



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4317

by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

25 ILCS 170/2	from Ch. 63, par. 172
25 ILCS 170/3	from Ch. 63, par. 173
25 ILCS 170/6	from Ch. 63, par. 176
25 ILCS 170/9	from Ch. 63, par. 179

Amends the Lobbyist Registration Act. Provides that lobbying is an activity that may be undertaken by non-attorneys. Further provides that the General Assembly declares that lobbying records should generally be available to the public, and work records related to lobbying are not shielded by the attorney-client privilege solely because the lobbyist employed by the unit of government is an attorney. Requires units of local government and school districts to register with the Secretary of State if it employs or compensates a lobbyist. Requires every lobbying entity to report billings to clients, which includes the amount billed, the client billed, and the time frame in which services were performed. Provides that lobbying is an activity that may be undertaken by persons without any professional credential, and no professional privileges or immunities shall attach to lobbying work-product solely on the basis that such work was performed by a person with professional credential or credentials. Effective immediately.

LRB098 17559 OMW 52668 b

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 5. The Lobbyist Registration Act is amended by
5 changing Sections 2, 3, 6, and 9 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. Lobbying is an activity that may be
22 undertaken by non-attorneys. The General Assembly declares
23 that lobbying records should generally be available to the
24 public, and work records related to lobbying are not shielded
25 by the attorney-client privilege solely because the lobbyist
26 employed by the unit of government is an attorney.

1 (f) "Influencing" means any communication, action,
2 reportable expenditure as prescribed in Section 6 or other
3 means used to promote, support, affect, modify, oppose or delay
4 any executive, legislative or administrative action or to
5 promote goodwill with officials as defined in subsection (c).

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

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

23 (i) "Administrative action" means the execution or
24 rejection of any rule, regulation, legislative rule, standard,
25 fee, rate, contractual arrangement, purchasing agreement or
26 other delegated legislative or quasi-legislative action to be

1 taken or withheld by any executive agency, department, board or
2 commission of the State.

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

5 (k) "Lobbying entity" means any entity that hires, retains,
6 employs, or compensates a natural person to lobby State
7 government as provided 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 government as
14 provided in subsection (e) of this Section.

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

17 (Source: P.A. 98-459, eff. 1-1-14.)

18 (25 ILCS 170/3) (from Ch. 63, par. 173)

19 Sec. 3. Persons required to register.

20 (a) Except as provided in Section 9, any natural person
21 who, for compensation or otherwise, undertakes to lobby, or any
22 person or entity who employs or compensates another person for
23 the purposes of lobbying, shall register with the Secretary of
24 State as provided in this Act, unless that person or entity
25 qualifies for one or more of the following exemptions.

1 (1) Persons or entities who, for the purpose of
2 influencing any executive, legislative, or administrative
3 action and who do not make expenditures that are reportable
4 pursuant to Section 6, appear without compensation or
5 promise thereof only as witnesses before committees of the
6 House and Senate for the purpose of explaining or arguing
7 for or against the passage of or action upon any
8 legislation then pending before those committees, or who
9 seek without compensation or promise thereof the approval
10 or veto of any legislation by the Governor.

11 ~~(1.4) A unit of local government or a school district.~~

12 (1.5) An elected or appointed official or an employee
13 of a unit of local government or school district who, in
14 the scope of his or her public office or employment, seeks
15 to influence executive, legislative, or administrative
16 action exclusively on behalf of that unit of local
17 government or school district.

18 (2) Persons or entities who own, publish, or are
19 employed by a newspaper or other regularly published
20 periodical, or who own or are employed by a radio station,
21 television station, or other bona fide news medium that in
22 the ordinary course of business disseminates news,
23 editorial or other comment, or paid advertisements that
24 directly urge the passage or defeat of legislation. This
25 exemption is not applicable to such an individual insofar
26 as he or she receives additional compensation or expenses

1 from some source other than the bona fide news medium for
2 the purpose of influencing executive, legislative, or
3 administrative action. This exemption does not apply to
4 newspapers and periodicals owned by or published by trade
5 associations and not-for-profit corporations engaged
6 primarily in endeavors other than dissemination of news.

7 (3) Persons or entities performing professional
8 services in drafting bills or in advising and rendering
9 opinions to clients as to the construction and effect of
10 proposed or pending legislation when those professional
11 services are not otherwise, directly or indirectly,
12 connected with executive, legislative, or administrative
13 action.

14 (4) Persons or entities who are employees of
15 departments, divisions, or agencies of State government
16 and who appear before committees of the House and Senate
17 for the purpose of explaining how the passage of or action
18 upon any legislation then pending before those committees
19 will affect those departments, divisions, or agencies of
20 State government.

21 (5) Employees of the General Assembly, legislators,
22 legislative agencies, and legislative commissions who, in
23 the course of their official duties only, engage in
24 activities that otherwise qualify as lobbying.

25 (6) Persons or entities in possession of technical
26 skills and knowledge relevant to certain areas of

1 executive, legislative, or administrative actions, whose
2 skills and knowledge would be helpful to officials when
3 considering those actions, whose activities are limited to
4 making occasional appearances for or communicating on
5 behalf of a registrant, and who do not make expenditures
6 that are reportable pursuant to Section 6 even though
7 receiving expense reimbursement for those occasional
8 appearances.

9 (7) Any full-time employee of a bona fide church or
10 religious organization who represents that organization
11 solely for the purpose of protecting the right of the
12 members thereof to practice the religious doctrines of that
13 church or religious organization, or any such bona fide
14 church or religious organization.

15 (8) Persons or entities that receive no compensation
16 other than reimbursement for expenses of up to \$500 per
17 year while engaged in lobbying State government, unless
18 those persons make expenditures that are reportable under
19 Section 6.

20 (9) Any attorney or group or firm of attorneys in the
21 course of representing a client in any administrative or
22 judicial proceeding, or any witness providing testimony in
23 any administrative or judicial proceeding, in which ex
24 parte communications are not allowed and who does not make
25 expenditures that are reportable pursuant to Section 6.

26 (9.5) Any attorney or group or firm of attorneys in the

1 course of representing a client in an administrative or
2 executive action involving a contractual or purchasing
3 arrangement and who does not make expenditures that are
4 reportable pursuant to Section 6.

5 (10) Persons or entities who, in the scope of their
6 employment as a vendor, offer or solicit an official for
7 the purchase of any goods or services when (1) the
8 solicitation is limited to either an oral inquiry or
9 written advertisements and informative literature; or (2)
10 the goods and services are subject to competitive bidding
11 requirements of the Illinois Procurement Code; or (3) the
12 goods and services are for sale at a cost not to exceed
13 \$5,000; and (4) the persons or entities do not make
14 expenditures that are reportable under Section 6.

15 (b) It is a violation of this Act to engage in lobbying or
16 to employ any person for the purpose of lobbying who is not
17 registered with the Office of the Secretary of State, except
18 upon condition that the person register and the person does in
19 fact register within 2 business days after being employed or
20 retained for lobbying services.

21 (c) The Secretary shall promulgate a rule establishing a
22 list of the entities required to register under this Act,
23 including the name of each board, commission, authority, or
24 task force. The Secretary may require a person or entity
25 claiming an exemption under this Section to certify the person
26 or entity is not required to register under this Act. Nothing

1 prohibits the Secretary from rejecting a certification and
2 requiring a person or entity to register.

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

4 (25 ILCS 170/6) (from Ch. 63, par. 176)

5 Sec. 6. Reports.

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

21 (b) Lobbying entity reports. Every lobbying entity
22 registered under this Act shall report billings to clients and
23 expenditures related to lobbying. The report shall itemize each
24 individual expenditure or transaction and shall include the
25 name of the official on whose behalf the expenditure was made,

1 the name of the client if the expenditure was made on behalf of
2 a client, the total amount of the expenditure, a description of
3 the expenditure, the vendor or purveyor to whom the expenditure
4 was made (including the address or location of the
5 expenditure), the date on which the expenditure occurred and
6 the subject matter of the lobbying activity, if any. For those
7 expenditures made on behalf of a client, if the client is a
8 client registrant, the report shall also include the name and
9 address of the client or clients of the client registrant or
10 the official or officials on whose behalf the expenditure
11 ultimately was made. Each expenditure required to be reported
12 shall include all expenses made for or on behalf of an official
13 or his or her immediate family member living with the official.
14 Reports of billings to clients shall include the amount billed,
15 the client billed, and the time frame in which services were
16 performed.

17 (b-1) The report shall include any change or addition to
18 the client list information, required in Section 5 for
19 registration, since the last report, including the names and
20 addresses of all clients who retained the lobbying entity
21 together with an itemized description for each client of the
22 following: (1) lobbying regarding executive action, including
23 the name of any executive agency lobbied and the subject
24 matter; (2) lobbying regarding legislative action, including
25 the General Assembly and any other agencies lobbied and the
26 subject matter; and (3) lobbying regarding administrative

1 action, including the agency lobbied and the subject matter.
2 Registrants who made no reportable expenditures during a
3 reporting period shall file a report stating that no
4 expenditures were incurred.

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

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

12 (2) Meals, beverages and other entertainment.

13 (3) Gifts (indicating which, if any, are on the basis
14 of personal friendship).

15 (4) Honoraria.

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

23 (b-3) Expenditures incurred for hosting receptions,
24 benefits and other large gatherings held for purposes of
25 goodwill or otherwise to influence executive, legislative or
26 administrative action to which there are 25 or more State

1 officials invited shall be reported listing only the total
2 amount of the expenditure, the date of the event, and the
3 estimated number of officials in attendance.

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

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

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

13 (3) Salaries, fees, and other compensation paid to the
14 registrant for the purposes of lobbying; however, billings
15 to clients by lobbying entities shall be included in the
16 report.

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. 98-459, eff. 1-1-14.)

10 (25 ILCS 170/9) (from Ch. 63, par. 179)

11 Sec. 9. Effect on other laws.

12 (a) Nothing in this Act shall be construed to infringe in
13 any way the right of a citizen to lawfully petition a member of
14 the General Assembly or any other public official as guaranteed
15 in the Constitution of the State of Illinois.

16 (b) Lobbying is an activity that may be undertaken by
17 persons without any professional credential, and no
18 professional privileges or immunities shall attach to lobbying
19 work-product solely on the basis that such work was performed
20 by a person with professional credential or credentials.

21 (Source: P.A. 76-1848.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.