,  
20 firm, association, partnership, corporation, or cooperative  
21 association in the same fiscal year to exceed \$25,000.

22 (c) In addition to the above exemption, any elected or  
23 appointed member of the governing body may provide materials,  
24 merchandise, property, services or labor if:

25 A. the award of the contract is approved by a majority vote  
26 of the governing body of the municipality provided that any

1 such interested member shall abstain from voting; and

2 B. the amount of the contract does not exceed \$1000; and

3 C. the award of the contract would not cause the aggregate  
4 amount of all such contracts so awarded to the same person,  
5 firm, association, partnership, corporation, or cooperative  
6 association in the same fiscal year to exceed \$2000; and

7 D. such interested member publicly discloses the nature and  
8 extent of his interest prior to or during deliberations  
9 concerning the proposed award of the contract; and

10 E. such interested member abstains from voting on the award  
11 of the contract, though he shall be considered present for the  
12 purposes of establishing a quorum.

13 (d) A contract for the procurement of public utility  
14 services by a municipality with a public utility company is not  
15 barred by this Section by one or more members of the governing  
16 body being an officer or employee of the public utility company  
17 or holding an ownership interest of no more than 7 1/2 % in the  
18 public utility company, or holding an ownership interest of any  
19 size if the municipality has a population of less than 7,500  
20 and the public utility's rates are approved by the Illinois  
21 Commerce Commission. An elected or appointed member of the  
22 governing body having such an interest shall be deemed not to  
23 have a prohibited interest under this Section.

24 (e) Any officer who violates this Section is guilty of a  
25 Class 4 felony and in addition thereto any office held by such  
26 person so convicted shall become vacant and shall be so

1 declared as part of the judgment of the court.

2 (f) Nothing contained in this Section, including the  
3 restrictions set forth in subsections (b), (c) and (d), shall  
4 preclude a contract of deposit of monies, loans or other  
5 financial services by a municipality with a local bank or local  
6 savings and loan association, regardless of whether a member or  
7 members of the governing body of the municipality are  
8 interested in such bank or savings and loan association as an  
9 officer or employee or as a holder of less than 7 1/2% of the  
10 total ownership interest. A member or members holding such an  
11 interest in such a contract shall not be deemed to be holding a  
12 prohibited interest for purposes of this Act. Such interested  
13 member or members of the governing body must publicly state the  
14 nature and extent of their interest during deliberations  
15 concerning the proposed award of such a contract, but shall not  
16 participate in any further deliberations concerning the  
17 proposed award. Such interested member or members shall not  
18 vote on such a proposed award. Any member or members abstaining  
19 from participation in deliberations and voting under this  
20 Section may be considered present for purposes of establishing  
21 a quorum. Award of such a contract shall require approval by a  
22 majority vote of those members presently holding office.  
23 Consideration and award of any such contract in which a member  
24 or members are interested may only be made at a regularly  
25 scheduled public meeting of the governing body of the  
26 municipality.

1       (g) This Section does not apply to an officer or employee  
2 elected or appointed under this Article who is a member of the  
3 board of a public service corporation that is not an  
4 investor-owned public utility.

5       (Source: P.A. 82-399.)

6           (65 ILCS 5/4-8-6a) (from Ch. 24, par. 4-8-6a)

7       Sec. 4-8-6a. No officer or employee elected or appointed  
8 under this Article shall request, accept, or receive, directly  
9 or indirectly, from any person owning, operating, or leasing  
10 within or partly within the territorial limits of the  
11 municipality, any public utility, or any water craft leaving or  
12 entering or operating within the municipality, any service or  
13 transportation upon terms more favorable than are granted to  
14 the public generally, or any employment, for hire or otherwise,  
15 or any free service or transportation, either for himself or  
16 any other person.

17       A violation of this Section is a petty offense. A  
18 conviction shall effect a forfeiture of the office or  
19 employment.

20       The prohibition of free transportation shall not apply to  
21 policemen or firemen in uniform, nor shall this Section affect  
22 any free service to municipal officers or employees provided by  
23 any franchise or license, granted prior to March 9, 1910.

24       This Section does not apply to an officer or employee  
25 elected or appointed under this Article who is a member of the

1 board of a public service corporation that is not an  
2 investor-owned public utility.

3 (Source: P.A. 80-938.)

4 (65 ILCS 5/4-8-7) (from Ch. 24, par. 4-8-7)

5 Sec. 4-8-7. No mayor or commissioner elected under this  
6 article shall be an official of any public service corporation  
7 at the time he or she assumes office. A violation of this  
8 section is a Class A misdemeanor.

9 For the purposes of this Section, "official of any public  
10 service corporation" does not include a member of the board of  
11 a public service corporation that is not an investor-owned  
12 public utility.

13 (Source: P.A. 77-2500.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law."