



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4811

Introduced 2/18/2020, by Rep. Blaine Wilhour

SYNOPSIS AS INTRODUCED:

5 ILCS 420/2-101
25 ILCS 170/2

from Ch. 127, par. 602-101
from Ch. 63, par. 172

Amends the Lobbyist Registration Act. Provides that the term "official" as used under the Act includes specified officials of a unit of local government. Modifies the terms "lobby" and "lobbying" to include communications with units of local government for the ultimate purpose of influencing any executive, legislative, or administrative action, and further specifies such actions. Modifies the term "lobbyist" to mean a natural person who, on behalf of any person other than himself or herself, or as any part of his or her duties as an employee of another, undertakes to influence or lobby for any executive, legislative, or administrative action for State government or a unit of local government. Amends the Illinois Governmental Ethics Act to provide that no legislator may engage in lobbying as that term is defined under the Lobbyist Registration Act (currently, as defined under the Illinois Governmental Ethics Act) for compensation.

LRB101 19793 RJF 69304 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 2-101 as follows:

6 (5 ILCS 420/2-101) (from Ch. 127, par. 602-101)

7 Sec. 2-101. No legislator may engage in lobbying, as that
8 term is defined in Section 2 of the Lobbyist Registration Act
9 ~~Section 1-109~~, if he accepts compensation specifically
10 attributable to such lobbying, other than that provided by law
11 for members of the General Assembly. Nothing in this Section
12 prohibits a legislator from lobbying without compensation.

13 A violation of this Section shall constitute a Class A
14 misdemeanor.

15 (Source: P.A. 77-2830.)

16 Section 10. The Lobbyist Registration Act is amended by
17 changing Section 2 as follows:

18 (25 ILCS 170/2) (from Ch. 63, par. 172)

19 Sec. 2. Definitions. As used in this Act, unless the
20 context otherwise requires:

21 (a) "Person" means any individual, firm, partnership,

1 committee, association, corporation, or any other organization
2 or group of persons.

3 (b) "Expenditure" means a payment, distribution, loan,
4 advance, deposit, or gift of money or anything of value, and
5 includes a contract, promise, or agreement, whether or not
6 legally enforceable, to make an expenditure, for the ultimate
7 purpose of influencing executive, legislative, or
8 administrative action, other than compensation as defined in
9 subsection (d).

10 (c) "Official" means:

11 (1) the Governor, Lieutenant Governor, Secretary of
12 State, Attorney General, State Treasurer, and State
13 Comptroller;

14 (2) Chiefs of Staff for officials described in item
15 (1);

16 (3) Cabinet members of any elected constitutional
17 officer, including Directors, Assistant Directors and
18 Chief Legal Counsel or General Counsel;

19 (4) Members of the General Assembly; ~~and~~

20 (5) Members of any board, commission, authority, or
21 task force of the State authorized or created by State law
22 or by executive order of the Governor; and -

23 (6) Officials of a unit of local government, including
24 mayors, presidents, trustees, board members, village
25 managers, chief legal counsel, or general counsel, or other
26 officials with substantial discretion to take or recommend

1 official action or who have voting powers.

2 (d) "Compensation" means any money, thing of value or
3 financial benefits received or to be received in return for
4 services rendered or to be rendered, for lobbying as defined in
5 subsection (e).

6 Monies paid to members of the General Assembly by the State
7 as remuneration for performance of their Constitutional and
8 statutory duties as members of the General Assembly shall not
9 constitute compensation as defined by this Act.

10 (e) "Lobby" and "lobbying" means any communication with an
11 official of the executive or legislative branch of State
12 government or a unit of local government as defined in
13 subsection (c) for the ultimate purpose of influencing any
14 executive, legislative, or administrative action, including,
15 but not limited to, such actions as: (i) zoning matters; (ii)
16 the introduction, passage, or other action to be taken on
17 legislation, ordinance, resolution, motion, order,
18 appointment, or other matter before an elected governing body;
19 (iii) preparation of contract specifications; (iv)
20 solicitation, award, or administration of a contract; (v) the
21 award of a grant, loan, or other financial agreement involving
22 public funds; (vi) procurement; (vii) bond inducement; and
23 (viii) the granting of concessions. A person is not deemed to
24 have undertaken to influence under this Section solely by
25 submitting an application for a government permit or license or
26 by responding to a government request for proposals or

1 qualifications.

2 (f) "Influencing" means any communication, action,
3 reportable expenditure as prescribed in Section 6 or other
4 means used to promote, support, affect, modify, oppose or delay
5 any executive, legislative or administrative action or to
6 promote goodwill with officials as defined in subsection (c).

7 (g) "Executive action" means the proposal, drafting,
8 development, consideration, amendment, adoption, approval,
9 promulgation, issuance, modification, rejection or
10 postponement by a State entity of a rule, regulation, order,
11 decision, determination, contractual arrangement, purchasing
12 agreement or other quasi-legislative or quasi-judicial action
13 or proceeding.

14 (h) "Legislative action" means the development, drafting,
15 introduction, consideration, modification, adoption,
16 rejection, review, enactment, or passage or defeat of any bill,
17 amendment, resolution, report, nomination, administrative rule
18 or other matter by either house of the General Assembly or a
19 committee thereof, or by a legislator. Legislative action also
20 means the action of the Governor in approving or vetoing any
21 bill or portion thereof, and the action of the Governor or any
22 agency in the development of a proposal for introduction in the
23 legislature.

24 (i) "Administrative action" means the execution or
25 rejection of any rule, regulation, legislative rule, standard,
26 fee, rate, contractual arrangement, purchasing agreement or

1 other delegated legislative or quasi-legislative action to be
2 taken or withheld by any executive agency, department, board or
3 commission of the State.

4 (j) "Lobbyist" means any natural person who, on behalf of
5 any person other than himself or herself, or as any part of his
6 or her duties as an employee of another, undertakes to
7 influence or lobby for any executive, legislative, or
8 administrative action for State government or a unit of local
9 government. "Lobbyist" shall include, but not be limited to,
10 any attorney, accountant, or consultant engaged in the
11 activities described in this subsection (j); provided,
12 however, that an attorney shall not be considered a lobbyist
13 while representing clients in a formal adversarial hearing
14 ~~undertakes to lobby State government as provided in subsection~~
15 ~~(e).~~

16 (k) "Lobbying entity" means any entity that hires, retains,
17 employs, or compensates a natural person to lobby State
18 government as provided in subsection (e).

19 (l) "Authorized agent" means the person designated by an
20 entity or lobbyist registered under this Act as the person
21 responsible for submission and retention of reports required
22 under this Act.

23 (m) "Client" means any person or entity that provides
24 compensation to a lobbyist to lobby State government as
25 provided in subsection (e) of this Section.

26 (n) "Client registrant" means a client who is required to

1 register under this Act.

2 (o) "Unit of local government" has the meaning ascribed to
3 it in Section 1 of Article VII of the Illinois Constitution and
4 also includes school districts and community college
5 districts.

6 (Source: P.A. 101-595, eff. 12-5-19.)