

1 opposition of any executive, legislative, or administrative
2 action (as those terms are defined in Section 2 of the
3 Lobbyist Registration Act), (ii) relating to collective
4 bargaining, or (iii) that are otherwise in furtherance of the
5 person's official State duties.

6 "Candidate" means a person who has filed nominating
7 papers or petitions for nomination or election to an elected
8 State office, or who has been appointed to fill a vacancy in
9 nomination, and who remains eligible for placement on the
10 ballot at either a general primary election or general
11 election.

12 "Collective bargaining" has the same meaning as that term
13 is defined in Section 3 of the Illinois Public Labor
14 Relations Act.

15 "Commission" means an ethics commission created by this
16 Act.

17 "Compensated time" means any time worked by or credited
18 to a State employee that counts toward any minimum work time
19 requirement imposed as a condition of employment with a State
20 agency, but does not include any designated State holidays or
21 any period when the employee is on a leave of absence.

22 "Compensatory time off" means authorized time off earned
23 by or awarded to a State employee to compensate in whole or
24 in part for time worked in excess of the minimum work time
25 required of that employee as a condition of employment with a
26 State agency.

27 "Contribution" has the same meaning as that term is
28 defined in Section 9-1.4 of the Election Code.

29 "Employee" means (i) any person employed full-time,
30 part-time, or pursuant to a contract and whose employment
31 duties are subject to the direction and control of an
32 employer with regard to the material details of how the work
33 is to be performed or (ii) any appointee.

34 "Executive branch constitutional officer" means the

1 Governor, Lieutenant Governor, Attorney General, Secretary of
2 State, Comptroller, and Treasurer.

3 "Gift" means any gratuity, discount, entertainment,
4 hospitality, loan, forbearance, or other tangible or
5 intangible item having monetary value including, but not
6 limited to, cash, food and drink, and honoraria for speaking
7 engagements related to or attributable to government
8 employment or the official position of an employee, member,
9 or officer.

10 "Governmental entity" means a unit of local government or
11 a school district but not a State agency.

12 "Leave of absence" means any period during which a State
13 employee does not receive (i) compensation for State
14 employment, (ii) service credit towards State pension
15 benefits, and (iii) health insurance benefits paid for by the
16 State.

17 "Legislative branch constitutional officer" means a
18 member of the General Assembly and the Auditor General.

19 "Legislative leader" means the President and Minority
20 Leader of the Senate and the Speaker and Minority Leader of
21 the House of Representatives.

22 "Member" means a member of the General Assembly.

23 "Officer" means an executive branch a---State
24 constitutional officer of--the--executive or a legislative
25 branch constitutional officer.

26 "Political" means any activity in support of or in
27 connection with any campaign for elective office or any
28 political organization, but does not include activities (i)
29 relating to the support or opposition of any executive,
30 legislative, or administrative action (as those terms are
31 defined in Section 2 of the Lobbyist Registration Act), (ii)
32 relating to collective bargaining, or (iii) that are
33 otherwise in furtherance of the person's official State
34 duties.

1 "Political organization" means a party, committee,
2 association, fund, or other organization (whether or not
3 incorporated) that is required to file a statement of
4 organization with the State Board of Elections or a county
5 clerk under Section 9-3 of the Election Code, but only with
6 regard to those activities that require filing with the State
7 Board of Elections or a county clerk.

8 "Prohibited political activity" means:

9 (1) Preparing for, organizing, or participating in
10 any political meeting, political rally, political
11 demonstration, or other political event.

12 (2) Soliciting contributions, including but not
13 limited to the purchase of, selling, distributing, or
14 receiving payment for tickets for any political
15 fundraiser, political meeting, or other political event.

16 (3) Soliciting, planning the solicitation of, or
17 preparing any document or report regarding any thing of
18 value intended as a campaign contribution.

19 (4) Planning, conducting, or participating in a
20 public opinion poll in connection with a campaign for
21 elective office or on behalf of a political organization
22 for political purposes or for or against any referendum
23 question.

24 (5) Surveying or gathering information from
25 potential or actual voters in an election to determine
26 probable vote outcome in connection with a campaign for
27 elective office or on behalf of a political organization
28 for political purposes or for or against any referendum
29 question.

30 (6) Assisting at the polls on election day on
31 behalf of any political organization or candidate for
32 elective office or for or against any referendum
33 question.

34 (7) Soliciting votes on behalf of a candidate for

1 elective office or a political organization or for or
2 against any referendum question or helping in an effort
3 to get voters to the polls.

4 (8) Initiating for circulation, preparing,
5 circulating, reviewing, or filing any petition on behalf
6 of a candidate for elective office or for or against any
7 referendum question.

8 (9) Making contributions on behalf of any candidate
9 for elective office in that capacity or in connection
10 with a campaign for elective office.

11 (10) Preparing or reviewing responses to candidate
12 questionnaires in connection with a campaign for elective
13 office or on behalf of a political organization for
14 political purposes.

15 (11) Distributing, preparing for distribution, or
16 mailing campaign literature, campaign signs, or other
17 campaign material on behalf of any candidate for elective
18 office or for or against any referendum question.

19 (12) Campaigning for any elective office or for or
20 against any referendum question.

21 (13) Managing or working on a campaign for elective
22 office or for or against any referendum question.

23 (14) Serving as a delegate, alternate, or proxy to
24 a political party convention.

25 (15) Participating in any recount or challenge to
26 the outcome of any election, except to the extent that
27 under subsection (d) of Section 6 of Article IV of the
28 Illinois Constitution each house of the General Assembly
29 shall judge the elections, returns, and qualifications of
30 its members.

31 "Prohibited source" means any person or entity who:

32 (1) is seeking official action (i) by the member or
33 officer or (ii) in the case of an employee, by the
34 employee or by the member, officer, State agency, or

1 other employee directing the employee;

2 (2) does business or seeks to do business (i) with
3 the member or officer or (ii) in the case of an employee,
4 with the employee or with the member, officer, State
5 agency, or other employee directing the employee;

6 (3) conducts activities regulated (i) by the member
7 or officer or (ii) in the case of an employee, by the
8 employee or by the member, officer, State agency, or
9 other employee directing the employee;

10 (4) has interests that may be substantially
11 affected by the performance or non-performance of the
12 official duties of the member, officer, or employee; or

13 (5) is registered or required to be registered with
14 the Secretary of State under the Lobbyist Registration
15 Act, except that an entity not otherwise a prohibited
16 source does not become a prohibited source merely because
17 a registered lobbyist is one of its members or serves on
18 its board of directors.

19 "State agency" includes all officers, boards, commissions
20 and agencies created by the Constitution, whether in the
21 executive or legislative branch; all officers, departments,
22 boards, commissions, agencies, institutions, authorities,
23 public institutions of higher learning as defined in Section
24 2 of the Higher Education Cooperation Act, and bodies politic
25 and corporate of the State; and administrative units or
26 corporate outgrowths of the State government which are
27 created by or pursuant to statute, other than units of local
28 government and their officers, school districts, and boards
29 of election commissioners; and all administrative units and
30 corporate outgrowths of the above and as may be created by
31 executive order of the Governor. "State agency" includes the
32 General Assembly, the Senate, the House of Representatives,
33 the President and Minority Leader of the Senate, the Speaker
34 and Minority Leader of the House of Representatives, the

1 Senate Operations Commission, and the legislative support
2 services agencies. "State agency" includes the Office of the
3 Auditor General. "State agency" does not include the judicial
4 branch.

5 "State employee" means any employee of a State agency.

6 "Ultimate jurisdictional authority" means the following:

7 (1) For members, legislative partisan staff, and
8 legislative secretaries, the appropriate legislative
9 leader: President of the Senate, Minority Leader of the
10 Senate, Speaker of the House of Representatives, or
11 Minority Leader of the House of Representatives.

12 (2) For State employees who are professional staff
13 or employees of the Senate and not covered under item
14 (1), the Senate Operations Commission.

15 (3) For State employees who are professional staff
16 or employees of the House of Representatives and not
17 covered under item (1), the Speaker of the House of
18 Representatives.

19 (4) For State employees who are employees of the
20 legislative support services agencies, the Joint
21 Committee on Legislative Support Services.

22 (5) For State employees of the Auditor General, the
23 Auditor General.

24 (6) For State employees of public institutions of
25 higher learning as defined in Section 2 of the Higher
26 Education Cooperation Act, the board of trustees of the
27 appropriate public institution of higher learning.

28 (7) For State employees of an executive branch
29 constitutional officer other than those described in
30 paragraph (6), the appropriate executive branch
31 constitutional officer.

32 (8) For State employees not under the jurisdiction
33 of paragraph (1), (2), (3), (4), (5), (6), or (7), the
34 Governor.

1 (Source: 93HB3412enr.)

2 (93 HB3412enr. Art. 5, Sec. 5-5)

3 Sec. 5-5. Personnel policies.

4 (a) Each of the following shall adopt and implement
5 personnel policies for all State employees under his, her, or
6 its jurisdiction and control: (i) each executive branch
7 constitutional officer, (ii) each legislative leader, (iii)
8 the Senate Operations Commission, with respect to legislative
9 employees under Section 4 of the General Assembly Operations
10 Act, (iv) the Speaker of the House of Representatives, with
11 respect to legislative employees under Section 5 of the
12 General Assembly Operations Act, (v) the Joint Committee on
13 Legislative Support Services, with respect to State employees
14 of the legislative support services agencies, (vi) members of
15 the General Assembly, with respect to legislative assistants,
16 as provided in Section 4 of the General Assembly Compensation
17 Act, (vii) the Auditor General, (viii) the Board of Higher
18 Education, with respect to State employees of public
19 institutions of higher learning except community colleges,
20 and (ix) the Illinois Community College Board, with respect
21 to State employees of community colleges. The Governor shall
22 adopt and implement those policies for all State employees of
23 the executive branch not under the jurisdiction and control
24 of any other executive branch constitutional officer.

25 (b) The policies required under subsection (a) shall be
26 filed with the appropriate ethics commission established
27 under this Act or, for the Auditor General, with the Office
28 of the Auditor General.

29 (c)(b) The policies required under subsection (a) shall
30 include policies relating to work time requirements,
31 documentation of time worked, documentation for reimbursement
32 for travel on official State business, compensation, and the
33 earning or accrual of State benefits for all State employees

1 who may be eligible to receive those benefits. The policies
 2 shall comply with and be consistent with all other applicable
 3 laws. ~~For State employees of the legislative branch,~~ The
 4 policies shall require State these employees to periodically
 5 submit time sheets documenting the time spent each day on
 6 official State business to the nearest quarter hour;
 7 contractual State employees ~~of the legislative branch~~ may
 8 satisfy the time sheets requirement by complying with the
 9 terms of their contract, which shall provide for a means of
 10 compliance with this requirement. The policies for State
 11 employees ~~of the legislative branch~~ shall require those time
 12 sheets to be submitted on paper, electronically, or both and
 13 to be maintained in either paper or electronic format by the
 14 applicable fiscal office for a period of at least 2 years.

15 (d) The policies required under subsection (a) shall be
 16 adopted by the applicable entity before February 1, 2004 and
 17 shall apply to State employees beginning 30 days after
 18 adoption.

19 (Source: 93HB3412enr.)

20 (93 HB3412enr. Art. 5, Sec. 5-10)

21 Sec. 5-10. Ethics training. Each officer, member, and
 22 employee must complete, at least annually beginning in 2004,
 23 an ethics training program conducted by the appropriate State
 24 agency. Each ultimate jurisdictional authority must implement
 25 an ethics training program for its officers, members, and
 26 employees. These ethics training programs shall be overseen
 27 by the appropriate Ethics Commission and Inspector General
 28 appointed pursuant to this Act in consultation with the
 29 Office of the Attorney General.

30 Each Inspector General shall set standards and determine
 31 the hours and frequency of training necessary for each
 32 position or category of positions. A person who fills a
 33 vacancy in an elective or appointed position that requires

1 training and a person employed in a position that requires
 2 training must complete his or her initial ethics training
 3 within 6 months after commencement of his or her office or
 4 employment.

5 Ethics---training,----Each---officer--and--employee--must
 6 complete,--at--least--annually,--an--ethics--training--program
 7 conducted--by--the--appropriate--ethics--officer--appointed--under
 8 the--State--Gift--Ban--Act,---Each--ultimate---jurisdictional
 9 authority--must--implement--an--ethics--training--program--for--its
 10 officers--and--employees.-A--person--who--fills--a--vacancy--in--an
 11 elective--or--appointed--position--that--requires--training--and--a
 12 person--employed--in--a--position--that--requires--training--must
 13 complete--his--or--her--initial--ethics--training--within--6--months
 14 after--commencement--of--his--or--her--office--or--employment.

15 (Source: 93HB3412enr.)

16 (93 HB3412enr. Art. 5, Sec. 5-20)

17 Section 5-20. Public service announcements; other
 18 promotional material.

19 (a) Beginning January 1, 2004, no public service
 20 announcement or advertisement that is on behalf of any State
 21 administered program and contains the proper name, image, or
 22 voice of any executive branch constitutional officer or
 23 member of the General Assembly shall be broadcast or aired on
 24 radio or television or printed in a commercial newspaper or a
 25 commercial magazine at any time.

26 (b) The proper name or image of any executive branch
 27 constitutional officer or member of the General Assembly may
 28 not appear on any (i) bumper stickers, (ii) commercial
 29 billboards, (iii) lapel pins or buttons, (iv) magnets, (v)
 30 stickers, and (vi) other similar promotional items, if
 31 designed, paid for, prepared, or distributed using public
 32 dollars. This subsection does not apply to stocks of items
 33 existing on the effective date of this amendatory Act of the

1 93rd General Assembly.

2 (a) Except as otherwise provided in this Section, no
3 public service announcement or advertisement that is on
4 behalf of any State-administered program and that contains
5 the image or voice of any executive branch constitutional
6 officer or member of the General Assembly shall be broadcast
7 or aired on radio or television or printed in a newspaper at
8 any time on or after the date that the officer or member
9 files his or her nominating petitions for public office and
10 for any time thereafter that the officer or member remains a
11 candidate for any office.

12 (c)(b) This Section does not apply to communications
13 funded through expenditures required to be reported under
14 Article 9 of the Election Code.

15 (Source: 93HB3412enr.)

16 (93 HB3412enr. Art. 5, Sec. 5-45)

17 Section 5-45. Procurement; revolving door prohibition.

18 (a) No former officer, member, or State employee, or
19 spouse or immediate family member living with such person,
20 shall, within a period of one year immediately after
21 termination of State employment, knowingly accept employment
22 or receive compensation or fees for services from a person or
23 entity if the officer, member, or State employee, during the
24 year immediately preceding termination of State employment,
25 participated personally and substantially in the decision to
26 award State contracts with a cumulative value of over \$25,000
27 to the person or entity, or its parent or subsidiary.

28 (b) No former officer of the executive branch or State
29 employee of the executive branch with regulatory or licensing
30 authority, or spouse or immediate family member living with
31 such person, shall, within a period of one year immediately
32 after termination of state employment, knowingly accept
33 employment or receive compensation of fees for services from

1 a person or entity if the officer or State employee, during
 2 the year immediately preceding termination of State
 3 employment, made a regulatory or licensing decision that
 4 directly applied to the person or entity, or its parent or
 5 subsidiary.

6 (c) The requirements of this Section may be waived (i)
 7 for the executive branch, in writing by the Executive Ethics
 8 Commission, (ii) for the legislative branch, in writing by
 9 the Legislative Ethics Commission, and (iii) for the Auditor
 10 General, in writing by the Auditor General. During the time
 11 period from the effective date of this amendatory Act of the
 12 93rd General Assembly until the Executive Ethics Commission
 13 first meets, the requirements of this Section may be waived
 14 in writing by the appropriate ultimate jurisdictional
 15 authority. During the time period from the effective date of
 16 this amendatory Act of the 93rd General Assembly until the
 17 Legislative Ethics Commission first meets, the requirements
 18 of this Section may be waived in writing by the appropriate
 19 ultimate jurisdictional authority. The waiver shall be
 20 granted upon a showing that the prospective employment or
 21 relationship did not affect the decisions referred to in
 22 sections (a) and (b).

23 (d) This Section applies only to persons who terminate
 24 an affected position on or after the effective date of this
 25 amendatory Act of the 93rd General Assembly.

26 ~~(a) -- No former State employee may, within a period of one~~
 27 ~~year -- immediately after -- termination -- of -- State -- employment,~~
 28 ~~knowingly accept employment or receive compensation -- or -- fees~~
 29 ~~for -- services -- from -- an -- employer if the employee, during the~~
 30 ~~year immediately preceding termination of -- State -- employment,~~
 31 ~~and -- on -- behalf -- of -- the State or State agency, negotiated in~~
 32 ~~whole or in part one or more -- contracts -- with -- that -- employer~~
 33 ~~aggregating \$25,000 or more.~~

34 ~~(b) -- The -- requirements -- of -- this Section may be waived by~~

1 the-appropriate--ultimate--jurisdictional--authority--of--the
2 former---State---employee--if--that--ultimate--jurisdictional
3 authority-finds-in-writing-that-the-State's-negotiations--and
4 decisions--regarding--the--procurement--of--the--contract--or
5 contracts--were--not-materially-affected-by-any-potential-for
6 employment-of-that-employee-by-the-employer.

7 (e)--This-Section-applies-only-to-persons--who--terminate
8 an--affected--position-on-or-after-the-effective-date-of-this
9 Act.

10 (Source: 93HB3412enr.)

11 (93 HB3412enr. Sec. 5-50 new)

12 Sec. 5-50. Ex parte communications; special government
13 agents.

14 (a) This Section applies to ex parte communications made
15 to any agency listed in subsection (e).

16 (b) "Ex parte communication" means any written or oral
17 communication by any person that imparts or requests material
18 information or makes a material argument regarding potential
19 action concerning regulatory, quasi-adjudicatory, or
20 licensing matters pending before or under consideration by
21 the agency. "Ex parte communication" does not include the
22 following: (i) statements by a person publicly made in a
23 public forum; (ii) statements regarding matters of procedure
24 and practice, such as format, the number of copies required,
25 the manner of filing, and the status of a matter; and (iii)
26 statements made by a State employee of the agency to the
27 agency head or other employees of that agency.

28 (b-5) An ex parte communication received by an agency,
29 agency head, or other agency employee from an interested
30 party or his or her official representative or attorney shall
31 promptly be memorialized and made a part of the record.

32 (c) An ex parte communication received by any agency,
33 agency head, or other agency employee, other than an ex parte

1 communication described in subsection (b-5), shall
2 immediately be reported to that agency's ethics officer by
3 the recipient of the communication and by any other employee
4 of that agency who responds to the communication. The ethics
5 officer shall require that the ex parte communication be
6 promptly made a part of the record. The ethics officer shall
7 promptly file the ex parte communication with the Executive
8 Ethics Commission, including all written communications, all
9 written responses to the communications, and a memorandum
10 prepared by the ethics officer stating the nature and
11 substance of all oral communications, the identity and job
12 title of the person to whom each communication was made, all
13 responses made, the identity and job title of the person
14 making each response, the identity of each person from whom
15 the written or oral ex parte communication was received, the
16 individual or entity represented by that person, any action
17 the person requested or recommended, and any other pertinent
18 information. The disclosure shall also contain the date of
19 any ex parte communication.

20 (d) "Interested party" means a person or entity whose
21 rights, privileges, or interests are the subject of or are
22 directly affected by a regulatory, quasi-adjudicatory, or
23 licensing matter.

24 (e) This Section applies to the following agencies:

- 25 Executive Ethics Commission
- 26 Illinois Commerce Commission
- 27 Educational Labor Relations Board
- 28 State Board of Elections
- 29 Illinois Gaming Board
- 30 Health Facilities Planning Board
- 31 Industrial Commission
- 32 Illinois Labor Relations Board
- 33 Illinois Liquor Control Commission
- 34 Pollution Control Board

- 1 Property Tax Appeal Board
- 2 Illinois Racing Board
- 3 Illinois Purchased Care Review Board
- 4 Department of State Police Merit Board
- 5 Motor Vehicle Review Board
- 6 Prisoner Review Board
- 7 Civil Service Commission
- 8 Personnel Review Board for the Treasurer
- 9 Merit Commission for the Secretary of State
- 10 Merit Commission for the Office of the Comptroller
- 11 Court of Claims
- 12 Board of Review of the Department
- 13 of Employment Security
- 14 Department of Professional Regulation and
- 15 licensing boards under the Department
- 16 Department of Public Health and licensing boards
- 17 under the Department
- 18 Office of Banks and Real Estate
- 19 and licensing boards under the Office

20 (f) Any person who fails to (i) report an ex parte
21 communication to an ethics officer, (ii) make information
22 part of the record, or (iii) make a filing with the Executive
23 Ethics Commission as required by this Section or as required
24 by Section 5-165 of the Illinois Administrative Procedure Act
25 violates this Act.

26 (93 HB3412enr. Sec. 5-55 new)

27 Sec. 5-55. Prohibition on serving on boards and
28 commissions. Notwithstanding any other law of this State, on
29 and after February 1, 2004, a person, his or her spouse, and
30 any immediate family member living with that person is
31 ineligible to serve on a board, commission, authority, or
32 task force authorized or created by State law or by executive
33 order of the Governor if (i) that person is entitled to

1 receive more than 7 1/2% of the total distributable income
 2 under a State contract other than an employment contract or
 3 (ii) that person together with his or her spouse and
 4 immediate family members living with that person are entitled
 5 to receive more than 15% in the aggregate of the total
 6 distributable income under a State contract other than an
 7 employment contract; except that this restriction does not
 8 apply to any of the following:

9 (1) a person, his or her spouse, or his or her
 10 immediate family member living with that person, who is
 11 serving in an elective public office, whether elected or
 12 appointed to fill a vacancy; and

13 (2) a person, his or her spouse, or his or her
 14 immediate family member living with that person, who is
 15 serving on a State advisory body that makes nonbinding
 16 recommendations to an agency of State government but does
 17 not make binding recommendations or determinations or
 18 take any other substantive action.

19 (93 HB3412enr. Art. 10 heading new)

20 ARTICLE 10

21 GIFT BAN

22 (93 HB3412enr. Sec. 10-10 new)

23 Sec. 10-10. Gift ban. Except as otherwise provided in
 24 this Article, no officer, member, or State employee shall
 25 intentionally solicit or accept any gift from any prohibited
 26 source or in violation of any federal or State statute, rule,
 27 or regulation. This ban applies to and includes the spouse of
 28 and immediate family living with the officer, member, or
 29 State employee. No prohibited source shall intentionally
 30 offer or make a gift that violates this Section.

31 (93 HB3412enr. Sec. 10-15 new)

1 Sec. 10-15. Gift ban; exceptions. The restriction in
2 Section 10-10 does not apply to the following:

3 (1) Opportunities, benefits, and services that are
4 available on the same conditions as for the general public.

5 (2) Anything for which the officer, member, or State
6 employee pays the market value.

7 (3) Any (i) contribution that is lawfully made under the
8 Election Code or under this Act or (ii) activities associated
9 with a fundraising event in support of a political
10 organization or candidate.

11 (4) Educational materials and missions. This exception
12 may be further defined by rules adopted by the appropriate
13 ethics commission or by the Auditor General for the Auditor
14 General and employees of the Office of the Auditor General.

15 (5) Travel expenses for a meeting to discuss State
16 business. This exception may be further defined by rules
17 adopted by the appropriate ethics commission or by the
18 Auditor General for the Auditor General and employees of the
19 Office of the Auditor General.

20 (6) A gift from a relative, meaning those people related
21 to the individual as father, mother, son, daughter, brother,
22 sister, uncle, aunt, great aunt, great uncle, first cousin,
23 nephew, niece, husband, wife, grandfather, grandmother,
24 grandson, granddaughter, father-in-law, mother-in-law,
25 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
26 stepfather, stepmother, stepson, stepdaughter, stepbrother,
27 stepsister, half brother, half sister, and including the
28 father, mother, grandfather, or grandmother of the
29 individual's spouse and the individual's fiance or fiancée.

30 (7) Anything provided by an individual on the basis of a
31 personal friendship unless the member, officer, or employee
32 has reason to believe that, under the circumstances, the gift
33 was provided because of the official position or employment
34 of the member, officer, or employee and not because of the

1 personal friendship.

2 In determining whether a gift is provided on the basis of
3 personal friendship, the member, officer, or employee shall
4 consider the circumstances under which the gift was offered,
5 such as:

6 (i) the history of the relationship between the
7 individual giving the gift and the recipient of the gift,
8 including any previous exchange of gifts between those
9 individuals;

10 (ii) whether to the actual knowledge of the member,
11 officer, or employee the individual who gave the gift
12 personally paid for the gift or sought a tax deduction or
13 business reimbursement for the gift; and

14 (iii) whether to the actual knowledge of the
15 member, officer, or employee the individual who gave the
16 gift also at the same time gave the same or similar gifts
17 to other members, officers, or employees.

18 (8) Food or refreshments not exceeding \$75 per person in
19 value on a single calendar day; provided that the food or
20 refreshments are (i) consumed on the premises from which they
21 were purchased or prepared or (ii) catered. For the purposes
22 of this Section, "catered" means food or refreshments that
23 are purchased ready to eat and delivered by any means.

24 (9) Food, refreshments, lodging, transportation, and
25 other benefits resulting from the outside business or
26 employment activities (or outside activities that are not
27 connected to the duties of the officer, member, or employee
28 as an office holder or employee) of the officer, member, or
29 employee, or the spouse of the officer, member, or employee,
30 if the benefits have not been offered or enhanced because of
31 the official position or employment of the officer, member,
32 or employee, and are customarily provided to others in
33 similar circumstances.

34 (10) Intra-governmental and inter-governmental gifts.

1 For the purpose of this Act, "intra-governmental gift" means
2 any gift given to a member, officer, or employee of a State
3 agency from another member, officer, or employee of the same
4 State agency; and "inter-governmental gift" means any gift
5 given to a member, officer, or employee of a State agency, by
6 a member, officer, or employee of another State agency, of a
7 federal agency, or of any governmental entity.

8 (11) Bequests, inheritances, and other transfers at
9 death.

10 (12) Any item or items from any one prohibited source
11 during any calendar year having a cumulative total value of
12 less than \$100.

13 Each of the exceptions listed in this Section is mutually
14 exclusive and independent of one another.

15 (93 HB3412enr. Sec. 10-30 new)

16 Sec. 10-30. Gift ban; disposition of gifts. A member,
17 officer, or employee does not violate this Act if the member,
18 officer, or employee promptly takes reasonable action to
19 return the prohibited gift to its source or gives the gift or
20 an amount equal to its value to an appropriate charity that
21 is exempt from income taxation under Section 501 (c)(3) of
22 the Internal Revenue Code of 1986, as now or hereafter
23 amended, renumbered, or succeeded.

24 (93 HB3412enr. Sec. 10-40 new)

25 Sec. 10-40. Gift ban; further restrictions. A State
26 agency may adopt or maintain policies that are more
27 restrictive than those set forth in this Article and may
28 continue to follow any existing policies, statutes, or
29 regulations that are more restrictive or are in addition to
30 those set forth in this Article.

31 (93 HB3412enr. Art. 15, Sec. 15-10)

1 Section 15-10. Protected activity. An officer, a member,
2 a State employee, or a State agency shall not take any
3 retaliatory action against a State employee because the State
4 employee does any of the following:

5 (1) Discloses or threatens to disclose to a supervisor
6 or to a public body an activity, policy, or practice of any
7 officer, member, State agency, or other State employee that
8 the State employee reasonably believes is in violation of a
9 law, rule, or regulation.

10 (2) Provides information to or testifies before any
11 public body conducting an investigation, hearing, or inquiry
12 into any violation of a law, rule, or regulation by any
13 officer, member, State agency, or other State employee.

14 (3) Assists or participates in a proceeding to enforce
15 the provisions of this Act.

16 (Source: 93HB3412enr.)

17 (93 HB3412enr. Art. 15, Sec. 15-20)

18 Section 15-20. Burden of proof. A violation of this
19 Article may be established only upon a finding that (i) the
20 State employee engaged in conduct described in Section 15-10
21 and (ii) that conduct was a contributing factor in the
22 retaliatory action alleged by the State employee. It is not
23 a violation, however, if it is demonstrated by clear and
24 convincing evidence that the officer, member, other State
25 employee, or State agency would have taken the same
26 unfavorable personnel action in the absence of that conduct.

27 (Source: 93HB3412enr.)

28 (93 HB3412enr. Art. 15, Sec. 15-25)

29 Sec. 15-25. Remedies. The State employee may be awarded
30 all remedies necessary to make the State employee whole and
31 to prevent future violations of this Article. Remedies
32 imposed by the court may include, but are not limited to, all

1 of the following:

2 (1) reinstatement of the employee to either the same
3 position held before the retaliatory action or to an
4 equivalent position;

5 (2) 2 times the amount of back pay;

6 (3) interest on the back pay; and

7 (4) the reinstatement of full fringe benefits and
8 seniority rights; and

9 (5) the payment of reasonable costs and attorneys' fees.

10 (Source: 93HB3412enr.)

11 (93 HB3412enr. Art. 15, Sec. 15-40 new)

12 Sec. 15-40. Posting. All officers, members, and State
13 agencies shall conspicuously display notices of State
14 employee protection under this Act.

15 (93 HB3412enr. Art. 20 heading new)

16 ARTICLE 20

17 EXECUTIVE ETHICS COMMISSION AND

18 EXECUTIVE INSPECTORS GENERAL

19 (93 HB3412enr. Sec. 20-5 new)

20 Sec. 20-5. Executive Ethics Commission.

21 (a) The Executive Ethics Commission is created.

22 (b) The Executive Ethics Commission shall consist of 9
23 commissioners. The Governor shall appoint 5 commissioners,
24 and the Attorney General, Secretary of State, Comptroller,
25 and Treasurer shall each appoint one commissioner.
26 Appointments shall be made by and with the advice and consent
27 of the Senate by three-fifths of the elected members
28 concurring by record vote. Any nomination not acted upon by
29 the Senate within 60 session days of the receipt thereof
30 shall be deemed to have received the advice and consent of
31 the Senate. If, during a recess of the Senate, there is a

1 vacancy in an office of commissioner, the appointing
2 authority shall make a temporary appointment until the next
3 meeting of the Senate when the appointing authority shall
4 make a nomination to fill that office. No person rejected for
5 an office of commissioner shall, except by the Senate's
6 request, be nominated again for that office at the same
7 session of the Senate or be appointed to that office during a
8 recess of that Senate. No more than 5 commissioners may be of
9 the same political party.

10 The terms of the initial commissioners shall commence
11 upon qualification. Four initial appointees of the Governor,
12 as designated by the Governor, shall serve terms running
13 through June 30, 2007. One initial appointee of the
14 Governor, as designated by the Governor, and the initial
15 appointees of the Attorney General, Secretary of State,
16 Comptroller, and Treasurer shall serve terms running through
17 June 30, 2008. The initial appointments shall be made within
18 60 days after the effective date of this Act.

19 After the initial terms, commissioners shall serve for
20 4-year terms commencing on July 1 of the year of appointment
21 and running through June 30 of the fourth following year.
22 Commissioners may be reappointed to one or more subsequent
23 terms.

24 Vacancies occurring other than at the end of a term shall
25 be filled by the appointing authority only for the balance of
26 the term of the commissioner whose office is vacant.

27 Terms shall run regardless of whether the position is
28 filled.

29 (c) The appointing authorities shall appoint
30 commissioners who have experience holding governmental office
31 or employment and shall appoint commissioners from the
32 general public. A person is not eligible to serve as a
33 commissioner if that person (i) has been convicted of a
34 felony or a crime of dishonesty or moral turpitude, (ii) is,

1 or was within the preceding 12 months, engaged in activities
2 that require registration under the Lobbyist Registration
3 Act, (iii) is related to the appointing authority, or (iv) is
4 a State officer or employee.

5 (d) The Executive Ethics Commission shall have
6 jurisdiction over all officers and employees of State
7 agencies other than the General Assembly, the Senate, the
8 House of Representatives, the President and Minority Leader
9 of the Senate, the Speaker and Minority Leader of the House
10 of Representatives, the Senate Operations Commission, the
11 legislative support services agencies, and the Office of the
12 Auditor General. The jurisdiction of the Commission is
13 limited to matters arising under this Act.

14 (e) The Executive Ethics Commission must meet, either in
15 person or by other technological means, at least monthly and
16 as often as necessary. At the first meeting of the Executive
17 Ethics Commission, the commissioners shall choose from their
18 number a chairperson and other officers that they deem
19 appropriate. The terms of officers shall be for 2 years
20 commencing July 1 and running through June 30 of the second
21 following year. Meetings shall be held at the call of the
22 chairperson or any 3 commissioners. Official action by the
23 Commission shall require the affirmative vote of 5
24 commissioners, and a quorum shall consist of 5 commissioners.
25 Commissioners shall receive compensation in an amount equal
26 to the compensation of members of the State Board of
27 Elections and may be reimbursed for their reasonable expenses
28 actually incurred in the performance of their duties.

29 (f) No commissioner or employee of the Executive Ethics
30 Commission may during his or her term of appointment or
31 employment:

- 32 (1) become a candidate for any elective office;
33 (2) hold any other elected or appointed public
34 office except for appointments on governmental advisory

1 boards or study commissions or as otherwise expressly
2 authorized by law;

3 (3) be actively involved in the affairs of any
4 political party or political organization; or

5 (4) actively participate in any campaign for any
6 elective office.

7 (g) An appointing authority may remove a commissioner
8 only for cause.

9 (h) The Executive Ethics Commission shall appoint an
10 Executive Director. The compensation of the Executive
11 Director shall be as determined by the Commission or by the
12 Compensation Review Board, whichever amount is higher. The
13 Executive Director of the Executive Ethics Commission may
14 employ and determine the compensation of staff, as
15 appropriations permit.

16 (93 HB3412enr. Sec. 20-10 new)

17 Sec. 20-10. Offices of Executive Inspectors General.

18 (a) Five independent Offices of the Executive Inspector
19 General are created, one each for the Governor, the Attorney
20 General, the Secretary of State, the Comptroller, and the
21 Treasurer. Each Office shall be under the direction and
22 supervision of an Executive Inspector General and shall be a
23 fully independent office with separate appropriations.

24 (b) The Governor, Attorney General, Secretary of State,
25 Comptroller, and Treasurer shall each appoint an Executive
26 Inspector General, without regard to political affiliation
27 and solely on the basis of integrity and demonstrated
28 ability. Appointments shall be made by and with the advice
29 and consent of the Senate by three-fifths of the elected
30 members concurring by record vote. Any nomination not acted
31 upon by the Senate within 60 session days of the receipt
32 thereof shall be deemed to have received the advice and
33 consent of the Senate. If, during a recess of the Senate,

1 there is a vacancy in an office of Executive Inspector
2 General, the appointing authority shall make a temporary
3 appointment until the next meeting of the Senate when the
4 appointing authority shall make a nomination to fill that
5 office. No person rejected for an office of Executive
6 Inspector General shall, except by the Senate's request, be
7 nominated again for that office at the same session of the
8 Senate or be appointed to that office during a recess of that
9 Senate.

10 Nothing in this Article precludes the appointment by the
11 Governor, Attorney General, Secretary of State, Comptroller,
12 or Treasurer of any other inspector general required or
13 permitted by law. The Governor, Attorney General, Secretary
14 of State, Comptroller, and Treasurer each may appoint an
15 existing inspector general as the Executive Inspector General
16 required by this Article, provided that such an inspector
17 general is not prohibited by law, rule, jurisdiction,
18 qualification, or interest from serving as the Executive
19 Inspector General required by this Article. An appointing
20 authority may not appoint a relative as an Executive
21 Inspector General.

22 Each Executive Inspector General shall have the following
23 qualifications:

24 (1) has not been convicted of any felony under the
25 laws of this State, another State, or the United States;

26 (2) has earned a baccalaureate degree from an
27 institution of higher education; and

28 (3) has 5 or more years of cumulative service (A)
29 with a federal, State, or local law enforcement agency,
30 at least 2 years of which have been in a progressive
31 investigatory capacity; (B) as a federal, State, or local
32 prosecutor; (C) as a senior manager or executive of a
33 federal, State, or local agency; (D) as a member, an
34 officer, or a State or federal judge; or (E) representing

1 any combination of (A) through (D).

2 The term of each initial Executive Inspector General
3 shall commence upon qualification and shall run through June
4 30, 2008. The initial appointments shall be made within 60
5 days after the effective date of this Act.

6 After the initial term, each Executive Inspector General
7 shall serve for 5-year terms commencing on July 1 of the year
8 of appointment and running through June 30 of the fifth
9 following year. An Executive Inspector General may be
10 reappointed to one or more subsequent terms.

11 A vacancy occurring other than at the end of a term shall
12 be filled by the appointing authority only for the balance of
13 the term of the Executive Inspector General whose office is
14 vacant.

15 Terms shall run regardless of whether the position is
16 filled.

17 (c) The Executive Inspector General appointed by the
18 Attorney General shall have jurisdiction over the Attorney
19 General and all officers and employees of, and vendors and
20 others doing business with, State agencies within the
21 jurisdiction of the Attorney General. The Executive Inspector
22 General appointed by the Secretary of State shall have
23 jurisdiction over the Secretary of State and all officers and
24 employees of, and vendors and others doing business with,
25 State agencies within the jurisdiction of the Secretary of
26 State. The Executive Inspector General appointed by the
27 Comptroller shall have jurisdiction over the Comptroller and
28 all officers and employees of, and vendors and others doing
29 business with, State agencies within the jurisdiction of the
30 Comptroller. The Executive Inspector General appointed by the
31 Treasurer shall have jurisdiction over the Treasurer and all
32 officers and employees of, and vendors and others doing
33 business with, State agencies within the jurisdiction of the
34 Treasurer. The Executive Inspector General appointed by the

1 Governor shall have jurisdiction over the Governor, the
2 Lieutenant Governor, and all officers and employees of, and
3 vendors and others doing business with, executive branch
4 State agencies under the jurisdiction of the Executive Ethics
5 Commission and not within the jurisdiction of the Attorney
6 General, the Secretary of State, the Comptroller, or the
7 Treasurer.

8 The jurisdiction of each Executive Inspector General is
9 to investigate allegations of fraud, waste, abuse,
10 mismanagement, misconduct, nonfeasance, misfeasance,
11 malfeasance, or violations of this Act or violations of other
12 related laws and rules.

13 (d) The minimum compensation for each Executive
14 Inspector General shall be determined by the Executive Ethics
15 Commission. The actual compensation for each Executive
16 Inspector General shall be determined by the appointing
17 executive branch constitutional officer and must be at or
18 above the minimum compensation level set by the Executive
19 Ethics Commission. Subject to Section 20-45 of this Act, each
20 Executive Inspector General has full authority to organize
21 his or her Office of the Executive Inspector General,
22 including the employment and determination of the
23 compensation of staff, such as deputies, assistants, and
24 other employees, as appropriations permit. A separate
25 appropriation shall be made for each Office of Executive
26 Inspector General.

27 (e) No Executive Inspector General or employee of the
28 Office of the Executive Inspector General may, during his or
29 her term of appointment or employment:

- 30 (1) become a candidate for any elective office;
31 (2) hold any other elected or appointed public
32 office except for appointments on governmental advisory
33 boards or study commissions or as otherwise expressly
34 authorized by law;

1 (3) be actively involved in the affairs of any
2 political party or political organization; or

3 (4) actively participate in any campaign for any
4 elective office.

5 In this subsection an appointed public office means a
6 position authorized by law that is filled by an appointing
7 authority as provided by law and does not include employment
8 by hiring in the ordinary course of business.

9 (e-1) No Executive Inspector General or employee of the
10 Office of the Executive Inspector General may, for one year
11 after the termination of his or her appointment or
12 employment:

13 (1) become a candidate for any elective office;

14 (2) hold any elected public office; or

15 (3) hold any appointed State, county, or local
16 judicial office.

17 (e-2) The requirements of item (3) of subsection (e-1)
18 may be waived by the Executive Ethics Commission.

19 (f) An Executive Inspector General may be removed only
20 for cause and may be removed only by the appointing
21 constitutional officer. At the time of the removal, the
22 appointing constitutional officer must report to the
23 Executive Ethics Commission the justification for the
24 removal.

25 (93 HB3412enr. Sec. 20-15 new)

26 Sec. 20-15. Duties of the Executive Ethics Commission. In
27 addition to duties otherwise assigned by law, the Executive
28 Ethics Commission shall have the following duties:

29 (1) To promulgate rules governing the performance of its
30 duties and the exercise of its powers and governing the
31 investigations of the Executive Inspectors General. It is
32 declared to be in the public interest, safety, and welfare
33 that the Commission adopt emergency rules under the Illinois

1 Administrative Procedure Act to initially perform its duties
2 under this subsection.

3 (2) To conduct administrative hearings and rule on
4 matters brought before the Commission only upon the receipt
5 of pleadings filed by an Executive Inspector General and not
6 upon its own prerogative, but may appoint special Executive
7 Inspectors General as provided in Section 20-21. Any other
8 allegations of misconduct received by the Commission from a
9 person other than an Executive Inspector General shall be
10 referred to the Office of the appropriate Executive Inspector
11 General.

12 (3) To prepare and publish manuals and guides and,
13 working with the Office of the Attorney General, oversee
14 training of employees under its jurisdiction that explains
15 their duties.

16 (4) To prepare public information materials to facilitate
17 compliance, implementation, and enforcement of this Act.

18 (5) To submit reports as required by this Act.

19 (6) To the extent authorized by this Act, to make
20 rulings, issue recommendations, and impose administrative
21 finances, if appropriate, in connection with the implementation
22 and interpretation of this Act. The powers and duties of the
23 Commission are limited to matters clearly within the purview
24 of this Act.

25 (7) To issue subpoenas with respect to matters pending
26 before the Commission, subject to the provisions of this
27 Article and in the discretion of the Commission, to compel
28 the attendance of witnesses for purposes of testimony and the
29 production of documents and other items for inspection and
30 copying.

31 (8) To appoint special Executive Inspectors General as
32 provided in Section 20-21.

1 Sec. 20-20. Duties of the Executive Inspectors General.

2 In addition to duties otherwise assigned by law, each
3 Executive Inspector General shall have the following duties:

4 (1) To receive and investigate allegations of violations
5 of this Act. The Executive Inspector General may receive
6 information through the Office of any Executive Inspector
7 General or through an ethics commission. An investigation may
8 be conducted only in response to information reported to the
9 Executive Inspector General as provided in this Section and
10 not upon his or her own prerogative. Allegations may not be
11 made anonymously. An investigation may not be initiated more
12 than one year after the most recent act of the alleged
13 violation or of a series of alleged violations except where
14 there is reasonable cause to believe that fraudulent
15 concealment has occurred. To constitute fraudulent
16 concealment sufficient to toll this limitations period, there
17 must be an affirmative act or representation calculated to
18 prevent discovery of the fact that a violation has occurred.
19 The Executive Inspector General shall have the discretion to
20 determine the appropriate means of investigation as permitted
21 by law.

22 (2) To request information relating to an investigation
23 from any person when the Executive Inspector General deems
24 that information necessary in conducting an investigation.

25 (3) To issue subpoenas to compel the attendance of
26 witnesses for the purposes of testimony and production of
27 documents and other items for inspection and copying and to
28 make service of those subpoenas and subpoenas issued under
29 item (7) of Section 20-15.

30 (4) To submit reports as required by this Act.

31 (5) To file pleadings in the name of the Executive
32 Inspector General with the Executive Ethics Commission,
33 through the Attorney General, as provided in this Article if
34 the Attorney General finds that reasonable cause exists to

1 believe that a violation has occurred.

2 (6) To assist and coordinate the ethics officers for
3 State agencies under the jurisdiction of the Executive
4 Inspector General and to work with those ethics officers.

5 (7) To participate in or conduct, when appropriate,
6 multi-jurisdictional investigations.

7 (8) To request, as the Executive Inspector General deems
8 appropriate, from ethics officers of State agencies under his
9 or her jurisdiction, reports or information on (i) the
10 content of a State agency's ethics training program and (ii)
11 the percentage of new officers and employees who have
12 completed ethics training.

13 (93 HB3412enr. Sec. 20-21 new)

14 Sec. 20-21. Special Executive Inspectors General.

15 (a) The Executive Ethics Commission, on its own
16 initiative and by majority vote, may appoint special
17 Executive Inspectors General (i) to investigate alleged
18 violations of this Act if an investigation by the Inspector
19 General was not concluded within 6 months after its
20 initiation, where the Commission finds that the Inspector
21 General's reasons under Section 20-65 for failing to complete
22 the investigation are insufficient and (ii) to accept
23 referrals from the Commission of allegations made pursuant to
24 this Act concerning an Executive Inspector General or
25 employee of an Office of an Executive Inspector General and
26 to investigate those allegations.

27 (b) A special Executive Inspector General must have the
28 same qualifications as an Executive Inspector General
29 appointed under Section 20-10.

30 (c) The Commission's appointment of a special Executive
31 Inspector General must be in writing and must specify the
32 duration and purpose of the appointment.

33 (d) A special Executive Inspector General shall have the

1 same powers and duties with respect to the purpose of his or
2 her appointment as an Executive Inspector General appointed
3 under Section 20-10.

4 (e) A special Executive Inspector General shall report
5 the findings of his or her investigation to the Commission.

6 (f) The Commission may report the findings of a special
7 Executive Inspector General and its recommendations, if any,
8 to the appointing authority of the appropriate Executive
9 Inspector General.

10 (93 HB3412enr. Sec. 20-23 new)

11 Sec. 20-23. Ethics Officers. Each officer and the head
12 of each State agency under the jurisdiction of the Executive
13 Ethics Commission shall designate an Ethics Officer for the
14 office or State agency. Ethics Officers shall:

15 (1) act as liaisons between the State agency and
16 the appropriate Executive Inspector General and between
17 the State agency and the Executive Ethics Commission;

18 (2) review statements of economic interest and
19 disclosure forms of officers, senior employees, and
20 contract monitors before they are filed with the
21 Secretary of State; and

22 (3) provide guidance to officers and employees in
23 the interpretation and implementation of this Act, which
24 the officer or employee may in good faith rely upon. Such
25 guidance shall be based, wherever possible, upon legal
26 precedent in court decisions, opinions of the Attorney
27 General, and the findings and opinions of the Executive
28 Ethics Commission.

29 (93 HB3412enr. Sec. 20-35 new)

30 Sec. 20-35. Administrative subpoena; compliance. A person
31 duly subpoenaed for testimony, documents, or other items who
32 neglects or refuses to testify or produce documents or other

1 items under the requirements of the subpoena shall be subject
2 to punishment as may be determined by a court of competent
3 jurisdiction. Nothing in this Section limits or alters a
4 person's existing rights or protections under State or
5 federal law.

6 (93 HB3412enr. Sec. 20-40 new)

7 Sec. 20-40. Collective bargaining agreements. Any
8 investigation or inquiry by an Executive Inspector General or
9 any agent or representative of an Executive Inspector General
10 must be conducted with awareness of the provisions of a
11 collective bargaining agreement that applies to the employees
12 of the relevant State agency and with an awareness of the
13 rights of the employees as set forth by State and federal law
14 and applicable judicial decisions. Any recommendation for
15 discipline or any action taken against any State employee
16 pursuant to this Act must comply with the provisions of the
17 collective bargaining agreement that applies to the State
18 employee.

19 (93 HB3412enr. Sec. 20-45 new)

20 Sec. 20-45. Standing; representation.

21 (a) Only an Executive Inspector General may bring
22 actions before the Executive Ethics Commission.

23 (b) The Attorney General shall represent an Executive
24 Inspector General in all proceedings before the Commission.
25 Whenever the Attorney General is sick or absent, or unable to
26 attend, or is interested in any matter or proceeding under
27 this Act, upon the filing of a petition under seal by any
28 person with standing, the Supreme Court (or any other court
29 of competent jurisdiction as designated and determined by
30 rule of the Supreme Court) may appoint some competent
31 attorney to prosecute or defend that matter or proceeding,
32 and the attorney so appointed shall have the same power and

1 authority in relation to that matter or proceeding as the
2 Attorney General would have had if present and attending to
3 the same.

4 (c) Attorneys representing an Inspector General in
5 proceedings before the Executive Ethics Commission, except an
6 attorney appointed under subsection (b), shall be appointed
7 or retained by the Attorney General, shall be under the
8 supervision, direction, and control of the Attorney General,
9 and shall serve at the pleasure of the Attorney General. The
10 compensation of any attorneys appointed or retained in
11 accordance with this subsection or subsection (b) shall be
12 paid by the appropriate Office of the Executive Inspector
13 General.

14 (93 HB3412enr. Sec. 20-50 new)

15 Sec. 20-50. Investigation reports; complaint procedure.

16 (a) If an Executive Inspector General, upon the
17 conclusion of an investigation, determines that reasonable
18 cause exists to believe that a violation has occurred, then
19 the Executive Inspector General shall issue a summary report
20 of the investigation. The report shall be delivered to the
21 appropriate ultimate jurisdictional authority and to the head
22 of each State agency affected by or involved in the
23 investigation, if appropriate.

24 (b) The summary report of the investigation shall
25 include the following:

26 (1) A description of any allegations or other
27 information received by the Executive Inspector General
28 pertinent to the investigation.

29 (2) A description of any alleged misconduct
30 discovered in the course of the investigation.

31 (3) Recommendations for any corrective or
32 disciplinary action to be taken in response to any
33 alleged misconduct described in the report, including but

1 not limited to discharge.

2 (4) Other information the Executive Inspector
3 General deems relevant to the investigation or resulting
4 recommendations.

5 (c) Not less than 30 days after delivery of the summary
6 report of an investigation under subsection (a), if the
7 Executive Inspector General desires to file a petition for
8 leave to file a complaint, the Executive Inspector General
9 shall notify the Commission and the Attorney General. If the
10 Attorney General determines that reasonable cause exists to
11 believe that a violation has occurred, then the Executive
12 Inspector General, represented by the Attorney General, may
13 file with the Executive Ethics Commission a petition for
14 leave to file a complaint. The petition shall set forth the
15 alleged violation and the grounds that exist to support the
16 petition. The petition for leave to file a complaint must be
17 filed with the Commission within 18 months after the most
18 recent act of the alleged violation or of a series of alleged
19 violations except where there is reasonable cause to believe
20 that fraudulent concealment has occurred. To constitute
21 fraudulent concealment sufficient to toll this limitations
22 period, there must be an affirmative act or representation
23 calculated to prevent discovery of the fact that a violation
24 has occurred. If a petition for leave to file a complaint is
25 not filed with the Commission within 6 months after notice by
26 the Inspector General to the Commission and the Attorney
27 General, then the Commission may set a meeting of the
28 Commission at which the Attorney General shall appear and
29 provide a status report to the Commission.

30 (d) A copy of the petition must be served on all
31 respondents named in the complaint and on each respondent's
32 ultimate jurisdictional authority in the same manner as
33 process is served under the Code of Civil Procedure.

34 (e) A respondent may file objections to the petition for

1 leave to file a complaint within 30 days after notice of the
2 petition has been served on the respondent.

3 (f) The Commission shall meet, either in person or by
4 telephone, in a closed session to review the sufficiency of
5 the complaint. If the Commission finds that complaint is
6 sufficient, the Commission shall grant the petition for leave
7 to file the complaint. The Commission shall issue notice to
8 the Executive Inspector General and all respondents of the
9 Commission's ruling on the sufficiency of the complaint. If
10 the complaint is deemed to sufficiently allege a violation of
11 this Act, then the Commission shall notify the parties and
12 shall include a hearing date scheduled within 4 weeks after
13 the date of the notice, unless all of the parties consent to
14 a later date. If the complaint is deemed not to sufficiently
15 allege a violation, then the Commission shall send by
16 certified mail, return receipt requested, a notice to the
17 parties of the decision to dismiss the complaint.

18 (g) On the scheduled date the Commission shall conduct a
19 closed meeting, either in person or, if the parties consent,
20 by telephone, on the complaint and allow all parties the
21 opportunity to present testimony and evidence. All such
22 proceedings shall be transcribed.

23 (h) Within an appropriate time limit set by rules of the
24 Executive Ethics Commission, the Commission shall (i) dismiss
25 the complaint or (ii) issue a recommendation of discipline to
26 the respondent and the respondent's ultimate jurisdictional
27 authority or impose an administrative fine upon the
28 respondent, or both.

29 (i) The proceedings on any complaint filed with the
30 Commission shall be conducted pursuant to rules promulgated
31 by the Commission.

32 (j) The Commission may designate hearing officers to
33 conduct proceedings as determined by rule of the Commission.

34 (k) In all proceedings before the Commission, the

1 standard of proof is by a preponderance of the evidence.

2 (1) When the Inspector General concludes that there is
3 insufficient evidence that a violation has occurred, the
4 Inspector General shall close the investigation. At the
5 request of the subject of the investigation, the Inspector
6 General shall provide a written statement to the subject of
7 the investigation and to the Commission of the Inspector
8 General's decision to close the investigation. Closure by the
9 Inspector General does not bar the Inspector General from
10 resuming the investigation if circumstances warrant.

11 (93 HB3412enr. Sec. 20-55 new)

12 Sec. 20-55. Decisions; recommendations.

13 (a) All decisions of the Executive Ethics Commission
14 must include a description of the alleged misconduct, the
15 decision of the Commission, including any fines levied and
16 any recommendation of discipline, and the reasoning for that
17 decision. All decisions of the Commission shall be delivered
18 to the head of the appropriate State agency, the appropriate
19 ultimate jurisdictional authority, and the appropriate
20 Executive Inspector General. The Executive Ethics Commission
21 shall promulgate rules for the decision and recommendation
22 process.

23 (b) If the Executive Ethics Commission issues a
24 recommendation of discipline to an agency head or ultimate
25 jurisdictional authority, that agency head or ultimate
26 jurisdictional authority must respond to that recommendation
27 in 30 days with a written response to the Executive Ethics
28 Commission. This response must include any disciplinary
29 action the agency head or ultimate jurisdictional authority
30 has taken with respect to the officer or employee in
31 question. If the agency head or ultimate jurisdictional
32 authority did not take any disciplinary action, or took a
33 different disciplinary action than that recommended by the

1 Executive Ethics Commission, the agency head or ultimate
2 jurisdictional authority must describe the different action
3 and explain the reasons for the different action in the
4 written response. This response must be served upon the
5 Executive Ethics Commission and the appropriate Executive
6 Inspector General within the 30-day period and is not exempt
7 from the provisions of the Freedom of Information Act.

8 (93 HB3412enr. Sec. 20-60 new)

9 Sec. 20-60. Appeals. A decision of the Executive Ethics
10 Commission to impose a fine is subject to judicial review
11 under the Administrative Review Law. All other decisions by
12 the Executive Ethics Commission are final and not subject to
13 review either administratively or judicially.

14 (93 HB3412enr. Sec. 20-65 new)

15 Sec. 20-65. Investigations not concluded within 6 months.
16 If any investigation is not concluded within 6 months after
17 its initiation, the appropriate Executive Inspector General
18 shall notify the Executive Ethics Commission and appropriate
19 ultimate jurisdictional authority of the general nature of
20 the allegation or information giving rise to the
21 investigation and the reasons for failure to complete the
22 investigation within 6 months.

23 (93 HB3412enr. Sec. 20-70 new)

24 Sec. 20-70. Cooperation in investigations. It is the duty
25 of every officer and employee under the jurisdiction of an
26 Executive Inspector General, including any inspector general
27 serving in any State agency under the jurisdiction of that
28 Executive Inspector General, to cooperate with the Executive
29 Inspector General in any investigation undertaken pursuant to
30 this Act. Failure to cooperate with an investigation of the
31 Executive Inspector General is grounds for disciplinary

1 action, including dismissal. Nothing in this Section limits
2 or alters a person's existing rights or protections under
3 State or federal law.

4 (93 HB3412enr. Sec. 20-80 new)

5 Sec. 20-80. Referrals of investigations. If an Executive
6 Inspector General determines that any alleged misconduct
7 involves any person not subject to the jurisdiction of the
8 Executive Ethics Commission, that Executive Inspector General
9 shall refer the reported allegations to the appropriate
10 Inspector General, appropriate ethics commission, or other
11 appropriate body. If an Executive Inspector General
12 determines that any alleged misconduct may give rise to
13 criminal penalties, the Executive Inspector General may refer
14 the allegations regarding that misconduct to the appropriate
15 law enforcement authority.

16 (93 HB3412enr. Sec. 20-85 new)

17 Sec. 20-85. Quarterly reports by Executive Inspector
18 General. Each Executive Inspector General shall submit
19 quarterly reports to the appropriate executive branch
20 constitutional officer and the Executive Ethics Commission,
21 on dates determined by the Executive Ethics Commission,
22 indicating:

23 (1) the number of allegations received since the
24 date of the last report;

25 (2) the number of investigations initiated since
26 the date of the last report;

27 (3) the number of investigations concluded since
28 the date of the last report;

29 (4) the number of investigations pending as of the
30 reporting date;

31 (5) the number of complaints forwarded to the
32 Attorney General since the date of the last report; and

1 (6) the number of actions filed with the Executive
2 Ethics Commission since the date of the last report and
3 the number of actions pending before the Executive Ethics
4 Commission as of the reporting date.

5 (93 HB3412enr. Sec. 20-86 new)

6 Sec. 20-86. Quarterly reports by the Attorney General.
7 The Attorney General shall submit quarterly reports to the
8 Executive Ethics Commission, on dates determined by the
9 Executive Ethics Commission, indicating:

10 (1) the number of complaints received from each of
11 the Executive Inspectors General since the date of the
12 last report;

13 (2) the number of complaints for which the Attorney
14 General has determined reasonable cause exists to believe
15 that a violation has occurred since the date of the last
16 report; and

17 (3) the number of complaints still under review by
18 the Attorney General.

19 (93 HB3412enr. Sec. 20-90 new)

20 Sec. 20-90. Confidentiality.

21 (a) The identity of any individual providing information
22 or reporting any possible or alleged misconduct to an
23 Executive Inspector General or the Executive Ethics
24 Commission shall be kept confidential and may not be
25 disclosed without the consent of that individual, unless the
26 individual consents to disclosure of his or her name or
27 disclosure of the individual's identity is otherwise required
28 by law. The confidentiality granted by this subsection does
29 not preclude the disclosure of the identity of a person in
30 any capacity other than as the source of an allegation.

31 (b) Subject to the provisions of Section 20-50(c),
32 commissioners, employees, and agents of the Executive Ethics

1 Commission, the Executive Inspectors General, and employees
2 and agents of each Office of an Executive Inspector General
3 shall keep confidential and shall not disclose information
4 exempted from disclosure under the Freedom of Information Act
5 or by this Act.

6 (93 HB3412enr. Sec. 20-95 new)

7 Sec. 20-95. Exemptions.

8 (a) Documents generated by an ethics officer under this
9 Act, except Section 5-50, are exempt from the provisions of
10 the Freedom of Information Act.

11 (b) Any allegations and related documents submitted to
12 an Executive Inspector General and any pleadings and related
13 documents brought before the Executive Ethics Commission are
14 exempt from the provisions of the Freedom of Information Act
15 so long as the Executive Ethics Commission does not make a
16 finding of a violation of this Act. If the Executive Ethics
17 Commission finds that a violation has occurred, the entire
18 record of proceedings before the Commission, the decision and
19 recommendation, and the mandatory report from the agency head
20 or ultimate jurisdictional authority to the Executive Ethics
21 Commission are not exempt from the provisions of the Freedom
22 of Information Act but information contained therein that is
23 otherwise exempt from the Freedom of Information Act must be
24 redacted before disclosure as provided in Section 8 of the
25 Freedom of Information Act.

26 (c) Meetings of the Commission under Sections 20-5 and
27 20-15 of this Act are exempt from the provisions of the Open
28 Meetings Act.

29 (d) Unless otherwise provided in this Act, all
30 investigatory files and reports of the Office of an Executive
31 Inspector General, other than quarterly reports, are
32 confidential, are exempt from disclosure under the Freedom of
33 Information Act, and shall not be divulged to any person or

1 agency, except as necessary (i) to the appropriate law
 2 enforcement authority if the matter is referred pursuant to
 3 this Act, (ii) to the ultimate jurisdiction authority, (iii)
 4 to the Executive Ethics Commission; or (iv) to another
 5 Inspector General appointed pursuant to this Act.

6 (93 HB3412enr. Art. 25 heading new)

7 ARTICLE 25

8 LEGISLATIVE ETHICS COMMISSION AND

9 LEGISLATIVE INSPECTOR GENERAL

10 (93 HB3412enr. Sec. 25-5 new)

11 Sec. 25-5. Legislative Ethics Commission.

12 (a) The Legislative Ethics Commission is created.

13 (b) The Legislative Ethics Commission shall consist of 8
 14 commissioners appointed 2 each by the President and Minority
 15 Leader of the Senate and the Speaker and Minority Leader of
 16 the House of Representatives.

17 The terms of the initial commissioners shall commence
 18 upon qualification. Each appointing authority shall designate
 19 one appointee who shall serve for a 2-year term running
 20 through June 30, 2005. Each appointing authority shall
 21 designate one appointee who shall serve for a 4-year term
 22 running through June 30, 2007. The initial appointments shall
 23 be made within 60 days after the effective date of this Act.

24 After the initial terms, commissioners shall serve for
 25 4-year terms commencing on July 1 of the year of appointment
 26 and running through June 30 of the fourth following year.
 27 Commissioners may be reappointed to one or more subsequent
 28 terms.

29 Vacancies occurring other than at the end of a term shall
 30 be filled by the appointing authority only for the balance of
 31 the term of the commissioner whose office is vacant.

32 Terms shall run regardless of whether the position is

1 filled.

2 (c) The appointing authorities shall appoint
3 commissioners who have experience holding governmental office
4 or employment and may appoint commissioners who are members
5 of the General Assembly as well as commissioners from the
6 general public. A commissioner who is a member of the General
7 Assembly must recuse himself or herself from participating in
8 any matter relating to any investigation or proceeding in
9 which he or she is the subject. A person is not eligible to
10 serve as a commissioner if that person (i) has been convicted
11 of a felony or a crime of dishonesty or moral turpitude, (ii)
12 is, or was within the preceding 12 months, engaged in
13 activities that require registration under the Lobbyist
14 Registration Act, (iii) is a relative of the appointing
15 authority, or (iv) is a State officer or employee other than
16 a member of the General Assembly.

17 (d) The Legislative Ethics Commission shall have
18 jurisdiction over members of the General Assembly and all
19 State employees whose ultimate jurisdictional authority is
20 (i) a legislative leader, (ii) the Senate Operations
21 Commission, or (iii) the Joint Committee on Legislative
22 Support Services. The jurisdiction of the Commission is
23 limited to matters arising under this Act.

24 (e) The Legislative Ethics Commission must meet, either
25 in person or by other technological means, monthly or as
26 often as necessary. At the first meeting of the Legislative
27 Ethics Commission, the commissioners shall choose from their
28 number a chairperson and other officers that they deem
29 appropriate. The terms of officers shall be for 2 years
30 commencing July 1 and running through June 30 of the second
31 following year. Meetings shall be held at the call of the
32 chairperson or any 3 commissioners. Official action by the
33 Commission shall require the affirmative vote of 5
34 commissioners, and a quorum shall consist of 5 commissioners.

1 Commissioners shall receive no compensation but may be
2 reimbursed for their reasonable expenses actually incurred in
3 the performance of their duties.

4 (f) No commissioner, other than a commissioner who is a
5 member of the General Assembly, or employee of the
6 Legislative Ethics Commission may during his or her term of
7 appointment or employment:

8 (1) become a candidate for any elective office;

9 (2) hold any other elected or appointed public
10 office except for appointments on governmental advisory
11 boards or study commissions or as otherwise expressly
12 authorized by law;

13 (3) be actively involved in the affairs of any
14 political party or political organization; or

15 (4) actively participate in any campaign for any
16 elective office.

17 (g) An appointing authority may remove a commissioner
18 only for cause.

19 (h) The Legislative Ethics Commission shall appoint an
20 Executive Director. The compensation of the Executive
21 Director shall be as determined by the Commission or by the
22 Compensation Review Board, whichever amount is higher. The
23 Executive Director of the Legislative Ethics Commission may
24 employ and determine the compensation of staff, as
25 appropriations permit.

26 (93 HB3412enr. Sec. 25-10 new)

27 Sec. 25-10. Office of Legislative Inspector General.

28 (a) The independent Office of the Legislative Inspector
29 General is created. The Office shall be under the direction
30 and supervision of the Legislative Inspector General and
31 shall be a fully independent office with its own
32 appropriation.

33 (b) The Legislative Inspector General shall be appointed

1 without regard to political affiliation and solely on the
2 basis of integrity and demonstrated ability. The Legislative
3 Ethics Commission shall diligently search out qualified
4 candidates for Legislative Inspector General and shall make
5 recommendations to the General Assembly.

6 The Legislative Inspector General shall be appointed by a
7 joint resolution of the Senate and the House of
8 Representatives, which may specify the date on which the
9 appointment takes effect. A joint resolution, or other
10 document as may be specified by the Joint Rules of the
11 General Assembly, appointing the Legislative Inspector
12 General must be certified by the Speaker of the House of
13 Representatives and the President of the Senate as having
14 been adopted by the affirmative vote of three-fifths of the
15 members elected to each house, respectively, and be filed
16 with the Secretary of State. The appointment of the
17 Legislative Inspector General takes effect on the day the
18 appointment is completed by the General Assembly, unless the
19 appointment specifies a later date on which it is to become
20 effective.

21 The Legislative Inspector General shall have the
22 following qualifications:

23 (1) has not been convicted of any felony under the
24 laws of this State, another State, or the United States;

25 (2) has earned a baccalaureate degree from an
26 institution of higher education; and

27 (3) has 5 or more years of cumulative service (A)
28 with a federal, State, or local law enforcement agency,
29 at least 2 years of which have been in a progressive
30 investigatory capacity; (B) as a federal, State, or local
31 prosecutor; (C) as a senior manager or executive of a
32 federal, State, or local agency; (D) as a member, an
33 officer, or a State or federal judge; or (E) representing
34 any combination of (A) through (D).

1 The Legislative Inspector General may not be a relative
2 of a commissioner.

3 The term of the initial Legislative Inspector General
4 shall commence upon qualification and shall run through June
5 30, 2008.

6 After the initial term, the Legislative Inspector General
7 shall serve for 5-year terms commencing on July 1 of the year
8 of appointment and running through June 30 of the fifth
9 following year. The Legislative Inspector General may be
10 reappointed to one or more subsequent terms.

11 A vacancy occurring other than at the end of a term shall
12 be filled in the same manner as an appointment only for the
13 balance of the term of the Legislative Inspector General
14 whose office is vacant.

15 Terms shall run regardless of whether the position is
16 filled.

17 (c) The Legislative Inspector General shall have
18 jurisdiction over the members of the General Assembly and all
19 State employees whose ultimate jurisdictional authority is
20 (i) a legislative leader, (ii) the Senate Operations
21 Commission, or (iii) the Joint Committee on Legislative
22 Support Services.

23 The jurisdiction of each Legislative Inspector General is
24 to investigate allegations of fraud, waste, abuse,
25 mismanagement, misconduct, nonfeasance, misfeasance,
26 malfeasance, or violations of this Act or violations of other
27 related laws and rules.

28 (d) The compensation of the Legislative Inspector
29 General shall be the greater of an amount (i) determined by
30 the Commission or (ii) by joint resolution of the General
31 Assembly passed by a majority of members elected in each
32 chamber. Subject to Section 25-45 of this Act, the
33 Legislative Inspector General has full authority to organize
34 the Office of the Legislative Inspector General, including

1 the employment and determination of the compensation of
2 staff, such as deputies, assistants, and other employees, as
3 appropriations permit.

4 (e) No Legislative Inspector General or employee of the
5 Office of the Legislative Inspector General may, during his
6 or her term of appointment or employment:

7 (1) become a candidate for any elective office;

8 (2) hold any other elected or appointed public
9 office except for appointments on governmental advisory
10 boards or study commissions or as otherwise expressly
11 authorized by law;

12 (3) be actively involved in the affairs of any
13 political party or political organization; or

14 (4) actively participate in any campaign for any
15 elective office.

16 In this subsection an appointed public office means a
17 position authorized by law that is filled by an appointing
18 authority as provided by law and does not include employment
19 by hiring in the ordinary course of business.

20 (e-1) No Legislative Inspector General or employee of
21 the Office of the Legislative Inspector General may, for one
22 year after the termination of his or her appointment or
23 employment:

24 (1) become a candidate for any elective office;

25 (2) hold any elected public office; or

26 (3) hold any appointed State, county, or local
27 judicial office.

28 (e-2) The requirements of item (3) of subsection (e-1)
29 may be waived by the Legislative Ethics Commission.

30 (f) The Commission may remove the Legislative Inspector
31 General only for cause. At the time of the removal, the
32 Commission must report to the General Assembly the
33 justification for the removal.

1 (93 HB3412enr. Sec. 25-15 new)

2 Sec. 25-15. Duties of the Legislative Ethics Commission.

3 In addition to duties otherwise assigned by law, the
4 Legislative Ethics Commission shall have the following
5 duties:

6 (1) To promulgate rules governing the performance of its
7 duties and the exercise of its powers and governing the
8 investigations of the Legislative Inspector General.

9 (2) To conduct administrative hearings and rule on
10 matters brought before the Commission only upon the receipt
11 of pleadings filed by the Legislative Inspector General and
12 not upon its own prerogative, but may appoint special
13 Legislative Inspectors General as provided in Section 25-21.
14 Any other allegations of misconduct received by the
15 Commission from a person other than the Legislative Inspector
16 General shall be referred to the Office of the Legislative
17 Inspector General.

18 (3) To prepare and publish manuals and guides and,
19 working with the Office of the Attorney General, oversee
20 training of employees under its jurisdiction that explains
21 their duties.

22 (4) To prepare public information materials to facilitate
23 compliance, implementation, and enforcement of this Act.

24 (5) To submit reports as required by this Act.

25 (6) To the extent authorized by this Act, to make
26 rulings, issue recommendations, and impose administrative
27 finances, if appropriate, in connection with the implementation
28 and interpretation of this Act. The powers and duties of the
29 Commission are limited to matters clearly within the purview
30 of this Act.

31 (7) To issue subpoenas with respect to matters pending
32 before the Commission, subject to the provisions of this
33 Article and in the discretion of the Commission, to compel
34 the attendance of witnesses for purposes of testimony and the

1 production of documents and other items for inspection and
2 copying.

3 (8) To appoint special Legislative Inspectors General as
4 provided in Section 25-21.

5 (93 HB3412enr. Sec. 25-20 new)

6 Sec. 25-20. Duties of the Legislative Inspector General.
7 In addition to duties otherwise assigned by law, the
8 Legislative Inspector General shall have the following
9 duties:

10 (1) To receive and investigate allegations of violations
11 of this Act. The Legislative Inspector General may receive
12 information through the Office of the Legislative Inspector
13 General or through an ethics commission. An investigation may
14 be conducted only in response to information reported to the
15 Legislative Inspector General as provided in this Section and
16 not upon his or her own prerogative. Allegations may not be
17 made anonymously. An investigation may not be initiated more
18 than one year after the most recent act of the alleged
19 violation or of a series of alleged violations except where
20 there is reasonable cause to believe that fraudulent
21 concealment has occurred. To constitute fraudulent
22 concealment sufficient to toll this limitations period, there
23 must be an affirmative act or representation calculated to
24 prevent discovery of the fact that a violation has occurred.
25 The Legislative Inspector General shall have the discretion
26 to determine the appropriate means of investigation as
27 permitted by law.

28 (2) To request information relating to an investigation
29 from any person when the Legislative Inspector General deems
30 that information necessary in conducting an investigation.

31 (3) To issue subpoenas, with the advance approval of the
32 Commission, to compel the attendance of witnesses for the
33 purposes of testimony and production of documents and other

1 items for inspection and copying and to make service of those
2 subpoenas and subpoenas issued under item (7) of Section
3 25-15.

4 (4) To submit reports as required by this Act.

5 (5) To file pleadings in the name of the Legislative
6 Inspector General with the Legislative Ethics Commission,
7 through the Attorney General, as provided in this Article if
8 the Attorney General finds that reasonable cause exists to
9 believe that a violation has occurred.

10 (6) To assist and coordinate the ethics officers for
11 State agencies under the jurisdiction of the Legislative
12 Inspector General and to work with those ethics officers.

13 (7) To participate in or conduct, when appropriate,
14 multi-jurisdictional investigations.

15 (8) To request, as the Legislative Inspector General
16 deems appropriate, from ethics officers of State agencies
17 under his or her jurisdiction, reports or information on (i)
18 the content of a State agency's ethics training program and
19 (ii) the percentage of new officers and employees who have
20 completed ethics training.

21 (93 HB3412enr. Sec. 25-21 new)

22 Sec. 25-21. Special Legislative Inspectors General.

23 (a) The Legislative Ethics Commission, on its own
24 initiative and by majority vote, may appoint special
25 Legislative Inspectors General (i) to investigate alleged
26 violations of this Act, if an investigation by the Inspector
27 General was not concluded within 6 months after its
28 initiation, where the Commission finds that the Inspector
29 General's reasons under Section 25-65 for failing to complete
30 the investigation are insufficient and (ii) to accept
31 referrals from the Commission of allegations made pursuant to
32 this Act concerning the Legislative Inspector General or an
33 employee of the Office of the Legislative Inspector General

1 and to investigate those allegations.

2 (b) A special Legislative Inspector General must have
3 the same qualifications as the Legislative Inspector General
4 appointed under Section 25-10.

5 (c) The Commission's appointment of a special
6 Legislative Inspector General must be in writing and must
7 specify the duration and purpose of the appointment.

8 (d) A special Legislative Inspector General shall have
9 the same powers and duties with respect to the purpose of his
10 or her appointment as the Legislative Inspector General
11 appointed under Section 25-10.

12 (e) A special Legislative Inspector General shall report
13 the findings of his or her investigation to the Commission.

14 (f) The Commission may report the findings of a special
15 Legislative Inspector General and its recommendations, if
16 any, to the General Assembly.

17 (93 HB3412enr. Sec. 25-23 new)

18 Sec. 25-23. Ethics Officers. The President and Minority
19 Leader of the Senate and the Speaker and Minority Leader of
20 the House of Representatives shall each appoint an ethics
21 officer for the members and employees of his or her
22 legislative caucus. No later than January 1, 2004, the head
23 of each State agency under the jurisdiction of the
24 Legislative Ethics Commission, other than the General
25 Assembly, shall designate an ethics officer for the State
26 agency. Ethics Officers shall:

27 (1) act as liaisons between the State agency and
28 the Legislative Inspector General and between the State
29 agency and the Legislative Ethics Commission;

30 (2) review statements of economic interest and
31 disclosure forms of officers, senior employees, and
32 contract monitors before they are filed with the
33 Secretary of State; and

1 (3) provide guidance to officers and employees in
2 the interpretation and implementation of this Act, which
3 the officer or employee may in good faith rely upon. Such
4 guidance shall be based, wherever possible, upon legal
5 precedent in court decisions, opinions of the Attorney
6 General, and the findings and opinions of the Legislative
7 Ethics Commission.

8 (93 HB3412enr. Sec. 25-35 new)

9 Sec. 25-35. Administrative subpoena; compliance. A person
10 duly subpoenaed for testimony, documents, or other items who
11 neglects or refuses to testify or produce documents or other
12 items under the requirements of the subpoena shall be subject
13 to punishment as may be determined by a court of competent
14 jurisdiction. Nothing in this Section limits or alters a
15 person's existing rights or protections under State or
16 federal law.

17 (93 HB3412enr. Sec. 25-45 new)

18 Sec. 25-45. Standing; representation.

19 (a) Only the Legislative Inspector General may bring
20 actions before the Legislative Ethics Commission.

21 (b) The Attorney General shall represent the Legislative
22 Inspector General in all proceedings before the Commission.
23 Whenever the Attorney General is sick or absent, or unable to
24 attend, or is interested in any matter or proceeding under
25 this Act, upon the filing of a petition under seal by any
26 person with standing, the Supreme Court (or any other court
27 of competent jurisdiction as designated and determined by
28 rule of the Supreme Court) may appoint some competent
29 attorney to prosecute or defend that matter or proceeding,
30 and the attorney so appointed shall have the same power and
31 authority in relation to that matter or proceeding as the
32 Attorney General would have had if present and attending to

1 the same.

2 (c) Attorneys representing an Inspector General in
3 proceedings before the Legislative Ethics Commission, except
4 an attorney appointed under subsection (b), shall be
5 appointed or retained by the Attorney General, shall be under
6 the supervision, direction, and control of the Attorney
7 General, and shall serve at the pleasure of the Attorney
8 General. The compensation of any attorneys appointed or
9 retained in accordance with this subsection or subsection (b)
10 shall be paid by the Office of the Legislative Inspector
11 General.

12 (93 HB3412enr. Sec. 25-50 new)

13 Sec. 25-50. Investigation reports; complaint procedure.

14 (a) If the Legislative Inspector General, upon the
15 conclusion of an investigation, determines that reasonable
16 cause exists to believe that a violation has occurred, then
17 the Legislative Inspector General shall issue a summary
18 report of the investigation. The report shall be delivered to
19 the appropriate ultimate jurisdictional authority and to the
20 head of each State agency affected by or involved in the
21 investigation, if appropriate.

22 (b) The summary report of the investigation shall
23 include the following:

24 (1) A description of any allegations or other
25 information received by the Legislative Inspector General
26 pertinent to the investigation.

27 (2) A description of any alleged misconduct
28 discovered in the course of the investigation.

29 (3) Recommendations for any corrective or
30 disciplinary action to be taken in response to any
31 alleged misconduct described in the report, including but
32 not limited to discharge.

33 (4) Other information the Legislative Inspector

1 General deems relevant to the investigation or resulting
2 recommendations.

3 (c) Not less than 30 days after delivery of the summary
4 report of an investigation under subsection (a), if the
5 Legislative Inspector General desires to file a petition for
6 leave to file a complaint, the Legislative Inspector General
7 shall notify the Commission and the Attorney General. If the
8 Attorney General determines that reasonable cause exists to
9 believe that a violation has occurred, then the Legislative
10 Inspector General, represented by the Attorney General, may
11 file with the Legislative Ethics Commission a petition for
12 leave to file a complaint. The petition shall set forth the
13 alleged violation and the grounds that exist to support the
14 petition. The petition for leave to file a complaint must be
15 filed with the Commission within 18 months after the most
16 recent act of the alleged violation or of a series of alleged
17 violations except where there is reasonable cause to believe
18 that fraudulent concealment has occurred. To constitute
19 fraudulent concealment sufficient to toll this limitations
20 period, there must be an affirmative act or representation
21 calculated to prevent discovery of the fact that a violation
22 has occurred. If a petition for leave to file a complaint is
23 not filed with the Commission within 6 months after notice by
24 the Inspector General to the Commission and the Attorney
25 General, then the Commission may set a meeting of the
26 Commission at which the Attorney General shall appear and
27 provide a status report to the Commission.

28 (d) A copy of the petition must be served on all
29 respondents named in the complaint and on each respondent's
30 ultimate jurisdictional authority in the same manner as
31 process is served under the Code of Civil Procedure.

32 (e) A respondent may file objections to the petition for
33 leave to file a complaint within 30 days after notice of the
34 petition has been served on the respondent.

1 (f) The Commission shall meet, either in person or by
2 telephone, in a closed session to review the sufficiency of
3 the complaint. If the Commission finds that complaint is
4 sufficient, the Commission shall grant the petition for leave
5 to file the complaint. The Commission shall issue notice to
6 the Legislative Inspector General and all respondents of the
7 Commission's ruling on the sufficiency of the complaint. If
8 the complaint is deemed to sufficiently allege a violation of
9 this Act, then the Commission shall notify the parties and
10 shall include a hearing date scheduled within 4 weeks after
11 the date of the notice, unless all of the parties consent to
12 a later date. If the complaint is deemed not to sufficiently
13 allege a violation, then the Commission shall send by
14 certified mail, return receipt requested, a notice to the
15 parties of the decision to dismiss the complaint.

16 (g) On the scheduled date the Commission shall conduct a
17 closed meeting, either in person or, if the parties consent,
18 by telephone, on the complaint and allow all parties the
19 opportunity to present testimony and evidence. All such
20 proceedings shall be transcribed.

21 (h) Within an appropriate time limit set by rules of the
22 Legislative Ethics Commission, the Commission shall (i)
23 dismiss the complaint or (ii) issue a recommendation of
24 discipline to the respondent and the respondent's ultimate
25 jurisdictional authority or impose an administrative fine
26 upon the respondent, or both.

27 (i) The proceedings on any complaint filed with the
28 Commission shall be conducted pursuant to rules promulgated
29 by the Commission.

30 (j) The Commission may designate hearing officers to
31 conduct proceedings as determined by rule of the Commission.

32 (k) In all proceedings before the Commission, the
33 standard of proof is by a preponderance of the evidence.

34 (l) When the Inspector General concludes that there is

1 insufficient evidence that a violation has occurred, the
2 Inspector General shall close the investigation. At the
3 request of the subject of the investigation, the Inspector
4 General shall provide a written statement to the subject of
5 the investigation and to the Commission of the Inspector
6 General's decision to close the investigation. Closure by the
7 Inspector General does not bar the Inspector General from
8 resuming the investigation if circumstances warrant.

9 (93 HB3412enr. Sec. 25-55 new)

10 Sec. 25-55. Decisions; recommendations.

11 (a) All decisions of the Legislative Ethics Commission
12 must include a description of the alleged misconduct, the
13 decision of the Commission, including any fines levied and
14 any recommendation of discipline, and the reasoning for that
15 decision. All decisions of the Commission shall be delivered
16 to the head of the appropriate State agency, the appropriate
17 ultimate jurisdictional authority, and the Legislative
18 Inspector General. The Legislative Ethics Commission shall
19 promulgate rules for the decision and recommendation process.

20 (b) If the Legislative Ethics Commission issues a
21 recommendation of discipline to an agency head or ultimate
22 jurisdictional authority, that agency head or ultimate
23 jurisdictional authority must respond to that recommendation
24 in 30 days with a written response to the Legislative Ethics
25 Commission. This response must include any disciplinary
26 action the agency head or ultimate jurisdictional authority
27 has taken with respect to the officer or employee in
28 question. If the agency head or ultimate jurisdictional
29 authority did not take any disciplinary action, or took a
30 different disciplinary action than that recommended by the
31 Legislative Ethics Commission, the agency head or ultimate
32 jurisdictional authority must describe the different action
33 and explain the reasons for the different action in the

1 written response. This response must be served upon the
2 Legislative Ethics Commission and the Legislative Inspector
3 General within the 30-day period and is not exempt from the
4 provisions of the Freedom of Information Act.

5 (93 HB3412enr. Sec. 25-60 new)

6 Sec. 25-60. Appeals. A decision of the Legislative Ethics
7 Commission to impose a fine is subject to judicial review
8 under the Administrative Review Law. All other decisions by
9 the Legislative Ethics Commission are final and not subject
10 to review either administratively or judicially.

11 (93 HB3412enr. Sec. 25-65 new)

12 Sec. 25-65. Investigations not concluded within 6 months.
13 If any investigation is not concluded within 6 months after
14 its initiation, the Legislative Inspector General shall
15 notify the Legislative Ethics Commission and appropriate
16 ultimate jurisdictional authority of the general nature of
17 the allegation or information giving rise to the
18 investigation and the reasons for failure to complete the
19 investigation within 6 months.

20 (93 HB3412enr. Sec. 25-70 new)

21 Sec. 25-70. Cooperation in investigations. It is the duty
22 of every officer and employee under the jurisdiction of the
23 Legislative Inspector General, including any inspector
24 general serving in any State agency under the jurisdiction of
25 the Legislative Inspector General, to cooperate with the
26 Legislative Inspector General in any investigation undertaken
27 pursuant to this Act. Failure to cooperate with an
28 investigation of the Legislative Inspector General is grounds
29 for disciplinary action, including dismissal. Nothing in this
30 Section limits or alters a person's existing rights or
31 privileges under State or federal law.

1 (93 HB3412enr. Sec. 25-80 new)

2 Sec. 25-80. Referrals of investigations. If the
3 Legislative Inspector General determines that any alleged
4 misconduct involves any person not subject to the
5 jurisdiction of the Legislative Ethics Commission, the
6 Legislative Inspector General shall refer the reported
7 allegations to the appropriate ethics commission or other
8 appropriate body. If the Legislative Inspector General
9 determines that any alleged misconduct may give rise to
10 criminal penalties, the Legislative Inspector General may
11 refer the allegations regarding that misconduct to the
12 appropriate law enforcement authority.

13 (93 HB3412enr. Sec. 25-85 new)

14 Sec. 25-85. Quarterly reports by the Legislative
15 Inspector General. The Legislative Inspector General shall
16 submit quarterly reports to the General Assembly and the
17 Legislative Ethics Commission, on dates determined by the
18 Legislative Ethics Commission, indicating:

19 (1) the number of allegations received since the
20 date of the last report;

21 (2) the number of investigations initiated since
22 the date of the last report;

23 (3) the number of investigations concluded since
24 the date of the last report;

25 (4) the number of investigations pending as of the
26 reporting date;

27 (5) the number of complaints forwarded to the
28 Attorney General since the date of the last report; and

29 (6) the number of actions filed with the
30 Legislative Ethics Commission since the date of the last
31 report and the number of actions pending before the
32 Legislative Ethics Commission as of the reporting date.

1 (93 HB3412enr. Sec. 25-86 new)

2 Sec. 25-86. Quarterly reports by the Attorney General.

3 The Attorney General shall submit quarterly reports to the
4 Legislative Ethics Commission, on dates determined by the
5 Legislative Ethics Commission, indicating:

6 (1) the number of complaints received from the
7 Legislative Inspector General since the date of the last
8 report;

9 (2) the number of complaints for which the Attorney
10 General has determined reasonable cause exists to believe
11 that a violation has occurred since the date of the last
12 report; and

13 (3) the number of complaints still under review by
14 the Attorney General.

15 (93 HB3412enr. Sec. 25-90 new)

16 Sec. 25-90. Confidentiality.

17 (a) The identity of any individual providing information
18 or reporting any possible or alleged misconduct to the
19 Legislative Inspector General or the Legislative Ethics
20 Commission shall be kept confidential and may not be
21 disclosed without the consent of that individual, unless the
22 individual consents to disclosure of his or her name or
23 disclosure of the individual's identity is otherwise required
24 by law. The confidentiality granted by this subsection does
25 not preclude the disclosure of the identity of a person in
26 any capacity other than as the source of an allegation.

27 (b) Subject to the provisions of Section 25-50(c),
28 commissioners, employees, and agents of the Legislative
29 Ethics Commission, the Legislative Inspector General, and
30 employees and agents of the Office of the Legislative
31 Inspector General shall keep confidential and shall not
32 disclose information exempted from disclosure under the
33 Freedom of Information Act or by this Act.

1 (93 HB3412enr. Sec. 25-95 new)

2 Sec. 25-95. Exemptions.

3 (a) Documents generated by an ethics officer under this
4 Act, except Section 5-50, are exempt from the provisions of
5 the Freedom of Information Act.

6 (b) Any allegations and related documents submitted to
7 the Legislative Inspector General and any pleadings and
8 related documents brought before the Legislative Ethics
9 Commission are exempt from the provisions of the Freedom of
10 Information Act so long as the Legislative Ethics Commission
11 does not make a finding of a violation of this Act. If the
12 Legislative Ethics Commission finds that a violation has
13 occurred, the entire record of proceedings before the
14 Commission, the decision and recommendation, and the
15 mandatory report from the agency head or ultimate
16 jurisdictional authority to the Legislative Ethics Commission
17 are not exempt from the provisions of the Freedom of
18 Information Act but information contained therein that is
19 exempt from the Freedom of Information Act must be redacted
20 before disclosure as provided in Section 8 of the Freedom of
21 Information Act.

22 (c) Meetings of the Commission under Sections 25-5 and
23 25-15 of this Act are exempt from the provisions of the Open
24 Meetings Act.

25 (d) Unless otherwise provided in this Act, all
26 investigatory files and reports of the Office of the
27 Legislative Inspector General, other than quarterly reports,
28 are confidential, are exempt from disclosure under the
29 Freedom of Information Act, and shall not be divulged to any
30 person or agency, except as necessary (i) to the appropriate
31 law enforcement authority if the matter is referred pursuant
32 to this Act, (ii) to the ultimate jurisdiction authority, or
33 (iii) to the Legislative Ethics Commission.

1 (93 HB3412enr. Art. 30 heading new)

2 ARTICLE 30

3 AUDITOR GENERAL

4 (93 HB3412enr. Sec. 30-5 new)

5 Sec. 30-5. Appointment of Inspector General.

6 (a) The Auditor General shall appoint an Inspector
7 General (i) to investigate allegations of violations of
8 Articles 5 and 10 by State officers and employees under his
9 or her jurisdiction and (ii) to perform other duties and
10 exercise other powers assigned to the Inspectors General by
11 this or any other Act. The Inspector General shall be
12 appointed within 6 months after the effective date of this
13 Act.

14 (b) The Auditor General shall provide by rule for the
15 operation of his or her Inspector General. It is declared to
16 be in the public interest, safety, and welfare that the
17 Auditor General adopt emergency rules under the Illinois
18 Administrative Procedure Act to initially perform his or her
19 duties under this subsection.

20 (c) The Auditor General may appoint an existing
21 inspector general as the Inspector General required by this
22 Article, provided that such an inspector general is not
23 prohibited by law, rule, jurisdiction, qualification, or
24 interest from serving as the Inspector General required by
25 this Article.

26 The Auditor General may not appoint a relative as the
27 Inspector General required by this Article.

28 (93 HB3412enr. Sec. 30-10 new)

29 Sec. 30-10. Ethics Officer. The Auditor General shall
30 designate an Ethics Officer for the office of the Auditor
31 General. The ethics officer shall:

32 (1) act as liaison between the Office of the

1 Auditor General and the Inspector General appointed under
2 this Article;

3 (2) review statements of economic interest and
4 disclosure forms of officers, senior employees, and
5 contract monitors before they are filed with the
6 Secretary of State; and

7 (3) provide guidance to officers and employees in
8 the interpretation and implementation of this Act, which
9 the officer or employee may in good faith rely upon. Such
10 guidance shall be based, whenever possible, upon legal
11 precedent in court decisions and opinions of the Attorney
12 General.

13 (93 HB3412enr. Art. 35 heading new)

14 ARTICLE 35

15 OTHER INSPECTORS GENERAL WITHIN THE EXECUTIVE BRANCH

16 (93 HB3412enr. Sec. 35-5 new)

17 Sec. 35-5. Appointment of Inspectors General. Nothing in
18 this Act precludes the appointment by the Governor, the
19 Lieutenant Governor, the Attorney General, the Secretary of
20 State, the Comptroller, or the Treasurer of any inspector
21 general required or permitted by law. Nothing in this Act
22 precludes the Governor, the Attorney General, the Secretary
23 of State, the Comptroller, or the Treasurer from appointing
24 an existing inspector general under his or her jurisdiction
25 to serve simultaneously as an Executive Inspector General.
26 This Act shall be read consistently with all existing State
27 statutes that create inspectors general under the
28 jurisdiction of an executive branch constitutional officer.

29 (93 HB3412enr. Art. 50, Sec. 50-5)

30 Sec. 50-5. Penalties.

31 (a) A person is guilty of a Class A misdemeanor if that

1 person intentionally violates any provision of Section 5-15,
2 5-30, 5-40, or 5-45 or Article 15.

3 (b) A person who intentionally violates any provision of
4 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business
5 offense subject to a fine of at least \$1,001 and up to
6 \$5,000.

7 (c) A person who intentionally violates any provision of
8 Article 10 is guilty of a business offense and subject to a
9 fine of at least \$1,001 and up to \$5,000.

10 (d) Any person who intentionally makes a false report
11 alleging a violation of any provision of this Act to an
12 ethics commission, an inspector general, the State Police, a
13 State's Attorney, the Attorney General, or any other law
14 enforcement official is guilty of a Class A misdemeanor.

15 (e) An ethics commission may levy an administrative fine
16 of up to \$5,000 against any person who violates this Act, who
17 intentionally obstructs or interferes with an investigation
18 conducted under this Act by an inspector general, or who
19 intentionally makes a false, frivolous, or bad faith
20 allegation.

21 (f) In addition to any other penalty that may apply,
22 whether criminal or civil, a State employee who intentionally
23 violates any provision of Section 5-15, 5-20, 5-30, 5-35,
24 5-40, or 5-50, Article 10, Article 15, or Section 20-90 or
25 25-90 is subject to discipline or discharge by the
26 appropriate ultimate jurisdictional authority.

27 Penalties-

28 ~~(a)--A-person-is-guilty-of-a-Class-A-misdemeanor-if--that~~
29 ~~person--intentionally-violates-any-provision-of-Section-5-15,~~
30 ~~5-30,5-40,or-5-45-or-Article-15.~~

31 ~~(b)--A-person-who-intentionally-violates-any-provision-of~~
32 ~~Section-5-20-or-Section-5-35-is-guilty-of-a-business--offense~~
33 ~~subject-to-a-fine-of-at-least-\$1,001-and-up-to-\$5,000.~~

34 ~~(c)--In--addition--to--any--other-penalty-that-may-apply,~~

1 whether-criminal-or-civil,-a-director,-a-supervisor,-or-a
 2 State-employee-who-intentionally-violates-any-provision-of
 3 Section-5-15,-5-20,-5-30,-5-35,-or-5-40-or-Article-15-is
 4 subject-to-discipline-or-discharge-by-the-appropriate
 5 ultimate-jurisdictional-authority.

6 (Source: 93HB3412enr.)

7 (93 HB3412enr. Art. 70, Sec. 70-5)

8 Sec. 70-5. Adoption by governmental entities.

9 (a) Within 6 months after the effective date of this
 10 Act, each governmental entity shall adopt an ordinance or
 11 resolution that regulates, in a manner no less restrictive
 12 than Section 5-15 and Article 10 of this Act, (i) the
 13 political activities of officers and employees of the
 14 governmental entity and (ii) the soliciting and accepting of
 15 gifts by and the offering and making of gifts to officers and
 16 employees of the governmental entity.

17 (b) Within 3 months after the effective date of this
 18 amendatory Act of the 93rd General Assembly, the Attorney
 19 General shall develop model ordinances and resolutions for
 20 the purpose of this Article. The Attorney General and shall
 21 advise governmental entities on their contents and adoption.

22 (c) As used in this Article, (i) an "officer" means an
 23 elected or appointed official; regardless of whether the
 24 official is compensated, and (ii) an "employee" means a
 25 full-time, part-time, or contractual employee.

26 (Source: 93HB3412enr.)

27 (93 HB3412enr. Art. 70, Sec. 70-15)

28 Sec. 70-15. Home rule preemption. This Article is a
 29 denial and limitation of home rule powers and functions in
 30 accordance with subsection (i) of Section 6 of Article VII of
 31 the Illinois Constitution. A home rule unit may not regulate
 32 the political activities of its officers and employees and

1 the soliciting, offering, accepting, and making of gifts in a
2 manner less restrictive than the provisions of Section 70-5
3 ~~this-Act~~.

4 (Source: 93HB3412enr.)

5 Section 55. If and only if House Bill 3412 as passed by
6 the 93rd General Assembly becomes law by override of the
7 Governor's amendatory veto, the Illinois Administrative
8 Procedure Act is amended by changing Sections 1-20 and 5-165
9 as follows:

10 (5 ILCS 100/1-20) (from Ch. 127, par. 1001-20)

11 Sec. 1-20. "Agency" means each officer, board,
12 commission, and agency created by the Constitution, whether
13 in the executive, legislative, or judicial branch of State
14 government, but other than the circuit court; each officer,
15 department, board, commission, agency, institution,
16 authority, university, and body politic and corporate of the
17 State; each administrative unit or corporate outgrowth of the
18 State government that is created by or pursuant to statute,
19 other than units of local government and their officers,
20 school districts, and boards of election commissioners; and
21 each administrative unit or corporate outgrowth of the above
22 and as may be created by executive order of the Governor.

23 "Agency", however, does not include the following:

24 (1) The House of Representatives and Senate and
25 their respective standing and service committees.

26 (2) The Governor.

27 (3) The justices and judges of the Supreme and
28 Appellate Courts.

29 (4) The Legislative Ethics Commission.

30 (Source: P.A. 87-823.)

31 (5 ILCS 100/5-165)

1 Sec. 5-165. Ex parte communications in rulemaking;
2 special government agents.

3 (a) Notwithstanding any law to the contrary, this
4 Section applies to ex parte communications made during the
5 rulemaking process.

6 (b) "Ex parte communication" means any written or oral
7 communication by any person ~~required-to-be-registered-under~~
8 ~~the-Lobbyist-Registration-Act--to--an--agency,--agency--head,~~
9 ~~administrative-law-judge,--or--other--agency--employee~~ during the
10 rulemaking period that imparts or requests material
11 information or makes a material argument regarding potential
12 action concerning an agency's general, emergency, or
13 peremptory rulemaking under this Act and that is communicated
14 to that agency, the head of that agency, or any other
15 employee of that agency. For purposes of this Section, the
16 rulemaking period begins upon the commencement of the first
17 notice period with respect to general rulemaking under
18 Section 5-40, upon the filing of a notice of emergency
19 rulemaking under Section 5-45, or upon the filing of a notice
20 of rulemaking with respect to peremptory rulemaking under
21 Section 5-50. "Ex parte communication" does not include the
22 following: (i) statements by a person publicly made in a
23 public forum; (ii) statements regarding matters of procedure
24 and practice, such as the format of public comments, the
25 number of copies required, the manner of filing such
26 comments, and the status of a rulemaking proceeding; and
27 (iii) statements made by a ~~State-official-or~~ State employee
28 of that agency to the agency head or other employee of that
29 agency.

30 (c) An ex parte communication received by any agency,
31 agency head, or other agency employee, ~~or administrative--law~~
32 judge shall immediately be reported to that agency's ethics
33 officer by the recipient of the communication and by any
34 other employee of that agency who responds to the

1 communication. The ethics officer shall require that the ex
2 parte communication promptly be made a part of the record of
3 the rulemaking proceeding. The ethics officer shall promptly
4 file the ex parte communication with the Executive Ethics
5 Commission, including all written communications, all written
6 responses to the communications, and a memorandum prepared by
7 the ethics officer stating the nature and substance of all
8 oral communications, the identity and job title of the person
9 to whom each communication was made, and all responses made,
10 the identity and job title of the person making each
11 response, and the identity of each person from whom the
12 written or oral ex parte communication was received, the
13 individual or entity represented by that person, any action
14 the person requested or recommended, and any other pertinent
15 information. The disclosure shall also contain the date of
16 any ex parte communication.

17 (d) Failure to take certain actions under this Section
18 may constitute a violation as provided in Section 5-50 of the
19 State Officials and Employees Ethics Act.

20 (Source: 93 HB3412enr.)

21 Section 60. If and only if House Bill 3412 as passed by
22 the 93rd General Assembly becomes law by override of the
23 Governor's amendatory veto, the Open Meetings Act is amended
24 by changing Section 1.02 as follows:

25 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

26 Sec. 1.02. For the purposes of this Act:

27 "Meeting" means any gathering of a majority of a quorum
28 of the members of a public body held for the purpose of
29 discussing public business.

30 "Public body" includes all legislative, executive,
31 administrative or advisory bodies of the State, counties,
32 townships, cities, villages, incorporated towns, school

1 districts and all other municipal corporations, boards,
 2 bureaus, committees or commissions of this State, and any
 3 subsidiary bodies of any of the foregoing including but not
 4 limited to committees and subcommittees which are supported
 5 in whole or in part by tax revenue, or which expend tax
 6 revenue, except the General Assembly and committees or
 7 commissions thereof. "Public body" includes tourism boards
 8 and convention or civic center boards located in counties
 9 that are contiguous to the Mississippi River with populations
 10 of more than 250,000 but less than 300,000. "Public body"
 11 includes the Health Facilities Planning Board. "Public body"
 12 does not include a child death review team or the Illinois
 13 Child Death Review Teams Executive Council established under
 14 the Child Death Review Team Act or an ethics commission,
 15 ~~ethics--officer,--or-ultimate-jurisdictional-authority~~ acting
 16 under the State Officials and Employees Ethics Act ~~State-Gift~~
 17 ~~Ban-Act-as-provided-by-Section-80-of-that-Act.~~

18 (Source: P.A. 91-782, eff. 6-9-00; 92-468, eff. 8-22-01.)

19 Section 70. If and only if House Bill 3412 as passed by
 20 the 93rd General Assembly becomes law by override of the
 21 Governor's amendatory veto, the Freedom of Information Act is
 22 amended by changing Section 7 as follows:

23 (5 ILCS 140/7) (from Ch. 116, par. 207)

24 Sec. 7. Exemptions.

25 (1) The following shall be exempt from inspection and
 26 copying:

27 (a) Information specifically prohibited from
 28 disclosure by federal or State law or rules and
 29 regulations adopted under federal or State law.

30 (b) Information that, if disclosed, would
 31 constitute a clearly unwarranted invasion of personal
 32 privacy, unless the disclosure is consented to in writing

1 by the individual subjects of the information. The
2 disclosure of information that bears on the public duties
3 of public employees and officials shall not be considered
4 an invasion of personal privacy. Information exempted
5 under this subsection (b) shall include but is not
6 limited to:

7 (i) files and personal information maintained
8 with respect to clients, patients, residents,
9 students or other individuals receiving social,
10 medical, educational, vocational, financial,
11 supervisory or custodial care or services directly
12 or indirectly from federal agencies or public
13 bodies;

14 (ii) personnel files and personal information
15 maintained with respect to employees, appointees or
16 elected officials of any public body or applicants
17 for those positions;

18 (iii) files and personal information
19 maintained with respect to any applicant, registrant
20 or licensee by any public body cooperating with or
21 engaged in professional or occupational
22 registration, licensure or discipline;

23 (iv) information required of any taxpayer in
24 connection with the assessment or collection of any
25 tax unless disclosure is otherwise required by State
26 statute; and

27 (v) information revealing the identity of
28 persons who file complaints with or provide
29 information to administrative, investigative, law
30 enforcement or penal agencies; provided, however,
31 that identification of witnesses to traffic
32 accidents, traffic accident reports, and rescue
33 reports may be provided by agencies of local
34 government, except in a case for which a criminal

1 investigation is ongoing, without constituting a
2 clearly unwarranted per se invasion of personal
3 privacy under this subsection; and

4 (vi) the names, addresses, or other personal
5 information of participants and registrants in park
6 district, forest preserve district, and conservation
7 district programs.

8 (c) Records compiled by any public body for
9 administrative enforcement proceedings and any law
10 enforcement or correctional agency for law enforcement
11 purposes or for internal matters of a public body, but
12 only to the extent that disclosure would:

13 (i) interfere with pending or actually and
14 reasonably contemplated law enforcement proceedings
15 conducted by any law enforcement or correctional
16 agency;

17 (ii) interfere with pending administrative
18 enforcement proceedings conducted by any public
19 body;

20 (iii) deprive a person of a fair trial or an
21 impartial hearing;

22 (iv) unavoidably disclose the identity of a
23 confidential source or confidential information
24 furnished only by the confidential source;

25 (v) disclose unique or specialized
26 investigative techniques other than those generally
27 used and known or disclose internal documents of
28 correctional agencies related to detection,
29 observation or investigation of incidents of crime
30 or misconduct;

31 (vi) constitute an invasion of personal
32 privacy under subsection (b) of this Section;

33 (vii) endanger the life or physical safety of
34 law enforcement personnel or any other person; or

1 (viii) obstruct an ongoing criminal
2 investigation.

3 (d) Criminal history record information maintained
4 by State or local criminal justice agencies, except the
5 following which shall be open for public inspection and
6 copying:

7 (i) chronologically maintained arrest
8 information, such as traditional arrest logs or
9 blotters;

10 (ii) the name of a person in the custody of a
11 law enforcement agency and the charges for which
12 that person is being held;

13 (iii) court records that are public;

14 (iv) records that are otherwise available
15 under State or local law; or

16 (v) records in which the requesting party is
17 the individual identified, except as provided under
18 part (vii) of paragraph (c) of subsection (1) of
19 this Section.

20 "Criminal history record information" means data
21 identifiable to an individual and consisting of
22 descriptions or notations of arrests, detentions,
23 indictments, informations, pre-trial proceedings, trials,
24 or other formal events in the criminal justice system or
25 descriptions or notations of criminal charges (including
26 criminal violations of local municipal ordinances) and
27 the nature of any disposition arising therefrom,
28 including sentencing, court or correctional supervision,
29 rehabilitation and release. The term does not apply to
30 statistical records and reports in which individuals are
31 not identified and from which their identities are not
32 ascertainable, or to information that is for criminal
33 investigative or intelligence purposes.

34 (e) Records that relate to or affect the security

1 of correctional institutions and detention facilities.

2 (f) Preliminary drafts, notes, recommendations,
3 memoranda and other records in which opinions are
4 expressed, or policies or actions are formulated, except
5 that a specific record or relevant portion of a record
6 shall not be exempt when the record is publicly cited and
7 identified by the head of the public body. The exemption
8 provided in this paragraph (f) extends to all those
9 records of officers and agencies of the General Assembly
10 that pertain to the preparation of legislative documents.

11 (g) Trade secrets and commercial or financial
12 information obtained from a person or business where the
13 trade secrets or information are proprietary, privileged
14 or confidential, or where disclosure of the trade secrets
15 or information may cause competitive harm, including all
16 information determined to be confidential under Section
17 4002 of the Technology Advancement and Development Act.
18 Nothing contained in this paragraph (g) shall be
19 construed to prevent a person or business from consenting
20 to disclosure.

21 (h) Proposals and bids for any contract, grant, or
22 agreement, including information which if it were
23 disclosed would frustrate procurement or give an
24 advantage to any person proposing to enter into a
25 contractor agreement with the body, until an award or
26 final selection is made. Information prepared by or for
27 the body in preparation of a bid solicitation shall be
28 exempt until an award or final selection is made.

29 (i) Valuable formulae, computer geographic systems,
30 designs, drawings and research data obtained or produced
31 by any public body when disclosure could reasonably be
32 expected to produce private gain or public loss. The
33 exemption for "computer geographic systems" provided in
34 this paragraph (i) does not extend to requests made by

1 news media as defined in Section 2 of this Act when the
2 requested information is not otherwise exempt and the
3 only purpose of the request is to access and disseminate
4 information regarding the health, safety, welfare, or
5 legal rights of the general public.

6 (j) Test questions, scoring keys and other
7 examination data used to administer an academic
8 examination or determined the qualifications of an
9 applicant for a license or employment.

10 (k) Architects' plans, engineers' technical
11 submissions, and other construction related technical
12 documents for projects not constructed or developed in
13 whole or in part with public funds and the same for
14 projects constructed or developed with public funds, but
15 only to the extent that disclosure would compromise
16 security, including but not limited to water treatment
17 facilities, airport facilities, sport stadiums,
18 convention centers, and all government owned, operated,
19 or occupied buildings.

20 (l) Library circulation and order records
21 identifying library users with specific materials.

22 (m) Minutes of meetings of public bodies closed to
23 the public as provided in the Open Meetings Act until the
24 public body makes the minutes available to the public
25 under Section 2.06 of the Open Meetings Act.

26 (n) Communications between a public body and an
27 attorney or auditor representing the public body that
28 would not be subject to discovery in litigation, and
29 materials prepared or compiled by or for a public body in
30 anticipation of a criminal, civil or administrative
31 proceeding upon the request of an attorney advising the
32 public body, and materials prepared or compiled with
33 respect to internal audits of public bodies.

34 (o) Information received by a primary or secondary

1 school, college or university under its procedures for
2 the evaluation of faculty members by their academic
3 peers.

4 (p) Administrative or technical information
5 associated with automated data processing operations,
6 including but not limited to software, operating
7 protocols, computer program abstracts, file layouts,
8 source listings, object modules, load modules, user
9 guides, documentation pertaining to all logical and
10 physical design of computerized systems, employee
11 manuals, and any other information that, if disclosed,
12 would jeopardize the security of the system or its data
13 or the security of materials exempt under this Section.

14 (q) Documents or materials relating to collective
15 negotiating matters between public bodies and their
16 employees or representatives, except that any final
17 contract or agreement shall be subject to inspection and
18 copying.

19 (r) Drafts, notes, recommendations and memoranda
20 pertaining to the financing and marketing transactions of
21 the public body. The records of ownership, registration,
22 transfer, and exchange of municipal debt obligations, and
23 of persons to whom payment with respect to these
24 obligations is made.

25 (s) The records, documents and information relating
26 to real estate purchase negotiations until those
27 negotiations have been completed or otherwise terminated.
28 With regard to a parcel involved in a pending or actually
29 and reasonably contemplated eminent domain proceeding
30 under Article VII of the Code of Civil Procedure,
31 records, documents and information relating to that
32 parcel shall be exempt except as may be allowed under
33 discovery rules adopted by the Illinois Supreme Court.
34 The records, documents and information relating to a real

1 estate sale shall be exempt until a sale is consummated.

2 (t) Any and all proprietary information and records
3 related to the operation of an intergovernmental risk
4 management association or self-insurance pool or jointly
5 self-administered health and accident cooperative or
6 pool.

7 (u) Information concerning a university's
8 adjudication of student or employee grievance or
9 disciplinary cases, to the extent that disclosure would
10 reveal the identity of the student or employee and
11 information concerning any public body's adjudication of
12 student or employee grievances or disciplinary cases,
13 except for the final outcome of the cases.

14 (v) Course materials or research materials used by
15 faculty members.

16 (w) Information related solely to the internal
17 personnel rules and practices of a public body.

18 (x) Information contained in or related to
19 examination, operating, or condition reports prepared by,
20 on behalf of, or for the use of a public body responsible
21 for the regulation or supervision of financial
22 institutions or insurance companies, unless disclosure is
23 otherwise required by State law.

24 (y) Information the disclosure of which is
25 restricted under Section 5-108 of the Public Utilities
26 Act.

27 (z) Manuals or instruction to staff that relate to
28 establishment or collection of liability for any State
29 tax or that relate to investigations by a public body to
30 determine violation of any criminal law.

31 (aa) Applications, related documents, and medical
32 records received by the Experimental Organ
33 Transplantation Procedures Board and any and all
34 documents or other records prepared by the Experimental

1 Organ Transplantation Procedures Board or its staff
2 relating to applications it has received.

3 (bb) Insurance or self insurance (including any
4 intergovernmental risk management association or self
5 insurance pool) claims, loss or risk management
6 information, records, data, advice or communications.

7 (cc) Information and records held by the Department
8 of Public Health and its authorized representatives
9 relating to known or suspected cases of sexually
10 transmissible disease or any information the disclosure
11 of which is restricted under the Illinois Sexually
12 Transmissible Disease Control Act.

13 (dd) Information the disclosure of which is
14 exempted under Section 30 of the Radon Industry Licensing
15 Act.

16 (ee) Firm performance evaluations under Section 55
17 of the Architectural, Engineering, and Land Surveying
18 Qualifications Based Selection Act.

19 (ff) Security portions of system safety program
20 plans, investigation reports, surveys, schedules, lists,
21 data, or information compiled, collected, or prepared by
22 or for the Regional Transportation Authority under
23 Section 2.11 of the Regional Transportation Authority Act
24 or the St. Clair County Transit District under the
25 Bi-State Transit Safety Act.

26 (gg) Information the disclosure of which is
27 restricted and exempted under Section 50 of the Illinois
28 Prepaid Tuition Act.

29 (hh) Information the disclosure of which is
30 exempted under the State Officials and Employees Ethics
31 Act Section-80-of-the-State-Gift-Ban-Act.

32 (ii) Beginning July 1, 1999, information that would
33 disclose or might lead to the disclosure of secret or
34 confidential information, codes, algorithms, programs, or

1 private keys intended to be used to create electronic or
2 digital signatures under the Electronic Commerce Security
3 Act.

4 (jj) Information contained in a local emergency
5 energy plan submitted to a municipality in accordance
6 with a local emergency energy plan ordinance that is
7 adopted under Section 11-21.5-5 of the Illinois Municipal
8 Code.

9 (kk) Information and data concerning the
10 distribution of surcharge moneys collected and remitted
11 by wireless carriers under the Wireless Emergency
12 Telephone Safety Act.

13 (ll) Vulnerability assessments, security measures,
14 and response policies or plans that are designed to
15 identify, prevent, or respond to potential attacks upon a
16 community's population or systems, facilities, or
17 installations, the destruction or contamination of which
18 would constitute a clear and present danger to the health
19 or safety of the community, but only to the extent that
20 disclosure could reasonably be expected to jeopardize the
21 effectiveness of the measures or the safety of the
22 personnel who implement them or the public. Information
23 exempt under this item may include such things as details
24 pertaining to the mobilization or deployment of personnel
25 or equipment, to the operation of communication systems
26 or protocols, or to tactical operations.

27 (mm) Maps and other records regarding the location
28 or security of a utility's generation, transmission,
29 distribution, storage, gathering, treatment, or switching
30 facilities.

31 (nn) ~~(ll)~~ Law enforcement officer identification
32 information or driver identification information compiled
33 by a law enforcement agency or the Department of
34 Transportation under Section 11-212 of the Illinois

1 Vehicle Code.

2 (oo) ~~(ll)~~ Records and information provided to a
3 residential health care facility resident sexual assault
4 and death review team or the Residential Health Care
5 Facility Resident Sexual Assault and Death Review Teams
6 Executive Council under the Residential Health Care
7 Facility Resident Sexual Assault and Death Review Team
8 Act.

9 (2) This Section does not authorize withholding of
10 information or limit the availability of records to the
11 public, except as stated in this Section or otherwise
12 provided in this Act.

13 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01;
14 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff.
15 7-11-02; 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237,
16 eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03;
17 93-577, eff. 8-21-03; revised 9-8-03.)

18 Section 75. If and only if House Bill 3412 as passed by
19 the 93rd General Assembly becomes law by override of the
20 Governor's amendatory veto, the Illinois Public Labor
21 Relations Act is amended by changing Section 3 as follows:

22 (5 ILCS 315/3) (from Ch. 48, par. 1603)

23 Sec. 3. Definitions. As used in this Act, unless the
24 context otherwise requires:

25 (a) "Board" means the Illinois Labor Relations Board or,
26 with respect to a matter over which the jurisdiction of the
27 Board is assigned to the State Panel or the Local Panel under
28 Section 5, the panel having jurisdiction over the matter.

29 (b) "Collective bargaining" means bargaining over terms
30 and conditions of employment, including hours, wages, and
31 other conditions of employment, as detailed in Section 7 and
32 which are not excluded by Section 4.

1 (c) "Confidential employee" means an employee who, in
2 the regular course of his or her duties, assists and acts in
3 a confidential capacity to persons who formulate, determine,
4 and effectuate management policies with regard to labor
5 relations or who, in the regular course of his or her duties,
6 has authorized access to information relating to the
7 effectuation or review of the employer's collective
8 bargaining policies.

9 (d) "Craft employees" means skilled journeymen, crafts
10 persons, and their apprentices and helpers.

11 (e) "Essential services employees" means those public
12 employees performing functions so essential that the
13 interruption or termination of the function will constitute a
14 clear and present danger to the health and safety of the
15 persons in the affected community.

16 (f) "Exclusive representative", except with respect to
17 non-State fire fighters and paramedics employed by fire
18 departments and fire protection districts, non-State peace
19 officers, and peace officers in the Department of State
20 Police, means the labor organization that has been (i)
21 designated by the Board as the representative of a majority
22 of public employees in an appropriate bargaining unit in
23 accordance with the procedures contained in this Act, (ii)
24 historically recognized by the State of Illinois or any
25 political subdivision of the State before July 1, 1984 (the
26 effective date of this Act) as the exclusive representative
27 of the employees in an appropriate bargaining unit, (iii)
28 after July 1, 1984 (the effective date of this Act)
29 recognized by an employer upon evidence, acceptable to the
30 Board, that the labor organization has been designated as the
31 exclusive representative by a majority of the employees in an
32 appropriate bargaining unit; or (iv) recognized as the
33 exclusive representative of personal care attendants or
34 personal assistants under Executive Order 2003-8 prior to the

1 effective date of this amendatory Act of the 93rd General
2 Assembly, and the organization shall be considered to be the
3 exclusive representative of the personal care attendants or
4 personal assistants as defined in this Section.

5 With respect to non-State fire fighters and paramedics
6 employed by fire departments and fire protection districts,
7 non-State peace officers, and peace officers in the
8 Department of State Police, "exclusive representative" means
9 the labor organization that has been (i) designated by the
10 Board as the representative of a majority of peace officers
11 or fire fighters in an appropriate bargaining unit in
12 accordance with the procedures contained in this Act, (ii)
13 historically recognized by the State of Illinois or any
14 political subdivision of the State before January 1, 1986
15 (the effective date of this amendatory Act of 1985) as the
16 exclusive representative by a majority of the peace officers
17 or fire fighters in an appropriate bargaining unit, or (iii)
18 after January 1, 1986 (the effective date of this amendatory
19 Act of 1985) recognized by an employer upon evidence,
20 acceptable to the Board, that the labor organization has been
21 designated as the exclusive representative by a majority of
22 the peace officers or fire fighters in an appropriate
23 bargaining unit.

24 (g) "Fair share agreement" means an agreement between
25 the employer and an employee organization under which all or
26 any of the employees in a collective bargaining unit are
27 required to pay their proportionate share of the costs of the
28 collective bargaining process, contract administration, and
29 pursuing matters affecting wages, hours, and other conditions
30 of employment, but not to exceed the amount of dues uniformly
31 required of members. The amount certified by the exclusive
32 representative shall not include any fees for contributions
33 related to the election or support of any candidate for
34 political office. Nothing in this subsection (g) shall

1 preclude an employee from making voluntary political
2 contributions in conjunction with his or her fair share
3 payment.

4 (g-1) "Fire fighter" means, for the purposes of this Act
5 only, any person who has been or is hereafter appointed to a
6 fire department or fire protection district or employed by a
7 state university and sworn or commissioned to perform fire
8 fighter duties or paramedic duties, except that the following
9 persons are not included: part-time fire fighters, auxiliary,
10 reserve or voluntary fire fighters, including paid on-call
11 fire fighters, clerks and dispatchers or other civilian
12 employees of a fire department or fire protection district
13 who are not routinely expected to perform fire fighter
14 duties, or elected officials.

15 (g-2) "General Assembly of the State of Illinois" means
16 the legislative branch of the government of the State of
17 Illinois, as provided for under Article IV of the
18 Constitution of the State of Illinois, and includes but is
19 not limited to the House of Representatives, the Senate, the
20 Speaker of the House of Representatives, the Minority Leader
21 of the House of Representatives, the President of the Senate,
22 the Minority Leader of the Senate, the Joint Committee on
23 Legislative Support Services and any legislative support
24 services agency listed in the Legislative Commission
25 Reorganization Act of 1984.

26 (h) "Governing body" means, in the case of the State,
27 the State Panel of the Illinois Labor Relations Board, the
28 Director of the Department of Central Management Services,
29 and the Director of the Department of Labor; the county board
30 in the case of a county; the corporate authorities in the
31 case of a municipality; and the appropriate body authorized
32 to provide for expenditures of its funds in the case of any
33 other unit of government.

34 (i) "Labor organization" means any organization in which

1 public employees participate and that exists for the purpose,
2 in whole or in part, of dealing with a public employer
3 concerning wages, hours, and other terms and conditions of
4 employment, including the settlement of grievances.

5 (j) "Managerial employee" means an individual who is
6 engaged predominantly in executive and management functions
7 and is charged with the responsibility of directing the
8 effectuation of management policies and practices.

9 (k) "Peace officer" means, for the purposes of this Act
10 only, any persons who have been or are hereafter appointed to
11 a police force, department, or agency and sworn or
12 commissioned to perform police duties, except that the
13 following persons are not included: part-time police
14 officers, special police officers, auxiliary police as
15 defined by Section 3.1-30-20 of the Illinois Municipal Code,
16 night watchmen, "merchant police", court security officers as
17 defined by Section 3-6012.1 of the Counties Code, temporary
18 employees, traffic guards or wardens, civilian parking meter
19 and parking facilities personnel or other individuals
20 specially appointed to aid or direct traffic at or near
21 schools or public functions or to aid in civil defense or
22 disaster, parking enforcement employees who are not
23 commissioned as peace officers and who are not armed and who
24 are not routinely expected to effect arrests, parking lot
25 attendants, clerks and dispatchers or other civilian
26 employees of a police department who are not routinely
27 expected to effect arrests, or elected officials.

28 (l) "Person" includes one or more individuals, labor
29 organizations, public employees, associations, corporations,
30 legal representatives, trustees, trustees in bankruptcy,
31 receivers, or the State of Illinois or any political
32 subdivision of the State or governing body, but does not
33 include the General Assembly of the State of Illinois or any
34 individual employed by the General Assembly of the State of

1 Illinois.

2 (m) "Professional employee" means any employee engaged
3 in work predominantly intellectual and varied in character
4 rather than routine mental, manual, mechanical or physical
5 work; involving the consistent exercise of discretion and
6 adjustment in its performance; of such a character that the
7 output produced or the result accomplished cannot be
8 standardized in relation to a given period of time; and
9 requiring advanced knowledge in a field of science or
10 learning customarily acquired by a prolonged course of
11 specialized intellectual instruction and study in an
12 institution of higher learning or a hospital, as
13 distinguished from a general academic education or from
14 apprenticeship or from training in the performance of routine
15 mental, manual, or physical processes; or any employee who
16 has completed the courses of specialized intellectual
17 instruction and study prescribed in this subsection (m) and
18 is performing related work under the supervision of a
19 professional person to qualify to become a professional
20 employee as defined in this subsection (m).

21 (n) "Public employee" or "employee", for the purposes of
22 this Act, means any individual employed by a public employer,
23 including interns and residents at public hospitals and, as
24 of the effective date of this amendatory Act of the 93rd
25 General Assembly, but not before, personal care attendants
26 and personal assistants working under the Home Services
27 Program under Section 3 of the Disabled Persons
28 Rehabilitation Act, subject to the limitations set forth in
29 this Act and in the Disabled Persons Rehabilitation Act, but
30 excluding all of the following: employees of the General
31 Assembly of the State of Illinois; elected officials;
32 executive heads of a department; members of boards or
33 commissions; the Executive Inspectors General; any special
34 Executive Inspectors General; employees of each Office of an

1 Executive Inspector General; commissioners and employees of
2 the Executive Ethics Commission; the Auditor General's
3 Inspector General; employees of the Office of the Auditor
4 General's Inspector General; the Legislative Inspector
5 General; any special Legislative Inspectors General;
6 employees of the Office of the Legislative Inspector General;
7 commissioners and employees of the Legislative Ethics
8 Commission; employees of any agency, board or commission
9 created by this Act; employees appointed to State positions
10 of a temporary or emergency nature; all employees of school
11 districts and higher education institutions except
12 firefighters and peace officers employed by a state
13 university; managerial employees; short-term employees;
14 confidential employees; independent contractors; and
15 supervisors except as provided in this Act.

16 Personal care attendants and personal assistants shall
17 not be considered public employees for any purposes not
18 specifically provided for in this amendatory Act of the 93rd
19 General Assembly, including but not limited to, purposes of
20 vicarious liability in tort and purposes of statutory
21 retirement or health insurance benefits. Personal care
22 attendants and personal assistants shall not be covered by
23 the State Employees Group Insurance Act of 1971 (5 ILCS
24 375/).

25 Notwithstanding Section 9, subsection (c), or any other
26 provisions of this Act, all peace officers above the rank of
27 captain in municipalities with more than 1,000,000
28 inhabitants shall be excluded from this Act.

29 (o) "Public employer" or "employer" means the State of
30 Illinois; any political subdivision of the State, unit of
31 local government or school district; authorities including
32 departments, divisions, bureaus, boards, commissions, or
33 other agencies of the foregoing entities; and any person
34 acting within the scope of his or her authority, express or

1 implied, on behalf of those entities in dealing with its
2 employees. As of the effective date of this amendatory Act of
3 the 93rd General Assembly, but not before, the State of
4 Illinois shall be considered the employer of the personal
5 care attendants and personal assistants working under the
6 Home Services Program under Section 3 of the Disabled Persons
7 Rehabilitation Act, subject to the limitations set forth in
8 this Act and in the Disabled Persons Rehabilitation Act. The
9 State shall not be considered to be the employer of personal
10 care attendants and personal assistants for any purposes not
11 specifically provided for in this amendatory Act of the 93rd
12 General Assembly, including but not limited to, purposes of
13 vicarious liability in tort and purposes of statutory
14 retirement or health insurance benefits. Personal care
15 attendants and personal assistants shall not be covered by
16 the State Employees Group Insurance Act of 1971 (5 ILCS
17 375/). "Public employer" or "employer" as used in this Act,
18 however, does not mean and shall not include the General
19 Assembly of the State of Illinois, the Executive Ethics
20 Commission, the Offices of the Executive Inspectors General,
21 the Legislative Ethics Commission, the Office of the
22 Legislative Inspector General, the Office of the Auditor
23 General's Inspector General, and educational employers or
24 employers as defined in the Illinois Educational Labor
25 Relations Act, except with respect to a state university in
26 its employment of firefighters and peace officers. County
27 boards and county sheriffs shall be designated as joint or
28 co-employers of county peace officers appointed under the
29 authority of a county sheriff. Nothing in this subsection
30 (o) shall be construed to prevent the State Panel or the
31 Local Panel from determining that employers are joint or
32 co-employers.

33 (p) "Security employee" means an employee who is
34 responsible for the supervision and control of inmates at

1 correctional facilities. The term also includes other
2 non-security employees in bargaining units having the
3 majority of employees being responsible for the supervision
4 and control of inmates at correctional facilities.

5 (q) "Short-term employee" means an employee who is
6 employed for less than 2 consecutive calendar quarters during
7 a calendar year and who does not have a reasonable assurance
8 that he or she will be rehired by the same employer for the
9 same service in a subsequent calendar year.

10 (r) "Supervisor" is an employee whose principal work is
11 substantially different from that of his or her subordinates
12 and who has authority, in the interest of the employer, to
13 hire, transfer, suspend, lay off, recall, promote, discharge,
14 direct, reward, or discipline employees, to adjust their
15 grievances, or to effectively recommend any of those actions,
16 if the exercise of that authority is not of a merely routine
17 or clerical nature, but requires the consistent use of
18 independent judgment. Except with respect to police
19 employment, the term "supervisor" includes only those
20 individuals who devote a preponderance of their employment
21 time to exercising that authority, State supervisors
22 notwithstanding. In addition, in determining supervisory
23 status in police employment, rank shall not be determinative.
24 The Board shall consider, as evidence of bargaining unit
25 inclusion or exclusion, the common law enforcement policies
26 and relationships between police officer ranks and
27 certification under applicable civil service law, ordinances,
28 personnel codes, or Division 2.1 of Article 10 of the
29 Illinois Municipal Code, but these factors shall not be the
30 sole or predominant factors considered by the Board in
31 determining police supervisory status.

32 Notwithstanding the provisions of the preceding
33 paragraph, in determining supervisory status in fire fighter
34 employment, no fire fighter shall be excluded as a supervisor

1 who has established representation rights under Section 9 of
2 this Act. Further, in new fire fighter units, employees
3 shall consist of fire fighters of the rank of company officer
4 and below. If a company officer otherwise qualifies as a
5 supervisor under the preceding paragraph, however, he or she
6 shall not be included in the fire fighter unit. If there is
7 no rank between that of chief and the highest company
8 officer, the employer may designate a position on each shift
9 as a Shift Commander, and the persons occupying those
10 positions shall be supervisors. All other ranks above that
11 of company officer shall be supervisors.

12 (s) (1) "Unit" means a class of jobs or positions that
13 are held by employees whose collective interests may
14 suitably be represented by a labor organization for
15 collective bargaining. Except with respect to non-State
16 fire fighters and paramedics employed by fire departments
17 and fire protection districts, non-State peace officers,
18 and peace officers in the Department of State Police, a
19 bargaining unit determined by the Board shall not include
20 both employees and supervisors, or supervisors only,
21 except as provided in paragraph (2) of this subsection
22 (s) and except for bargaining units in existence on July
23 1, 1984 (the effective date of this Act). With respect
24 to non-State fire fighters and paramedics employed by
25 fire departments and fire protection districts, non-State
26 peace officers, and peace officers in the Department of
27 State Police, a bargaining unit determined by the Board
28 shall not include both supervisors and nonsupervisors, or
29 supervisors only, except as provided in paragraph (2) of
30 this subsection (s) and except for bargaining units in
31 existence on January 1, 1986 (the effective date of this
32 amendatory Act of 1985). A bargaining unit determined by
33 the Board to contain peace officers shall contain no
34 employees other than peace officers unless otherwise

1 agreed to by the employer and the labor organization or
2 labor organizations involved. Notwithstanding any other
3 provision of this Act, a bargaining unit, including a
4 historical bargaining unit, containing sworn peace
5 officers of the Department of Natural Resources (formerly
6 designated the Department of Conservation) shall contain
7 no employees other than such sworn peace officers upon
8 the effective date of this amendatory Act of 1990 or upon
9 the expiration date of any collective bargaining
10 agreement in effect upon the effective date of this
11 amendatory Act of 1990 covering both such sworn peace
12 officers and other employees.

13 (2) Notwithstanding the exclusion of supervisors
14 from bargaining units as provided in paragraph (1) of
15 this subsection (s), a public employer may agree to
16 permit its supervisory employees to form bargaining units
17 and may bargain with those units. This Act shall apply
18 if the public employer chooses to bargain under this
19 subsection.

20 (Source: P.A. 93-204, eff. 7-16-03.)

21 Section 77. If and only if House Bill 3412 as passed by
22 the 93rd General Assembly becomes law by override of the
23 Governor's amendatory veto, the State Employee
24 Indemnification Act is amended by changing Section 1 as
25 follows:

26 (5 ILCS 350/1) (from Ch. 127, par. 1301)

27 Sec. 1. Definitions. For the purpose of this Act:

28 (a) The term "State" means the State of Illinois, the
29 General Assembly, the court, or any State office, department,
30 division, bureau, board, commission, or committee, the
31 governing boards of the public institutions of higher
32 education created by the State, the Illinois National Guard,

1 the Comprehensive Health Insurance Board, any poison control
2 center designated under the Poison Control System Act that
3 receives State funding, or any other agency or
4 instrumentality of the State. It does not mean any local
5 public entity as that term is defined in Section 1-206 of the
6 Local Governmental and Governmental Employees Tort Immunity
7 Act or a pension fund.

8 (b) The term "employee" means any present or former
9 elected or appointed officer, trustee or employee of the
10 State, or of a pension fund, any present or former
11 commissioner or employee of the Executive Ethics Commission
12 or of the Legislative Ethics Commission, any present or
13 former Executive, Legislative, or Auditor General's Inspector
14 General, any present or former employee of an Office of an
15 Executive, Legislative, or Auditor General's Inspector
16 General, any present or former member of the Illinois
17 National Guard while on active duty, individuals or
18 organizations who contract with the Department of
19 Corrections, the Comprehensive Health Insurance Board, or the
20 Department of Veterans' Affairs to provide services,
21 individuals or organizations who contract with the Department
22 of Human Services (as successor to the Department of Mental
23 Health and Developmental Disabilities) to provide services
24 including but not limited to treatment and other services for
25 sexually violent persons, individuals or organizations who
26 contract with the Department of Military Affairs for youth
27 programs, individuals or organizations who contract to
28 perform carnival and amusement ride safety inspections for
29 the Department of Labor, individual representatives of or
30 designated organizations authorized to represent the Office
31 of State Long-Term Ombudsman for the Department on Aging,
32 individual representatives of or organizations designated by
33 the Department on Aging in the performance of their duties as
34 elder abuse provider agencies or regional administrative

1 agencies under the Elder Abuse and Neglect Act, individuals
2 or organizations who perform volunteer services for the State
3 where such volunteer relationship is reduced to writing,
4 individuals who serve on any public entity (whether created
5 by law or administrative action) described in paragraph (a)
6 of this Section, individuals or not for profit organizations
7 who, either as volunteers, where such volunteer relationship
8 is reduced to writing, or pursuant to contract, furnish
9 professional advice or consultation to any agency or
10 instrumentality of the State, individuals who serve as foster
11 parents for the Department of Children and Family Services
12 when caring for a Department ward, and individuals who serve
13 as arbitrators pursuant to Part 10A of Article II of the Code
14 of Civil Procedure and the rules of the Supreme Court
15 implementing Part 10A, each as now or hereafter amended, but
16 does not mean an independent contractor except as provided in
17 this Section. The term includes an individual appointed as an
18 inspector by the Director of State Police when performing
19 duties within the scope of the activities of a Metropolitan
20 Enforcement Group or a law enforcement organization
21 established under the Intergovernmental Cooperation Act. An
22 individual who renders professional advice and consultation
23 to the State through an organization which qualifies as an
24 "employee" under the Act is also an employee. The term
25 includes the estate or personal representative of an
26 employee.

27 (c) The term "pension fund" means a retirement system or
28 pension fund created under the Illinois Pension Code.

29 (Source: P.A. 90-793, eff. 8-14-98; 91-726, eff. 6-2-00.)

30 (5 ILCS 395/Act rep.)

31 Section 80. If and only if House Bill 3412 as passed by
32 the 93rd General Assembly becomes law by override of the
33 Governor's amendatory veto, the Whistle Blower Protection Act

1 is repealed.

2 Section 83. If and only if House Bill 3412 as passed by
3 the 93rd General Assembly becomes law by override of the
4 Governor's amendatory veto, the Illinois Governmental Ethics
5 Act is amended by changing Sections 4A-101, 4A-102, 4A-105,
6 4A-106, and 4A-107 as follows:

7 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

8 Sec. 4A-101. Persons required to file. The following
9 persons shall file verified written statements of economic
10 interests, as provided in this Article:

11 (a) Members of the General Assembly and candidates
12 for nomination or election to the General Assembly.

13 (b) Persons holding an elected office in the
14 Executive Branch of this State, and candidates for
15 nomination or election to these offices.

16 (c) Members of a Commission or Board created by the
17 Illinois Constitution, and candidates for nomination or
18 election to such Commission or Board.

19 (d) Persons whose appointment to office is subject
20 to confirmation by the Senate.

21 (e) Holders of, and candidates for nomination or
22 election to, the office of judge or associate judge of
23 the Circuit Court and the office of judge of the
24 Appellate or Supreme Court.

25 (f) Persons who are employed by any branch, agency,
26 authority or board of the government of this State,
27 including but not limited to, the Illinois State Toll
28 Highway Authority, the Illinois Housing Development
29 Authority, the Illinois Community College Board, and
30 institutions under the jurisdiction of the Board of
31 Trustees of the University of Illinois, Board of Trustees
32 of Southern Illinois University, Board of Trustees of

1 Chicago State University, Board of Trustees of Eastern
2 Illinois University, Board of Trustees of Governor's
3 State University, Board of Trustees of Illinois State
4 University, Board of Trustees of Northeastern Illinois
5 University, Board of Trustees of Northern Illinois
6 University, Board of Trustees of Western Illinois
7 University, or Board of Trustees of the Illinois
8 Mathematics and Science Academy, and are compensated for
9 services as employees and not as independent contractors
10 and who:

11 (1) are, or function as, the head of a
12 department, commission, board, division, bureau,
13 authority or other administrative unit within the
14 government of this State, or who exercise similar
15 authority within the government of this State;

16 (2) have direct supervisory authority over, or
17 direct responsibility for the formulation,
18 negotiation, issuance or execution of contracts
19 entered into by the State in the amount of \$5,000 or
20 more;

21 (3) have authority for the issuance or
22 promulgation of rules and regulations within areas
23 under the authority of the State;

24 (4) have authority for the approval of
25 professional licenses;

26 (5) have responsibility with respect to the
27 financial inspection of regulated nongovernmental
28 entities;

29 (6) adjudicate, arbitrate, or decide any
30 judicial or administrative proceeding, or review the
31 adjudication, arbitration or decision of any
32 judicial or administrative proceeding within the
33 authority of the State; or

34 (7) have supervisory responsibility for 20 or

1 more employees of the State.

2 (g) Persons who are elected to office in a unit of
3 local government, and candidates for nomination or
4 election to that office, including regional
5 superintendents of school districts.

6 (h) Persons appointed to the governing board of a
7 unit of local government, or of a special district, and
8 persons appointed to a zoning board, or zoning board of
9 appeals, or to a regional, county, or municipal plan
10 commission, or to a board of review of any county, and
11 persons appointed to the Board of the Metropolitan Pier
12 and Exposition Authority and any Trustee appointed under
13 Section 22 of the Metropolitan Pier and Exposition
14 Authority Act, and persons appointed to a board or
15 commission of a unit of local government who have
16 authority to authorize the expenditure of public funds.
17 This subsection does not apply to members of boards or
18 commissions who function in an advisory capacity.

19 (i) Persons who are employed by a unit of local
20 government and are compensated for services as employees
21 and not as independent contractors and who:

22 (1) are, or function as, the head of a
23 department, division, bureau, authority or other
24 administrative unit within the unit of local
25 government, or who exercise similar authority within
26 the unit of local government;

27 (2) have direct supervisory authority over, or
28 direct responsibility for the formulation,
29 negotiation, issuance or execution of contracts
30 entered into by the unit of local government in the
31 amount of \$1,000 or greater;

32 (3) have authority to approve licenses and
33 permits by the unit of local government; this item
34 does not include employees who function in a

1 ministerial capacity;

2 (4) adjudicate, arbitrate, or decide any
3 judicial or administrative proceeding, or review the
4 adjudication, arbitration or decision of any
5 judicial or administrative proceeding within the
6 authority of the unit of local government;

7 (5) have authority to issue or promulgate
8 rules and regulations within areas under the
9 authority of the unit of local government; or

10 (6) have supervisory responsibility for 20 or
11 more employees of the unit of local government.

12 (j) Persons on the Board of Trustees of the
13 Illinois Mathematics and Science Academy.

14 (k) Persons employed by a school district in
15 positions that require that person to hold an
16 administrative or a chief school business official
17 endorsement.

18 (l) Special government agents. A "special
19 government agent" is a person who is directed, retained,
20 designated, appointed, or employed, with or without
21 compensation, by or on behalf of a statewide executive
22 branch constitutional officer to make an ex parte
23 communication under Section 5-50 of the State Officials
24 and Employees Ethics Act or Section 5-165 of the Illinois
25 Administrative Procedure Act. (Blank)-

26 This Section shall not be construed to prevent any unit
27 of local government from enacting financial disclosure
28 requirements that mandate more information than required by
29 this Act.

30 (Source: P.A. 91-622, eff. 8-19-99.)

31 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

32 Sec. 4A-102. The statement of economic interests
33 required by this Article shall include the economic interests

1 of the person making the statement as provided in this
2 Section. The interest (if constructively controlled by the
3 person making the statement) of a spouse or any other party,
4 shall be considered to be the same as the interest of the
5 person making the statement. Campaign receipts shall not be
6 included in this statement.

7 (a) The following interests shall be listed by all
8 persons required to file:

9 (1) The name, address and type of practice of any
10 professional organization or individual professional
11 practice in which the person making the statement was an
12 officer, director, associate, partner or proprietor, or
13 served in any advisory capacity, from which income in
14 excess of \$1200 was derived during the preceding calendar
15 year;

16 (2) The nature of professional services (other than
17 services rendered to the unit or units of government in
18 relation to which the person is required to file) and the
19 nature of the entity to which they were rendered if fees
20 exceeding \$5,000 were received during the preceding
21 calendar year from the entity for professional services
22 rendered by the person making the statement.

23 (3) The identity (including the address or legal
24 description of real estate) of any capital asset from
25 which a capital gain of \$5,000 or more was realized in
26 the preceding calendar year.

27 (4) The name of any unit of government which has
28 employed the person making the statement during the
29 preceding calendar year other than the unit or units of
30 government in relation to which the person is required to
31 file.

32 (5) The name of any entity from which a gift or
33 gifts, or honorarium or honoraria, valued singly or in
34 the aggregate in excess of \$500, was received during the

1 preceding calendar year.

2 (b) The following interests shall also be listed by
3 persons listed in items (a) through (f) and item (l) of
4 Section 4A-101:

5 (1) The name and instrument of ownership in any
6 entity doing business in the State of Illinois, in which
7 an ownership interest held by the person at the date of
8 filing is in excess of \$5,000 fair market value or from
9 which dividends of in excess of \$1,200 were derived
10 during the preceding calendar year. (In the case of real
11 estate, location thereof shall be listed by street
12 address, or if none, then by legal description). No time
13 or demand deposit in a financial institution, nor any
14 debt instrument need be listed;

15 (2) Except for professional service entities, the
16 name of any entity and any position held therein from
17 which income of in excess of \$1,200 was derived during
18 the preceding calendar year, if the entity does business
19 in the State of Illinois. No time or demand deposit in a
20 financial institution, nor any debt instrument need be
21 listed.

22 (3) The identity of any compensated lobbyist with
23 whom the person making the statement maintains a close
24 economic association, including the name of the lobbyist
25 and specifying the legislative matter or matters which
26 are the object of the lobbying activity, and describing
27 the general type of economic activity of the client or
28 principal on whose behalf that person is lobbying.

29 (c) The following interests shall also be listed by
30 persons listed in items (g), (h), and (i), ~~and (l)~~ of Section
31 4A-101:

32 (1) The name and instrument of ownership in any
33 entity doing business with a unit of local government in
34 relation to which the person is required to file if the

1 ownership interest of the person filing is greater than
2 \$5,000 fair market value as of the date of filing or if
3 dividends in excess of \$1,200 were received from the
4 entity during the preceding calendar year. (In the case
5 of real estate, location thereof shall be listed by
6 street address, or if none, then by legal description).
7 No time or demand deposit in a financial institution, nor
8 any debt instrument need be listed.

9 (2) Except for professional service entities, the
10 name of any entity and any position held therein from
11 which income in excess of \$1,200 was derived during the
12 preceding calendar year if the entity does business with
13 a unit of local government in relation to which the
14 person is required to file. No time or demand deposit in
15 a financial institution, nor any debt instrument need be
16 listed.

17 (3) The name of any entity and the nature of the
18 governmental action requested by any entity which has
19 applied to a unit of local government in relation to
20 which the person must file for any license, franchise or
21 permit for annexation, zoning or rezoning of real estate
22 during the preceding calendar year if the ownership
23 interest of the person filing is in excess of \$5,000 fair
24 market value at the time of filing or if income or
25 dividends in excess of \$1,200 were received by the person
26 filing from the entity during the preceding calendar
27 year.

28 (Source: P.A. 92-101, eff. 1-1-02.)

29 (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

30 Sec. 4A-105. Time for filing. Except as provided in
31 Section 4A-106.1, by May 1 of each year a statement must be
32 filed by each person whose position at that time subjects him
33 to the filing requirements of Section 4A-101 unless he has

1 already filed a statement in relation to the same unit of
2 government in that calendar year.

3 Statements must also be filed as follows:

4 (a) A candidate for elective office shall file his
5 statement not later than the end of the period during
6 which he can take the action necessary under the laws of
7 this State to attempt to qualify for nomination,
8 election, or retention to such office if he has not filed
9 a statement in relation to the same unit of government
10 within a year preceding such action.

11 (b) A person whose appointment to office is subject
12 to confirmation by the Senate shall file his statement at
13 the time his name is submitted to the Senate for
14 confirmation.

15 (b-5) A special government agent, as defined in
16 Section 5-50 of the State Officials and Employees Ethics
17 Act and in Section 5-165 of the Illinois Administrative
18 Procedure Act, shall file a statement within 30 days
19 after making the first ex parte communication and each
20 May 1 thereafter if he or she has made an ex parte
21 communication within the previous 12 months.

22 (c) Any other person required by this Article to
23 file the statement shall file a statement at the time of
24 his or her initial appointment or employment in relation
25 to that unit of government if appointed or employed by
26 May 1.

27 If any person who is required to file a statement of
28 economic interests fails to file such statement by May 1 of
29 any year, the officer with whom such statement is to be filed
30 under Section 4A-106 of this Act shall, within 7 days after
31 May 1, notify such person by certified mail of his or her
32 failure to file by the specified date. Except as may be
33 prescribed by rule of the Secretary of State, such person
34 shall file his or her statement of economic interests on or

1 before May 15 with the appropriate officer, together with a
2 \$15 late filing fee. Any such person who fails to file by
3 May 15 shall be subject to a penalty of \$100 for each day
4 from May 16 to the date of filing, which shall be in addition
5 to the \$15 late filing fee specified above. Failure to file
6 by May 31 shall result in a forfeiture in accordance with
7 Section 4A-107 of this Act.

8 Any person who takes office or otherwise becomes required
9 to file a statement of economic interests within 30 days
10 prior to May 1 of any year may file his or her statement at
11 any time on or before May 31 without penalty. If such person
12 fails to file such statement by May 31, the officer with whom
13 such statement is to be filed under Section 4A-106 of this
14 Act shall, within 7 days after May 31, notify such person by
15 certified mail of his or her failure to file by the specified
16 date. Such person shall file his or her statement of
17 economic interests on or before June 15 with the appropriate
18 officer, together with a \$15 late filing fee. Any such
19 person who fails to file by June 15 shall be subject to a
20 penalty of \$100 per day for each day from June 16 to the date
21 of filing, which shall be in addition to the \$15 late filing
22 fee specified above. Failure to file by June 30 shall result
23 in a forfeiture in accordance with Section 4A-107 of this
24 Act.

25 All late filing fees and penalties collected pursuant to
26 this Section shall be paid into the General Revenue Fund in
27 the State treasury, if the Secretary of State receives such
28 statement for filing, or into the general fund in the county
29 treasury, if the county clerk receives such statement for
30 filing. The Attorney General, with respect to the State, and
31 the several State's Attorneys, with respect to counties,
32 shall take appropriate action to collect the prescribed
33 penalties.

34 Failure to file a statement of economic interests within

1 the time prescribed shall not result in a fine or
2 ineligibility for, or forfeiture of, office or position of
3 employment, as the case may be; provided that the failure to
4 file results from not being included for notification by the
5 appropriate agency, clerk, secretary, officer or unit of
6 government, as the case may be, and that a statement is filed
7 within 30 days of actual notice of the failure to file.

8 (Source: P.A. 88-187; 88-605, eff. 9-1-94; 89-433, eff.
9 12-15-95.)

10 (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

11 Sec. 4A-106. The statements of economic interests
12 required of persons listed in items (a) through (f), and item
13 (j), and item (l) of Section 4A-101 shall be filed with the
14 Secretary of State. The statements of economic interests
15 required of persons listed in items (g), (h), (i), and (k),
16 and--(l) of Section 4A-101 shall be filed with the county
17 clerk of the county in which the principal office of the unit
18 of local government with which the person is associated is
19 located. If it is not apparent which county the principal
20 office of a unit of local government is located, the chief
21 administrative officer, or his or her designee, has the
22 authority, for purposes of this Act, to determine the county
23 in which the principal office is located. On or before
24 February 1 annually, (1) the chief administrative officer of
25 any State agency in the executive, legislative, or judicial
26 branch employing persons required to file under item (f) or
27 item (l) of Section 4A-101 shall certify to the Secretary of
28 State the names and mailing addresses of those persons, and
29 (2) the chief administrative officer, or his or her designee,
30 of each unit of local government with persons described in
31 items (h), (i) and (k) of Section 4A-101 shall certify to the
32 appropriate county clerk a list of names and addresses of
33 persons described in items (h), (i) and (k) of Section 4A-101

1 that are required to file. In preparing the lists, each
2 chief administrative officer, or his or her designee, shall
3 set out the names in alphabetical order.

4 ~~On or before February 1 annually, the secretary to the~~
5 ~~board of education for local school councils established~~
6 ~~pursuant to Section 34-2.1 of the School Code shall certify~~
7 ~~to the county clerk the names and mailing addresses of these~~
8 ~~persons described in item (1) of Section 4A-101.~~

9 On or before April 1 annually, the Secretary of State
10 shall notify (1) all persons whose names have been certified
11 to him under items ~~item~~ (f) and (1) of Section 4A-101, and
12 (2) all persons described in items (a) through (e) and item
13 (j) of Section 4A-101, other than candidates for office who
14 have filed their statements with their nominating petitions,
15 of the requirements for filing statements of economic
16 interests. A person required to file with the Secretary of
17 State by virtue of more than one item among items (a) through
18 (f) and items ~~item~~ (j) and (1) shall be notified of and is
19 required to file only one statement of economic interests
20 relating to all items under which the person is required to
21 file with the Secretary of State.

22 On or before April 1 annually, the county clerk of each
23 county shall notify all persons whose names have been
24 certified to him under items (g), (h), (i), and (k), ~~and (1)~~
25 of Section 4A-101, other than candidates for office who have
26 filed their statements with their nominating petitions, of
27 the requirements for filing statements of economic interests.
28 A person required to file with a county clerk by virtue of
29 more than one item among items (g), (h), (i), and (k), ~~and~~
30 ~~(1)~~ shall be notified of and is required to file only one
31 statement of economic interests relating to all items under
32 which the person is required to file with that county clerk.

33 Except as provided in Section 4A-106.1, the notices
34 provided for in this Section shall be in writing and

1 deposited in the U.S. Mail, properly addressed, first class
2 postage prepaid, on or before the day required by this
3 Section for the sending of the notice. A certificate executed
4 by the Secretary of State or county clerk attesting that he
5 has mailed the notice constitutes prima facie evidence
6 thereof.

7 From the lists certified to him under this Section of
8 persons described in items (g), (h), (i), and (k)~~7--and-(l)~~ of
9 Section 4A-101, the clerk of each county shall compile an
10 alphabetical listing of persons required to file statements
11 of economic interests in his office under any of those items.
12 As the statements are filed in his office, the county clerk
13 shall cause the fact of that filing to be indicated on the
14 alphabetical listing of persons who are required to file
15 statements. Within 30 days after the due dates, the county
16 clerk shall mail to the State Board of Elections a true copy
17 of that listing showing those who have filed statements.

18 The county clerk of each county shall note upon the
19 alphabetical listing the names of all persons required to
20 file a statement of economic interests who failed to file a
21 statement on or before May 1. It shall be the duty of the
22 several county clerks to give notice as provided in Section
23 4A-105 to any person who has failed to file his or her
24 statement with the clerk on or before May 1.

25 Any person who files or has filed a statement of economic
26 interest under this Act is entitled to receive from the
27 Secretary of State or county clerk, as the case may be, a
28 receipt indicating that the person has filed such a
29 statement, the date of such filing, and the identity of the
30 governmental unit or units in relation to which the filing is
31 required.

32 The Secretary of State may employ such employees and
33 consultants as he considers necessary to carry out his duties
34 hereunder, and may prescribe their duties, fix their

1 compensation, and provide for reimbursement of their
2 expenses.

3 All statements of economic interests filed under this
4 Section shall be available for examination and copying by the
5 public at all reasonable times. Not later than 12 months
6 after the effective date of this amendatory Act of the 93rd
7 General Assembly, beginning with statements filed in calendar
8 year 2004, the Secretary of State shall make statements of
9 economic interests filed with the Secretary available for
10 inspection and copying via the Secretary's website. Each
11 person examining a statement filed with the county clerk must
12 first fill out a form prepared by the Secretary of State
13 identifying the examiner by name, occupation, address and
14 telephone number, and listing the date of examination and
15 reason for such examination. The Secretary of State shall
16 supply such forms to the county clerks annually and replenish
17 such forms upon request.

18 ~~The Secretary--of-State-or~~ county clerk, ~~as-the-case-may~~
19 ~~be,~~ shall promptly notify each person required to file a
20 statement under this Article of each instance of an
21 examination of his statement by sending him a duplicate
22 original of the identification form filled out by the person
23 examining his statement.

24 (Source: P.A. 92-101, eff. 1-1-02.)

25 (5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

26 Sec. 4A-107. Any person required to file a statement of
27 economic interests under this Article who willfully files a
28 false or incomplete statement shall be guilty of a Class A
29 misdemeanor.

30 Failure to file a statement within the time prescribed
31 shall result in ineligibility for, or forfeiture of, office
32 or position of employment, as the case may be; provided,
33 however, that if the notice of failure to file a statement of

1 economic interests provided in Section 4A-105 of this Act is
2 not given by the Secretary of State or the county clerk, as
3 the case may be, no forfeiture shall result if a statement is
4 filed within 30 days of actual notice of the failure to file.

5 The Attorney General, with respect to offices or
6 positions described in items (a) through (f) and items (j)
7 and (l) of Section 4A-101 of this Act, or the State's
8 Attorney of the county of the entity for which the filing of
9 statements of economic interests is required, with respect to
10 offices or positions described in items (g) through (i) and
11 item₇ (k)₇ ~~and (l)~~ of Section 4A-101 of this Act, shall bring
12 an action in quo warranto against any person who has failed
13 to file by either May 31 or June 30 of any given year.

14 (Source: P.A. 88-187; 88-511.)

15 (5 ILCS 425/Act rep.)

16 Section 85. If and only if House Bill 3412 as passed by
17 the 93rd General Assembly becomes law by override of the
18 Governor's amendatory veto, the State Gift Ban Act is
19 repealed.

20 (15 ILCS 505/19 rep.)

21 Section 87. If and only if House Bill 3412 as passed by
22 the 93rd General Assembly becomes law by override of the
23 Governor's amendatory veto, the State Treasurer Act is
24 amended by repealing Section 19.

25 Section 90. If and only if House Bill 3412 as passed by
26 the 93rd General Assembly becomes law by override of the
27 Governor's amendatory veto, the Personnel Code is amended by
28 changing Section 4c as follows:

29 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

30 Sec. 4c. General exemptions. The following positions in

1 State service shall be exempt from jurisdictions A, B, and C,
2 unless the jurisdictions shall be extended as provided in
3 this Act:

4 (1) All officers elected by the people.

5 (2) All positions under the Lieutenant Governor,
6 Secretary of State, State Treasurer, State Comptroller,
7 State Board of Education, Clerk of the Supreme Court, and
8 Attorney General.

9 (3) Judges, and officers and employees of the
10 courts, and notaries public.

11 (4) All officers and employees of the Illinois
12 General Assembly, all employees of legislative
13 commissions, all officers and employees of the Illinois
14 Legislative Reference Bureau, the Legislative Research
15 Unit, and the Legislative Printing Unit.

16 (5) All positions in the Illinois National Guard
17 and Illinois State Guard, paid from federal funds or
18 positions in the State Military Service filled by
19 enlistment and paid from State funds.

20 (6) All employees of the Governor at the executive
21 mansion and on his immediate personal staff.

22 (7) Directors of Departments, the Adjutant General,
23 the Assistant Adjutant General, the Director of the
24 Illinois Emergency Management Agency, members of boards
25 and commissions, and all other positions appointed by
26 the Governor by and with the consent of the Senate.

27 (8) The presidents, other principal administrative
28 officers, and teaching, research and extension faculties
29 of Chicago State University, Eastern Illinois University,
30 Governors State University, Illinois State University,
31 Northeastern Illinois University, Northern Illinois
32 University, Western Illinois University, the Illinois
33 Community College Board, Southern Illinois University,
34 Illinois Board of Higher Education, University of

1 Illinois, State Universities Civil Service System,
2 University Retirement System of Illinois, and the
3 administrative officers and scientific and technical
4 staff of the Illinois State Museum.

5 (9) All other employees except the presidents,
6 other principal administrative officers, and teaching,
7 research and extension faculties of the universities
8 under the jurisdiction of the Board of Regents and the
9 colleges and universities under the jurisdiction of the
10 Board of Governors of State Colleges and Universities,
11 Illinois Community College Board, Southern Illinois
12 University, Illinois Board of Higher Education, Board of
13 Governors of State Colleges and Universities, the Board
14 of Regents, University of Illinois, State Universities
15 Civil Service System, University Retirement System of
16 Illinois, so long as these are subject to the provisions
17 of the State Universities Civil Service Act.

18 (10) The State Police so long as they are subject
19 to the merit provisions of the State Police Act.

20 (11) The scientific staff of the State Scientific
21 Surveys and the Waste Management and Research Center.

22 (12) The technical and engineering staffs of the
23 Department of Transportation, the Department of Nuclear
24 Safety, the Pollution Control Board, and the Illinois
25 Commerce Commission, and the technical and engineering
26 staff providing architectural and engineering services in
27 the Department of Central Management Services.

28 (13) All employees of the Illinois State Toll
29 Highway Authority.

30 (14) The Secretary of the Industrial Commission.

31 (15) All persons who are appointed or employed by
32 the Director of Insurance under authority of Section 202
33 of the Illinois Insurance Code to assist the Director of
34 Insurance in discharging his responsibilities relating to

1 the rehabilitation, liquidation, conservation, and
2 dissolution of companies that are subject to the
3 jurisdiction of the Illinois Insurance Code.

4 (16) All employees of the St. Louis Metropolitan
5 Area Airport Authority.

6 (17) All investment officers employed by the
7 Illinois State Board of Investment.

8 (18) Employees of the Illinois Young Adult
9 Conservation Corps program, administered by the Illinois
10 Department of Natural Resources, authorized grantee under
11 Title VIII of the Comprehensive Employment and Training
12 Act of 1973, 29 USC 993.

13 (19) Seasonal employees of the Department of
14 Agriculture for the operation of the Illinois State Fair
15 and the DuQuoin State Fair, no one person receiving more
16 than 29 days of such employment in any calendar year.

17 (20) All "temporary" employees hired under the
18 Department of Natural Resources' Illinois Conservation
19 Service, a youth employment program that hires young
20 people to work in State parks for a period of one year or
21 less.

22 (21) All hearing officers of the Human Rights
23 Commission.

24 (22) All employees of the Illinois Mathematics and
25 Science Academy.

26 (23) All employees of the Kankakee River Valley
27 Area Airport Authority.

28 (24) The commissioners and employees of the
29 Executive Ethics Commission.

30 (25) The Executive Inspectors General, including
31 special Executive Inspectors General, and employees of
32 each Office of an Executive Inspector General.

33 (26) The commissioners and employees of the
34 Legislative Ethics Commission.

1 (27) The Legislative Inspector General, including
2 special Legislative Inspectors General, and employees of
3 the Office of the Legislative Inspector General.

4 (28) The Auditor General's Inspector General and
5 employees of the Office of the Auditor General's
6 Inspector General.

7 (Source: P.A. 90-490, eff. 8-17-97; 91-214, eff. 1-1-00;
8 91-357, eff. 7-29-99.)

9 Section 95. If and only if House Bill 3412 as passed by
10 the 93rd General Assembly becomes law by override of the
11 Governor's amendatory veto, the General Assembly Compensation
12 Act is amended by changing Section 4 as follows:

13 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

14 Sec. 4. Office allowance. Beginning July 1, 2001, each
15 member of the House of Representatives is authorized to
16 approve the expenditure of not more than \$61,000 per year and
17 each member of the Senate is authorized to approve the
18 expenditure of not more than \$73,000 per year to pay for
19 "personal services", "contractual services", "commodities",
20 "printing", "travel", "operation of automotive equipment",
21 "telecommunications services", as defined in the State
22 Finance Act, and the compensation of one or more legislative
23 assistants authorized pursuant to this Section, in connection
24 with his or her legislative duties and not in connection with
25 any political campaign. On July 1, 2002 and on July 1 of each
26 year thereafter, the amount authorized per year under this
27 Section for each member of the Senate and each member of the
28 House of Representatives shall be increased by a percentage
29 increase equivalent to the lesser of (i) the increase in the
30 designated cost of living index or (ii) 5%. The designated
31 cost of living index is the index known as the "Employment
32 Cost Index, Wages and Salaries, By Occupation and Industry

1 Groups: State and Local Government Workers: Public
2 Administration" as published by the Bureau of Labor
3 Statistics of the U.S. Department of Labor for the calendar
4 year immediately preceding the year of the respective July
5 1st increase date. The increase shall be added to the then
6 current amount, and the adjusted amount so determined shall
7 be the annual amount beginning July 1 of the increase year
8 until July 1 of the next year. No increase under this
9 provision shall be less than zero.

10 A member may purchase office equipment if the member
11 certifies to the Secretary of the Senate or the Clerk of the
12 House, as applicable, that the purchase price, whether paid
13 in lump sum or installments, amounts to less than would be
14 charged for renting or leasing the equipment over its
15 anticipated useful life. All such equipment must be
16 purchased through the Secretary of the Senate or the Clerk of
17 the House, as applicable, for proper identification and
18 verification of purchase.

19 Each member of the General Assembly is authorized to
20 employ one or more legislative assistants, who shall be
21 solely under the direction and control of that member, for
22 the purpose of assisting the member in the performance of his
23 or her official duties. A legislative assistant may be
24 employed pursuant to this Section as a full-time employee,
25 part-time employee, or contractual employee, at the
26 discretion of the member. If employed as a State employee, a
27 legislative assistant shall receive employment benefits on
28 the same terms and conditions that apply to other employees
29 of the General Assembly. Each member shall adopt and
30 implement personnel policies for legislative assistants under
31 his or her direction and control relating to work time
32 requirements, documentation for reimbursement for travel on
33 official State business, compensation, and the earning and
34 accrual of State benefits for those legislative assistants

1 who may be eligible to receive those benefits. The policies
2 shall also require legislative assistants to periodically
3 submit time sheets documenting, in quarter-hour increments,
4 the time spent each day on official State business. The
5 policies shall require the time sheets to be submitted on
6 paper, electronically, or both and to be maintained in either
7 paper or electronic format by the applicable fiscal office
8 for a period of at least 2 years. Contractual employees may
9 satisfy the time sheets requirement by complying with the
10 terms of their contract, which shall provide for a means of
11 compliance with this requirement. A member may satisfy the
12 requirements of this paragraph by adopting and implementing
13 the personnel policies promulgated by that member's
14 legislative leader under the State Officials and Employees
15 Ethics Act with respect to that member's legislative
16 assistants.

17 As used in this Section the term "personal services"
18 shall include contributions of the State under the Federal
19 Insurance Contribution Act and under Article 14 of the
20 Illinois Pension Code. As used in this Section the term
21 "contractual services" shall not include improvements to real
22 property unless those improvements are the obligation of the
23 lessee under the lease agreement. Beginning July 1, 1989, as
24 used in the Section, the term "travel" shall be limited to
25 travel in connection with a member's legislative duties and
26 not in connection with any political campaign. Beginning on
27 the effective date of this amendatory Act of the 93rd General
28 Assembly, as used in this Section, the term "printing"
29 includes, but is not limited to, newsletters, brochures,
30 certificates, congratulatory mailings, greeting or welcome
31 messages, anniversary or birthday cards, and congratulations
32 for prominent achievement cards. As used in this Section,
33 the term "printing" includes fees for non-substantive
34 resolutions charged by the Clerk of the House of

1 Representatives under subsection (c-5) of Section 1 of the
2 Legislative Materials Act. No newsletter or brochure that is
3 paid for, in whole or in part, with funds provided under this
4 Section may be printed or mailed during a period beginning
5 February 1 of the year of a general primary election and
6 ending the day after the general primary election and during
7 a period beginning September 1 of the year of a general
8 election and ending the day after the general election,
9 except that such a newsletter or brochure may be mailed
10 during those times if it is mailed to a constituent in
11 response to that constituent's inquiry concerning the needs
12 of that constituent or questions raised by that constituent.
13 Nothing in this Section shall be construed to authorize
14 expenditures for lodging and meals while a member is in
15 attendance at sessions of the General Assembly.

16 Any utility bill for service provided to a member's
17 district office for a period including portions of 2
18 consecutive fiscal years may be paid from funds appropriated
19 for such expenditure in either fiscal year.

20 If a vacancy occurs in the office of Senator or
21 Representative in the General Assembly, any office equipment
22 in the possession of the vacating member shall transfer to
23 the member's successor; if the successor does not want such
24 equipment, it shall be transferred to the Secretary of the
25 Senate or Clerk of the House of Representatives, as the case
26 may be, and if not wanted by other members of the General
27 Assembly then to the Department of Central Management
28 Services for treatment as surplus property under the State
29 Property Control Act. Each member, on or before June 30th of
30 each year, shall conduct an inventory of all equipment
31 purchased pursuant to this Act. Such inventory shall be
32 filed with the Secretary of the Senate or the Clerk of the
33 House, as the case may be. Whenever a vacancy occurs, the
34 Secretary of the Senate or the Clerk of the House, as the

1 case may be, shall conduct an inventory of equipment
2 purchased.

3 In the event that a member leaves office during his or
4 her term, any unexpended or unobligated portion of the
5 allowance granted under this Section shall lapse. The
6 vacating member's successor shall be granted an allowance in
7 an amount, rounded to the nearest dollar, computed by
8 dividing the annual allowance by 365 and multiplying the
9 quotient by the number of days remaining in the fiscal year.

10 From any appropriation for the purposes of this Section
11 for a fiscal year which overlaps 2 General Assemblies, no
12 more than 1/2 of the annual allowance per member may be spent
13 or encumbered by any member of either the outgoing or
14 incoming General Assembly, except that any member of the
15 incoming General Assembly who was a member of the outgoing
16 General Assembly may encumber or spend any portion of his
17 annual allowance within the fiscal year.

18 The appropriation for the annual allowances permitted by
19 this Section shall be included in an appropriation to the
20 President of the Senate and to the Speaker of the House of
21 Representatives for their respective members. The President
22 of the Senate and the Speaker of the House shall voucher for
23 payment individual members' expenditures from their annual
24 office allowances to the State Comptroller, subject to the
25 authority of the Comptroller under Section 9 of the State
26 Comptroller Act.

27 (Source: P.A. 90-569, eff. 1-28-98; 91-952, eff. 7-1-01; 93
28 HB3412enr.)

29 Section 100. If and only if House Bill 3412 as passed by
30 the 93rd General Assembly becomes law by override of the
31 Governor's amendatory veto, the Legislative Commission
32 Reorganization Act of 1984 is amended by changing Section
33 9-2.5 as follows:

1 (25 ILCS 130/9-2.5)

2 Sec. 9-2.5. Newsletters and brochures. The Legislative
3 Printing Unit may not print for any member of the General
4 Assembly any newsletters or brochures during the period
5 beginning February 1 of the year of a general primary
6 election and ending the day after the general primary
7 election and during a period beginning September 1 of the
8 year of a general election and ending the day after the
9 general election. A member of the General Assembly may not
10 mail, during a period beginning February 1 of the year of a
11 general primary election and ending the day after the general
12 primary election and during a period beginning September 1 of
13 the year of a general election and ending the day after the
14 general election, any newsletters or brochures that were
15 printed, at any time, by the Legislative Printing Unit,
16 except that such a newsletter or brochure may be mailed
17 during those times if it is mailed to a constituent in
18 response to that constituent's inquiry concerning the needs
19 of that constituent or questions raised by that constituent.

20 (Source: 93 HB3412enr.)

21 Section 115. If and only if House Bill 3412 as passed by
22 the 93rd General Assembly becomes law by override of the
23 Governor's amendatory veto, the Lobbyist Registration Act is
24 amended by changing Sections 3.1 and 5 as follows:

25 (25 ILCS 170/3.1)

26 Sec. 3.1. Prohibition on serving on boards and
27 commissions. Notwithstanding any other law of this State, on
28 and after February 1, 2004, but not before that date, a
29 person required to be registered under this Act, his or her
30 spouse, and his or her immediate family members living with
31 that person may not serve on a board, commission, authority,
32 or task force authorized or created by State law or by

1 executive order of the Governor; except that this restriction
2 does not apply to any of the following:

3 (1) a registered lobbyist, his or her spouse, or
4 any immediate family member living with the registered
5 lobbyist, who is serving in an elective public office,
6 whether elected or appointed to fill a vacancy; and

7 (2) a registered lobbyist, his or her spouse, or
8 any immediate family member living with the registered
9 lobbyist, who is serving on a State advisory body that
10 makes nonbinding recommendations to an agency of State
11 government but does not make binding recommendations or
12 determinations or take any other substantive action.

13 (Source: 93HB3412enr.)

14 (25 ILCS 170/5) (from Ch. 63, par. 175)

15 (Text of Section amended by P.A. 93-32)

16 Sec. 5. Lobbyist registration and disclosure. Every
17 person required to register under Section 3 shall each--and
18 every--year,--or before any such service is performed which
19 requires the person to register, but in any event not later
20 than 2 business days after being employed or retained, and on
21 or before each January 31 and July 31 thereafter, file in the
22 Office of the Secretary of State a written statement
23 containing the following information with respect to each
24 person or entity employing or retaining the person required
25 to register:

26 (a) The registrant's name, and permanent address,
27 e-mail address, if any, fax number, if any, business
28 telephone number, and temporary address, if the
29 registrant has a temporary address while lobbying of-the
30 registrant.

31 (a-5) If the registrant is an organization or
32 business entity, the information required under
33 subsection (a) for each person associated with the

1 registrant who will be lobbying, regardless of whether
2 lobbying is a significant part of his or her duties.

3 (b) The name and address of the person or persons
4 employing or retaining registrant to perform such
5 services or on whose behalf the registrant appears.

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

9 (c-5) Each executive and legislative branch agency
10 the registrant expects to lobby during the registration
11 period.

12 (c-6) The nature of the client's business, by
13 indicating all of the following categories that apply:
14 (1) banking and financial services, (2) manufacturing,
15 (3) education, (4) environment, (5) healthcare, (6)
16 insurance, (7) community interests, (8) labor, (9) public
17 relations or advertising, (10) marketing or sales, (11)
18 hospitality, (12) engineering, (13) information or
19 technology products or services, (14) social services,
20 (15) public utilities, (16) racing or wagering, (17) real
21 estate or construction, (18) telecommunications, (19)
22 trade or professional association, (20) travel or
23 tourism, (21) transportation, and (22) other (setting
24 forth the nature of that other business).

25 ~~(d)--A-pieture-of-the-registrant-~~

26 The registrant must file an amendment to the statement
27 within 14 calendar days to report any substantial change or
28 addition to the information previously filed, except that a
29 registrant must file an amendment to the statement to
30 disclose a new agreement to retain the registrant for
31 lobbying services before any service is performed which
32 requires the person to register, but in any event not later
33 than 2 business days after entering into the retainer
34 agreement.

1 Not later than 12 months after the effective date of this
2 amendatory Act of the 93rd General Assembly, or as soon
3 thereafter as the Secretary of State has provided adequate
4 software to the persons required to file, all statements and
5 amendments to statements required to be filed shall be filed
6 electronically. The Secretary of State shall promptly make
7 all filed statements and amendments to statements publicly
8 available by means of a searchable database that is
9 accessible through the World Wide Web. The Secretary of State
10 shall provide all software necessary to comply with this
11 provision to all persons required to file. The Secretary of
12 State shall implement a plan to provide computer access and
13 assistance to persons required to file electronically.

14 Persons required to register under this Act prior to July
15 1, 2003, shall remit a single, annual and nonrefundable \$50
16 registration fee. All fees collected for registrations prior
17 to July 1, 2003, shall be deposited into the Lobbyist
18 Registration Administration Fund for administration and
19 enforcement of this Act. Beginning July 1, 2003, all persons
20 other than entities qualified under Section 501(c)(3) of the
21 Internal Revenue Code required to register under this Act
22 shall remit a single, annual, and nonrefundable \$350 \$300
23 registration fee. Entities required to register under this
24 Act which are qualified under Section 501(c)(3) of the
25 Internal Revenue Code shall remit a single, annual, and
26 nonrefundable \$150 \$100 registration fee. Each individual
27 required to register under this Act shall submit, on an
28 annual basis, a picture of the registrant. A registrant may,
29 in lieu of submitting a picture on an annual basis, authorize
30 the Secretary of State to use any photo identification
31 available in any database maintained by the Secretary of
32 State for other purposes. The-increases-in-the-fees-from-\$50
33 to-\$100-and-from-\$50-to-\$300-by-this-amendatory--Act--of--the
34 93rd--General--Assembly--are--in--addition--to--any-other-fee

1 increase-enacted--by--the--93rd--or--any--subsequent--General
2 Assembly. Of each registration fee collected for
3 registrations on or after July 1, 2003, \$50 shall be
4 deposited into the Lobbyist Registration Administration Fund
5 for administration and enforcement of this Act and is
6 intended to implement and maintain electronic filing of
7 reports under this Act, any-additional-amount-collected-as--a
8 result--of--any-other-fee-increase-enacted-by-the-93rd-or-any
9 subsequent-General--Assembly--shall--be--deposited--into--the
10 Lobbyist--Registration--Administration--Fund-for-the-purposes
11 provided-by-law-for-that-fee-increase, the next \$100 shall be
12 deposited into the Lobbyist Registration Administration Fund
13 for administration and enforcement of this Act, and any
14 balance shall be deposited into the General Revenue Fund.

15 (Source: P.A. 93-32)

16 (Text of Section as amended by 93 HB3412enr.)

17 Sec. 5. Lobbyist registration and disclosure. Every
18 person required to register under Section 3 shall before any
19 service is performed which requires the person to register,
20 but in any event not later than 2 business days after being
21 employed or retained, and on or before each January 31 and
22 July 31 thereafter, file in the Office of the Secretary of
23 State a written statement containing the following
24 information with respect to each person or entity employing
25 or retaining the person required to register:

26 (a) The registrant's name, permanent address,
27 e-mail address, if any, fax number, if any, business
28 telephone number, and temporary address, if the
29 registrant has a temporary address while lobbying.

30 (a-5) If the registrant is an organization or
31 business entity, the information required under
32 subsection (a) for each person associated with the
33 registrant who will be lobbying, regardless of whether

1 lobbying is a significant part of his or her duties.

2 (b) The name and address of the person or persons
3 employing or retaining registrant to perform such
4 services or on whose behalf the registrant appears.

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

8 (c-5) Each executive and legislative branch agency
9 the registrant expects to lobby during the registration
10 period.

11 (c-6) The nature of the client's business, by
12 indicating all of the following categories that apply:
13 (1) banking and financial services, (2) manufacturing,
14 (3) education, (4) environment, (5) healthcare, (6)
15 insurance, (7) community interests, (8) labor, (9) public
16 relations or advertising, (10) marketing or sales, (11)
17 hospitality, (12) engineering, (13) information or
18 technology products or services, (14) social services,
19 (15) public utilities, (16) racing or wagering, (17) real
20 estate or construction, (18) telecommunications, (19)
21 trade or professional association, (20) travel or
22 tourism, (21) transportation, and (22) other (setting
23 forth the nature of that other business).

24 The registrant must file an amendment to the statement
25 within 14 calendar days to report any substantial change or
26 addition to the information previously filed, except that a
27 registrant must file an amendment to the statement to
28 disclose a new agreement to retain the registrant for
29 lobbying services before any service is performed which
30 requires the person to register, but in any event not later
31 than 2 business days after entering into the retainer
32 agreement.

33 Not later than 12 months after the effective date of this
34 amendatory Act of the 93rd General Assembly, or as soon

1 thereafter as the Secretary of State has provided adequate
2 software to the persons required to file, all statements and
3 amendments to statements required to be filed shall be filed
4 electronically. The Secretary of State shall promptly make
5 all filed statements and amendments to statements publicly
6 available by means of a searchable database that is
7 accessible through the World Wide Web. The Secretary of State
8 shall provide all software necessary to comply with this
9 provision to all persons required to file. The Secretary of
10 State shall implement a plan to provide computer access and
11 assistance to persons required to file electronically.

12 Persons required to register under this Act prior to July
13 1, 2003, shall,~~on an annual basis,~~ remit a single, annual
14 and nonrefundable \$50 ~~\$100~~ registration fee. All fees
15 collected for registrations prior to July 1, 2003, shall be
16 deposited into the Lobbyist Registration Administration Fund
17 for administration and enforcement of this Act. Beginning
18 July 1, 2003, all persons other than entities qualified under
19 Section 501(c)(3) of the Internal Revenue Code required to
20 register under this Act shall remit a single, annual, and
21 nonrefundable \$350 registration fee. Entities required to
22 register under this Act which are qualified under Section
23 501(c)(3) of the Internal Revenue Code shall remit a single,
24 annual, and nonrefundable \$150 registration fee. Each
25 individual required to register under this Act shall submit,
26 on an annual basis, a picture of the registrant ~~and a picture~~
27 ~~of the registrant.~~ A registrant may, in lieu of submitting a
28 picture on an annual basis, authorize the Secretary of State
29 to use any photo identification available in any database
30 maintained by the Secretary of State for other purposes. Of
31 each registration fee collected for registrations on or after
32 July 1, 2003, \$50 ~~All fees~~ shall be deposited into the
33 Lobbyist Registration Administration Fund for administration
34 and enforcement of this Act and, ~~The increase in the fee from~~

1 ~~\$50--to--\$100--by--this--amendatory--Act--and--of--the--93rd--General~~
2 ~~Assembly~~ is intended to be used to implement and maintain
3 electronic filing of reports under this Act, the next \$100
4 shall be deposited into the Lobbyist Registration
5 Administration Fund for administration and enforcement of
6 this Act, and any balance shall be deposited into the General
7 Revenue Fund. ~~and--is--in--addition--to--any--other--fee--increase~~
8 ~~enacted--by--the--93rd--or--any--subsequent--General--Assembly.~~
9 (Source: 93 HB3412enr.)

10 Section 990. Severability. The provisions of this Act
11 are severable under Section 1.31 of the Statute on Statutes.

12 Section 995. Closed sessions; vote requirement. This Act
13 authorizes the ethics commissions of the executive branch and
14 legislative branch to conduct closed sessions, hearings, and
15 meetings in certain circumstances. In order to meet the
16 requirements of subsection (c) of Section 5 of Article IV of
17 the Illinois Constitution, the General Assembly determines
18 that closed sessions, hearings, and meetings of the ethics
19 commissions, including the ethics commission for the
20 legislative branch, are required by the public interest.
21 Thus, this Act is enacted by the affirmative vote of
22 two-thirds of the members elected to each house of the
23 General Assembly.

24 Section 999. Effective date. This Act takes effect upon
25 becoming law."