



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4712

Introduced 2/3/2012, by Rep. Pam Roth

SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-101

from Ch. 127, par. 604A-101

Amends the Illinois Governmental Ethics Act. Requires former members of the General Assembly to file statements of economic interests for a period of 2 years following the termination of their terms of office if they elect to do so. Effective immediately.

LRB097 14542 JDS 59397 b

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 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, and, for a
12 period of 2 years following the termination of their term
13 of office, former members of the General Assembly who have
14 elected to continue filing statements of economic
15 interests during that time.

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

19 (c) Members of a Commission or Board created by the
20 Illinois Constitution, and candidates for nomination or
21 election to such Commission or Board.

22 (d) Persons whose appointment to office is subject to
23 confirmation by the Senate and persons appointed by the

1 Governor to any other position on a board or commission
2 described in subsection (a) of Section 15 of the
3 Gubernatorial Boards and Commissions Act.

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;

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; or

3 (9) have responsibility with respect to the
4 procurement of goods or services.

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

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

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

25 (1) are, or function as, the head of a department,
26 division, bureau, authority or other administrative

1 unit within the unit of local government, or who
2 exercise similar authority within the unit of local
3 government;

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

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

13 (4) 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 unit of local government;

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

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

23 (j) Persons on the Board of Trustees of the Illinois
24 Mathematics and Science Academy.

25 (k) Persons employed by a school district in positions
26 that require that person to hold an administrative or a

1 chief school business official endorsement.

2 (l) Special government agents. A "special government
3 agent" is a person who is directed, retained, designated,
4 appointed, or employed, with or without compensation, by or
5 on behalf of a statewide executive branch constitutional
6 officer to make an ex parte communication under Section
7 5-50 of the State Officials and Employees Ethics Act or
8 Section 5-165 of the Illinois Administrative Procedure
9 Act.

10 (m) Members of the board of commissioners of any flood
11 prevention district created under the Flood Prevention
12 District Act or the Beardstown Regional Flood Prevention
13 District Act.

14 (n) Members of the board of any retirement system or
15 investment board established under the Illinois Pension
16 Code, if not required to file under any other provision of
17 this Section.

18 (o) Members of the board of any pension fund
19 established under the Illinois Pension Code, if not
20 required to file under any other provision of this Section.

21 This Section shall not be construed to prevent any unit of
22 local government from enacting financial disclosure
23 requirements that mandate more information than required by
24 this Act.

25 (Source: P.A. 96-6, eff. 4-3-09; 96-543, eff. 8-17-09; 96-555,
26 eff. 8-18-09; 96-1000, eff. 7-2-10; 97-309, eff. 8-11-11.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.