

# SB3108



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB3108

Introduced 2/19/2016, by Sen. Julie A. Morrison

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-50

Amends the State Officials and Employees Ethics Act. Provides that "ex parte communication" also includes situations when legislators impart or request material information or make a material argument regarding State university admissions or hiring or other personnel decisions at State agencies or universities. Modifies the term "interested party" to include a person or entity whose rights, privileges, or interests regard matters of university admissions or hiring or other personnel decisions at State agencies or universities. Adds the Illinois Board of Higher Education to the list of agencies required to report ex parte communications.

LRB099 18689 RJF 43072 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 State Officials and Employees Ethics Act is  
5 amended by changing Section 5-50 as follows:

6 (5 ILCS 430/5-50)

7 Sec. 5-50. Ex parte communications; special government  
8 agents.

9 (a) This Section applies to ex parte communications made to  
10 any agency listed in subsection (e).

11 (b) "Ex parte communication" means any written or oral  
12 communication by any person that imparts or requests material  
13 information or makes a material argument regarding potential  
14 action concerning regulatory, quasi-adjudicatory, investment,  
15 or licensing matters pending before or under consideration by  
16 the agency. "Ex parte communication" also includes situations  
17 when legislators impart or request material information or make  
18 a material argument regarding State university admissions or  
19 hiring or other personnel decisions at State agencies or  
20 universities. "Ex parte communication" does not include the  
21 following: (i) statements by a person publicly made in a public  
22 forum; (ii) statements regarding matters of procedure and  
23 practice, such as format, the number of copies required, the

1 manner of filing, and the status of a matter; and (iii)  
2 statements made by a State employee of the agency to the agency  
3 head or other employees of that agency.

4 (b-5) An ex parte communication received by an agency,  
5 agency head, or other agency employee from an interested party  
6 or his or her official representative or attorney shall  
7 promptly be memorialized and made a part of the record.

8 (c) An ex parte communication received by any agency,  
9 agency head, or other agency employee, other than an ex parte  
10 communication described in subsection (b-5), shall immediately  
11 be reported to that agency's ethics officer by the recipient of  
12 the communication and by any other employee of that agency who  
13 responds to the communication. The ethics officer shall require  
14 that the ex parte communication be promptly made a part of the  
15 record. The ethics officer shall promptly file the ex parte  
16 communication with the Executive Ethics Commission, including  
17 all written communications, all written responses to the  
18 communications, and a memorandum prepared by the ethics officer  
19 stating the nature and substance of all oral communications,  
20 the identity and job title of the person to whom each  
21 communication was made, all responses made, the identity and  
22 job title of the person making each response, the identity of  
23 each person from whom the written or oral ex parte  
24 communication was received, the individual or entity  
25 represented by that person, any action the person requested or  
26 recommended, and any other pertinent information. The

1 disclosure shall also contain the date of any ex parte  
2 communication.

3 (d) "Interested party" means a person or entity whose  
4 rights, privileges, or interests are the subject of or are  
5 directly affected by a regulatory, quasi-adjudicatory,  
6 investment, or licensing matter, or regard matters of State  
7 university admissions or hiring or other personnel decisions at  
8 State agencies or universities.

9 (e) This Section applies to the following agencies:

10 Executive Ethics Commission  
11 Illinois Commerce Commission  
12 Educational Labor Relations Board  
13 State Board of Elections  
14 Illinois Gaming Board  
15 Health Facilities and Services Review Board  
16 Illinois Workers' Compensation Commission  
17 Illinois Labor Relations Board  
18 Illinois Liquor Control Commission  
19 Pollution Control Board  
20 Property Tax Appeal Board  
21 Illinois Racing Board  
22 Illinois Purchased Care Review Board  
23 Department of State Police Merit Board  
24 Motor Vehicle Review Board  
25 Prisoner Review Board  
26 Civil Service Commission

1 Personnel Review Board for the Treasurer  
2 Merit Commission for the Secretary of State  
3 Merit Commission for the Office of the Comptroller  
4 Court of Claims  
5 Board of Review of the Department of Employment Security  
6 Department of Insurance  
7 Department of Professional Regulation and licensing boards  
8 under the Department  
9 Department of Public Health and licensing boards under the  
10 Department  
11 Office of Banks and Real Estate and licensing boards under  
12 the Office  
13 State Employees Retirement System Board of Trustees  
14 Judges Retirement System Board of Trustees  
15 General Assembly Retirement System Board of Trustees  
16 Illinois Board of Investment  
17 State Universities Retirement System Board of Trustees  
18 Teachers Retirement System Officers Board of Trustees  
19 Illinois Board of Higher Education

20 (f) Any person who fails to (i) report an ex parte  
21 communication to an ethics officer, (ii) make information part  
22 of the record, or (iii) make a filing with the Executive Ethics  
23 Commission as required by this Section or as required by  
24 Section 5-165 of the Illinois Administrative Procedure Act  
25 violates this Act.

26 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)