



Sen. Susan Garrett

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LRB096 07744 JAM 24881 a

1 AMENDMENT TO SENATE BILL 189

2 AMENDMENT NO. _____. Amend Senate Bill 189 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Gubernatorial Boards and Commissions Act.

6 Section 5. Definitions. As used in this Act:

7 "Board" means a board authorized or created by executive
8 order of the Governor, statute, or the Illinois Constitution to
9 which the Governor has authority (whether or not exercised) to
10 appoint one or more members.

11 "Commission" means a commission or other body authorized or
12 created by executive order of the Governor, statute, or the
13 Illinois Constitution to which the Governor has authority
14 (whether or not exercised) to appoint one or more members.

15 "Office" means the Governor's Office of Boards and
16 Commissions, or a successor entity within the Governor's

1 administration.

2 Section 10. Repository of board and commission membership.
3 The Office shall establish and maintain on the Internet a
4 centralized, searchable database, freely accessible to the
5 public, of information relating to appointed positions on the
6 State's boards and commissions.

7 The database shall include, at a minimum:

8 (1) The qualifications for, and the powers, duties, and
9 responsibilities of, each appointed position on each of the
10 State's boards and commissions.

11 (2) The name and term of each current appointed member
12 of a board or commission and previous terms served by that
13 person on that or any other State board or commission.

14 (3) Each current vacancy in appointed membership of
15 each of the State's boards and commissions.

16 (4) Information as to how a person may apply for
17 appointment to a board or commission, including a uniform
18 application that may be downloaded and printed or that may
19 be submitted electronically.

20 (5) A copy of the resume, with the person's home
21 address and any personal information redacted, of each
22 person appointed to a board or commission by the Governor
23 after the effective date of this Act. This posting shall
24 remain until one year after the person no longer serves on
25 that board or commission.

1 (6) A copy of the letter of appointment, with the
2 person's home address redacted, filed with the Secretary of
3 State with respect to each person appointed to a board or
4 commission by the Governor after the effective date of this
5 Act. This posting shall remain until one year after the
6 person no longer serves on that board or commission.

7 (7) A link to that section of the Secretary of State's
8 website that allows the public to search Statements of
9 Economic Interest filed with the Secretary of State.

10 Section 15. Eligibility for appointment or reappointment
11 to certain boards and commissions.

12 (a) For the purpose of this Section, "appointment or
13 reappointment" means appointment or reappointment by the
14 Governor to:

15 (1) A board or commission composed of members whose
16 appointment or reappointment requires the advice and
17 consent of the Senate, and whose members: (i) are entitled
18 to compensation for their service beyond reimbursement of
19 expenses; (ii) have statutory authority to regulate or
20 oversee the business or activities of individuals, private
21 entities, or public bodies; (iii) have statutory authority
22 to issue or approve professional licenses; (iv) have
23 statutory authority to conduct, or review the decision
24 resulting from, any arbitration, adjudication,
25 administrative, or quasi-judicial proceeding; or (v) have

1 statutory authority to award grants.

2 (2) The governing board of a retirement system
3 established by Article 14, 15, or 16 of the Illinois
4 Pension Code.

5 (3) The Illinois State Board of Investment.

6 (4) The Illinois Board of Higher Education.

7 (5) The governing board of a State university.

8 (b) a person is ineligible for appointment or reappointment
9 after the effective date of this Act if:

10 (1) The person fails to agree in writing on a form
11 prescribed by the Office that he or she, for a period of
12 one year after termination of the person's appointment or
13 reappointment, will not accept employment with, or perform
14 any compensated services for, an individual or entity (or
15 any of its affiliates) with respect to which the person,
16 during a period of one year before termination of his or
17 her appointment or reappointment, participated in the
18 board's or commission's (i) award of a contract of more
19 than \$25,000 or (ii) regulatory, adjudicatory,
20 quasi-adjudicatory, investigatory, or licensing decision.
21 After a person's appointment or reappointment, the written
22 agreement shall not be binding if waived by the Executive
23 Ethics Commission upon a showing that the prospective
24 employment or relationship did not affect the board's or
25 commission's award or decision.

26 (2) The person fails to agree in writing on a form

1 prescribed by the Office that the person will not lobby or
2 represent an individual or entity (or any of its
3 affiliates) before the board or commission to which the
4 person seeks appointment or reappointment during his or her
5 service on that board or commission and for one year after
6 termination of that service.

7 (3) The person fails to file a disclosure of conflicts
8 of interests and a statement of economic interests as
9 required by Section 3A-30 and Article 4A, respectively, of
10 the Illinois Governmental Ethics Act.

11 (c) Nothing in this Section shall impair the ability of a
12 person serving on a board or commission on the effective date
13 of this Act to complete his or her current term of membership.

14 Section 20. Ethics training. Each person appointed by the
15 Governor to a board or commission described in subsection (a)
16 of Section 15, whether appointed before, on, or after the
17 effective date of this Act, shall annually complete the ethics
18 training required by Section 5-10 of the State Officials and
19 Employees Ethics Act for State employees under the jurisdiction
20 of the Governor's Executive Inspector General.

21 Section 25. Board or commission website. A board or
22 commission that maintains a website and has a full-time
23 information technology staff shall make freely available to the
24 public on that website the following:

1 (1) Any audio or video recordings of each of its
2 regular or special open meetings, for a period of at least
3 2 years after the date of the meeting.

4 (2) Minutes of each of its regular or special meetings,
5 for a period of at least 2 years after the date of the
6 meeting.

7 (3) A regularly updated schedule of its future meeting
8 dates and agenda.

9 Section 30. Special Inspector General for Boards and
10 Commissions.

11 (a) The Governor's Executive Inspector General shall
12 appoint a Special Inspector General for Boards and Commissions.
13 The Special Inspector General shall receive and review all
14 complaints involving boards and commissions under the
15 jurisdiction of the Governor. Upon request, the Special
16 Inspector General shall provide advice and counsel in matters
17 relating to enforcement and application of this Act and the
18 State Officials and Employees Ethics Act.

19 (b) The Office shall maintain on its official website
20 information concerning the process for filing a complaint with
21 the Special Inspector General for Boards and Commissions
22 regarding any suspected fraud, waste, abuse, or misconduct
23 involving a board or commission. The information shall include,
24 but shall not be limited to, a link to the website of the
25 Office of the Governor's Executive Inspector General and

1 contact information for the Special Inspector General for
2 Boards and Commissions.

3 (c) The ethics officer of each board or commission shall
4 timely file with the Special Inspector General for Boards and
5 Commissions a copy of each ex parte communication made a part
6 of the board's or commission's record pursuant to Section 5-50
7 of the State Officials and Employees Ethics Act.

8 Section 35. Information provided to the Senate.

9 (a) Before the Governor submits the name of an applicant
10 for appointment to a board or commission to the Senate for
11 confirmation, the Office shall provide to each member of the
12 Senate's Committee on Executive Appointments, or its
13 successor, the following:

14 (1) A copy of the application for the appointment
15 completed by the appointee for the position for which the
16 Governor is seeking to have that person confirmed;

17 (2) A copy of the applicant's resume;

18 (3) A questionnaire, completed by the applicant, which
19 shall be provided by the Chair of the Committee, seeking
20 such information as the Committee may direct;

21 (4) A copy of the applicant's Oath of Office, and
22 Statement of Economic Interest required under Article 4A of
23 the Illinois Governmental Ethics Act, which have been filed
24 with the Secretary of State;

25 (5) A copy of the applicant's Statement of Conflict of

1 Interest under Sections 3A-30 and 3A-35 of the Illinois
2 Governmental Ethics Act, if the applicant is required to
3 make such a disclosure, which has been filed with the
4 Secretary of State; and

5 (6) A copy of the applicant's current registration as a
6 lobbyist with the Secretary of State, if the applicant is
7 so registered.

8 Section 40. Savings provision. Nothing in this Act shall be
9 construed to contravene any State or federal law.

10 Section 90. The Illinois Governmental Ethics Act is amended
11 by changing Sections 3A-30, 4A-101, and 4A-105 as follows:

12 (5 ILCS 420/3A-30)

13 Sec. 3A-30. Disclosure.

14 (a) Before ~~Upon~~ appointment to a board, commission,
15 authority, or task force authorized or created by State law, a
16 person must file with the Secretary of State a disclosure of
17 all contracts the person or his or her spouse or immediate
18 family members living with the person have with the State and
19 all contracts between the State and any entity in which the
20 person or his or her spouse or immediate family members living
21 with the person have a majority financial interest.

22 (b) Violation of this Section is a business offense
23 punishable by a fine of \$1,001.

1 (c) The Secretary of State must adopt rules for the
2 implementation and administration of this Section. Disclosures
3 filed under this Section are public records and shall be posted
4 on the Secretary of State's official website.

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

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
17 election to such Commission or Board.

18 (d) Persons whose appointment to office is subject to
19 confirmation by the Senate and persons appointed, and
20 applicants for appointment, by the Governor to any other
21 position on a board or commission described in subsection
22 (a) of Section 15 of the Gubernatorial Boards and
23 Commissions Act.

24 (e) Holders of, and candidates for nomination or
25 election to, the office of judge or associate judge of the

1 Circuit Court and the office of judge of the Appellate or
2 Supreme Court.

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

21 (1) are, or function as, the head of a department,
22 commission, board, division, bureau, authority or
23 other administrative unit within the government of
24 this State, or who exercise similar authority within
25 the government of this State;

26 (2) have direct supervisory authority over, or

1 direct responsibility for the formulation,
2 negotiation, issuance or execution of contracts
3 entered into by the State in the amount of \$5,000 or
4 more;

5 (3) have authority for the issuance or
6 promulgation of rules and regulations within areas
7 under the authority of the State;

8 (4) have authority for the approval of
9 professional licenses;

10 (5) have responsibility with respect to the
11 financial inspection of regulated nongovernmental
12 entities;

13 (6) adjudicate, arbitrate, or decide any judicial
14 or administrative proceeding, or review the
15 adjudication, arbitration or decision of any judicial
16 or administrative proceeding within the authority of
17 the State;

18 (7) have supervisory responsibility for 20 or more
19 employees of the State; or

20 (8) negotiate, assign, authorize, or grant naming
21 rights or sponsorship rights regarding any property or
22 asset of the State, whether real, personal, tangible,
23 or intangible.

24 (g) Persons who are elected to office in a unit of
25 local government, and candidates for nomination or
26 election to that office, including regional

1 superintendents of school districts.

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

15 (i) Persons who are employed by a unit of local
16 government and are compensated for services as employees
17 and not as independent contractors and who:

18 (1) are, or function as, the head of a department,
19 division, bureau, authority or other administrative
20 unit within the unit of local government, or who
21 exercise similar authority within the unit of local
22 government;

23 (2) have direct supervisory authority over, or
24 direct responsibility for the formulation,
25 negotiation, issuance or execution of contracts
26 entered into by the unit of local government in the

1 amount of \$1,000 or greater;

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

6 (4) adjudicate, arbitrate, or decide any judicial
7 or administrative proceeding, or review the
8 adjudication, arbitration or decision of any judicial
9 or administrative proceeding within the authority of
10 the unit of local government;

11 (5) have authority to issue or promulgate rules and
12 regulations within areas under the authority of the
13 unit of local government; or

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

16 (j) Persons on the Board of Trustees of the Illinois
17 Mathematics and Science Academy.

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

21 (l) Special government agents. A "special government
22 agent" is a person who is directed, retained, designated,
23 appointed, or employed, with or without compensation, by or
24 on behalf of a statewide executive branch constitutional
25 officer to make an ex parte communication under Section
26 5-50 of the State Officials and Employees Ethics Act or

1 Section 5-165 of the Illinois Administrative Procedure
2 Act.

3 (m) Members of the board of commissioners of any flood
4 prevention district.

5 This Section shall not be construed to prevent any unit of
6 local government from enacting financial disclosure
7 requirements that mandate more information than required by
8 this Act.

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

10 (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

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

17 Statements must also be filed as follows:

18 (a) A candidate for elective office shall file his
19 statement not later than the end of the period during which
20 he can take the action necessary under the laws of this
21 State to attempt to qualify for nomination, election, or
22 retention to such office if he has not filed a statement in
23 relation to the same unit of government within a year
24 preceding such action.

25 (b) A person, other than a person nominated by the

1 Governor, whose appointment to office is subject to
2 confirmation by the Senate shall file his statement at the
3 time his name is submitted to the Senate for confirmation.

4 (b-1) A person seeking appointment by the Governor to a
5 board or commission described in subsection (a) of Section
6 15 of the Gubernatorial Boards and Commissions Act, whether
7 or not that appointment is subject to Senate confirmation,
8 shall file his or her statement at the time of application.

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

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

19 If any person who is required to file a statement of
20 economic interests fails to file such statement by May 1 of any
21 year, the officer with whom such statement is to be filed under
22 Section 4A-106 of this Act shall, within 7 days after May 1,
23 notify such person by certified mail of his or her failure to
24 file by the specified date. Except as may be prescribed by rule
25 of the Secretary of State, such person shall file his or her
26 statement of economic interests on or before May 15 with the

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

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

23 All late filing fees and penalties collected pursuant to
24 this Section shall be paid into the General Revenue Fund in the
25 State treasury, if the Secretary of State receives such
26 statement for filing, or into the general fund in the county

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

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

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

14 Section 97. Severability. The provisions of this Act are
15 severable under Section 1.31 of the Statute on Statutes.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."