



Rep. Robert F. Flider

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1 AMENDMENT TO HOUSE BILL 1367

2 AMENDMENT NO. _____. Amend House Bill 1367 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Governmental Ethics Act is amended
5 by changing Sections 4A-101, 4A-105, and 4A-107 as follows:

6 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

7 Sec. 4A-101. Persons required to file. The following
8 persons shall file verified written statements of economic
9 interests, as provided in this Article:

10 (a) Members of the General Assembly and candidates for
11 nomination or election to the General Assembly.

12 (b) Persons holding an elected office in the Executive
13 Branch of this State, and candidates for nomination or
14 election to these offices.

15 (c) Members of a Commission or Board created by the
16 Illinois Constitution, and candidates for nomination or

1 election to such Commission or Board.

2 (d) Persons whose appointment to office is subject to
3 confirmation by the Senate.

4 (e) Holders of, and candidates for nomination or
5 election to, the office of judge or associate judge of the
6 Circuit Court and the office of judge of the Appellate or
7 Supreme Court.

8 (f) Persons who are employed by any branch, agency,
9 authority or board of the government of this State,
10 including but not limited to, the Illinois State Toll
11 Highway Authority, the Illinois Housing Development
12 Authority, the Illinois Community College Board, and
13 institutions under the jurisdiction of the Board of
14 Trustees of the University of Illinois, Board of Trustees
15 of Southern Illinois University, Board of Trustees of
16 Chicago State University, Board of Trustees of Eastern
17 Illinois University, Board of Trustees of Governor's State
18 University, Board of Trustees of Illinois State
19 University, Board of Trustees of Northeastern Illinois
20 University, Board of Trustees of Northern Illinois
21 University, Board of Trustees of Western Illinois
22 University, or Board of Trustees of the Illinois
23 Mathematics and Science Academy, and are compensated for
24 services as employees and not as independent contractors
25 and who:

26 (1) are, or function as, the head of a department,

1 commission, board, division, bureau, authority or
2 other administrative unit within the government of
3 this State, or who exercise similar authority within
4 the government of this State;

5 (2) have direct supervisory authority over, or
6 direct responsibility for the formulation,
7 negotiation, issuance or execution of contracts
8 entered into by the State in the amount of \$5,000 or
9 more;

10 (3) have authority for the issuance or
11 promulgation of rules and regulations within areas
12 under the authority of the State;

13 (4) have authority for the approval of
14 professional licenses;

15 (5) have responsibility with respect to the
16 financial inspection of regulated nongovernmental
17 entities;

18 (6) adjudicate, arbitrate, or decide any judicial
19 or administrative proceeding, or review the
20 adjudication, arbitration or decision of any judicial
21 or administrative proceeding within the authority of
22 the State;

23 (7) have supervisory responsibility for 20 or more
24 employees of the State; or

25 (8) negotiate, assign, authorize, or grant naming
26 rights or sponsorship rights regarding any property or

1 asset of the State, whether real, personal, tangible,
2 or intangible.

3 (g) Persons who are elected to office in a unit of
4 local government, and candidates for nomination or
5 election to that office, including regional
6 superintendents of school districts.

7 (h) Persons appointed to the governing board of a unit
8 of local government, or of a special district, and persons
9 appointed to a zoning board, or zoning board of appeals, or
10 to a regional, county, or municipal plan commission, or to
11 a board of review of any county, and persons appointed to
12 the Board of the Metropolitan Pier and Exposition Authority
13 and any Trustee appointed under Section 22 of the
14 Metropolitan Pier and Exposition Authority Act, and
15 persons appointed to a board or commission of a unit of
16 local government who have authority to authorize the
17 expenditure of public funds. This subsection does not apply
18 to members of boards or commissions who function in an
19 advisory capacity.

20 (i) Persons who are employed by a unit of local
21 government and are compensated for services as employees
22 and not as independent contractors and who:

23 (1) are, or function as, the head of a department,
24 division, bureau, authority or other administrative
25 unit within the unit of local government, or who
26 exercise similar authority within the unit of local

1 government;

2 (2) have direct supervisory authority over, or
3 direct responsibility for the formulation,
4 negotiation, issuance or execution of contracts
5 entered into by the unit of local government in the
6 amount of \$1,000 or greater;

7 (3) have authority to approve licenses and permits
8 by the unit of local government; this item does not
9 include employees who function in a ministerial
10 capacity;

11 (4) adjudicate, arbitrate, or decide any judicial
12 or administrative proceeding, or review the
13 adjudication, arbitration or decision of any judicial
14 or administrative proceeding within the authority of
15 the unit of local government;

16 (5) have authority to issue or promulgate rules and
17 regulations within areas under the authority of the
18 unit of local government; or

19 (6) have supervisory responsibility for 20 or more
20 employees of the unit of local government.

21 (j) Persons on the Board of Trustees of the Illinois
22 Mathematics and Science Academy.

23 (k) Persons employed by a school district in positions
24 that require that person to hold an administrative or a
25 chief school business official endorsement.

26 (l) Special government agents. A "special government

1 agent" is a person who is directed, retained, designated,
2 appointed, or employed, with or without compensation, by or
3 on behalf of a statewide executive branch constitutional
4 officer to make, or cause to be made, an ex parte
5 communication under Section 5-50 of the State Officials and
6 Employees Ethics Act or Section 5-165 of the Illinois
7 Administrative Procedure Act. A special government agent
8 may not receive income from any State source. A special
9 government agent who receives income from any State source
10 is disqualified as a special government agent.

11 (m) Members of the board of commissioners of any flood
12 prevention district.

13 This Section shall not be construed to prevent any unit of
14 local government from enacting financial disclosure
15 requirements that mandate more information than required by
16 this Act.

17 (Source: P.A. 95-719, eff. 5-21-08.)

18 (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

19 Sec. 4A-105. Time for filing. Except as provided in
20 Section 4A-106.1, by May 1 of each year a statement must be
21 filed by each person whose position at that time subjects him
22 to the filing requirements of Section 4A-101 unless he has
23 already filed a statement in relation to the same unit of
24 government in that calendar year.

25 Statements must also be filed as follows:

1 (a) A candidate for elective office shall file his
2 statement not later than the end of the period during which
3 he can take the action necessary under the laws of this
4 State to attempt to qualify for nomination, election, or
5 retention to such office if he has not filed a statement in
6 relation to the same unit of government within a year
7 preceding such action.

8 (b) A person whose appointment to office is subject to
9 confirmation by the Senate shall file his statement at the
10 time his name is submitted to the Senate for confirmation.

11 (b-5) A special government agent, as defined in item
12 (1) of Section 4A-101 of this Act, shall file a statement
13 before ~~within 30 days after~~ making the first ex parte
14 communication and each May 1 thereafter if he or she has
15 made an ex parte communication within the previous 12
16 months.

17 (c) Any other person required by this Article to file
18 the statement shall file a statement at the time of his or
19 her initial appointment or employment in relation to that
20 unit of government if appointed or employed by May 1.

21 If any person who is required to file a statement of
22 economic interests fails to file such statement by May 1 of any
23 year, the officer with whom such statement is to be filed under
24 Section 4A-106 of this Act shall, within 7 days after May 1,
25 notify such person by certified mail of his or her failure to
26 file by the specified date. Except as may be prescribed by rule

1 of the Secretary of State, such person shall file his or her
2 statement of economic interests on or before May 15 with the
3 appropriate officer, together with a \$15 late filing fee. Any
4 such person who fails to file by May 15 shall be subject to a
5 penalty of \$100 for each day from May 16 to the date of filing,
6 which shall be in addition to the \$15 late filing fee specified
7 above. Failure to file by May 31 shall result in a forfeiture
8 in accordance with Section 4A-107 of this Act.

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

25 All late filing fees and penalties collected pursuant to
26 this Section shall be paid into the General Revenue Fund in the

1 State treasury, if the Secretary of State receives such
2 statement for filing, or into the general fund in the county
3 treasury, if the county clerk receives such statement for
4 filing. The Attorney General, with respect to the State, and
5 the several State's Attorneys, with respect to counties, shall
6 take appropriate action to collect the prescribed penalties.

7 Failure to file a statement of economic interests within
8 the time prescribed shall not result in a fine or ineligibility
9 for, or forfeiture of, office or position of employment, as the
10 case may be; provided that the failure to file results from not
11 being included for notification by the appropriate agency,
12 clerk, secretary, officer or unit of government, as the case
13 may be, and that a statement is filed within 30 days of actual
14 notice of the failure to file.

15 (Source: P.A. 93-617, eff. 12-9-03.)

16 (5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

17 Sec. 4A-107. Any person required to file a statement of
18 economic interests under this Article who willfully files a
19 false or incomplete statement shall be guilty of a Class A
20 misdemeanor.

21 Failure to file a statement within the time prescribed
22 shall result in ineligibility for, or forfeiture of, office or
23 position of employment, as the case may be; provided, however,
24 that if the notice of failure to file a statement of economic
25 interests provided in Section 4A-105 of this Act is not given

1 by the Secretary of State or the county clerk, as the case may
2 be, no forfeiture shall result if a statement is filed within
3 30 days of actual notice of the failure to file. In addition,
4 in the case of a special government agent as defined in Section
5 4A-101(l), failure to file shall result in a Class A
6 misdemeanor.

7 The Attorney General, with respect to offices or positions
8 described in items (a) through (f) and items (j) and (l) of
9 Section 4A-101 of this Act, or the State's Attorney of the
10 county of the entity for which the filing of statements of
11 economic interests is required, with respect to offices or
12 positions described in items (g) through (i) and item (k) of
13 Section 4A-101 of this Act, shall bring an action in quo
14 warranto against any person who has failed to file by either
15 May 31 or June 30 of any given year.

16 (Source: P.A. 93-617, eff. 12-9-03.)

17 Section 10. The Lobbyist Registration Act is amended by
18 adding Sections 4.5 and 11.3 as follows:

19 (25 ILCS 170/4.5 new)

20 Sec. 4.5. Special government agent. A special government
21 agent is ineligible to register under this Act.

22 It is a violation of this Act for a special government
23 agent to engage in activities for which this Act requires
24 registration.

1 It is a violation of this Act for a person registered or
2 required to register under this Act to act as a special
3 government agent.

4 "Special government agent" means a person required by item
5 (1) of Section 4A-101 of the Illinois Governmental Ethics Act
6 to file a statement of economic interests.

7 (25 ILCS 170/11.3 new)

8 Sec. 11.3. Compensation from a State agency. It is a
9 violation of this Act for a person registered or required to be
10 registered under this Act to accept or agree to accept
11 compensation from a State agency for the purpose of lobbying
12 legislative action.

13 This Section does not apply to compensation that is a
14 portion of the salary of a full-time employee of a State agency
15 whose responsibility or authority includes, but is not limited
16 to, lobbying executive, legislative, or administrative action.

17 For the purpose of this Section, "State agency" is defined
18 as in the Illinois State Auditing Act."