



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1641

Introduced 2/1/2023, by Rep. Blaine Wilhour

SYNOPSIS AS INTRODUCED:

5 ILCS 420/1-113	from Ch. 127, par. 601-113
5 ILCS 420/2-104	from Ch. 127, par. 602-104
5 ILCS 420/3-108 new	
5 ILCS 420/3-109 new	
5 ILCS 420/3A-35	
5 ILCS 420/3-202 rep.	
5 ILCS 420/3-203 rep.	

Amends the Illinois Governmental Ethics Act. Modifies the definition of "representation case" to include matters before units of local government. Provides that no legislator or employee of a governmental entity may accept or participate in any way in any representation case if the State or unit of local government is an adverse party or if the result is an adverse effect on State or local revenue, State or local finances, or the health, safety, welfare, or relative tax burden of any State resident. Prohibits (rather than allows) participation in a representation case by a person with whom a legislator maintains a close economic association. Provides that no legislator or employee of a governmental entity may derive any income, compensation, or other tangible benefit from providing opinion evidence as an expert against the interests of the State or a unit of local government in any judicial or quasi-judicial proceeding before any administrative agency or court. Provides that a legislator shall officially recuse himself or herself from any legislative matter in which the legislator or his or her spouse or immediate family member has a financial interest and shall include in the recusal a written explanation for the recusal. Makes conforming and other changes.

LRB103 25633 DTM 51982 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 Sections 1-113, 2-104, and 3A-35 and by adding
6 Sections 3-108 and 3-109 as follows:

7 (5 ILCS 420/1-113) (from Ch. 127, par. 601-113)

8 Sec. 1-113. "Representation case" means the professional
9 representation of any person, client or principal, with or
10 without compensation, in any matter before any State agency or
11 unit of local government where the action or non-action of the
12 State agency or unit of local government involves the exercise
13 of ~~substantial~~ discretion. However, the term shall not include
14 inquiries for information or other services rendered in a
15 legislative capacity on behalf of a constituent or other
16 member of the public.

17 (Source: Laws 1967, p. 3401.)

18 (5 ILCS 420/2-104) (from Ch. 127, par. 602-104)

19 Sec. 2-104. Representation case. No legislator may accept
20 or participate in any way in any representation case, as that
21 term is defined in Section 1-113, if the State or unit of local
22 government is an adverse party or if the result is an adverse

1 effect on State or local revenue, State or local finances, or
2 the health, safety, welfare, or relative tax burden of any
3 State resident before (1) the Court of Claims of this State or
4 (2) before the Illinois Workers' Compensation Commission, when
5 the State of Illinois is the respondent.

6 This Section prohibits ~~does not prohibit~~ participation in
7 such a representation case by a person with whom the
8 legislator maintains a close economic association, ~~unless the~~
9 ~~fact of that association is used to influence or attempt to~~
10 ~~influence the State agency in the rendering of its decision.~~

11 A violation of this Section is a Class A misdemeanor.

12 (Source: P.A. 93-721, eff. 1-1-05; revised 6-13-22.)

13 (5 ILCS 420/3-108 new)

14 Sec. 3-108. Testimony against government interests. No
15 legislator may derive any income, compensation, or other
16 tangible benefit from providing opinion evidence as an expert
17 against the interests of the State or a unit of local
18 government in any judicial or quasi-judicial proceeding before
19 any administrative agency or court.

20 (5 ILCS 420/3-109 new)

21 Sec. 3-109. Legislator recusal. Notwithstanding any
22 provision of law to the contrary, a legislator shall
23 officially recuse himself or herself from any legislative
24 matter in which the legislator or his or her spouse or

1 immediate family member has a financial interest and shall
2 include in the recusal a written explanation for the recusal.

3 (5 ILCS 420/3A-35)

4 Sec. 3A-35. Conflicts of interests.

5 (a) In addition to the provisions of subsection (a) of
6 Section 50-13 of the Illinois Procurement Code, it is unlawful
7 for an appointed member of a board, commission, authority, or
8 task force authorized or created by State law or by executive
9 order of the Governor, the spouse of the appointee, or an
10 immediate family member of the appointee living in the
11 appointee's residence to have or acquire a contract or have or
12 acquire a direct pecuniary interest in a contract with the
13 State that relates to the board, commission, authority, or
14 task force of which he or she is an appointee during and for
15 one year after the conclusion of the person's term of office.

16 (b) If (i) a person subject to subsection (a) is entitled
17 to receive more than 7 1/2% of the total distributable income
18 of a partnership, association, corporation, or other business
19 entity or (ii) a person subject to subsection (a) together
20 with his or her spouse and immediate family members living in
21 that person's residence are entitled to receive more than 15%,
22 in the aggregate, of the total distributable income of a
23 partnership, association, corporation, or other business
24 entity then it is unlawful for that partnership, association,
25 corporation, or other business entity to have or acquire a

1 contract or a direct pecuniary interest in a contract
2 prohibited by subsection (a) during and for one year after the
3 conclusion of the person's term of office.

4 (c) No employee of a governmental entity subject to the
5 provisions of this Act may represent, or derive any income,
6 compensation, or other tangible benefit from the
7 representation of, any person in any judicial, quasi-judicial,
8 or other proceeding before any administrative agency or court
9 in which the State or unit of local government is an adverse
10 party, or in any such proceeding that may result in an adverse
11 effect on State or local revenue, State or local finances, or
12 the health, safety, welfare, or relative tax burden of any
13 State resident.

14 (d) No employee of a governmental entity subject to the
15 provisions of this Act may derive any income, compensation, or
16 other tangible benefit from providing opinion evidence as an
17 expert against the interests of the State or a unit of local
18 government in any judicial or quasi-judicial proceeding before
19 any administrative agency or court.

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

21 (5 ILCS 420/3-202 rep.)

22 (5 ILCS 420/3-203 rep.)

23 Section 10. The Illinois Governmental Ethics Act is
24 amended by repealing Sections 3-202 and 3-203.