

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 1. Short title. This Act may be cited as the  
5 Gubernatorial Boards and Commissions Act.

6 Section 5. Definitions. As used in this Act:

7 "Board" means a board authorized or created by executive  
8 order of the Governor, statute, or the Illinois Constitution to  
9 which the Governor has authority (whether or not exercised) to  
10 appoint one or more members.

11 "Commission" means a commission or other body authorized or  
12 created by executive order of the Governor, statute, or the  
13 Illinois Constitution to which the Governor has authority  
14 (whether or not exercised) to appoint one or more members.

15 "Office" means the Governor's Office of Boards and  
16 Commissions, or a successor entity within the Governor's  
17 administration.

18 Section 10. Repository of board and commission membership.  
19 The Office shall establish and maintain on the Internet a  
20 centralized, searchable database, freely accessible to the  
21 public, of information relating to appointed positions on the  
22 State's boards and commissions.

1 The database shall include, at a minimum:

2 (1) The qualifications for, and the powers, duties, and  
3 responsibilities of, each appointed position on each of the  
4 State's boards and commissions.

5 (2) The name and term of each current appointed member  
6 of a board or commission.

7 (3) Each current vacancy in appointed membership of  
8 each of the State's boards and commissions.

9 (4) Information as to how a person may apply for  
10 appointment to a board or commission, including a uniform  
11 application that may be downloaded and printed or that may  
12 be submitted electronically.

13 (5) A link to that section of the Secretary of State's  
14 website that allows the public to search Statements of  
15 Economic Interest filed with the Secretary of State.

16 Section 15. Eligibility for appointment or reappointment  
17 to certain boards and commissions.

18 (a) For the purpose of this Section, "appointment or  
19 reappointment" means appointment or reappointment by the  
20 Governor to:

21 (1) A board or commission composed of members whose  
22 appointment or reappointment requires the advice and  
23 consent of the Senate, and whose members: (i) are entitled  
24 to compensation for their service beyond reimbursement of  
25 expenses; (ii) have statutory authority to regulate or

1           oversee the business or activities of individuals, private  
2           entities, or public bodies; (iii) have statutory authority  
3           to issue or approve professional licenses; (iv) have  
4           statutory authority to conduct, or review the decision  
5           resulting from, any arbitration, adjudication,  
6           administrative, or quasi-judicial proceeding; or (v) have  
7           statutory authority to award grants.

8           (2) The governing board of a retirement system  
9           established by Article 14, 15, or 16 of the Illinois  
10          Pension Code.

11          (3) The Illinois State Board of Investment.

12          (4) The Illinois Board of Higher Education.

13          (5) The governing board of a State university.

14          (b) a person is ineligible for appointment or reappointment  
15          after the effective date of this Act if the person fails to  
16          file a disclosure of conflicts of interests and a statement of  
17          economic interests as required by Section 3A-30 and Article 4A,  
18          respectively, of the Illinois Governmental Ethics Act.

19          (c) Nothing in this Section shall impair the ability of a  
20          person serving on a board or commission on the effective date  
21          of this Act to complete his or her current term of membership.

22          Section 20. Board or commission website. A board or  
23          commission that maintains a website and has a full-time  
24          information technology staff shall make freely available to the  
25          public on that website the following:

1           (1) Any audio or video recordings of each of its  
2 regular or special open meetings, for a period of at least  
3 2 years after the date of the meeting.

4           (2) Minutes of each of its regular or special meetings,  
5 for a period of at least 2 years after the date of the  
6 meeting.

7           (3) A regularly updated schedule of its future meeting  
8 dates and agenda.

9           Section 40. Savings provision. Nothing in this Act shall be  
10 construed to contravene any State or federal law.

11           Section 90. The Illinois Governmental Ethics Act is amended  
12 by changing Section 4A-101 as follows:

13           (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

14           Sec. 4A-101. Persons required to file. The following  
15 persons shall file verified written statements of economic  
16 interests, as provided in this Article:

17           (a) Members of the General Assembly and candidates for  
18 nomination or election to the General Assembly.

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

22           (c) Members of a Commission or Board created by the  
23 Illinois Constitution, and candidates for nomination or

1 election to such Commission or Board.

2 (d) Persons whose appointment to office is subject to  
3 confirmation by the Senate and persons appointed by the  
4 Governor to any other position on a board or commission  
5 described in subsection (a) of Section 15 of the  
6 Gubernatorial Boards and Commissions Act.

7 (e) Holders of, and candidates for nomination or  
8 election to, the office of judge or associate judge of the  
9 Circuit Court and the office of judge of the Appellate or  
10 Supreme Court.

11 (f) Persons who are employed by any branch, agency,  
12 authority or board of the government of this State,  
13 including but not limited to, the Illinois State Toll  
14 Highway Authority, the Illinois Housing Development  
15 Authority, the Illinois Community College Board, and  
16 institutions under the jurisdiction of the Board of  
17 Trustees of the University of Illinois, Board of Trustees  
18 of Southern Illinois University, Board of Trustees of  
19 Chicago State University, Board of Trustees of Eastern  
20 Illinois University, Board of Trustees of Governor's State  
21 University, Board of Trustees of Illinois State  
22 University, Board of Trustees of Northeastern Illinois  
23 University, Board of Trustees of Northern Illinois  
24 University, Board of Trustees of Western Illinois  
25 University, or Board of Trustees of the Illinois  
26 Mathematics and Science Academy, and are compensated for

1 services as employees and not as independent contractors  
2 and who:

3 (1) are, or function as, the head of a department,  
4 commission, board, division, bureau, authority or  
5 other administrative unit within the government of  
6 this State, or who exercise similar authority within  
7 the government of this State;

8 (2) have direct supervisory authority over, or  
9 direct responsibility for the formulation,  
10 negotiation, issuance or execution of contracts  
11 entered into by the State in the amount of \$5,000 or  
12 more;

13 (3) have authority for the issuance or  
14 promulgation of rules and regulations within areas  
15 under the authority of the State;

16 (4) have authority for the approval of  
17 professional licenses;

18 (5) have responsibility with respect to the  
19 financial inspection of regulated nongovernmental  
20 entities;

21 (6) adjudicate, arbitrate, or decide any judicial  
22 or administrative proceeding, or review the  
23 adjudication, arbitration or decision of any judicial  
24 or administrative proceeding within the authority of  
25 the State;

26 (7) have supervisory responsibility for 20 or more

1 employees of the State; or

2 (8) negotiate, assign, authorize, or grant naming  
3 rights or sponsorship rights regarding any property or  
4 asset of the State, whether real, personal, tangible,  
5 or intangible.

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

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

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

26 (1) are, or function as, the head of a department,

1 division, bureau, authority or other administrative  
2 unit within the unit of local government, or who  
3 exercise similar authority within the unit of local  
4 government;

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 unit of local government in the  
9 amount of \$1,000 or greater;

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

14 (4) adjudicate, arbitrate, or decide any judicial  
15 or administrative proceeding, or review the  
16 adjudication, arbitration or decision of any judicial  
17 or administrative proceeding within the authority of  
18 the unit of local government;

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

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

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

26 (k) Persons employed by a school district in positions

1           that require that person to hold an administrative or a  
2           chief school business official endorsement.

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

11          (m) Members of the board of commissioners of any flood  
12          prevention district.

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

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

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

24          (Source: P.A. 95-719, eff. 5-21-08; 96-6, eff. 4-3-09.)

25          Section 97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

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