



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3953

Introduced 2/17/2023, by Rep. Blaine Wilhour

#### SYNOPSIS AS INTRODUCED:

25 ILCS 170/2

from Ch. 63, par. 172

Amends the Lobbyist Registration Act. Provides that the term "official" as used under the Act includes specified officials of a unit of local government. Modifies the terms "lobby" and "lobbying" to include communications with units of local government for the ultimate purpose of influencing any executive, legislative, or administrative action, and further specifies such actions. Modifies the term "lobbyist" 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.

LRB103 31011 DTM 57626 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 including village managers, chief legal counsel, or  
22 general counsel, or other officials with substantial  
23 discretion to take or recommend official action or who  
24 have voting powers.

25 (d) "Compensation" means any money, thing of value or  
26 financial benefits received or to be received in return for

1 services rendered or to be rendered, for lobbying or as a  
2 consultant.

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

7 (e) "Lobby" and "lobbying" means to communicate, including  
8 the soliciting of others to communicate, with an official as  
9 defined in subsection (c) for the ultimate purpose of  
10 influencing any executive, legislative, or administrative  
11 action, including, but not limited to, such actions as: (i)  
12 zoning matters; (ii) the introduction, passage, or other  
13 action to be taken on legislation, ordinance, resolution,  
14 motion, order, appointment, or other matter before an elected  
15 governing body; (iii) preparation of contract specifications;  
16 (iv) solicitation, award, or administration of a contract; (v)  
17 the award of a grant, loan, or other financial agreement  
18 involving public funds; (vi) procurement; (vii) bond  
19 inducement; and (viii) the granting of concessions. A person  
20 is not deemed to have undertaken to influence under this  
21 Section solely by submitting an application for a government  
22 permit or license or by responding to a government request for  
23 proposals or qualifications at the State, municipal, county,  
24 or township government level. Soliciting of others to  
25 communicate shall not include (i) the making of a grant by an  
26 organization recognized as tax exempt under Section 501(c)(3)

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

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

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

23 (h) "Legislative action" means the development, drafting,  
24 introduction, consideration, modification, adoption,  
25 rejection, review, enactment, or passage or defeat of any  
26 bill, amendment, resolution, ordinance, report, nomination,

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

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

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

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

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

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

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

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

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

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

1 include (i) an employee of the lobbyist or lobbying entity or  
2 (ii) an attorney or law firm providing legal services,  
3 including drafting legislation or advising and rendering  
4 opinions to clients as to the construction and legal effect of  
5 proposed or pending legislation or any executive, legislative,  
6 or administrative action.

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