



Rep. Jack D. Franks

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LRB096 10304 RCE 27554 a

1 AMENDMENT TO SENATE BILL 1602

2 AMENDMENT NO. _____. Amend Senate Bill 1602, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

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

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

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

16 "Office" means the Governor's Office of Boards and

1 Commissions, or a successor entity within the Governor's
2 administration.

3 "Participate" means to participate personally and in a
4 manner that is beyond purely ministerial in nature.

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

10 The database shall include, at a minimum:

11 (1) The qualifications for, and the powers, duties, and
12 responsibilities of, each appointed position on each of the
13 State's boards and commissions.

14 (2) The name and term of each current appointed member
15 of a board or commission.

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

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

22 (5) A link to that section of the Secretary of State's
23 website that allows the public to search Statements of
24 Economic Interest filed with the Secretary of State.

1 Section 15. Eligibility for appointment or reappointment
2 to certain boards and commissions.

3 (a) For the purpose of this Section, "appointment or
4 reappointment" means appointment or reappointment by the
5 Governor to:

6 (1) A board or commission composed of members whose
7 appointment or reappointment requires the advice and
8 consent of the Senate, and whose members: (i) are entitled
9 to compensation for their service beyond reimbursement of
10 expenses; (ii) have statutory authority to regulate or
11 oversee the business or activities of individuals, private
12 entities, or public bodies; (iii) have statutory authority
13 to issue or approve professional licenses; (iv) have
14 statutory authority to conduct, or review the decision
15 resulting from, any arbitration, adjudication,
16 administrative, or quasi-judicial proceeding; or (v) have
17 statutory authority to award grants.

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

21 (3) The Illinois State Board of Investment.

22 (4) The Illinois Board of Higher Education.

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

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

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

1 prescribed by the Office that he or she, for a period of
2 one year after termination of the person's appointment or
3 reappointment, will not accept employment with, or perform
4 any compensated services for, an individual or entity (or
5 any of its affiliates) with respect to which the person,
6 during a period of one year before termination of his or
7 her appointment or reappointment, participated in the
8 board's or commission's (i) award of a contract of more
9 than \$25,000 or (ii) regulatory, adjudicatory,
10 quasi-adjudicatory, investigatory, or licensing decision.
11 After a person's appointment or reappointment, the written
12 agreement shall not be binding if waived by the Executive
13 Ethics Commission upon a showing that the prospective
14 employment or relationship did not affect the board's or
15 commission's award or decision.

16 (2) The person fails to agree in writing on a form
17 prescribed by the Office that the person will not lobby or
18 represent an individual or entity (or any of its
19 affiliates) before the board or commission to which the
20 person seeks appointment or reappointment during his or her
21 service on that board or commission and for one year after
22 termination of that service.

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

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

4 Section 20. Board or commission website. A board or
5 commission that maintains a website and has a full-time
6 information technology staff shall make freely available to the
7 public on that website the following:

8 (1) Any audio or video recordings of each of its
9 regular or special open meetings, for a period of at least
10 2 years after the date of the meeting.

11 (2) Minutes of each of its regular or special meetings,
12 for a period of at least 2 years after the date of the
13 meeting.

14 (3) A regularly updated schedule of its future meeting
15 dates and agenda.

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

18 Section 90. The Illinois Governmental Ethics Act is amended
19 by changing Section 4A-101 as follows:

20 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

21 Sec. 4A-101. Persons required to file. The following
22 persons shall file verified written statements of economic

1 interests, as provided in this Article:

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

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

7 (c) Members of a Commission or Board created by the
8 Illinois Constitution, and candidates for nomination or
9 election to such Commission or Board.

10 (d) Persons whose appointment to office is subject to
11 confirmation by the Senate and persons appointed by the
12 Governor to any other position on a board or commission
13 described in subsection (a) of Section 15 of the
14 Gubernatorial Boards and Commissions Act.

15 (e) Holders of, and candidates for nomination or
16 election to, the office of judge or associate judge of the
17 Circuit Court and the office of judge of the Appellate or
18 Supreme Court.

19 (f) Persons who are employed by any branch, agency,
20 authority or board of the government of this State,
21 including but not limited to, the Illinois State Toll
22 Highway Authority, the Illinois Housing Development
23 Authority, the Illinois Community College Board, and
24 institutions under the jurisdiction of the Board of
25 Trustees of the University of Illinois, Board of Trustees
26 of Southern Illinois University, Board of Trustees of

1 Chicago State University, Board of Trustees of Eastern
2 Illinois University, Board of Trustees of Governor's State
3 University, Board of Trustees of Illinois State
4 University, Board of Trustees of Northeastern Illinois
5 University, Board of Trustees of Northern Illinois
6 University, Board of Trustees of Western Illinois
7 University, or Board of Trustees of the Illinois
8 Mathematics and Science Academy, and are compensated for
9 services as employees and not as independent contractors
10 and who:

11 (1) are, or function as, the head of a department,
12 commission, board, division, bureau, authority or
13 other administrative unit within the government of
14 this State, or who exercise similar authority within
15 the government of this State;

16 (2) have direct supervisory authority over, or
17 direct responsibility for the formulation,
18 negotiation, issuance or execution of contracts
19 entered into by the State in the amount of \$5,000 or
20 more;

21 (3) have authority for the issuance or
22 promulgation of rules and regulations within areas
23 under the authority of the State;

24 (4) have authority for the approval of
25 professional licenses;

26 (5) have responsibility with respect to the

1 financial inspection of regulated nongovernmental
2 entities;

3 (6) adjudicate, arbitrate, or decide any judicial
4 or administrative proceeding, or review the
5 adjudication, arbitration or decision of any judicial
6 or administrative proceeding within the authority of
7 the State;

8 (7) have supervisory responsibility for 20 or more
9 employees of the State; or

10 (8) negotiate, assign, authorize, or grant naming
11 rights or sponsorship rights regarding any property or
12 asset of the State, whether real, personal, tangible,
13 or intangible.

14 (g) Persons who are elected to office in a unit of
15 local government, and candidates for nomination or
16 election to that office, including regional
17 superintendents of school districts.

18 (h) Persons appointed to the governing board of a unit
19 of local government, or of a special district, and persons
20 appointed to a zoning board, or zoning board of appeals, or
21 to a regional, county, or municipal plan commission, or to
22 a board of review of any county, and persons appointed to
23 the Board of the Metropolitan Pier and Exposition Authority
24 and any Trustee appointed under Section 22 of the
25 Metropolitan Pier and Exposition Authority Act, and
26 persons appointed to a board or commission of a unit of

1 local government who have authority to authorize the
2 expenditure of public funds. This subsection does not apply
3 to members of boards or commissions who function in an
4 advisory capacity.

5 (i) Persons who are employed by a unit of local
6 government and are compensated for services as employees
7 and not as independent contractors and who:

8 (1) are, or function as, the head of a department,
9 division, bureau, authority or other administrative
10 unit within the unit of local government, or who
11 exercise similar authority within the unit of local
12 government;

13 (2) have direct supervisory authority over, or
14 direct responsibility for the formulation,
15 negotiation, issuance or execution of contracts
16 entered into by the unit of local government in the
17 amount of \$1,000 or greater;

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

22 (4) adjudicate, arbitrate, or decide any judicial
23 or administrative proceeding, or review the
24 adjudication, arbitration or decision of any judicial
25 or administrative proceeding within the authority of
26 the unit of local government;

1 (5) have authority to issue or promulgate rules and
2 regulations within areas under the authority of the
3 unit of local government; or

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

6 (j) Persons on the Board of Trustees of the Illinois
7 Mathematics and Science Academy.

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

11 (l) Special government agents. A "special government
12 agent" is a person who is directed, retained, designated,
13 appointed, or employed, with or without compensation, by or
14 on behalf of a statewide executive branch constitutional
15 officer to make an ex parte communication under Section
16 5-50 of the State Officials and Employees Ethics Act or
17 Section 5-165 of the Illinois Administrative Procedure
18 Act.

19 (m) Members of the board of commissioners of any flood
20 prevention district.

21 (n) Members of the board of any retirement system or
22 investment board established under the Illinois Pension
23 Code, if not required to file under any other provision of
24 this Section.

25 (o) Members of the board of any pension fund
26 established under the Illinois Pension Code, if not

1 required to file under any other provision of this Section.

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

6 (Source: P.A. 95-719, eff. 5-21-08; 96-6, eff. 4-3-09.)

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."