



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0323

by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

25 ILCS 170/2	from Ch. 63, par. 172
25 ILCS 170/3	from Ch. 63, par. 173
25 ILCS 170/10	from Ch. 63, par. 180

Amends the Lobbyist Registration Act. Expands the definition of lobbying to include communications with government employees and attempts to persuade local government officials. Pre-empts home rule authorities from defining the act of "lobbying" in a manner inconsistent with the State's definition. Prohibits family members of officials or State employees and persons with whom a legislator or State employee maintains a close economic relationship from lobbying for compensation. Provides that a violation of this prohibition is a Class A misdemeanor with a fine equal to 5 times the total compensation earned in violation of this Section.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Lobbyist Registration Act is amended by
5 changing Sections 2, 3, and 10 as follows:

6 (25 ILCS 170/2) (from Ch. 63, par. 172)

7 Sec. 2. Definitions. As used in this Act, unless the
8 context otherwise requires:

9 (a) "Person" means any individual, firm, partnership,
10 committee, association, corporation, or any other organization
11 or group of persons.

12 (b) "Expenditure" means a payment, distribution, loan,
13 advance, deposit, or gift of money or anything of value, and
14 includes a contract, promise, or agreement, whether or not
15 legally enforceable, to make an expenditure, for the ultimate
16 purpose of influencing executive, legislative, or
17 administrative action, other than compensation as defined in
18 subsection (d).

19 (c) "Official" means:

20 (1) the Governor, Lieutenant Governor, Secretary of
21 State, Attorney General, State Treasurer, and State
22 Comptroller;

23 (2) Chiefs of Staff for officials described in item

1 (1);

2 (3) Cabinet members of any elected constitutional
3 officer, including Directors, Assistant Directors and
4 Chief Legal Counsel or General Counsel;

5 (4) Members of the General Assembly; and

6 (5) Members of any board, commission, authority, or
7 task force of the State authorized or created by State law
8 or by executive order of the Governor.

9 (d) "Compensation" means any money, thing of value or
10 financial benefits received or to be received in return for
11 services rendered or to be rendered, for lobbying as defined in
12 subsection (e).

13 Monies paid to members of the General Assembly by the State
14 as remuneration for performance of their Constitutional and
15 statutory duties as members of the General Assembly shall not
16 constitute compensation as defined by this Act.

17 (e) "Lobby" and "lobbying" means any communication with an
18 official or employee of the executive or legislative branch of
19 any body of State government within the State of Illinois,
20 including but not limited to the General Assembly and any unit
21 of local government, as defined in subsection (e) for the
22 ultimate purpose of influencing any executive, legislative, or
23 administrative action. A home rule unit may not define "lobby"
24 or "lobbying" in a manner inconsistent with this definition.
25 This subsection is a limitation under subsection (i) of Section
26 6 of Article VII of the Illinois constitution on the concurrent

1 exercise by home rule units of powers and functions exercised
2 by the State.

3 (f) "Influencing" means any communication, action,
4 reportable expenditure as prescribed in Section 6 or other
5 means used to promote, support, affect, modify, oppose or delay
6 any executive, legislative or administrative action or to
7 promote goodwill with officials as defined in subsection (c).

8 (g) "Executive action" means the proposal, drafting,
9 development, consideration, amendment, adoption, approval,
10 promulgation, issuance, modification, rejection or
11 postponement by a State entity of a rule, regulation, order,
12 decision, determination, contractual arrangement, purchasing
13 agreement or other quasi-legislative or quasi-judicial action
14 or proceeding.

15 (h) "Legislative action" means the development, drafting,
16 introduction, consideration, modification, adoption,
17 rejection, review, enactment, or passage or defeat of any bill,
18 amendment, resolution, report, nomination, administrative rule
19 or other matter by either house of the General Assembly or a
20 committee thereof, or by a legislator. Legislative action also
21 means the action of the Governor in approving or vetoing any
22 bill or portion thereof, and the action of the Governor or any
23 agency in the development of a proposal for introduction in the
24 legislature.

25 (i) "Administrative action" means the execution or
26 rejection of any rule, regulation, legislative rule, standard,

1 fee, rate, contractual arrangement, purchasing agreement or
2 other delegated legislative or quasi-legislative action to be
3 taken or withheld by any executive agency, department, board or
4 commission of the State.

5 (j) "Lobbyist" means any natural person who undertakes to
6 lobby State government as provided in subsection (e).

7 (k) "Lobbying entity" means any entity that hires, retains,
8 employs, or compensates a natural person to lobby State
9 government as provided in subsection (e).

10 (l) "Authorized agent" means the person designated by an
11 entity or lobbyist registered under this Act as the person
12 responsible for submission and retention of reports required
13 under this Act.

14 (m) "Client" means any person or entity that provides
15 compensation to a lobbyist to lobby State government as
16 provided in subsection (e) of this Section.

17 (n) "Client registrant" means a client who is required to
18 register under this Act.

19 (o) "Employee" means (i) any person employed full-time,
20 part-time, or pursuant to a contract and whose employment
21 duties are subject to the direction and control of an employer
22 with regard to the material details of how the work is to be
23 performed; (ii) any appointed or elected commissioner,
24 trustee, director, or board member of a board of a State
25 agency, including any retirement system or investment board
26 subject to the Illinois Pension Code; or (iii) any other

1 appointee.

2 (p) "Family member" means those people related to an
3 official or State employee as spouse, civil union partner,
4 parent, child, stepchild, adopted child, son-in-law,
5 daughter-in-law, father-in-law, mother-in-law, brother,
6 sister, brother-in-law, sister-in-law, grandparent, grandchild
7 or any other person legally related to the official or State
8 employee and living at the same address as the official or
9 State employee as reflected in records maintained by the
10 Secretary of State.

11 (q) "Person with whom the official or State employee
12 maintains a close economic association" means a person
13 associated with the official or State employee in a
14 partnership, association or professional service corporation,
15 whether as a partner, officer, employee, associate, or
16 otherwise.

17 (Source: P.A. 98-459, eff. 1-1-14.)

18 (25 ILCS 170/3) (from Ch. 63, par. 173)

19 Sec. 3. Persons required to register; persons prohibited
20 from lobbying.

21 (a) Except as provided in Section 9, any natural person
22 who, for compensation or otherwise, undertakes to lobby, or any
23 person or entity who employs or compensates another person for
24 the purposes of lobbying, shall register with the Secretary of
25 State as provided in this Act, unless that person or entity

1 qualifies for one or more of the following exemptions.

2 (1) Persons or entities who, for the purpose of
3 influencing any executive, legislative, or administrative
4 action and who do not make expenditures that are reportable
5 pursuant to Section 6, appear without compensation or
6 promise thereof only as witnesses before committees of the
7 House and Senate for the purpose of explaining or arguing
8 for or against the passage of or action upon any
9 legislation then pending before those committees, or who
10 seek without compensation or promise thereof the approval
11 or veto of any legislation by the Governor.

12 (1.4) A unit of local government or a school district.

13 (1.5) An elected or appointed official or an employee
14 of a unit of local government or school district who, in
15 the scope of his or her public office or employment, seeks
16 to influence executive, legislative, or administrative
17 action exclusively on behalf of that unit of local
18 government or school district.

19 (2) Persons or entities who own, publish, or are
20 employed by a newspaper or other regularly published
21 periodical, or who own or are employed by a radio station,
22 television station, or other bona fide news medium that in
23 the ordinary course of business disseminates news,
24 editorial or other comment, or paid advertisements that
25 directly urge the passage or defeat of legislation. This
26 exemption is not applicable to such an individual insofar

1 as he or she receives additional compensation or expenses
2 from some source other than the bona fide news medium for
3 the purpose of influencing executive, legislative, or
4 administrative action. This exemption does not apply to
5 newspapers and periodicals owned by or published by trade
6 associations and not-for-profit corporations engaged
7 primarily in endeavors other than dissemination of news.

8 (3) Persons or entities performing professional
9 services in drafting bills or in advising and rendering
10 opinions to clients as to the construction and effect of
11 proposed or pending legislation when those professional
12 services are not otherwise, directly or indirectly,
13 connected with executive, legislative, or administrative
14 action.

15 (4) Persons or entities who are employees of
16 departments, divisions, or agencies of State government
17 and who appear before committees of the House and Senate
18 for the purpose of explaining how the passage of or action
19 upon any legislation then pending before those committees
20 will affect those departments, divisions, or agencies of
21 State government.

22 (5) Employees of the General Assembly, legislators,
23 legislative agencies, and legislative commissions who, in
24 the course of their official duties only, engage in
25 activities that otherwise qualify as lobbying.

26 (6) Persons or entities in possession of technical

1 skills and knowledge relevant to certain areas of
2 executive, legislative, or administrative actions, whose
3 skills and knowledge would be helpful to officials when
4 considering those actions, whose activities are limited to
5 making occasional appearances for or communicating on
6 behalf of a registrant, and who do not make expenditures
7 that are reportable pursuant to Section 6 even though
8 receiving expense reimbursement for those occasional
9 appearances.

10 (7) Any full-time employee of a bona fide church or
11 religious organization who represents that organization
12 solely for the purpose of protecting the right of the
13 members thereof to practice the religious doctrines of that
14 church or religious organization, or any such bona fide
15 church or religious organization.

16 (8) Persons or entities that receive no compensation
17 other than reimbursement for expenses of up to \$500 per
18 year while engaged in lobbying State government, unless
19 those persons make expenditures that are reportable under
20 Section 6.

21 (9) Any attorney or group or firm of attorneys in the
22 course of representing a client in any administrative or
23 judicial proceeding, or any witness providing testimony in
24 any administrative or judicial proceeding, in which ex
25 parte communications are not allowed and who does not make
26 expenditures that are reportable pursuant to Section 6.

1 (9.5) Any attorney or group or firm of attorneys in the
2 course of representing a client in an administrative or
3 executive action involving a contractual or purchasing
4 arrangement and who does not make expenditures that are
5 reportable pursuant to Section 6.

6 (10) Persons or entities who, in the scope of their
7 employment as a vendor, offer or solicit an official for
8 the purchase of any goods or services when (1) the
9 solicitation is limited to either an oral inquiry or
10 written advertisements and informative literature; or (2)
11 the goods and services are subject to competitive bidding
12 requirements of the Illinois Procurement Code; or (3) the
13 goods and services are for sale at a cost not to exceed
14 \$5,000; and (4) the persons or entities do not make
15 expenditures that are reportable under Section 6.

16 (b) It is a violation of this Act to engage in lobbying or
17 to employ any person for the purpose of lobbying who is not
18 registered with the Office of the Secretary of State, except
19 upon condition that the person register and the person does in
20 fact register within 2 business days after being employed or
21 retained for lobbying services.

22 (c) The Secretary shall promulgate a rule establishing a
23 list of the entities required to register under this Act,
24 including the name of each board, commission, authority, or
25 task force. The Secretary may require a person or entity
26 claiming an exemption under this Section to certify the person

1 or entity is not required to register under this Act. Nothing
2 prohibits the Secretary from rejecting a certification and
3 requiring a person or entity to register.

4 (d) Beginning on the effective date of this amendatory Act
5 of the 100th General Assembly, no person who is a family member
6 of an official or person with whom an official or State
7 employee maintains a close economic association shall engage in
8 lobbying for compensation during the official's term of office
9 or during the time that the employee is employed by the State
10 unless that person qualifies for one of the exemptions listed
11 in subsection (a) of this Section.

12 (Source: P.A. 96-555, eff. 1-1-10; 96-1358, eff. 7-28-10.)

13 (25 ILCS 170/10) (from Ch. 63, par. 180)

14 Sec. 10. Penalties.

15 (a) Any person who violates any of the provisions of this
16 Act shall be guilty of a business offense and shall be fined
17 not more than \$10,000 for each violation. Every day that a
18 report or registration is late shall constitute a separate
19 violation. In determining the appropriate fine for each
20 violation, the trier of fact shall consider the scope of the
21 entire lobbying project, the nature of activities conducted
22 during the time the person was in violation of this Act, and
23 whether or not the violation was intentional or unreasonable.

24 (b) In addition to the penalties provided for in subsection
25 (a) of this Section, any person convicted of any violation of

1 any provision of this Act is prohibited for a period of three
2 years from the date of such conviction from lobbying.

3 (c) There is created in the State treasury a special fund
4 to be known as the Lobbyist Registration Administration Fund.
5 All fines collected in the enforcement of this Section shall be
6 deposited into the Fund. These funds shall, subject to
7 appropriation, be used by the Office of the Secretary of State
8 for implementation and administration of this Act.

9 (d) A violation of subsection (d) of Section 3 of this Act
10 is a Class A misdemeanor with a fine equal to 5 times the total
11 value of all compensation received in violation of the Section.
12 (Source: P.A. 96-555, eff. 1-1-10.)