



Executive Committee

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09600SB0054ham001

LRB096 04477 JAM 27218 a

1 AMENDMENT TO SENATE BILL 54

2 AMENDMENT NO. _____. Amend Senate Bill 54 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Governmental Ethics Act is amended
5 by changing Section 4A-101 as follows:

6 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

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

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

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

15 (c) Members of a Commission or Board created by the
16 Illinois Constitution, and candidates for nomination or

1 election to such Commission or Board.

2 (d) Persons whose appointment to office is subject to
3 confirmation by the Senate.

4 (e) Holders of, and candidates for nomination or
5 election to, the office of judge or associate judge of the
6 Circuit Court and the office of judge of the Appellate or
7 Supreme Court.

8 (f) Persons who are employed by any branch, agency,
9 authority or board of the government of this State,
10 including but not limited to, the Illinois State Toll
11 Highway Authority, the Illinois Housing Development
12 Authority, the Illinois Community College Board, and
13 institutions under the jurisdiction of the Board of
14 Trustees of the University of Illinois, Board of Trustees
15 of Southern Illinois University, Board of Trustees of
16 Chicago State University, Board of Trustees of Eastern
17 Illinois University, Board of Trustees of Governor's State
18 University, Board of Trustees of Illinois State
19 University, Board of Trustees of Northeastern Illinois
20 University, Board of Trustees of Northern Illinois
21 University, Board of Trustees of Western Illinois
22 University, or Board of Trustees of the Illinois
23 Mathematics and Science Academy, and are compensated for
24 services as employees and not as independent contractors
25 and who:

26 (1) are, or function as, the head of a department,

1 commission, board, division, bureau, authority or
2 other administrative unit within the government of
3 this State, or who exercise similar authority within
4 the government of this State;

5 (2) have direct supervisory authority over, or
6 direct responsibility for the formulation,
7 negotiation, issuance or execution of contracts
8 entered into by the State in the amount of \$5,000 or
9 more;

10 (3) have authority for the issuance or
11 promulgation of rules and regulations within areas
12 under the authority of the State;

13 (4) have authority for the approval of
14 professional licenses;

15 (5) have responsibility with respect to the
16 financial inspection of regulated nongovernmental
17 entities;

18 (6) adjudicate, arbitrate, or decide any judicial
19 or administrative proceeding, or review the
20 adjudication, arbitration or decision of any judicial
21 or administrative proceeding within the authority of
22 the State;

23 (7) have supervisory responsibility for 20 or more
24 employees of the State; ~~or~~

25 (8) negotiate, assign, authorize, or grant naming
26 rights or sponsorship rights regarding any property or

1 asset of the State, whether real, personal, tangible,
2 or intangible; or -

3 (9) have responsibility with respect to the
4 procurement of goods or services.

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

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

22 (i) Persons who are employed by a unit of local
23 government and are compensated for services as employees
24 and not as independent contractors and who:

25 (1) are, or function as, the head of a department,
26 division, bureau, authority or other administrative

1 unit within the unit of local government, or who
2 exercise similar authority within the unit of local
3 government;

4 (2) have direct supervisory authority over, or
5 direct responsibility for the formulation,
6 negotiation, issuance or execution of contracts
7 entered into by the unit of local government in the
8 amount of \$1,000 or greater;

9 (3) have authority to approve licenses and permits
10 by the unit of local government; this item does not
11 include employees who function in a ministerial
12 capacity;

13 (4) adjudicate, arbitrate, or decide any judicial
14 or administrative proceeding, or review the
15 adjudication, arbitration or decision of any judicial
16 or administrative proceeding within the authority of
17 the unit of local government;

18 (5) have authority to issue or promulgate rules and
19 regulations within areas under the authority of the
20 unit of local government; or

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

23 (j) Persons on the Board of Trustees of the Illinois
24 Mathematics and Science Academy.

25 (k) Persons employed by a school district in positions
26 that require that person to hold an administrative or a

1 chief school business official endorsement.

2 (l) Special government agents. A "special government
3 agent" is a person who is directed, retained, designated,
4 appointed, or employed, with or without compensation, by or
5 on behalf of a statewide executive branch constitutional
6 officer to make an ex parte communication under Section
7 5-50 of the State Officials and Employees Ethics Act or
8 Section 5-165 of the Illinois Administrative Procedure
9 Act.

10 (m) Members of the board of commissioners of any flood
11 prevention district.

12 (n) Members of the board of any retirement system or
13 investment board established under the Illinois Pension
14 Code, if not required to file under any other provision of
15 this Section.

16 (o) Members of the board of any pension fund
17 established under the Illinois Pension Code, if not
18 required to file under any other provision of this Section.

19 This Section shall not be construed to prevent any unit of
20 local government from enacting financial disclosure
21 requirements that mandate more information than required by
22 this Act.

23 (Source: P.A. 95-719, eff. 5-21-08; 96-6, eff. 4-3-09.)

24 Section 10. The State Officials and Employees Ethics Act is
25 amended by changing Sections 1-5, 5-10, 5-30, 5-40, 5-45, 15-5,

1 15-25, 20-5, 20-10, 20-20, 20-21, 20-45, 20-50, 20-55, 20-60,
2 20-65, 20-70, 20-80, 20-85, 20-90, 20-95, 25-5, 25-20, 25-50,
3 25-65, 25-95, 35-5, and 50-5 and by adding Sections 20-20a,
4 20-51, 20-52, 25-20a, 25-51, 25-52, and 50-10 as follows:

5 (5 ILCS 430/1-5)

6 Sec. 1-5. Definitions. As used in this Act:

7 "Appointee" means a person appointed to a position in or
8 with a State agency, regardless of whether the position is
9 compensated.

10 "Campaign for elective office" means any activity in
11 furtherance of an effort to influence the selection,
12 nomination, election, or appointment of any individual to any
13 federal, State, or local public office or office in a political
14 organization, or the selection, nomination, or election of
15 Presidential or Vice-Presidential electors, but does not
16 include activities (i) relating to the support or opposition of
17 any executive, legislative, or administrative action (as those
18 terms are defined in Section 2 of the Lobbyist Registration
19 Act), (ii) relating to collective bargaining, or (iii) that are
20 otherwise in furtherance of the person's official State duties.

21 "Candidate" means a person who has filed nominating papers
22 or petitions for nomination or election to an elected State
23 office, or who has been appointed to fill a vacancy in
24 nomination, and who remains eligible for placement on the
25 ballot at either a general primary election or general

1 election.

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

5 "Commission" means an ethics commission created by this
6 Act.

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

12 "Compensatory time off" means authorized time off earned by
13 or awarded to a State employee to compensate in whole or in
14 part for time worked in excess of the minimum work time
15 required of that employee as a condition of employment with a
16 State agency.

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

19 "Employee" means (i) any person employed full-time,
20 part-time, or pursuant to a contract and whose employment
21 duties are subject to the direction and control of an employer
22 with regard to the material details of how the work is to be
23 performed or (ii) any appointed or elected commissioner,
24 trustee, director, or board member of a board of a State
25 agency, including any retirement system or investment board
26 subject to the Illinois Pension Code or (iii) any other

1 appointee.

2 "Employment benefits" include but are not limited to the
3 following: modified compensation or benefit terms; compensated
4 time off; or change of title, job duties, or location of office
5 or employment. An employment benefit may also include favorable
6 treatment in determining whether to bring any disciplinary or
7 similar action or favorable treatment during the course of any
8 disciplinary or similar action or other performance review.

9 "Executive branch constitutional officer" means the
10 Governor, Lieutenant Governor, Attorney General, Secretary of
11 State, Comptroller, and Treasurer.

12 "Gift" means any gratuity, discount, entertainment,
13 hospitality, loan, forbearance, or other tangible or
14 intangible item having monetary value including, but not
15 limited to, cash, food and drink, and honoraria for speaking
16 engagements related to or attributable to government
17 employment or the official position of an employee, member, or
18 officer.

19 "Governmental entity" means a unit of local government
20 (including a community college district) or a school district
21 but not a State agency.

22 "Leave of absence" means any period during which a State
23 employee does not receive (i) compensation for State
24 employment, (ii) service credit towards State pension
25 benefits, and (iii) health insurance benefits paid for by the
26 State.

1 "Legislative branch constitutional officer" means a member
2 of the General Assembly and the Auditor General.

3 "Legislative leader" means the President and Minority
4 Leader of the Senate and the Speaker and Minority Leader of the
5 House of Representatives.

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

7 "Officer" means an executive branch constitutional officer
8 or a legislative branch constitutional officer.

9 "Political" means any activity in support of or in
10 connection with any campaign for elective office or any
11 political organization, but does not include activities (i)
12 relating to the support or opposition of any executive,
13 legislative, or administrative action (as those terms are
14 defined in Section 2 of the Lobbyist Registration Act), (ii)
15 relating to collective bargaining, or (iii) that are otherwise
16 in furtherance of the person's official State duties or
17 governmental and public service functions.

18 "Political organization" means a party, committee,
19 association, fund, or other organization (whether or not
20 incorporated) that is required to file a statement of
21 organization with the State Board of Elections or a county
22 clerk under Section 9-3 of the Election Code, but only with
23 regard to those activities that require filing with the State
24 Board of Elections or a county clerk.

25 "Prohibited political activity" means:

26 (1) Preparing for, organizing, or participating in any

1 political meeting, political rally, political
2 demonstration, or other political event.

3 (2) Soliciting contributions, including but not
4 limited to the purchase of, selling, distributing, or
5 receiving payment for tickets for any political
6 fundraiser, political meeting, or other political event.

7 (3) Soliciting, planning the solicitation of, or
8 preparing any document or report regarding any thing of
9 value intended as a campaign contribution.

10 (4) Planning, conducting, or participating in a public
11 opinion poll in connection with a campaign for elective
12 office or on behalf of a political organization for
13 political purposes or for or against any referendum
14 question.

15 (5) Surveying or gathering information from potential
16 or actual voters in an election to determine probable vote
17 outcome in connection with a campaign for elective office
18 or on behalf of a political organization for political
19 purposes or for or against any referendum question.

20 (6) Assisting at the polls on election day on behalf of
21 any political organization or candidate for elective
22 office or for or against any referendum question.

23 (7) Soliciting votes on behalf of a candidate for
24 elective office or a political organization or for or
25 against any referendum question or helping in an effort to
26 get voters to the polls.

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

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

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

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

16 (12) Campaigning for any elective office or for or
17 against any referendum question.

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

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

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

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

2 (1) is seeking official action (i) by the member or
3 officer or (ii) in the case of an employee, by the employee
4 or by the member, officer, State agency, or other employee
5 directing the employee;

6 (2) does business or seeks to do business (i) with the
7 member or officer or (ii) in the case of an employee, with
8 the employee or with the member, officer, State agency, or
9 other employee directing the employee;

10 (3) conducts activities regulated (i) by the member or
11 officer or (ii) in the case of an employee, by the employee
12 or by the member, officer, State agency, or other employee
13 directing the employee;

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

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

23 (6) is an agent of, a spouse of, or an immediate family
24 member who is living with a "prohibited source".

25 "State agency" includes all officers, boards, commissions
26 and agencies created by the Constitution, whether in the

1 executive or legislative branch; all officers, departments,
2 boards, commissions, agencies, institutions, authorities,
3 public institutions of higher learning as defined in Section 2
4 of the Higher Education Cooperation Act (except community
5 colleges), and bodies politic and corporate of the State; and
6 administrative units or corporate outgrowths of the State
7 government which are created by or pursuant to statute, other
8 than units of local government (including community college
9 districts) and their officers, school districts, and boards of
10 election commissioners; and all administrative units and
11 corporate outgrowths of the above and as may be created by
12 executive order of the Governor. "State agency" includes the
13 General Assembly, the Senate, the House of Representatives, the
14 President and Minority Leader of the Senate, the Speaker and
15 Minority Leader of the House of Representatives, the Senate
16 Operations Commission, and the legislative support services
17 agencies. "State agency" includes the Office of the Auditor
18 General. "State agency" does not include the judicial branch.

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

20 "Ultimate jurisdictional authority" means the following:

21 (1) For members, legislative partisan staff, and
22 legislative secretaries, the appropriate legislative
23 leader: President of the Senate, Minority Leader of the
24 Senate, Speaker of the House of Representatives, or
25 Minority Leader of the House of Representatives.

26 (2) For State employees who are professional staff or

1 employees of the Senate and not covered under item (1), the
2 Senate Operations Commission.

3 (3) For State employees who are professional staff or
4 employees of the House of Representatives and not covered
5 under item (1), the Speaker of the House of
6 Representatives.

7 (4) For State employees who are employees of the
8 legislative support services agencies, the Joint Committee
9 on Legislative Support Services.

10 (5) For State employees of the Auditor General, the
11 Auditor General.

12 (6) For State employees of public institutions of
13 higher learning as defined in Section 2 of the Higher
14 Education Cooperation Act (except community colleges), the
15 board of trustees of the appropriate public institution of
16 higher learning.

17 (7) For State employees of an executive branch
18 constitutional officer other than those described in
19 paragraph (6), the appropriate executive branch
20 constitutional officer.

21 (8) For State employees not under the jurisdiction of
22 paragraph (1), (2), (3), (4), (5), (6), or (7), the
23 Governor.

24 (Source: P.A. 95-880, eff. 8-19-08; 96-6, eff. 4-3-09.)

25 (5 ILCS 430/5-10)

1 Sec. 5-10. Ethics training.

2 (a) Each officer, member, and employee must complete, at
3 least annually beginning in 2004, an ethics training program
4 conducted by the appropriate State agency. Each ultimate
5 jurisdictional authority must implement an ethics training
6 program for its officers, members, and employees. These ethics
7 training programs shall be overseen by the appropriate Ethics
8 Commission and Inspector General appointed pursuant to this Act
9 in consultation with the Office of the Attorney General.

10 (b) Each ultimate jurisdictional authority subject to the
11 Executive Ethics Commission shall submit to the Executive
12 Ethics Commission, at least annually, or more frequently as
13 required by that Commission, an annual report that summarizes
14 ethics training that was completed during the previous year,
15 and lays out the plan for the ethics training programs in the
16 coming year.

17 (c) Each Inspector General shall set standards and
18 determine the hours and frequency of training necessary for
19 each position or category of positions. A person who fills a
20 vacancy in an elective or appointed position that requires
21 training and a person employed in a position that requires
22 training must complete his or her initial ethics training
23 within 30 days ~~6 months~~ after commencement of his or her office
24 or employment.

25 (d) Upon completion of the ethics training program, each
26 officer, member, and employee must certify in writing that the

1 person has completed the training program. Each officer,
2 member, and employee must provide to his or her ethics officer
3 a signed copy of the certification by the deadline for
4 completion of the ethics training program.

5 (e) The ethics training provided under this Act by the
6 Secretary of State may be expanded to satisfy the requirement
7 of Section 4.5 of the Lobbyist Registration Act.

8 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

9 (5 ILCS 430/5-30)

10 Sec. 5-30. Prohibited offer or promise.

11 (a) An officer or employee of the executive or legislative
12 branch or a candidate for an executive or legislative branch
13 office may not promise anything of value related to State
14 government, including but not limited to positions in State
15 government, promotions, ~~or~~ salary increases, other employment
16 benefits, board or commission appointments, favorable
17 treatment in any official or regulatory matter, the awarding of
18 any public contract, or action or inaction on any legislative
19 or regulatory matter, in consideration for a contribution to a
20 political committee, political party, or other entity that has
21 as one of its purposes the financial support of a candidate for
22 elective office.

23 (b) Any State employee who is requested or directed by an
24 officer, member, or employee of the executive or legislative
25 branch or a candidate for an executive or legislative branch

1 office to engage in activity prohibited by Section 5-30 shall
2 report such request or directive to the appropriate ethics
3 officer or Inspector General.

4 (c) Nothing in this Section prevents the making or
5 accepting of voluntary contributions otherwise in accordance
6 with law.

7 (Source: P.A. 93-615, eff. 11-19-03.)

8 (5 ILCS 430/5-40)

9 Sec. 5-40. Fundraising in Sangamon County. Except as
10 provided in this Section, any executive branch constitutional
11 officer, any candidate for an executive branch constitutional
12 office, any member of the General Assembly, any candidate for
13 the General Assembly, any political caucus of the General
14 Assembly, or any political committee on behalf of any of the
15 foregoing may not hold a political fundraising function in
16 Sangamon County on any day the legislature is in session (i)
17 during the period beginning February 1 and ending on the later
18 of the actual adjournment dates of either house of the spring
19 session and (ii) during fall veto session. For purposes of this
20 Section, the legislature is not considered to be in session on
21 a day that is solely a perfunctory session day or on a day when
22 only a committee is meeting.

23 During the period beginning June 1 and ending on the first
24 day of fall veto session each year, this Section does not apply
25 to (i) a member of the General Assembly whose legislative or

1 representative district is entirely within Sangamon County or
2 (ii) a candidate for the General Assembly from that legislative
3 or representative district.

4 (Source: P.A. 93-615, eff. 11-19-03.)

5 (5 ILCS 430/5-45)

6 Sec. 5-45. Procurement; revolving door prohibition.

7 (a) No former officer, member, or State employee, or spouse
8 or immediate family member living with such person, shall,
9 within a period of one year immediately after termination of
10 State employment, knowingly accept employment or receive
11 compensation or fees for services from a person or entity if
12 the officer, member, or State employee, during the year
13 immediately preceding termination of State employment,
14 participated personally and substantially in the ~~decision to~~
15 award of State contracts, or the issuance of State contract
16 change orders, with a cumulative value of ~~over~~ \$25,000 or more
17 to the person or entity, or its parent or subsidiary.

18 (b) No former officer of the executive branch or State
19 employee of the executive branch with regulatory or licensing
20 authority, or spouse or immediate family member living with
21 such person, shall, within a period of one year immediately
22 after termination of State employment, knowingly accept
23 employment or receive compensation or ~~of~~ fees for services from
24 a person or entity if the officer or State employee, during the
25 year immediately preceding termination of State employment,

1 participated personally and substantially in making ~~made~~ a
2 regulatory or licensing decision that directly applied to the
3 person or entity, or its parent or subsidiary.

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

21 (c) Within 6 months after the effective date of this
22 amendatory Act of the 96th General Assembly, each executive
23 branch constitutional officer and legislative leader, the
24 Auditor General, and the Joint Committee on Legislative Support
25 Services shall adopt a policy delineating which State positions
26 under his or her jurisdiction and control, by the nature of

1 their duties, may have the authority to participate personally
2 and substantially in the award of State contracts or in
3 regulatory or licensing decisions. The Governor shall adopt
4 such a policy for all State employees of the executive branch
5 not under the jurisdiction and control of any other executive
6 branch constitutional officer. ~~(d) This Section applies only to~~
7 ~~persons who terminate an affected position on or after the~~
8 ~~effective date of this amendatory Act of the 93rd General~~
9 ~~Assembly.~~

10 The policies required under subsection (c) of this Section
11 shall be filed with the appropriate ethics commission
12 established under this Act or, for the Auditor General, with
13 the Office of the Auditor General.

14 (d) Each Inspector General shall have the authority to
15 determine that additional State positions under his or her
16 jurisdiction, not otherwise subject to the policies required by
17 subsection (c) of this Section, are nonetheless subject to the
18 notification requirement of subsection (f) below due to their
19 involvement in the award of State contracts or in regulatory or
20 licensing decisions.

21 (e) The Joint Committee on Legislative Support Services,
22 the Auditor General, and each of the executive branch
23 constitutional officers and legislative leaders subject to
24 subsection (c) of this Section shall provide written
25 notification to all employees in positions subject to the
26 policies required by subsection (c) or a determination made

1 under subsection (d): (1) upon hiring, promotion, or transfer
2 into the relevant position; and (2) at the time the employee's
3 duties are changed in such a way as to qualify that employee.
4 An employee receiving notification must certify in writing that
5 the person was advised of the prohibition and the requirement
6 to notify the appropriate Inspector General in subsection (f).

7 (f) Any State employee in a position subject to the
8 policies required by subsection (c) or to a determination under
9 subsection (d), but who does not fall within the prohibition of
10 subsection (h) below, who is offered non-State employment
11 during State employment or within a period of one year
12 immediately after termination of State employment shall, prior
13 to accepting such non-State employment, notify the appropriate
14 Inspector General. Within 10 calendar days after receiving
15 notification from an employee in a position subject to the
16 policies required by subsection (c), such Inspector General
17 shall make a determination as to whether the State employee is
18 restricted from accepting such employment by subsection (a) or
19 (b). In making a determination, in addition to any other
20 relevant information, an Inspector General shall assess the
21 effect of the prospective employment or relationship upon
22 decisions referred to in subsections (a) and (b), based on the
23 totality of the participation by the former officer, member, or
24 State employee in those decisions. A determination by an
25 Inspector General must be in writing, signed and dated by the
26 Inspector General, and delivered to the subject of the

1 determination within 10 calendar days or the person is deemed
2 eligible for the employment opportunity. For purposes of this
3 subsection, "appropriate Inspector General" means (i) for
4 members and employees of the legislative branch, the
5 Legislative Inspector General; (ii) for the Auditor General and
6 employees of the Office of the Auditor General, the Inspector
7 General provided for in Section 30-5 of this Act; and (iii) for
8 executive branch officers and employees, the Inspector General
9 having jurisdiction over the officer or employee. Notice of any
10 determination of an Inspector General and of any such appeal
11 shall be given to the ultimate jurisdictional authority, the
12 Attorney General, and the Executive Ethics Commission.

13 (g) An Inspector General's determination regarding
14 restrictions under subsection (a) or (b) may be appealed to the
15 appropriate Ethics Commission by the person subject to the
16 decision or the Attorney General no later than the 10th
17 calendar day after the date of the determination.

18 On appeal, the Ethics Commission or Auditor General shall
19 seek, accept, and consider written public comments regarding a
20 determination. In deciding whether to uphold an Inspector
21 General's determination, the appropriate Ethics Commission or
22 Auditor General shall assess, in addition to any other relevant
23 information, the effect of the prospective employment or
24 relationship upon the decisions referred to in subsections (a)
25 and (b), based on the totality of the participation by the
26 former officer, member, or State employee in those decisions.

1 The Ethics Commission shall decide whether to uphold an
2 Inspector General's determination within 10 calendar days or
3 the person is deemed eligible for the employment opportunity.

4 (h) The following officers, members, or State employees
5 shall not, within a period of one year immediately after
6 termination of office or State employment, knowingly accept
7 employment or receive compensation or fees for services from a
8 person or entity if the person or entity or its parent or
9 subsidiary, during the year immediately preceding termination
10 of State employment, was a party to a State contract or
11 contracts with a cumulative value of \$25,000 or more involving
12 the officer, member, or State employee's State agency, or was
13 the subject of a regulatory or licensing decision involving the
14 officer, member, or State employee's State agency, regardless
15 of whether he or she participated personally and substantially
16 in the award of the State contract or contracts or the making
17 of the regulatory or licensing decision in question:

18 (1) members or officers;

19 (2) members of a commission or board created by the
20 Illinois Constitution;

21 (3) persons whose appointment to office is subject to
22 the advice and consent of the Senate;

23 (4) the head of a department, commission, board,
24 division, bureau, authority, or other administrative unit
25 within the government of this State;

26 (5) chief procurement officers, State purchasing

1 officers, and their designees whose duties are directly
2 related to State procurement; and

3 (6) chiefs of staff, deputy chiefs of staff, associate
4 chiefs of staff, assistant chiefs of staff, and deputy
5 governors.

6 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

7 (5 ILCS 430/15-5)

8 Sec. 15-5. Definitions. In this Article:

9 "Public body" means (1) any officer, member, or State
10 agency; (2) the federal government; (3) any local law
11 enforcement agency or prosecutorial office; (4) any federal or
12 State judiciary, grand or petit jury, law enforcement agency,
13 or prosecutorial office; and (5) any officer, employee,
14 department, agency, or other division of any of the foregoing.

15 "Supervisor" means an officer, a member, or a State
16 employee who has the authority to direct and control the work
17 performance of a State employee or who has authority to take
18 corrective action regarding any violation of a law, rule, or
19 regulation of which the State employee complains.

20 "Retaliatory action" means the reprimand, discharge,
21 suspension, demotion, ~~or~~ denial of promotion or transfer, or
22 change of any State employee in the terms or ~~and~~ conditions of
23 employment of any State employee, ~~and~~ that is taken in
24 retaliation for a State employee's involvement in protected
25 activity, as set forth in Section 15-10.

1 (Source: P.A. 93-615, eff. 11-19-03.)

2 (5 ILCS 430/15-25)

3 Sec. 15-25. Remedies. The State employee may be awarded
4 all remedies necessary to make the State employee whole and to
5 prevent future violations of this Article. The circuit courts
6 of this State shall have jurisdiction to hear cases brought
7 under this Article. Remedies imposed by the court may include,
8 but are not limited to, all of the following:

9 (1) reinstatement of the employee to either the same
10 position held before the retaliatory action or to an
11 equivalent position;

12 (2) 2 times the amount of back pay;

13 (3) interest on the back pay;

14 (4) the reinstatement of full fringe benefits and
15 seniority rights; and

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

18 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

19 (5 ILCS 430/20-5)

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, and
24 the Attorney General, Secretary of State, Comptroller, and

1 Treasurer shall each appoint one commissioner. Appointments
2 shall be made by and with the advice and consent of the Senate
3 by three-fifths of the elected members concurring by record
4 vote. Any nomination not acted upon by the Senate within 60
5 session days of the receipt thereof shall be deemed to have
6 received the advice and consent of the Senate. If, during a
7 recess of the Senate, there is a vacancy in an office of
8 commissioner, the appointing authority shall make a temporary
9 appointment until the next meeting of the Senate when the
10 appointing authority shall make a nomination to fill that
11 office. No person rejected for an office of commissioner shall,
12 except by the Senate's request, be nominated again for that
13 office at the same session of the Senate or be appointed to
14 that office during a recess of that Senate. No more than 5
15 commissioners may be of the same political party.

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

25 After the initial terms, commissioners shall serve for
26 4-year terms commencing on July 1 of the year of appointment

1 and running through June 30 of the fourth following year.
2 Commissioners may be reappointed to one or more subsequent
3 terms.

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

7 Terms shall run regardless of whether the position is
8 filled.

9 (c) The appointing authorities shall appoint commissioners
10 who have experience holding governmental office or employment
11 and shall appoint commissioners from the general public. A
12 person is not eligible to serve as a commissioner if that
13 person (i) has been convicted of a felony or a crime of
14 dishonesty or moral turpitude, (ii) is, or was within the
15 preceding 12 months, engaged in activities that require
16 registration under the Lobbyist Registration Act, (iii) is
17 related to the appointing authority, or (iv) is a State officer
18 or employee.

19 (d) The Executive Ethics Commission shall have
20 jurisdiction over all officers and employees of State agencies
21 other than the General Assembly, the Senate, the House of
22 Representatives, the President and Minority Leader of the
23 Senate, the Speaker and Minority Leader of the House of
24 Representatives, the Senate Operations Commission, the
25 legislative support services agencies, and the Office of the
26 Auditor General. The jurisdiction of the Commission is limited

1 to matters arising under this Act.

2 A member or legislative branch State employee serving on an
3 executive branch board or commission remains subject to the
4 jurisdiction of the Legislative Ethics Commission and is not
5 subject to the jurisdiction of the Executive Ethics Commission.

6 (d-5) The Executive Ethics Commission shall have
7 jurisdiction over all chief procurement officers and
8 procurement compliance monitors and their respective staffs.
9 The Executive Ethics Commission shall have jurisdiction over
10 any matters arising under the Illinois Procurement Code if the
11 Commission is given explicit authority in that Code.

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

1 (f) No commissioner or employee of the Executive Ethics
2 Commission may during his or her term of appointment or
3 employment:

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

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

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

11 (4) advocate for the appointment of another person to
12 an appointed or elected office or position or actively
13 participate in any campaign for any elective office.

14 (g) An appointing authority may remove a commissioner only
15 for cause.

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

22 (i) The Executive Ethics Commission shall appoint, by a
23 majority of the members appointed to the Commission, chief
24 procurement officers and procurement compliance monitors in
25 accordance with the provisions of the Illinois Procurement
26 Code. The compensation of a chief procurement officer and

1 procurement compliance monitor shall be determined by the
2 Commission.

3 (Source: P.A. 93-617, eff. 12-9-03.)

4 (5 ILCS 430/20-10)

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

6 (a) Five independent Offices of the Executive Inspector
7 General are created, one each for the Governor, the Attorney
8 General, the Secretary of State, the Comptroller, and the
9 Treasurer. Each Office shall be under the direction and
10 supervision of an Executive Inspector General and shall be a
11 fully independent office with separate appropriations.

12 (b) The Governor, Attorney General, Secretary of State,
13 Comptroller, and Treasurer shall each appoint an Executive
14 Inspector General, without regard to political affiliation and
15 solely on the basis of integrity and demonstrated ability.
16 Appointments shall be made by and with the advice and consent
17 of the Senate by three-fifths of the elected members concurring
18 by record vote. Any nomination not acted upon by the Senate
19 within 60 session days of the receipt thereof shall be deemed
20 to have received the advice and consent of the Senate. If,
21 during a recess of the Senate, there is a vacancy in an office
22 of Executive Inspector General, the appointing authority shall
23 make a temporary appointment until the next meeting of the
24 Senate when the appointing authority shall make a nomination to
25 fill that office. No person rejected for an office of Executive

1 Inspector General shall, except by the Senate's request, be
2 nominated again for that office at the same session of the
3 Senate or be appointed to that office during a recess of that
4 Senate.

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

16 Each Executive Inspector General shall have the following
17 qualifications:

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

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

22 (3) has 5 or more years of cumulative service (A) with
23 a federal, State, or local law enforcement agency, at least
24 2 years of which have been in a progressive investigatory
25 capacity; (B) as a federal, State, or local prosecutor; (C)
26 as a senior manager or executive of a federal, State, or

1 local agency; (D) as a member, an officer, or a State or
2 federal judge; or (E) representing any combination of (A)
3 through (D).

4 The term of each initial Executive Inspector General shall
5 commence upon qualification and shall run through June 30,
6 2008. The initial appointments shall be made within 60 days
7 after the effective date of this Act.

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

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

17 Terms shall run regardless of whether the position is
18 filled.

19 (c) The Executive Inspector General appointed by the
20 Attorney General shall have jurisdiction over the Attorney
21 General and all officers and employees of, and vendors and
22 others doing business with, State agencies within the
23 jurisdiction of the Attorney General. The Executive Inspector
24 General appointed by the Secretary of State shall have
25 jurisdiction over the Secretary of State and all officers and
26 employees of, and vendors and others doing business with, State

1 agencies within the jurisdiction of the Secretary of State. The
2 Executive Inspector General appointed by the Comptroller shall
3 have jurisdiction over the Comptroller and all officers and
4 employees of, and vendors and others doing business with, State
5 agencies within the jurisdiction of the Comptroller. The
6 Executive Inspector General appointed by the Treasurer shall
7 have jurisdiction over the Treasurer and all officers and
8 employees of, and vendors and others doing business with, State
9 agencies within the jurisdiction of the Treasurer. The
10 Executive Inspector General appointed by the Governor shall
11 have jurisdiction over the Governor, the Lieutenant Governor,
12 and all officers and employees of, and vendors and others doing
13 business with, executive branch State agencies under the
14 jurisdiction of the Executive Ethics Commission and not within
15 the jurisdiction of the Attorney General, the Secretary of
16 State, the Comptroller, or the Treasurer.

17 The jurisdiction of each Executive Inspector General is to
18 investigate allegations of fraud, waste, abuse, mismanagement,
19 misconduct, nonfeasance, misfeasance, malfeasance, or
20 violations of this Act or violations of other related laws and
21 rules.

22 (d) The ~~minimum~~ compensation for each Executive Inspector
23 General shall be determined by the Executive Ethics Commission
24 and shall be made from appropriations made to the Comptroller
25 for this purpose. ~~The actual compensation for each Executive~~
26 ~~Inspector General shall be determined by the appointing~~

1 ~~executive branch constitutional officer and must be at or above~~
2 ~~the minimum compensation level set by the Executive Ethics~~
3 ~~Commission.~~ Subject to Section 20-45 of this Act, each
4 Executive Inspector General has full authority to organize his
5 or her Office of the Executive Inspector General, including the
6 employment and determination of the compensation of staff, such
7 as deputies, assistants, and other employees, as
8 appropriations permit. A separate appropriation shall be made
9 for each Office of Executive Inspector General.

10 (e) No Executive Inspector General or employee of the
11 Office of the Executive Inspector General may, during his or
12 her term of appointment or employment:

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

14 (2) hold any other elected or appointed public office
15 except for appointments on governmental advisory boards or
16 study commissions or as otherwise expressly authorized by
17 law;

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

20 (4) advocate for the appointment of another person to
21 an appointed or elected office or position or actively
22 participate in any campaign for any elective office.

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

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

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

5 (2) hold any elected public office; or

6 (3) hold any appointed State, county, or local judicial
7 office.

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

10 (f) An Executive Inspector General may be removed only for
11 cause and may be removed only by the appointing constitutional
12 officer. At the time of the removal, the appointing
13 constitutional officer must report to the Executive Ethics
14 Commission the justification for the removal.

15 (Source: P.A. 93-617, eff. 12-9-03.)

16 (5 ILCS 430/20-20)

17 Sec. 20-20. Duties of the Executive Inspectors General. In
18 addition to duties otherwise assigned by law, each Executive
19 Inspector General shall have the following duties:

20 (1) To receive and investigate allegations of
21 violations of this Act. ~~The Executive Inspector General may~~
22 ~~receive information through the Office of any Executive~~
23 ~~Inspector General or through an ethics commission. An~~
24 ~~investigation may be conducted only in response to~~
25 ~~information reported to the Executive Inspector General as~~

1 ~~provided in this Section and not upon his or her own~~
2 ~~prerogative. Allegations may not be made anonymously.~~ An
3 investigation may not be initiated more than one year after
4 the most recent act of the alleged violation or of a series
5 of alleged violations except where there is reasonable
6 cause to believe that fraudulent concealment has occurred.
7 To constitute fraudulent concealment sufficient to toll
8 this limitations period, there must be an affirmative act
9 or representation calculated to prevent discovery of the
10 fact that a violation has occurred. The Executive Inspector
11 General shall have the discretion to determine the
12 appropriate means of investigation as permitted by law.

13 (2) To request information relating to an
14 investigation from any person when the Executive Inspector
15 General deems that information necessary in conducting an
16 investigation.

17 (3) To issue subpoenas to compel the attendance of
18 witnesses for the purposes of testimony and production of
19 documents and other items for inspection and copying and to
20 make service of those subpoenas and subpoenas issued under
21 item (7) of Section 20-15.

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

23 (5) To file pleadings in the name of the Executive
24 Inspector General with the Executive Ethics Commission,
25 through the Attorney General, as provided in this Article
26 if the Attorney General finds that reasonable cause exists

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

13 (9) To review hiring and employment files of each State
14 agency within the Executive Inspector General's
15 jurisdiction to ensure compliance with Rutan v. Republican
16 Party of Illinois, 497 U.S. 62 (1990), and with all
17 applicable employment laws.

18 (10) To establish a policy that ensures the appropriate
19 handling and correct recording of all investigations
20 conducted by the Office, and to ensure that the policy is
21 accessible via the Internet in order that those seeking to
22 report those allegations are familiar with the process and
23 that the subjects of those allegations are treated fairly.

24 (Source: P.A. 93-617, eff. 12-9-03.)

25 (5 ILCS 430/20-20a new)

1 Sec. 20-20a. Attorney General investigatory authority. In
2 addition to investigatory authority otherwise granted by law,
3 the Attorney General shall have the authority to investigate
4 violations of this Act pursuant to Section 20-50 or Section
5 20-51 of this Act after receipt of notice from the Executive
6 Ethics Commission or pursuant to Section 5-45. The Attorney
7 General shall have the discretion to determine the appropriate
8 means of investigation as permitted by law, including (i) the
9 request of information relating to an investigation from any
10 person when the Attorney General deems that information
11 necessary in conducting an investigation; and (ii) the issuance
12 of subpoenas to compel the attendance of witnesses for the
13 purposes of sworn testimony and production of documents and
14 other items for inspection and copying and the service of those
15 subpoenas.

16 Nothing in this Section shall be construed as granting the
17 Attorney General the authority to investigate alleged
18 misconduct pursuant to notice received under Section 20-50 or
19 Section 20-51 of this Act, if the information contained in the
20 notice indicates that the alleged misconduct was minor in
21 nature. As used in this Section, misconduct that is "minor in
22 nature" means misconduct that was a violation of office,
23 agency, or department policy and not of this Act or any other
24 civil or criminal law.

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

2 (a) The Executive Ethics Commission, on its own initiative
3 and by majority vote, may appoint special Executive Inspectors
4 General (i) to investigate alleged violations of this Act if an
5 investigation by the Inspector General was not concluded within
6 6 months after its initiation, where the Commission finds that
7 the Inspector General's reasons under Section 20-65 for failing
8 to complete the investigation are insufficient, ~~and~~ (ii) to
9 accept referrals from the Commission of allegations made
10 pursuant to this Act concerning an Executive Inspector General
11 or employee of an Office of an Executive Inspector General and
12 to investigate those allegations, (iii) to investigate matters
13 within the jurisdiction of an Executive Inspector General if an
14 Executive Inspector General (including his or her employees)
15 could be reasonably deemed to be a wrongdoer or suspect, or if
16 in the determination of the Commission, an investigation
17 presents real or apparent conflicts of interest for the Office
18 of the Executive Inspector General, and (iv) to investigate
19 alleged violations of this Act pursuant to Section 20-50 and
20 Section 20-51.

21 (b) A special Executive Inspector General must have the
22 same qualifications as an Executive Inspector General
23 appointed under Section 20-10.

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

1 (d) A special Executive Inspector General shall have the
2 same powers and duties with respect to the purpose of his or
3 her appointment as an Executive Inspector General appointed
4 under Section 20-10.

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

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

11 (Source: P.A. 93-617, eff. 12-9-03.)

12 (5 ILCS 430/20-45)

13 Sec. 20-45. Standing; representation.

14 (a) With the exception of a person appealing an Inspector
15 General's determination under Section 5-45 of this Act or under
16 applicable provisions of the Illinois Procurement Code, only
17 ~~only~~ an Executive Inspector General or the Attorney General may
18 bring actions before the Executive Ethics Commission. The
19 Attorney General may bring actions before the Executive Ethics
20 Commission upon receipt of notice pursuant to Section 5-50 or
21 Section 5-51 or pursuant to Section 5-45.

22 (b) With the exception of Section 5-45, the ~~The~~ Attorney
23 General shall represent an Executive Inspector General in all
24 proceedings before the Commission. Whenever the Attorney
25 General is sick or absent, or unable to attend, or is

1 interested in any matter or proceeding under this Act, upon the
2 filing of a petition under seal by any person with standing,
3 the Supreme Court (or any other court of competent jurisdiction
4 as designated and determined by rule of the Supreme Court) may
5 appoint some competent attorney to prosecute or defend that
6 matter or proceeding, and the attorney so appointed shall have
7 the same power and authority in relation to that matter or
8 proceeding as the Attorney General would have had if present
9 and attending to the same.

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

19 (Source: P.A. 93-617, eff. 12-9-03.)

20 (5 ILCS 430/20-50)

21 Sec. 20-50. Investigation reports, ~~complaint procedure.~~

22 (a) If an Executive Inspector General, upon the conclusion
23 of an investigation, determines that reasonable cause exists to
24 believe that a violation has occurred, then the Executive
25 Inspector General shall issue a summary report of the

1 investigation. The report shall be delivered to the appropriate
2 ultimate jurisdictional authority and to the head of each State
3 agency affected by or involved in the investigation, if
4 appropriate. The appropriate ultimate jurisdictional authority
5 or agency head shall respond to the summary report within 20
6 days, in writing, to the Executive Inspector General. The
7 response shall include a description of any corrective or
8 disciplinary action to be imposed.

9 (b) The summary report of the investigation shall include
10 the following:

11 (1) A description of any allegations or other
12 information received by the Executive Inspector General
13 pertinent to the investigation.

14 (2) A description of any alleged misconduct discovered
15 in the course of the investigation.

16 (3) Recommendations for any corrective or disciplinary
17 action to be taken in response to any alleged misconduct
18 described in the report, including but not limited to
19 discharge.

20 (4) Other information the Executive Inspector General
21 deems relevant to the investigation or resulting
22 recommendations.

23 (c) Within 30 days after receiving a response from the
24 appropriate ultimate jurisdictional authority or agency head
25 ~~Not less than 30 days after delivery of the summary report of~~
26 ~~an investigation~~ under subsection (a), the Executive Inspector

1 General shall notify the Commission and the Attorney General if
2 the Executive Inspector General believes that a complaint
3 should be filed with the Commission. If ~~if~~ the Executive
4 Inspector General desires to file a ~~petition for leave to file~~
5 a complaint with the Commission, the Executive Inspector
6 General shall submit the summary report and supporting
7 documents to ~~notify the Commission and~~ the Attorney General. If
8 the Attorney General concludes that there is insufficient
9 evidence that a violation has occurred, the Attorney General
10 shall notify the Executive Inspector General and the Executive
11 Inspector General shall deliver to the Executive Ethics
12 Commission a copy of the summary report and response from the
13 ultimate jurisdictional authority or agency head. If the
14 Attorney General determines that reasonable cause exists to
15 believe that a violation has occurred, then the Executive
16 Inspector General, represented by the Attorney General, may
17 file with the Executive Ethics Commission a ~~petition for leave~~
18 ~~to file~~ a complaint. The complaint ~~petition~~ shall set forth the
19 alleged violation and the grounds that exist to support the
20 complaint ~~petition~~. The ~~petition for leave to file a~~ complaint
21 must be filed with the Commission within 18 months after the
22 most recent act of the alleged violation or of a series of
23 alleged violations except where there is reasonable cause to
24 believe that fraudulent concealment has occurred. To
25 constitute fraudulent concealment sufficient to toll this
26 limitations period, there must be an affirmative act or

1 representation calculated to prevent discovery of the fact that
2 a violation has occurred. If ~~a petition for leave to file a~~
3 complaint is not filed with the Commission within 6 months
4 after notice by the Inspector General to the Commission and the
5 Attorney General, then the Commission may set a meeting of the
6 Commission at which the Attorney General shall appear and
7 provide a status report to the Commission.

8 (c-5) Within 30 days after receiving a response from the
9 appropriate ultimate jurisdictional authority or agency head
10 under subsection (a), if the Executive Inspector General does
11 not believe that a complaint should be filed, the Executive
12 Inspector General shall deliver to the Executive Ethics
13 Commission a statement setting forth the basis for the decision
14 not to file a complaint and a copy of the summary report and
15 response from the ultimate jurisdictional authority or agency
16 head. An Inspector General may also submit a redacted version
17 of the summary report and response from the ultimate
18 jurisdictional authority if the Inspector General believes
19 either contains information that, in the opinion of the
20 Inspector General, should be redacted prior to releasing the
21 report, may interfere with an ongoing investigation, or
22 identifies an informant or complainant.

23 (c-10) If, after reviewing the documents, the Commission
24 believes that further investigation is warranted, the
25 Commission may request that the Executive Inspector General
26 provide additional information or conduct further

1 investigation. The Commission may also appoint a Special
2 Executive Inspector General to investigate or refer the summary
3 report and response from the ultimate jurisdictional authority
4 to the Attorney General for further investigation or review. If
5 the Commission requests the Attorney General to investigate or
6 review, the Commission must notify the Attorney General and the
7 Inspector General. The Attorney General may not begin an
8 investigation or review until receipt of notice from the
9 Commission. If, after review, the Attorney General determines
10 that reasonable cause exists to believe that a violation has
11 occurred, then the Attorney General may file a complaint with
12 the Executive Ethics Commission. If the Attorney General
13 concludes that there is insufficient evidence that a violation
14 has occurred, the Attorney General shall notify the Executive
15 Ethics Commission and the appropriate Executive Inspector
16 General.

17 (d) A copy of the complaint filed with the Executive Ethics
18 Commission ~~petition~~ must be served on all respondents named in
19 the complaint and on each respondent's ultimate jurisdictional
20 authority in the same manner as process is served under the
21 Code of Civil Procedure.

22 (e) A respondent may file objections to the ~~petition for~~
23 ~~leave to file a~~ complaint within 30 days after notice of the
24 petition has been served on the respondent.

25 (f) The Commission shall meet, either in person or by
26 telephone, at least 30 days after the complaint is served on

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

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

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

1 respondent, (iv) issue injunctive relief as described in
2 Section 50-10, or (v) impose a combination of (ii) through (iv)
3 ~~or both.~~

4 (i) The proceedings on any complaint filed with the
5 Commission shall be conducted pursuant to rules promulgated by
6 the Commission.

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

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

11 (l) Within 30 days after the issuance of a final
12 administrative decision that concludes that a violation
13 occurred, the Executive Ethics Commission shall make public the
14 entire record of proceedings before the Commission, the
15 decision, any recommendation, any discipline imposed, and the
16 response from the agency head or ultimate jurisdictional
17 authority to the Executive Ethics Commission. ~~When the~~
18 ~~Inspector General concludes that there is insufficient~~
19 ~~evidence that a violation has occurred, the Inspector General~~
20 ~~shall close the investigation. At the request of the subject of~~
21 ~~the investigation, the Inspector General shall provide a~~
22 ~~written statement to the subject of the investigation and to~~
23 ~~the Commission of the Inspector General's decision to close the~~
24 ~~investigation. Closure by the Inspector General does not bar~~
25 ~~the Inspector General from resuming the investigation if~~
26 ~~circumstances warrant.~~

1 (Source: P.A. 93-617, eff. 12-9-03.)

2 (5 ILCS 430/20-51 new)

3 Sec. 20-51. Closed investigations. When the Inspector
4 General concludes that there is insufficient evidence that a
5 violation has occurred, the Inspector General shall close the
6 investigation. The Inspector General shall provide the
7 Commission with a written statement of the Inspector General's
8 decision to close the investigation. At the request of the
9 subject of the investigation, the Inspector General shall
10 provide a written statement to the subject of the investigation
11 of the Inspector General's decision to close the investigation.
12 Closure by the Inspector General does not bar the Inspector
13 General from resuming the investigation if circumstances
14 warrant. The Commission also has the discretion to request that
15 the Executive Inspector General conduct further investigation
16 of any matter closed pursuant to this Section, to appoint a
17 Special Executive Inspector General to investigate, or to refer
18 the allegations to the Attorney General for further
19 investigation or review. If the Commission requests the
20 Attorney General to investigate or review, the Commission must
21 notify the Attorney General and the Inspector General. The
22 Attorney General may not begin an investigation or review until
23 receipt of notice from the Commission.

24 (5 ILCS 430/20-52 new)

1 Sec. 20-52. Release of summary reports.

2 (a) Within 60 days after receipt of a summary report and
3 response from the ultimate jurisdictional authority or agency
4 head that resulted in a suspension of at least 3 days or
5 termination of employment, the Executive Ethics Commission
6 shall make available to the public the report and response or a
7 redacted version of the report and response. The Executive
8 Ethics Commission may make available to the public any other
9 summary report and response of the ultimate jurisdictional
10 authority or agency head or a redacted version of the report
11 and response.

12 (b) The Commission shall redact information in the summary
13 report that may reveal the identity of witnesses, complainants,
14 or informants or if the Commission determines it is appropriate
15 to protect the identity of a person before the report is made
16 public. The Commission may also redact any information it
17 believes should not be made public. Prior to publication, the
18 Commission shall permit the respondents, Inspector General,
19 and Attorney General to review documents to be made public and
20 offer suggestions for redaction or provide a response that
21 shall be made public with the summary report.

22 (c) The Commission may withhold publication of the report
23 or response if the Executive Inspector General or Attorney
24 General certifies that releasing the report to the public will
25 interfere with an ongoing investigation.

1 (5 ILCS 430/20-55)

2 Sec. 20-55. Decisions; recommendations.

3 (a) All decisions of the Executive Ethics Commission must
4 include a description of the alleged misconduct, the decision
5 of the Commission, including any fines levied and any
6 recommendation of discipline, and the reasoning for that
7 decision. All decisions of the Commission shall be delivered to
8 the head of the appropriate State agency, the appropriate
9 ultimate jurisdictional authority, and the appropriate
10 Executive Inspector General. The Executive Ethics Commission
11 shall promulgate rules for the decision and recommendation
12 process.

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

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

5 (c) Disciplinary action under this Act against a person
6 subject to the Personnel Code, the Secretary of State Merit
7 Employment Code, the Comptroller Merit Employment Code, or the
8 State Treasurer Employment Code is within the jurisdiction of
9 the Executive Ethics Commission and is not within the
10 jurisdiction of those Acts.

11 (d) Any hearing to contest disciplinary action for a
12 violation of this Act against a person subject to the Personnel
13 Code, the Secretary of State Merit Employment Code, the
14 Comptroller Merit Employment Code, or the State Treasurer
15 Employment Code pursuant to an agreement between an Executive
16 Inspector General and an ultimate jurisdictional authority
17 shall be conducted by the Executive Ethics Commission and not
18 under any of those Acts.

19 (Source: P.A. 93-617, eff. 12-9-03.)

20 (5 ILCS 430/20-60)

21 Sec. 20-60. Appeals. A decision of the Executive Ethics
22 Commission to impose a fine or injunctive relief is subject to
23 judicial review under the Administrative Review Law. All other
24 decisions by the Executive Ethics Commission are final and not
25 subject to review either administratively or judicially.

1 (Source: P.A. 93-617, eff. 12-9-03.)

2 (5 ILCS 430/20-65)

3 Sec. 20-65. Reporting of investigations ~~Investigations not~~
4 ~~concluded within 6 months.~~

5 (a) Each Executive Inspector General shall file a quarterly
6 activity report with the Executive Ethics Commission that
7 reflects investigative activity during the previous quarter.
8 The Executive Ethics Commission shall establish the reporting
9 dates. The activity report shall include at least the
10 following:

11 (1) The number of investigations opened during the
12 preceding quarter, the affected offices or agencies, and
13 the unique tracking numbers for new investigations.

14 (2) The number of investigations closed during the
15 preceding quarter, the affected offices or agencies, and
16 the unique tracking numbers for closed investigations.

17 (3) The status of each on-going investigation that
18 remained open at the end of the quarter, the affected
19 office, agency or agencies, the investigation's unique
20 tracking number, and a brief statement of the general
21 nature of the investigation.

22 (b) If any investigation is not concluded within 6 months
23 after its initiation, the appropriate Executive Inspector
24 General shall file a 6-month report with ~~notify~~ the Executive
25 Ethics Commission by the fifteenth day of the month following

1 it being open for 6 months. The 6-month report shall disclose:
2 ~~and appropriate ultimate jurisdictional authority of the~~
3 ~~general~~

4 (1) The general nature of the allegation or information
5 giving rise to the investigation, the title or job duties
6 of the subjects of the investigation, and the
7 investigation's unique tracking number.

8 (2) The date of the last alleged violation of this Act
9 or other State law giving rise to the investigation.

10 (3) Whether the Executive Inspector General has found
11 credible the allegations of criminal conduct.

12 (4) Whether the allegation has been referred to an
13 appropriate law enforcement agency and the identity of the
14 law enforcement agency to which those allegations were
15 referred.

16 (5) If an allegation has not been referred to an
17 appropriate law enforcement agency, and the reasons for the
18 failure to complete the investigation within 6 months, a
19 summary of the investigative steps taken, additional
20 investigative steps contemplated at the time of the report,
21 and an estimate of additional time necessary to complete
22 the investigation.

23 (6) Any other information deemed necessary by the
24 Executive Ethics Commission in determining whether to
25 appoint a Special Inspector General.

26 (c) If an Executive Inspector General has referred an

1 allegation to an appropriate law enforcement agency and
2 continues to investigate the matter, the future reporting
3 requirements of this Section are suspended.

4 (d) Reports filed under this Section are exempt from the
5 Freedom of Information Act.

6 (Source: P.A. 93-617, eff. 12-9-03.)

7 (5 ILCS 430/20-70)

8 Sec. 20-70. Cooperation in investigations. It is the duty
9 of every officer and employee under the jurisdiction of an
10 Executive Inspector General, including any inspector general
11 serving in any State agency under the jurisdiction of that
12 Executive Inspector General, to cooperate with the Executive
13 Inspector General and the Attorney General in any investigation
14 undertaken pursuant to this Act. Failure to cooperate includes,
15 but is not limited to, intentional omissions and knowing false
16 statements. Failure to cooperate with an investigation of the
17 Executive Inspector General or the Attorney General is grounds
18 for disciplinary action, including dismissal. Nothing in this
19 Section limits or alters a person's existing rights or
20 protections under State or federal law.

21 (Source: P.A. 93-617, eff. 12-9-03.)

22 (5 ILCS 430/20-80)

23 Sec. 20-80. Referrals of investigations. If an Executive
24 Inspector General determines that any alleged misconduct

1 involves any person not subject to the jurisdiction of the
2 Executive Ethics Commission, that Executive Inspector General
3 shall refer the reported allegations to the appropriate
4 Inspector General, appropriate ethics commission, or other
5 appropriate body. If an Executive Inspector General determines
6 that any alleged misconduct may give rise to criminal
7 penalties, the Executive Inspector General may refer the
8 allegations regarding that misconduct to the appropriate law
9 enforcement authority. If an Executive Inspector General
10 determines that any alleged misconduct resulted in the loss of
11 public funds in an amount of \$5,000 or greater, the Executive
12 Inspector General shall refer the allegations regarding that
13 misconduct to the Attorney General and any other appropriate
14 law enforcement authority.

15 (Source: P.A. 93-617, eff. 12-9-03.)

16 (5 ILCS 430/20-85)

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

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

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

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

5 (4) the number of investigations pending as of the
6 reporting date;

7 (5) the number of complaints forwarded to the Attorney
8 General since the date of the last report; ~~and~~

9 (6) the number of actions filed with the Executive
10 Ethics Commission since the date of the last report and the
11 number of actions pending before the Executive Ethics
12 Commission as of the reporting date; and

13 (7) the number of allegations referred to any law
14 enforcement agency.

15 The monthly report shall be available on the websites of
16 the Executive Inspector General and the constitutional
17 officer.

18 (Source: P.A. 93-617, eff. 12-9-03.)

19 (5 ILCS 430/20-90)

20 Sec. 20-90. Confidentiality.

21 (a) The identity of any individual providing information or
22 reporting any possible or alleged misconduct to an Executive
23 Inspector General or the Executive Ethics Commission shall be
24 kept confidential and may not be disclosed without the consent
25 of that individual, unless the individual consents to

1 disclosure of his or her name or disclosure of the individual's
2 identity is otherwise required by law. The confidentiality
3 granted by this subsection does not preclude the disclosure of
4 the identity of a person in any capacity other than as the
5 source of an allegation.

6 (b) Subject to the provisions of Section 20-52 ~~Section~~
7 ~~20-50(e)~~, commissioners, employees, and agents of the
8 Executive Ethics Commission, the Executive Inspectors General,
9 and employees and agents of each Office of an Executive
10 Inspector General, the Attorney General, and the employees and
11 agents of the office of the Attorney General shall keep
12 confidential and shall not disclose information exempted from
13 disclosure under the Freedom of Information Act or by this Act.
14 (Source: P.A. 93-617, eff. 12-9-03.)

15 (5 ILCS 430/20-95)

16 Sec. 20-95. Exemptions.

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

20 (b) Any allegations and related documents submitted to an
21 Executive Inspector General and any pleadings and related
22 documents brought before the Executive Ethics Commission are
23 exempt from the provisions of the Freedom of Information Act so
24 long as the Executive Ethics Commission does not make a finding
25 of a violation of this Act. If the Executive Ethics Commission

1 finds that a violation has occurred, the entire record of
2 proceedings before the Commission, the decision and
3 recommendation, and the response ~~mandatory report~~ from the
4 agency head or ultimate jurisdictional authority to the
5 Executive Ethics Commission are not exempt from the provisions
6 of the Freedom of Information Act but information contained
7 therein that is otherwise exempt from the Freedom of
8 Information Act must be redacted before disclosure as provided
9 in ~~Section 8 of~~ the Freedom of Information Act. A summary
10 report released by the Executive Ethics Commission under
11 Section 20-52 is a public record, but information redacted by
12 the Executive Ethics Commission shall not be part of the public
13 record.

14 (c) Meetings of the Commission ~~under Sections 20-5 and~~
15 ~~20-15 of this Act~~ are exempt from the provisions of the Open
16 Meetings Act.

17 (d) Unless otherwise provided in this Act, all
18 investigatory files and reports of the Office of an Executive
19 Inspector General, other than monthly ~~quarterly~~ reports
20 required under Section 20-85, are confidential, are exempt from
21 disclosure under the Freedom of Information Act, and shall not
22 be divulged to any person or agency, except as necessary (i) to
23 a the appropriate law enforcement authority ~~if the matter is~~
24 ~~referred pursuant to this Act~~, (ii) to the ultimate
25 jurisdictional authority, (iii) to the Executive Ethics
26 Commission; or (iv) to another Inspector General appointed

1 pursuant to this Act.

2 (Source: P.A. 93-617, eff. 12-9-03.)

3 (5 ILCS 430/25-5)

4 Sec. 25-5. Legislative Ethics Commission.

5 (a) The Legislative Ethics Commission is created.

6 (b) The Legislative Ethics Commission shall consist of 8
7 commissioners appointed 2 each by the President and Minority
8 Leader of the Senate and the Speaker and Minority Leader of the
9 House of Representatives.

10 The terms of the initial commissioners shall commence upon
11 qualification. Each appointing authority shall designate one
12 appointee who shall serve for a 2-year term running through
13 June 30, 2005. Each appointing authority shall designate one
14 appointee who shall serve for a 4-year term running through
15 June 30, 2007. The initial appointments shall be made within 60
16 days after the effective date of this Act.

17 After the initial terms, commissioners shall serve for
18 4-year terms commencing on July 1 of the year of appointment
19 and running through June 30 of the fourth following year.
20 Commissioners may be reappointed to one or more subsequent
21 terms.

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

25 Terms shall run regardless of whether the position is

1 filled.

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

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

24 An officer or executive branch State employee serving on a
25 legislative branch board or commission remains subject to the
26 jurisdiction of the Executive Ethics Commission and is not

1 subject to the jurisdiction of the Legislative Ethics
2 Commission.

3 (e) The Legislative Ethics Commission must meet, either in
4 person or by other technological means, monthly or as often as
5 necessary. At the first meeting of the Legislative Ethics
6 Commission, the commissioners shall choose from their number a
7 chairperson and other officers that they deem appropriate. The
8 terms of officers shall be for 2 years commencing July 1 and
9 running through June 30 of the second following year. Meetings
10 shall be held at the call of the chairperson or any 3
11 commissioners. Official action by the Commission shall require
12 the affirmative vote of 5 commissioners, and a quorum shall
13 consist of 5 commissioners. Commissioners shall receive no
14 compensation but may be reimbursed for their reasonable
15 expenses actually incurred in the performance of their duties.

16 (f) No commissioner, other than a commissioner who is a
17 member of the General Assembly, or employee of the Legislative
18 Ethics Commission may during his or her term of appointment or
19 employment:

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

21 (2) hold any other elected or appointed public office
22 except for appointments on governmental advisory boards or
23 study commissions or as otherwise expressly authorized by
24 law;

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

1 (4) advocate for the appointment of another person to
2 an appointed or elected office or position or actively
3 participate in any campaign for any elective office.

4 (g) An appointing authority may remove a commissioner only
5 for cause.

6 (h) The Legislative Ethics Commission shall appoint an
7 Executive Director subject to the approval of at least 3 of the
8 4 legislative leaders. The compensation of the Executive
9 Director shall be as determined by the Commission ~~or by the~~
10 ~~Compensation Review Board, whichever amount is higher.~~ The
11 Executive Director of the Legislative Ethics Commission may
12 employ, subject to the approval of at least 3 of the 4
13 legislative leaders, and determine the compensation of staff,
14 as appropriations permit.

15 (Source: P.A. 93-617, eff. 12-9-03; 93-685, eff. 7-8-04.)

16 (5 ILCS 430/25-20)

17 Sec. 25-20. Duties of the Legislative Inspector General. In
18 addition to duties otherwise assigned by law, the Legislative
19 Inspector General shall have the following duties:

20 (1) To receive and investigate allegations of
21 violations of this Act. ~~The Legislative Inspector General~~
22 ~~may receive information through the Office of the~~
23 ~~Legislative Inspector General or through an ethics~~
24 ~~commission. An investigation may be conducted only in~~
25 ~~response to information reported to the Legislative~~

1 ~~Inspector General as provided in this Section and not upon~~
2 ~~his or her own prerogative. Allegations may not be made~~
3 ~~anonymously.~~ An investigation may not be initiated more
4 than one year after the most recent act of the alleged
5 violation or of a series of alleged violations except where
6 there is reasonable cause to believe that fraudulent
7 concealment has occurred. To constitute fraudulent
8 concealment sufficient to toll this limitations period,
9 there must be an affirmative act or representation
10 calculated to prevent discovery of the fact that a
11 violation has occurred. The Legislative Inspector General
12 shall have the discretion to determine the appropriate
13 means of investigation as permitted by law.

14 (2) To request information relating to an
15 investigation from any person when the Legislative
16 Inspector General deems that information necessary in
17 conducting an investigation.

18 (3) To issue subpoenas, with the advance approval of
19 the Commission, to compel the attendance of witnesses for
20 the purposes of testimony and production of documents and
21 other items for inspection and copying and to make service
22 of those subpoenas and subpoenas issued under item (7) of
23 Section 25-15.

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

25 (5) To file pleadings in the name of the Legislative
26 Inspector General with the Legislative Ethics Commission,

1 through the Attorney General, as provided in this Article
2 if the Attorney General finds that reasonable cause exists
3 to believe that a violation has occurred.

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

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

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

15 (9) To establish a policy that ensures the appropriate
16 handling and correct recording of all investigations of
17 allegations and to ensure that the policy is accessible via
18 the Internet in order that those seeking to report those
19 allegations are familiar with the process and that the
20 subjects of those allegations are treated fairly.

21 (Source: P.A. 93-617, eff. 12-9-03.)

22 (5 ILCS 430/25-20a new)

23 Sec. 25-20a. Attorney General investigatory authority. In
24 addition to investigatory authority otherwise granted by law,
25 the Attorney General shall have the authority to investigate

1 violations of this Act pursuant to Section 25-50 or Section
2 25-51 of this Act after receipt of notice from the Legislative
3 Ethics Commission or pursuant to Section 5-45. The Attorney
4 General shall have the discretion to determine the appropriate
5 means of investigation as permitted by law, including (i) the
6 request of information relating to an investigation from any
7 person when the Attorney General deems that information
8 necessary in conducting an investigation; and (ii) the issuance
9 of subpoenas to compel the attendance of witnesses for the
10 purposes of sworn testimony and production of documents and
11 other items for inspection and copying and the service of those
12 subpoenas.

13 Nothing in this Section shall be construed as granting the
14 Attorney General the authority to investigate alleged
15 misconduct pursuant to notice received under Section 5-45,
16 Section 25-50, or Section 25-51 of this Act, if the information
17 contained in the notice indicates that the alleged misconduct
18 was minor in nature. As used in this Section, misconduct that
19 is "minor in nature" means misconduct that was a violation of
20 office, agency, or department policy and not of this Act or any
21 other civil or criminal law.

22 (5 ILCS 430/25-50)

23 Sec. 25-50. Investigation reports; ~~complaint procedure.~~

24 (a) If the Legislative Inspector General, upon the
25 conclusion of an investigation, determines that reasonable

1 cause exists to believe that a violation has occurred, then the
2 Legislative Inspector General shall issue a summary report of
3 the investigation. The report shall be delivered to the
4 appropriate ultimate jurisdictional authority and to the head
5 of each State agency affected by or involved in the
6 investigation, if appropriate. The appropriate ultimate
7 jurisdictional authority or agency head shall respond to the
8 summary report within 20 days, in writing, to the Legislative
9 Inspector General. The response shall include a description of
10 any corrective or disciplinary action to be imposed.

11 (b) The summary report of the investigation shall include
12 the following:

13 (1) A description of any allegations or other
14 information received by the Legislative Inspector General
15 pertinent to the investigation.

16 (2) A description of any alleged misconduct discovered
17 in the course of the investigation.

18 (3) Recommendations for any corrective or disciplinary
19 action to be taken in response to any alleged misconduct
20 described in the report, including but not limited to
21 discharge.

22 (4) Other information the Legislative Inspector
23 General deems relevant to the investigation or resulting
24 recommendations.

25 (c) Within 30 days after receiving a response from the
26 appropriate ultimate jurisdictional authority or agency head

1 ~~Not less than 30 days after delivery of the summary report of~~
2 ~~an investigation~~ under subsection (a), the Legislative
3 Inspector General shall notify the Commission and the Attorney
4 General if the Legislative Inspector General believes that a
5 complaint should be filed with the Commission. ~~If~~ if the
6 Legislative Inspector General desires to file a ~~petition for~~
7 ~~leave to file a~~ complaint with the Commission, the Legislative
8 Inspector General shall submit the summary report and
9 supporting documents to ~~notify the Commission and~~ the Attorney
10 General. If the Attorney General concludes that there is
11 insufficient evidence that a violation has occurred, the
12 Attorney General shall notify the Legislative Inspector
13 General and the Legislative Inspector General shall deliver to
14 the Legislative Ethics Commission a copy of the summary report
15 and response from the ultimate jurisdictional authority or
16 agency head. If the Attorney General determines that reasonable
17 cause exists to believe that a violation has occurred, then the
18 Legislative Inspector General, represented by the Attorney
19 General, may file with the Legislative Ethics Commission a
20 ~~petition for leave to file a~~ complaint. The complaint ~~petition~~
21 shall set forth the alleged violation and the grounds that
22 exist to support the complaint ~~petition~~. The ~~petition for leave~~
23 ~~to file a~~ complaint must be filed with the Commission within 18
24 months after the most recent act of the alleged violation or of
25 a series of alleged violations except where there is reasonable
26 cause to believe that fraudulent concealment has occurred. To

1 constitute fraudulent concealment sufficient to toll this
2 limitations period, there must be an affirmative act or
3 representation calculated to prevent discovery of the fact that
4 a violation has occurred. If a ~~petition for leave to file a~~
5 complaint is not filed with the Commission within 6 months
6 after notice by the Inspector General to the Commission and the
7 Attorney General, then the Commission may set a meeting of the
8 Commission at which the Attorney General shall appear and
9 provide a status report to the Commission.

10 (c-5) Within 30 days after receiving a response from the
11 appropriate ultimate jurisdictional authority or agency head
12 under subsection (a), if the Legislative Inspector General does
13 not believe that a complaint should be filed, the Legislative
14 Inspector General shall deliver to the Legislative Ethics
15 Commission a statement setting forth the basis for the decision
16 not to file a complaint and a copy of the summary report and
17 response from the ultimate jurisdictional authority or agency
18 head. The Inspector General may also submit a redacted version
19 of the summary report and response from the ultimate
20 jurisdictional authority if the Inspector General believes
21 either contains information that, in the opinion of the
22 Inspector General, should be redacted prior to releasing the
23 report, may interfere with an ongoing investigation, or
24 identifies an informant or complainant.

25 (c-10) If, after reviewing the documents, the Commission
26 believes that further investigation is warranted, the

1 Commission may request that the Legislative Inspector General
2 provide additional information or conduct further
3 investigation. The Commission may also refer the summary report
4 and response from the ultimate jurisdictional authority to the
5 Attorney General for further investigation or review. If the
6 Commission requests the Attorney General to investigate or
7 review, the Commission must notify the Attorney General and the
8 Legislative Inspector General. The Attorney General may not
9 begin an investigation or review until receipt of notice from
10 the Commission. If, after review, the Attorney General
11 determines that reasonable cause exists to believe that a
12 violation has occurred, then the Attorney General may file a
13 complaint with the Legislative Ethics Commission. If the
14 Attorney General concludes that there is insufficient evidence
15 that a violation has occurred, the Attorney General shall
16 notify the Legislative Ethics Commission and the appropriate
17 Legislative Inspector General.

18 (d) A copy of the complaint filed with the Legislative
19 Ethics Commission ~~petition~~ must be served on all respondents
20 named in the complaint and on each respondent's ultimate
21 jurisdictional authority in the same manner as process is
22 served under the Code of Civil Procedure.

23 (e) A respondent may file objections to the ~~petition for~~
24 ~~leave to file a~~ complaint within 30 days after notice of the
25 petition has been served on the respondent.

26 (f) The Commission shall meet, at least 30 days after the

1 complaint is served on all respondents either in person or by
2 telephone, in a closed session to review the sufficiency of the
3 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 by
6 certified mail, return receipt requested, to the Legislative
7 Inspector General, the Attorney General, and all respondents of
8 the Commission's ruling on the sufficiency of the complaint. If
9 the complaint is deemed to sufficiently allege a violation of
10 this Act, then the Commission shall ~~notify the parties and~~
11 ~~shall~~ include a hearing date scheduled within 4 weeks after the
12 date of the notice, unless all of the parties consent to a
13 later date. If the complaint is deemed not to sufficiently
14 allege a violation, then the Commission shall send by certified
15 mail, return receipt requested, a notice to the Legislative
16 Inspector General, the Attorney General, and all respondents
17 ~~the 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, by
20 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 Legislative Ethics Commission, the Commission shall (i)
25 dismiss the complaint, ~~or~~ (ii) issue a recommendation of
26 discipline to the respondent and the respondent's ultimate

1 jurisdictional authority, (iii) ~~or~~ impose an administrative
2 fine upon the respondent, (iv) issue injunctive relief as
3 described in Section 50-10, or (v) impose a combination of (ii)
4 through (iv) or both.

5 (i) The proceedings on any complaint filed with the
6 Commission shall be conducted pursuant to rules promulgated by
7 the Commission.

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

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

12 (l) Within 30 days after the issuance of a final
13 administrative decision that concludes that a violation
14 occurred, the Legislative Ethics Commission shall make public
15 the entire record of proceedings before the Commission, the
16 decision, any recommendation, any discipline imposed, and the
17 response from the agency head or ultimate jurisdictional
18 authority to the Legislative Ethics Commission. ~~When the~~
19 ~~Inspector General concludes that there is insufficient~~
20 ~~evidence that a violation has occurred, the Inspector General~~
21 ~~shall close the investigation. At the request of the subject of~~
22 ~~the investigation, the Inspector General shall provide a~~
23 ~~written statement to the subject of the investigation and to~~
24 ~~the Commission of the Inspector General's decision to close the~~
25 ~~investigation. Closure by the Inspector General does not bar~~
26 ~~the Inspector General from resuming the investigation if~~

1 ~~circumstances warrant.~~

2 (Source: P.A. 93-617, eff. 12-9-03.)

3 (5 ILCS 430/25-51 new)

4 Sec. 25-51. Closed investigations. When the Legislative
5 Inspector General concludes that there is insufficient
6 evidence that a violation has occurred, the Inspector General
7 shall close the investigation. The Legislative Inspector
8 General shall provide the Commission with a written statement
9 of the decision to close the investigation. At the request of
10 the subject of the investigation, the Legislative Inspector
11 General shall provide a written statement to the subject of the
12 investigation of the Inspector General's decision to close the
13 investigation. Closure by the Legislative Inspector General
14 does not bar the Inspector General from resuming the
15 investigation if circumstances warrant. The Commission also
16 has the discretion to request that the Legislative Inspector
17 General conduct further investigation of any matter closed
18 pursuant to this Section, or to refer the allegations to the
19 Attorney General for further review or investigation. If the
20 Commission requests the Attorney General to investigate or
21 review, the Commission must notify the Attorney General and the
22 Inspector General. The Attorney General may not begin an
23 investigation or review until receipt of notice from the
24 Commission.

1 (5 ILCS 430/25-52 new)

2 Sec. 25-52. Release of summary reports.

3 (a) Within 60 days after receipt of a summary report and
4 response from the ultimate jurisdictional authority or agency
5 head that resulted in a suspension of at least 3 days or
6 termination of employment, the Legislative Ethics Commission
7 shall make available to the public the report and response or a
8 redacted version of the report and response. The Legislative
9 Ethics Commission may make available to the public any other
10 summary report and response of the ultimate jurisdictional
11 authority or agency head or a redacted version of the report
12 and response.

13 (b) The Legislative Ethics Commission shall redact
14 information in the summary report that may reveal the identity
15 of witnesses, complainants, or informants or if the Commission
16 determines it is appropriate to protect the identity of a
17 person before publication. The Commission may also redact any
18 information it believes should not be made public. Prior to
19 publication, the Commission shall permit the respondents,
20 Legislative Inspector General, and Attorney General to review
21 documents to be made public and offer suggestions for redaction
22 or provide a response that shall be made public with the
23 summary report.

24 (c) The Legislative Ethics Commission may withhold
25 publication of the report or response if the Legislative
26 Inspector General or Attorney General certifies that

1 publication will interfere with an ongoing investigation.

2 (5 ILCS 430/25-65)

3 Sec. 25-65. Reporting of investigations ~~Investigations not~~
4 ~~concluded within 6 months.~~

5 (a) The Legislative Inspector General shall file a
6 quarterly activity report with the Legislative Ethics
7 Commission that reflects investigative activity during the
8 previous quarter. The Legislative Ethics Commission shall
9 establish the reporting dates. The activity report shall
10 include at least the following:

11 (1) A summary of any investigation opened during the
12 preceding quarter, the affected office, agency or
13 agencies, the investigation's unique tracking number, and
14 a brief statement of the general nature of the allegation
15 or allegations.

16 (2) A summary of any investigation closed during the
17 preceding quarter, the affected office, agency or
18 agencies, the investigation's unique tracking number, and
19 a brief statement of the general nature of the allegations
20 or allegations.

21 (3) The status of an ongoing investigation that
22 remained open at the end of the quarter, the affected
23 office, agency or agencies, the investigation's unique
24 tracking number, and a brief statement of the general
25 nature of the investigation.

1 **(b)** If any investigation is not concluded within 6 months
2 after its initiation, the Legislative Inspector General shall
3 file a 6-month report with ~~notify~~ the Legislative Ethics
4 Commission no later than 10 days after the 6th month. The
5 6-month report shall disclose: ~~and appropriate ultimate~~
6 ~~jurisdictional authority of the~~

7 **(1)** The general nature of the allegation or information
8 giving rise to the investigation, the title or job duties
9 of the subjects of the investigation, and the
10 investigation's unique tracking number.

11 **(2)** The date of the last alleged violation of this Act
12 or other State law giving rise to the investigation.

13 **(3)** Whether the Legislative Inspector General has
14 found credible the allegations of criminal conduct.

15 **(4)** Whether the allegation has been referred to an
16 appropriate law enforcement agency and the identity of the
17 law enforcement agency to which those allegations were
18 referred.

19 **(5)** If an allegation has not been referred to an
20 appropriate law enforcement agency, ~~and~~ the reasons for the
21 failure to complete the investigation within 6 months, a
22 summary of the investigative steps taken, additional
23 investigative steps contemplated at the time of the report,
24 and an estimate of additional time necessary to complete
25 the investigation.

26 **(6)** Any other information deemed necessary by the

1 Legislative Ethics Commission in determining whether to
2 appoint a Special Inspector General.

3 (c) If the Legislative Inspector General has referred an
4 allegation to an appropriate law enforcement agency and
5 continues to investigate the matter, the future reporting
6 requirements of this Section are suspended.

7 (Source: P.A. 93-617, eff. 12-9-03.)

8 (5 ILCS 430/25-95)

9 Sec. 25-95. Exemptions.

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

13 (a-5) Requests from ethics officers, members, and State
14 employees to the Office of the Legislative Inspector General, a
15 Special Legislative Inspector General, the Legislative Ethics
16 Commission, an ethics officer, or a person designated by a
17 legislative leader for guidance on matters involving the
18 interpretation or application of this Act or rules promulgated
19 under this Act are exempt from the provisions of the Freedom of
20 Information Act. Guidance provided to an ethics officer,
21 member, or State employee at the request of an ethics officer,
22 member, or State employee by the Office of the Legislative
23 Inspector General, a Special Legislative Inspector General,
24 the Legislative Ethics Commission, an ethics officer, or a
25 person designated by a legislative leader on matters involving

1 the interpretation or application of this Act or rules
2 promulgated under this Act is exempt from the provisions of the
3 Freedom of Information Act.

4 (b) Summary investigation reports released by the
5 Legislative Ethics Commission as provided in Section 25-52 are
6 public records. Otherwise, any ~~Any~~ allegations and related
7 documents submitted to the Legislative Inspector General and
8 any pleadings and related documents brought before the
9 Legislative Ethics Commission are exempt from the provisions of
10 the Freedom of Information Act so long as the Legislative
11 Ethics Commission does not make a finding of a violation of
12 this Act. If the Legislative Ethics Commission finds that a
13 violation has occurred, the entire record of proceedings before
14 the 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

1 Legislative Inspector General, other than monthly ~~quarterly~~
2 reports, are confidential, are exempt from disclosure under the
3 Freedom of Information Act, and shall not be divulged to any
4 person or agency, except as necessary (i) to the appropriate
5 law enforcement authority if the matter is referred pursuant to
6 this Act, (ii) to the ultimate jurisdictional authority, or
7 (iii) to the Legislative Ethics Commission.

8 (Source: P.A. 93-617, eff. 12-9-03; 93-685, eff. 7-8-04.)

9 (5 ILCS 430/35-5)

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

22 This Act prohibits the appointment or employment by an
23 officer, member, State employee, or State agency of any person
24 to serve or act with respect to one or more State agencies as
25 an Inspector General under this Act except as authorized and

1 required by Articles 20, 25, and 30 of this Act or Section 14
2 of the Secretary of State Act. No officer, member, State
3 employee, or State agency may appoint or employ an inspector
4 general for any purpose except as authorized or required by
5 law.

6 (Source: P.A. 93-617, eff. 12-9-03.)

7 (5 ILCS 430/50-5)

8 Sec. 50-5. Penalties.

9 (a) A person is guilty of a Class A misdemeanor if that
10 person intentionally violates any provision of Section 5-15,
11 5-30, 5-40, or 5-45 or Article 15.

12 (a-1) An ethics commission may levy an administrative fine
13 for a violation of Section 5-45 of this Act of up to 3 times the
14 total annual compensation that would have been obtained in
15 violation of Section 5-45.

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

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

22 (d) Any person who intentionally makes a false report
23 alleging a violation of any provision of this Act to an ethics
24 commission, an inspector general, the State Police, a State's
25 Attorney, the Attorney General, or any other law enforcement

1 official is guilty of a Class A misdemeanor.

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

8 (f) In addition to any other penalty that may apply,
9 whether criminal or civil, a State employee who intentionally
10 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
11 5-45 ~~5-40~~, or 5-50, Article 10, Article 15, or Section 20-90 or
12 25-90 is subject to discipline or discharge by the appropriate
13 ultimate jurisdictional authority.

14 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

15 (5 ILCS 430/50-10 new)

16 Sec. 50-10. Injunctive relief.

17 (a) For a violation of any Section of this Act, an ethics
18 commission may issue appropriate injunctive relief up to and
19 including discharge of a State employee.

20 (b) Any injunctive relief issued pursuant to this Section
21 must comport with the requirements of Section 20-40.

22 (5 ILCS 430/20-40 rep.)

23 Section 15. The State Officials and Employees Ethics Act is
24 amended by repealing Section 20-40.

1 Section 20. The Secretary of State Act is amended by
2 changing Section 14 as follows:

3 (15 ILCS 305/14)

4 Sec. 14. Inspector General.

5 (a) The Secretary of State must, with the advice and
6 consent of the Senate, appoint an Inspector General for the
7 purpose of detection, deterrence, and prevention of fraud,
8 corruption, mismanagement, gross or aggravated misconduct, or
9 misconduct that may be criminal in nature in the Office of the
10 Secretary of State. The Inspector General shall serve a 5-year
11 term. If no successor is appointed and qualified upon the
12 expiration of the Inspector General's term, the Office of
13 Inspector General is deemed vacant and the powers and duties
14 under this Section may be exercised only by an appointed and
15 qualified interim Inspector General until a successor
16 Inspector General is appointed and qualified. If the General
17 Assembly is not in session when a vacancy in the Office of
18 Inspector General occurs, the Secretary of State may appoint an
19 interim Inspector General whose term shall expire 2 weeks after
20 the next regularly scheduled session day of the Senate.

21 (b) The Inspector General shall have the following
22 qualifications:

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

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

3 (3) has either (A) 5 or more years of service with a
4 federal, State, or local law enforcement agency, at least 2
5 years of which have been in a progressive investigatory
6 capacity; (B) 5 or more years of service as a federal,
7 State, or local prosecutor; or (C) 5 or more years of
8 service as a senior manager or executive of a federal,
9 State, or local agency.

10 (c) The Inspector General may review, coordinate, and
11 recommend methods and procedures to increase the integrity of
12 the Office of the Secretary of State. The duties of the
13 Inspector General shall supplement and not supplant the duties
14 of the Chief Auditor for the Secretary of State's Office or any
15 other Inspector General that may be authorized by law. The
16 Inspector General must report directly to the Secretary of
17 State.

18 (d) In addition to the authority otherwise provided by this
19 Section, but only when investigating the Office of the
20 Secretary of State, its employees, or their actions for fraud,
21 corruption, mismanagement, gross or aggravated misconduct, or
22 misconduct that may be criminal in nature, the Inspector
23 General is authorized:

24 (1) To have access to all records, reports, audits,
25 reviews, documents, papers, recommendations, or other
26 materials available that relate to programs and operations

1 with respect to which the Inspector General has
2 responsibilities under this Section.

3 (2) To make any investigations and reports relating to
4 the administration of the programs and operations of the
5 Office of the Secretary of State that are, in the judgment
6 ~~judgement~~ of the Inspector General, necessary or
7 desirable.

8 (3) To request any information or assistance that may
9 be necessary for carrying out the duties and
10 responsibilities provided by this Section from any local,
11 State, or federal governmental agency or unit thereof.

12 (4) To require by subpoena the appearance of witnesses
13 and the production of all information, documents, reports,
14 answers, records, accounts, papers, and other data and
15 documentary evidence necessary in the performance of the
16 functions assigned by this Section, with the exception of
17 subsection (c) and with the exception of records of a labor
18 organization authorized and recognized under the Illinois
19 Public Labor Relations Act to be the exclusive bargaining
20 representative of employees of the Secretary of State,
21 including, but not limited to, records of representation of
22 employees and the negotiation of collective bargaining
23 agreements. A subpoena may be issued under this paragraph
24 (4) only by the Inspector General and not by members of the
25 Inspector General's staff. A person duly subpoenaed for
26 testimony, documents, or other items who neglects or

1 refuses to testify or produce documents or other items
2 under the requirements of the subpoena shall be subject to
3 punishment as may be determined by a court of competent
4 jurisdiction, unless (i) the testimony, documents, or
5 other items are covered by the attorney-client privilege or
6 any other privilege or right recognized by law or (ii) the
7 testimony, documents, or other items concern the
8 representation of employees and the negotiation of
9 collective bargaining agreements by a labor organization
10 authorized and recognized under the Illinois Public Labor
11 Relations Act to be the exclusive bargaining
12 representative of employees of the Secretary of State.
13 Nothing in this Section limits a person's right to
14 protection against self-incrimination under the Fifth
15 Amendment of the United States Constitution or Article I,
16 Section 10, of the Constitution of the State of Illinois.

17 (5) To have direct and prompt access to the Secretary
18 of State for any purpose pertaining to the performance of
19 functions and responsibilities under this Section.

20 (d-5) In addition to the authority otherwise provided by
21 this Section, the Secretary of State Inspector General shall
22 have jurisdiction to investigate complaints and allegations of
23 wrongdoing by any person or entity related to the Lobbyist
24 Registration Act. When investigating those complaints and
25 allegations, the Inspector General is authorized:

26 (1) To have access to all records, reports, audits,

1 reviews, documents, papers, recommendations, or other
2 materials available that relate to programs and operations
3 with respect to which the Inspector General has
4 responsibilities under this Section.

5 (2) To request any information or assistance that may
6 be necessary for carrying out the duties and
7 responsibilities provided by this Section from any local,
8 State, or federal governmental agency or unit thereof.

9 (3) To require by subpoena the appearance of witnesses
10 and the production of all information, documents, reports,
11 answers, records, accounts, papers, and other data and
12 documentary evidence necessary in the performance of the
13 functions assigned by this Section. A subpoena may be
14 issued under this paragraph (3) only by the Inspector
15 General and not by members of the Inspector General's
16 staff. A person duly subpoenaed for testimony, documents,
17 or other items who neglects or refuses to testify or
18 produce documents or other items under the requirements of
19 the subpoena shall be subject to punishment as may be
20 determined by a court of competent jurisdiction, unless the
21 testimony, documents, or other items are covered by the
22 attorney-client privilege or any other privilege or right
23 recognized by law. Nothing in this Section limits a
24 person's right to protection against self-incrimination
25 under the Fifth Amendment of the United States Constitution
26 or Section 10 of Article I of the Constitution of the State

1 of Illinois.

2 (4) To have direct and prompt access to the Secretary
3 of State for any purpose pertaining to the performance of
4 functions and responsibilities under this Section.

5 (e) The Inspector General may receive and investigate
6 complaints or information from an employee of the Secretary of
7 State concerning the possible existence of an activity
8 constituting a violation of law, rules, or regulations;
9 mismanagement; abuse of authority; or substantial and specific
10 danger to the public health and safety. Any person ~~employee~~ who
11 knowingly files a false complaint or files a complaint with
12 reckless disregard for the truth or the falsity of the facts
13 underlying the complaint may be subject to discipline as set
14 forth in the rules of the Department of Personnel of the
15 Secretary of State.

16 The Inspector General may not, after receipt of a complaint
17 or information ~~from an employee~~, disclose the identity of the
18 source ~~employee~~ without the consent of the source ~~employee~~,
19 unless the Inspector General determines that disclosure of the
20 identity is reasonable and necessary for the furtherance of the
21 investigation.

22 Any employee who has the authority to recommend or approve
23 any personnel action or to direct others to recommend or
24 approve any personnel action may not, with respect to that
25 authority, take or threaten to take any action against any
26 employee as a reprisal for making a complaint or disclosing

1 information to the Inspector General, unless the complaint was
2 made or the information disclosed with the knowledge that it
3 was false or with willful disregard for its truth or falsity.

4 (f) The Inspector General must adopt rules, in accordance
5 with the provisions of the Illinois Administrative Procedure
6 Act, establishing minimum requirements for initiating,
7 conducting, and completing investigations. The rules must
8 establish criteria for determining, based upon the nature of
9 the allegation, the appropriate method of investigation, which
10 may include, but is not limited to, site visits, telephone
11 contacts, personal interviews, or requests for written
12 responses. The rules must also clarify how the Office of the
13 Inspector General shall interact with other local, State, and
14 federal law enforcement investigations.

15 Any employee of the Secretary of State subject to
16 investigation or inquiry by the Inspector General or any agent
17 or representative of the Inspector General concerning
18 misconduct that is criminal in nature shall have the right to
19 be notified of the right to remain silent during the
20 investigation or inquiry and the right to be represented in the
21 investigation or inquiry by an attorney or a representative of
22 a labor organization that is the exclusive collective
23 bargaining representative of employees of the Secretary of
24 State. Any investigation or inquiry by the Inspector General or
25 any agent or representative of the Inspector General must be
26 conducted with an awareness of the provisions of a collective

1 bargaining agreement that applies to the employees of the
2 Secretary of State and with an awareness of the rights of the
3 employees as set forth in State and federal law and applicable
4 judicial decisions. Any recommendations for discipline or any
5 action taken against any employee by the Inspector General or
6 any representative or agent of the Inspector General must
7 comply with the provisions of the collective bargaining
8 agreement that applies to the employee.

9 (g) On or before January 1 of each year, the Inspector
10 General shall report to the President of the Senate, the
11 Minority Leader of the Senate, the Speaker of the House of
12 Representatives, and the Minority Leader of the House of
13 Representatives on the types of investigations and the
14 activities undertaken by the Office of the Inspector General
15 during the previous calendar year.

16 (Source: P.A. 93-559, eff. 8-20-03.)

17 Section 25. The Secretary of State Merit Employment Code is
18 amended by adding Section 17.5 as follows:

19 (15 ILCS 310/17.5 new)

20 Sec. 17.5. State Officials and Employees Ethics Act.

21 (a) Disciplinary action under the State Officials and
22 Employees Ethics Act against a person subject to this Act is
23 within the jurisdiction of the Executive Ethics Commission and
24 is not within the jurisdiction of this Act.

1 (b) Any hearing to contest disciplinary action against a
2 person subject to this Act pursuant to an agreement between an
3 Executive Inspector General and an ultimate jurisdictional
4 authority, as defined in the State Officials and Employees
5 Ethics Act, shall be conducted by the Executive Ethics
6 Commission and not under this Act, at the request of that
7 person.

8 Section 30. The Comptroller Merit Employment Code is
9 amended by adding Section 17.5 as follows:

10 (15 ILCS 410/17.5 new)

11 Sec. 17.5. State Officials and Employees Ethics Act.

12 (a) Disciplinary action under the State Officials and
13 Employees Ethics Act against a person subject to this Act is
14 within the jurisdiction of the Executive Ethics Commission and
15 is not within the jurisdiction of this Act.

16 (b) Any hearing to contest disciplinary action against a
17 person subject to this Act pursuant to an agreement between an
18 Executive Inspector General and an ultimate jurisdictional
19 authority, as defined in the State Officials and Employees
20 Ethics Act, shall be conducted by the Executive Ethics
21 Commission and not under this Act, at the request of that
22 person.

23 Section 35. The State Treasurer Employment Code is amended

1 by adding Section 14.5 as follows:

2 (15 ILCS 510/14.5 new)

3 Sec. 14.5. State Officials and Employees Ethics Act.

4 (a) Disciplinary action under the State Officials and
5 Employees Ethics Act against a person subject to this Act is
6 within the jurisdiction of the Executive Ethics Commission and
7 is not within the jurisdiction of this Act.

8 (b) Any hearing to contest disciplinary action against a
9 person subject to this Act pursuant to an agreement between an
10 Executive Inspector General and an ultimate jurisdictional
11 authority, as defined in the State Officials and Employees
12 Ethics Act, shall be conducted by the Executive Ethics
13 Commission and not under this Act, at the request of that
14 person.

15 Section 40. The Personnel Code is amended by adding Section
16 20 as follows:

17 (20 ILCS 415/20 new)

18 Sec. 20. State Officials and Employees Ethics Act.

19 (a) Disciplinary action under the State Officials and
20 Employees Ethics Act against a person subject to this Act is
21 within the jurisdiction of the Executive Ethics Commission and
22 is not within the jurisdiction of this Act.

23 (b) Any hearing to contest disciplinary action against a

1 person subject to this Act pursuant to an agreement between an
2 Executive Inspector General and an ultimate jurisdictional
3 authority, as defined in the State Officials and Employees
4 Ethics Act, shall be conducted by the Executive Ethics
5 Commission and not under this Act.

6 Section 45. The Children and Family Services Act is amended
7 by changing Section 35.5 as follows:

8 (20 ILCS 505/35.5)

9 Sec. 35.5. Inspector General.

10 (a) The Governor shall appoint, and the Senate shall
11 confirm, an Inspector General who shall have the authority to
12 conduct investigations into allegations of or incidents of
13 possible misconduct, misfeasance, malfeasance, or violations
14 of rules, procedures, or laws by any employee, foster parent,
15 service provider, or contractor of the Department of Children
16 and Family Services, except for allegations of violations of
17 the State Officials and Employees Ethics Act which shall be
18 referred to the Office of the Governor's Executive Inspector
19 General for investigation. The Inspector General shall make
20 recommendations to the Director of Children and Family Services
21 concerning sanctions or disciplinary actions against
22 Department employees or providers of service under contract to
23 the Department. The Director of Children and Family Services
24 shall provide the Inspector General with an implementation

1 report on the status of any corrective actions taken on
2 recommendations under review and shall continue sending
3 updated reports until the corrective action is completed. The
4 Director shall provide a written response to the Inspector
5 General indicating the status of any sanctions or disciplinary
6 actions against employees or providers of service involving any
7 investigation subject to review. In any case, information
8 included in the reports to the Inspector General and Department
9 responses shall be subject to the public disclosure
10 requirements of the Abused and Neglected Child Reporting Act.
11 Any investigation conducted by the Inspector General shall be
12 independent and separate from the investigation mandated by the
13 Abused and Neglected Child Reporting Act. The Inspector General
14 shall be appointed for a term of 4 years. The Inspector General
15 shall function independently within the Department of Children
16 and Family Services with respect to the operations of the
17 Office of Inspector General, including the performance of
18 investigations and issuance of findings and recommendations,
19 and shall report to the Director of Children and Family
20 Services and the Governor and perform other duties the Director
21 may designate. The Inspector General shall adopt rules as
22 necessary to carry out the functions, purposes, and duties of
23 the office of Inspector General in the Department of Children
24 and Family Services, in accordance with the Illinois
25 Administrative Procedure Act and any other applicable law.

26 (b) The Inspector General shall have access to all

1 information and personnel necessary to perform the duties of
2 the office. To minimize duplication of efforts, and to assure
3 consistency and conformance with the requirements and
4 procedures established in the B.H. v. Suter consent decree and
5 to share resources when appropriate, the Inspector General
6 shall coordinate his or her activities with the Bureau of
7 Quality Assurance within the Department.

8 (c) The Inspector General shall be the primary liaison
9 between the Department and the Department of State Police with
10 regard to investigations conducted under the Inspector
11 General's auspices. If the Inspector General determines that a
12 possible criminal act has been committed, or that special
13 expertise is required in the investigation, he or she shall
14 immediately notify the Department of State Police. All
15 investigations conducted by the Inspector General shall be
16 conducted in a manner designed to ensure the preservation of
17 evidence for possible use in a criminal prosecution.

18 (d) The Inspector General may recommend to the Department
19 of Children and Family Services, the Department of Public
20 Health, or any other appropriate agency, sanctions to be
21 imposed against service providers under the jurisdiction of or
22 under contract with the Department for the protection of
23 children in the custody or under the guardianship of the
24 Department who received services from those providers. The
25 Inspector General may seek the assistance of the Attorney
26 General or any of the several State's Attorneys in imposing

1 sanctions.

2 (e) The Inspector General shall at all times be granted
3 access to any foster home, facility, or program operated for or
4 licensed or funded by the Department.

5 (f) Nothing in this Section shall limit investigations by
6 the Department of Children and Family Services that may
7 otherwise be required by law or that may be necessary in that
8 Department's capacity as the central administrative authority
9 for child welfare.

10 (g) The Inspector General shall have the power to subpoena
11 witnesses and compel the production of books and papers
12 pertinent to an investigation authorized by this Act. The power
13 to subpoena or to compel the production of books and papers,
14 however, shall not extend to the person or documents of a labor
15 organization or its representatives insofar as the person or
16 documents of a labor organization relate to the function of
17 representing an employee subject to investigation under this
18 Act. Any person who fails to appear in response to a subpoena
19 or to answer any question or produce any books or papers
20 pertinent to an investigation under this Act, except as
21 otherwise provided in this Section, or who knowingly gives
22 false testimony in relation to an investigation under this Act
23 is guilty of a Class A misdemeanor.

24 (h) The Inspector General shall provide to the General
25 Assembly and the Governor, no later than January 1 of each
26 year, a summary of reports and investigations made under this

1 Section for the prior fiscal year. The summaries shall detail
2 the imposition of sanctions and the final disposition of those
3 recommendations. The summaries shall not contain any
4 confidential or identifying information concerning the
5 subjects of the reports and investigations. The summaries also
6 shall include detailed recommended administrative actions and
7 matters for consideration by the General Assembly.

8 (Source: P.A. 95-527, eff. 6-1-08.)

9 Section 50. The Department of Human Services Act is amended
10 by changing Section 1-17 as follows:

11 (20 ILCS 1305/1-17)

12 Sec. 1-17. Inspector General.

13 (a) Appointment; powers and duties. The Governor shall
14 appoint, and the Senate shall confirm, an Inspector General.
15 The Inspector General shall be appointed for a term of 4 years
16 and shall function within the Department of Human Services and
17 report to the Secretary of Human Services and the Governor. The
18 Inspector General shall function independently within the
19 Department of Human Services with respect to the operations of
20 the office, including the performance of investigations and
21 issuance of findings and recommendations. The appropriation
22 for the Office of Inspector General shall be separate from the
23 overall appropriation for the Department of Human Services. The
24 Inspector General shall investigate reports of suspected abuse

1 or neglect (as those terms are defined by the Department of
2 Human Services) of patients or residents in any mental health
3 or developmental disabilities facility operated by the
4 Department of Human Services and shall have authority to
5 investigate and take immediate action on reports of abuse or
6 neglect of recipients, whether patients or residents, in any
7 mental health or developmental disabilities facility or
8 program that is licensed or certified by the Department of
9 Human Services (as successor to the Department of Mental Health
10 and Developmental Disabilities) or that is funded by the
11 Department of Human Services (as successor to the Department of
12 Mental Health and Developmental Disabilities) and is not
13 licensed or certified by any agency of the State. The Inspector
14 General shall also have the authority to investigate alleged or
15 suspected cases of abuse, neglect, and exploitation of adults
16 with disabilities living in domestic settings in the community
17 pursuant to the Abuse of Adults with Disabilities Intervention
18 Act (20 ILCS 2435/). At the specific, written request of an
19 agency of the State other than the Department of Human Services
20 (as successor to the Department of Mental Health and
21 Developmental Disabilities), the Inspector General may
22 cooperate in investigating reports of abuse and neglect of
23 persons with mental illness or persons with developmental
24 disabilities. The Inspector General shall have no supervision
25 over or involvement in routine, programmatic, licensure, or
26 certification operations of the Department of Human Services or

1 any of its funded agencies. The Inspector General shall have no
2 authority to investigate alleged violations of the State
3 Officials and Employees Ethics Act. Allegations of misconduct
4 under the State Officials and Employees Ethics Act shall be
5 referred to the Office of the Governor's Executive Inspector
6 General for investigation.

7 The Inspector General shall promulgate rules establishing
8 minimum requirements for reporting allegations of abuse and
9 neglect and initiating, conducting, and completing
10 investigations. The promulgated rules shall clearly set forth
11 that in instances where 2 or more State agencies could
12 investigate an allegation of abuse or neglect, the Inspector
13 General shall not conduct an investigation that is redundant to
14 an investigation conducted by another State agency. The rules
15 shall establish criteria for determining, based upon the nature
16 of the allegation, the appropriate method of investigation,
17 which may include, but need not be limited to, site visits,
18 telephone contacts, or requests for written responses from
19 agencies. The rules shall also clarify how the Office of the
20 Inspector General shall interact with the licensing unit of the
21 Department of Human Services in investigations of allegations
22 of abuse or neglect. Any allegations or investigations of
23 reports made pursuant to this Act shall remain confidential
24 until a final report is completed. The resident or patient who
25 allegedly was abused or neglected and his or her legal guardian
26 shall be informed by the facility or agency of the report of

1 alleged abuse or neglect. Final reports regarding
2 unsubstantiated or unfounded allegations shall remain
3 confidential, except that final reports may be disclosed
4 pursuant to Section 6 of the Abused and Neglected Long Term
5 Care Facility Residents Reporting Act.

6 For purposes of this Section, "required reporter" means a
7 person who suspects, witnesses, or is informed of an allegation
8 of abuse and neglect at a State-operated facility or a
9 community agency and who is either: (i) a person employed at a
10 State-operated facility or a community agency on or off site
11 who is providing or monitoring services to an individual or
12 individuals or is providing services to the State-operated
13 facility or the community agency; or (ii) any person or
14 contractual agent of the Department of Human Services involved
15 in providing, monitoring, or administering mental health or
16 developmental services, including, but not limited to, payroll
17 personnel, contractors, subcontractors, and volunteers. A
18 required reporter shall report the allegation of abuse or
19 neglect, or cause a report to be made, to the Office of the
20 Inspector General (OIG) Hotline no later than 4 hours after the
21 initial discovery of the incident of alleged abuse or neglect.
22 A required reporter as defined in this paragraph who willfully
23 fails to comply with the reporting requirement is guilty of a
24 Class A misdemeanor.

25 For purposes of this Section, "State-operated facility"
26 means a mental health facility or a developmental disability

1 facility as defined in Sections 1-114 and 1-107 of the Mental
2 Health and Developmental Disabilities Code.

3 For purposes of this Section, "community agency" or
4 "agency" means any community entity or program providing mental
5 health or developmental disabilities services that is
6 licensed, certified, or funded by the Department of Human
7 Services and is not licensed or certified by an other human
8 services agency of the State (for example, the Department of
9 Public Health, the Department of Children and Family Services,
10 or the Department of Healthcare and Family Services).

11 When the Office of the Inspector General has substantiated
12 a case of abuse or neglect, the Inspector General shall include
13 in the final report any mitigating or aggravating circumstances
14 that were identified during the investigation. Upon
15 determination that a report of neglect is substantiated, the
16 Inspector General shall then determine whether such neglect
17 rises to the level of egregious neglect.

18 (b) Department of State Police. The Inspector General
19 shall, within 24 hours after determining that a reported
20 allegation of suspected abuse or neglect indicates that any
21 possible criminal act has been committed or that special
22 expertise is required in the investigation, immediately notify
23 the Department of State Police or the appropriate law
24 enforcement entity. The Department of State Police shall
25 investigate any report from a State-operated facility
26 indicating a possible murder, rape, or other felony. All

1 investigations conducted by the Inspector General shall be
2 conducted in a manner designed to ensure the preservation of
3 evidence for possible use in a criminal prosecution.

4 (b-5) Preliminary report of investigation; facility or
5 agency response. The Inspector General shall make a
6 determination to accept or reject a preliminary report of the
7 investigation of alleged abuse or neglect based on established
8 investigative procedures. Notice of the Inspector General's
9 determination must be given to the person who claims to be the
10 victim of the abuse or neglect, to the person or persons
11 alleged to have been responsible for abuse or neglect, and to
12 the facility or agency. The facility or agency or the person or
13 persons alleged to have been responsible for the abuse or
14 neglect and the person who claims to be the victim of the abuse
15 or neglect may request clarification or reconsideration based
16 on additional information. For cases where the allegation of
17 abuse or neglect is substantiated, the Inspector General shall
18 require the facility or agency to submit a written response.
19 The written response from a facility or agency shall address in
20 a concise and reasoned manner the actions that the agency or
21 facility will take or has taken to protect the resident or
22 patient from abuse or neglect, prevent reoccurrences, and
23 eliminate problems identified and shall include implementation
24 and completion dates for all such action.

25 (c) Inspector General's report; facility's or agency's
26 implementation reports. The Inspector General shall, within 10

1 calendar days after the transmittal date of a completed
2 investigation where abuse or neglect is substantiated or
3 administrative action is recommended, provide a complete
4 report on the case to the Secretary of Human Services and to
5 the agency in which the abuse or neglect is alleged to have
6 happened. The complete report shall include a written response
7 from the agency or facility operated by the State to the
8 Inspector General that addresses in a concise and reasoned
9 manner the actions that the agency or facility will take or has
10 taken to protect the resident or patient from abuse or neglect,
11 prevent reoccurrences, and eliminate problems identified and
12 shall include implementation and completion dates for all such
13 action. The Secretary of Human Services shall accept or reject
14 the response and establish how the Department will determine
15 whether the facility or program followed the approved response.
16 The Secretary may require Department personnel to visit the
17 facility or agency for training, technical assistance,
18 programmatic, licensure, or certification purposes.
19 Administrative action, including sanctions, may be applied
20 should the Secretary reject the response or should the facility
21 or agency fail to follow the approved response. Within 30 days
22 after the Secretary has approved a response, the facility or
23 agency making the response shall provide an implementation
24 report to the Inspector General on the status of the corrective
25 action implemented. Within 60 days after the Secretary has
26 approved the response, the facility or agency shall send notice

1 of the completion of the corrective action or shall send an
2 updated implementation report. The facility or agency shall
3 continue sending updated implementation reports every 60 days
4 until the facility or agency sends a notice of the completion
5 of the corrective action. The Inspector General shall review
6 any implementation plan that takes more than 120 days. The
7 Inspector General shall monitor compliance through a random
8 review of completed corrective actions. This monitoring may
9 include, but need not be limited to, site visits, telephone
10 contacts, or requests for written documentation from the
11 facility or agency to determine whether the facility or agency
12 is in compliance with the approved response. The facility or
13 agency shall inform the resident or patient and the legal
14 guardian whether the reported allegation was substantiated,
15 unsubstantiated, or unfounded. There shall be an appeals
16 process for any person or agency that is subject to any action
17 based on a recommendation or recommendations.

18 (d) Sanctions. The Inspector General may recommend to the
19 Departments of Public Health and Human Services sanctions to be
20 imposed against mental health and developmental disabilities
21 facilities under the jurisdiction of the Department of Human
22 Services for the protection of residents, including
23 appointment of on-site monitors or receivers, transfer or
24 relocation of residents, and closure of units. The Inspector
25 General may seek the assistance of the Attorney General or any
26 of the several State's Attorneys in imposing such sanctions.

1 Whenever the Inspector General issues any recommendations to
2 the Secretary of Human Services, the Secretary shall provide a
3 written response.

4 (e) Training programs. The Inspector General shall
5 establish and conduct periodic training programs for
6 Department of Human Services employees and community agency
7 employees concerning the prevention and reporting of neglect
8 and abuse.

9 (f) Access to facilities. The Inspector General shall at
10 all times be granted access to any mental health or
11 developmental disabilities facility operated by the Department
12 of Human Services, shall establish and conduct unannounced site
13 visits to those facilities at least once annually, and shall be
14 granted access, for the purpose of investigating a report of
15 abuse or neglect, to the records of the Department of Human
16 Services and to any facility or program funded by the
17 Department of Human Services that is subject under the
18 provisions of this Section to investigation by the Inspector
19 General for a report of abuse or neglect.

20 (g) Other investigations. Nothing in this Section shall
21 limit investigations by the Department of Human Services that
22 may otherwise be required by law or that may be necessary in
23 that Department's capacity as the central administrative
24 authority responsible for the operation of State mental health
25 and developmental disability facilities.

26 (g-5) Health care worker registry. After notice and an

1 opportunity for a hearing that is separate and distinct from
2 the Office of the Inspector General's appeals process as
3 implemented under subsection (c) of this Section, the Inspector
4 General shall report to the Department of Public Health's
5 health care worker registry under Section 3-206.01 of the
6 Nursing Home Care Act the identity of individuals against whom
7 there has been a substantiated finding of physical or sexual
8 abuse or egregious neglect of a service recipient.

9 Nothing in this subsection shall diminish or impair the
10 rights of a person who is a member of a collective bargaining
11 unit pursuant to the Illinois Public Labor Relations Act or
12 pursuant to any federal labor statute. An individual who is a
13 member of a collective bargaining unit as described above shall
14 not be reported to the Department of Public Health's health
15 care worker registry until the exhaustion of that individual's
16 grievance and arbitration rights, or until 3 months after the
17 initiation of the grievance process, whichever occurs first,
18 provided that the Department of Human Services' hearing under
19 this subsection regarding the reporting of an individual to the
20 Department of Public Health's health care worker registry has
21 concluded. Notwithstanding anything hereinafter or previously
22 provided, if an action taken by an employer against an
23 individual as a result of the circumstances that led to a
24 finding of physical or sexual abuse or egregious neglect is
25 later overturned under a grievance or arbitration procedure
26 provided for in Section 8 of the Illinois Public Labor

1 Relations Act or under a collective bargaining agreement, the
2 report must be removed from the registry.

3 The Department of Human Services shall promulgate or amend
4 rules as necessary or appropriate to establish procedures for
5 reporting to the registry, including the definition of
6 egregious neglect, procedures for notice to the individual and
7 victim, appeal and hearing procedures, and petition for removal
8 of the report from the registry. The portion of the rules
9 pertaining to hearings shall provide that, at the hearing, both
10 parties may present written and oral evidence. The Department
11 shall be required to establish by a preponderance of the
12 evidence that the Office of the Inspector General's finding of
13 physical or sexual abuse or egregious neglect warrants
14 reporting to the Department of Public Health's health care
15 worker registry under Section 3-206.01 of the Nursing Home Care
16 Act.

17 Notice to the individual shall include a clear and concise
18 statement of the grounds on which the report to the registry is
19 based and notice of the opportunity for a hearing to contest
20 the report. The Department of Human Services shall provide the
21 notice by certified mail to the last known address of the
22 individual. The notice shall give the individual an opportunity
23 to contest the report in a hearing before the Department of
24 Human Services or to submit a written response to the findings
25 instead of requesting a hearing. If the individual does not
26 request a hearing or if after notice and a hearing the

1 Department of Human Services finds that the report is valid,
2 the finding shall be included as part of the registry, as well
3 as a brief statement from the reported individual if he or she
4 chooses to make a statement. The Department of Public Health
5 shall make available to the public information reported to the
6 registry. In a case of inquiries concerning an individual
7 listed in the registry, any information disclosed concerning a
8 finding of abuse or neglect shall also include disclosure of
9 the individual's brief statement in the registry relating to
10 the reported finding or include a clear and accurate summary of
11 the statement.

12 At any time after the report of the registry, an individual
13 may petition the Department of Human Services for removal from
14 the registry of the finding against him or her. Upon receipt of
15 such a petition, the Department of Human Services shall conduct
16 an investigation and hearing on the petition. Upon completion
17 of the investigation and hearing, the Department of Human
18 Services shall report the removal of the finding to the
19 registry unless the Department of Human Services determines
20 that removal is not in the public interest.

21 (h) Quality Care Board. There is created, within the Office
22 of the Inspector General, a Quality Care Board to be composed
23 of 7 members appointed by the Governor with the advice and
24 consent of the Senate. One of the members shall be designated
25 as chairman by the Governor. Of the initial appointments made
26 by the Governor, 4 Board members shall each be appointed for a

1 term of 4 years and 3 members shall each be appointed for a
2 term of 2 years. Upon the expiration of each member's term, a
3 successor shall be appointed for a term of 4 years. In the case
4 of a vacancy in the office of any member, the Governor shall
5 appoint a successor for the remainder of the unexpired term.

6 Members appointed by the Governor shall be qualified by
7 professional knowledge or experience in the area of law,
8 investigatory techniques, or in the area of care of the
9 mentally ill or developmentally disabled. Two members
10 appointed by the Governor shall be persons with a disability or
11 a parent of a person with a disability. Members shall serve
12 without compensation, but shall be reimbursed for expenses
13 incurred in connection with the performance of their duties as
14 members.

15 The Board shall meet quarterly, and may hold other meetings
16 on the call of the chairman. Four members shall constitute a
17 quorum. The Board may adopt rules and regulations it deems
18 necessary to govern its own procedures.

19 (i) Scope and function of the Quality Care Board. The Board
20 shall monitor and oversee the operations, policies, and
21 procedures of the Inspector General to assure the prompt and
22 thorough investigation of allegations of neglect and abuse. In
23 fulfilling these responsibilities, the Board may do the
24 following:

25 (1) Provide independent, expert consultation to the
26 Inspector General on policies and protocols for

1 investigations of alleged neglect and abuse.

2 (2) Review existing regulations relating to the
3 operation of facilities under the control of the Department
4 of Human Services.

5 (3) Advise the Inspector General as to the content of
6 training activities authorized under this Section.

7 (4) Recommend policies concerning methods for
8 improving the intergovernmental relationships between the
9 Office of the Inspector General and other State or federal
10 agencies.

11 (j) Investigators. The Inspector General shall establish a
12 comprehensive program to ensure that every person employed or
13 newly hired to conduct investigations shall receive training on
14 an on-going basis concerning investigative techniques,
15 communication skills, and the appropriate means of contact with
16 persons admitted or committed to the mental health or
17 developmental disabilities facilities under the jurisdiction
18 of the Department of Human Services.

19 (k) Subpoenas; testimony; penalty. The Inspector General
20 shall have the power to subpoena witnesses and compel the
21 production of books and papers pertinent to an investigation
22 authorized by this Act, provided that the power to subpoena or
23 to compel the production of books and papers shall not extend
24 to the person or documents of a labor organization or its
25 representatives insofar as the person or documents of a labor
26 organization relate to the function of representing an employee

1 subject to investigation under this Act. Mental health records
2 of patients shall be confidential as provided under the Mental
3 Health and Developmental Disabilities Confidentiality Act. Any
4 person who fails to appear in response to a subpoena or to
5 answer any question or produce any books or papers pertinent to
6 an investigation under this Act, except as otherwise provided
7 in this Section, or who knowingly gives false testimony in
8 relation to an investigation under this Act is guilty of a
9 Class A misdemeanor.

10 (1) Annual report. The Inspector General shall provide to
11 the General Assembly and the Governor, no later than January 1
12 of each year, a summary of reports and investigations made
13 under this Act for the prior fiscal year with respect to
14 residents of institutions under the jurisdiction of the
15 Department of Human Services. The report shall detail the
16 imposition of sanctions and the final disposition of those
17 recommendations. The summaries shall not contain any
18 confidential or identifying information concerning the
19 subjects of the reports and investigations. The report shall
20 also include a trend analysis of the number of reported
21 allegations and their disposition, for each facility and
22 Department-wide, for the most recent 3-year time period and a
23 statement, for each facility, of the staffing-to-patient
24 ratios. The ratios shall include only the number of direct care
25 staff. The report shall also include detailed recommended
26 administrative actions and matters for consideration by the

1 General Assembly.

2 (m) Program audit. The Auditor General shall conduct a
3 biennial program audit of the Office of the Inspector General
4 in relation to the Inspector General's compliance with this
5 Act. The audit shall specifically include the Inspector
6 General's effectiveness in investigating reports of alleged
7 neglect or abuse of residents in any facility operated by the
8 Department of Human Services and in making recommendations for
9 sanctions to the Departments of Human Services and Public
10 Health. The Auditor General shall conduct the program audit
11 according to the provisions of the Illinois State Auditing Act
12 and shall report its findings to the General Assembly no later
13 than January 1 of each odd-numbered year.

14 (Source: P.A. 95-545, eff. 8-28-07.)

15 Section 55. The Governor's Office of Management and Budget
16 Act is amended by changing Section 1 and by adding Sections 7.1
17 and 7.2 as follows:

18 (20 ILCS 3005/1) (from Ch. 127, par. 411)

19 Sec. 1. Definitions.

20 "Capital expenditure" means money spent for replacing,
21 remodeling, expanding, or acquiring facilities, buildings or
22 land owned directly by the State through any State department,
23 authority, public corporation of the State, State college or
24 university, or any other public agency created by the State,

1 but not units of local government or school districts.

2 "Director" means the Director of the Governor's Office of
3 Management and Budget.

4 "Office" means the Governor's Office of Management and
5 Budget.

6 "State Agency," whether used in the singular or plural,
7 means all Departments, Officers, Commissions, Boards,
8 Institutions and bodies, politic and corporate of the State,
9 including the Offices of Clerk of the Supreme Court and Clerks
10 of the Appellate Courts; except it shall not mean the several
11 Courts of the State, nor the Legislature, its Committees or
12 Commissions, nor the Constitutionally elected State Officers,
13 nor the Executive Ethics Commission, nor the Offices of
14 Executive Inspectors General.

15 (Source: P.A. 93-25, eff. 6-20-03.)

16 (20 ILCS 3005/7.1 new)

17 Sec. 7.1. Transparency in finance. Upon request by the
18 President of the Senate, the Speaker of the House of
19 Representatives, or the Minority Leaders of the Senate and
20 House of Representatives, the Office shall provide a summary of
21 all formal presentations submitted by the Office to credit
22 rating agencies or potential investors in State bonds. Within
23 10 business days after the submission of State financial
24 information to credit rating agencies or potential investors in
25 State bonds, a summary of the submitted information shall be

1 provided to the legislative leaders and posted on the Office's
2 website. Notwithstanding any provision to the contrary, the
3 Office shall not release any information that is not subject to
4 disclosure under the Freedom of Information Act.

5 (20 ILCS 3005/7.2 new)

6 Sec. 7.2. Quarterly financial reports. The Office shall
7 prepare and publish a quarterly financial report to update the
8 public and the General Assembly on the status of the State's
9 finances. At a minimum, each report shall include the following
10 information:

11 (1) A review of the State's economic outlook.

12 (2) A review of general funds revenue performance, both
13 quarterly and year to date, and an evaluation of that
14 performance.

15 (3) The outlook for future general funds revenue
16 performance, including projections of future general funds
17 revenues.

18 (4) An assessment of the State's financial position,
19 including a summary of general fund receipts, transfers,
20 expenditures, and liabilities.

21 (5) A review of Statewide employment statistics.

22 (6) Other information necessary to present the status
23 of the State's finances.

24 In addition, the fourth quarter report for each fiscal year
25 shall include a summary of fiscal and balanced budget notes

1 issued by the Office to the General Assembly during the prior
2 legislative session. Each report shall be posted on the
3 Office's website within 45 days.

4 Section 60. The General Assembly Compensation Act is
5 amended by changing Section 4 as follows:

6 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

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

1 and Salaries, By Occupation and Industry Groups: State and
2 Local Government Workers: Public Administration" as published
3 by the Bureau of Labor Statistics of the U.S. Department of
4 Labor for the calendar year immediately preceding the year of
5 the respective July 1st increase date. The increase shall be
6 added to the then current amount, and the adjusted amount so
7 determined shall be the annual amount beginning July 1 of the
8 increase year until July 1 of the next year. No increase under
9 this 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 in
13 lump sum or installments, amounts to less than would be charged
14 for renting or leasing the equipment over its anticipated
15 useful life. All such equipment must be purchased through the
16 Secretary of the Senate or the Clerk of the House, as
17 applicable, for proper identification and verification of
18 purchase.

19 Each member of the General Assembly is authorized to employ
20 one or more legislative assistants, who shall be solely under
21 the direction and control of that member, for the purpose of
22 assisting the member in the performance of his or her official
23 duties. A legislative assistant may be employed pursuant to
24 this Section as a full-time employee, part-time employee, or
25 contractual employee, at the discretion of the member. If
26 employed as a State employee, a legislative assistant shall

1 receive employment benefits on the same terms and conditions
2 that apply to other employees of the General Assembly. Each
3 member shall adopt and implement personnel policies for
4 legislative assistants under his or her direction and control
5 relating to work time requirements, documentation for
6 reimbursement for travel on official State business,
7 compensation, and the earning and accrual of State benefits for
8 those legislative assistants who may be eligible to receive
9 those benefits. The policies shall also require legislative
10 assistants to periodically submit time sheets documenting, in
11 quarter-hour increments, the time spent each day on official
12 State business. The policies shall require the time sheets to
13 be submitted on paper, electronically, or both and to be
14 maintained in either paper or electronic format by the
15 applicable fiscal office for a period of at least 2 years.
16 Contractual employees may satisfy the time sheets requirement
17 by complying with the terms of their contract, which shall
18 provide for a means of compliance with this requirement. A
19 member may satisfy the requirements of this paragraph by
20 adopting and implementing the personnel policies promulgated
21 by that member's legislative leader under the State Officials
22 and Employees Ethics Act with respect to that member's
23 legislative assistants.

24 As used in this Section the term "personal services" shall
25 include contributions of the State under the Federal Insurance
26 Contribution Act and under Article 14 of the Illinois Pension

1 Code. As used in this Section the term "contractual services"
2 shall not include improvements to real property unless those
3 improvements are the obligation of the lessee under the lease
4 agreement. Beginning July 1, 1989, as used in the Section, the
5 term "travel" shall be limited to travel in connection with a
6 member's legislative duties and not in connection with any
7 political campaign. Beginning on the effective date of this
8 amendatory Act of the 93rd General Assembly, as used in this
9 Section, the term "printing" includes, but is not limited to,
10 newsletters, brochures, certificates, congratulatory mailings,
11 greeting or welcome messages, anniversary or birthday cards,
12 and congratulations for prominent achievement cards. As used in
13 this Section, the term "printing" includes fees for
14 non-substantive resolutions charged by the Clerk of the House
15 of Representatives under subsection (c-5) of Section 1 of the
16 Legislative Materials Act. No newsletter or brochure that is
17 paid for, in whole or in part, with funds provided under this
18 Section may be printed or mailed during a period beginning
19 December 15 of the year preceding a general primary election
20 and ending the day after the general primary election and
21 during a period beginning September 1 of the year of a general
22 election and ending the day after the general election, except
23 that such a newsletter or brochure may be mailed during those
24 times if it is mailed to a constituent in response to that
25 constituent's inquiry concerning the needs of that constituent
26 or questions raised by that constituent. Nothing in this

1 Section shall be construed to authorize expenditures for
2 lodging and meals while a member is in attendance at sessions
3 of the General Assembly.

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

8 If a vacancy occurs in the office of Senator or
9 Representative in the General Assembly, any office equipment in
10 the possession of the vacating member shall transfer to the
11 member's successor; if the successor does not want such
12 equipment, it shall be transferred to the Secretary of the
13 Senate or Clerk of the House of Representatives, as the case
14 may be, and if not wanted by other members of the General
15 Assembly then to the Department of Central Management Services
16 for treatment as surplus property under the State Property
17 Control Act. Each member, on or before June 30th of each year,
18 shall conduct an inventory of all equipment purchased pursuant
19 to this Act. Such inventory shall be filed with the Secretary
20 of the Senate or the Clerk of the House, as the case may be.
21 Whenever a vacancy occurs, the Secretary of the Senate or the
22 Clerk of the House, as the case may be, shall conduct an
23 inventory of equipment purchased.

24 In the event that a member leaves office during his or her
25 term, any unexpended or unobligated portion of the allowance
26 granted under this Section shall lapse. The vacating member's

1 successor shall be granted an allowance in an amount, rounded
2 to the nearest dollar, computed by dividing the annual
3 allowance by 365 and multiplying the quotient by the number of
4 days remaining in the fiscal year.

5 From any appropriation for the purposes of this Section for
6 a fiscal year which overlaps 2 General Assemblies, no more than
7 1/2 of the annual allowance per member may be spent or
8 encumbered by any member of either the outgoing or incoming
9 General Assembly, except that any member of the incoming
10 General Assembly who was a member of the outgoing General
11 Assembly may encumber or spend any portion of his annual
12 allowance within the fiscal year.

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

22 Nothing in this Section prohibits the expenditure of
23 personal funds or the funds of a political committee controlled
24 by an officeholder to defray the customary and reasonable
25 expenses of an officeholder in connection with the performance
26 of governmental and public service functions.

1 (Source: P.A. 95-6, eff. 6-20-07.)

2 Section 65. The Lobbyist Registration Act is amended by
3 changing Sections 2, 3, 3.1, 5, 6, 7, 10, and 11 and by adding
4 Sections 4.5 and 11.3 as follows:

5 (25 ILCS 170/2) (from Ch. 63, par. 172)

6 Sec. 2. Definitions. As used in this Act, unless the
7 context otherwise requires:

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

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

18 (c) "Official" means:

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

22 (2) Chiefs of Staff for officials described in item
23 (1);

24 (3) Cabinet members of any elected constitutional

1 officer, including Directors, Assistant Directors and
2 Chief Legal Counsel or General Counsel;

3 (4) Members of the General Assembly.

4 (d) "Compensation" means any money, thing of value or
5 financial benefits received or to be received in return for
6 services rendered or to be rendered, for lobbying as defined in
7 subsection (e).

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

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

17 (f) "Influencing" means any communication, action,
18 reportable expenditure as prescribed in Section 6 or other
19 means used to promote, support, affect, modify, oppose or delay
20 any executive, legislative or administrative action or to
21 promote goodwill with officials as defined in subsection (c).

22 (g) "Executive action" means the proposal, drafting,
23 development, consideration, amendment, adoption, approval,
24 promulgation, issuance, modification, rejection or
25 postponement by a State entity of a rule, regulation, order,
26 decision, determination, contractual arrangement, purchasing

1 agreement or other quasi-legislative or quasi-judicial action
2 or proceeding.

3 (h) "Legislative action" means the development, drafting,
4 introduction, consideration, modification, adoption,
5 rejection, review, enactment, or passage or defeat of any bill,
6 amendment, resolution, report, nomination, administrative rule
7 or other matter by either house of the General Assembly or a
8 committee thereof, or by a legislator. Legislative action also
9 means the action of the Governor in approving or vetoing any
10 bill or portion thereof, and the action of the Governor or any
11 agency in the development of a proposal for introduction in the
12 legislature.

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

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

21 (k) "Lobbying entity" means any entity that hires, retains,
22 employs, or compensates a natural person to lobby State
23 government as provided in subsection (e).

24 (Source: P.A. 88-187.)

1 Sec. 3. Persons required to register.

2 (a) Except as provided in Section ~~Sections 4 and 9~~, any
3 natural ~~the following persons shall register with the Secretary~~
4 ~~of State as provided herein:~~ (1) Any person who, for
5 compensation or otherwise, undertakes to lobby, or any ~~either~~
6 ~~individually or as an employee or contractual employee of~~
7 ~~another person, undertakes to influence executive, legislative~~
8 ~~or administrative action.~~ (2) Any person or entity who employs
9 another person for the purposes of lobbying, shall register
10 with the Secretary of State as provided in this Act, unless
11 that person or entity qualifies for one or more of the
12 following exemptions ~~influencing executive, legislative or~~
13 ~~administrative action.~~

14 (1) Persons or entities who, for the purpose of
15 influencing executive, legislative, or administrative
16 action and who do not make expenditures that are reportable
17 pursuant to Section 6, appear without compensation or
18 promise thereof only as witnesses before committees of the
19 House and Senate for the purpose of explaining or arguing
20 for or against the passage of or action upon any
21 legislation then pending before those committees, or who
22 seek without compensation or promise thereof the approval
23 or veto of any legislation by the Governor.

24 (1.4) A unit of local government or a school district.

25 (1.5) An elected or appointed official or an employee
26 of a unit of local government or school district who, in

1 the scope of his or her public office or employment, seeks
2 to influence executive, legislative, or administrative
3 action exclusively on behalf of that unit of local
4 government or school district.

5 (2) Persons or entities who own, publish, or are
6 employed by a newspaper or other regularly published
7 periodical, or who own or are employed by a radio station,
8 television station, or other bona fide news medium that in
9 the ordinary course of business disseminates news,
10 editorial or other comment, or paid advertisements that
11 directly urge the passage or defeat of legislation. This
12 exemption is not applicable to such an individual insofar
13 as he or she receives additional compensation or expenses
14 from some source other than the bona fide news medium for
15 the purpose of influencing executive, legislative, or
16 administrative action. This exemption does not apply to
17 newspapers and periodicals owned by or published by trade
18 associations and not-for-profit corporations engaged
19 primarily in endeavors other than dissemination of news.

20 (3) Persons or entities performing professional
21 services in drafting bills or in advising and rendering
22 opinions to clients as to the construction and effect of
23 proposed or pending legislation when those professional
24 services are not otherwise, directly or indirectly,
25 connected with executive, legislative, or administrative
26 action.

1 (4) Persons or entities who are employees of
2 departments, divisions, or agencies of State government
3 and who appear before committees of the House and Senate
4 for the purpose of explaining how the passage of or action
5 upon any legislation then pending before those committees
6 will affect those departments, divisions, or agencies of
7 State government.

8 (5) Employees of the General Assembly, legislators,
9 legislative agencies, and legislative commissions who, in
10 the course of their official duties only, engage in
11 activities that otherwise qualify as lobbying.

12 (6) Persons or entities in possession of technical
13 skills and knowledge relevant to certain areas of
14 executive, legislative, or administrative actions, whose
15 skills and knowledge would be helpful to officials when
16 considering those actions, whose activities are limited to
17 making occasional appearances for or communicating on
18 behalf of a registrant, and who do not make expenditures
19 that are reportable pursuant to Section 6 even though
20 receiving expense reimbursement for those occasional
21 appearances.

22 (7) Any full-time employee of a bona fide church or
23 religious organization who represents that organization
24 solely for the purpose of protecting the right of the
25 members thereof to practice the religious doctrines of that
26 church or religious organization, or any such bona fide

1 church or religious organization.

2 (8) Persons who receive no compensation other than
3 reimbursement for expenses of up to \$500 per year while
4 engaged in lobbying State government, unless those persons
5 make expenditures that are reportable under Section 6.

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

12 (10) Persons or entities who, in the scope of their
13 employment as a vendor, offer or solicit an official for
14 the purchase of any goods or services when (1) the
15 solicitation is limited to either an oral inquiry or
16 written advertisements and informative literature; or (2)
17 the goods and services are subject to competitive bidding
18 requirements of the Illinois Procurement Code; or (3) the
19 goods and services are for sale at a cost not to exceed
20 \$5,000; and (4) the persons or entities do not make
21 expenditures that are reportable under Section 6.

22 (b) It is a violation of this Act to engage in lobbying or
23 to employ any person for the purpose of lobbying who is not
24 registered with the Office of the Secretary of State, except
25 upon condition that the person register and the person does in
26 fact register within 2 business days after being employed or

1 retained for lobbying services.

2 (Source: P.A. 93-615, eff. 11-19-03.)

3 (25 ILCS 170/3.1)

4 Sec. 3.1. Prohibition on serving on boards and commissions.

5 Notwithstanding any other law of this State, on and after
6 February 1, 2004, but not before that date, a person required
7 to be registered under this Act, his or her spouse, and his or
8 her immediate family members living with that person may not
9 serve on a board, commission, authority, or task force
10 authorized or created by State law or by executive order of the
11 Governor if the lobbyist is engaged in the same subject area as
12 defined in Section 5(c-6) as the board or commission; except
13 that this restriction does not apply to any of the following:

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

18 (2) a registered lobbyist, his or her spouse, or any
19 immediate family member living with the registered
20 lobbyist, who is serving on a State advisory body that
21 makes nonbinding recommendations to an agency of State
22 government but does not make binding recommendations or
23 determinations or take any other substantive action.

24 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

1 (25 ILCS 170/4.5 new)

2 Sec. 4.5. Ethics training. Each person required to register
3 under this Act must complete a program of ethics training
4 provided by the Secretary of State. A person registered under
5 this Act must complete the training program during each
6 calendar year the person remains registered. If the Secretary
7 of State uses the ethics training developed in accordance with
8 Section 5-10 of the State Officials and Employees Ethics Act,
9 that training must be expanded to include appropriate
10 information about the requirements, responsibilities, and
11 opportunities imposed by or arising under this Act, including
12 reporting requirements.

13 The Secretary of State shall adopt rules for the
14 implementation of this Section.

15 (25 ILCS 170/5)

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

1 (a) The registrant's name, permanent address, e-mail
2 address, if any, fax number, if any, business telephone
3 number, and temporary address, if the registrant has a
4 temporary address while lobbying.

5 (a-5) If the registrant is an organization or business
6 entity, the information required under subsection (a) for
7 each person associated with the registrant who will be
8 lobbying, regardless of whether lobbying is a significant
9 part of his or her duties.

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

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

16 (c-5) Each executive and legislative branch agency the
17 registrant expects to lobby during the registration
18 period.

19 (c-6) The nature of the client's business, by
20 indicating all of the following categories that apply: (1)
21 banking and financial services, (2) manufacturing, (3)
22 education, (4) environment, (5) healthcare, (6) insurance,
23 (7) community interests, (8) labor, (9) public relations or
24 advertising, (10) marketing or sales, (11) hospitality,
25 (12) engineering, (13) information or technology products
26 or services, (14) social services, (15) public utilities,

1 (16) racing or wagering, (17) real estate or construction,
2 (18) telecommunications, (19) trade or professional
3 association, (20) travel or tourism, (21) transportation,
4 and (22) other (setting forth the nature of that other
5 business).

6 The registrant must file an amendment to the statement
7 within 14 calendar days to report any substantial change or
8 addition to the information previously filed, except that a
9 registrant must file an amendment to the statement to disclose
10 a new agreement to retain the registrant for lobbying services
11 before any service is performed which requires the person to
12 register, but in any event not later than 2 business days after
13 entering into the retainer agreement.

14 ~~Not later than 12 months after the effective date of this~~
15 ~~amendatory Act of the 93rd General Assembly, or as soon~~
16 ~~thereafter as the Secretary of State has provided adequate~~
17 ~~software to the persons required to file, all statements and~~
18 ~~amendments to statements required to be filed shall be filed~~
19 ~~electronically. The Secretary of State shall promptly make all~~
20 ~~filed statements and amendments to statements publicly~~
21 ~~available by means of a searchable database that is accessible~~
22 ~~through the World Wide Web. The Secretary of State shall~~
23 ~~provide all software necessary to comply with this provision to~~
24 ~~all persons required to file. The Secretary of State shall~~
25 ~~implement a plan to provide computer access and assistance to~~
26 ~~persons required to file electronically.~~

1 ~~All Persons required to register under this Act prior to~~
2 ~~July 1, 2003, shall remit a single, annual and nonrefundable~~
3 ~~\$50 registration fee. All fees collected for registrations~~
4 ~~prior to July 1, 2003, shall be deposited into the Lobbyist~~
5 ~~Registration Administration Fund for administration and~~
6 ~~enforcement of this Act. Beginning July 1, 2003, all persons~~
7 ~~other than entities qualified under Section 501(c)(3) of the~~
8 ~~Internal Revenue Code~~ required to register under this Act shall
9 remit a single, annual, and nonrefundable \$1,000 ~~\$350~~
10 registration fee. ~~Entities required to register under this Act~~
11 ~~which are qualified under Section 501(c)(3) of the Internal~~
12 ~~Revenue Code shall remit a single, annual, and nonrefundable~~
13 ~~\$150 registration fee.~~ Each individual required to register
14 under this Act shall submit, on an annual basis, a picture of
15 the registrant. A registrant may, in lieu of submitting a
16 picture on an annual basis, authorize the Secretary of State to
17 use any photo identification available in any database
18 maintained by the Secretary of State for other purposes. Of
19 each registration fee collected for registrations on or after
20 July 1, 2003, \$50 shall be deposited into the Lobbyist
21 Registration Administration Fund for administration and
22 enforcement of this Act and is intended to be used to implement
23 and maintain electronic filing of reports under this Act, the
24 next \$100 shall be deposited into the Lobbyist Registration
25 Administration Fund for administration and enforcement of this
26 Act, and any balance shall be deposited into the General

1 Revenue Fund, except that amounts resulting from the fee
2 increase of this amendatory Act of the 96th General Assembly
3 shall be deposited into the Lobbyist Registration
4 Administration Fund to be used for the costs of reviewing and
5 investigating violations of this Act..

6 (Source: P.A. 93-32, eff. 7-1-03; 93-615, eff. 11-19-03;
7 93-617, eff. 12-9-03.)

8 (25 ILCS 170/6) (from Ch. 63, par. 176)

9 Sec. 6. Reports.

10 (a) Lobbyist reports. Except as otherwise provided in this
11 Section, every lobbyist registered under this Act who is solely
12 employed by a lobbying entity ~~person required to register as~~
13 ~~prescribed in Section 3~~ shall file an affirmation report,
14 verified under oath pursuant to Section 1-109 of the Code of
15 Civil Procedure, with to the Secretary of State attesting to
16 the accuracy of any reports filed pursuant to subsection (b) as
17 those reports pertain to work performed by the lobbyist. Any
18 lobbyist registered under this Act who is not solely employed
19 by a lobbying entity shall personally file reports required of
20 lobbying entities pursuant to subsection (b). A lobbyist may,
21 if authorized so to do by a lobbying entity by whom he or she is
22 employed or retained, file lobbying entity reports pursuant to
23 section (b) provided that the lobbying entity may delegate the
24 filing of the lobbying entity report to only one lobbyist in
25 any reporting period ~~all expenditures for lobbying made or~~

1 ~~incurred by the lobbyist on his behalf or the behalf of his~~
2 ~~employer. In the case where an individual is solely employed by~~
3 ~~another person to perform job related functions any part of~~
4 ~~which includes lobbying, the employer shall be responsible for~~
5 ~~reporting all lobbying expenditures incurred on the employer's~~
6 ~~behalf as shall be identified by the lobbyist to the employer~~
7 ~~preceding such report. Persons who contract with another person~~
8 ~~to perform lobbying activities shall be responsible for~~
9 ~~reporting all lobbying expenditures incurred on the employer's~~
10 ~~behalf. Any additional lobbying expenses incurred by the~~
11 ~~employer which are separate and apart from those incurred by~~
12 ~~the contractual employee shall be reported by the employer.~~

13 (b) Lobbying entity reports. Except as otherwise provided
14 in this Section, every lobbying entity registered under this
15 Act shall report expenditures related to lobbying. The report
16 shall itemize each individual expenditure or transaction ~~over~~
17 ~~\$100~~ and shall include the name of the official on whose behalf
18 the expenditure was made, the name of the client on whose
19 behalf the expenditure was made, if applicable, the total
20 amount of the expenditure, a description of the expenditure,
21 the address and location of the expenditure if the expenditure
22 was for an intangible item such as lodging, the date on which
23 the expenditure occurred and the subject matter of the lobbying
24 activity, if any.

25 The report shall include the names and addresses of all
26 clients who retained the lobbying entity together with an

1 itemized description for each client of the following: (1)
2 lobbying regarding executive action, including the name of any
3 executive agency lobbied and the subject matter; (2) lobbying
4 regarding legislative action, including the General Assembly
5 and any other agencies lobbied and the subject matter; and (3)
6 lobbying regarding administrative action, including the agency
7 lobbied and the subject matter. Registrants who made no
8 reportable expenditures during a reporting period shall file a
9 report stating that no expenditures were incurred.

10 Expenditures attributable to lobbying officials shall be
11 listed and reported according to the following categories:

12 (1) travel and lodging on behalf of others.

13 (2) meals, beverages and other entertainment.

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

16 (4) honoraria.

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

24 ~~Individual expenditures required to be reported as~~
25 ~~described herein which are equal to or less than \$100 in value~~
26 ~~need not be itemized but are required to be categorized and~~

1 ~~reported by officials in an aggregate total in a manner~~
2 ~~prescribed by rule of the Secretary of State.~~

3 (b-3) Expenditures incurred for hosting receptions,
4 benefits and other large gatherings held for purposes of
5 goodwill or otherwise to influence executive, legislative or
6 administrative action to which there are 25 or more State
7 officials invited shall be reported listing only the total
8 amount of the expenditure, the date of the event, and the
9 estimated number of officials in attendance.

10 (b-5) Each individual expenditure required to be reported
11 shall include all expenses made for or on behalf of State
12 officials and their immediate family members ~~of the immediate~~
13 ~~family of those persons.~~

14 ~~The category travel and lodging includes, but is not~~
15 ~~limited to, all travel and living accommodations made for or on~~
16 ~~behalf of State officials in the capital during sessions of the~~
17 ~~General Assembly.~~

18 (b-7) Matters excluded from reports. Reasonable and bona
19 fide expenditures made by the registrant who is a member of a
20 legislative or State study commission or committee while
21 attending and participating in meetings and hearings of such
22 commission or committee need not be reported.

23 Reasonable and bona fide expenditures made by the
24 registrant for personal sustenance, lodging, travel, office
25 expenses and clerical or support staff need not be reported.

26 Salaries, fees, and other compensation paid to the

1 registrant for the purposes of lobbying need not be reported.

2 Any contributions required to be reported under Article 9
3 of the Election Code need not be reported.

4 ~~The report shall include: (1) the name of each State~~
5 ~~government entity lobbied; (2) whether the lobbying involved~~
6 ~~executive, legislative, or administrative action, or a~~
7 ~~combination; (3) the names of the persons who performed the~~
8 ~~lobbyist services; and (4) a brief description of the~~
9 ~~legislative, executive, or administrative action involved.~~

10 ~~Except as otherwise provided in this subsection, gifts and~~
11 ~~honoraria returned or reimbursed to the registrant within 30~~
12 ~~days of the date of receipt shall not be reported.~~

13 A gift or honorarium returned or reimbursed to the
14 registrant within 10 days after the official receives a copy of
15 a report pursuant to Section 6.5 shall not be included in the
16 final report unless the registrant informed the official,
17 contemporaneously with the receipt of the gift or honorarium,
18 that the gift or honorarium is a reportable expenditure
19 pursuant to this Act.

20 ~~(c) Reports under this Section shall be filed by July 31,~~
21 ~~for expenditures from the previous January 1 through the later~~
22 ~~of June 30 or the final day of the regular General Assembly~~
23 ~~session, and by January 31, for expenditures from the entire~~
24 ~~previous calendar year.~~

25 ~~Registrants who made no reportable expenditures during a~~
26 ~~reporting period shall file a report stating that no~~

1 ~~expenditures were incurred. Such reports shall be filed in~~
2 ~~accordance with the deadlines as prescribed in this subsection.~~

3 A registrant who terminates employment or duties which
4 required him to register under this Act shall give the
5 Secretary of State, within 30 days after the date of such
6 termination, written notice of such termination and shall
7 include therewith a report of the expenditures described
8 herein, covering the period of time since the filing of his
9 last report to the date of termination of employment. Such
10 notice and report shall be final and relieve such registrant of
11 further reporting under this Act, unless and until he later
12 takes employment or assumes duties requiring him to again
13 register under this Act.

14 (d) Failure to file any such report within the time
15 designated or the reporting of incomplete information shall
16 constitute a violation of this Act.

17 A registrant shall preserve for a period of 2 years all
18 receipts and records used in preparing reports under this Act.

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

26 (f) Lobbyist and lobbying entity reports shall be filed

1 weekly when the General Assembly is in session and monthly
2 otherwise, in accordance with rules the Secretary of State
3 shall adopt for the implementation of this subsection. A report
4 filed under this Act is due in the Office of the Secretary of
5 State no later than the close of business on the date on which
6 it is required to be filed.

7 (g) All reports filed under this Act shall be filed in a
8 format or on forms prescribed by the Secretary of State.

9 (Source: P.A. 93-244, eff. 1-1-04; 93-615, eff. 11-19-03.)

10 (25 ILCS 170/7) (from Ch. 63, par. 177)

11 Sec. 7. Duties of the Secretary of State.

12 (a) It shall be the duty of the Secretary of State to
13 provide appropriate forms for the registration and reporting of
14 information required by this Act and to keep such registrations
15 and reports on file in his office for 3 years from the date of
16 filing. He shall also provide and maintain a register with
17 appropriate blanks and indexes so that the information required
18 in Sections 5 and 6 of this Act may be accordingly entered.
19 Such records shall be considered public information and open to
20 public inspection.

21 ~~A report filed under this Act is due in the Office of the~~
22 ~~Secretary of State no later than the close of business on the~~
23 ~~date on which it is required to be filed.~~

24 (b) Within 10 days after a filing deadline, the Secretary
25 of State shall notify persons he determines are required to

1 file but have failed to do so.

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

18 (d) Not later than 12 months after the effective date of
19 this amendatory Act of the 93rd General Assembly, the Secretary
20 of State shall include registrants' pictures when publishing or
21 posting on his or her website the information required in
22 Section 5.

23 (e) The Secretary of State shall receive and investigate
24 allegations of violations of this Act. Any employee of the
25 Secretary of State who receives an allegation shall immediately
26 transmit it to the Secretary of State Inspector General.

1 (Source: P.A. 93-615, eff. 11-19-03.)

2 (25 ILCS 170/10) (from Ch. 63, par. 180)

3 Sec. 10. Penalties.

4 (a) Any person who violates any of the provisions of this
5 Act shall be guilty of a business offense and shall be fined
6 not more than \$10,000 for each violation. Every day that a
7 report or registration is late shall constitute a separate
8 violation. In determining the appropriate fine for each
9 violation, the trier of fact shall consider the scope of the
10 entire lobbying project, the nature of activities conducted
11 during the time the person was in violation of this Act, and
12 whether or not the violation was intentional or unreasonable.

13 (b) In addition to the penalties provided for in subsection
14 (a) of this Section, any person convicted of any violation of
15 any provision of this Act is prohibited for a period of three
16 years from the date of such conviction from lobbying.

17 (c) There is created in the State treasury a special fund
18 to be known as the Lobbyist Registration Administration Fund.
19 All fines collected in the enforcement of this Section shall be
20 deposited into the Fund. These funds shall, subject to
21 appropriation, be used by the Office of the Secretary of State
22 for implementation and administration of this Act.

23 (Source: P.A. 88-187.)

24 (25 ILCS 170/11) (from Ch. 63, par. 181)

1 Sec. 11. Enforcement Venue.

2 (a) The Secretary of State Inspector General appointed
3 under Section 14 of the Secretary of State Act shall initiate
4 investigations of violations of this Act upon receipt of an
5 allegation. If the Inspector General finds credible evidence of
6 a violation, he or she shall make the information available to
7 the public and transmit copies of the evidence to the alleged
8 violation. If the violator does not correct the violation within
9 30 days, the Inspector General shall transmit the full record
10 of the investigation to any appropriate State's Attorney or to
11 the Attorney General.

12 (b) Any violation of this Act may be prosecuted in the
13 county where the offense is committed or in Sangamon County. In
14 addition to the State's Attorney of the appropriate county, the
15 Attorney General of Illinois also is authorized to prosecute
16 any violation of this Act.

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

18 (25 ILCS 170/11.3 new)

19 Sec. 11.3. Compensation from a State agency. It is a
20 violation of this Act for a person registered or required to be
21 registered under this Act to accept or agree to accept
22 compensation from a State agency for the purpose of lobbying
23 legislative action.

24 This Section does not apply to compensation (i) that is a
25 portion of the salary of a full-time employee of a State agency

1 whose responsibility or authority includes, but is not limited
2 to, lobbying executive, legislative, or administrative action
3 or (ii) to an individual who is contractually retained by a
4 State agency that is not listed in Section 5-15 of the Civil
5 Administrative Code of Illinois.

6 For the purpose of this Section, "State agency" is defined
7 as in the Illinois State Auditing Act.

8 (25 ILCS 170/4 rep.)

9 Section 70. The Lobbyist Registration Act is amended by
10 repealing Section 4.

11 Section 75. The State Prompt Payment Act is amended by
12 changing Section 3-2 as follows:

13 (30 ILCS 540/3-2) (from Ch. 127, par. 132.403-2)

14 Sec. 3-2. Beginning July 1, 1993, in any instance where a
15 State official or agency is late in payment of a vendor's bill
16 or invoice for goods or services furnished to the State, as
17 defined in Section 1, properly approved in accordance with
18 rules promulgated under Section 3-3, the State official or
19 agency shall pay interest to the vendor in accordance with the
20 following:

21 (1) Any bill approved for payment under this Section
22 must be paid or the payment issued to the payee within 60
23 days of receipt of a proper bill or invoice. If payment is

1 not issued to the payee within this 60 day period, an
2 interest penalty of 1.0% of any amount approved and unpaid
3 shall be added for each month or fraction thereof after the
4 end of this 60 day period, until final payment is made.

5 (1.1) A State agency shall review in a timely manner
6 each bill or invoice after its receipt. If the State agency
7 determines that the bill or invoice contains a defect
8 making it unable to process the payment request, the agency
9 shall notify the vendor requesting payment as soon as
10 possible after discovering the defect pursuant to rules
11 promulgated under Section 3-3; provided, however, that the
12 notice for construction related bills or invoices must be
13 given not later than 30 days after the bill or invoice was
14 first submitted. The notice shall identify the defect and
15 any additional information necessary to correct the
16 defect. If one or more items on a construction related bill
17 or invoice are disapproved, but not the entire bill or
18 invoice, then the portion that is not disapproved shall be
19 paid.

20 (2) Where a State official or agency is late in payment
21 of a vendor's bill or invoice properly approved in
22 accordance with this Act, and different late payment terms
23 are not reduced to writing as a contractual agreement, the
24 State official or agency shall automatically pay interest
25 penalties required by this Section ~~amounting to \$50 or more~~
26 to the appropriate vendor. Each agency shall be responsible

1 for determining whether an interest penalty is owed and for
2 paying the interest to the vendor. ~~For interest of at least~~
3 ~~\$5 but less than \$50, the vendor must initiate a written~~
4 ~~request for the interest penalty when such interest is due~~
5 ~~and payable. The Department of Central Management Services~~
6 ~~and the State Comptroller shall jointly promulgate rules~~
7 ~~establishing the conditions under which interest of less~~
8 ~~than \$5 may be claimed and paid.~~ In the event an individual
9 has paid a vendor for services in advance, the provisions
10 of this Section shall apply until payment is made to that
11 individual.

12 (Source: P.A. 94-972, eff. 7-1-07.)

13 Section 80. The Illinois Public Aid Code is amended by
14 changing Section 12-13.1 as follows:

15 (305 ILCS 5/12-13.1)

16 Sec. 12-13.1. Inspector General.

17 (a) The Governor shall appoint, and the Senate shall
18 confirm, an Inspector General who shall function within the
19 Illinois Department of Public Aid (now Healthcare and Family
20 Services) and report to the Governor. The term of the Inspector
21 General shall expire on the third Monday of January, 1997 and
22 every 4 years thereafter.

23 (b) In order to prevent, detect, and eliminate fraud,
24 waste, abuse, mismanagement, and misconduct, the Inspector

1 General shall oversee the Department of Healthcare and Family
2 Services' integrity functions, which include, but are not
3 limited to, the following:

4 (1) Investigation of misconduct by employees, vendors,
5 contractors and medical providers, except for allegations
6 of violations of the State Officials and Employees Ethics
7 Act which shall be referred to the Office of the Governor's
8 Executive Inspector General for investigation.

9 (2) Audits of medical providers related to ensuring
10 that appropriate payments are made for services rendered
11 and to the recovery of overpayments.

12 (3) Monitoring of quality assurance programs generally
13 related to the medical assistance program and specifically
14 related to any managed care program.

15 (4) Quality control measurements of the programs
16 administered by the Department of Healthcare and Family
17 Services.

18 (5) Investigations of fraud or intentional program
19 violations committed by clients of the Department of
20 Healthcare and Family Services.

21 (6) Actions initiated against contractors or medical
22 providers for any of the following reasons:

23 (A) Violations of the medical assistance program.

24 (B) Sanctions against providers brought in
25 conjunction with the Department of Public Health or the
26 Department of Human Services (as successor to the

1 Department of Mental Health and Developmental
2 Disabilities).

3 (C) Recoveries of assessments against hospitals
4 and long-term care facilities.

5 (D) Sanctions mandated by the United States
6 Department of Health and Human Services against
7 medical providers.

8 (E) Violations of contracts related to any managed
9 care programs.

10 (7) Representation of the Department of Healthcare and
11 Family Services at hearings with the Illinois Department of
12 Professional Regulation in actions taken against
13 professional licenses held by persons who are in violation
14 of orders for child support payments.

15 (b-5) At the request of the Secretary of Human Services,
16 the Inspector General shall, in relation to any function
17 performed by the Department of Human Services as successor to
18 the Department of Public Aid, exercise one or more of the
19 powers provided under this Section as if those powers related
20 to the Department of Human Services; in such matters, the
21 Inspector General shall report his or her findings to the
22 Secretary of Human Services.

23 (c) The Inspector General shall have access to all
24 information, personnel and facilities of the Department of
25 Healthcare and Family Services and the Department of Human
26 Services (as successor to the Department of Public Aid), their

1 employees, vendors, contractors and medical providers and any
2 federal, State or local governmental agency that are necessary
3 to perform the duties of the Office as directly related to
4 public assistance programs administered by those departments.
5 No medical provider shall be compelled, however, to provide
6 individual medical records of patients who are not clients of
7 the Medical Assistance Program. State and local governmental
8 agencies are authorized and directed to provide the requested
9 information, assistance or cooperation.

10 (d) The Inspector General shall serve as the Department of
11 Healthcare and Family Services' primary liaison with law
12 enforcement, investigatory and prosecutorial agencies,
13 including but not limited to the following:

14 (1) The Department of State Police.

15 (2) The Federal Bureau of Investigation and other
16 federal law enforcement agencies.

17 (3) The various Inspectors General of federal agencies
18 overseeing the programs administered by the Department of
19 Healthcare and Family Services.

20 (4) The various Inspectors General of any other State
21 agencies with responsibilities for portions of programs
22 primarily administered by the Department of Healthcare and
23 Family Services.

24 (5) The Offices of the several United States Attorneys
25 in Illinois.

26 (6) The several State's Attorneys.

1 The Inspector General shall meet on a regular basis with
2 these entities to share information regarding possible
3 misconduct by any persons or entities involved with the public
4 aid programs administered by the Department of Healthcare and
5 Family Services.

6 (e) All investigations conducted by the Inspector General
7 shall be conducted in a manner that ensures the preservation of
8 evidence for use in criminal prosecutions. If the Inspector
9 General determines that a possible criminal act relating to
10 fraud in the provision or administration of the medical
11 assistance program has been committed, the Inspector General
12 shall immediately notify the Medicaid Fraud Control Unit. If
13 the Inspector General determines that a possible criminal act
14 has been committed within the jurisdiction of the Office, the
15 Inspector General may request the special expertise of the
16 Department of State Police. The Inspector General may present
17 for prosecution the findings of any criminal investigation to
18 the Office of the Attorney General, the Offices of the several
19 United States Attorneys in Illinois or the several State's
20 Attorneys.

21 (f) To carry out his or her duties as described in this
22 Section, the Inspector General and his or her designees shall
23 have the power to compel by subpoena the attendance and
24 testimony of witnesses and the production of books, electronic
25 records and papers as directly related to public assistance
26 programs administered by the Department of Healthcare and

1 Family Services or the Department of Human Services (as
2 successor to the Department of Public Aid). No medical provider
3 shall be compelled, however, to provide individual medical
4 records of patients who are not clients of the Medical
5 Assistance Program.

6 (g) The Inspector General shall report all convictions,
7 terminations, and suspensions taken against vendors,
8 contractors and medical providers to the Department of
9 Healthcare and Family Services and to any agency responsible
10 for licensing or regulating those persons or entities.

11 (h) The Inspector General shall make annual reports,
12 findings, and recommendations regarding the Office's
13 investigations into reports of fraud, waste, abuse,
14 mismanagement, or misconduct relating to any public aid
15 programs administered by the Department of Healthcare and
16 Family Services or the Department of Human Services (as
17 successor to the Department of Public Aid) to the General
18 Assembly and the Governor. These reports shall include, but not
19 be limited to, the following information:

20 (1) Aggregate provider billing and payment
21 information, including the number of providers at various
22 Medicaid earning levels.

23 (2) The number of audits of the medical assistance
24 program and the dollar savings resulting from those audits.

25 (3) The number of prescriptions rejected annually
26 under the Department of Healthcare and Family Services'

1 Refill Too Soon program and the dollar savings resulting
2 from that program.

3 (4) Provider sanctions, in the aggregate, including
4 terminations and suspensions.

5 (5) A detailed summary of the investigations
6 undertaken in the previous fiscal year. These summaries
7 shall comply with all laws and rules regarding maintaining
8 confidentiality in the public aid programs.

9 (i) Nothing in this Section shall limit investigations by
10 the Department of Healthcare and Family Services or the
11 Department of Human Services that may otherwise be required by
12 law or that may be necessary in their capacity as the central
13 administrative authorities responsible for administration of
14 public aid programs in this State.

15 (Source: P.A. 95-331, eff. 8-21-07.)

16 Section 85. The Whistleblower Act is amended by changing
17 Section 20 and by adding Sections 20.1 and 20.2 as follows:

18 (740 ILCS 174/20)

19 Sec. 20. Retaliation for certain refusals prohibited. An
20 employer may not retaliate against an employee for refusing to
21 participate in an activity that would result in a violation of
22 a State or federal law, rule, or regulation, including, but not
23 limited to, violations of the Freedom of Information Act.

24 (Source: P.A. 93-544, eff. 1-1-04.)

1 (740 ILCS 174/20.1 new)

2 Sec. 20.1. Other retaliation. Any other act or omission not
3 otherwise specifically set forth in this Act, whether within or
4 without the workplace, also constitutes retaliation by an
5 employer under this Act if the act or omission would be
6 materially adverse to a reasonable employee and is because of
7 the employee disclosing or attempting to disclose public
8 corruption or wrongdoing.

9 (740 ILCS 174/20.2 new)

10 Sec. 20.2. Threatening retaliation. An employer may not
11 threaten any employee with any act or omission if that act or
12 omission would constitute retaliation against the employee
13 under this Act.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law, except that Section 20 and Section 65 take effect
16 January 1, 2010 .".