

HB4379



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4379

by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-105

from Ch. 127, par. 604A-105

Amends the Illinois Governmental Ethics Act. Removes the penalty of \$100 per day for members of a board or commission that functions solely in an advisory capacity and does not issue binding recommendations or determinations for failing to file a statement of economic interest by a specified time period.

LRB100 17224 RJF 32383 b

A BILL FOR

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.

1 (b-5) A special government agent, as defined in item
2 (1) of Section 4A-101 of this Act, shall file a statement
3 within 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 Beginning with statements required to be filed on or after
26 May 1, 2019, any person (i) who is required to file a statement

1 of economic interest under this Article, and (ii) who is a
2 member of a board or commission that functions solely in an
3 advisory capacity and does not issue binding recommendations or
4 determinations, shall not be subject to a penalty of \$100 per
5 day for each day from May 16 to the date of filing for failing
6 to file his or her statement by May 15. However, such person
7 shall still be assessed the \$15 late filing fee for failing to
8 file his or her statement by May 1, and shall also be subject
9 to a forfeiture in accordance with Section 4A-107 for failure
10 to file by May 31.

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

1 Beginning with statements required to be filed on or after
2 May 1, 2019, any person (i) who takes office or otherwise
3 becomes required to file a statement of economic interests
4 within 30 days prior to May 1, and (ii) who is a member of a
5 board or commission that functions solely in an advisory
6 capacity and does not issue binding recommendations or
7 determinations, shall not be subject to a penalty of \$100 per
8 day for each day from June 16 to the date of filing for failing
9 to file his or her statement by June 15. However, such person
10 shall still be assessed the \$15 late filing fee for failing to
11 file his or her statement by May 31, and shall also be subject
12 to a forfeiture in accordance with Section 4A-107 for failure
13 to file by June 30.

14 All late filing fees and penalties collected pursuant to
15 this Section shall be paid into the General Revenue Fund in the
16 State treasury, if the Secretary of State receives such
17 statement for filing, or into the general fund in the county
18 treasury, if the county clerk receives such statement for
19 filing. The Attorney General, with respect to the State, and
20 the several State's Attorneys, with respect to counties, shall
21 take appropriate action to collect the prescribed penalties.

22 Failure to file a statement of economic interests within
23 the time prescribed shall not result in a fine or ineligibility
24 for, or forfeiture of, office or position of employment, as the
25 case may be; provided that the failure to file results from not
26 being included for notification by the appropriate agency,

1 clerk, secretary, officer or unit of government, as the case
2 may be, and that a statement is filed within 30 days of actual
3 notice of the failure to file.

4 Beginning with statements required to be filed on or after
5 May 1, 2009, the officer with whom a statement is to be filed
6 may, in his or her discretion, waive the late filing fee, the
7 monetary late filing penalty, and the ineligibility for or
8 forfeiture of office or position for failure to file when the
9 person's late filing of a statement or failure to file a
10 statement is due to his or her (i) serious or catastrophic
11 illness that renders the person temporarily incapable of
12 completing the statement or (ii) military service.

13 (Source: P.A. 96-550, eff. 8-17-09.)