

# SB2099



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB2099

Introduced 2/20/2009, by Sen. Randall M. Hultgren

#### SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-101

from Ch. 127, par. 604A-101

Amends the Illinois Governmental Ethics Act. Makes a technical change in the provisions specifying who must file statements of economic interests.

LRB096 11374 JAM 21835 b

A BILL FOR

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 4A-101 as follows:

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

7 Sec. 4A-101. Persons required to file. The ~~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.

20 (e) Holders of, and candidates for nomination or  
21 election to, the office of judge or associate judge of the  
22 Circuit Court and the office of judge of the Appellate or  
23 Supreme Court.

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

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

24               (2) have direct supervisory authority over, or  
25               direct responsibility for the formulation,  
26               negotiation, issuance or execution of contracts

1 entered into by the State in the amount of \$5,000 or  
2 more;

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

6 (4) have authority for the approval of  
7 professional licenses;

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

11 (6) 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 State;

16 (7) have supervisory responsibility for 20 or more  
17 employees of the State; or

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

22 (g) Persons who are elected to office in a unit of  
23 local government, and candidates for nomination or  
24 election to that office, including regional  
25 superintendents of school districts.

26 (h) Persons appointed to the governing board of a unit

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

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

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

21 (2) have direct supervisory authority over, or  
22 direct responsibility for the formulation,  
23 negotiation, issuance or execution of contracts  
24 entered into by the unit of local government in the  
25 amount of \$1,000 or greater;

26 (3) have authority to approve licenses and permits

1 by the unit of local government; this item does not  
2 include employees who function in a ministerial  
3 capacity;

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

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

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

14 (j) Persons on the Board of Trustees of the Illinois  
15 Mathematics and Science Academy.

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

19 (l) Special government agents. A "special government  
20 agent" is a person who is directed, retained, designated,  
21 appointed, or employed, with or without compensation, by or  
22 on behalf of a statewide executive branch constitutional  
23 officer to make an ex parte communication under Section  
24 5-50 of the State Officials and Employees Ethics Act or  
25 Section 5-165 of the Illinois Administrative Procedure  
26 Act.

1           (m) Members of the board of commissioners of any flood  
2           prevention district.

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

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