

SB3398



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3398

Introduced 2/10/2010, by Sen. Jeffrey M. Schoenberg

SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-105

from Ch. 127, par. 604A-105

Amends the Illinois Governmental Ethics Act. Requires that a special government agent file a statement of economic interests within 60 days after assuming responsibilities as a special government agent (now, within 30 days after making the first ex parte communication). Effective immediately.

LRB096 20450 JAM 36105 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-105 as follows:

6 (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

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

13 Statements must also be filed as follows:

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

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

1 (b-5) A special government agent, as defined in item
2 (1) of Section 4A-101 of this Act, shall file a statement
3 within 60 days after assuming responsibilities as a special
4 government agent ~~30 days after making the first ex parte~~
5 ~~communication~~ and each May 1 thereafter if he or she has
6 made an ex parte communication within the previous 12
7 months.

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

12 If any person who is required to file a statement of
13 economic interests fails to file such statement by May 1 of any
14 year, the officer with whom such statement is to be filed under
15 Section 4A-106 of this Act shall, within 7 days after May 1,
16 notify such person by certified mail of his or her failure to
17 file by the specified date. Except as may be prescribed by rule
18 of the Secretary of State, such person shall file his or her
19 statement of economic interests on or before May 15 with the
20 appropriate officer, together with a \$15 late filing fee. Any
21 such person who fails to file by May 15 shall be subject to a
22 penalty of \$100 for each day from May 16 to the date of filing,
23 which shall be in addition to the \$15 late filing fee specified
24 above. Failure to file by May 31 shall result in a forfeiture
25 in accordance with Section 4A-107 of this Act.

26 Any person who takes office or otherwise becomes required

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

16 All late filing fees and penalties collected pursuant to
17 this Section shall be paid into the General Revenue Fund in the
18 State treasury, if the Secretary of State receives such
19 statement for filing, or into the general fund in the county
20 treasury, if the county clerk receives such statement for
21 filing. The Attorney General, with respect to the State, and
22 the several State's Attorneys, with respect to counties, shall
23 take appropriate action to collect the prescribed penalties.

24 Failure to file a statement of economic interests within
25 the time prescribed shall not result in a fine or ineligibility
26 for, or forfeiture of, office or position of employment, as the

1 case may be; provided that the failure to file results from not
2 being included for notification by the appropriate agency,
3 clerk, secretary, officer or unit of government, as the case
4 may be, and that a statement is filed within 30 days of actual
5 notice of the failure to file.

6 Beginning with statements required to be filed on or after
7 May 1, 2009, the officer with whom a statement is to be filed
8 may, in his or her discretion, waive the late filing fee, the
9 monetary late filing penalty, and the ineligibility for or
10 forfeiture of office or position for failure to file when the
11 person's late filing of a statement or failure to file a
12 statement is due to his or her (i) serious or catastrophic
13 illness that renders the person temporarily incapable of
14 completing the statement or (ii) military service.

15 (Source: P.A. 96-550, eff. 8-17-09.)

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