HB2943 Enrolled

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)

Sec. 2. Definitions. As used in this Act, unless thecontext otherwise requires:

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

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

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(c) "Official" means:

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

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(2) Chiefs of Staff for officials described in item

(1);

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

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(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).

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

(e) "Lobby" and "lobbying" means any communication with an official of the executive or legislative branch of State government as defined in subsection (c) for the ultimate purpose of influencing any executive, legislative, or administrative action.

(f) "Influencing" means any communication, action, reportable expenditure as prescribed in Section 6 or other means used to promote, support, affect, modify, oppose or delay any executive, legislative or administrative action or to promote goodwill with officials as defined in subsection (c). HB2943 Enrolled - 3 - LRB098 09245 JDS 41456 b

"Executive action" means the proposal, 1 (a) drafting, 2 development, consideration, amendment, adoption, approval, 3 promulgation, issuance, modification, rejection or postponement by a State entity of a rule, regulation, order, 4 5 decision, determination, contractual arrangement, purchasing agreement or other quasi-legislative or quasi-judicial action 6 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 bill or portion thereof, and the action of the Governor or any 15 16 agency in the development of a proposal for introduction in the 17 legislature.

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

(j) "Lobbyist" means any natural person who undertakes tolobby State government as provided in subsection (e).

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

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

3 (1) "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 natural person or entity to register, but in any event not 17 later than 2 business days after being employed or retained, 18 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 the natural person or entity required to register: 23

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

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number, and temporary address, if the registrant has a
 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.

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

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

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

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

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.

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

All natural persons and entities required to register under this Act shall remit a single, annual, and nonrefundable \$300 registration fee. Each natural person required to register under this Act shall submit, on an annual basis, a picture of the registrant. A registrant may, in lieu of submitting a HB2943 Enrolled - 7 - LRB098 09245 JDS 41456 b

picture on an annual basis, authorize the Secretary of State to 1 2 use any photo identification available in any database maintained by the Secretary of State for other purposes. Each 3 registration fee collected for registrations on or after 4 5 January 1, 2010 shall be deposited into the Lobbvist 6 Fund for Registration Administration 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 employed by a lobbying entity shall file an affirmation, 13 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 those reports pertain to work performed by the lobbyist. Any 17 lobbyist registered under this Act who is not solely employed 18 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 subsection (b) provided that the lobbying entity may delegate 23 24 the filing of the lobbying entity report to only one lobbyist in any reporting period. 25

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Lobbying entity reports. Every lobbying entity 1 (b) 2 registered under this Act shall report expenditures related to lobbying. The report shall itemize each individual expenditure 3 or transaction and shall include the name of the official on 4 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 officials on whose behalf the expenditure ultimately was made. 15 16 Each expenditure required to be reported shall include all 17 expenses made for or on behalf of an official or his or her immediate family member living with the official. 18

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

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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:

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

(2) meals, beverages and other entertainment.

(3) gifts (indicating which, if any, are on the basisof personal friendship).

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(4) honoraria.

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

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

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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 items7 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 the16 registrant for the purposes of lobbying.

17 (4) Any contributions required to be reported under18 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.

(c) A registrant who terminates employment or duties which required him to register under this Act shall give the Secretary of State, within 30 days after the date of such termination, written notice of such termination and shall include therewith a report of the expenditures described HB2943 Enrolled - 11 - LRB098 09245 JDS 41456 b

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

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

(f) A report for the period beginning January 1, 2010 and 19 ending on June 30, 2010 shall be filed no later than July 15, 20 2010, and a report for the period beginning July 1, 2010 and 21 22 ending on December 31, 2010 shall be filed no later than 23 January 15, 2011. Beginning January 1, 2011, reports shall be filed semi-monthly as follows: (i) for the period beginning the 24 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 HB2943 Enrolled - 12 - LRB098 09245 JDS 41456 b

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