



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4289

Introduced 1/16/2024, by Rep. Ryan Spain

SYNOPSIS AS INTRODUCED:

25 ILCS 170/2

from Ch. 63, par. 172

Amends the Lobbyist Registration Act. Specifies that, as used in the Act, "official" includes specified officials of a unit of local government. Modifies "lobby" and "lobbying", as used in the Act, to add illustrative examples and to provide that a person has not communicated for the ultimate purpose of influencing a State or local governmental action solely by submitting an application for a government permit or license or by responding to a government request for proposals or qualifications. Changes the definition "lobbyist", as used in the Act, to mean a natural person who, on behalf of any person other than himself or herself, or as any part of his or her duties as an employee of another, undertakes to influence or lobby for any executive, legislative, or administrative action for State government or a unit of local government, and includes illustrative examples of lobbyists.

LRB103 35379 AWJ 65444 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 Section 2 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), the Deputy Governor, the Deputy Secretary of State,
2 the Deputy Attorney General, the Deputy Treasurer, and the
3 Deputy Comptroller;

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

7 (4) Members of the General Assembly;

8 (5) Members of any board, commission, authority, or
9 task force of the State authorized or created by State law
10 or by executive order of the Governor;

11 (6) Mayors, presidents, aldermen, commissioners, and
12 trustees of a city, village, or town;

13 (7) County board members and countywide elected
14 officials;

15 (8) Township board members and township elected
16 officials; ~~and~~

17 (9) Members of any board, commission, authority, or
18 task force created by a local ordinance or order of a mayor
19 or village or town president; and;

20 (10) Other officials of a unit of local government
21 with substantial discretion to take or recommend official
22 action or who have voting powers, including municipal
23 managers and attorneys.

24 (d) "Compensation" means any money, thing of value or
25 financial benefits received or to be received in return for
26 services rendered or to be rendered, for lobbying or as a

1 consultant.

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

6 (e) "Lobby" and "lobbying" means to communicate, including
7 the soliciting of others to communicate, with an official as
8 defined in subsection (c) for the ultimate purpose of
9 influencing any executive, legislative, or administrative
10 action at the State, municipal, county, or township government
11 level, including, but not limited to: (i) actions concerning
12 zoning matters; (ii) actions regarding legislation,
13 ordinances, resolutions, motions, orders, appointments, or
14 other matters before an elected governing body; (iii) actions
15 concerning the preparation of contract specifications; (iv)
16 actions involving the solicitation, award, or administration
17 of a contract; (v) actions regarding the award of a grant,
18 loan, or other financial agreement involving public funds;
19 (vi) procurement actions; (vii) bond inducement actions; and
20 (viii) actions involving the granting of concessions. A person
21 has not communicated for the ultimate purpose of influencing
22 an action under this subsection solely by submitting an
23 application for a government permit or license or by
24 responding to a government request for proposals or
25 qualifications. Soliciting of others to communicate shall not
26 include (i) the making of a grant by an organization

1 recognized as tax exempt under Section 501(c)(3) of the
2 Internal Revenue Code made in accordance with Section 4945 and
3 the regulations thereunder or (ii) a communication by an
4 organization recognized as tax exempt under Section 501(c)(3)
5 or 501(c)(5) of the Internal Revenue Code to the public or a
6 segment thereof or to its members to communicate with
7 legislators, executives, or administrators with respect to a
8 proposed action by the legislature, executive, or
9 administrator.

10 (f) "Influencing" means any communication, action,
11 reportable expenditure as prescribed in Section 6 or other
12 means used to promote, support, affect, modify, oppose or
13 delay any executive, legislative or administrative action or
14 to promote goodwill with officials as defined in subsection
15 (c).

16 (g) "Executive action" means the proposal, drafting,
17 development, consideration, amendment, adoption, approval,
18 promulgation, issuance, modification, rejection or
19 postponement by a State, municipal, county, or township
20 government entity of a rule, regulation, order, decision,
21 determination, contractual arrangement, purchasing agreement
22 or other quasi-legislative or quasi-judicial action or
23 proceeding.

24 (h) "Legislative action" means the development, drafting,
25 introduction, consideration, modification, adoption,
26 rejection, review, enactment, or passage or defeat of any

1 bill, amendment, resolution, ordinance, report, nomination,
2 administrative rule or other matter by either house of the
3 General Assembly or a committee thereof, by a legislator, by
4 the legislative body of a municipality, county, or township,
5 or by an alderman, trustee, or township board member.
6 Legislative action also means the action of the Governor,
7 mayor, or village or township board president, or county
8 executive in approving or vetoing any bill, ordinance, or
9 resolution or portion thereof, and the action of such
10 officials or any agency under their jurisdiction in the
11 development of a legislative proposal.

12 (i) "Administrative action" means the execution or
13 rejection of any rule, regulation, legislative rule, standard,
14 fee, rate, contractual arrangement, purchasing agreement or
15 other delegated legislative or quasi-legislative action to be
16 taken or withheld by any executive agency, department, board
17 or commission of the State, municipal, county, or township.

18 (j) "Lobbyist" means any natural person who, on behalf of
19 any person other than himself or herself, or as any part of his
20 or her duties as an employee of another, undertakes to
21 influence or lobby for any executive, legislative, or
22 administrative action for State government or a unit of local
23 government. "Lobbyist" includes, but is not limited to, any
24 attorney, accountant, or consultant engaged in the activities
25 described in this subsection (j); except that an attorney
26 shall not be considered a lobbyist while representing clients

1 ~~in a formal adversarial hearing undertakes to lobby State,~~
2 ~~municipal, county, or township government as provided in~~
3 ~~subsection (e).~~

4 (k) "Lobbying entity" means any entity that hires,
5 retains, employs, or compensates a natural person to lobby
6 State, municipal, county, or township government as provided
7 in subsection (e).

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

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

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

18 (o) "Unit of local government" has the meaning ascribed to
19 it in Section 1 of Article VII of the Illinois Constitution and
20 also includes school districts and community college
21 districts.

22 (p) "Consultant" means any natural person or entity who,
23 for compensation, provides advisory services, including but
24 not limited to, rendering opinions on or developing strategies
25 for lobbying or influencing, to a lobbyist or lobbying entity
26 for the ultimate purpose of influencing any executive,

1 legislative, or administrative action. "Consultant" does not
2 include (i) an employee of the lobbyist or lobbying entity or
3 (ii) an attorney or law firm providing legal services,
4 including drafting legislation or advising and rendering
5 opinions to clients as to the construction and legal effect of
6 proposed or pending legislation or any executive, legislative,
7 or administrative action.

8 (Source: P.A. 101-595, eff. 12-5-19; 102-664, eff. 1-1-22.)