



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0186

by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

- 5 ILCS 430/1-5
- 5 ILCS 430/5-47 new
- 5 ILCS 430/50-5

Amends the State Officials and Employees Ethics Act. Provides that no former officer, former member, or former State employee and no employee or immediate family member of a former officer, former member, or former State employee shall engage in lobbying for a period of 2 years after the last day of the most recent term of office to which the former officer was elected or, if not elected, for a period of 2 years after the former officer, former member, or former State employee ended his or her employment with the State. Makes a violation of these requirements a Class 4 felony. Authorizes the imposition of a fine in an amount equal to the total amount of salary, compensation, or any other form of payment that the person received in connection with the prohibited activity. Defines "immediate family member". Effective immediately.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 State Officials and Employees Ethics Act is
5 amended by changing Sections 1-5 and 50-5 and by adding Section
6 5-47 as follows:

7 (5 ILCS 430/1-5)

8 Sec. 1-5. Definitions. As used in this Act:

9 "Appointee" means a person appointed to a position in or
10 with a State agency, regardless of whether the position is
11 compensated.

12 "Board members of Regional Transit Boards" means any person
13 appointed to serve on the governing board of a Regional Transit
14 Board.

15 "Campaign for elective office" means any activity in
16 furtherance of an effort to influence the selection,
17 nomination, election, or appointment of any individual to any
18 federal, State, or local public office or office in a political
19 organization, or the selection, nomination, or election of
20 Presidential or Vice-Presidential electors, but does not
21 include activities (i) relating to the support or opposition of
22 any executive, legislative, or administrative action (as those
23 terms are defined in Section 2 of the Lobbyist Registration

1 Act), (ii) relating to collective bargaining, or (iii) that are
2 otherwise in furtherance of the person's official State duties.

3 "Candidate" means a person who has filed nominating papers
4 or petitions for nomination or election to an elected State
5 office, or who has been appointed to fill a vacancy in
6 nomination, and who remains eligible for placement on the
7 ballot at either a general primary election or general
8 election.

9 "Collective bargaining" has the same meaning as that term
10 is defined in Section 3 of the Illinois Public Labor Relations
11 Act.

12 "Commission" means an ethics commission created by this
13 Act.

14 "Compensated time" means any time worked by or credited to
15 a State employee that counts toward any minimum work time
16 requirement imposed as a condition of employment with a State
17 agency, but does not include any designated State holidays or
18 any period when the employee is on a leave of absence.

19 "Compensatory time off" means authorized time off earned by
20 or awarded to a State employee to compensate in whole or in
21 part for time worked in excess of the minimum work time
22 required of that employee as a condition of employment with a
23 State agency.

24 "Contribution" has the same meaning as that term is defined
25 in Section 9-1.4 of the Election Code.

26 "Employee" means (i) any person employed full-time,

1 part-time, or pursuant to a contract and whose employment
2 duties are subject to the direction and control of an employer
3 with regard to the material details of how the work is to be
4 performed or (ii) any appointed or elected commissioner,
5 trustee, director, or board member of a board of a State
6 agency, including any retirement system or investment board
7 subject to the Illinois Pension Code or (iii) any other
8 appointee.

9 "Employment benefits" include but are not limited to the
10 following: modified compensation or benefit terms; compensated
11 time off; or change of title, job duties, or location of office
12 or employment. An employment benefit may also include favorable
13 treatment in determining whether to bring any disciplinary or
14 similar action or favorable treatment during the course of any
15 disciplinary or similar action or other performance review.

16 "Executive branch constitutional officer" means the
17 Governor, Lieutenant Governor, Attorney General, Secretary of
18 State, Comptroller, and Treasurer.

19 "Gift" means any gratuity, discount, entertainment,
20 hospitality, loan, forbearance, or other tangible or
21 intangible item having monetary value including, but not
22 limited to, cash, food and drink, and honoraria for speaking
23 engagements related to or attributable to government
24 employment or the official position of an employee, member, or
25 officer. The value of a gift may be further defined by rules
26 adopted by the appropriate ethics commission or by the Auditor

1 General for the Auditor General and for employees of the office
2 of the Auditor General.

3 "Governmental entity" means a unit of local government
4 (including a community college district) or a school district
5 but not a State agency or a Regional Transit Board.

6 "Immediate family member" means a person's spouse by
7 marriage, partner in a civil union, or his or her child by
8 birth or adoption.

9 "Leave of absence" means any period during which a State
10 employee does not receive (i) compensation for State
11 employment, (ii) service credit towards State pension
12 benefits, and (iii) health insurance benefits paid for by the
13 State.

14 "Legislative branch constitutional officer" means a member
15 of the General Assembly and the Auditor General.

16 "Legislative leader" means the President and Minority
17 Leader of the Senate and the Speaker and Minority Leader of the
18 House of Representatives.

19 "Member" means a member of the General Assembly.

20 "Officer" means an executive branch constitutional officer
21 or a legislative branch constitutional officer.

22 "Political" means any activity in support of or in
23 connection with any campaign for elective office or any
24 political organization, but does not include activities (i)
25 relating to the support or opposition of any executive,
26 legislative, or administrative action (as those terms are

1 defined in Section 2 of the Lobbyist Registration Act), (ii)
2 relating to collective bargaining, or (iii) that are otherwise
3 in furtherance of the person's official State duties or
4 governmental and public service functions.

5 "Political organization" means a party, committee,
6 association, fund, or other organization (whether or not
7 incorporated) that is required to file a statement of
8 organization with the State Board of Elections or a county
9 clerk under Section 9-3 of the Election Code, but only with
10 regard to those activities that require filing with the State
11 Board of Elections or a county clerk.

12 "Prohibited political activity" means:

13 (1) Preparing for, organizing, or participating in any
14 political meeting, political rally, political
15 demonstration, or other political event.

16 (2) Soliciting contributions, including but not
17 limited to the purchase of, selling, distributing, or
18 receiving payment for tickets for any political
19 fundraiser, political meeting, or other political event.

20 (3) Soliciting, planning the solicitation of, or
21 preparing any document or report regarding any thing of
22 value intended as a campaign contribution.

23 (4) Planning, conducting, or participating in a public
24 opinion poll in connection with a campaign for elective
25 office or on behalf of a political organization for
26 political purposes or for or against any referendum

1 question.

2 (5) Surveying or gathering information from potential
3 or actual voters in an election to determine probable vote
4 outcome in connection with a campaign for elective office
5 or on behalf of a political organization for political
6 purposes or for or against any referendum question.

7 (6) Assisting at the polls on election day on behalf of
8 any political organization or candidate for elective
9 office or for or against any referendum question.

10 (7) Soliciting votes on behalf of a candidate for
11 elective office or a political organization or for or
12 against any referendum question or helping in an effort to
13 get voters to the polls.

14 (8) Initiating for circulation, preparing,
15 circulating, reviewing, or filing any petition on behalf of
16 a candidate for elective office or for or against any
17 referendum question.

18 (9) Making contributions on behalf of any candidate for
19 elective office in that capacity or in connection with a
20 campaign for elective office.

21 (10) Preparing or reviewing responses to candidate
22 questionnaires in connection with a campaign for elective
23 office or on behalf of a political organization for
24 political purposes.

25 (11) Distributing, preparing for distribution, or
26 mailing campaign literature, campaign signs, or other

1 campaign material on behalf of any candidate for elective
2 office or for or against any referendum question.

3 (12) Campaigning for any elective office or for or
4 against any referendum question.

5 (13) Managing or working on a campaign for elective
6 office or for or against any referendum question.

7 (14) Serving as a delegate, alternate, or proxy to a
8 political party convention.

9 (15) Participating in any recount or challenge to the
10 outcome of any election, except to the extent that under
11 subsection (d) of Section 6 of Article IV of the Illinois
12 Constitution each house of the General Assembly shall judge
13 the elections, returns, and qualifications of its members.

14 "Prohibited source" means any person or entity who:

15 (1) is seeking official action (i) by the member or
16 officer or (ii) in the case of an employee, by the employee
17 or by the member, officer, State agency, or other employee
18 directing the employee;

19 (2) does business or seeks to do business (i) with the
20 member or officer or (ii) in the case of an employee, with
21 the employee or with the member, officer, State agency, or
22 other employee directing the employee;

23 (3) conducts activities regulated (i) by the member or
24 officer or (ii) in the case of an employee, by the employee
25 or by the member, officer, State agency, or other employee
26 directing the employee;

1 (4) has interests that may be substantially affected by
2 the performance or non-performance of the official duties
3 of the member, officer, or employee;

4 (5) is registered or required to be registered with the
5 Secretary of State under the Lobbyist Registration Act,
6 except that an entity not otherwise a prohibited source
7 does not become a prohibited source merely because a
8 registered lobbyist is one of its members or serves on its
9 board of directors; or

10 (6) is an agent of, a spouse of, or an immediate family
11 member who is living with a "prohibited source".

12 "Regional Transit Boards" means (i) the Regional
13 Transportation Authority created by the Regional
14 Transportation Authority Act, (ii) the Suburban Bus Division
15 created by the Regional Transportation Authority Act, (iii) the
16 Commuter Rail Division created by the Regional Transportation
17 Authority Act, and (iv) the Chicago Transit Authority created
18 by the Metropolitan Transit Authority Act.

19 "State agency" includes all officers, boards, commissions
20 and agencies created by the Constitution, whether in the
21 executive or legislative branch; all officers, departments,
22 boards, commissions, agencies, institutions, authorities,
23 public institutions of higher learning as defined in Section 2
24 of the Higher Education Cooperation Act (except community
25 colleges), and bodies politic and corporate of the State; and
26 administrative units or corporate outgrowths of the State

1 government which are created by or pursuant to statute, other
2 than units of local government (including community college
3 districts) and their officers, school districts, and boards of
4 election commissioners; and all administrative units and
5 corporate outgrowths of the above and as may be created by
6 executive order of the Governor. "State agency" includes the
7 General Assembly, the Senate, the House of Representatives, the
8 President and Minority Leader of the Senate, the Speaker and
9 Minority Leader of the House of Representatives, the Senate
10 Operations Commission, and the legislative support services
11 agencies. "State agency" includes the Office of the Auditor
12 General. "State agency" does not include the judicial branch.

13 "State employee" means any employee of a State agency.

14 "Ultimate jurisdictional authority" means the following:

15 (1) For members, legislative partisan staff, and
16 legislative secretaries, the appropriate legislative
17 leader: President of the Senate, Minority Leader of the
18 Senate, Speaker of the House of Representatives, or
19 Minority Leader of the House of Representatives.

20 (2) For State employees who are professional staff or
21 employees of the Senate and not covered under item (1), the
22 Senate Operations Commission.

23 (3) For State employees who are professional staff or
24 employees of the House of Representatives and not covered
25 under item (1), the Speaker of the House of
26 Representatives.

1 (4) For State employees who are employees of the
2 legislative support services agencies, the Joint Committee
3 on Legislative Support Services.

4 (5) For State employees of the Auditor General, the
5 Auditor General.

6 (6) For State employees of public institutions of
7 higher learning as defined in Section 2 of the Higher
8 Education Cooperation Act (except community colleges), the
9 board of trustees of the appropriate public institution of
10 higher learning.

11 (7) For State employees of an executive branch
12 constitutional officer other than those described in
13 paragraph (6), the appropriate executive branch
14 constitutional officer.

15 (8) For State employees not under the jurisdiction of
16 paragraph (1), (2), (3), (4), (5), (6), or (7), the
17 Governor.

18 (9) For employees of Regional Transit Boards, the
19 appropriate Regional Transit Board.

20 (10) For board members of Regional Transit Boards, the
21 Governor.

22 (Source: P.A. 96-6, eff. 4-3-09; 96-555, eff. 8-18-09; 96-1528,
23 eff. 7-1-11; 96-1533, eff. 3-4-11; 97-813, eff. 7-13-12.)

24 (5 ILCS 430/5-47 new)

25 Sec. 5-47. Lobbying restrictions.

1 (a) No former officer, former member, or former State
2 employee and no employee or immediate family member of a former
3 officer, former member, or former State employee shall, for a
4 period of 2 years after the last day of the most recent term of
5 office to which the former officer was elected or, if not
6 elected, for a period of 2 years after the former officer,
7 former member, or former State employee ended his or her
8 employment with the State, engage in lobbying, as that term is
9 defined in the Lobbyist Registration Act, whether: (i) as a
10 lobbyist; (ii) as an owner, partner, shareholder, or some other
11 interest-holder in a business that engages in lobbying; or
12 (iii) in any other manner in which the officer, employee, or
13 immediate family member derives salary, compensation, or other
14 form of payment from an activity that is related in any manner
15 whatsoever to lobbying.

16 (b) No immediate family member of an officer shall, during
17 the term of office to which the officer is elected, engage in
18 lobbying, as that term is defined in the Lobbyist Registration
19 Act, whether: (i) as a lobbyist; (ii) as an owner, partner,
20 shareholder, or some other interest-holder in a business that
21 engages in lobbying; or (iii) in any other manner in which the
22 immediate family member derives salary, compensation, or other
23 form of payment from an activity that is related in any manner
24 whatsoever to lobbying.

1 Sec. 50-5. Penalties.

2 (a) A person is guilty of a Class A misdemeanor if that
3 person intentionally violates any provision of Section 5-15,
4 5-30, 5-40, or 5-45 or Article 15.

5 (a-1) An ethics commission may levy an administrative fine
6 for a violation of Section 5-45 of this Act of up to 3 times the
7 total annual compensation that would have been obtained in
8 violation of Section 5-45.

9 (b) A person who intentionally violates any provision of
10 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business
11 offense subject to a fine of at least \$1,001 and up to \$5,000.

12 (c) A person who intentionally violates any provision of
13 Article 10 is guilty of a business offense and subject to a
14 fine of at least \$1,001 and up to \$5,000.

15 (d) Any person who intentionally makes a false report
16 alleging a violation of any provision of this Act to an ethics
17 commission, an inspector general, the State Police, a State's
18 Attorney, the Attorney General, or any other law enforcement
19 official is guilty of a Class A misdemeanor.

20 (e) An ethics commission may levy an administrative fine of
21 up to \$5,000 against any person who violates this Act, who
22 intentionally obstructs or interferes with an investigation
23 conducted under this Act by an inspector general, or who
24 intentionally makes a false, frivolous, or bad faith
25 allegation.

26 (f) In addition to any other penalty that may apply,

1 whether criminal or civil, a State employee who intentionally
2 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
3 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or
4 25-90 is subject to discipline or discharge by the appropriate
5 ultimate jurisdictional authority.

6 (g) A person who intentionally violates any provision of
7 Section 5-47 is guilty of a Class 4 felony.

8 (Source: P.A. 96-555, eff. 8-18-09.)

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