



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2943

by Rep. Scott Drury

#### SYNOPSIS AS INTRODUCED:

25 ILCS 170/2	from Ch. 63, par. 172
25 ILCS 170/5	
25 ILCS 170/6	from Ch. 63, par. 176

Amends the Lobbyist Registration Act. Requires a registrant whose client is another registrant to disclose the name and address of the ultimate beneficiary of the registrant's services. Requires a registrant whose client is another registrant to include in expenditure reports the name and address of the ultimate beneficiary of the expenditure.

LRB098 09245 JDS 41456 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 Lobbyist Registration Act is amended by  
5 changing Sections 2, 5, and 6 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 of the executive or legislative branch of State  
19 government as defined in subsection (c) for the ultimate  
20 purpose of influencing any executive, legislative, or  
21 administrative action.

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

1           (g) "Executive action" means the proposal, drafting,  
2 development, consideration, amendment, adoption, approval,  
3 promulgation, issuance, modification, rejection or  
4 postponement by a State entity of a rule, regulation, order,  
5 decision, determination, contractual arrangement, purchasing  
6 agreement or other quasi-legislative or quasi-judicial action  
7 or proceeding.

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

18           (i) "Administrative action" means the execution or  
19 rejection of any rule, regulation, legislative rule, standard,  
20 fee, rate, contractual arrangement, purchasing agreement or  
21 other delegated legislative or quasi-legislative action to be  
22 taken or withheld by any executive agency, department, board or  
23 commission of the State.

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

26           (k) "Lobbying entity" means any entity that hires, retains,

1 employs, or compensates a natural person to lobby State  
2 government as provided in subsection (e).

3 (l) "Authorized agent" means the person designated by an  
4 entity or lobbyist registered under this Act as the person  
5 responsible for submission and retention of reports required  
6 under this Act.

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

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

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

13 (25 ILCS 170/5)

14 Sec. 5. Lobbyist registration and disclosure. Every  
15 natural person and every entity required to register under this  
16 Act shall before any service is performed which requires the  
17 natural person or entity to register, but in any event not  
18 later than 2 business days after being employed or retained,  
19 file in the Office of the Secretary of State a statement in a  
20 format prescribed by the Secretary of State containing the  
21 following information with respect to each person or entity  
22 employing, ~~or~~ retaining, or benefitting from the services of  
23 the natural person or entity required to register:

24 (a) The registrant's name, permanent address, e-mail  
25 address, if any, fax number, if any, business telephone

1 number, and temporary address, if the registrant has a  
2 temporary address while lobbying.

3 (a-5) If the registrant is an entity, the information  
4 required under subsection (a) for each natural person  
5 associated with the registrant who will be lobbying,  
6 regardless of whether lobbying is a significant part of his  
7 or her duties.

8 (b) The name and address of the client or clients  
9 employing or retaining the registrant to perform such  
10 services or on whose behalf the registrant appears. If the  
11 client employing or retaining the registrant is a client  
12 registrant, the statement shall also include the name and  
13 address of the client or clients of the client registrant  
14 on whose behalf the registrant will be or anticipates  
15 performing services.

16 (c) A brief description of the executive, legislative,  
17 or administrative action in reference to which such service  
18 is to be rendered.

19 (c-5) Each executive and legislative branch agency the  
20 registrant expects to lobby during the registration  
21 period.

22 (c-6) The nature of the client's business, by  
23 indicating all of the following categories that apply: (1)  
24 banking and financial services, (2) manufacturing, (3)  
25 education, (4) environment, (5) healthcare, (6) insurance,  
26 (7) community interests, (8) labor, (9) public relations or

1 advertising, (10) marketing or sales, (11) hospitality,  
2 (12) engineering, (13) information or technology products  
3 or services, (14) social services, (15) public utilities,  
4 (16) racing or wagering, (17) real estate or construction,  
5 (18) telecommunications, (19) trade or professional  
6 association, (20) travel or tourism, (21) transportation,  
7 (22) agriculture, and (23) other (setting forth the nature  
8 of that other business).

9 Every natural person and every entity required to register  
10 under this Act shall annually submit the registration required  
11 by this Section on or before each January 31. The registrant  
12 has a continuing duty to report any substantial change or  
13 addition to the information contained in the registration.

14 The Secretary of State shall make all filed statements and  
15 amendments to statements publicly available by means of a  
16 searchable database that is accessible through the World Wide  
17 Web. The Secretary of State shall provide all software  
18 necessary to comply with this provision to all natural persons  
19 and entities required to file. The Secretary of State shall  
20 implement a plan to provide computer access and assistance to  
21 natural persons and entities required to file electronically.

22 All natural persons and entities required to register under  
23 this Act shall remit a single, annual, and nonrefundable \$300  
24 registration fee. Each natural person required to register  
25 under this Act shall submit, on an annual basis, a picture of  
26 the registrant. A registrant may, in lieu of submitting a

1 picture on an annual basis, authorize the Secretary of State to  
2 use any photo identification available in any database  
3 maintained by the Secretary of State for other purposes. Each  
4 registration fee collected for registrations on or after  
5 January 1, 2010 shall be deposited into the Lobbyist  
6 Registration Administration Fund for administration and  
7 enforcement of this Act.

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

9 (25 ILCS 170/6) (from Ch. 63, par. 176)

10 Sec. 6. Reports.

11 (a) Lobbyist reports. Except as otherwise provided in this  
12 Section, every lobbyist registered under this Act who is solely  
13 employed by a lobbying entity shall file an affirmation,  
14 verified under oath pursuant to Section 1-109 of the Code of  
15 Civil Procedure, with the Secretary of State attesting to the  
16 accuracy of any reports filed pursuant to subsection (b) as  
17 those reports pertain to work performed by the lobbyist. Any  
18 lobbyist registered under this Act who is not solely employed  
19 by a lobbying entity shall personally file reports required of  
20 lobbying entities pursuant to subsection (b). A lobbyist may,  
21 if authorized so to do by a lobbying entity by whom he or she is  
22 employed or retained, file lobbying entity reports pursuant to  
23 subsection (b) provided that the lobbying entity may delegate  
24 the filing of the lobbying entity report to only one lobbyist  
25 in any reporting period.



1           (b) Lobbying entity reports. Every lobbying entity  
2 registered under this Act shall report expenditures related to  
3 lobbying. The report shall itemize each individual expenditure  
4 or transaction and shall include the name of the official on  
5 whose behalf the expenditure was made, the name of the client  
6 if the expenditure was made on behalf of a client, the total  
7 amount of the expenditure, a description of the expenditure,  
8 the vendor or purveyor to whom the expenditure was made  
9 (including the address or location of the expenditure), the  
10 date on which the expenditure occurred and the subject matter  
11 of the lobbying activity, if any. For those expenditures made  
12 on behalf of a client, if the client is a client registrant,  
13 the report shall also include the name and address of the  
14 client or clients of the client registrant or the official or  
15 officials on whose behalf the expenditure ultimately was made.  
16 Each expenditure required to be reported shall include all  
17 expenses made for or on behalf of an official or his or her  
18 immediate family member living with the official.

19           (b-1) The report shall include any change or addition to  
20 the client list information, required in Section 5 for  
21 registration, since the last report, including the names and  
22 addresses of all clients who retained the lobbying entity  
23 together with an itemized description for each client of the  
24 following: (1) lobbying regarding executive action, including  
25 the name of any executive agency lobbied and the subject  
26 matter; (2) lobbying regarding legislative action, including

1 the General Assembly and any other agencies lobbied and the  
2 subject matter; and (3) lobbying regarding administrative  
3 action, including the agency lobbied and the subject matter.  
4 Registrants who made no reportable expenditures during a  
5 reporting period shall file a report stating that no  
6 expenditures were incurred.

7 (b-2) Expenditures attributable to lobbying officials  
8 shall be listed and reported according to the following  
9 categories:

10 (1) travel and lodging on behalf of others, including,  
11 but not limited to, all travel and living accommodations  
12 made for or on behalf of State officials during sessions of  
13 the General Assembly.

14 (2) meals, beverages and other entertainment.

15 (3) gifts (indicating which, if any, are on the basis  
16 of personal friendship).

17 (4) honoraria.

18 (5) any other thing or service of value not listed  
19 under categories (1) through (4), setting forth a  
20 description of the expenditure. The category travel and  
21 lodging includes, but is not limited to, all travel and  
22 living accommodations made for or on behalf of State  
23 officials in the State capital during sessions of the  
24 General Assembly.

25 (b-3) Expenditures incurred for hosting receptions,  
26 benefits and other large gatherings held for purposes of

1 goodwill or otherwise to influence executive, legislative or  
2 administrative action to which there are 25 or more State  
3 officials invited shall be reported listing only the total  
4 amount of the expenditure, the date of the event, and the  
5 estimated number of officials in attendance.

6 (b-7) Matters excluded from reports. The following items  
7 need not be included in the report:

8 (1) Reasonable and bona fide expenditures made by the  
9 registrant who is a member of a legislative or State study  
10 commission or committee while attending and participating  
11 in meetings and hearings of such commission or committee.

12 (2) Reasonable and bona fide expenditures made by the  
13 registrant for personal sustenance, lodging, travel,  
14 office expenses and clerical or support staff.

15 (3) Salaries, fees, and other compensation paid to the  
16 registrant for the purposes of lobbying.

17 (4) Any contributions required to be reported under  
18 Article 9 of the Election Code.

19 (5) Expenditures made by a registrant on behalf of an  
20 official that are returned or reimbursed prior to the  
21 deadline for submission of the report.

22 (c) A registrant who terminates employment or duties which  
23 required him to register under this Act shall give the  
24 Secretary of State, within 30 days after the date of such  
25 termination, written notice of such termination and shall  
26 include therewith a report of the expenditures described

1 herein, covering the period of time since the filing of his  
2 last report to the date of termination of employment. Such  
3 notice and report shall be final and relieve such registrant of  
4 further reporting under this Act, unless and until he later  
5 takes employment or assumes duties requiring him to again  
6 register under this Act.

7 (d) Failure to file any such report within the time  
8 designated or the reporting of incomplete information shall  
9 constitute a violation of this Act.

10 A registrant shall preserve for a period of 2 years all  
11 receipts and records used in preparing reports under this Act.

12 (e) Within 30 days after a filing deadline or as provided  
13 by rule, the lobbyist shall notify each official on whose  
14 behalf an expenditure has been reported. Notification shall  
15 include the name of the registrant, the total amount of the  
16 expenditure, a description of the expenditure, the date on  
17 which the expenditure occurred, and the subject matter of the  
18 lobbying activity.

19 (f) A report for the period beginning January 1, 2010 and  
20 ending on June 30, 2010 shall be filed no later than July 15,  
21 2010, and a report for the period beginning July 1, 2010 and  
22 ending on December 31, 2010 shall be filed no later than  
23 January 15, 2011. Beginning January 1, 2011, reports shall be  
24 filed semi-monthly as follows: (i) for the period beginning the  
25 first day of the month through the 15th day of the month, the  
26 report shall be filed no later than the 20th day of the month

1 and (ii) for the period beginning on the 16th day of the month  
2 through the last day of the month, the report shall be filed no  
3 later than the 5th day of the following month. A report filed  
4 under this Act is due in the Office of the Secretary of State  
5 no later than the close of business on the date on which it is  
6 required to be filed.

7 (g) All reports filed under this Act shall be filed in a  
8 format or on forms prescribed by the Secretary of State.

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