

1 AN ACT concerning ethics.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
17 election to such Commission or Board.

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

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

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

19 (1) are, or function as, the head of a department,
20 commission, board, division, bureau, authority or
21 other administrative unit within the government of
22 this State, or who exercise similar authority within
23 the government of this State;

24 (2) have direct supervisory authority over, or
25 direct responsibility for the formulation,
26 negotiation, issuance or execution of contracts

1 entered into by the State in the amount of \$5,000 or
2 more;

3 (3) have authority for the issuance or
4 promulgation of rules and regulations within areas
5 under the authority of the State;

6 (4) have authority for the approval of
7 professional licenses;

8 (5) have responsibility with respect to the
9 financial inspection of regulated nongovernmental
10 entities;

11 (6) adjudicate, arbitrate, or decide any judicial
12 or administrative proceeding, or review the
13 adjudication, arbitration or decision of any judicial
14 or administrative proceeding within the authority of
15 the State;

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

18 (8) negotiate, assign, authorize, or grant naming
19 rights or sponsorship rights regarding any property or
20 asset of the State, whether real, personal, tangible,
21 or intangible; or -

22 (9) have responsibility with respect to the
23 procurement of goods or services.

24 (g) Persons who are elected to office in a unit of
25 local government, and candidates for nomination or
26 election to that office, including regional

1 superintendents of school districts.

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

15 (i) Persons who are employed by a unit of local
16 government and are compensated for services as employees
17 and not as independent contractors and who:

18 (1) are, or function as, the head of a department,
19 division, bureau, authority or other administrative
20 unit within the unit of local government, or who
21 exercise similar authority within the unit of local
22 government;

23 (2) have direct supervisory authority over, or
24 direct responsibility for the formulation,
25 negotiation, issuance or execution of contracts
26 entered into by the unit of local government in the

1 amount of \$1,000 or greater;

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

6 (4) adjudicate, arbitrate, or decide any judicial
7 or administrative proceeding, or review the
8 adjudication, arbitration or decision of any judicial
9 or administrative proceeding within the authority of
10 the unit of local government;

11 (5) have authority to issue or promulgate rules and
12 regulations within areas under the authority of the
13 unit of local government; or

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

16 (j) Persons on the Board of Trustees of the Illinois
17 Mathematics and Science Academy.

18 (k) Persons employed by a school district in positions
19 that require that person to hold an administrative or a
20 chief school business official endorsement.

21 (l) Special government agents. A "special government
22 agent" is a person who is directed, retained, designated,
23 appointed, or employed, with or without compensation, by or
24 on behalf of a statewide executive branch constitutional
25 officer to make an ex parte communication under Section
26 5-50 of the State Officials and Employees Ethics Act or

1 Section 5-165 of the Illinois Administrative Procedure
2 Act.

3 (m) Members of the board of commissioners of any flood
4 prevention district.

5 (n) Members of the board of any retirement system or
6 investment board established under the Illinois Pension
7 Code, if not required to file under any other provision of
8 this Section.

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

12 This Section shall not be construed to prevent any unit of
13 local government from enacting financial disclosure
14 requirements that mandate more information than required by
15 this Act.

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

17 Section 10. The State Officials and Employees Ethics Act is
18 amended by changing Sections 1-5, 5-10, 5-30, 5-40, 5-45, 15-5,
19 15-25, 20-5, 20-10, 20-20, 20-21, 20-45, 20-50, 20-55, 20-60,
20 20-65, 20-70, 20-80, 20-85, 20-90, 20-95, 25-5, 25-20, 25-50,
21 25-65, 25-95, 35-5, and 50-5 and by adding Sections 20-20a,
22 20-51, 20-52, 25-20a, 25-51, 25-52, and 50-10 as follows:

23 (5 ILCS 430/1-5)

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

1 "Appointee" means a person appointed to a position in or
2 with a State agency, regardless of whether the position is
3 compensated.

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

15 "Candidate" means a person who has filed nominating papers
16 or petitions for nomination or election to an elected State
17 office, or who has been appointed to fill a vacancy in
18 nomination, and who remains eligible for placement on the
19 ballot at either a general primary election or general
20 election.

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

24 "Commission" means an ethics commission created by this
25 Act.

26 "Compensated time" means any time worked by or credited to

1 a State employee that counts toward any minimum work time
2 requirement imposed as a condition of employment with a State
3 agency, but does not include any designated State holidays or
4 any period when the employee is on a leave of absence.

5 "Compensatory time off" means authorized time off earned by
6 or awarded to a State employee to compensate in whole or in
7 part for time worked in excess of the minimum work time
8 required of that employee as a condition of employment with a
9 State agency.

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

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

21 "Employment benefits" include but are not limited to the
22 following: modified compensation or benefit terms; compensated
23 time off; or change of title, job duties, or location of office
24 or employment. An employment benefit may also include favorable
25 treatment in determining whether to bring any disciplinary or
26 similar action or favorable treatment during the course of any

1 disciplinary or similar action or other performance review.

2 "Executive branch constitutional officer" means the
3 Governor, Lieutenant Governor, Attorney General, Secretary of
4 State, Comptroller, and Treasurer.

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

12 "Governmental entity" means a unit of local government
13 (including a community college district) or a school district
14 but not a State agency.

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

20 "Legislative branch constitutional officer" means a member
21 of the General Assembly and the Auditor General.

22 "Legislative leader" means the President and Minority
23 Leader of the Senate and the Speaker and Minority Leader of the
24 House of Representatives.

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

26 "Officer" means an executive branch constitutional officer

1 or a legislative branch constitutional officer.

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

11 "Political organization" means a party, committee,
12 association, fund, or other organization (whether or not
13 incorporated) that is required to file a statement of
14 organization with the State Board of Elections or a county
15 clerk under Section 9-3 of the Election Code, but only with
16 regard to those activities that require filing with the State
17 Board of Elections or a county clerk.

18 "Prohibited political activity" means:

19 (1) Preparing for, organizing, or participating in any
20 political meeting, political rally, political
21 demonstration, or other political event.

22 (2) Soliciting contributions, including but not
23 limited to the purchase of, selling, distributing, or
24 receiving payment for tickets for any political
25 fundraiser, political meeting, or other political event.

26 (3) Soliciting, planning the solicitation of, or

1 preparing any document or report regarding any thing of
2 value intended as a campaign contribution.

3 (4) Planning, conducting, or participating in a public
4 opinion poll in connection with a campaign for elective
5 office or on behalf of a political organization for
6 political purposes or for or against any referendum
7 question.

8 (5) Surveying or gathering information from potential
9 or actual voters in an election to determine probable vote
10 outcome in connection with a campaign for elective office
11 or on behalf of a political organization for political
12 purposes or for or against any referendum question.

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

16 (7) Soliciting votes on behalf of a candidate for
17 elective office or a political organization or for or
18 against any referendum question or helping in an effort to
19 get voters to the polls.

20 (8) Initiating for circulation, preparing,
21 circulating, reviewing, or filing any petition on behalf of
22 a candidate for elective office or for or against any
23 referendum question.

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

1 (10) Preparing or reviewing responses to candidate
2 questionnaires in connection with a campaign for elective
3 office or on behalf of a political organization for
4 political purposes.

5 (11) Distributing, preparing for distribution, or
6 mailing campaign literature, campaign signs, or other
7 campaign material on behalf of any candidate for elective
8 office or for or against any referendum question.

9 (12) Campaigning for any elective office or for or
10 against any referendum question.

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

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

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

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

21 (1) is seeking official action (i) by the member or
22 officer or (ii) in the case of an employee, by the employee
23 or by the member, officer, State agency, or other employee
24 directing the employee;

25 (2) does business or seeks to do business (i) with the
26 member or officer or (ii) in the case of an employee, with

1 the employee or with the member, officer, State agency, or
2 other employee directing the employee;

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

7 (4) has interests that may be substantially affected by
8 the performance or non-performance of the official duties
9 of the member, officer, or employee; ~~or~~

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

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

18 "State agency" includes all officers, boards, commissions
19 and agencies created by the Constitution, whether in the
20 executive or legislative branch; all officers, departments,
21 boards, commissions, agencies, institutions, authorities,
22 public institutions of higher learning as defined in Section 2
23 of the Higher Education Cooperation Act (except community
24 colleges), and bodies politic and corporate of the State; and
25 administrative units or corporate outgrowths of the State
26 government which are created by or pursuant to statute, other

1 than units of local government (including community college
2 districts) and their officers, school districts, and boards of
3 election commissioners; and all administrative units and
4 corporate outgrowths of the above and as may be created by
5 executive order of the Governor. "State agency" includes the
6 General Assembly, the Senate, the House of Representatives, the
7 President and Minority Leader of the Senate, the Speaker and
8 Minority Leader of the House of Representatives, the Senate
9 Operations Commission, and the legislative support services
10 agencies. "State agency" includes the Office of the Auditor
11 General. "State agency" does not include the judicial branch.

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

13 "Ultimate jurisdictional authority" means the following:

14 (1) For members, legislative partisan staff, and
15 legislative secretaries, the appropriate legislative
16 leader: President of the Senate, Minority Leader of the
17 Senate, Speaker of the House of Representatives, or
18 Minority Leader of the House of Representatives.

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

22 (3) For State employees who are professional staff or
23 employees of the House of Representatives and not covered
24 under item (1), the Speaker of the House of
25 Representatives.

26 (4) For State employees who are employees of the

1 legislative support services agencies, the Joint Committee
2 on Legislative Support Services.

3 (5) For State employees of the Auditor General, the
4 Auditor General.

5 (6) For State employees of public institutions of
6 higher learning as defined in Section 2 of the Higher
7 Education Cooperation Act (except community colleges), the
8 board of trustees of the appropriate public institution of
9 higher learning.

10 (7) For State employees of an executive branch
11 constitutional officer other than those described in
12 paragraph (6), the appropriate executive branch
13 constitutional officer.

14 (8) For State employees not under the jurisdiction of
15 paragraph (1), (2), (3), (4), (5), (6), or (7), the
16 Governor.

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

18 (5 ILCS 430/5-10)

19 Sec. 5-10. Ethics training.

20 (a) Each officer, member, and employee must complete, at
21 least annually beginning in 2004, an ethics training program
22 conducted by the appropriate State agency. Each ultimate
23 jurisdictional authority must implement an ethics training
24 program for its officers, members, and employees. These ethics
25 training programs shall be overseen by the appropriate Ethics

1 Commission and Inspector General appointed pursuant to this Act
2 in consultation with the Office of the Attorney General.

3 (b) Each ultimate jurisdictional authority subject to the
4 Executive Ethics Commission shall submit to the Executive
5 Ethics Commission, at least annually, or more frequently as
6 required by that Commission, an annual report that summarizes
7 ethics training that was completed during the previous year,
8 and lays out the plan for the ethics training programs in the
9 coming year.

10 (c) Each Inspector General shall set standards and
11 determine the hours and frequency of training necessary for
12 each position or category of positions. A person who fills a
13 vacancy in an elective or appointed position that requires
14 training and a person employed in a position that requires
15 training must complete his or her initial ethics training
16 within 30 days ~~6 months~~ after commencement of his or her office
17 or employment.

18 (d) Upon completion of the ethics training program, each
19 officer, member, and employee must certify in writing that the
20 person has completed the training program. Each officer,
21 member, and employee must provide to his or her ethics officer
22 a signed copy of the certification by the deadline for
23 completion of the ethics training program.

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

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

2 (5 ILCS 430/5-30)

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

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

16 (b) Any State employee who is requested or directed by an
17 officer, member, or employee of the executive or legislative
18 branch or a candidate for an executive or legislative branch
19 office to engage in activity prohibited by Section 5-30 shall
20 report such request or directive to the appropriate ethics
21 officer or Inspector General.

22 (c) Nothing in this Section prevents the making or
23 accepting of voluntary contributions otherwise in accordance
24 with law.

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

1 (5 ILCS 430/5-40)

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

16 During the period beginning June 1 and ending on the first
17 day of fall veto session each year, this Section does not apply
18 to (i) a member of the General Assembly whose legislative or
19 representative district is entirely within Sangamon County or
20 (ii) a candidate for the General Assembly from that legislative
21 or representative district.

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

23 (5 ILCS 430/5-45)

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

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

12 (b) No former officer of the executive branch or State
13 employee of the executive branch with regulatory or licensing
14 authority, or spouse or immediate family member living with
15 such person, shall, within a period of one year immediately
16 after termination of State employment, knowingly accept
17 employment or receive compensation or ~~of~~ fees for services from
18 a person or entity if the officer or State employee, during the
19 year immediately preceding termination of State employment,
20 participated personally and substantially in making ~~made~~ a
21 regulatory or licensing decision that directly applied to the
22 person or entity, or its parent or subsidiary.

23 ~~(c) The requirements of this Section may be waived (i) for~~
24 ~~the executive branch, in writing by the Executive Ethics~~
25 ~~Commission, (ii) for the legislative branch, in writing by the~~
26 ~~Legislative Ethics Commission, and (iii) for the Auditor~~

1 ~~General, in writing by the Auditor General. During the time~~
2 ~~period from the effective date of this amendatory Act of the~~
3 ~~93rd General Assembly until the Executive Ethics Commission~~
4 ~~first meets, the requirements of this Section may be waived in~~
5 ~~writing by the appropriate ultimate jurisdictional authority.~~
6 ~~During the time period from the effective date of this~~
7 ~~amendatory Act of the 93rd General Assembly until the~~
8 ~~Legislative Ethics Commission first meets, the requirements of~~
9 ~~this Section may be waived in writing by the appropriate~~
10 ~~ultimate jurisdictional authority. The waiver shall be granted~~
11 ~~upon a showing that the prospective employment or relationship~~
12 ~~did not affect the decisions referred to in sections (a) and~~
13 ~~(b).~~

14 (c) Within 6 months after the effective date of this
15 amendatory Act of the 96th General Assembly, each executive
16 branch constitutional officer and legislative leader, the
17 Auditor General, and the Joint Committee on Legislative Support
18 Services shall adopt a policy delineating which State positions
19 under his or her jurisdiction and control, by the nature of
20 their duties, may have the authority to participate personally
21 and substantially in the award of State contracts or in
22 regulatory or licensing decisions. The Governor shall adopt
23 such a policy for all State employees of the executive branch
24 not under the jurisdiction and control of any other executive
25 branch constitutional officer. ~~(d) This Section applies only to~~
26 ~~persons who terminate an affected position on or after the~~

1 ~~effective date of this amendatory Act of the 93rd General~~
2 ~~Assembly.~~

3 The policies required under subsection (c) of this Section
4 shall be filed with the appropriate ethics commission
5 established under this Act or, for the Auditor General, with
6 the Office of the Auditor General.

7 (d) Each Inspector General shall have the authority to
8 determine that additional State positions under his or her
9 jurisdiction, not otherwise subject to the policies required by
10 subsection (c) of this Section, are nonetheless subject to the
11 notification requirement of subsection (f) below due to their
12 involvement in the award of State contracts or in regulatory or
13 licensing decisions.

14 (e) The Joint Committee on Legislative Support Services,
15 the Auditor General, and each of the executive branch
16 constitutional officers and legislative leaders subject to
17 subsection (c) of this Section shall provide written
18 notification to all employees in positions subject to the
19 policies required by subsection (c) or a determination made
20 under subsection (d): (1) upon hiring, promotion, or transfer
21 into the relevant position; and (2) at the time the employee's
22 duties are changed in such a way as to qualify that employee.
23 An employee receiving notification must certify in writing that
24 the person was advised of the prohibition and the requirement
25 to notify the appropriate Inspector General in subsection (f).

26 (f) Any State employee in a position subject to the

1 policies required by subsection (c) or to a determination under
2 subsection (d), but who does not fall within the prohibition of
3 subsection (h) below, who is offered non-State employment
4 during State employment or within a period of one year
5 immediately after termination of State employment shall, prior
6 to accepting such non-State employment, notify the appropriate
7 Inspector General. Within 10 calendar days after receiving
8 notification from an employee in a position subject to the
9 policies required by subsection (c), such Inspector General
10 shall make a determination as to whether the State employee is
11 restricted from accepting such employment by subsection (a) or
12 (b). In making a determination, in addition to any other
13 relevant information, an Inspector General shall assess the
14 effect of the prospective employment or relationship upon
15 decisions referred to in subsections (a) and (b), based on the
16 totality of the participation by the former officer, member, or
17 State employee in those decisions. A determination by an
18 Inspector General must be in writing, signed and dated by the
19 Inspector General, and delivered to the subject of the
20 determination within 10 calendar days or the person is deemed
21 eligible for the employment opportunity. For purposes of this
22 subsection, "appropriate Inspector General" means (i) for
23 members and employees of the legislative branch, the
24 Legislative Inspector General; (ii) for the Auditor General and
25 employees of the Office of the Auditor General, the Inspector
26 General provided for in Section 30-5 of this Act; and (iii) for

1 executive branch officers and employees, the Inspector General
2 having jurisdiction over the officer or employee. Notice of any
3 determination of an Inspector General and of any such appeal
4 shall be given to the ultimate jurisdictional authority, the
5 Attorney General, and the Executive Ethics Commission.

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

11 On appeal, the Ethics Commission or Auditor General shall
12 seek, accept, and consider written public comments regarding a
13 determination. In deciding whether to uphold an Inspector
14 General's determination, the appropriate Ethics Commission or
15 Auditor General shall assess, in addition to any other relevant
16 information, the effect of the prospective employment or
17 relationship upon the decisions referred to in subsections (a)
18 and (b), based on the totality of the participation by the
19 former officer, member, or State employee in those decisions.
20 The Ethics Commission shall decide whether to uphold an
21 Inspector General's determination within 10 calendar days or
22 the person is deemed eligible for the employment opportunity.

23 (h) The following officers, members, or State employees
24 shall not, within a period of one year immediately after
25 termination of office or State employment, knowingly accept
26 employment or receive compensation or fees for services from a

1 person or entity if the person or entity or its parent or
2 subsidiary, during the year immediately preceding termination
3 of State employment, was a party to a State contract or
4 contracts with a cumulative value of \$25,000 or more involving
5 the officer, member, or State employee's State agency, or was
6 the subject of a regulatory or licensing decision involving the
7 officer, member, or State employee's State agency, regardless
8 of whether he or she participated personally and substantially
9 in the award of the State contract or contracts or the making
10 of the regulatory or licensing decision in question:

11 (1) members or officers;

12 (2) members of a commission or board created by the
13 Illinois Constitution;

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

16 (4) the head of a department, commission, board,
17 division, bureau, authority, or other administrative unit
18 within the government of this State;

19 (5) chief procurement officers, State purchasing
20 officers, and their designees whose duties are directly
21 related to State procurement; and

22 (6) chiefs of staff, deputy chiefs of staff, associate
23 chiefs of staff, assistant chiefs of staff, and deputy
24 governors.

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

1 (5 ILCS 430/15-5)

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

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

9 "Supervisor" means an officer, a member, or a State
10 employee who has the authority to direct and control the work
11 performance of a State employee or who has authority to take
12 corrective action regarding any violation of a law, rule, or
13 regulation of which the State employee complains.

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

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

21 (5 ILCS 430/15-25)

22 Sec. 15-25. Remedies. The State employee may be awarded
23 all remedies necessary to make the State employee whole and to
24 prevent future violations of this Article. The circuit courts
25 of this State shall have jurisdiction to hear cases brought

1 under this Article. Remedies imposed by the court may include,
2 but are not limited to, all of the following:

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

6 (2) 2 times the amount of back pay;

7 (3) interest on the back pay;

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

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

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

13 (5 ILCS 430/20-5)

14 Sec. 20-5. Executive Ethics Commission.

15 (a) The Executive Ethics Commission is created.

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

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

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

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

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

26 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 shall appoint commissioners from the general public. A
5 person is not eligible to serve as a commissioner if that
6 person (i) has been convicted of a felony or a crime of
7 dishonesty or moral turpitude, (ii) is, or was within the
8 preceding 12 months, engaged in activities that require
9 registration under the Lobbyist Registration Act, (iii) is
10 related to the appointing authority, or (iv) is a State officer
11 or employee.

12 (d) The Executive Ethics Commission shall have
13 jurisdiction over all officers and employees of State agencies
14 other than the General Assembly, the Senate, the House of
15 Representatives, the President and Minority Leader of the
16 Senate, the Speaker and Minority Leader of the House of
17 Representatives, the Senate Operations Commission, the
18 legislative support services agencies, and the Office of the
19 Auditor General. The jurisdiction of the Commission is limited
20 to matters arising under this Act.

21 A member or legislative branch State employee serving on an
22 executive branch board or commission remains subject to the
23 jurisdiction of the Legislative Ethics Commission and is not
24 subject to the jurisdiction of the Executive Ethics Commission.

25 (d-5) The Executive Ethics Commission shall have
26 jurisdiction over all chief procurement officers and

1 procurement compliance monitors and their respective staffs.
2 The Executive Ethics Commission shall have jurisdiction over
3 any matters arising under the Illinois Procurement Code if the
4 Commission is given explicit authority in that Code.

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

20 (f) No commissioner or employee of the Executive Ethics
21 Commission may during his or her term of appointment or
22 employment:

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

24 (2) hold any other elected or appointed public office
25 except for appointments on governmental advisory boards or
26 study commissions or as otherwise expressly authorized by

1 law;

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

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

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

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

15 (i) The Executive Ethics Commission shall appoint, by a
16 majority of the members appointed to the Commission, chief
17 procurement officers and procurement compliance monitors in
18 accordance with the provisions of the Illinois Procurement
19 Code. The compensation of a chief procurement officer and
20 procurement compliance monitor shall be determined by the
21 Commission.

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

23 (5 ILCS 430/20-10)

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

25 (a) Five independent Offices of the Executive Inspector

1 General are created, one each for the Governor, the Attorney
2 General, the Secretary of State, the Comptroller, and the
3 Treasurer. Each Office shall be under the direction and
4 supervision of an Executive Inspector General and shall be a
5 fully independent office with separate appropriations.

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

24 Nothing in this Article precludes the appointment by the
25 Governor, Attorney General, Secretary of State, Comptroller,
26 or Treasurer of any other inspector general required or

1 permitted by law. The Governor, Attorney General, Secretary of
2 State, Comptroller, and Treasurer each may appoint an existing
3 inspector general as the Executive Inspector General required
4 by this Article, provided that such an inspector general is not
5 prohibited by law, rule, jurisdiction, qualification, or
6 interest from serving as the Executive Inspector General
7 required by this Article. An appointing authority may not
8 appoint a relative as an Executive Inspector General.

9 Each Executive Inspector General shall have the following
10 qualifications:

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

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

15 (3) has 5 or more years of cumulative service (A) with
16 a federal, State, or local law enforcement agency, at least
17 2 years of which have been in a progressive investigatory
18 capacity; (B) as a federal, State, or local prosecutor; (C)
19 as a senior manager or executive of a federal, State, or
20 local agency; (D) as a member, an officer, or a State or
21 federal judge; or (E) representing any combination of (A)
22 through (D).

23 The term of each initial Executive Inspector General shall
24 commence upon qualification and shall run through June 30,
25 2008. The initial appointments shall be made within 60 days
26 after the effective date of this Act.

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

6 A vacancy occurring other than at the end of a term shall
7 be filled by the appointing authority only for the balance of
8 the term of the Executive Inspector General whose office is
9 vacant.

10 Terms shall run regardless of whether the position is
11 filled.

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

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

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

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

1 appropriations permit. A separate appropriation shall be made
2 for each Office of Executive Inspector General.

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

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

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

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

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

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

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

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

24 (2) hold any elected public office; or

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

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

3 (f) An Executive Inspector General may be removed only for
4 cause and may be removed only by the appointing constitutional
5 officer. At the time of the removal, the appointing
6 constitutional officer must report to the Executive Ethics
7 Commission the justification for the removal.

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

9 (5 ILCS 430/20-20)

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

13 (1) To receive and investigate allegations of
14 violations of this Act. ~~The Executive Inspector General may~~
15 ~~receive information through the Office of any Executive~~
16 ~~Inspector General or through an ethics commission. An~~
17 ~~investigation may be conducted only in response to~~
18 ~~information reported to the Executive Inspector General as~~
19 ~~provided in this Section and not upon his or her own~~
20 ~~prerogative. Allegations may not be made anonymously. An~~
21 investigation may not be initiated more than one year after
22 the most recent act of the alleged violation or of a series
23 of alleged violations except where there is reasonable
24 cause to believe that fraudulent concealment has occurred.
25 To constitute fraudulent concealment sufficient to toll

1 this limitations period, there must be an affirmative act
2 or representation calculated to prevent discovery of the
3 fact that a violation has occurred. The Executive Inspector
4 General shall have the discretion to determine the
5 appropriate means of investigation as permitted by law.

6 (2) To request information relating to an
7 investigation from any person when the Executive Inspector
8 General deems that information necessary in conducting an
9 investigation.

10 (3) To issue subpoenas to compel the attendance of
11 witnesses for the purposes of testimony and production of
12 documents and other items for inspection and copying and to
13 make service of those subpoenas and subpoenas issued under
14 item (7) of Section 20-15.

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

16 (5) To file pleadings in the name of the Executive
17 Inspector General with the Executive Ethics Commission,
18 through the Attorney General, as provided in this Article
19 if the Attorney General finds that reasonable cause exists
20 to believe that a violation has occurred.

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

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

26 (8) To request, as the Executive Inspector General

1 deems appropriate, from ethics officers of State agencies
2 under his or her jurisdiction, reports or information on
3 (i) the content of a State agency's ethics training program
4 and (ii) the percentage of new officers and employees who
5 have completed ethics training.

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

11 (10) To establish a policy that ensures the appropriate
12 handling and correct recording of all investigations
13 conducted by the Office, and to ensure that the policy is
14 accessible via the Internet in order that those seeking to
15 report those allegations are familiar with the process and
16 that the subjects of those allegations are treated fairly.

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

18 (5 ILCS 430/20-20a new)

19 Sec. 20-20a. Attorney General investigatory authority. In
20 addition to investigatory authority otherwise granted by law,
21 the Attorney General shall have the authority to investigate
22 violations of this Act pursuant to Section 20-50 or Section
23 20-51 of this Act after receipt of notice from the Executive
24 Ethics Commission or pursuant to Section 5-45. The Attorney
25 General shall have the discretion to determine the appropriate

1 means of investigation as permitted by law, including (i) the
2 request of information relating to an investigation from any
3 person when the Attorney General deems that information
4 necessary in conducting an investigation; and (ii) the issuance
5 of subpoenas to compel the attendance of witnesses for the
6 purposes of sworn testimony and production of documents and
7 other items for inspection and copying and the service of those
8 subpoenas.

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

18 (5 ILCS 430/20-21)

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

20 (a) The Executive Ethics Commission, on its own initiative
21 and by majority vote, may appoint special Executive Inspectors
22 General (i) to investigate alleged violations of this Act if an
23 investigation by the Inspector General was not concluded within
24 6 months after its initiation, where the Commission finds that
25 the Inspector General's reasons under Section 20-65 for failing

1 to complete the investigation are insufficient, ~~and~~ (ii) to
2 accept referrals from the Commission of allegations made
3 pursuant to this Act concerning an Executive Inspector General
4 or employee of an Office of an Executive Inspector General and
5 to investigate those allegations, (iii) to investigate matters
6 within the jurisdiction of an Executive Inspector General if an
7 Executive Inspector General (including his or her employees)
8 could be reasonably deemed to be a wrongdoer or suspect, or if
9 in the determination of the Commission, an investigation
10 presents real or apparent conflicts of interest for the Office
11 of the Executive Inspector General, and (iv) to investigate
12 alleged violations of this Act pursuant to Section 20-50 and
13 Section 20-51.

14 (b) A special Executive Inspector General must have the
15 same qualifications as an Executive Inspector General
16 appointed under Section 20-10.

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

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

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

26 (f) The Commission may report the findings of a special

1 Executive Inspector General and its recommendations, if any, to
2 the appointing authority of the appropriate Executive
3 Inspector General.

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

5 (5 ILCS 430/20-45)

6 Sec. 20-45. Standing; representation.

7 (a) With the exception of a person appealing an Inspector
8 General's determination under Section 5-45 of this Act or under
9 applicable provisions of the Illinois Procurement Code, only
10 ~~Only~~ an Executive Inspector General or the Attorney General may
11 bring actions before the Executive Ethics Commission. The
12 Attorney General may bring actions before the Executive Ethics
13 Commission upon receipt of notice pursuant to Section 5-50 or
14 Section 5-51 or pursuant to Section 5-45.

15 (b) With the exception of Section 5-45, the ~~The~~ Attorney
16 General shall represent an Executive Inspector General in all
17 proceedings before the Commission. Whenever the Attorney
18 General is sick or absent, or unable to attend, or is
19 interested in any matter or proceeding under this Act, upon the
20 filing of a petition under seal by any person with standing,
21 the Supreme Court (or any other court of competent jurisdiction
22 as designated and determined by rule of the Supreme Court) may
23 appoint some competent attorney to prosecute or defend that
24 matter or proceeding, and the attorney so appointed shall have
25 the same power and authority in relation to that matter or

1 proceeding as the Attorney General would have had if present
2 and attending to the same.

3 (c) Attorneys representing an Inspector General in
4 proceedings before the Executive Ethics Commission, except an
5 attorney appointed under subsection (b), shall be appointed or
6 retained by the Attorney General, shall be under the
7 supervision, direction, and control of the Attorney General,
8 and shall serve at the pleasure of the Attorney General. The
9 compensation of any attorneys appointed or retained in
10 accordance with this subsection or subsection (b) shall be paid
11 by the appropriate Office of the Executive Inspector General.
12 (Source: P.A. 93-617, eff. 12-9-03.)

13 (5 ILCS 430/20-50)

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

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

1 disciplinary action to be imposed.

2 (b) The summary report of the investigation shall include
3 the following:

4 (1) A description of any allegations or other
5 information received by the Executive Inspector General
6 pertinent to the investigation.

7 (2) A description of any alleged misconduct discovered
8 in the course of the investigation.

9 (3) Recommendations for any corrective or disciplinary
10 action to be taken in response to any alleged misconduct
11 described in the report, including but not limited to
12 discharge.

13 (4) Other information the Executive Inspector General
14 deems relevant to the investigation or resulting
15 recommendations.

16 (c) Within 30 days after receiving a response from the
17 appropriate ultimate jurisdictional authority or agency head
18 ~~Not less than 30 days after delivery of the summary report of~~
19 ~~an investigation~~ under subsection (a), the Executive Inspector
20 General shall notify the Commission and the Attorney General if
21 the Executive Inspector General believes that a complaint
22 should be filed with the Commission. If ~~if~~ the Executive
23 Inspector General desires to file a ~~petition for leave to file~~
24 ~~a~~ complaint with the Commission, the Executive Inspector
25 General shall submit the summary report and supporting
26 documents to ~~notify the Commission and the Attorney General. If~~

1 the Attorney General concludes that there is insufficient
2 evidence that a violation has occurred, the Attorney General
3 shall notify the Executive Inspector General and the Executive
4 Inspector General shall deliver to the Executive Ethics
5 Commission a copy of the summary report and response from the
6 ultimate jurisdictional authority or agency head. If the
7 Attorney General determines that reasonable cause exists to
8 believe that a violation has occurred, then the Executive
9 Inspector General, represented by the Attorney General, may
10 file with the Executive Ethics Commission ~~a petition for leave~~
11 ~~to file~~ a complaint. The complaint ~~petition~~ shall set forth the
12 alleged violation and the grounds that exist to support the
13 complaint ~~petition~~. The ~~petition for leave to file a~~ complaint
14 must be filed with the Commission within 18 months after the
15 most recent act of the alleged violation or of a series of
16 alleged violations except where there is reasonable cause to
17 believe that fraudulent concealment has occurred. To
18 constitute fraudulent concealment sufficient to toll this
19 limitations period, there must be an affirmative act or
20 representation calculated to prevent discovery of the fact that
21 a violation has occurred. If ~~a petition for leave to file a~~
22 complaint is not filed with the Commission within 6 months
23 after notice by the Inspector General to the Commission and the
24 Attorney General, then the Commission may set a meeting of the
25 Commission at which the Attorney General shall appear and
26 provide a status report to the Commission.

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

16 (c-10) If, after reviewing the documents, the Commission
17 believes that further investigation is warranted, the
18 Commission may request that the Executive Inspector General
19 provide additional information or conduct further
20 investigation. The Commission may also appoint a Special
21 Executive Inspector General to investigate or refer the summary
22 report and response from the ultimate jurisdictional authority
23 to the Attorney General for further investigation or review. If
24 the Commission requests the Attorney General to investigate or
25 review, the Commission must notify the Attorney General and the
26 Inspector General. The Attorney General may not begin an

1 investigation or review until receipt of notice from the
2 Commission. If, after review, the Attorney General determines
3 that reasonable cause exists to believe that a violation has
4 occurred, then the Attorney General may file a complaint with
5 the Executive Ethics Commission. If the Attorney General
6 concludes that there is insufficient evidence that a violation
7 has occurred, the Attorney General shall notify the Executive
8 Ethics Commission and the appropriate Executive Inspector
9 General.

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

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

18 (f) The Commission shall meet, either in person or by
19 telephone, at least 30 days after the complaint is served on
20 all respondents in a closed session to review the sufficiency
21 of the complaint. ~~If the Commission finds that complaint is~~
22 ~~sufficient, the Commission shall grant the petition for leave~~
23 ~~to file the complaint.~~ The Commission shall issue notice by
24 certified mail, return receipt requested, to the Executive
25 Inspector General, Attorney General, and all respondents of the
26 Commission's ruling on the sufficiency of the complaint. If the

1 complaint is deemed to sufficiently allege a violation of this
2 Act, then the Commission shall ~~notify the parties and shall~~
3 include a hearing date scheduled within 4 weeks after the date
4 of the notice, unless all of the parties consent to a later
5 date. If the complaint is deemed not to sufficiently allege a
6 violation, then the Commission shall send by certified mail,
7 return receipt requested, a notice to the Executive Inspector
8 General, Attorney General, and all respondents ~~the parties~~ of
9 the decision to dismiss the complaint.

10 (g) On the scheduled date the Commission shall conduct a
11 closed meeting, either in person or, if the parties consent, by
12 telephone, on the complaint and allow all parties the
13 opportunity to present testimony and evidence. All such
14 proceedings shall be transcribed.

15 (h) Within an appropriate time limit set by rules of the
16 Executive Ethics Commission, the Commission shall (i) dismiss
17 the complaint, ~~or~~ (ii) issue a recommendation of discipline to
18 the respondent and the respondent's ultimate jurisdictional
19 authority, (iii) ~~or~~ impose an administrative fine upon the
20 respondent, (iv) issue injunctive relief as described in
21 Section 50-10, or (v) impose a combination of (ii) through (iv)
22 ~~or both~~.

23 (i) The proceedings on any complaint filed with the
24 Commission shall be conducted pursuant to rules promulgated by
25 the Commission.

26 (j) The Commission may designate hearing officers to

1 conduct proceedings as determined by rule of the Commission.

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

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

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

21 (5 ILCS 430/20-51 new)

22 Sec. 20-51. Closed investigations. When the Inspector
23 General concludes that there is insufficient evidence that a
24 violation has occurred, the Inspector General shall close the
25 investigation. The Inspector General shall provide the

1 Commission with a written statement of the Inspector General's
2 decision to close the investigation. At the request of the
3 subject of the investigation, the Inspector General shall
4 provide a written statement to the subject of the investigation
5 of the Inspector General's decision to close the investigation.
6 Closure by the Inspector General does not bar the Inspector
7 General from resuming the investigation if circumstances
8 warrant. The Commission also has the discretion to request that
9 the Executive Inspector General conduct further investigation
10 of any matter closed pursuant to this Section, to appoint a
11 Special Executive Inspector General to investigate, or to refer
12 the allegations to the Attorney General for further
13 investigation or review. If the Commission requests the
14 Attorney General to investigate or review, the Commission must
15 notify the Attorney General and the Inspector General. The
16 Attorney General may not begin an investigation or review until
17 receipt of notice from the Commission.

18 (5 ILCS 430/20-52 new)

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

20 (a) Within 60 days after receipt of a summary report and
21 response from the ultimate jurisdictional authority or agency
22 head that resulted in a suspension of at least 3 days or
23 termination of employment, the Executive Ethics Commission
24 shall make available to the public the report and response or a
25 redacted version of the report and response. The Executive

1 Ethics Commission may make available to the public any other
2 summary report and response of the ultimate jurisdictional
3 authority or agency head or a redacted version of the report
4 and response.

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

15 (c) The Commission may withhold publication of the report
16 or response if the Executive Inspector General or Attorney
17 General certifies that releasing the report to the public will
18 interfere with an ongoing investigation.

19 (5 ILCS 430/20-55)

20 Sec. 20-55. Decisions; recommendations.

21 (a) All decisions of the Executive Ethics Commission must
22 include a description of the alleged misconduct, the decision
23 of the Commission, including any fines levied and any
24 recommendation of discipline, and the reasoning for that
25 decision. All decisions of the Commission shall be delivered to

1 the head of the appropriate State agency, the appropriate
2 ultimate jurisdictional authority, and the appropriate
3 Executive Inspector General. The Executive Ethics Commission
4 shall promulgate rules for the decision and recommendation
5 process.

6 (b) If the Executive Ethics Commission issues a
7 recommendation of discipline to an agency head or ultimate
8 jurisdictional authority, that agency head or ultimate
9 jurisdictional authority must respond to that recommendation
10 in 30 days with a written response to the Executive Ethics
11 Commission. This response must include any disciplinary action
12 the agency head or ultimate jurisdictional authority has taken
13 with respect to the officer or employee in question. If the
14 agency head or ultimate jurisdictional authority did not take
15 any disciplinary action, or took a different disciplinary
16 action than that recommended by the Executive Ethics
17 Commission, the agency head or ultimate jurisdictional
18 authority must describe the different action and explain the
19 reasons for the different action in the written response. This
20 response must be served upon the Executive Ethics Commission
21 and the appropriate Executive Inspector General within the
22 30-day period and is not exempt from the provisions of the
23 Freedom of Information Act.

24 (c) Disciplinary action under this Act against a person
25 subject to the Personnel Code, the Secretary of State Merit
26 Employment Code, the Comptroller Merit Employment Code, or the

1 State Treasurer Employment Code is within the jurisdiction of
2 the Executive Ethics Commission and is not within the
3 jurisdiction of those Acts.

4 (d) Any hearing to contest disciplinary action for a
5 violation of this Act against a person subject to the Personnel
6 Code, the Secretary of State Merit Employment Code, the
7 Comptroller Merit Employment Code, or the State Treasurer
8 Employment Code pursuant to an agreement between an Executive
9 Inspector General and an ultimate jurisdictional authority
10 shall be conducted by the Executive Ethics Commission and not
11 under any of those Acts.

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

13 (5 ILCS 430/20-60)

14 Sec. 20-60. Appeals. A decision of the Executive Ethics
15 Commission to impose a fine or injunctive relief is subject to
16 judicial review under the Administrative Review Law. All other
17 decisions by the Executive Ethics Commission are final and not
18 subject to review either administratively or judicially.

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

20 (5 ILCS 430/20-65)

21 Sec. 20-65. Reporting of investigations ~~Investigations not~~
22 ~~concluded within 6 months.~~

23 (a) Each Executive Inspector General shall file a quarterly
24 activity report with the Executive Ethics Commission that

1 reflects investigative activity during the previous quarter.
2 The Executive Ethics Commission shall establish the reporting
3 dates. The activity report shall include at least the
4 following:

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

8 (2) The number of investigations closed during the
9 preceding quarter, the affected offices or agencies, and
10 the unique tracking numbers for closed investigations.

11 (3) The status of each on-going investigation that
12 remained open at the end of the quarter, the affected
13 office, agency or agencies, the investigation's unique
14 tracking number, and a brief statement of the general
15 nature of the investigation.

16 (b) If any investigation is not concluded within 6 months
17 after its initiation, the appropriate Executive Inspector
18 General shall file a 6-month report with ~~notify~~ the Executive
19 Ethics Commission by the fifteenth day of the month following
20 it being open for 6 months. The 6-month report shall disclose:
21 ~~and appropriate ultimate jurisdictional authority of the~~
22 ~~general~~

23 (1) The general nature of the allegation or information
24 giving rise to the investigation, the title or job duties
25 of the subjects of the investigation, and the
26 investigation's unique tracking number.

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

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

5 (4) Whether the allegation has been referred to an
6 appropriate law enforcement agency and the identity of the
7 law enforcement agency to which those allegations were
8 referred.

9 (5) If an allegation has not been referred to an
10 appropriate law enforcement agency, and the reasons for the
11 failure to complete the investigation within 6 months, a
12 summary of the investigative steps taken, additional
13 investigative steps contemplated at the time of the report,
14 and an estimate of additional time necessary to complete
15 the investigation.

16 (6) Any other information deemed necessary by the
17 Executive Ethics Commission in determining whether to
18 appoint a Special Inspector General.

19 (c) If an Executive Inspector General has referred an
20 allegation to an appropriate law enforcement agency and
21 continues to investigate the matter, the future reporting
22 requirements of this Section are suspended.

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

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

1 (5 ILCS 430/20-70)

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

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

16 (5 ILCS 430/20-80)

17 Sec. 20-80. Referrals of investigations. If an Executive
18 Inspector General determines that any alleged misconduct
19 involves any person not subject to the jurisdiction of the
20 Executive Ethics Commission, that Executive Inspector General
21 shall refer the reported allegations to the appropriate
22 Inspector General, appropriate ethics commission, or other
23 appropriate body. If an Executive Inspector General determines
24 that any alleged misconduct may give rise to criminal
25 penalties, the Executive Inspector General may refer the

1 allegations regarding that misconduct to the appropriate law
2 enforcement authority. If an Executive Inspector General
3 determines that any alleged misconduct resulted in the loss of
4 public funds in an amount of \$5,000 or greater, the Executive
5 Inspector General shall refer the allegations regarding that
6 misconduct to the Attorney General and any other appropriate
7 law enforcement authority.

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

9 (5 ILCS 430/20-85)

10 Sec. 20-85. Monthly ~~Quarterly~~ reports by Executive
11 Inspector General. Each Executive Inspector General shall
12 submit monthly ~~quarterly~~ reports to the appropriate executive
13 branch constitutional officer ~~and the Executive Ethics~~
14 ~~Commission~~, on dates determined by the executive branch
15 constitutional officer ~~Executive Ethics Commission~~,
16 indicating:

17 (1) the number of allegations received since the date
18 of the last report;

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

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

23 (4) the number of investigations pending as of the
24 reporting date;

25 (5) the number of complaints forwarded to the Attorney

1 General since the date of the last report; ~~and~~

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

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

8 The monthly report shall be available on the websites of
9 the Executive Inspector General and the constitutional
10 officer.

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

12 (5 ILCS 430/20-90)

13 Sec. 20-90. Confidentiality.

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

24 (b) Subject to the provisions of Section 20-52 ~~Section~~
25 ~~20-50(e)~~, commissioners, employees, and agents of the

1 Executive Ethics Commission, the Executive Inspectors General,
2 and employees and agents of each Office of an Executive
3 Inspector General, the Attorney General, and the employees and
4 agents of the office of the Attorney General shall keep
5 confidential and shall not disclose information exempted from
6 disclosure under the Freedom of Information Act or by this Act.
7 (Source: P.A. 93-617, eff. 12-9-03.)

8 (5 ILCS 430/20-95)

9 Sec. 20-95. 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 (b) Any allegations and related documents submitted to an
14 Executive Inspector General and any pleadings and related
15 documents brought before the Executive Ethics Commission are
16 exempt from the provisions of the Freedom of Information Act so
17 long as the Executive Ethics Commission does not make a finding
18 of a violation of this Act. If the Executive Ethics Commission
19 finds that a violation has occurred, the entire record of
20 proceedings before the Commission, the decision and
21 recommendation, and the response ~~mandatory report~~ from the
22 agency head or ultimate jurisdictional authority to the
23 Executive Ethics Commission are not exempt from the provisions
24 of the Freedom of Information Act but information contained
25 therein that is otherwise exempt from the Freedom of

1 Information Act must be redacted before disclosure as provided
2 in ~~Section 8~~ of the Freedom of Information Act. A summary
3 report released by the Executive Ethics Commission under
4 Section 20-52 is a public record, but information redacted by
5 the Executive Ethics Commission shall not be part of the public
6 record.

7 (c) Meetings of the Commission ~~under Sections 20-5 and~~
8 ~~20-15 of this Act~~ are exempt from the provisions of the Open
9 Meetings Act.

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

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

22 (5 ILCS 430/25-5)

23 Sec. 25-5. Legislative Ethics Commission.

24 (a) The Legislative Ethics Commission is created.

25 (b) The Legislative Ethics Commission shall consist of 8

1 commissioners appointed 2 each by the President and Minority
2 Leader of the Senate and the Speaker and Minority Leader of the
3 House of Representatives.

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

11 After the initial terms, commissioners shall serve for
12 4-year terms commencing on July 1 of the year of appointment
13 and running through June 30 of the fourth following year.
14 Commissioners may be reappointed to one or more subsequent
15 terms.

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

19 Terms shall run regardless of whether the position is
20 filled.

21 (c) The appointing authorities shall appoint commissioners
22 who have experience holding governmental office or employment
23 and may appoint commissioners who are members of the General
24 Assembly as well as commissioners from the general public. A
25 commissioner who is a member of the General Assembly must
26 recuse himself or herself from participating in any matter

1 relating to any investigation or proceeding in which he or she
2 is the subject. A person is not eligible to serve as a
3 commissioner if that person (i) has been convicted of a felony
4 or a crime of dishonesty or moral turpitude, (ii) is, or was
5 within the preceding 12 months, engaged in activities that
6 require registration under the Lobbyist Registration Act,
7 (iii) is a relative of the appointing authority, or (iv) is a
8 State officer or employee other than a member of the General
9 Assembly.

10 (d) The Legislative Ethics Commission shall have
11 jurisdiction over members of the General Assembly and all State
12 employees whose ultimate jurisdictional authority is (i) a
13 legislative leader, (ii) the Senate Operations Commission, or
14 (iii) the Joint Committee on Legislative Support Services. The
15 jurisdiction of the Commission is limited to matters arising
16 under this Act.

17 An officer or executive branch State employee serving on a
18 legislative branch board or commission remains subject to the
19 jurisdiction of the Executive Ethics Commission and is not
20 subject to the jurisdiction of the Legislative Ethics
21 Commission.

22 (e) The Legislative Ethics Commission must meet, either in
23 person or by other technological means, monthly or as often as
24 necessary. At the first meeting of the Legislative Ethics
25 Commission, the commissioners shall choose from their number a
26 chairperson and other officers that they deem appropriate. The

1 terms of officers shall be for 2 years commencing July 1 and
2 running through June 30 of the second following year. Meetings
3 shall be held at the call of the chairperson or any 3
4 commissioners. Official action by the Commission shall require
5 the affirmative vote of 5 commissioners, and a quorum shall
6 consist of 5 commissioners. Commissioners shall receive no
7 compensation but may be reimbursed for their reasonable
8 expenses actually incurred in the performance of their duties.

9 (f) No commissioner, other than a commissioner who is a
10 member of the General Assembly, or employee of the Legislative
11 Ethics Commission may during his or her term of appointment or
12 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 (g) An appointing authority may remove a commissioner only
24 for cause.

25 (h) The Legislative Ethics Commission shall appoint an
26 Executive Director subject to the approval of at least 3 of the

1 4 legislative leaders. The compensation of the Executive
2 Director shall be as determined by the Commission ~~or by the~~
3 ~~Compensation Review Board, whichever amount is higher.~~ The
4 Executive Director of the Legislative Ethics Commission may
5 employ, subject to the approval of at least 3 of the 4
6 legislative leaders, and determine the compensation of staff,
7 as appropriations permit.

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

9 (5 ILCS 430/25-20)

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

13 (1) To receive and investigate allegations of
14 violations of this Act. ~~The Legislative Inspector General~~
15 ~~may receive information through the Office of the~~
16 ~~Legislative Inspector General or through an ethics~~
17 ~~commission. An investigation may be conducted only in~~
18 ~~response to information reported to the Legislative~~
19 ~~Inspector General as provided in this Section and not upon~~
20 ~~his or her own prerogative. Allegations may not be made~~
21 ~~anonymously.~~ An investigation may not be initiated more
22 than one year after the most recent act of the alleged
23 violation or of a series of alleged violations except where
24 there is reasonable cause to believe that fraudulent
25 concealment has occurred. To constitute fraudulent

1 concealment sufficient to toll this limitations period,
2 there must be an affirmative act or representation
3 calculated to prevent discovery of the fact that a
4 violation has occurred. The Legislative Inspector General
5 shall have the discretion to determine the appropriate
6 means of investigation as permitted by law.

7 (2) To request information relating to an
8 investigation from any person when the Legislative
9 Inspector General deems that information necessary in
10 conducting an investigation.

11 (3) To issue subpoenas, with the advance approval of
12 the Commission, to compel the attendance of witnesses for
13 the purposes of testimony and production of documents and
14 other items for inspection and copying and to make service
15 of those subpoenas and subpoenas issued under item (7) of
16 Section 25-15.

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

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

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

26 (7) To participate in or conduct, when appropriate,

1 multi-jurisdictional investigations.

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

8 (9) To establish a policy that ensures the appropriate
9 handling and correct recording of all investigations of
10 allegations and to ensure that the policy is accessible via
11 the Internet in order that those seeking to report those
12 allegations are familiar with the process and that the
13 subjects of those allegations are treated fairly.

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

15 (5 ILCS 430/25-20a new)

16 Sec. 25-20a. Attorney General investigatory authority. In
17 addition to investigatory authority otherwise granted by law,
18 the Attorney General shall have the authority to investigate
19 violations of this Act pursuant to Section 25-50 or Section
20 25-51 of this Act after receipt of notice from the Legislative
21 Ethics Commission or pursuant to Section 5-45. The Attorney
22 General shall have the discretion to determine the appropriate
23 means of investigation as permitted by law, including (i) the
24 request of information relating to an investigation from any
25 person when the Attorney General deems that information

1 necessary in conducting an investigation; and (ii) the issuance
2 of subpoenas to compel the attendance of witnesses for the
3 purposes of sworn testimony and production of documents and
4 other items for inspection and copying and the service of those
5 subpoenas.

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

15 (5 ILCS 430/25-50)

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

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

1 summary report within 20 days, in writing, to the Legislative
2 Inspector General. The response shall include a description of
3 any corrective or disciplinary action to be imposed.

4 (b) The summary report of the investigation shall include
5 the following:

6 (1) A description of any allegations or other
7 information received by the Legislative Inspector General
8 pertinent to the investigation.

9 (2) A description of any alleged misconduct discovered
10 in the course of the investigation.

11 (3) Recommendations for any corrective or disciplinary
12 action to be taken in response to any alleged misconduct
13 described in the report, including but not limited to
14 discharge.

15 (4) Other information the Legislative Inspector
16 General deems relevant to the investigation or resulting
17 recommendations.

18 (c) Within 30 days after receiving a response from the
19 appropriate ultimate jurisdictional authority or agency head
20 ~~Not less than 30 days after delivery of the summary report of~~
21 ~~an investigation~~ under subsection (a), the Legislative
22 Inspector General shall notify the Commission and the Attorney
23 General if the Legislative Inspector General believes that a
24 complaint should be filed with the Commission. If ~~if~~ the
25 Legislative Inspector General desires to file a ~~petition for~~
26 ~~leave to file a~~ complaint with the Commission, the Legislative

1 Inspector General shall submit the summary report and
2 supporting documents to ~~notify the Commission and~~ the Attorney
3 General. If the Attorney General concludes that there is
4 insufficient evidence that a violation has occurred, the
5 Attorney General shall notify the Legislative Inspector
6 General and the Legislative Inspector General shall deliver to
7 the Legislative Ethics Commission a copy of the summary report
8 and response from the ultimate jurisdictional authority or
9 agency head. If the Attorney General determines that reasonable
10 cause exists to believe that a violation has occurred, then the
11 Legislative Inspector General, represented by the Attorney
12 General, may file with the Legislative Ethics Commission a
13 ~~petition for leave to file~~ a complaint. The complaint ~~petition~~
14 shall set forth the alleged violation and the grounds that
15 exist to support the complaint ~~petition~~. The ~~petition for leave~~
16 ~~to file a~~ complaint must be filed with the Commission within 18
17 months after the most recent act of the alleged violation or of
18 a series of alleged violations except where there is reasonable
19 cause to believe that fraudulent concealment has occurred. To
20 constitute fraudulent concealment sufficient to toll this
21 limitations period, there must be an affirmative act or
22 representation calculated to prevent discovery of the fact that
23 a violation has occurred. If a ~~petition for leave to file a~~
24 complaint is not filed with the Commission within 6 months
25 after notice by the Inspector General to the Commission and the
26 Attorney General, then the Commission may set a meeting of the

1 Commission at which the Attorney General shall appear and
2 provide a status report to the Commission.

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

18 (c-10) If, after reviewing the documents, the Commission
19 believes that further investigation is warranted, the
20 Commission may request that the Legislative Inspector General
21 provide additional information or conduct further
22 investigation. The Commission may also refer the summary report
23 and response from the ultimate jurisdictional authority to the
24 Attorney General for further investigation or review. If the
25 Commission requests the Attorney General to investigate or
26 review, the Commission must notify the Attorney General and the

1 Legislative Inspector General. The Attorney General may not
2 begin an investigation or review until receipt of notice from
3 the Commission. If, after review, the Attorney General
4 determines that reasonable cause exists to believe that a
5 violation has occurred, then the Attorney General may file a
6 complaint with the Legislative Ethics Commission. If the
7 Attorney General concludes that there is insufficient evidence
8 that a violation has occurred, the Attorney General shall
9 notify the Legislative Ethics Commission and the appropriate
10 Legislative Inspector General.

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

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

19 (f) The Commission shall meet, at least 30 days after the
20 complaint is served on all respondents either in person or by
21 telephone, in a closed session to review the sufficiency of the
22 complaint. ~~If the Commission finds that complaint is~~
23 ~~sufficient, the Commission shall grant the petition for leave~~
24 ~~to file the complaint.~~ The Commission shall issue notice by
25 certified mail, return receipt requested, to the Legislative
26 Inspector General, the Attorney General, and all respondents of

1 the Commission's ruling on the sufficiency of the complaint. If
2 the complaint is deemed to sufficiently allege a violation of
3 this Act, then the Commission shall ~~notify the parties and~~
4 ~~shall~~ include a hearing date scheduled within 4 weeks after the
5 date of the notice, unless all of the parties consent to a
6 later date. If the complaint is deemed not to sufficiently
7 allege a violation, then the Commission shall send by certified
8 mail, return receipt requested, a notice to the Legislative
9 Inspector General, the Attorney General, and all respondents
10 ~~the parties~~ of the decision to dismiss the complaint.

11 (g) On the scheduled date the Commission shall conduct a
12 closed meeting, either in person or, if the parties consent, by
13 telephone, on the complaint and allow all parties the
14 opportunity to present testimony and evidence. All such
15 proceedings shall be transcribed.

16 (h) Within an appropriate time limit set by rules of the
17 Legislative Ethics Commission, the Commission shall (i)
18 dismiss the complaint, ~~or~~ (ii) issue a recommendation of
19 discipline to the respondent and the respondent's ultimate
20 jurisdictional authority, (iii) ~~or~~ impose an administrative
21 fine upon the respondent, (iv) issue injunctive relief as
22 described in Section 50-10, or (v) impose a combination of (ii)
23 through (iv) or both.

24 (i) The proceedings on any complaint filed with the
25 Commission shall be conducted pursuant to rules promulgated by
26 the Commission.

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

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

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

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

22 (5 ILCS 430/25-51 new)

23 Sec. 25-51. Closed investigations. When the Legislative
24 Inspector General concludes that there is insufficient
25 evidence that a violation has occurred, the Inspector General

1 shall close the investigation. The Legislative Inspector
2 General shall provide the Commission with a written statement
3 of the decision to close the investigation. At the request of
4 the subject of the investigation, the Legislative Inspector
5 General shall provide a written statement to the subject of the
6 investigation of the Inspector General's decision to close the
7 investigation. Closure by the Legislative Inspector General
8 does not bar the Inspector General from resuming the
9 investigation if circumstances warrant. The Commission also
10 has the discretion to request that the Legislative Inspector
11 General conduct further investigation of any matter closed
12 pursuant to this Section, or to refer the allegations to the
13 Attorney General for further review or investigation. If the
14 Commission requests the Attorney General to investigate or
15 review, the Commission must notify the Attorney General and the
16 Inspector General. The Attorney General may not begin an
17 investigation or review until receipt of notice from the
18 Commission.

19 (5 ILCS 430/25-52 new)

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

21 (a) Within 60 days after receipt of a summary report and
22 response from the ultimate jurisdictional authority or agency
23 head that resulted in a suspension of at least 3 days or
24 termination of employment, the Legislative Ethics Commission
25 shall make available to the public the report and response or a

1 redacted version of the report and response. The Legislative
2 Ethics Commission may make available to the public any other
3 summary report and response of the ultimate jurisdictional
4 authority or agency head or a redacted version of the report
5 and response.

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

17 (c) The Legislative Ethics Commission may withhold
18 publication of the report or response if the Legislative
19 Inspector General or Attorney General certifies that
20 publication will interfere with an ongoing investigation.

21 (5 ILCS 430/25-65)

22 Sec. 25-65. Reporting of investigations ~~Investigations not~~
23 ~~concluded within 6 months.~~

24 (a) The Legislative Inspector General shall file a
25 quarterly activity report with the Legislative Ethics

1 Commission that reflects investigative activity during the
2 previous quarter. The Legislative Ethics Commission shall
3 establish the reporting dates. The activity report shall
4 include at least the following:

5 (1) A summary of any investigation opened during the
6 preceding quarter, the affected office, agency or
7 agencies, the investigation's unique tracking number, and
8 a brief statement of the general nature of the allegation
9 or allegations.

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

15 (3) The status of an ongoing investigation that
16 remained open at the end of the quarter, the affected
17 office, agency or agencies, the investigation's unique
18 tracking number, and a brief statement of the general
19 nature of the investigation.

20 (b) If any investigation is not concluded within 6 months
21 after its initiation, the Legislative Inspector General shall
22 file a 6-month report with ~~notify~~ the Legislative Ethics
23 Commission no later than 10 days after the 6th month. The
24 6-month report shall disclose: ~~and appropriate ultimate~~
25 ~~jurisdictional authority of the~~

26 (1) The general nature of the allegation or information

1 giving rise to the investigation, the title or job duties
2 of the subjects of the investigation, and the
3 investigation's unique tracking number.

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

6 (3) Whether the Legislative Inspector General has
7 found credible the allegations of criminal conduct.

8 (4) Whether the allegation has been referred to an
9 appropriate law enforcement agency and the identity of the
10 law enforcement agency to which those allegations were
11 referred.

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

19 (6) Any other information deemed necessary by the
20 Legislative Ethics Commission in determining whether to
21 appoint a Special Inspector General.

22 (c) If the Legislative Inspector General has referred an
23 allegation to an appropriate law enforcement agency and
24 continues to investigate the matter, the future reporting
25 requirements of this Section are suspended.

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

1 (5 ILCS 430/25-95)

2 Sec. 25-95. Exemptions.

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

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

22 (b) Summary investigation reports released by the
23 Legislative Ethics Commission as provided in Section 25-52 are
24 public records. Otherwise, any ~~Any~~ allegations and related
25 documents submitted to the Legislative Inspector General and

1 any pleadings and related documents brought before the
2 Legislative Ethics Commission are exempt from the provisions of
3 the Freedom of Information Act so long as the Legislative
4 Ethics Commission does not make a finding of a violation of
5 this Act. If the Legislative Ethics Commission finds that a
6 violation has occurred, the entire record of proceedings before
7 the Commission, the decision and recommendation, and the
8 mandatory report from the agency head or ultimate
9 jurisdictional authority to the Legislative Ethics Commission
10 are not exempt from the provisions of the Freedom of
11 Information Act but information contained therein that is
12 exempt from the Freedom of Information Act must be redacted
13 before disclosure as provided in Section 8 of the Freedom of
14 Information Act.

15 (c) Meetings of the Commission ~~under Sections 25-5 and~~
16 ~~25-15 of this Act~~ are exempt from the provisions of the Open
17 Meetings Act.

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

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

2 (5 ILCS 430/35-5)

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

15 This Act prohibits the appointment or employment by an
16 officer, member, State employee, or State agency of any person
17 to serve or act with respect to one or more State agencies as
18 an Inspector General under this Act except as authorized and
19 required by Articles 20, 25, and 30 of this Act or Section 14
20 of the Secretary of State Act. No officer, member, State
21 employee, or State agency may appoint or employ an inspector
22 general for any purpose except as authorized or required by
23 law.

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

1 (5 ILCS 430/50-5)

2 Sec. 50-5. Penalties.

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

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

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

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

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

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

1 (f) In addition to any other penalty that may apply,
2 whether criminal or civil, a State employee who intentionally
3 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
4 5-45 ~~5-40~~, or 5-50, Article 10, Article 15, or Section 20-90 or
5 25-90 is subject to discipline or discharge by the appropriate
6 ultimate jurisdictional authority.

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

8 (5 ILCS 430/50-10 new)

9 Sec. 50-10. Injunctive relief.

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

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

15 (5 ILCS 430/20-40 rep.)

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

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

20 (15 ILCS 305/14)

21 Sec. 14. Inspector General.

22 (a) The Secretary of State must, with the advice and

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

16 (b) The 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 either (A) 5 or more years of service with a
23 federal, State, or local law enforcement agency, at least 2
24 years of which have been in a progressive investigatory
25 capacity; (B) 5 or more years of service as a federal,
26 State, or local prosecutor; or (C) 5 or more years of

1 service as a senior manager or executive of a federal,
2 State, or local agency.

3 (c) The Inspector General may review, coordinate, and
4 recommend methods and procedures to increase the integrity of
5 the Office of the Secretary of State. The duties of the
6 Inspector General shall supplement and not supplant the duties
7 of the Chief Auditor for the Secretary of State's Office or any
8 other Inspector General that may be authorized by law. The
9 Inspector General must report directly to the Secretary of
10 State.

11 (d) In addition to the authority otherwise provided by this
12 Section, but only when investigating the Office of the
13 Secretary of State, its employees, or their actions for fraud,
14 corruption, mismanagement, gross or aggravated misconduct, or
15 misconduct that may be criminal in nature, the Inspector
16 General is authorized:

17 (1) To have access to all records, reports, audits,
18 reviews, documents, papers, recommendations, or other
19 materials available that relate to programs and operations
20 with respect to which the Inspector General has
21 responsibilities under this Section.

22 (2) To make any investigations and reports relating to
23 the administration of the programs and operations of the
24 Office of the Secretary of State that are, in the judgment
25 ~~judgement~~ of the Inspector General, necessary or
26 desirable.

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

5 (4) To require by subpoena the appearance of witnesses
6 and the production of all information, documents, reports,
7 answers, records, accounts, papers, and other data and
8 documentary evidence necessary in the performance of the
9 functions assigned by this Section, with the exception of
10 subsection (c) and with the exception of records of a labor
11 organization authorized and recognized under the Illinois
12 Public Labor Relations Act to be the exclusive bargaining
13 representative of employees of the Secretary of State,
14 including, but not limited to, records of representation of
15 employees and the negotiation of collective bargaining
16 agreements. A subpoena may be issued under this paragraph
17 (4) only by the Inspector General and not by members of the
18 Inspector General's staff. A person duly subpoenaed for
19 testimony, documents, or other items who neglects or
20 refuses to testify or produce documents or other items
21 under the requirements of the subpoena shall be subject to
22 punishment as may be determined by a court of competent
23 jurisdiction, unless (i) the testimony, documents, or
24 other items are covered by the attorney-client privilege or
25 any other privilege or right recognized by law or (ii) the
26 testimony, documents, or other items concern the

1 representation of employees and the negotiation of
2 collective bargaining agreements by a labor organization
3 authorized and recognized under the Illinois Public Labor
4 Relations Act to be the exclusive bargaining
5 representative of employees of the Secretary of State.
6 Nothing in this Section limits a person's right to
7 protection against self-incrimination under the Fifth
8 Amendment of the United States Constitution or Article I,
9 Section 10, of the Constitution of the State of Illinois.

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

13 (d-5) In addition to the authority otherwise provided by
14 this Section, the Secretary of State Inspector General shall
15 have jurisdiction to investigate complaints and allegations of
16 wrongdoing by any person or entity related to the Lobbyist
17 Registration Act. When investigating those complaints and
18 allegations, the Inspector General is authorized:

19 (1) To have access to all records, reports, audits,
20 reviews, documents, papers, recommendations, or other
21 materials available that relate to programs and operations
22 with respect to which the Inspector General has
23 responsibilities under this Section.

24 (2) To request any information or assistance that may
25 be necessary for carrying out the duties and
26 responsibilities provided by this Section from any local,

1 State, or federal governmental agency or unit thereof.

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

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

24 (e) The Inspector General may receive and investigate
25 complaints or information from an employee of the Secretary of
26 State concerning the possible existence of an activity

1 constituting a violation of law, rules, or regulations;
2 mismanagement; abuse of authority; or substantial and specific
3 danger to the public health and safety. Any person ~~employee~~ who
4 knowingly files a false complaint or files a complaint with
5 reckless disregard for the truth or the falsity of the facts
6 underlying the complaint may be subject to discipline as set
7 forth in the rules of the Department of Personnel of the
8 Secretary of State.

9 The Inspector General may not, after receipt of a complaint
10 or information ~~from an employee~~, disclose the identity of the
11 source ~~employee~~ without the consent of the source ~~employee~~,
12 unless the Inspector General determines that disclosure of the
13 identity is reasonable and necessary for the furtherance of the
14 investigation.

15 Any employee who has the authority to recommend or approve
16 any personnel action or to direct others to recommend or
17 approve any personnel action may not, with respect to that
18 authority, take or threaten to take any action against any
19 employee as a reprisal for making a complaint or disclosing
20 information to the Inspector General, unless the complaint was
21 made or the information disclosed with the knowledge that it
22 was false or with willful disregard for its truth or falsity.

23 (f) The Inspector General must adopt rules, in accordance
24 with the provisions of the Illinois Administrative Procedure
25 Act, establishing minimum requirements for initiating,
26 conducting, and completing investigations. The rules must

1 establish criteria for determining, based upon the nature of
2 the allegation, the appropriate method of investigation, which
3 may include, but is not limited to, site visits, telephone
4 contacts, personal interviews, or requests for written
5 responses. The rules must also clarify how the Office of the
6 Inspector General shall interact with other local, State, and
7 federal law enforcement investigations.

8 Any employee of the Secretary of State subject to
9 investigation or inquiry by the Inspector General or any agent
10 or representative of the Inspector General concerning
11 misconduct that is criminal in nature shall have the right to
12 be notified of the right to remain silent during the
13 investigation or inquiry and the right to be represented in the
14 investigation or inquiry by an attorney or a representative of
15 a labor organization that is the exclusive collective
16 bargaining representative of employees of the Secretary of
17 State. Any investigation or inquiry by the Inspector General or
18 any agent or representative of the Inspector General must be
19 conducted with an awareness of the provisions of a collective
20 bargaining agreement that applies to the employees of the
21 Secretary of State and with an awareness of the rights of the
22 employees as set forth in State and federal law and applicable
23 judicial decisions. Any recommendations for discipline or any
24 action taken against any employee by the Inspector General or
25 any representative or agent of the Inspector General must
26 comply with the provisions of the collective bargaining

1 agreement that applies to the employee.

2 (g) On or before January 1 of each year, the Inspector
3 General shall report to the President of the Senate, the
4 Minority Leader of the Senate, the Speaker of the House of
5 Representatives, and the Minority Leader of the House of
6 Representatives on the types of investigations and the
7 activities undertaken by the Office of the Inspector General
8 during the previous calendar year.

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

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

12 (15 ILCS 310/17.5 new)

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

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

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

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

3 (15 ILCS 410/17.5 new)

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

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

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

16 Section 35. The State Treasurer Employment Code is amended
17 by adding Section 14.5 as follows:

18 (15 ILCS 510/14.5 new)

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

20 (a) Disciplinary action under the State Officials and
21 Employees Ethics Act against a person subject to this Act is
22 within the jurisdiction of the Executive Ethics Commission and

1 is not within the jurisdiction of this Act.

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

9 Section 40. The Personnel Code is amended by adding Section
10 20 as follows:

11 (20 ILCS 415/20 new)

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

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

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

23 Section 45. The Children and Family Services Act is amended

1 by changing Section 35.5 as follows:

2 (20 ILCS 505/35.5)

3 Sec. 35.5. Inspector General.

4 (a) The Governor shall appoint, and the Senate shall
5 confirm, an Inspector General who shall have the authority to
6 conduct investigations into allegations of or incidents of
7 possible misconduct, misfeasance, malfeasance, or violations
8 of rules, procedures, or laws by any employee, foster parent,
9 service provider, or contractor of the Department of Children
10 and Family Services, except for allegations of violations of
11 the State Officials and Employees Ethics Act which shall be
12 referred to the Office of the Governor's Executive Inspector
13 General for investigation. The Inspector General shall make
14 recommendations to the Director of Children and Family Services
15 concerning sanctions or disciplinary actions against
16 Department employees or providers of service under contract to
17 the Department. The Director of Children and Family Services
18 shall provide the Inspector General with an implementation
19 report on the status of any corrective actions taken on
20 recommendations under review and shall continue sending
21 updated reports until the corrective action is completed. The
22 Director shall provide a written response to the Inspector
23 General indicating the status of any sanctions or disciplinary
24 actions against employees or providers of service involving any
25 investigation subject to review. In any case, information

1 included in the reports to the Inspector General and Department
2 responses shall be subject to the public disclosure
3 requirements of the Abused and Neglected Child Reporting Act.
4 Any investigation conducted by the Inspector General shall be
5 independent and separate from the investigation mandated by the
6 Abused and Neglected Child Reporting Act. The Inspector General
7 shall be appointed for a term of 4 years. The Inspector General
8 shall function independently within the Department of Children
9 and Family Services with respect to the operations of the
10 Office of Inspector General, including the performance of
11 investigations and issuance of findings and recommendations,
12 and shall report to the Director of Children and Family
13 Services and the Governor and perform other duties the Director
14 may designate. The Inspector General shall adopt rules as
15 necessary to carry out the functions, purposes, and duties of
16 the office of Inspector General in the Department of Children
17 and Family Services, in accordance with the Illinois
18 Administrative Procedure Act and any other applicable law.

19 (b) The Inspector General shall have access to all
20 information and personnel necessary to perform the duties of
21 the office. To minimize duplication of efforts, and to assure
22 consistency and conformance with the requirements and
23 procedures established in the B.H. v. Suter consent decree and
24 to share resources when appropriate, the Inspector General
25 shall coordinate his or her activities with the Bureau of
26 Quality Assurance within the Department.

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

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

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

24 (f) Nothing in this Section shall limit investigations by
25 the Department of Children and Family Services that may
26 otherwise be required by law or that may be necessary in that

1 Department's capacity as the central administrative authority
2 for child welfare.

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

17 (h) The Inspector General shall provide to the General
18 Assembly and the Governor, no later than January 1 of each
19 year, a summary of reports and investigations made under this
20 Section for the prior fiscal year. The summaries shall detail
21 the imposition of sanctions and the final disposition of those
22 recommendations. The summaries shall not contain any
23 confidential or identifying information concerning the
24 subjects of the reports and investigations. The summaries also
25 shall include detailed recommended administrative actions and
26 matters for consideration by the General Assembly.

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

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

4 (20 ILCS 1305/1-17)

5 Sec. 1-17. Inspector General.

6 (a) Appointment; powers and duties. The Governor shall
7 appoint, and the Senate shall confirm, an Inspector General.
8 The Inspector General shall be appointed for a term of 4 years
9 and shall function within the Department of Human Services and
10 report to the Secretary of Human Services and the Governor. The
11 Inspector General shall function independently within the
12 Department of Human Services with respect to the operations of
13 the office, including the performance of investigations and
14 issuance of findings and recommendations. The appropriation
15 for the Office of Inspector General shall be separate from the
16 overall appropriation for the Department of Human Services. The
17 Inspector General shall investigate reports of suspected abuse
18 or neglect (as those terms are defined by the Department of
19 Human Services) of patients or residents in any mental health
20 or developmental disabilities facility operated by the
21 Department of Human Services and shall have authority to
22 investigate and take immediate action on reports of abuse or
23 neglect of recipients, whether patients or residents, in any
24 mental health or developmental disabilities facility or

1 program that is licensed or certified by the Department of
2 Human Services (as successor to the Department of Mental Health
3 and Developmental Disabilities) or that is funded by the
4 Department of Human Services (as successor to the Department of
5 Mental Health and Developmental Disabilities) and is not
6 licensed or certified by any agency of the State. The Inspector
7 General shall also have the authority to investigate alleged or
8 suspected cases of abuse, neglect, and exploitation of adults
9 with disabilities living in domestic settings in the community
10 pursuant to the Abuse of Adults with Disabilities Intervention
11 Act (20 ILCS 2435/). At the specific, written request of an
12 agency of the State other than the Department of Human Services
13 (as successor to the Department of Mental Health and
14 Developmental Disabilities), the Inspector General may
15 cooperate in investigating reports of abuse and neglect of
16 persons with mental illness or persons with developmental
17 disabilities. The Inspector General shall have no supervision
18 over or involvement in routine, programmatic, licensure, or
19 certification operations of the Department of Human Services or
20 any of its funded agencies. The Inspector General shall have no
21 authority to investigate alleged violations of the State
22 Officials and Employees Ethics Act. Allegations of misconduct
23 under the State Officials and Employees Ethics Act shall be
24 referred to the Office of the Governor's Executive Inspector
25 General for investigation.

26 The Inspector General shall promulgate rules establishing

1 minimum requirements for reporting allegations of abuse and
2 neglect and initiating, conducting, and completing
3 investigations. The promulgated rules shall clearly set forth
4 that in instances where 2 or more State agencies could
5 investigate an allegation of abuse or neglect, the Inspector
6 General shall not conduct an investigation that is redundant to
7 an investigation conducted by another State agency. The rules
8 shall establish criteria for determining, based upon the nature
9 of the allegation, the appropriate method of investigation,
10 which may include, but need not be limited to, site visits,
11 telephone contacts, or requests for written responses from
12 agencies. The rules shall also clarify how the Office of the
13 Inspector General shall interact with the licensing unit of the
14 Department of Human Services in investigations of allegations
15 of abuse or neglect. Any allegations or investigations of
16 reports made pursuant to this Act shall remain confidential
17 until a final report is completed. The resident or patient who
18 allegedly was abused or neglected and his or her legal guardian
19 shall be informed by the facility or agency of the report of
20 alleged abuse or neglect. Final reports regarding
21 unsubstantiated or unfounded allegations shall remain
22 confidential, except that final reports may be disclosed
23 pursuant to Section 6 of the Abused and Neglected Long Term
24 Care Facility Residents Reporting Act.

25 For purposes of this Section, "required reporter" means a
26 person who suspects, witnesses, or is informed of an allegation

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

18 For purposes of this Section, "State-operated facility"
19 means a mental health facility or a developmental disability
20 facility as defined in Sections 1-114 and 1-107 of the Mental
21 Health and Developmental Disabilities Code.

22 For purposes of this Section, "community agency" or
23 "agency" means any community entity or program providing mental
24 health or developmental disabilities services that is
25 licensed, certified, or funded by the Department of Human
26 Services and is not licensed or certified by an other human

1 services agency of the State (for example, the Department of
2 Public Health, the Department of Children and Family Services,
3 or the Department of Healthcare and Family Services).

4 When the Office of the Inspector General has substantiated
5 a case of abuse or neglect, the Inspector General shall include
6 in the final report any mitigating or aggravating circumstances
7 that were identified during the investigation. Upon
8 determination that a report of neglect is substantiated, the
9 Inspector General shall then determine whether such neglect
10 rises to the level of egregious neglect.

11 (b) Department of State Police. The Inspector General
12 shall, within 24 hours after determining that a reported
13 allegation of suspected abuse or neglect indicates that any
14 possible criminal act has been committed or that special
15 expertise is required in the investigation, immediately notify
16 the Department of State Police or the appropriate law
17 enforcement entity. The Department of State Police shall
18 investigate any report from a State-operated facility
19 indicating a possible murder, rape, or other felony. All
20 investigations conducted by the Inspector General shall be
21 conducted in a manner designed to ensure the preservation of
22 evidence for possible use in a criminal prosecution.

23 (b-5) Preliminary report of investigation; facility or
24 agency response. The Inspector General shall make a
25 determination to accept or reject a preliminary report of the
26 investigation of alleged abuse or neglect based on established

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

18 (c) Inspector General's report; facility's or agency's
19 implementation reports. The Inspector General shall, within 10
20 calendar days after the transmittal date of a completed
21 investigation where abuse or neglect is substantiated or
22 administrative action is recommended, provide a complete
23 report on the case to the Secretary of Human Services and to
24 the agency in which the abuse or neglect is alleged to have
25 happened. The complete report shall include a written response
26 from the agency or facility operated by the State to the

1 Inspector General that addresses in a concise and reasoned
2 manner the actions that the agency or facility will take or has
3 taken to protect the resident or patient from abuse or neglect,
4 prevent reoccurrences, and eliminate problems identified and
5 shall include implementation and completion dates for all such
6 action. The Secretary of Human Services shall accept or reject
7 the response and establish how the Department will determine
8 whether the facility or program followed the approved response.
9 The Secretary may require Department personnel to visit the
10 facility or agency for training, technical assistance,
11 programmatic, licensure, or certification purposes.
12 Administrative action, including sanctions, may be applied
13 should the Secretary reject the response or should the facility
14 or agency fail to follow the approved response. Within 30 days
15 after the Secretary has approved a response, the facility or
16 agency making the response shall provide an implementation
17 report to the Inspector General on the status of the corrective
18 action implemented. Within 60 days after the Secretary has
19 approved the response, the facility or agency shall send notice
20 of the completion of the corrective action or shall send an
21 updated implementation report. The facility or agency shall
22 continue sending updated implementation reports every 60 days
23 until the facility or agency sends a notice of the completion
24 of the corrective action. The Inspector General shall review
25 any implementation plan that takes more than 120 days. The
26 Inspector General shall monitor compliance through a random

1 review of completed corrective actions. This monitoring may
2 include, but need not be limited to, site visits, telephone
3 contacts, or requests for written documentation from the
4 facility or agency to determine whether the facility or agency
5 is in compliance with the approved response. The facility or
6 agency shall inform the resident or patient and the legal
7 guardian whether the reported allegation was substantiated,
8 unsubstantiated, or unfounded. There shall be an appeals
9 process for any person or agency that is subject to any action
10 based on a recommendation or recommendations.

11 (d) Sanctions. The Inspector General may recommend to the
12 Departments of Public Health and Human Services sanctions to be
13 imposed against mental health and developmental disabilities
14 facilities under the jurisdiction of the Department of Human
15 Services for the protection of residents, including
16 appointment of on-site monitors or receivers, transfer or
17 relocation of residents, and closure of units. The Inspector
18 General may seek the assistance of the Attorney General or any
19 of the several State's Attorneys in imposing such sanctions.
20 Whenever the Inspector General issues any recommendations to
21 the Secretary of Human Services, the Secretary shall provide a
22 written response.

23 (e) Training programs. The Inspector General shall
24 establish and conduct periodic training programs for
25 Department of Human Services employees and community agency
26 employees concerning the prevention and reporting of neglect

1 and abuse.

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

13 (g) Other investigations. Nothing in this Section shall
14 limit investigations by the Department of Human Services that
15 may otherwise be required by law or that may be necessary in
16 that Department's capacity as the central administrative
17 authority responsible for the operation of State mental health
18 and developmental disability facilities.

19 (g-5) Health care worker registry. After notice and an
20 opportunity for a hearing that is separate and distinct from
21 the Office of the Inspector General's appeals process as
22 implemented under subsection (c) of this Section, the Inspector
23 General shall report to the Department of Public Health's
24 health care worker registry under Section 3-206.01 of the
25 Nursing Home Care Act the identity of individuals against whom
26 there has been a substantiated finding of physical or sexual

1 abuse or egregious neglect of a service recipient.

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

22 The Department of Human Services shall promulgate or amend
23 rules as necessary or appropriate to establish procedures for
24 reporting to the registry, including the definition of
25 egregious neglect, procedures for notice to the individual and
26 victim, appeal and hearing procedures, and petition for removal

1 of the report from the registry. The portion of the rules
2 pertaining to hearings shall provide that, at the hearing, both
3 parties may present written and oral evidence. The Department
4 shall be required to establish by a preponderance of the
5 evidence that the Office of the Inspector General's finding of
6 physical or sexual abuse or egregious neglect warrants
7 reporting to the Department of Public Health's health care
8 worker registry under Section 3-206.01 of the Nursing Home Care
9 Act.

10 Notice to the individual shall include a clear and concise
11 statement of the grounds on which the report to the registry is
12 based and notice of the opportunity for a hearing to contest
13 the report. The Department of Human Services shall provide the
14 notice by certified mail to the last known address of the
15 individual. The notice shall give the individual an opportunity
16 to contest the report in a hearing before the Department of
17 Human Services or to submit a written response to the findings
18 instead of requesting a hearing. If the individual does not
19 request a hearing or if after notice and a hearing the
20 Department of Human Services finds that the report is valid,
21 the finding shall be included as part of the registry, as well
22 as a brief statement from the reported individual if he or she
23 chooses to make a statement. The Department of Public Health
24 shall make available to the public information reported to the
25 registry. In a case of inquiries concerning an individual
26 listed in the registry, any information disclosed concerning a

1 finding of abuse or neglect shall also include disclosure of
2 the individual's brief statement in the registry relating to
3 the reported finding or include a clear and accurate summary of
4 the statement.

5 At any time after the report of the registry, an individual
6 may petition the Department of Human Services for removal from
7 the registry of the finding against him or her. Upon receipt of
8 such a petition, the Department of Human Services shall conduct
9 an investigation and hearing on the petition. Upon completion
10 of the investigation and hearing, the Department of Human
11 Services shall report the removal of the finding to the
12 registry unless the Department of Human Services determines
13 that removal is not in the public interest.

14 (h) Quality Care Board. There is created, within the Office
15 of the Inspector General, a Quality Care Board to be composed
16 of 7 members appointed by the Governor with the advice and
17 consent of the Senate. One of the members shall be designated
18 as chairman by the Governor. Of the initial appointments made
19 by the Governor, 4 Board members shall each be appointed for a
20 term of 4 years and 3 members shall each be appointed for a
21 term of 2 years. Upon the expiration of each member's term, a
22 successor shall be appointed for a term of 4 years. In the case
23 of a vacancy in the office of any member, the Governor shall
24 appoint a successor for the remainder of the unexpired term.

25 Members appointed by the Governor shall be qualified by
26 professional knowledge or experience in the area of law,

1 investigatory techniques, or in the area of care of the
2 mentally ill or developmentally disabled. Two members
3 appointed by the Governor shall be persons with a disability or
4 a parent of a person with a disability. Members shall serve
5 without compensation, but shall be reimbursed for expenses
6 incurred in connection with the performance of their duties as
7 members.

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

12 (i) Scope and function of the Quality Care Board. The Board
13 shall monitor and oversee the operations, policies, and
14 procedures of the Inspector General to assure the prompt and
15 thorough investigation of allegations of neglect and abuse. In
16 fulfilling these responsibilities, the Board may do the
17 following:

18 (1) Provide independent, expert consultation to the
19 Inspector General on policies and protocols for
20 investigations of alleged neglect and abuse.

21 (2) Review existing regulations relating to the
22 operation of facilities under the control of the Department
23 of Human Services.

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

26 (4) Recommend policies concerning methods for

1 improving the intergovernmental relationships between the
2 Office of the Inspector General and other State or federal
3 agencies.

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

12 (k) Subpoenas; testimony; penalty. The Inspector General
13 shall have the power to subpoena witnesses and compel the
14 production of books and papers pertinent to an investigation
15 authorized by this Act, provided that the power to subpoena or
16 to compel the production of books and papers shall not extend
17 to the person or documents of a labor organization or its
18 representatives insofar as the person or documents of a labor
19 organization relate to the function of representing an employee
20 subject to investigation under this Act. Mental health records
21 of patients shall be confidential as provided under the Mental
22 Health and Developmental Disabilities Confidentiality Act. Any
23 person who fails to appear in response to a subpoena or to
24 answer any question or produce any books or papers pertinent to
25 an investigation under this Act, except as otherwise provided
26 in this Section, or who knowingly gives false testimony in

1 relation to an investigation under this Act is guilty of a
2 Class A misdemeanor.

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

21 (m) Program audit. The Auditor General shall conduct a
22 biennial program audit of the Office of the Inspector General
23 in relation to the Inspector General's compliance with this
24 Act. The audit shall specifically include the Inspector
25 General's effectiveness in investigating reports of alleged
26 neglect or abuse of residents in any facility operated by the

1 Department of Human Services and in making recommendations for
2 sanctions to the Departments of Human Services and Public
3 Health. The Auditor General shall conduct the program audit
4 according to the provisions of the Illinois State Auditing Act
5 and shall report its findings to the General Assembly no later
6 than January 1 of each odd-numbered year.

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

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

11 (20 ILCS 3005/1) (from Ch. 127, par. 411)

12 Sec. 1. Definitions.

13 "Capital expenditure" means money spent for replacing,
14 remodeling, expanding, or acquiring facilities, buildings or
15 land owned directly by the State through any State department,
16 authority, public corporation of the State, State college or
17 university, or any other public agency created by the State,
18 but not units of local government or school districts.

19 "Director" means the Director of the Governor's Office of
20 Management and Budget.

21 "Office" means the Governor's Office of Management and
22 Budget.

23 "State Agency," whether used in the singular or plural,
24 means all Departments, Officers, Commissions, Boards,

1 Institutions and bodies, politic and corporate of the State,
2 including the Offices of Clerk of the Supreme Court and Clerks
3 of the Appellate Courts; except it shall not mean the several
4 Courts of the State, nor the Legislature, its Committees or
5 Commissions, nor the Constitutionally elected State Officers,
6 nor the Executive Ethics Commission, nor the Offices of
7 Executive Inspectors General.

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

9 (20 ILCS 3005/7.1 new)

10 Sec. 7.1. Transparency in finance. Upon request by the
11 President of the Senate, the Speaker of the House of
12 Representatives, or the Minority Leaders of the Senate and
13 House of Representatives, the Office shall provide a summary of
14 all formal presentations submitted by the Office to credit
15 rating agencies or potential investors in State bonds. Within
16 10 business days after the submission of State financial
17 information to credit rating agencies or potential investors in
18 State bonds, a summary of the submitted information shall be
19 provided to the legislative leaders and posted on the Office's
20 website. Notwithstanding any provision to the contrary, the
21 Office shall not release any information that is not subject to
22 disclosure under the Freedom of Information Act.

23 (20 ILCS 3005/7.2 new)

24 Sec. 7.2. Quarterly financial reports. The Office shall

1 prepare and publish a quarterly financial report to update the
2 public and the General Assembly on the status of the State's
3 finances. At a minimum, each report shall include the following
4 information:

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

6 (2) A review of general funds revenue performance, both
7 quarterly and year to date, and an evaluation of that
8 performance.

9 (3) The outlook for future general funds revenue
10 performance, including projections of future general funds
11 revenues.

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

15 (5) A review of Statewide employment statistics.

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

18 In addition, the fourth quarter report for each fiscal year
19 shall include a summary of fiscal and balanced budget notes
20 issued by the Office to the General Assembly during the prior
21 legislative session. Each report shall be posted on the
22 Office's website within 45 days.

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

1 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

2 Sec. 4. Office allowance. Beginning July 1, 2001, each
3 member of the House of Representatives is authorized to approve
4 the expenditure of not more than \$61,000 per year and each
5 member of the Senate is authorized to approve the expenditure
6 of not more than \$73,000 per year to pay for "personal
7 services", "contractual services", "commodities", "printing",
8 "travel", "operation of automotive equipment",
9 "telecommunications services", as defined in the State Finance
10 Act, and the compensation of one or more legislative assistants
11 authorized pursuant to this Section, in connection with his or
12 her legislative duties and not in connection with any political
13 campaign. On July 1, 2002 and on July 1 of each year
14 thereafter, the amount authorized per year under this Section
15 for each member of the Senate and each member of the House of
16 Representatives shall be increased by a percentage increase
17 equivalent to the lesser of (i) the increase in the designated
18 cost of living index or (ii) 5%. The designated cost of living
19 index is the index known as the "Employment Cost Index, Wages
20 and Salaries, By Occupation and Industry Groups: State and
21 Local Government Workers: Public Administration" as published
22 by the Bureau of Labor Statistics of the U.S. Department of
23 Labor for the calendar year immediately preceding the year of
24 the respective July 1st increase date. The increase shall be
25 added to the then current amount, and the adjusted amount so
26 determined shall be the annual amount beginning July 1 of the

1 increase year until July 1 of the next year. No increase under
2 this provision shall be less than zero.

3 A member may purchase office equipment if the member
4 certifies to the Secretary of the Senate or the Clerk of the
5 House, as applicable, that the purchase price, whether paid in
6 lump sum or installments, amounts to less than would be charged
7 for renting or leasing the equipment over its anticipated
8 useful life. All such equipment must be purchased through the
9 Secretary of the Senate or the Clerk of the House, as
10 applicable, for proper identification and verification of
11 purchase.

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

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

17 As used in this Section the term "personal services" shall
18 include contributions of the State under the Federal Insurance
19 Contribution Act and under Article 14 of the Illinois Pension
20 Code. As used in this Section the term "contractual services"
21 shall not include improvements to real property unless those
22 improvements are the obligation of the lessee under the lease
23 agreement. Beginning July 1, 1989, as used in the Section, the
24 term "travel" shall be limited to travel in connection with a
25 member's legislative duties and not in connection with any
26 political campaign. Beginning on the effective date of this

1 amendatory Act of the 93rd General Assembly, as used in this
2 Section, the term "printing" includes, but is not limited to,
3 newsletters, brochures, certificates, congratulatory mailings,
4 greeting or welcome messages, anniversary or birthday cards,
5 and congratulations for prominent achievement cards. As used in
6 this Section, the term "printing" includes fees for
7 non-substantive resolutions charged by the Clerk of the House
8 of Representatives under subsection (c-5) of Section 1 of the
9 Legislative Materials Act. No newsletter or brochure that is
10 paid for, in whole or in part, with funds provided under this
11 Section may be printed or mailed during a period beginning
12 December 15 of the year preceding a general primary election
13 and ending the day after the general primary election and
14 during a period beginning September 1 of the year of a general
15 election and ending the day after the general election, except
16 that such a newsletter or brochure may be mailed during those
17 times if it is mailed to a constituent in response to that
18 constituent's inquiry concerning the needs of that constituent
19 or questions raised by that constituent. Nothing in this
20 Section shall be construed to authorize expenditures for
21 lodging and meals while a member is in attendance at sessions
22 of the General Assembly.

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

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

17 In the event that a member leaves office during his or her
18 term, any unexpended or unobligated portion of the allowance
19 granted under this Section shall lapse. The vacating member's
20 successor shall be granted an allowance in an amount, rounded
21 to the nearest dollar, computed by dividing the annual
22 allowance by 365 and multiplying the quotient by the number of
23 days remaining in the fiscal year.

24 From any appropriation for the purposes of this Section for
25 a fiscal year which overlaps 2 General Assemblies, no more than
26 1/2 of the annual allowance per member may be spent or

1 encumbered by any member of either the outgoing or incoming
2 General Assembly, except that any member of the incoming
3 General Assembly who was a member of the outgoing General
4 Assembly may encumber or spend any portion of his annual
5 allowance within the fiscal year.

6 The appropriation for the annual allowances permitted by
7 this Section shall be included in an appropriation to the
8 President of the Senate and to the Speaker of the House of
9 Representatives for their respective members. The President of
10 the Senate and the Speaker of the House shall voucher for
11 payment individual members' expenditures from their annual
12 office allowances to the State Comptroller, subject to the
13 authority of the Comptroller under Section 9 of the State
14 Comptroller Act.

15 Nothing in this Section prohibits the expenditure of
16 personal funds or the funds of a political committee controlled
17 by an officeholder to defray the customary and reasonable
18 expenses of an officeholder in connection with the performance
19 of governmental and public service functions.

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

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

24 (25 ILCS 170/2) (from Ch. 63, par. 172)

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

3 (a) "Person" means any individual, firm, partnership,
4 committee, association, corporation, or any other organization
5 or group of persons.

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

13 (c) "Official" means:

14 (1) the Governor, Lieutenant Governor, Secretary of
15 State, Attorney General, State Treasurer, and State
16 Comptroller;

17 (2) Chiefs of Staff for officials described in item
18 (1);

19 (3) Cabinet members of any elected constitutional
20 officer, including Directors, Assistant Directors and
21 Chief Legal Counsel or General Counsel;

22 (4) Members of the General Assembly.

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

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

5 (e) "Lobby" and "lobbying" ~~"Lobbying"~~ means any
6 communication with an official of the executive or legislative
7 branch of State government as defined in subsection (c) for the
8 ultimate purpose of influencing any executive, legislative, or
9 administrative action.

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

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

22 (h) "Legislative action" means the development, drafting,
23 introduction, consideration, modification, adoption,
24 rejection, review, enactment, or passage or defeat of any bill,
25 amendment, resolution, report, nomination, administrative rule
26 or other matter by either house of the General Assembly or a

1 committee thereof, or by a legislator. Legislative action also
2 means the action of the Governor in approving or vetoing any
3 bill or portion thereof, and the action of the Governor or any
4 agency in the development of a proposal for introduction in the
5 legislature.

6 (i) "Administrative action" means the execution or
7 rejection of any rule, regulation, legislative rule, standard,
8 fee, rate, contractual arrangement, purchasing agreement or
9 other delegated legislative or quasi-legislative action to be
10 taken or withheld by any executive agency, department, board or
11 commission of the State.

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

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

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

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

19 Sec. 3. Persons required to register.

20 (a) Except as provided in Section ~~Sections 4 and 9~~, any
21 natural ~~the following persons shall register with the Secretary~~
22 ~~of State as provided herein: (1) Any person who, for~~
23 compensation or otherwise, undertakes to lobby, or any ~~either~~
24 ~~individually or as an employee or contractual employee of~~
25 ~~another person, undertakes to influence executive, legislative~~

1 ~~or administrative action.~~ (2) Any person or entity who employs
2 another person for the purposes of lobbying, shall register
3 with the Secretary of State as provided in this Act, unless
4 that person or entity qualifies for one or more of the
5 following exemptions ~~influencing executive, legislative or~~
6 ~~administrative action.~~

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

17 (1.4) A unit of local government or a school district.

18 (1.5) An elected or appointed official or an employee
19 of a unit of local government or school district who, in
20 the scope of his or her public office or employment, seeks
21 to influence executive, legislative, or administrative
22 action exclusively on behalf of that unit of local
23 government or school district.

24 (2) Persons or entities who own, publish, or are
25 employed by a newspaper or other regularly published
26 periodical, or who own or are employed by a radio station,

1 television station, or other bona fide news medium that in
2 the ordinary course of business disseminates news,
3 editorial or other comment, or paid advertisements that
4 directly urge the passage or defeat of legislation. This
5 exemption is not applicable to such an individual insofar
6 as he or she receives additional compensation or expenses
7 from some source other than the bona fide news medium for
8 the purpose of influencing executive, legislative, or
9 administrative action. This exemption does not apply to
10 newspapers and periodicals owned by or published by trade
11 associations and not-for-profit corporations engaged
12 primarily in endeavors other than dissemination of news.

13 (3) Persons or entities performing professional
14 services in drafting bills or in advising and rendering
15 opinions to clients as to the construction and effect of
16 proposed or pending legislation when those professional
17 services are not otherwise, directly or indirectly,
18 connected with executive, legislative, or administrative
19 action.

20 (4) Persons or entities who are employees of
21 departments, divisions, or agencies of State government
22 and who appear before committees of the House and Senate
23 for the purpose of explaining how the passage of or action
24 upon any legislation then pending before those committees
25 will affect those departments, divisions, or agencies of
26 State government.

1 (5) Employees of the General Assembly, legislators,
2 legislative agencies, and legislative commissions who, in
3 the course of their official duties only, engage in
4 activities that otherwise qualify as lobbying.

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

15 (7) Any full-time employee of a bona fide church or
16 religious organization who represents that organization
17 solely for the purpose of protecting the right of the
18 members thereof to practice the religious doctrines of that
19 church or religious organization, or any such bona fide
20 church or religious organization.

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

25 (9) Any attorney or group or firm of attorneys in the
26 course of representing a client in any administrative or

1 judicial proceeding, or any witness providing testimony in
2 any administrative or judicial proceeding, in which ex
3 parte communications are not allowed and who does not make
4 expenditures that are reportable pursuant to Section 6.

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

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

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

22 (25 ILCS 170/3.1)

23 Sec. 3.1. Prohibition on serving on boards and commissions.
24 Notwithstanding any other law of this State, on and after
25 February 1, 2004, but not before that date, a person required

1 to be registered under this Act, his or her spouse, and his or
2 her immediate family members living with that person may not
3 serve on a board, commission, authority, or task force
4 authorized or created by State law or by executive order of the
5 Governor if the lobbyist is engaged in the same subject area as
6 defined in Section 5(c-6) as the board or commission; except
7 that this restriction does not apply to any of the following:

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

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

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

19 (25 ILCS 170/4.5 new)

20 Sec. 4.5. Ethics training. Each person required to register
21 under this Act must complete a program of ethics training
22 provided by the Secretary of State. A person registered under
23 this Act must complete the training program during each
24 calendar year the person remains registered. If the Secretary
25 of State uses the ethics training developed in accordance with

1 Section 5-10 of the State Officials and Employees Ethics Act,
2 that training must be expanded to include appropriate
3 information about the requirements, responsibilities, and
4 opportunities imposed by or arising under this Act, including
5 reporting requirements.

6 The Secretary of State shall adopt rules for the
7 implementation of this Section.

8 (25 ILCS 170/5)

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

19 (a) The registrant's name, permanent address, e-mail
20 address, if any, fax number, if any, business telephone
21 number, and temporary address, if the registrant has a
22 temporary address while lobbying.

23 (a-5) If the registrant is an organization or business
24 entity, the information required under subsection (a) for
25 each person associated with the registrant who will be

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

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

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

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

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

25 The registrant must file an amendment to the statement
26 within 14 calendar days to report any substantial change or

1 addition to the information previously filed, except that a
2 registrant must file an amendment to the statement to disclose
3 a new agreement to retain the registrant for lobbying services
4 before any service is performed which requires the person to
5 register, but in any event not later than 2 business days after
6 entering into the retainer agreement.

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

20 ~~All~~ Persons ~~required to register under this Act prior to~~
21 ~~July 1, 2003, shall remit a single, annual and nonrefundable~~
22 ~~\$50 registration fee. All fees collected for registrations~~
23 ~~prior to July 1, 2003, shall be deposited into the Lobbyist~~
24 ~~Registration Administration Fund for administration and~~
25 ~~enforcement of this Act. Beginning July 1, 2003, all persons~~
26 ~~other than entities qualified under Section 501(c)(3) of the~~

1 ~~Internal Revenue Code~~ required to register under this Act shall
2 remit a single, annual, and nonrefundable \$1,000 ~~\$350~~
3 registration fee. ~~Entities required to register under this Act~~
4 ~~which are qualified under Section 501(c)(3) of the Internal~~
5 ~~Revenue Code shall remit a single, annual, and nonrefundable~~
6 ~~\$150 registration fee.~~ Each individual required to register
7 under this Act shall submit, on an annual basis, a picture of
8 the registrant. A registrant may, in lieu of submitting a
9 picture on an annual basis, authorize the Secretary of State to
10 use any photo identification available in any database
11 maintained by the Secretary of State for other purposes. Of
12 each registration fee collected for registrations on or after
13 July 1, 2003, \$50 shall be deposited into the Lobbyist
14 Registration Administration Fund for administration and
15 enforcement of this Act and is intended to be used to implement
16 and maintain electronic filing of reports under this Act, the
17 next \$100 shall be deposited into the Lobbyist Registration
18 Administration Fund for administration and enforcement of this
19 Act, and any balance shall be deposited into the General
20 Revenue Fund, except that amounts resulting from the fee
21 increase of this amendatory Act of the 96th General Assembly
22 shall be deposited into the Lobbyist Registration
23 Administration Fund to be used for the costs of reviewing and
24 investigating violations of this Act.

25 (Source: P.A. 93-32, eff. 7-1-03; 93-615, eff. 11-19-03;
26 93-617, eff. 12-9-03.)

1 (25 ILCS 170/6) (from Ch. 63, par. 176)

2 Sec. 6. Reports.

3 (a) Lobbyist reports. Except as otherwise provided in this
4 Section, every lobbyist registered under this Act who is solely
5 employed by a lobbying entity ~~person required to register as~~
6 ~~prescribed in Section 3~~ shall file an affirmation report,
7 verified under oath pursuant to Section 1-109 of the Code of
8 Civil Procedure, with ~~to~~ the Secretary of State attesting to
9 the accuracy of any reports filed pursuant to subsection (b) as
10 those reports pertain to work performed by the lobbyist. Any
11 lobbyist registered under this Act who is not solely employed
12 by a lobbying entity shall personally file reports required of
13 lobbying entities pursuant to subsection (b). A lobbyist may,
14 if authorized so to do by a lobbying entity by whom he or she is
15 employed or retained, file lobbying entity reports pursuant to
16 subsection (b) provided that the lobbying entity may delegate
17 the filing of the lobbying entity report to only one lobbyist
18 in any reporting period ~~all expenditures for lobbying made or~~
19 ~~incurred by the lobbyist on his behalf or the behalf of his~~
20 ~~employer. In the case where an individual is solely employed by~~
21 ~~another person to perform job related functions any part of~~
22 ~~which includes lobbying, the employer shall be responsible for~~
23 ~~reporting all lobbying expenditures incurred on the employer's~~
24 ~~behalf as shall be identified by the lobbyist to the employer~~
25 ~~preceding such report. Persons who contract with another person~~

1 ~~to perform lobbying activities shall be responsible for~~
2 ~~reporting all lobbying expenditures incurred on the employer's~~
3 ~~behalf. Any additional lobbying expenses incurred by the~~
4 ~~employer which are separate and apart from those incurred by~~
5 ~~the contractual employee shall be reported by the employer.~~

6 (b) Lobbying entity reports. Except as otherwise provided
7 in this Section, every lobbying entity registered under this
8 Act shall report expenditures related to lobbying. The report
9 shall itemize each individual expenditure or transaction ~~over~~
10 ~~\$100~~ and shall include the name of the official on whose behalf
11 the expenditure was made, the name of the client on whose
12 behalf the expenditure was made, if applicable, the total
13 amount of the expenditure, a description of the expenditure,
14 the address and location of the expenditure if the expenditure
15 was for an intangible item such as lodging, the date on which
16 the expenditure occurred and the subject matter of the lobbying
17 activity, if any.

18 The report shall include the names and addresses of all
19 clients who retained the lobbying entity together with an
20 itemized description for each client of the following: (1)
21 lobbying regarding executive action, including the name of any
22 executive agency lobbied and the subject matter; (2) lobbying
23 regarding legislative action, including the General Assembly
24 and any other agencies lobbied and the subject matter; and (3)
25 lobbying regarding administrative action, including the agency
26 lobbied and the subject matter. Registrants who made no

1 reportable expenditures during a reporting period shall file a
2 report stating that no expenditures were incurred.

3 Expenditures attributable to lobbying officials shall be
4 listed and reported according to the following categories:

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

6 (2) meals, beverages and other entertainment.

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

9 (4) honoraria.

10 (5) any other thing or service of value not listed
11 under categories (1) through (4), setting forth a
12 description of the expenditure. The category travel and
13 lodging includes, but is not limited to, all travel and
14 living accommodations made for or on behalf of State
15 officials in the State capital during sessions of the
16 General Assembly.

17 ~~Individual expenditures required to be reported as~~
18 ~~described herein which are equal to or less than \$100 in value~~
19 ~~need not be itemized but are required to be categorized and~~
20 ~~reported by officials in an aggregate total in a manner~~
21 ~~prescribed by rule of the Secretary of State.~~

22 (b-3) Expenditures incurred for hosting receptions,
23 benefits and other large gatherings held for purposes of
24 goodwill or otherwise to influence executive, legislative or
25 administrative action to which there are 25 or more State
26 officials invited shall be reported listing only the total

1 amount of the expenditure, the date of the event, and the
2 estimated number of officials in attendance.

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

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

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

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

19 Salaries, fees, and other compensation paid to the
20 registrant for the purposes of lobbying need not be reported.

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

23 ~~The report shall include: (1) the name of each State~~
24 ~~government entity lobbied; (2) whether the lobbying involved~~
25 ~~executive, legislative, or administrative action, or a~~
26 ~~combination; (3) the names of the persons who performed the~~

1 ~~lobbyist services; and (4) a brief description of the~~
2 ~~legislative, executive, or administrative action involved.~~

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

6 A gift or honorarium returned or reimbursed to the
7 registrant within 10 days after the official receives a copy of
8 a report pursuant to Section 6.5 shall not be included in the
9 final report unless the registrant informed the official,
10 contemporaneously with the receipt of the gift or honorarium,
11 that the gift or honorarium is a reportable expenditure
12 pursuant to this Act.

13 (c) ~~Reports under this Section shall be filed by July 31,~~
14 ~~for expenditures from the previous January 1 through the later~~
15 ~~of June 30 or the final day of the regular General Assembly~~
16 ~~session, and by January 31, for expenditures from the entire~~
17 ~~previous calendar year.~~

18 ~~Registrants who made no reportable expenditures during a~~
19 ~~reporting period shall file a report stating that no~~
20 ~~expenditures were incurred. Such reports shall be filed in~~
21 ~~accordance with the deadlines as prescribed in this subsection.~~

22 A registrant who terminates employment or duties which
23 required him to register under this Act shall give the
24 Secretary of State, within 30 days after the date of such
25 termination, written notice of such termination and shall
26 include therewith a report of the expenditures described

1 herein, covering the period of time since the filing of his
2 last report to the date of termination of employment. Such
3 notice and report shall be final and relieve such registrant of
4 further reporting under this Act, unless and until he later
5 takes employment or assumes duties requiring him to again
6 register under this Act.

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

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

12 (e) Within 30 days after a filing deadline or as provided
13 by rule, the lobbyist shall notify each official on whose
14 behalf an expenditure has been reported. Notification shall
15 include the name of the registrant, the total amount of the
16 expenditure, a description of the expenditure, the date on
17 which the expenditure occurred, and the subject matter of the
18 lobbying activity.

19 (f) Lobbyist and lobbying entity reports shall be filed
20 weekly when the General Assembly is in session and monthly
21 otherwise, in accordance with rules the Secretary of State
22 shall adopt for the implementation of this subsection. A report
23 filed under this Act is due in the Office of the Secretary of
24 State no later than the close of business on the date on which
25 it is required to be filed.

26 (g) All reports filed under this Act shall be filed in a

1 format or on forms prescribed by the Secretary of State.

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

3 (25 ILCS 170/7) (from Ch. 63, par. 177)

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

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

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

17 (b) Within 10 days after a filing deadline, the Secretary
18 of State shall notify persons he determines are required to
19 file but have failed to do so.

20 (c) The Secretary of State shall provide adequate software
21 to the persons required to file under this Act, and all
22 registrations, reports, statements, and amendments required to
23 be filed shall be filed electronically. ~~Not later than 12~~
24 ~~months after the effective date of this amendatory Act of the~~
25 ~~93rd General Assembly, or as soon thereafter as the Secretary~~

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

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

16 (e) The Secretary of State shall receive and investigate
17 allegations of violations of this Act. Any employee of the
18 Secretary of State who receives an allegation shall immediately
19 transmit it to the Secretary of State Inspector General.

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

21 (25 ILCS 170/10) (from Ch. 63, par. 180)

22 Sec. 10. Penalties.

23 (a) Any person who violates any of the provisions of this
24 Act shall be guilty of a business offense and shall be fined
25 not more than \$10,000 for each violation. Every day that a

1 report or registration is late shall constitute a separate
2 violation. In determining the appropriate fine for each
3 violation, the trier of fact shall consider the scope of the
4 entire lobbying project, the nature of activities conducted
5 during the time the person was in violation of this Act, and
6 whether or not the violation was intentional or unreasonable.

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

11 (c) There is created in the State treasury a special fund
12 to be known as the Lobbyist Registration Administration Fund.
13 All fines collected in the enforcement of this Section shall be
14 deposited into the Fund. These funds shall, subject to
15 appropriation, be used by the Office of the Secretary of State
16 for implementation and administration of this Act.

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

18 (25 ILCS 170/11) (from Ch. 63, par. 181)

19 Sec. 11. Enforcement ~~Venue~~.

20 (a) The Secretary of State Inspector General appointed
21 under Section 14 of the Secretary of State Act shall initiate
22 investigations of violations of this Act upon receipt of an
23 allegation. If the Inspector General finds credible evidence of
24 a violation, he or she shall make the information available to
25 the public and transmit copies of the evidence to the alleged

1 violation. If the violator does not correct the violation within
2 30 days, the Inspector General shall transmit the full record
3 of the investigation to any appropriate State's Attorney or to
4 the Attorney General.

5 (b) Any violation of this Act may be prosecuted in the
6 county where the offense is committed or in Sangamon County. In
7 addition to the State's Attorney of the appropriate county, the
8 Attorney General of Illinois also is authorized to prosecute
9 any violation of this Act.

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

11 (25 ILCS 170/11.3 new)

12 Sec. 11.3. Compensation from a State agency. It is a
13 violation of this Act for a person registered or required to be
14 registered under this Act to accept or agree to accept
15 compensation from a State agency for the purpose of lobbying
16 legislative action.

17 This Section does not apply to compensation (i) that is a
18 portion of the salary of a full-time employee of a State agency
19 whose responsibility or authority includes, but is not limited
20 to, lobbying executive, legislative, or administrative action
21 or (ii) to an individual who is contractually retained by a
22 State agency that is not listed in Section 5-15 of the Civil
23 Administrative Code of Illinois.

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

1 (25 ILCS 170/4 rep.)

2 Section 70. The Lobbyist Registration Act is amended by
3 repealing Section 4.

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

6 (30 ILCS 540/3-2) (from Ch. 127, par. 132.403-2)

7 Sec. 3-2. Beginning July 1, 1993, in any instance where a
8 State official or agency is late in payment of a vendor's bill
9 or invoice for goods or services furnished to the State, as
10 defined in Section 1, properly approved in accordance with
11 rules promulgated under Section 3-3, the State official or
12 agency shall pay interest to the vendor in accordance with the
13 following:

14 (1) Any bill approved for payment under this Section
15 must be paid or the payment issued to the payee within 60
16 days of receipt of a proper bill or invoice. If payment is
17 not issued to the payee within this 60 day period, an
18 interest penalty of 1.0% of any amount approved and unpaid
19 shall be added for each month or fraction thereof after the
20 end of this 60 day period, until final payment is made.

21 (1.1) A State agency shall review in a timely manner
22 each bill or invoice after its receipt. If the State agency
23 determines that the bill or invoice contains a defect

1 making it unable to process the payment request, the agency
2 shall notify the vendor requesting payment as soon as
3 possible after discovering the defect pursuant to rules
4 promulgated under Section 3-3; provided, however, that the
5 notice for construction related bills or invoices must be
6 given not later than 30 days after the bill or invoice was
7 first submitted. The notice shall identify the defect and
8 any additional information necessary to correct the
9 defect. If one or more items on a construction related bill
10 or invoice are disapproved, but not the entire bill or
11 invoice, then the portion that is not disapproved shall be
12 paid.

13 (2) Where a State official or agency is late in payment
14 of a vendor's bill or invoice properly approved in
15 accordance with this Act, and different late payment terms
16 are not reduced to writing as a contractual agreement, the
17 State official or agency shall automatically pay interest
18 penalties required by this Section ~~amounting to \$50 or more~~
19 to the appropriate vendor. Each agency shall be responsible
20 for determining whether an interest penalty is owed and for
21 paying the interest to the vendor. ~~For interest of at least~~
22 ~~\$5 but less than \$50, the vendor must initiate a written~~
23 ~~request for the interest penalty when such interest is due~~
24 ~~and payable. The Department of Central Management Services~~
25 ~~and the State Comptroller shall jointly promulgate rules~~
26 ~~establishing the conditions under which interest of less~~

1 ~~than \$5 may be claimed and paid.~~ In the event an individual
2 has paid a vendor for services in advance, the provisions
3 of this Section shall apply until payment is made to that
4 individual.

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

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

8 (305 ILCS 5/12-13.1)

9 Sec. 12-13.1. Inspector General.

10 (a) The Governor shall appoint, and the Senate shall
11 confirm, an Inspector General who shall function within the
12 Illinois Department of Public Aid (now Healthcare and Family
13 Services) and report to the Governor. The term of the Inspector
14 General shall expire on the third Monday of January, 1997 and
15 every 4 years thereafter.

16 (b) In order to prevent, detect, and eliminate fraud,
17 waste, abuse, mismanagement, and misconduct, the Inspector
18 General shall oversee the Department of Healthcare and Family
19 Services' integrity functions, which include, but are not
20 limited to, the following:

21 (1) Investigation of misconduct by employees, vendors,
22 contractors and medical providers, except for allegations
23 of violations of the State Officials and Employees Ethics
24 Act which shall be referred to the Office of the Governor's

1 Executive Inspector General for investigation.

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

5 (3) Monitoring of quality assurance programs generally
6 related to the medical assistance program and specifically
7 related to any managed care program.

8 (4) Quality control measurements of the programs
9 administered by the Department of Healthcare and Family
10 Services.

11 (5) Investigations of fraud or intentional program
12 violations committed by clients of the Department of
13 Healthcare and Family Services.

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

16 (A) Violations of the medical assistance program.

17 (B) Sanctions against providers brought in
18 conjunction with the Department of Public Health or the
19 Department of Human Services (as successor to the
20 Department of Mental Health and Developmental
21 Disabilities).

22 (C) Recoveries of assessments against hospitals
23 and long-term care facilities.

24 (D) Sanctions mandated by the United States
25 Department of Health and Human Services against
26 medical providers.

1 (E) Violations of contracts related to any managed
2 care programs.

3 (7) Representation of the Department of Healthcare and
4 Family Services at hearings with the Illinois Department of
5 Professional Regulation in actions taken against
6 professional licenses held by persons who are in violation
7 of orders for child support payments.

8 (b-5) At the request of the Secretary of Human Services,
9 the Inspector General shall, in relation to any function
10 performed by the Department of Human Services as successor to
11 the Department of Public Aid, exercise one or more of the
12 powers provided under this Section as if those powers related
13 to the Department of Human Services; in such matters, the
14 Inspector General shall report his or her findings to the
15 Secretary of Human Services.

16 (c) The Inspector General shall have access to all
17 information, personnel and facilities of the Department of
18 Healthcare and Family Services and the Department of Human
19 Services (as successor to the Department of Public Aid), their
20 employees, vendors, contractors and medical providers and any
21 federal, State or local governmental agency that are necessary
22 to perform the duties of the Office as directly related to
23 public assistance programs administered by those departments.
24 No medical provider shall be compelled, however, to provide
25 individual medical records of patients who are not clients of
26 the Medical Assistance Program. State and local governmental

1 agencies are authorized and directed to provide the requested
2 information, assistance or cooperation.

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

7 (1) The Department of State Police.

8 (2) The Federal Bureau of Investigation and other
9 federal law enforcement agencies.

10 (3) The various Inspectors General of federal agencies
11 overseeing the programs administered by the Department of
12 Healthcare and Family Services.

13 (4) The various Inspectors General of any other State
14 agencies with responsibilities for portions of programs
15 primarily administered by the Department of Healthcare and
16 Family Services.

17 (5) The Offices of the several United States Attorneys
18 in Illinois.

19 (6) The several State's Attorneys.

20 The Inspector General shall meet on a regular basis with
21 these entities to share information regarding possible
22 misconduct by any persons or entities involved with the public
23 aid programs administered by the Department of Healthcare and
24 Family Services.

25 (e) All investigations conducted by the Inspector General
26 shall be conducted in a manner that ensures the preservation of

1 evidence for use in criminal prosecutions. If the Inspector
2 General determines that a possible criminal act relating to
3 fraud in the provision or administration of the medical
4 assistance program has been committed, the Inspector General
5 shall immediately notify the Medicaid Fraud Control Unit. If
6 the Inspector General determines that a possible criminal act
7 has been committed within the jurisdiction of the Office, the
8 Inspector General may request the special expertise of the
9 Department of State Police. The Inspector General may present
10 for prosecution the findings of any criminal investigation to
11 the Office of the Attorney General, the Offices of the several
12 United States Attorneys in Illinois or the several State's
13 Attorneys.

14 (f) To carry out his or her duties as described in this
15 Section, the Inspector General and his or her designees shall
16 have the power to compel by subpoena the attendance and
17 testimony of witnesses and the production of books, electronic
18 records and papers as directly related to public assistance
19 programs administered by the Department of Healthcare and
20 Family Services or the Department of Human Services (as
21 successor to the Department of Public Aid). No medical provider
22 shall be compelled, however, to provide individual medical
23 records of patients who are not clients of the Medical
24 Assistance Program.

25 (g) The Inspector General shall report all convictions,
26 terminations, and suspensions taken against vendors,

1 contractors and medical providers to the Department of
2 Healthcare and Family Services and to any agency responsible
3 for licensing or regulating those persons or entities.

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

13 (1) Aggregate provider billing and payment
14 information, including the number of providers at various
15 Medicaid earning levels.

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

18 (3) The number of prescriptions rejected annually
19 under the Department of Healthcare and Family Services'
20 Refill Too Soon program and the dollar savings resulting
21 from that program.

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

24 (5) A detailed summary of the investigations
25 undertaken in the previous fiscal year. These summaries
26 shall comply with all laws and rules regarding maintaining

1 confidentiality in the public aid programs.

2 (i) Nothing in this Section shall limit investigations by
3 the Department of Healthcare and Family Services or the
4 Department of Human Services that may otherwise be required by
5 law or that may be necessary in their capacity as the central
6 administrative authorities responsible for administration of
7 public aid programs in this State.

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

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

11 (740 ILCS 174/20)

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

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

18 (740 ILCS 174/20.1 new)

19 Sec. 20.1. Other retaliation. Any other act or omission not
20 otherwise specifically set forth in this Act, whether within or
21 without the workplace, also constitutes retaliation by an
22 employer under this Act if the act or omission would be
23 materially adverse to a reasonable employee and is because of

1 the employee disclosing or attempting to disclose public
2 corruption or wrongdoing.

3 (740 ILCS 174/20.2 new)

4 Sec. 20.2. Threatening retaliation. An employer may not
5 threaten any employee with any act or omission if that act or
6 omission would constitute retaliation against the employee
7 under this Act.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law, except that Section 20 and Section 65 take effect
10 January 1, 2010.