



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4483

Introduced 2/4/2020, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

5 ILCS 283/15	
5 ILCS 420/4A-102	from Ch. 127, par. 604A-102
5 ILCS 420/4A-103	from Ch. 127, par. 604A-103
5 ILCS 430/5-30	

Amends the State Officials and Employees Ethics Act. Requires specified disclosures for an officer or employee of the executive or legislative branch or a candidate for an executive or legislative branch office if he or she is an attorney presently licensed to practice law in any state, and that individual or his or her law firm seeks to appear on behalf of a client before any specified Illinois board or State agency. Provides further requirements concerning the disclosure, conflicts of interest, and political contributions. Amends the Public Corruption Profit Forfeiture Act. Provides for the forfeiture of political contributions for a violation of specified provisions of the State Officials and Employees Ethics Act. Amends the Illinois Governmental Ethics Act. Provides for statements of economic interests for certain officers, employees, or candidates for office of the executive or legislative branch.

LRB101 19903 RJF 69424 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 Public Corruption Profit Forfeiture Act is
5 amended by changing Section 15 as follows:

6 (5 ILCS 283/15)

7 Sec. 15. Forfeiture of political contribution. Whenever
8 any person pleads guilty to, or is found guilty of, any offense
9 under subsection (a) of Section 10 of this Act, intentionally
10 violates Section 5-30 of the State Officials and Employees
11 Ethics Act, or is convicted of a violation of any of the
12 following Sections of Title 18 of the United States Code: (i)
13 Section 872 (extortion); (ii) Section 880 (receiving the
14 proceeds of extortion); (iii) Section 201 (bribery); or (iv)
15 Section 874 (kickbacks), in addition to any other penalty
16 imposed by the court, all contributions (as defined by Section
17 9-1.4 of the Election Code) or other receipts held at the time
18 of forfeiture by a political committee (as defined by Section
19 9-1.8 of the Election Code), which is controlled by that
20 person, shall be paid to the State within 30 days from the date
21 of the entry of the guilty plea or conviction, or within 30
22 days after the discovery of an intentional violation of Section
23 5-30 of the State Officials and Employees Ethics Act. Payments

1 received by the State pursuant to this Section shall be
2 deposited into the General Revenue Fund.

3 (Source: P.A. 96-1019, eff. 1-1-11.)

4 Section 10. The Illinois Governmental Ethics Act is amended
5 by changing Sections 4A-102 and 4A-103 as follows:

6 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

7 Sec. 4A-102. The statement of economic interests required
8 by this Article shall include the economic interests of the
9 person making the statement as provided in this Section. The
10 interest (if constructively controlled by the person making the
11 statement) of a spouse or any other party, shall be considered
12 to be the same as the interest of the person making the
13 statement. Campaign receipts shall not be included in this
14 statement.

15 (a) The following interests shall be listed by all
16 persons required to file:

17 (1) The name, address and type of practice of any
18 professional organization or individual professional
19 practice in which the person making the statement was
20 an officer, director, associate, partner or
21 proprietor, or served in any advisory capacity, from
22 which income in excess of \$1200 was derived during the
23 preceding calendar year;

24 (2) The nature of professional services (other

1 than services rendered to the unit or units of
2 government in relation to which the person is required
3 to file) and the nature of the entity to which they
4 were rendered if fees exceeding \$5,000 were received
5 during the preceding calendar year from the entity for
6 professional services rendered by the person making
7 the statement.

8 (3) The identity (including the address or legal
9 description of real estate) of any capital asset from
10 which a capital gain of \$5,000 or more was realized in
11 the preceding calendar year.

12 (4) The name of any unit of government which has
13 employed the person making the statement during the
14 preceding calendar year other than the unit or units of
15 government in relation to which the person is required
16 to file.

17 (5) The name of any entity from which a gift or
18 gifts, or honorarium or honoraria, valued singly or in
19 the aggregate in excess of \$500, was received during
20 the preceding calendar year.

21 (b) The following interests shall also be listed by
22 persons listed in items (a) through (f), item (l), item
23 (n), and item (p) of Section 4A-101:

24 (1) The name and instrument of ownership in any
25 entity doing business in the State of Illinois, in
26 which an ownership interest held by the person at the

1 date of filing is in excess of \$5,000 fair market value
2 or from which dividends of in excess of \$1,200 were
3 derived during the preceding calendar year. (In the
4 case of real estate, location thereof shall be listed
5 by street address, or if none, then by legal
6 description). No time or demand deposit in a financial
7 institution, nor any debt instrument need be listed;

8 (2) Except for professional service entities, the
9 name of any entity and any position held therein from
10 which income of in excess of \$1,200 was derived during
11 the preceding calendar year, if the entity does
12 business in the State of Illinois. No time or demand
13 deposit in a financial institution, nor any debt
14 instrument need be listed.

15 (3) The identity of any compensated lobbyist with
16 whom the person making the statement maintains a close
17 economic association, including the name of the
18 lobbyist and specifying the legislative matter or
19 matters which are the object of the lobbying activity,
20 and describing the general type of economic activity of
21 the client or principal on whose behalf that person is
22 lobbying.

23 (c) The following interests shall also be listed by
24 persons listed in items (a) through (c) and item (e) of
25 Section 4A-101.5:

26 (1) The name and instrument of ownership in any

1 entity doing business with a unit of local government
2 in relation to which the person is required to file if
3 the ownership interest of the person filing is greater
4 than \$5,000 fair market value as of the date of filing
5 or if dividends in excess of \$1,200 were received from
6 the entity during the preceding calendar year. (In the
7 case of real estate, location thereof shall be listed
8 by street address, or if none, then by legal
9 description). No time or demand deposit in a financial
10 institution, nor any debt instrument need be listed.

11 (2) Except for professional service entities, the
12 name of any entity and any position held therein from
13 which income in excess of \$1,200 was derived during the
14 preceding calendar year if the entity does business
15 with a unit of local government in relation to which
16 the person is required to file. No time or demand
17 deposit in a financial institution, nor any debt
18 instrument need be listed.

19 (3) The name of any entity and the nature of the
20 governmental action requested by any entity which has
21 applied to a unit of local government in relation to
22 which the person must file for any license, franchise
23 or permit for annexation, zoning or rezoning of real
24 estate during the preceding calendar year if the
25 ownership interest of the person filing is in excess of
26 \$5,000 fair market value at the time of filing or if

1 income or dividends in excess of \$1,200 were received
2 by the person filing from the entity during the
3 preceding calendar year.

4 (d) For persons listed in items (a), (b), and (f) of
5 Section 4A-101 only, list any appearance as legal
6 representative of a client before any unit of local
7 government or State agency, including, but not limited to:
8 (1) a formal or informal proceeding involving an elected
9 Assessor; (2) a zoning board, landmarks commission, liquor
10 commission, gaming commission, or any other State, county,
11 or municipal board regarding the same; (3) any board or
12 hearing officer relating to property tax appeals; or (4)
13 any entity awarding procurement contracts involving State
14 funds in excess of \$100,000.

15 A disclosure made under this subsection (d) shall also
16 include: the date of retention by the client; all real
17 parties in interest for the client; whether any fees will
18 be paid on a contingency, flat fee, or hourly basis; and
19 for property tax representations, each address and PIN
20 number associated with the representation. Any legal
21 representation before a unit of local government or State
22 agency under this subsection (d) made by the law firm of a
23 person who holds an equity interest in the law firm and is
24 required to disclose under this subsection (d), or by
25 anyone on behalf of such person, shall be considered that
26 of the person, and shall also be disclosed.

1 For the purposes of this Section, the unit of local
 2 government in relation to which a person required to file under
 3 item (e) of Section 4A-101.5 shall be the unit of local
 4 government that contributes to the pension fund of which such
 5 person is a member of the board.

6 (Source: P.A. 101-221, eff. 8-9-19.)

7 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

8 Sec. 4A-103. The statement of economic interests required
 9 by this Article to be filed with the Secretary of State shall
 10 be filled in by typewriting or hand printing, shall be
 11 verified, dated, and signed by the person making the statement
 12 and shall contain substantially the following:

13 STATEMENT OF ECONOMIC INTEREST

14 (TYPE OR HAND PRINT)

15

16 (name)

17

18 (each office or position of employment for which this statement
 19 is filed)

20

21 (full mailing address)

22 GENERAL DIRECTIONS:

23 The interest (if constructively controlled by the person
 24 making the statement) of a spouse or any other party, shall be
 25 considered to be the same as the interest of the person making

1 the statement.

2 Campaign receipts shall not be included in this statement.

3 If additional space is needed, please attach supplemental
4 listing.

5 1. List the name and instrument of ownership in any entity
6 doing business in the State of Illinois, in which the ownership
7 interest held by the person at the date of filing is in excess
8 of \$5,000 fair market value or from which dividends in excess
9 of \$1,200 were derived during the preceding calendar year. (In
10 the case of real estate, location thereof shall be listed by
11 street address, or if none, then by legal description.) No time
12 or demand deposit in a financial institution, nor any debt
13 instrument need be listed.

14 Business Entity	Instrument of Ownership
15
16
17
18

19 2. List the name, address and type of practice of any
20 professional organization in which the person making the
21 statement was an officer, director, associate, partner or
22 proprietor or served in any advisory capacity, from which
23 income in excess of \$1,200 was derived during the preceding
24 calendar year.

25 Name	Address	Type of Practice
26

1
2

3 3. List the nature of professional services rendered (other
4 than to the State of Illinois) to each entity from which income
5 exceeding \$5,000 was received for professional services
6 rendered during the preceding calendar year by the person
7 making the statement.

8
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10 4. List the identity (including the address or legal
11 description of real estate) of any capital asset from which a
12 capital gain of \$5,000 or more was realized during the
13 preceding calendar year.

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16 5. List the identity of any compensated lobbyist with whom
17 the person making the statement maintains a close economic
18 association, including the name of the lobbyist and specifying
19 the legislative matter or matters which are the object of the
20 lobbying activity, and describing the general type of economic
21 activity of the client or principal on whose behalf that person
22 is lobbying.

23	Lobbyist	Legislative Matter	Client or Principal
24
25

26 6. List the name of any entity doing business in the State

1 of Illinois from which income in excess of \$1,200 was derived
 2 during the preceding calendar year other than for professional
 3 services and the title or description of any position held in
 4 that entity. (In the case of real estate, location thereof
 5 shall be listed by street address, or if none, then by legal
 6 description). No time or demand deposit in a financial
 7 institution nor any debt instrument need be listed.

8 Entity	Position Held
9
10
11

12 7. List the name of any unit of government which employed
 13 the person making the statement during the preceding calendar
 14 year other than the unit or units of government in relation to
 15 which the person is required to file.

16

17

18 8. List the name of any entity from which a gift or gifts,
 19 or honorarium or honoraria, valued singly or in the aggregate
 20 in excess of \$500, was received during the preceding calendar
 21 year.

22

23 9. List any appearance as legal representative of a client,
 24 including any such appearance by the law firm of the person
 25 filing or by anyone on behalf of the person filing, before any
 26 unit of local government or State agency, including, but not

1 limited to: (1) a formal or informal proceeding involving an
 2 elected Assessor; (2) a zoning board, landmarks commission,
 3 liquor commission, gaming commission, or any other State,
 4 county, or municipal board regarding the same; (3) any board or
 5 hearing officer relating to property tax appeals; or (4) any
 6 entity awarding procurement contracts involving State funds in
 7 excess of \$100,000. Also list: the date of retention by the
 8 client; all real parties in interest for the client; whether
 9 any fees will be paid on a contingency, flat fee, or hourly
 10 basis; and for property tax representations, each address and
 11 PIN number associated with the representation.

12
 13

14 VERIFICATION:

15 "I declare that this statement of economic interests
 16 (including any accompanying schedules and statements) has been
 17 examined by me and to the best of my knowledge and belief is a
 18 true, correct and complete statement of my economic interests
 19 as required by the Illinois Governmental Ethics Act. I
 20 understand that the penalty for willfully filing a false or
 21 incomplete statement shall be a fine not to exceed \$1,000 or
 22 imprisonment in a penal institution other than the penitentiary
 23 not to exceed one year, or both fine and imprisonment."

24

25 (date of filing) (signature of person making the statement)

26 (Source: P.A. 95-173, eff. 1-1-08.)

1 Section 15. The State Officials and Employees Ethics Act is
2 amended by changing Section 5-30 as follows:

3 (5 ILCS 430/5-30)

4 Sec. 5-30. Prohibited offer or promise.

5 (a) An officer or employee of the executive or legislative
6 branch or a candidate for an executive or legislative branch
7 office may not promise anything of value related to State
8 government, including but not limited to positions in State
9 government, promotions, salary increases, other employment
10 benefits, board or commission appointments, favorable
11 treatment in any official or regulatory matter, the awarding of
12 any public contract, or action or inaction on any legislative
13 or regulatory matter, in consideration for a contribution to a
14 political committee, political party, or other entity that has
15 as one of its purposes the financial support of a candidate for
16 elective office.

17 (a-5) If an individual subject to the provisions of
18 subsection (a), who is required to file a statement of economic
19 interests under Article 4A of the Illinois Governmental Ethics
20 Act, is an attorney presently licensed to practice law in any
21 state, and that individual, his or her law firm, or anyone on
22 behalf of the individual seeks to appear on behalf of a client
23 before any unit of local government or State agency, including,
24 but not limited to: (1) a formal or informal proceeding

1 involving an elected Assessor; (2) a zoning board, landmarks
2 commission, liquor commission, gaming commission, or any other
3 State, county, or municipal board regarding the same; (3) any
4 board or hearing officer relating to property tax appeals; or
5 (4) any entity awarding procurement contracts involving State
6 funds in excess of \$100,000, that individual shall disclose the
7 representation on his or her statement of economic interests.
8 The disclosure shall occur within 10 days after the
9 representation's commencement, but in no event may be filed any
10 later than 48 hours after an appearance is made before any of
11 the entities listed in items (1) through (4).

12 Notwithstanding any other provision of law to the contrary,
13 a disclosure made under this subsection (a-5) must include: the
14 date the individual, or his or her firm, was retained by the
15 client; all real parties in interest for the client; whether
16 any fees will be paid on a contingency, flat fee, or hourly
17 basis; and for property tax representations, each address and
18 PIN number associated with the representation. The individual
19 also must secure a written opinion from the Legislative
20 Inspector General that the representation will not create a
21 conflict of interest. If the opinion does not issue until after
22 the representation has begun, and the Legislative Inspector
23 General determines that a conflict exists, all funds secured by
24 the representation shall be returned to the client.

25 From the date the representation becomes known to the
26 individual attorney, and for a period of 180 days thereafter,

1 the individual attorney may not donate to, direct donations to,
2 campaign for, or otherwise make any contribution to a political
3 committee, political party, or other entity that has as one of
4 its purposes the financial support of a candidate for elective
5 office who qualifies as an individual with membership in any of
6 the categories set forth in items (1) through (4).

7 (b) Any State employee who is requested or directed by an
8 officer, member, or employee of the executive or legislative
9 branch or a candidate for an executive or legislative branch
10 office to engage in activity prohibited by subsection (a)
11 ~~Section 5-30~~ shall report such request or directive to the
12 appropriate ethics officer or Inspector General.

13 (c) Nothing in this Section prevents the making or
14 accepting of voluntary contributions otherwise in accordance
15 with law.

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