

1 AMENDMENT TO SENATE BILL 703

2 AMENDMENT NO. _____. Amend Senate Bill 703 by replacing
3 the title with the following:

4 "AN ACT concerning ethics."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "ARTICLE 1
8 GENERAL PROVISIONS

9 Section 1-1. Short title. This Act may be cited as the
10 State Officials and Employees Ethics Act.

11 Section 1-5. Definitions. As used in this Act:

12 "Appointee" means a person appointed to a position in or
13 with a State agency, regardless of whether the position is
14 compensated.

15 "Campaign for elective office" means any activity in
16 furtherance of an effort to influence the selection,
17 nomination, election, or appointment of any individual to any
18 federal, State, or local public office or office in a
19 political organization, or the selection, nomination, or
20 election of Presidential or Vice-Presidential electors, but

1 does not include activities (i) relating to the support or
2 opposition of any executive, legislative, or administrative
3 action (as those terms are defined in Section 2 of the
4 Lobbyist Registration Act), (ii) relating to collective
5 bargaining, or (iii) that are otherwise in furtherance of the
6 person's official State duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 "Prohibited political activity" means:

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

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

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

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

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

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

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

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

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

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

11 (10) Preparing or reviewing responses to candidate
12 questionnaires.

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

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

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

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

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

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

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

34 (2) does business or seeks to do business (i) with

1 the member or officer or (ii) in the case of an employee,
2 with the employee or with the member, officer, State
3 agency, or other employee directing the employee;

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

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

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

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

1 Auditor General. "State agency" does not include the judicial
2 branch.

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

4 "Ultimate jurisdictional authority" means the following:

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

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

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

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

20 (5) For State employees of the Auditor General, the
21 Auditor General.

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

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

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

33 Section 1-10. Applicability. The State Officials and

1 Employees Ethics Act applies only to conduct that occurs on
2 or after the effective date of this Act and to causes of
3 action that accrue on or after the effective date of this
4 Act.

5 ARTICLE 5

6 ETHICAL CONDUCT

7 Section 5-5. Personnel policies.

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

29 (b) The policies required under subsection (a) shall be
30 filed with the appropriate ethics commission established
31 under this Act or, for the Auditor General, with the Office
32 of the Auditor General.

1 (c) The policies required under subsection (a) shall
2 include policies relating to work time requirements,
3 documentation of time worked, documentation for reimbursement
4 for travel on official State business, compensation, and the
5 earning or accrual of State benefits for all State employees
6 who may be eligible to receive those benefits. The policies
7 shall comply with and be consistent with all other applicable
8 laws. For State employees of the legislative branch, the
9 policies shall require those employees to periodically submit
10 time sheets documenting the time spent each day on official
11 State business to the nearest quarter hour; contractual
12 employees of the legislative branch may satisfy the time
13 sheets requirement by complying with the terms of their
14 contract, which shall provide for a means of compliance with
15 this requirement. The policies for State employees of the
16 legislative branch shall require those time sheets to be
17 submitted on paper, electronically, or both and to be
18 maintained in either paper or electronic format by the
19 applicable fiscal office for a period of at least 2 years.

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

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

1 within 6 months after commencement of his or her office or
2 employment.

3 Section 5-15. Prohibited political activities.

4 (a) State employees shall not intentionally perform any
5 prohibited political activity during any compensated time
6 (other than vacation, personal, or compensatory time off).
7 State employees shall not intentionally misappropriate any
8 State property or resources by engaging in any prohibited
9 political activity for the benefit of any campaign for
10 elective office or any political organization.

11 (b) At no time shall any executive or legislative branch
12 constitutional officer or any official, director, supervisor,
13 or State employee intentionally misappropriate the services
14 of any State employee by requiring that State employee to
15 perform any prohibited political activity (i) as part of that
16 employee's State duties, (ii) as a condition of State
17 employment, or (iii) during any time off that is compensated
18 by the State (such as vacation, personal, or compensatory
19 time off).

20 (c) A State employee shall not be required at any time
21 to participate in any prohibited political activity in
22 consideration for that State employee being awarded any
23 additional compensation or employee benefit, in the form of a
24 salary adjustment, bonus, compensatory time off, continued
25 employment, or otherwise.

26 (d) A State employee shall not be awarded any additional
27 compensation or employee benefit, in the form of a salary
28 adjustment, bonus, compensatory time off, continued
29 employment, or otherwise, in consideration for the State
30 employee's participation in any prohibited political
31 activity.

32 (e) Nothing in this Section prohibits activities that
33 are otherwise appropriate for a State employee to engage in

1 as a part of his or her official State employment duties or
2 activities that are undertaken by a State employee on a
3 voluntary basis as permitted by law.

4 (f) No person either (i) in a position that is subject
5 to recognized merit principles of public employment or (ii)
6 in a position the salary for which is paid in whole or in
7 part by federal funds and that is subject to the Federal
8 Standards for a Merit System of Personnel Administration
9 applicable to grant-in-aid programs, shall be denied or
10 deprived of State employment or tenure solely because he or
11 she is a member or an officer of a political committee, of a
12 political party, or of a political organization or club.

13 Section 5-20. Public service announcements.

14 (a) Except as otherwise provided in this Section, no
15 public service announcement or advertisement that is on
16 behalf of any State administered program and that contains
17 the image or voice of any executive branch constitutional
18 officer or member of the General Assembly shall be broadcast
19 or aired on radio or television or printed in a newspaper at
20 any time on or after the date that the officer or member
21 files his or her nominating petitions for public office and
22 for any time thereafter that the officer or member remains a
23 candidate for any office.

24 (b) This Section does not apply to communications funded
25 through expenditures required to be reported under Article 9
26 of the Election Code.

27 Section 5-30. Prohibited offer or promise. An officer or
28 employee of the executive or legislative branch or a
29 candidate for an executive or legislative branch office may
30 not promise anything of value related to State government,
31 including but not limited to positions in State government,
32 promotions, or salary increases, in consideration for a

1 contribution to a political committee, political party, or
2 other entity that has as one of its purposes the financial
3 support of a candidate for elective office.

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

6 Section 5-35. Contributions on State property.
7 Contributions shall not be intentionally solicited, accepted,
8 offered, or made on State property by public officials, by
9 State employees, by candidates for elective office, by
10 persons required to be registered under the Lobbyist
11 Registration Act, or by any officers, employees, or agents of
12 any political organization, except as provided in this
13 Section. For purposes of this Section, "State property" means
14 any building or portion thereof owned or exclusively leased
15 by the State or any State agency at the time the contribution
16 is solicited, offered, accepted, or made. "State property"
17 does not however, include any portion of a building that is
18 rented or leased from the State or any State agency by a
19 private person or entity.

20 An inadvertent solicitation, acceptance, offer, or making
21 of a contribution is not a violation of this Section so long
22 as reasonable and timely action is taken to return the
23 contribution to its source.

24 The provisions of this Section do not apply to the
25 residences of State officers and employees, except that no
26 fundraising events shall be held at residences owned by the
27 State or paid for, in whole or in part, with State funds.

28 Section 5-40. Fundraising in Sangamon County. Except as
29 provided in this Section, any executive branch constitutional
30 officer, any candidate for an executive branch constitutional
31 office, any member of the General Assembly, any candidate for
32 the General Assembly, any political caucus of the General

1 Assembly, or any political committee on behalf of any of the
2 foregoing may not hold a fundraising function in Sangamon
3 County on any day the legislature is in session (i) during
4 the period beginning February 1 and ending on the later of
5 the actual adjournment dates of either house of the spring
6 session and (ii) during fall veto session. For purposes of
7 this Section, the legislature is not considered to be in
8 session on a day that is solely a perfunctory session day or
9 on a day when only a committee is meeting.

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

11 (a) No former State employee may, within a period of one
12 year immediately after termination of State employment,
13 knowingly accept employment or receive compensation or fees
14 for services from an employer if the employee, during the
15 year immediately preceding termination of State employment,
16 and on behalf of the State or State agency, negotiated in
17 whole or in part one or more contracts with that employer
18 aggregating \$25,000 or more.

19 (b) The requirements of this Section may be waived by
20 the appropriate ultimate jurisdictional authority of the
21 former State employee if that ultimate jurisdictional
22 authority finds in writing that the State's negotiations and
23 decisions regarding the procurement of the contract or
24 contracts were not materially affected by any potential for
25 employment of that employee by the employer.

26 (c) This Section applies only to persons who terminate
27 an affected position on or after the effective date of this
28 Act.

29 ARTICLE 10

30 GIFT BAN

31 Section 10-10. Gift ban. Except as otherwise provided in

1 this Article, no member, officer, or employee shall
2 intentionally solicit or accept any gift from any prohibited
3 source or in violation of any federal or State statute, rule,
4 or regulation. This ban applies to and includes the spouse of
5 and immediate family living with the member, officer, or
6 employee. No prohibited source shall intentionally offer or
7 make a gift that violates this Section.

8 Section 10-15. Gift ban; exceptions. The restriction in
9 Section 10-10 does not apply to the following:

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

12 (2) A contribution that is lawfully made under the
13 Election Code or under this Act or attendance at a
14 fundraising event sponsored by a political organization.

15 (3) Educational materials and missions, subject to rules
16 adopted by the appropriate ethics commission or by the
17 Auditor General for the Auditor General and employees of the
18 Office of the Auditor General.

19 (4) Travel expenses for a meeting to discuss State
20 business, subject to rules adopted by the appropriate ethics
21 commission or by the Auditor General for the Auditor General
22 and employees of the Office of the Auditor General.

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

33 (6) Anything provided by an individual on the basis of a

1 personal friendship unless the member, officer, or employee
2 has reason to believe that, under the circumstances, the gift
3 was provided because of the official position or employment
4 of the member, officer, or employee and not because of the
5 personal friendship.

6 In determining whether a gift is provided on the basis of
7 personal friendship, the member, officer, or employee shall
8 consider the circumstances under which the gift was offered,
9 such as:

10 (i) the history of the relationship between the
11 individual giving the gift and the recipient of the gift,
12 including any previous exchange of gifts between those
13 individuals;

14 (ii) whether to the actual knowledge of the member,
15 officer, or employee the individual who gave the gift
16 personally paid for the gift or sought a tax deduction or
17 business reimbursement for the gift; and

18 (iii) whether to the actual knowledge of the
19 member, officer, or employee the individual who gave the
20 gift also at the same time gave the same or similar gifts
21 to other members, officers, or employees.

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

28 (8) Intra-governmental and inter-governmental gifts.
29 For the purpose of this Act, "intra-governmental gift" means
30 any gift given to a member, officer, or employee of a State
31 agency from another member, officer, or employee of the same
32 State agency; and "inter-governmental gift" means any gift
33 given to a member, officer, or employee of a State agency, by
34 a member, officer, or employee of another State agency, of a

1 federal agency, or of any governmental entity.

2 (9) Bequests, inheritances, and other transfers at
3 death.

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

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

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

17 Section 10-40. Gift ban; further restrictions. A State
18 agency may adopt or maintain policies that are more
19 restrictive than those set forth in this Article and may
20 continue to follow any existing policies, statutes, or
21 regulations that are more restrictive or are in addition to
22 those set forth in this Article.

23 ARTICLE 15

24 WHISTLE BLOWER PROTECTION

25 Section 15-5. Definitions. In this Article:

26 "Public body" means (1) any officer, member, or State
27 agency; (2) the federal government; (3) any local law
28 enforcement agency or prosecutorial office; (4) any federal
29 or State judiciary, grand or petit jury, law enforcement
30 agency, or prosecutorial office; and (5) any officer,

1 employee, department, agency, or other division of any of the
2 foregoing.

3 "Supervisor" means an officer, a member, or a State
4 employee who has the authority to direct and control the work
5 performance of a State employee or who has authority to take
6 corrective action regarding any violation of a law, rule, or
7 regulation of which the State employee complains.

8 "Retaliatory action" means the reprimand, discharge,
9 suspension, demotion, or denial of promotion or transfer of
10 any State employee in the terms and conditions of employment,
11 and that is taken in retaliation for a State employee's
12 involvement in protected activity, as set forth in Section
13 15-10.

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

18 (1) Discloses or threatens to disclose to a supervisor
19 or to a public body an activity, policy, or practice of any
20 officer, member, State agency, or other State employee that
21 the State employee reasonably believes is in violation of a
22 law, rule, or regulation.

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

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

29 Section 15-20. Burden of proof. A violation of this
30 Article may be established only upon a finding that (i) the
31 State employee engaged in conduct described in Section 15-10
32 and (ii) that conduct was a contributing factor in the

1 retaliatory action alleged by the State employee. It is not
2 a violation, however, if it is demonstrated that the officer,
3 member, other State employee, or State agency would have
4 taken the same unfavorable personnel action in the absence of
5 that conduct.

6 Section 15-25. Remedies. An action to obtain civil
7 remedies for a violation of this Article may be initiated by
8 a State employee only after a finding by an ethics commission
9 that a violation of this Article has occurred or upon
10 authorization by the Attorney General. The action shall be
11 commenced in a circuit court of venue within one year after
12 the required finding by the ethics commission or
13 authorization by the Attorney General has been made. The
14 proceeding before the circuit court shall be de novo, and the
15 Administrative Review Law shall not apply to a proceeding
16 under this Article. The State employee may be awarded all
17 remedies necessary to make the State employee whole and to
18 prevent future violations of this Article. Remedies imposed
19 by the court may include, but are not limited to, all of the
20 following:

- 21 (1) reinstatement of the employee to either the same
22 position held before the retaliatory action or to an
23 equivalent position;
- 24 (2) 2 times the amount of back pay;
- 25 (3) interest on the back pay;
- 26 (4) the reinstatement of full fringe benefits and
27 seniority rights; and
- 28 (5) the payment by the officer, member, or other State
29 employee of reasonable attorneys' fees.

30 Section 15-35. Preemption. Nothing in this Article shall
31 be deemed to diminish the rights, privileges, or remedies of
32 a State employee under any other federal or State law, rule,

1 or regulation or under any collective bargaining agreement or
2 employment contract.

3 ARTICLE 20

4 EXECUTIVE ETHICS COMMISSION AND

5 EXECUTIVE INSPECTOR GENERAL

6 Section 20-5. Executive Ethics Commission.

7 (a) The Executive Ethics Commission is created.

8 (b) The Executive Ethics Commission shall consist of 9
9 commissioners, each confirmed by a three-fifths vote of the
10 Senate. The Governor shall appoint 5 commissioners, and the
11 Attorney General, Secretary of State, Comptroller, and
12 Treasurer shall each appoint one commissioner. If the Senate
13 is in recess, the appointing authority may make a temporary
14 appointment until the next meeting of the Senate, when the
15 appointing authority shall make a nomination to fill the
16 office. No more than 5 commissioners may be of the same
17 political party.

18 The terms of the initial commissioners shall commence on
19 July 1, 2003. Four initial appointees of the Governor, as
20 designated by the Governor, shall serve terms running through
21 June 30, 2007. One initial appointee of the Governor, as
22 designated by the Governor, and the initial appointees of the
23 Attorney General, Secretary of State, Comptroller, and
24 Treasurer shall serve terms running through June 30, 2008.
25 The initial appointments shall be made within 60 days after
26 the effective date of this Act.

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

32 Vacancies occurring other than at the end of a term shall

1 be filled by the appointing authority only for the balance of
2 the term of the commissioner whose office is vacant.

3 Terms shall run regardless of whether the position is
4 filled.

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

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

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

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

4 (f) No commissioner or employee of the Executive Ethics
5 Commission may during his or her term of appointment or
6 employment:

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

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

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

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

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

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

25 Section 20-10. Offices of Executive Inspectors General.

26 (a) Five Offices of the Executive Inspector General are
27 created. Each Office shall be under the direction and
28 supervision of an Executive Inspector General.

29 (b) The Governor, Attorney General, Secretary of State,
30 Comptroller, and Treasurer shall each appoint an Executive
31 Inspector General, without regard to political affiliation
32 and solely on the basis of integrity and demonstrated
33 ability. Each Executive Inspector General shall be confirmed

1 by a three-fifths vote of the Senate. If the Senate is in
2 recess, the appointing authority may make a temporary
3 appointment until the next meeting of the Senate, when the
4 appointing authority shall make a nomination to fill the
5 office.

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

18 Each Executive Inspector General shall have the following
19 qualifications:

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

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

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

31 The term of each initial Executive Inspector General
32 shall commence on July 1, 2003 and shall run through June 30,
33 2008. The initial appointments shall be made within 60 days
34 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 employees of State agencies within the
15 jurisdiction of the Attorney General. The Executive Inspector
16 General appointed by the Secretary of State shall have
17 jurisdiction over the Secretary of State and all employees of
18 State agencies within the jurisdiction of the Secretary of
19 State. The Executive Inspector General appointed by the
20 Comptroller shall have jurisdiction over the Comptroller and
21 all employees of State agencies within the jurisdiction of
22 the Comptroller. The Executive Inspector General appointed by
23 the Treasurer shall have jurisdiction over the Treasurer and
24 all employees of State agencies within the jurisdiction of
25 the Treasurer. The Executive Inspector General appointed by
26 the Governor shall have jurisdiction over the Governor, the
27 Lieutenant Governor, and all employees of executive branch
28 State agencies under the jurisdiction of the Executive Ethics
29 Commission and not within the jurisdiction of the Attorney
30 General, the Secretary of State, the Comptroller, or the
31 Treasurer.

32 The jurisdiction of each Executive Inspector General is
33 limited to investigating conduct alleged to violate this Act.

34 (d) The compensation of an Executive Inspector General

1 shall be determined by the appointed authority. Subject to
2 Section 20-45 of this Act, each Executive Inspector General
3 has full authority to organize his or her Office of the
4 Executive Inspector General, including the employment and
5 determination of the compensation of staff, such as deputies,
6 assistants, and other employees, as appropriations permit.

7 (e) No Executive Inspector General or employee of the
8 Office of the Executive Inspector General may, during his or
9 her term of appointment or employment:

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

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

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

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

19 (f) An appointing authority may remove an Executive
20 Inspector General only for cause.

21 Section 20-15. Duties of the Executive Ethics Commission.
22 In addition to duties otherwise assigned by law, the
23 Executive Ethics Commission shall have the following duties:

24 (1) To promulgate rules governing the performance of its
25 duties and the exercise of its powers and governing the
26 investigations of the Executive Inspectors General.

27 (2) To conduct administrative hearings and rule on
28 matters brought before the Commission only upon the receipt
29 of pleadings filed by an Executive Inspector General and not
30 upon its own prerogative. Any other allegations of misconduct
31 received by the Commission from a person other than an
32 Executive Inspector General shall be referred to the Office
33 of the appropriate Executive Inspector General.

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

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

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

8 (6) To make rulings, issue recommendations, and impose
9 administrative fines, if appropriate, in connection with the
10 implementation and interpretation of this Act. The powers and
11 duties of the Commission are limited to matters clearly
12 within the purview of this Act.

13 (7) To issue subpoenas with respect to matters pending
14 before the Commission, subject to the provisions of this
15 Article and in the discretion of the Commission, to compel
16 the attendance of witnesses for purposes of testimony and the
17 production of documents and other items for inspection and
18 copying.

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

23 (1) To receive and investigate allegations of violations
24 of this Act. The Executive Inspector General may receive
25 information through the Office of any Executive Inspector
26 General, through an ethics commission, or through the
27 Executive Ethics Hotline. An investigation may be conducted
28 only in response to information reported to the Executive
29 Inspector General as provided in this Section and not upon
30 his or her own prerogative. The Executive Inspector General
31 shall have the discretion to determine the appropriate means
32 of investigation as permitted by law and as approved in
33 advance by the Attorney General.

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

4 (3) To issue subpoenas, subject to the advance approval
5 of the Attorney General, to compel the attendance of
6 witnesses for the purposes of testimony and production of
7 documents and other items for inspection and copying.

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

9 (5) After finding probable cause, to file pleadings in
10 the name of the Executive Inspector General with the
11 Executive Ethics Commission, through the Attorney General, as
12 provided in this Article.

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

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

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

24 Section 20-23. Ethics Officers. Each officer and the
25 head of each State agency under the jurisdiction of the
26 Executive Ethics Commission shall designate an Ethics Officer
27 for the office or State agency. Ethics Officers shall:

28 (1) act as liaisons between the State agency and
29 the appropriate Executive Inspector General and between
30 the State agency and the Executive Ethics Commission;

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

1 Secretary of State; and

2 (3) provide guidance to officers and employees in
3 the interpretation and implementation of this Act. Such
4 guidance shall be based, wherever possible, upon the
5 findings and opinions of the Executive Ethics Commission.

6 Section 20-25. Executive Ethics Hotline. The Executive
7 Ethics Commission shall create and maintain a toll-free
8 Ethics Hotline for the purpose of receiving reports of
9 allegations relating to conduct subject to the jurisdiction
10 of the Commission. The Commission shall transmit each report
11 to the appropriate Inspector General or other ethics
12 commission in a timely manner.

13 Section 20-35. Administrative subpoena; compliance. A
14 person duly subpoenaed for testimony, documents, or other
15 items who neglects or refuses to testify or produce documents
16 or other items under the requirements of the subpoena shall
17 be subject to punishment as may be determined by a court of
18 competent jurisdiction, unless (i) the testimony, documents,
19 or other items are covered by the attorney-client privilege
20 or any other privilege or right recognized by law or (ii) the
21 testimony, documents, or other items concern the
22 representation of employees and the negotiation of collective
23 bargaining agreements by a labor organization authorized and
24 recognized under the Illinois Public Labor Relations Act to
25 be the exclusive bargaining representative of employees of
26 the State agency. Nothing in this Section limits a person's
27 right to protection against self-incrimination under the
28 Fifth Amendment of the United States Constitution or Article
29 I, Section 10, of the Constitution of the State of Illinois.

30 Section 20-40. Collective bargaining agreements. Any
31 investigation or inquiry by an Executive Inspector General or

1 any agent or representative of an Executive Inspector General
2 must be conducted in compliance with the provisions of a
3 collective bargaining agreement that applies to the employees
4 of the relevant State agency and with an awareness of the
5 rights of the employees as set forth by State and federal law
6 and applicable judicial decisions. Any recommendation for
7 discipline or any action taken against any State employee
8 pursuant to this Act must comply with the provisions of the
9 collective bargaining agreement that applies to the State
10 employee.

11 Section 20-45. Standing; representation.

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

14 (b) The Attorney General shall represent an Executive
15 Inspector General in all proceedings before the Commission,
16 except that the Attorney General may appoint special counsel
17 to represent an Executive Inspector General before the
18 Commission if the Attorney General deems it necessary to
19 avoid any actual, potential, or perceived conflict of
20 interest.

21 (c) Attorneys or special counsel serving in the Office
22 of an Executive Inspector General shall be appointed or
23 retained by the Attorney General, shall be under the
24 supervision, direction, and control of the Attorney General,
25 and shall serve at the pleasure of the Attorney General. The
26 compensation of any assistant attorneys and special counsel
27 appointed or retained in accordance with this subsection
28 shall be paid by the appropriate Office of the Executive
29 Inspector General.

30 (d) Any State employee or officer named as a respondent
31 in a complaint is entitled to reimbursement for his or her
32 reasonable attorney's fees and expenses in defending against
33 the complaint if that respondent is not found by the

1 Commission to have violated this Act.

2 Section 20-50. Investigation reports; complaint
3 procedure.

4 (a) If an Executive Inspector General, upon the
5 conclusion of an investigation, determines that probable
6 cause exists to file pleadings with the Executive Ethics
7 Commission, then the Executive Inspector General shall issue
8 a summary report of the investigation. The report shall be
9 delivered to the appropriate ultimate jurisdictional
10 authority and to the head of each State agency affected by or
11 involved in the investigation, if appropriate.

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

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

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

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

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

26 (c) Not less than 30 days after delivery of the summary
27 report of an investigation under subsection (a), the
28 Executive Inspector General, represented by the Attorney
29 General, may file with the Executive Ethics Commission a
30 petition for leave to file a complaint. The petition shall
31 set forth the alleged violation and the grounds that exist to
32 support probable cause. The petition for leave to file a
33 complaint must be filed with the Commission within 18 months

1 after an alleged violation of this Act.

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

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

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

25 (g) On the scheduled date the Commission shall conduct a
26 closed meeting, either in person or, if the parties consent,
27 by telephone, on the complaint and allow all parties the
28 opportunity to present testimony and evidence. All such
29 proceedings shall be transcribed.

30 (h) Within an appropriate time limit set by rules of the
31 Executive Ethics Commission, the Commission shall (i) dismiss
32 the complaint or (ii) issue a recommendation of discipline to
33 the respondent and the respondent's ultimate jurisdictional
34 authority or impose an administrative fine upon the

1 respondent, or both.

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

5 (j) The Commission may designate hearing officers to
6 conduct proceeding as determined by rule of the Commission.

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

9 Section 20-55. Decisions; recommendations.

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

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

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

5 Section 20-60. Appeals. A decision of the Executive
6 Ethics Commission to impose a fine is subject to judicial
7 review under the Administrative Review Law. All other
8 decisions by the Executive Ethics Commission are final and
9 not subject to review either administratively or judicially.

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

18 Section 20-70. Cooperation in investigations. It is the
19 duty of every officer and employee under the jurisdiction of
20 an Executive Inspector General, including any inspector
21 general serving in any State agency under the jurisdiction of
22 that Executive Inspector General, to cooperate with the
23 Executive Inspector General in any investigation undertaken
24 pursuant to this Act. Failure to cooperate with an
25 investigation of the Executive Inspector General is grounds
26 for disciplinary action, including dismissal, unless the
27 failure is based on (i) the attorney-client privilege or any
28 other privilege or right recognized by law or (ii) a
29 collective bargaining agreement with a labor organization
30 authorized and recognized under the Illinois Public Labor
31 Relations Act to be the exclusive bargaining representative

1 of affected employees.

2 Nothing in this Section limits a person's right to
3 protection against self-incrimination under the Fifth
4 Amendment of the United States Constitution or Article I,
5 Section 10, of the Constitution of the State of Illinois.

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

17 Section 20-85. Annual reports. Each Executive Inspector
18 General shall submit an annual report to the executive branch
19 constitutional officers and the Executive Ethics Commission,
20 on a date determined by the Executive Ethics Commission,
21 indicating:

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

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

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

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

30 (5) the number of actions filed since the last
31 report and the number of actions pending before the
32 Commission as of the reporting date.

1 Section 20-90. Confidentiality.

2 (a) The identity of any individual providing information
3 or reporting any possible or alleged misconduct to an
4 Executive Inspector General, the Executive Ethics Commission,
5 or the Executive Ethics Hotline shall be kept confidential
6 and may not be disclosed without the consent of that
7 individual, unless the individual consents to disclosure of
8 his or her name or disclosure of the individual's identity is
9 otherwise required by law. The confidentiality granted by
10 this subsection does not preclude the disclosure of the
11 identity of a person in any capacity other than as the source
12 of an allegation.

13 (b) Commissioners, employees, and agents of the
14 Executive Ethics Commission, the Executive Inspectors
15 General, and employees and agents of each Office of an
16 Executive Inspector General shall keep confidential and shall
17 not disclose information exempted from disclosure under the
18 Freedom of Information Act or by this Act.

19 Section 20-95. Exemptions.

20 (a) Documents generated by an ethics officer under this
21 Act are exempt from the provisions of the Freedom of
22 Information Act.

23 (b) Any allegations and related documents submitted to
24 an Executive Inspector General and any pleadings and related
25 documents brought before the Executive Ethics Commission are
26 exempt from the provisions of the Freedom of Information Act
27 so long as the Executive Ethics Commission does not make a
28 finding of a violation of this Act. If the Executive Ethics
29 Commission finds that a violation has occurred, the entire
30 record of proceedings before the Commission, the decision and
31 recommendation, and the mandatory report from the agency head
32 or ultimate jurisdictional authority to the Executive Ethics
33 Commission are not exempt from the provisions of the Freedom

1 of Information Act but information contained therein that is
2 otherwise exempt from the Freedom of Information Act must be
3 redacted before disclosure as provided in Section 8 of the
4 Freedom of Information Act.

5 (c) Meetings of the Commission under Sections 20-5 and
6 20-15 of this Act are exempt from the provisions of the Open
7 Meetings Act.

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

18 ARTICLE 25

19 LEGISLATIVE ETHICS COMMISSION AND

20 LEGISLATIVE INSPECTOR GENERAL

21 Section 25-5. Legislative Ethics Commission.

22 (a) The Legislative Ethics Commission is created.

23 (b) The Legislative Ethics Commission shall consist of 8
24 commissioners appointed 2 each by the President and Minority
25 Leader of the Senate and the Speaker and Minority Leader of
26 the House of Representatives.

27 The terms of the initial commissioners shall commence on
28 July 1, 2003. Each appointing authority shall designate one
29 appointee who shall serve for a 2-year term running through
30 June 30, 2005. Each appointing authority shall designate one
31 appointee who shall serve for a 4-year term running through
32 June 30, 2007. The initial appointments shall be made within

1 60 days after the effective date of this Act.

2 After the initial terms, commissioners shall serve for
3 4-year terms commencing on July 1 of the year of appointment
4 and running through June 30 of the fourth following year.
5 Commissioners may be reappointed to one or more subsequent
6 terms.

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

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

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

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

29 (e) The Legislative Ethics Commission must meet, either
30 in person or by other technological means, at least monthly
31 and as often as necessary. At the first meeting of the
32 Legislative Ethics Commission, the commissioners shall choose
33 from their number a chairperson and other officers that they
34 deem appropriate. The terms of officers shall be for 2 years

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

9 (f) No commissioner or employee of the Legislative Ethics
10 Commission may during his or her term of appointment or
11 employment:

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

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

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

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

21 (g) An appointing authority may remove a commissioner
22 only for cause.

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

30 Section 25-10. Office of Legislative Inspector General.

31 (a) The Office of the Legislative Inspector General is
32 created. The Office shall be under the direction and
33 supervision of the Legislative Inspector General.

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

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

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

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

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

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

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

3 The term of the initial Legislative Inspector General
4 shall commence on July 1, 2003 and shall run through June 30,
5 2008.

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

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

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

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

23 The jurisdiction of the Legislative Inspector General is
24 limited to investigating conduct alleged to violate this Act.

25 (d) The compensation of the Legislative Inspector
26 General shall be determined by the Commission. Subject to
27 Section 25-45 of this Act, the Legislative Inspector General
28 has full authority to organize the Office of the Legislative
29 Inspector General, including the employment and determination
30 of the compensation of staff, such as deputies, assistants,
31 and other employees, as appropriations permit.

32 (e) No Legislative Inspector General or employee of the
33 Office of the Legislative Inspector General may, during his
34 or her term of appointment or employment:

- 1 (1) become a candidate for any elective office;
 - 2 (2) hold any other elected or appointed public
3 office except for appointments on governmental advisory
4 boards or study commissions or as otherwise expressly
5 authorized by law;
 - 6 (3) be actively involved in the affairs of any
7 political party or political organization; or
 - 8 (4) actively participate in any campaign for any
9 elective office.
- 10 (f) The Commission may remove the Legislative Inspector
11 General only for cause.

12 Section 25-15. Duties of the Legislative Ethics
13 Commission. In addition to duties otherwise assigned by law,
14 the Legislative Ethics Commission shall have the following
15 duties:

- 16 (1) To promulgate rules governing the performance of its
17 duties and the exercise of its powers and governing the
18 investigations of the Legislative Inspector General.
- 19 (2) To conduct administrative hearings and rule on
20 matters brought before the Commission only upon the receipt
21 of pleadings filed by the Legislative Inspector General and
22 not upon its own prerogative. Any other allegations of
23 misconduct received by the Commission from a person other
24 than the Legislative Inspector General shall be referred to
25 the Office of the Legislative Inspector General.
- 26 (3) To prepare and publish manuals and guides and,
27 working with the Office of the Attorney General, oversee
28 training of employees under its jurisdiction that explains
29 their duties.
- 30 (4) To prepare public information materials to facilitate
31 compliance, implementation, and enforcement of this Act.
- 32 (5) To submit reports as required by this Act.
- 33 (6) To make rulings, issue recommendations, and impose

1 administrative fines, if appropriate, in connection with the
2 implementation and interpretation of this Act. The powers and
3 duties of the Commission are limited to matters clearly
4 within the purview of this Act.

5 (7) To issue subpoenas with respect to matters pending
6 before the Commission, subject to the provisions of this
7 Article and in the discretion of the Commission, to compel
8 the attendance of witnesses for purposes of testimony and the
9 production of documents and other items for inspection and
10 copying.

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

15 (1) To receive and investigate allegations of violations
16 of this Act. The Legislative Inspector General may receive
17 information through the Office of the Legislative Inspector
18 General, through an ethics commission, or through the
19 Legislative Ethics Hotline. An investigation may be conducted
20 only in response to information reported to the Legislative
21 Inspector General as provided in this Section and not upon
22 his or her own prerogative. The Legislative Inspector General
23 shall have the discretion to determine the appropriate means
24 of investigation as permitted by law and as approved in
25 advance by the Attorney General.

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

29 (3) To issue subpoenas, subject to the advance approval
30 of the Attorney General, to compel the attendance of
31 witnesses for the purposes of testimony and production of
32 documents and other items for inspection and copying.

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

1 (5) After finding probable cause, to file pleadings in
2 the name of the Legislative Inspector General with the
3 Legislative Ethics Commission, through the Attorney General,
4 as provided in this Article.

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

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

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

16 Section 25-23. Ethics Officers. The President and
17 Minority Leader of the Senate and the Speaker and Minority
18 Leader of the House of Representatives shall each appoint an
19 ethics officer for the legislative members of his or her
20 legislative caucus. The head of each State agency under the
21 jurisdiction of the Legislative Ethics Commission, other than
22 the General Assembly, shall designate an ethics officer for
23 the State agency. Ethics Officers shall:

24 (1) act as liaisons between the State agency and
25 the Legislative Inspector General and between the State
26 agency and the Legislative Ethics Commission;

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

31 (3) provide guidance to officers and employees in
32 the interpretation and implementation of this Act. Such
33 guidance shall be based, wherever possible, upon the

1 findings and opinions of the Legislative Ethics
2 Commission.

3 Section 25-25. Legislative Ethics Hotline. The
4 Legislative Ethics Commission shall create and maintain a
5 toll-free Legislative Ethics Hotline for the purpose of
6 receiving reports of allegations relating to conduct subject
7 to the jurisdiction of the Legislative Ethics Commission. The
8 Commission shall transmit each report to the appropriate
9 Inspector General or other ethics commission in a timely
10 manner.

11 Section 25-35. Administrative subpoena; compliance. A
12 person duly subpoenaed for testimony, documents, or other
13 items who neglects or refuses to testify or produce documents
14 or other items under the requirements of the subpoena shall
15 be subject to punishment as may be determined by a court of
16 competent jurisdiction, unless the testimony, documents, or
17 other items are covered by the attorney-client privilege or
18 any other privilege or right recognized by law. Nothing in
19 this Section limits a person's right to protection against
20 self-incrimination under the Fifth Amendment of the United
21 States Constitution or Article I, Section 10, of the
22 Constitution of the State of Illinois.

23 Section 25-45. Standing; representation.

24 (a) Only the Legislative Inspector General may bring
25 actions before the Legislative Ethics Commission.

26 (b) The Attorney General shall represent the Legislative
27 Inspector General in all proceedings before the Commission,
28 except that the Attorney General may appoint special counsel
29 to represent the Legislative Inspector General before the
30 Commission if the Attorney General deems it necessary to
31 avoid any actual, potential, or perceived conflict of

1 interest.

2 (c) Attorneys or special counsel serving in the Office
3 of the Legislative Inspector General shall be appointed or
4 retained by the Attorney General, shall be under the
5 supervision, direction, and control of the Attorney General,
6 and shall serve at the pleasure of the Attorney General. The
7 compensation of any assistant attorneys and special counsel
8 appointed or retained in accordance with this subsection
9 shall be paid by the Office of the Legislative Inspector
10 General.

11 (d) Any State employee or officer named as a respondent
12 in a complaint is entitled to reimbursement for his or her
13 reasonable attorney's fees and expenses in defending against
14 the complaint if that respondent is not found by the
15 Commission to have violated this Act.

16 Section 25-50. Investigation reports; complaint
17 procedure.

18 (a) If the Legislative Inspector General, upon the
19 conclusion of an investigation, determines that probable
20 cause exists to file pleadings with the Legislative Ethics
21 Commission, then the Legislative Inspector General shall
22 issue a summary report of the investigation. The report shall
23 be delivered to the appropriate ultimate jurisdictional
24 authority and to the head of each State agency affected by or
25 involved in the investigation, if appropriate.

26 (b) The summary report of the investigation shall
27 include the following:

28 (1) A description of any allegations or other
29 information received by the Legislative Inspector General
30 pertinent to the investigation.

31 (2) A description of any alleged misconduct
32 discovered in the course of the investigation.

33 (3) Recommendations for any corrective or

1 disciplinary action to be taken in response to any
2 alleged misconduct described in the report, including but
3 not limited to discharge.

4 (4) Other information the Legislative Inspector
5 General deems relevant to the investigation or resulting
6 recommendations.

7 (c) Not less than 30 days after delivery of the summary
8 report of an investigation under subsection (a), the
9 Legislative Inspector General, represented by the Attorney
10 General, may file with the Legislative Ethics Commission a
11 petition for leave to file a complaint. The petition shall
12 set forth the alleged violation and the grounds that exist to
13 support probable cause. The petition for leave to file a
14 complaint must be filed with the Commission within 18 months
15 after an alleged violation of this Act.

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

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

23 (f) The Commission shall meet, either in person or by
24 telephone, in a closed session to review the sufficiency of
25 the complaint. If the Commission finds that complaint is
26 sufficient, the Commission shall grant the petition for leave
27 to file the complaint. The Commission shall issue notice to
28 the Legislative Inspector General and all respondents of the
29 Commission's ruling on the sufficiency of the complaint. If
30 the complaint is deemed to sufficiently allege a violation of
31 this Act, then the Commission shall notify the parties and
32 shall include a hearing date scheduled within 4 weeks after
33 the date of the notice, unless all of the parties consent to
34 a later date. If the complaint is deemed not to sufficiently

1 allege a violation, then the Commission shall send by
2 certified mail, return receipt requested, a notice to the
3 parties of the decision to dismiss the complaint, and that
4 notice shall be made public.

5 (g) On the scheduled date the Commission shall conduct a
6 closed meeting, either in person or, if the parties consent,
7 by telephone, on the complaint and allow all parties the
8 opportunity to present testimony and evidence. All such
9 proceedings shall be transcribed.

10 (h) Within an appropriate time limit set by rules of the
11 Legislative Ethics Commission, the Commission shall (i)
12 dismiss the complaint or (ii) issue a recommendation of
13 discipline to the respondent and the respondent's ultimate
14 jurisdictional authority or impose an administrative fine
15 upon the respondent, or both.

16 (i) The proceedings on any complaint filed with the
17 Commission shall be conducted pursuant to rules promulgated
18 by the Commission.

19 (j) The Commission may designate hearing officers to
20 conduct proceeding as determined by rule of the Commission.

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

23 Section 25-55. Decisions; recommendations.

24 (a) All decisions of the Legislative Ethics Commission
25 must include a description of the alleged misconduct, the
26 decision of the Commission, including any fines levied and
27 any recommendation of discipline, and the reasoning for that
28 decision. All decisions of the Commission shall be delivered
29 to the head of the appropriate State agency, the appropriate
30 ultimate jurisdictional authority, and the Legislative
31 Inspector General. The Legislative Ethics Commission shall
32 promulgate rules for the decision and recommendation process.

33 (b) If the Legislative Ethics Commission issues a

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

18 Section 25-60. Appeals. A decision of the Legislative
19 Ethics Commission to impose a fine is subject to judicial
20 review under the Administrative Review Law. All other
21 decisions by the Legislative Ethics Commission are final and
22 not subject to review either administratively or judicially.

23 Section 25-65. Investigations not concluded within 6
24 months. If any investigation is not concluded within 6 months
25 after its initiation, the Legislative Inspector General shall
26 notify the Legislative Ethics Commission and appropriate
27 ultimate jurisdictional authority of the general nature of
28 the allegation or information giving rise to the
29 investigation and the reasons for failure to complete the
30 investigation within 6 months.

31 Section 25-70. Cooperation in investigations. It is the

1 duty of every officer and employee under the jurisdiction of
2 the Legislative Inspector General, including any inspector
3 general serving in any State agency under the jurisdiction of
4 the Legislative Inspector General, to cooperate with the
5 Legislative Inspector General in any investigation undertaken
6 pursuant to this Act. Failure to cooperate with an
7 investigation of the Legislative Inspector General is grounds
8 for disciplinary action, including dismissal, unless the
9 failure is based on the attorney-client privilege or any
10 other privilege or right recognized by law.

11 Nothing in this Section limits a person's right to
12 protection against self-incrimination under the Fifth
13 Amendment of the United States Constitution or Article I,
14 Section 10, of the Constitution of the State of Illinois.

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

26 Section 25-85. Annual reports. The Legislative Inspector
27 General shall submit an annual report to the General Assembly
28 and the Legislative Ethics Commission, on a date determined
29 by the Legislative Ethics Commission, indicating:

30 (1) the number of allegations received since the
31 date of the last report;

32 (2) the number of investigations initiated since

1 the date of the last report;

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

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

6 (5) the number of actions filed since the last
7 report and the number of actions pending before the
8 Commission as of the reporting date.

9 Section 25-90. Confidentiality.

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

21 (b) Commissioners, employees, and agents of the
22 Legislative Ethics Commission, the Legislative Inspector
23 General, and employees and agents of the Office of the
24 Legislative Inspector General shall keep confidential and
25 shall not disclose information exempted from disclosure under
26 the Freedom of Information Act or by this Act.

27 Section 25-95. Exemptions.

28 (a) Documents generated by an ethics officer under this
29 Act are exempt from the provisions of the Freedom of
30 Information Act.

31 (b) Any allegations and related documents submitted to
32 the Legislative Inspector General and any pleadings and

1 related documents brought before the Legislative Ethics
2 Commission are exempt from the provisions of the Freedom of
3 Information Act so long as the Legislative Ethics Commission
4 does not make a finding of a violation of this Act. If the
5 Legislative Ethics Commission finds that a violation has
6 occurred, the entire record of proceedings before the
7 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 annual reports, are
21 confidential, are exempt from disclosure under the Freedom of
22 Information Act, and shall not be divulged to any person or
23 agency, except as necessary (i) to the appropriate law
24 enforcement authority if the matter is referred pursuant to
25 this Act, (ii) to the ultimate jurisdiction authority, or
26 (iii) to the Legislative Ethics Commission.

27 ARTICLE 30

28 AUDITOR GENERAL

29 Section 30-5. Appointment of Inspector General.

30 (a) The Auditor General shall appoint an Inspector
31 General (i) to investigate allegations of violations of
32 Articles 5 and 10 by State officers and employees under his

1 or her jurisdiction and (ii) to perform other duties and
 2 exercise other powers assigned to the Inspectors General by
 3 this or any other Act. The Inspector General shall be
 4 appointed within 6 months after the effective date of this
 5 Act.

6 (b) The Auditor General shall provide by rule for the
 7 operation of his or her Inspector General.

8 (c) The Auditor General may appoint an existing
 9 inspector general as the Inspector General required by this
 10 Article, provided that such an inspector general is not
 11 prohibited by law, rule, jurisdiction, qualification, or
 12 interest from serving as the Inspector General required by
 13 this Article.

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

16 Section 30-10. Ethics Officers. The Auditor General
 17 shall designate an Ethics Officer for the office of the
 18 Auditor General. The ethics officer shall:

19 (1) act as liaison between the Office of the
 20 Auditor General and the Inspector General appointed under
 21 this Article;

22 (2) review statements of economic interest and
 23 disclosure forms of officers, senior employees, and
 24 contract monitors before they are filed with the
 25 Secretary of State; and

26 (3) provide guidance to officers and employees in
 27 the interpretation and implementation of this Act.

28 ARTICLE 50

29 PENALTIES

30 Section 50-5. Penalties.

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

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

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

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

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

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

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

26 ARTICLE 70

27 GOVERNMENTAL ENTITIES

28 Section 70-5. Adoption by governmental entities.

29 (a) Within 6 months after the effective date of this
30 Act, each governmental entity shall adopt an ordinance or
31 resolution that regulates, in a manner no less restrictive
32 than Section 5-15 and Article 10 of this Act, (i) the

1 political activities of officers and employees of the
2 governmental entity and (ii) the soliciting and accepting of
3 gifts by and the offering and making of gifts to officers and
4 employees of the governmental entity.

5 (b) The Attorney General shall develop model ordinances
6 and resolutions for the purpose of this Article and shall
7 advise governmental entities on their contents and adoption.

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

12 Section 70-10. Penalties. A governmental entity may
13 provide in the ordinance or resolution required by this
14 Article for penalties similar to those provided in this Act
15 for similar conduct.

16 Section 70-15. Home rule preemption. This Article is a
17 denial and limitation of home rule powers and functions in
18 accordance with subsection (i) of Section 6 of Article VII of
19 the Illinois Constitution. A home rule unit may not regulate
20 the political activities of its officers and employees and
21 the soliciting, offering, accepting, and making of gifts in a
22 manner less restrictive than the provisions of this Act.

23 ARTICLE 90

24 AMENDATORY PROVISIONS

25 Section 90-3. The Illinois Administrative Procedure Act
26 is amended by adding Section 5-165 as follows:

27 (5 ILCS 100/5-165 new)

28 Sec. 5-165. Ex parte communications in rulemaking.

29 (a) Notwithstanding any law to the contrary, this

1 Section applies to ex parte communications made during the
2 rulemaking process.

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

23 (c) An ex parte communication received by any agency
24 head, agency employee, or administrative law judge shall be
25 made a part of the record of the rulemaking proceeding,
26 including all written communications, all written responses
27 to the communications, and a memorandum stating the substance
28 of all oral communications and all responses made and the
29 identity of each person from whom the ex parte communication
30 was received. The disclosure shall also contain the date of
31 any ex parte communication.

32 Section 90-4. The Open Meetings Act is amended by
33 changing Section 1.02 as follows:

1 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

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

3 "Meeting" means any gathering of a majority of a quorum
4 of the members of a public body held for the purpose of
5 discussing public business.

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

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

27 Section 90-5. The Freedom of Information Act is amended
28 by changing Section 7 as follows:

29 (5 ILCS 140/7) (from Ch. 116, par. 207)

30 Sec. 7. Exemptions.

31 (1) The following shall be exempt from inspection and
32 copying:

1 (a) Information specifically prohibited from
2 disclosure by federal or State law or rules and
3 regulations adopted under federal or State law.

4 (b) Information that, if disclosed, would
5 constitute a clearly unwarranted invasion of personal
6 privacy, unless the disclosure is consented to in writing
7 by the individual subjects of the information. The
8 disclosure of information that bears on the public duties
9 of public employees and officials shall not be considered
10 an invasion of personal privacy. Information exempted
11 under this subsection (b) shall include but is not
12 limited to:

13 (i) files and personal information maintained
14 with respect to clients, patients, residents,
15 students or other individuals receiving social,
16 medical, educational, vocational, financial,
17 supervisory or custodial care or services directly
18 or indirectly from federal agencies or public
19 bodies;

20 (ii) personnel files and personal information
21 maintained with respect to employees, appointees or
22 elected officials of any public body or applicants
23 for those positions;

24 (iii) files and personal information
25 maintained with respect to any applicant, registrant
26 or licensee by any public body cooperating with or
27 engaged in professional or occupational
28 registration, licensure or discipline;

29 (iv) information required of any taxpayer in
30 connection with the assessment or collection of any
31 tax unless disclosure is otherwise required by State
32 statute; and

33 (v) information revealing the identity of
34 persons who file complaints with or provide

1 information to administrative, investigative, law
2 enforcement or penal agencies; provided, however,
3 that identification of witnesses to traffic
4 accidents, traffic accident reports, and rescue
5 reports may be provided by agencies of local
6 government, except in a case for which a criminal
7 investigation is ongoing, without constituting a
8 clearly unwarranted per se invasion of personal
9 privacy under this subsection.

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

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

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

22 (iii) deprive a person of a fair trial or an
23 impartial hearing;

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

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

33 (vi) constitute an invasion of personal
34 privacy under subsection (b) of this Section;

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

3 (viii) obstruct an ongoing criminal
4 investigation.

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

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

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

15 (iii) court records that are public;

16 (iv) records that are otherwise available
17 under State or local law; or

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

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

1 investigative or intelligence purposes.

2 (e) Records that relate to or affect the security
3 of correctional institutions and detention facilities.

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

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

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

31 (i) Valuable formulae, computer geographic systems,
32 designs, drawings and research data obtained or produced
33 by any public body when disclosure could reasonably be
34 expected to produce private gain or public loss.

1 (j) Test questions, scoring keys and other
2 examination data used to administer an academic
3 examination or determined the qualifications of an
4 applicant for a license or employment.

5 (k) Architects' plans and engineers' technical
6 submissions for projects not constructed or developed in
7 whole or in part with public funds and for projects
8 constructed or developed with public funds, to the extent
9 that disclosure would compromise security.

10 (l) Library circulation and order records
11 identifying library users with specific materials.

12 (m) Minutes of meetings of public bodies closed to
13 the public as provided in the Open Meetings Act until the
14 public body makes the minutes available to the public
15 under Section 2.06 of the Open Meetings Act.

16 (n) Communications between a public body and an
17 attorney or auditor representing the public body that
18 would not be subject to discovery in litigation, and
19 materials prepared or compiled by or for a public body in
20 anticipation of a criminal, civil or administrative
21 proceeding upon the request of an attorney advising the
22 public body, and materials prepared or compiled with
23 respect to internal audits of public bodies.

24 (o) Information received by a primary or secondary
25 school, college or university under its procedures for
26 the evaluation of faculty members by their academic
27 peers.

28 (p) Administrative or technical information
29 associated with automated data processing operations,
30 including but not limited to software, operating
31 protocols, computer program abstracts, file layouts,
32 source listings, object modules, load modules, user
33 guides, documentation pertaining to all logical and
34 physical design of computerized systems, employee

1 manuals, and any other information that, if disclosed,
2 would jeopardize the security of the system or its data
3 or the security of materials exempt under this Section.

4 (q) Documents or materials relating to collective
5 negotiating matters between public bodies and their
6 employees or representatives, except that any final
7 contract or agreement shall be subject to inspection and
8 copying.

9 (r) Drafts, notes, recommendations and memoranda
10 pertaining to the financing and marketing transactions of
11 the public body. The records of ownership, registration,
12 transfer, and exchange of municipal debt obligations, and
13 of persons to whom payment with respect to these
14 obligations is made.

15 (s) The records, documents and information relating
16 to real estate purchase negotiations until those
17 negotiations have been completed or otherwise terminated.
18 With regard to a parcel involved in a pending or actually
19 and reasonably contemplated eminent domain proceeding
20 under Article VII of the Code of Civil Procedure,
21 records, documents and information relating to that
22 parcel shall be exempt except as may be allowed under
23 discovery rules adopted by the Illinois Supreme Court.
24 The records, documents and information relating to a real
25 estate sale shall be exempt until a sale is consummated.

26 (t) Any and all proprietary information and records
27 related to the operation of an intergovernmental risk
28 management association or self-insurance pool or jointly
29 self-administered health and accident cooperative or
30 pool.

31 (u) Information concerning a university's
32 adjudication of student or employee grievance or
33 disciplinary cases, to the extent that disclosure would
34 reveal the identity of the student or employee and

1 information concerning any public body's adjudication of
2 student or employee grievances or disciplinary cases,
3 except for the final outcome of the cases.

4 (v) Course materials or research materials used by
5 faculty members.

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

8 (x) Information contained in or related to
9 examination, operating, or condition reports prepared by,
10 on behalf of, or for the use of a public body responsible
11 for the regulation or supervision of financial
12 institutions or insurance companies, unless disclosure is
13 otherwise required by State law.

14 (y) Information the disclosure of which is
15 restricted under Section 5-108 of the Public Utilities
16 Act.

17 (z) Manuals or instruction to staff that relate to
18 establishment or collection of liability for any State
19 tax or that relate to investigations by a public body to
20 determine violation of any criminal law.

21 (aa) Applications, related documents, and medical
22 records received by the Experimental Organ
23 Transplantation Procedures Board and any and all
24 documents or other records prepared by the Experimental
25 Organ Transplantation Procedures Board or its staff
26 relating to applications it has received.

27 (bb) Insurance or self insurance (including any
28 intergovernmental risk management association or self
29 insurance pool) claims, loss or risk management
30 information, records, data, advice or communications.

31 (cc) Information and records held by the Department
32 of Public Health and its authorized representatives
33 relating to known or suspected cases of sexually
34 transmissible disease or any information the disclosure

1 of which is restricted under the Illinois Sexually
2 Transmissible Disease Control Act.

3 (dd) Information the disclosure of which is
4 exempted under Section 30 of the Radon Industry Licensing
5 Act.

6 (ee) Firm performance evaluations under Section 55
7 of the Architectural, Engineering, and Land Surveying
8 Qualifications Based Selection Act.

9 (ff) Security portions of system safety program
10 plans, investigation reports, surveys, schedules, lists,
11 data, or information compiled, collected, or prepared by
12 or for the Regional Transportation Authority under
13 Section 2.11 of the Regional Transportation Authority Act
14 or the St. Clair County Transit District under the
15 Bi-State Transit Safety Act.

16 (gg) Information the disclosure of which is
17 restricted and exempted under Section 50 of the Illinois
18 Prepaid Tuition Act.

19 (hh) Information the disclosure of which is
20 exempted under the State Officials and Employees Ethics
21 Act Section 80 of the State Gift Ban Act.

22 (ii) Beginning July 1, 1999, information that would
23 disclose or might lead to the disclosure of secret or
24 confidential information, codes, algorithms, programs, or
25 private keys intended to be used to create electronic or
26 digital signatures under the Electronic Commerce Security
27 Act.

28 (jj) Information contained in a local emergency
29 energy plan submitted to a municipality in accordance
30 with a local emergency energy plan ordinance that is
31 adopted under Section 11-21.5-5 of the Illinois Municipal
32 Code.

33 (kk) Information and data concerning the
34 distribution of surcharge moneys collected and remitted

1 by wireless carriers under the Wireless Emergency
2 Telephone Safety Act.

3 (2) This Section does not authorize withholding of
4 information or limit the availability of records to the
5 public, except as stated in this Section or otherwise
6 provided in this Act.

7 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;
8 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.
9 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651,
10 eff. 7-11-02.)

11 Section 90-5.5. The Illinois Public Labor Relations Act
12 is amended by changing Section 3 as follows:

13 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

16 (a) "Board" means the Illinois Labor Relations Board or,
17 with respect to a matter over which the jurisdiction of the
18 Board is assigned to the State Panel or the Local Panel under
19 Section 5, the panel having jurisdiction over the matter.

20 (b) "Collective bargaining" means bargaining over terms
21 and conditions of employment, including hours, wages, and
22 other conditions of employment, as detailed in Section 7 and
23 which are not excluded by Section 4.

24 (c) "Confidential employee" means an employee who, in
25 the regular course of his or her duties, assists and acts in
26 a confidential capacity to persons who formulate, determine,
27 and effectuate management policies with regard to labor
28 relations or who, in the regular course of his or her duties,
29 has authorized access to information relating to the
30 effectuation or review of the employer's collective
31 bargaining policies.

32 (d) "Craft employees" means skilled journeymen, crafts

1 persons, and their apprentices and helpers.

2 (e) "Essential services employees" means those public
3 employees performing functions so essential that the
4 interruption or termination of the function will constitute a
5 clear and present danger to the health and safety of the
6 persons in the affected community.

7 (f) "Exclusive representative", except with respect to
8 non-State fire fighters and paramedics employed by fire
9 departments and fire protection districts, non-State peace
10 officers, and peace officers in the Department of State
11 Police, means the labor organization that has been (i)
12 designated by the Board as the representative of a majority
13 of public employees in an appropriate bargaining unit in
14 accordance with the procedures contained in this Act, (ii)
15 historically recognized by the State of Illinois or any
16 political subdivision of the State before July 1, 1984 (the
17 effective date of this Act) as the exclusive representative
18 of the employees in an appropriate bargaining unit, or (iii)
19 after July 1, 1984 (the effective date of this Act)
20 recognized by an employer upon evidence, acceptable to the
21 Board, that the labor organization has been designated as the
22 exclusive representative by a majority of the employees in an
23 appropriate bargaining unit.

24 With respect to non-State fire fighters and paramedics
25 employed by fire departments and fire protection districts,
26 non-State peace officers, and peace officers in the
27 Department of State Police, "exclusive representative" means
28 the labor organization that has been (i) designated by the
29 Board as the representative of a majority of peace officers
30 or fire fighters in an appropriate bargaining unit in
31 accordance with the procedures contained in this Act, (ii)
32 historically recognized by the State of Illinois or any
33 political subdivision of the State before January 1, 1986
34 (the effective date of this amendatory Act of 1985) as the

1 exclusive representative by a majority of the peace officers
2 or fire fighters in an appropriate bargaining unit, or (iii)
3 after January 1, 1986 (the effective date of this amendatory
4 Act of 1985) recognized by an employer upon evidence,
5 acceptable to the Board, that the labor organization has been
6 designated as the exclusive representative by a majority of
7 the peace officers or fire fighters in an appropriate
8 bargaining unit.

9 (g) "Fair share agreement" means an agreement between
10 the employer and an employee organization under which all or
11 any of the employees in a collective bargaining unit are
12 required to pay their proportionate share of the costs of the
13 collective bargaining process, contract administration, and
14 pursuing matters affecting wages, hours, and other conditions
15 of employment, but not to exceed the amount of dues uniformly
16 required of members. The amount certified by the exclusive
17 representative shall not include any fees for contributions
18 related to the election or support of any candidate for
19 political office. Nothing in this subsection (g) shall
20 preclude an employee from making voluntary political
21 contributions in conjunction with his or her fair share
22 payment.

23 (g-1) "Fire fighter" means, for the purposes of this Act
24 only, any person who has been or is hereafter appointed to a
25 fire department or fire protection district or employed by a
26 state university and sworn or commissioned to perform fire
27 fighter duties or paramedic duties, except that the following
28 persons are not included: part-time fire fighters, auxiliary,
29 reserve or voluntary fire fighters, including paid on-call
30 fire fighters, clerks and dispatchers or other civilian
31 employees of a fire department or fire protection district
32 who are not routinely expected to perform fire fighter
33 duties, or elected officials.

34 (g-2) "General Assembly of the State of Illinois" means

1 the legislative branch of the government of the State of
2 Illinois, as provided for under Article IV of the
3 Constitution of the State of Illinois, and includes but is
4 not limited to the House of Representatives, the Senate, the
5 Speaker of the House of Representatives, the Minority Leader
6 of the House of Representatives, the President of the Senate,
7 the Minority Leader of the Senate, the Joint Committee on
8 Legislative Support Services and any legislative support
9 services agency listed in the Legislative Commission
10 Reorganization Act of 1984.

11 (h) "Governing body" means, in the case of the State,
12 the State Panel of the Illinois Labor Relations Board, the
13 Director of the Department of Central Management Services,
14 and the Director of the Department of Labor; the county board
15 in the case of a county; the corporate authorities in the
16 case of a municipality; and the appropriate body authorized
17 to provide for expenditures of its funds in the case of any
18 other unit of government.

19 (i) "Labor organization" means any organization in which
20 public employees participate and that exists for the purpose,
21 in whole or in part, of dealing with a public employer
22 concerning wages, hours, and other terms and conditions of
23 employment, including the settlement of grievances.

24 (j) "Managerial employee" means an individual who is
25 engaged predominantly in executive and management functions
26 and is charged with the responsibility of directing the
27 effectuation of management policies and practices.

28 (k) "Peace officer" means, for the purposes of this Act
29 only, any persons who have been or are hereafter appointed to
30 a police force, department, or agency and sworn or
31 commissioned to perform police duties, except that the
32 following persons are not included: part-time police
33 officers, special police officers, auxiliary police as
34 defined by Section 3.1-30-20 of the Illinois Municipal Code,

1 night watchmen, "merchant police", court security officers as
2 defined by Section 3-6012.1 of the Counties Code, temporary
3 employees, traffic guards or wardens, civilian parking meter
4 and parking facilities personnel or other individuals
5 specially appointed to aid or direct traffic at or near
6 schools or public functions or to aid in civil defense or
7 disaster, parking enforcement employees who are not
8 commissioned as peace officers and who are not armed and who
9 are not routinely expected to effect arrests, parking lot
10 attendants, clerks and dispatchers or other civilian
11 employees of a police department who are not routinely
12 expected to effect arrests, or elected officials.

13 (l) "Person" includes one or more individuals, labor
14 organizations, public employees, associations, corporations,
15 legal representatives, trustees, trustees in bankruptcy,
16 receivers, or the State of Illinois or any political
17 subdivision of the State or governing body, but does not
18 include the General Assembly of the State of Illinois or any
19 individual employed by the General Assembly of the State of
20 Illinois.

21 (m) "Professional employee" means any employee engaged
22 in work predominantly intellectual and varied in character
23 rather than routine mental, manual, mechanical or physical
24 work; involving the consistent exercise of discretion and
25 adjustment in its performance; of such a character that the
26 output produced or the result accomplished cannot be
27 standardized in relation to a given period of time; and
28 requiring advanced knowledge in a field of science or
29 learning customarily acquired by a prolonged course of
30 specialized intellectual instruction and study in an
31 institution of higher learning or a hospital, as
32 distinguished from a general academic education or from
33 apprenticeship or from training in the performance of routine
34 mental, manual, or physical processes; or any employee who

1 has completed the courses of specialized intellectual
2 instruction and study prescribed in this subsection (m) and
3 is performing related work under the supervision of a
4 professional person to qualify to become a professional
5 employee as defined in this subsection (m).

6 (n) "Public employee" or "employee", for the purposes of
7 this Act, means any individual employed by a public employer,
8 including interns and residents at public hospitals, but
9 excluding all of the following: employees of the General
10 Assembly of the State of Illinois; elected officials;
11 executive heads of a department; members of boards or
12 commissions; the Executive Inspectors General; employees of
13 each Office of an Executive Inspector General; commissioners
14 and employees of the Executive Ethics Commission; the
15 Legislative Inspector General; employees of the Office of the
16 Legislative Inspector General; commissioners and employees of
17 the Legislative Ethics Commission; employees of any agency,
18 board or commission created by this Act; employees appointed
19 to State positions of a temporary or emergency nature; all
20 employees of school districts and higher education
21 institutions except firefighters and peace officers employed
22 by a state university; managerial employees; short-term
23 employees; confidential employees; independent contractors;
24 and supervisors except as provided in this Act.

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

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

1 implied, on behalf of those entities in dealing with its
2 employees. "Public employer" or "employer" as used in this
3 Act, however, does not mean and shall not include the General
4 Assembly of the State of Illinois, the Executive Ethics
5 Commission, the Offices of the Executive Inspectors General,
6 the Legislative Ethics Commission, the Office of the
7 Legislative Inspector General, and educational employers or
8 employers as defined in the Illinois Educational Labor
9 Relations Act, except with respect to a state university in
10 its employment of firefighters and peace officers. County
11 boards and county sheriffs shall be designated as joint or
12 co-employers of county peace officers appointed under the
13 authority of a county sheriff. Nothing in this subsection
14 (o) shall be construed to prevent the State Panel or the
15 Local Panel from determining that employers are joint or
16 co-employers.

17 (p) "Security employee" means an employee who is
18 responsible for the supervision and control of inmates at
19 correctional facilities. The term also includes other
20 non-security employees in bargaining units having the
21 majority of employees being responsible for the supervision
22 and control of inmates at correctional facilities.

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

28 (r) "Supervisor" is an employee whose principal work is
29 substantially different from that of his or her subordinates
30 and who has authority, in the interest of the employer, to
31 hire, transfer, suspend, lay off, recall, promote, discharge,
32 direct, reward, or discipline employees, to adjust their
33 grievances, or to effectively recommend any of those actions,
34 if the exercise of that authority is not of a merely routine

1 or clerical nature, but requires the consistent use of
2 independent judgment. Except with respect to police
3 employment, the term "supervisor" includes only those
4 individuals who devote a preponderance of their employment
5 time to exercising that authority, State supervisors
6 notwithstanding. In addition, in determining supervisory
7 status in police employment, rank shall not be determinative.
8 The Board shall consider, as evidence of bargaining unit
9 inclusion or exclusion, the common law enforcement policies
10 and relationships between police officer ranks and
11 certification under applicable civil service law, ordinances,
12 personnel codes, or Division 2.1 of Article 10 of the
13 Illinois Municipal Code, but these factors shall not be the
14 sole or predominant factors considered by the Board in
15 determining police supervisory status.

16 Notwithstanding the provisions of the preceding
17 paragraph, in determining supervisory status in fire fighter
18 employment, no fire fighter shall be excluded as a supervisor
19 who has established representation rights under Section 9 of
20 this Act. Further, in new fire fighter units, employees
21 shall consist of fire fighters of the rank of company officer
22 and below. If a company officer otherwise qualifies as a
23 supervisor under the preceding paragraph, however, he or she
24 shall not be included in the fire fighter unit. If there is
25 no rank between that of chief and the highest company
26 officer, the employer may designate a position on each shift
27 as a Shift Commander, and the persons occupying those
28 positions shall be supervisors. All other ranks above that
29 of company officer shall be supervisors.

30 (s) (1) "Unit" means a class of jobs or positions that
31 are held by employees whose collective interests may
32 suitably be represented by a labor organization for
33 collective bargaining. Except with respect to non-State
34 fire fighters and paramedics employed by fire departments

1 and fire protection districts, non-State peace officers,
2 and peace officers in the Department of State Police, a
3 bargaining unit determined by the Board shall not include
4 both employees and supervisors, or supervisors only,
5 except as provided in paragraph (2) of this subsection
6 (s) and except for bargaining units in existence on July
7 1, 1984 (the effective date of this Act). With respect
8 to non-State fire fighters and paramedics employed by
9 fire departments and fire protection districts, non-State
10 peace officers, and peace officers in the Department of
11 State Police, a bargaining unit determined by the Board
12 shall not include both supervisors and nonsupervisors, or
13 supervisors only, except as provided in paragraph (2) of
14 this subsection (s) and except for bargaining units in
15 existence on January 1, 1986 (the effective date of this
16 amendatory Act of 1985). A bargaining unit determined by
17 the Board to contain peace officers shall contain no
18 employees other than peace officers unless otherwise
19 agreed to by the employer and the labor organization or
20 labor organizations involved. Notwithstanding any other
21 provision of this Act, a bargaining unit, including a
22 historical bargaining unit, containing sworn peace
23 officers of the Department of Natural Resources (formerly
24 designated the Department of Conservation) shall contain
25 no employees other than such sworn peace officers upon
26 the effective date of this amendatory Act of 1990 or upon
27 the expiration date of any collective bargaining
28 agreement in effect upon the effective date of this
29 amendatory Act of 1990 covering both such sworn peace
30 officers and other employees.

31 (2) Notwithstanding the exclusion of supervisors
32 from bargaining units as provided in paragraph (1) of
33 this subsection (s), a public employer may agree to
34 permit its supervisory employees to form bargaining units

1 and may bargain with those units. This Act shall apply
2 if the public employer chooses to bargain under this
3 subsection.

4 (Source: P.A. 90-14, eff. 7-1-97; 90-655, eff. 7-30-98;
5 91-798, eff. 7-9-00.)

6 (5 ILCS 320/Act rep.)

7 Section 90-6. The State Employees Political Activity Act
8 is repealed on the effective date of the State Officials and
9 Employees Ethics Act.

10 (5 ILCS 395/Act rep.)

11 Section 90-6.5. The Whistle Blower Protection Act is
12 repealed on the effective date of the State Officials and
13 Employees Ethics Act.

14 Section 90-7. The Illinois Governmental Ethics Act is
15 amended by adding Article 3A as follows:

16 (5 ILCS 420/Art. 3A heading new)

17 ARTICLE 3A

18 GOVERNMENTAL APPOINTEES

19 (5 ILCS 420/3A-5 new)

20 Sec. 3A-5. Definitions. As used in this Article:

21 "Late term appointee" means a person who is appointed to
22 an office by a Governor who does not succeed himself or
23 herself as Governor, whose appointment requires the advice
24 and consent of the Senate, and whose appointment is confirmed
25 by the Senate 90 or fewer days before the end of the
26 appointing Governor's term.

27 "Succeeding Governor" means the Governor in office
28 immediately after a Governor who appoints a late term
29 appointee.

1 (5 ILCS 420/3A-10 new)

2 Sec. 3A-10. Late term appointee's term of office. A
3 late term appointee shall serve no longer than the sixtieth
4 day of the term of office of the succeeding Governor.

5 (5 ILCS 420/3A-15 new)

6 Sec. 3A-15. Vacancy created. Upon the earlier of the
7 resignation of a late term appointee or the conclusion of the
8 sixtieth day of the term of the succeeding Governor, that
9 appointed office shall be considered vacant. The succeeding
10 Governor may then make an appointment to fill that vacancy,
11 regardless of whether the statute that creates the appointed
12 office provides for appointment to fill a vacancy. All other
13 requirements of law applicable to that appointed office shall
14 apply to the succeeding Governor's appointee, including but
15 not limited to eligibility, qualifications, and confirmation
16 by the Senate.

17 (5 ILCS 420/3A-20 new)

18 Sec. 3A-20. Term of appointee. The term of office of
19 an appointee filling a vacancy created under Section 3A-15
20 shall be the term of any appointee filling a vacancy as
21 provided by the statute that creates the appointed office.
22 If the statute that creates the appointed office does not
23 specify the term to be served by an appointee filling a
24 vacancy, the term of the appointee shall be for the remainder
25 of the term the late term appointee would have otherwise been
26 entitled to fill.

27 (5 ILCS 420/3A-25 new)

28 Sec. 3A-25. Reappointment. Nothing in this Article
29 prohibits a succeeding Governor from reappointing an
30 otherwise qualified late term appointee to fill the vacancy
31 created under Section 3A-15.

1 (5 ILCS 420/3A-30 new)

2 Sec. 3A-30. Disclosure.

3 (a) Upon appointment to a board, commission, authority,
4 or task force authorized or created by State law, a person
5 must file with the Secretary of State a disclosure of all
6 contracts the person or his or her spouse or immediate family
7 members living with the person have with the State and all
8 contracts between the State and any entity in which the
9 person or his or her spouse or immediate family members
10 living with the person have a majority financial interest.

11 (b) Violation of this Section is a business offense
12 punishable by a fine of \$1,001.

13 (c) The Secretary of State must adopt rules for the
14 implementation and administration of this Section.

15 Disclosures filed under this Section are public records.

16 (5 ILCS 420/3A-35 new)

17 Sec. 3A-35. Conflicts of interests.

18 (a) In addition to the provisions of subsection (a) of
19 Section 50-13 of the Illinois Procurement Code, it is
20 unlawful for an appointed member of a board, commission,
21 authority, or task force authorized or created by State law
22 or by executive order of the Governor, the spouse of the
23 appointee, or an immediate family member of the appointee
24 living in the appointee's residence to have or acquire a
25 contract or have or acquire a direct pecuniary interest in a
26 contract with the State that relates to the board,
27 commission, authority, or task force of which he or she is an
28 appointee during and for one year after the conclusion of the
29 person's term of office.

30 (b) If (i) a person subject to subsection (a) is
31 entitled to receive more than 7 1/2% of the total
32 distributable income of a partnership, association,
33 corporation, or other business entity or (ii) a person

1 subject to subsection (a) together with his or her spouse and
 2 immediate family members living in that person's residence
 3 are entitled to receive more than 15%, in the aggregate, of
 4 the total distributable income of a partnership, association,
 5 corporation, or other business entity then it is unlawful for
 6 that partnership, association, corporation, or other business
 7 entity to have or acquire a contract or a direct pecuniary
 8 interest in a contract prohibited by subsection (a) during
 9 and for one year after the conclusion of the person's term of
 10 office.

11 (5 ILCS 425/Act rep.)

12 Section 90-8. The State Gift Ban Act is repealed upon
 13 the effective date of the State Officials and Employees
 14 Ethics Act.

15 Section 90-10. The Election Code is amended by changing
 16 Sections 9-1.5, 9-3, 9-4, 9-8.10, 9-8.15, 9-9.5, 9-10, 9-23,
 17 and 9-27.5 and by adding Sections 9-1.14 and 9-30 as follows:

18 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

19 Sec. 9-1.5. Expenditure defined

20 "Expenditure" means-

21 (1) a payment, distribution, purchase, loan,
 22 advance, deposit, or gift of money or anything of value,
 23 in connection with the nomination for election, or
 24 election, of any person to public office, in connection
 25 with the election of any person as ward or township
 26 committeeman in counties of 3,000,000 or more population,
 27 or in connection with any question of public policy.

28 "Expenditure" also includes a payment, distribution,
 29 purchase, loan, advance, deposit, or gift of money or
 30 anything of value that constitutes an electioneering
 31 communication regardless of whether the communication is

1 made in concert or cooperation with or at the request,
 2 suggestion, or knowledge of the candidate, the
 3 candidate's authorized local political committee, a State
 4 political committee, or any of their agents. However,
 5 expenditure does not include -

6 (a) the use of real or personal property and the
 7 cost of invitations, food, and beverages, voluntarily
 8 provided by an individual in rendering voluntary personal
 9 services on the individual's residential premises for
 10 candidate-related activities; provided the value of the
 11 service provided does not exceed an aggregate of \$150 in
 12 a reporting period;

13 (b) the sale of any food or beverage by a vendor
 14 for use in a candidate's campaign at a charge less than
 15 the normal comparable charge, if such charge for use in a
 16 candidate's campaign is at least equal to the cost of
 17 such food or beverage to the vendor.

18 (2) a transfer of funds between political committees.

19 (Source: P.A. 89-405, eff. 11-8-95.)

20 (10 ILCS 5/9-1.14 new)

21 Sec. 9-1.14. Electioneering communication defined.

22 (a) "Electioneering communication" means, for the
 23 purposes of this Article, any form of communication, in
 24 whatever medium, including but not limited to, newspaper,
 25 radio, television, or Internet communications, that refers to
 26 a clearly identified candidate, candidates, or political
 27 party and is made within (i) 60 days before a general
 28 election for the office sought by the candidate or (ii) 30
 29 days before a general primary election for the office sought
 30 by the candidate.

31 (b) "Electioneering communication" does not include:

32 (1) A communication, other than an advertisement,
 33 appearing in a news story, commentary, or editorial

1 distributed through the facilities of any legitimate news
2 organization, unless the facilities are owned or
3 controlled by any political party, political committee,
4 or candidate.

5 (2) A communication made solely to promote a
6 candidate debate or forum that is made by or on behalf of
7 the person sponsoring the debate or forum.

8 (3) A communication made as part of a non-partisan
9 activity designed to encourage individuals to vote or to
10 register to vote.

11 (4) A communication by an organization operating
12 and remaining in good standing under Section 501(c)(3) of
13 the Internal Revenue Code of 1986.

14 (10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

15 Sec. 9-3. Every state political committee and every
16 local political committee shall file with the State Board of
17 Elections, and every local political committee shall file
18 with the county clerk, a statement of organization within 10
19 business days of the creation of such committee, except any
20 political committee created within the 30 days before an
21 election shall file a statement of organization within 5
22 business days. A political committee that acts as both a
23 state political committee and a local political committee
24 shall file a copy of each statement of organization with the
25 State Board of Elections and the county clerk. The Board
26 shall impose a civil penalty of \$25 per business day upon
27 political committees for failing to file or late filing of a
28 statement of organization, except that for committees formed
29 to support candidates for statewide office, the civil penalty
30 shall be \$50 per business day. Such penalties shall not
31 exceed \$5,000, and shall not exceed \$10,000 for statewide
32 office political committees. There shall be no fine if the
33 statement is mailed and postmarked at least 72 hours prior to

1 the filing deadline.

2 In addition to the civil penalties authorized by this
3 Section, the State Board of Elections or any other affected
4 political committee may apply to the circuit court for a
5 temporary restraining order or a preliminary or permanent
6 injunction against the political committee to cease the
7 expenditure of funds and to cease operations until the
8 statement of organization is filed.

9 For the purpose of this Section, "statewide office" means
10 the Governor, Lieutenant Governor, Secretary of State,
11 Attorney General, State Treasurer, and State Comptroller.

12 The statement of organization shall include -

13 (a) the name and address of the political committee (the
14 name of the political committee must include the name of any
15 sponsoring entity);

16 (b) the scope, area of activity, party affiliation,
17 candidate affiliation and his county of residence, and
18 purposes of the political committee;

19 (c) the name, address, and position of each custodian of
20 the committee's books and accounts;

21 (d) the name, address, and position of the committee's
22 principal officers, including the chairman, treasurer, and
23 officers and members of its finance committee, if any;

24 (e) (Blank);

25 (f) a statement of what specific disposition of residual
26 fund will be made in the event of the dissolution or
27 termination of the committee;

28 (g) a listing of all banks or other financial
29 institutions, safety deposit boxes, and any other
30 repositories or custodians of funds used by the committee;

31 (h) the amount of funds available for campaign
32 expenditures as of the filing date of the committee's
33 statement of organization.

34 For purposes of this Section, a "sponsoring entity" is

1 (i) any person, political committee, organization,
2 corporation, or association that contributes at least 33% of
3 the total funding of the political committee or (ii) any
4 person or other entity that is registered or is required to
5 register under the Lobbyist Registration Act and contributes
6 at least 33% of the total funding of the political committee.
7 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

8 (10 ILCS 5/9-4) (from Ch. 46, par. 9-4)
9 Sec. 9-4. The statement of organization required by this
10 Article to be filed in accordance with Section 9-3 shall be
11 verified, dated, and signed by either the treasurer of the
12 political committee making the statement or the candidate on
13 whose behalf the statement is made, and shall contain
14 substantially the following:

15 STATEMENT OF ORGANIZATION

16 (a) name and address of the political committee:
17

18 (b) scope, area of activity, party affiliation,
19 candidate affiliation and his county of residence, and
20 purposes of the political committee:
21
22
23
24

25 (c) name, address, and position of each custodian of the
26 committee's books and accounts:
27
28

29 (d) name, address, and position of the committee's
30 principal officers, including the chairman, treasurer, and
31 officers and members of its finance committee, if any:
32
33

1

2 (e) a statement of what specific disposition of
3 residual funds will be made in the event of the dissolution
4 or termination of the committee:

5

6

7 (f) a listing of all banks or other financial
8 institutions, safety deposit boxes, and any other
9 repositories or custodians of funds used by the committee:

10

11

12 (g) the amount of funds available for campaign
13 expenditures as of the filing date of the committee's
14 statement of organization:

15

16 VERIFICATION:

17 "I declare that this statement of organization (including
18 any accompanying schedules and statements) has been examined
19 by me and to the best of my knowledge and belief is a true,
20 correct and complete statement of organization as required by
21 Article 9 of The Election Code. I understand that the penalty
22 for willfully filing a false or incomplete statement is a
23 business offense subject to a fine of at least \$1,001 and up
24 to \$5,000 shall-be-a-fine-not-to-exceed-\$500-or--imprisonment
25 in--a--penal--institution--other-than-the-penitentiary-not-to
26 exceed-6-months,-or-both-fine-and-imprisonment."

27

28 (date of filing) (signature of person making the statement)

29 (Source: P.A. 90-495, eff. 1-1-98.)

30 (10 ILCS 5/9-8.10)

31 Sec. 9-8.10. Use of political committee and other
32 reporting organization funds.

33 (a) A political committee, or organization subject to

1 Section 9-7.5, shall not make expenditures:

2 (1) In violation of any law of the United States or
3 of this State.

4 (2) Clearly in excess of the fair market value of
5 the services, materials, facilities, or other things of
6 value received in exchange.

7 (3) For satisfaction or repayment of any debts
8 other than loans made to the committee or to the public
9 official or candidate on behalf of the committee or
10 repayment of goods and services purchased by the
11 committee under a credit agreement. Nothing in this
12 Section authorizes the use of campaign funds to repay
13 personal loans. The repayments shall be made by check
14 written to the person who made the loan or credit
15 agreement. The terms and conditions of any loan or
16 credit agreement to a committee shall be set forth in a
17 written agreement, including but not limited to the
18 method and amount of repayment, that shall be executed by
19 the chairman or treasurer of the committee at the time of
20 the loan or credit agreement. The loan or agreement
21 shall also set forth the rate of interest for the loan,
22 if any, which may not substantially exceed the prevailing
23 market interest rate at the time the agreement is
24 executed.

25 (4) For the satisfaction or repayment of any debts
26 or for the payment of any expenses relating to a personal
27 residence. Campaign funds may not be used as collateral
28 for home mortgages.

29 (5) For clothing or personal laundry expenses,
30 except clothing items rented by the public official or
31 candidate for his or her own use exclusively for a
32 specific campaign-related event, provided that committees
33 may purchase costumes, novelty items, or other
34 accessories worn primarily to advertise the candidacy.

1 (6) For the travel expenses of any person unless
2 the travel is necessary for fulfillment of political,
3 governmental, or public policy duties, activities, or
4 purposes.

5 (7) For membership or club dues charged by
6 organizations, clubs, or facilities that are primarily
7 engaged in providing health, exercise, or recreational
8 services; provided, however, that funds received under
9 this Article may be used to rent the clubs or facilities
10 for a specific campaign-related event.

11 (8) In payment for anything of value or for
12 reimbursement of any expenditure for which any person has
13 been reimbursed by the State or any person. For purposes
14 of this item (8), a per diem allowance is not a
15 reimbursement.

16 (9) For the purchase of or installment payment for
17 a motor vehicle unless the political committee can
18 demonstrate that purchase of a motor vehicle is more
19 cost-effective than leasing a motor vehicle as permitted
20 under this item (9). A political committee may lease or
21 purchase and insure, maintain, and repair a motor vehicle
22 if the vehicle will be used primarily for campaign
23 purposes or for the performance of governmental duties.
24 A committee shall not make expenditures for use of the
25 vehicle for non-campaign or non-governmental purposes.
26 Persons using vehicles not purchased or leased by a
27 political committee may be reimbursed for actual mileage
28 for the use of the vehicle for campaign purposes or for
29 the performance of governmental duties. The mileage
30 reimbursements shall be made at a rate not to exceed the
31 standard mileage rate method for computation of business
32 expenses under the Internal Revenue Code.

33 (10) Directly for an individual's tuition or other
34 educational expenses, except for governmental or

1 political purposes directly related to a candidate's or
2 public official's duties and responsibilities.

3 (11) For payments to a public official or candidate
4 or his or her family member unless for compensation for
5 services actually rendered by that person. The provisions
6 of this item (11) do not apply to expenditures by a
7 political committee in an aggregate amount not exceeding
8 the amount of funds reported to and certified by the
9 State Board or county clerk as available as of June 30,
10 1998, in the semi-annual report of contributions and
11 expenditures filed by the political committee for the
12 period concluding June 30, 1998.

13 (b) The Board shall have the authority to investigate,
14 upon receipt of a verified complaint, violations of the
15 provisions of this Section. The Board may levy a fine on any
16 person who knowingly makes expenditures in violation of this
17 Section and on any person who knowingly makes a malicious and
18 false accusation of a violation of this Section. The Board
19 may act under this subsection only upon the affirmative vote
20 of at least 5 of its members. The fine shall not exceed \$500
21 for each expenditure of \$500 or less and shall not exceed the
22 amount of the expenditure plus \$500 for each expenditure
23 greater than \$500. The Board shall also have the authority
24 to render rulings and issue opinions relating to compliance
25 with this Section.

26 (c) Nothing in this Section prohibits the expenditure of
27 funds of (i) a political committee controlled by an
28 officeholder or by a candidate or (ii) an organization
29 subject to Section 9-7.5 to defray the ordinary and necessary
30 expenses of an officeholder in connection with the
31 performance of governmental duties. For the purposes of this
32 subsection, "ordinary and necessary expenses" include, but
33 are not limited to, expenses in relation to the operation of
34 the district office of a member of the General Assembly.

1 (Source: P.A. 90-737, eff. 1-1-99.)

2 (10 ILCS 5/9-8.15)

3 Sec. 9-8.15. Contributions on State property. In
4 addition to any other provision of this Code, the
5 solicitation, acceptance, offer, and making of contributions
6 on State property by public officials, State employees,
7 candidates for elective office, and others are subject to the
8 State Officials and Employees Ethics Act. If a political
9 committee receives and retains a contribution that is in
10 violation of Section 5-35 of the State Officials and
11 Employees Ethics Act, then the State Board may impose a civil
12 penalty upon that political committee in an amount equal to
13 100% of that contribution. ~~Contributions--shall--not--be~~
14 ~~knowingly-offered-or-accepted--on--a--face-to-face--basis--by~~
15 ~~public--officials--or--employees--or--by--candidates-on-State~~
16 ~~property-except-as-provided-in-this-Section.~~

17 ~~Contributions-may-be-solicited, offered, or-accepted-on~~
18 ~~State-property-on-a-face-to-face-basis-by-public-officials-or~~
19 ~~employees--or--by-candidates-at-a-fundraising-event-for-which~~
20 ~~the-State-property-is-leased-or-rented.~~

21 ~~Anyone-who-knowingly-offers-or-accepts--contributions--on~~
22 ~~State--property--in--violation-of-this-Section-is-guilty-of-a~~
23 ~~business-offense-subject-to-a-fine-of-\$5,000, except-that-for~~
24 ~~contributions-offered-or-accepted--for--State--officers--and~~
25 ~~candidates--and--political--committees--formed--for-statewide~~
26 ~~office, the-fine-shall-not-exceed-\$10,000.--For--the--purpose~~
27 ~~of-this-Section, "statewide-office"-and-"State-officer"-means~~
28 ~~the---Governor,---Lieutenant---Governor,---Attorney--General,~~
29 ~~Secretary-of-State, Comptroller, and-Treasurer.~~

30 (Source: P.A. 90-737, eff. 1-1-99.)

31 (10 ILCS 5/9-9.5)

32 Sec. 9-9.5. Disclosures in political communications

1 Disclosure--on-political-literature. Any political committee,
2 organized under the Election Code, that makes an expenditure
3 for a pamphlet, circular, handbill, radio, television, or
4 print advertisement, or other communication directed at
5 voters and mentioning the name of a candidate in the next
6 upcoming election shall ensure that the name of the political
7 committee paying for any part of the communication,
8 including, but not limited to, its preparation and
9 distribution, is identified clearly within the communication
10 as the payor. This Section does not apply to items that are
11 too small to contain the required disclosure. Any-pamphlet,
12 circular,--handbill,--advertisement,---or---other---political
13 literature--that--supports--or--opposes--any-public-official,
14 candidate-for-public-office,--or-question-of-public-policy,--or
15 that-would-have-the-effect--of--supporting--or--opposing--any
16 public--official,--candidate-for-public-office,--or-question-of
17 public-policy,--shall-contain-the-name-of--the--individual--or
18 organization--that--authorized,--caused-to-be-authorized,--paid
19 for,--caused-to-be-paid--for,--or--distributed--the--pamphlet,
20 circular,---handbill,---advertisement,---or---other---political
21 literature.--If-the-individual--or--organization--includes--an
22 address,--it-must-be-an-actual-personal-or-business-address-of
23 the-individual-or-business-address-of-the-organization.

24 (Source: P.A. 90-737, eff. 1-1-99.)

25 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

26 Sec. 9-10. Financial reports.

27 (a) The treasurer of every state political committee and
28 the treasurer of every local political committee shall file
29 with the Board, and the treasurer of every local political
30 committee shall file with the county clerk, reports of
31 campaign contributions, and semi-annual reports of campaign
32 contributions and expenditures on forms to be prescribed or
33 approved by the Board. The treasurer of every political

1 committee that acts as both a state political committee and a
2 local political committee shall file a copy of each report
3 with the State Board of Elections and the county clerk.
4 Entities subject to Section 9-7.5 shall file reports required
5 by that Section at times provided in this Section and are
6 subject to the penalties provided in this Section.

7 (b) Reports of campaign contributions shall be filed no
8 later than the 15th day next preceding each election
9 including a primary election in connection with which the
10 political committee has accepted or is accepting
11 contributions or has made or is making expenditures. Such
12 reports shall be complete as of the 30th day next preceding
13 each election including a primary election. The Board shall
14 assess a civil penalty not to exceed \$5,000 for a violation
15 of this subsection, except that for State officers and
16 candidates and political committees formed for statewide
17 office, the civil penalty may not exceed \$10,000. The fine,
18 however, shall not exceed \$500 for a first filing violation
19 for filing less than 10 days after the deadline. There shall
20 be no fine if the report is mailed and postmarked at least 72
21 hours prior to the filing deadline. For the purpose of this
22 subsection, "statewide office" and "State officer" means the
23 Governor, Lieutenant Governor, Attorney General, Secretary of
24 State, Comptroller, and Treasurer. However, a continuing
25 political committee that neither accepts contributions nor
26 makes expenditures on behalf of or in opposition to any
27 candidate or public question on the ballot at an election
28 shall not be required to file the reports heretofore
29 prescribed but may file in lieu thereof a Statement of
30 Nonparticipation in the Election with the Board or the Board
31 and the county clerk.

32 (b-5) Notwithstanding the provisions of subsection (b)
33 and Section 1.25 of the Statute on Statutes, any contribution
34 of more than \$500 ~~or more~~ received in the interim between the

1 last date of the period covered by the last report filed
2 under subsection (b) prior to the election and the date of
3 the election shall be filed with and must actually be
4 received by the State Board of Elections reported within 2
5 business days after its receipt of such contribution. The
6 State Board shall allow filings of reports of contributions
7 of more than \$500 under this subsection (b-5) by political
8 committees that are not required to file electronically to be
9 made by facsimile transmission. For the purpose of this
10 subsection, a contribution is considered received on the date
11 the public official, candidate, or political committee (or
12 equivalent person in the case of a reporting entity other
13 than a political committee) actually receives it or, in the
14 case of goods or services, 2 business days after the date the
15 public official, candidate, committee, or other reporting
16 entity receives the certification required under subsection
17 (b) of Section 9-6. Failure to report each contribution is a
18 separate violation of this subsection. In the final
19 disposition of any matter by the Board on or after the
20 effective date of this amendatory Act of the 93rd General
21 Assembly, the Board ~~may~~ shall impose fines for violations of
22 this subsection not to exceed 100% of the total amount of the
23 contributions that were untimely reported, but in no case
24 when a fine is imposed shall it be less than 10% of the total
25 amount of the contributions that were untimely reported. When
26 considering the amount of the fine to be imposed, the Board
27 shall consider, but is not limited to, the following factors:
28 (1) whether in the Board's opinion the violation
29 was committed inadvertently, negligently, knowingly, or
30 intentionally;
31 (2) the number of days the contribution was
32 reported late; and
33 (3) past violations of Sections 9-3 and 9-10 of
34 this Article by the committee. as-fellows:

1 (1)--if-the-political-committee's-or-other-reporting
2 entity's-total-receipts,-total-expenditures,-and--balance
3 remaining--at--the--end-of-the-last-reporting-period-were
4 each-\$5,000-or-less,-then-\$100-per-business-day--for--the
5 first--violation,-\$200--per--business-day-for-the-second
6 violation,-and-\$300-per-business-day-for--the--third--and
7 subsequent-violations-

8 (2)--if-the-political-committee's-or-other-reporting
9 entity's--total-receipts,-total-expenditures,-and-balance
10 remaining-at-the-end-of-the-last--reporting--period--were
11 each-more-than-\$5,000,-then-\$200-per-business-day-for-the
12 first--violation,-\$400--per--business-day-for-the-second
13 violation,-and-\$600-per-business-day-for--the--third--and
14 subsequent-violations-

15 (c) In addition to such reports the treasurer of every
16 political committee shall file semi-annual reports of
17 campaign contributions and expenditures no later than July
18 31st, covering the period from January 1st through June 30th
19 immediately preceding, and no later than January 31st,
20 covering the period from July 1st through December 31st of
21 the preceding calendar year. Reports of contributions and
22 expenditures must be filed to cover the prescribed time
23 periods even though no contributions or expenditures may have
24 been received or made during the period. The Board shall
25 assess a civil penalty not to exceed \$5,000 for a violation
26 of this subsection, except that for State officers and
27 candidates and political committees formed for statewide
28 office, the civil penalty may not exceed \$10,000. The fine,
29 however, shall not exceed \$500 for a first filing violation
30 for filing less than 10 days after the deadline. There shall
31 be no fine if the report is mailed and postmarked at least 72
32 hours prior to the filing deadline. For the purpose of this
33 subsection, "statewide office" and "State officer" means the
34 Governor, Lieutenant Governor, Attorney General, Secretary of

1 State, Comptroller, and Treasurer.

2 (d) A copy of each report or statement filed under this
3 Article shall be preserved by the person filing it for a
4 period of two years from the date of filing.

5 (Source: P.A. 90-737, eff. 1-1-99.)

6 (10 ILCS 5/9-23) (from Ch. 46, par. 9-23)

7 Sec. 9-23. Whenever the Board, pursuant to Section 9-21,
8 has issued an order, or has approved a written stipulation,
9 agreed settlement or consent order, directing a person
10 determined by the Board to be in violation of any provision
11 of this Article or any regulation adopted thereunder, to
12 cease or correct such violation or otherwise comply with this
13 Article and such person fails or refuses to comply with such
14 order, stipulation, settlement or consent order within the
15 time specified by the Board, the Board, after affording
16 notice and an opportunity for a public hearing, may impose a
17 civil penalty on such person in an amount not to exceed
18 \$5,000; except that for State officers and candidates and
19 political committees formed for statewide office, the civil
20 penalty may not exceed \$10,000. For the purpose of this
21 Section, "statewide office" and "State officer" means the
22 Governor, Lieutenant Governor, Attorney General, Secretary of
23 State, Comptroller, and Treasurer.

24 Civil penalties imposed on any such person by the Board
25 shall be enforceable in the Circuit Court. The Board shall
26 petition the Court for an order to enforce collection of the
27 penalty and, if the Court finds it has jurisdiction over the
28 person against whom the penalty was imposed, the Court shall
29 issue the appropriate order. Any civil penalties collected
30 by the Court shall be forwarded to the State Treasurer.

31 In addition to or in lieu of the imposition of a civil
32 penalty, the board may report such violation and the failure
33 or refusal to comply with the order of the Board to the

1 Attorney General and the appropriate State's Attorney.

2 The name of a person who has not paid a civil penalty
3 imposed against him or her under this Section shall not
4 appear upon any ballot for any office in any election while
5 the penalty is unpaid.

6 (Source: P.A. 90-737, eff. 1-1-99.)

7 (10 ILCS 5/9-27.5)

8 Sec. 9-27.5. Fundraising in Sangamon County within 50
9 miles of Springfield. In addition to any other provision of
10 this Code, fundraising events in Sangamon County by certain
11 executive branch officers and candidates, legislative branch
12 members and candidates, political caucuses, and political
13 committees are subject to the State Officials and Employees
14 Ethics Act. If a political committee receives and retains a
15 contribution that is in violation of Section 5-40 of the
16 State Officials and Employees Ethics Act, then the State
17 Board may impose a civil penalty upon that political
18 committee in an amount equal to 100% of that contribution.
19 Except as provided in this Section, any executive branch
20 constitutional officer, any candidate for an executive branch
21 constitutional office, any member of the General Assembly,
22 any candidate for the General Assembly, any political caucus
23 of the General Assembly, or any political committee on behalf
24 of any of the foregoing may not hold a fundraising function
25 in or within 50 miles of Springfield on any day the
26 legislature is in session (i) during the period beginning 90
27 days before the later of the dates scheduled by either house
28 of the General Assembly for the adjournment of the spring
29 session and ending on the later of the actual adjournment
30 dates of either house of the spring session and (ii) during
31 fall veto session. For purposes of this Section, the
32 legislature is not considered to be in session on a day that
33 is solely a perfunctory session day or on a day when only a

1 committee-is-meeting.

2 This-Section-does-not--apply--to--members--and--political
3 committees-of-members-of-the-General-Assembly-whose-districts
4 are--located,--in--whole-or-in-part,--in-or-within-50-miles-of
5 Springfield--and--candidates--and--political--committees---of
6 candidates--for--the-General-Assembly-from-districts-located,
7 in-whole-or-in-part,--in-or-within-50--miles--of--Springfield,
8 provided-that-the-fundraising-function-takes-place-within-the
9 member's-or-candidate's-district.

10 (Source: P.A. 90-737, eff. 1-1-99.)

11 (10 ILCS 5/9-30 new)

12 Sec. 9-30. Ballot forfeiture. The name of a person who
13 has not paid a civil penalty imposed against him or her under
14 this Article shall not appear upon any ballot for any office
15 in any election while the penalty is unpaid.

16 Section 90-11. The Personnel Code is amended by changing
17 Sections 4c and 8b.6 as follows:

18 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

19 Sec. 4c. General exemptions. The following positions in
20 State service shall be exempt from jurisdictions A, B, and C,
21 unless the jurisdictions shall be extended as provided in
22 this Act:

- 23 (1) All officers elected by the people.
- 24 (2) All positions under the Lieutenant Governor,
25 Secretary of State, State Treasurer, State Comptroller,
26 State Board of Education, Clerk of the Supreme Court, and
27 Attorney General.
- 28 (3) Judges, and officers and employees of the
29 courts, and notaries public.
- 30 (4) All officers and employees of the Illinois
31 General Assembly, all employees of legislative

1 commissions, all officers and employees of the Illinois
2 Legislative Reference Bureau, the Legislative Research
3 Unit, and the Legislative Printing Unit.

4 (5) All positions in the Illinois National Guard
5 and Illinois State Guard, paid from federal funds or
6 positions in the State Military Service filled by
7 enlistment and paid from State funds.

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

10 (7) Directors of Departments, the Adjutant General,
11 the Assistant Adjutant General, the Director of the
12 Illinois Emergency Management Agency, members of boards
13 and commissions, and all other positions appointed by
14 the Governor by and with the consent of the Senate.

15 (8) The presidents, other principal administrative
16 officers, and teaching, research and extension faculties
17 of Chicago State University, Eastern Illinois University,
18 Governors State University, Illinois State University,
19 Northeastern Illinois University, Northern Illinois
20 University, Western Illinois University, the Illinois
21 Community College Board, Southern Illinois University,
22 Illinois Board of Higher Education, University of
23 Illinois, State Universities Civil Service System,
24 University Retirement System of Illinois, and the
25 administrative officers and scientific and technical
26 staff of the Illinois State Museum.

27 (9) All other employees except the presidents,
28 other principal administrative officers, and teaching,
29 research and extension faculties of the universities
30 under the jurisdiction of the Board of Regents and the
31 colleges and universities under the jurisdiction of the
32 Board of Governors of State Colleges and Universities,
33 Illinois Community College Board, Southern Illinois
34 University, Illinois Board of Higher Education, Board of

1 Governors of State Colleges and Universities, the Board
2 of Regents, University of Illinois, State Universities
3 Civil Service System, University Retirement System of
4 Illinois, so long as these are subject to the provisions
5 of the State Universities Civil Service Act.

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

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

10 (12) The technical and engineering staffs of the
11 Department of Transportation, the Department of Nuclear
12 Safety, the Pollution Control Board, and the Illinois
13 Commerce Commission, and the technical and engineering
14 staff providing architectural and engineering services in
15 the Department of Central Management Services.

16 (13) All employees of the Illinois State Toll
17 Highway Authority.

18 (14) The Secretary of the Industrial Commission.

19 (15) All persons who are appointed or employed by
20 the Director of Insurance under authority of Section 202
21 of the Illinois Insurance Code to assist the Director of
22 Insurance in discharging his responsibilities relating to
23 the rehabilitation, liquidation, conservation, and
24 dissolution of companies that are subject to the
25 jurisdiction of the Illinois Insurance Code.

26 (16) All employees of the St. Louis Metropolitan
27 Area Airport Authority.

28 (17) All investment officers employed by the
29 Illinois State Board of Investment.

30 (18) Employees of the Illinois Young Adult
31 Conservation Corps program, administered by the Illinois
32 Department of Natural Resources, authorized grantee under
33 Title VIII of the Comprehensive Employment and Training
34 Act of 1973, 29 USC 993.

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

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

10 (21) All hearing officers of the Human Rights
11 Commission.

12 (22) All employees of the Illinois Mathematics and
13 Science Academy.

14 (23) All employees of the Kankakee River Valley
15 Area Airport Authority.

16 (24) The commissioners and employees of the
17 Executive Ethics Commission.

18 (25) The Executive Inspectors General and employees
19 of each Office of an Executive Inspector General.

20 (26) The commissioners and employees of the
21 Legislative Ethics Commission.

22 (27) The Legislative Inspector General and
23 employees of the Office of the Legislative Inspector
24 General.

25 (Source: P.A. 90-490, eff. 8-17-97; 91-214, eff. 1-1-00;
26 91-357, eff. 7-29-99.)

27 (20 ILCS 415/8b.6) (from Ch. 127, par. 63b108b.6)

28 Sec. 8b.6. For a period of probation not to exceed one
29 year before appointment or promotion is complete, and during
30 which period a probationer may with the consent of the
31 Director of Central Management Services, be discharged or
32 reduced in class or rank, or replaced on the eligible list.

33 For a person appointed to a term appointment under Section

1 8b.18 or 8b.19, the period of probation shall not be less
2 than 6 months.

3 (Source: P.A. 82-789.)

4 Section 90-12. The General Assembly Operations Act is
5 amended by changing Sections 4 and 5 as follows:

6 (25 ILCS 10/4) (from Ch. 63, par. 23.4)

7 Sec. 4. Senate Operations Commission.

8 (a) There is created a Senate Operations Commission to
9 consist of the following: The President of the Senate, 3
10 Assistant Majority Leaders, the Minority Leader, one
11 Assistant Minority Leader, and one member of the Senate
12 appointed by the President of the Senate. The Senate
13 Operations Commission shall have the following powers and
14 duties: Commission shall have responsibility for the
15 operation of the Senate in relation to the Senate Chambers,
16 Senate offices, committee rooms and all other rooms and
17 physical facilities used by the Senate, all equipment,
18 furniture, and supplies used by the Senate. The Commission
19 shall have the authority to hire all professional staff and
20 employees necessary for the proper operation of the Senate
21 and authority to receive and expend appropriations for the
22 purposes set forth in this Act whether the General Assembly
23 be in session or not. Professional staff and employees may be
24 employed as full-time employees, part-time employees, or
25 contractual employees. The Secretary of the Senate shall
26 serve as Secretary and Administrative Officer of the
27 Commission. Pursuant to the policies and direction of the
28 Commission, he shall have direct supervision of all
29 equipment, furniture, and supplies used by the Senate.

30 (b) The Senate Operations Commission shall adopt and
31 implement personnel policies for professional staff and
32 employees under its jurisdiction and control as required by

1 the State Officials and Employees Ethics Act.

2 (Source: P.A. 78-7.)

3 (25 ILCS 10/5) (from Ch. 63, par. 23.5)

4 Sec. 5. Speaker of the House; operations, employees, and
5 expenditures.

6 (a) The Speaker of the House of Representatives shall
7 have responsibility for the operation of the House in
8 relation to the House Chambers, House offices, committee
9 rooms and all other rooms and physical facilities used by the
10 House, all equipment, furniture, and supplies used by the
11 House. The Speaker of the House of Representatives shall have
12 the authority to hire all professional staff and employees
13 necessary for the proper operation of the House. Professional
14 staff and employees may be employed as full-time employees,
15 part-time employees, or contractual employees. The Speaker of
16 the House of Representatives shall have the authority to
17 receive and expend appropriations for the purposes set forth
18 in this Act whether the General Assembly be in session or
19 not.

20 (b) The Speaker of the House of Representatives shall
21 adopt and implement personnel policies for professional staff
22 and employees under his or her jurisdiction and control as
23 required by the State Officials and Employees Ethics Act.

24 (Source: Laws 1967, p. 1214.)

25 Section 90-15. The General Assembly Compensation Act is
26 amended by changing Section 4 as follows:

27 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

28 Sec. 4. Office allowance. Beginning July 1, 2001, each
29 member of the House of Representatives is authorized to
30 approve the expenditure of not more than \$61,000 per year and
31 each member of the Senate is authorized to approve the

1 expenditure of not more than \$73,000 per year to pay for
2 "personal services", "contractual services", "commodities",
3 "printing", "travel", "operation of automotive equipment",
4 "telecommunications services", as defined in the State
5 Finance Act, and the compensation of one or more legislative
6 assistants authorized pursuant to this Section, in connection
7 with his or her legislative duties and not in connection with
8 any political campaign. On July 1, 2002 and on July 1 of each
9 year thereafter, the amount authorized per year under this
10 Section for each member of the Senate and each member of the
11 House of Representatives shall be increased by a percentage
12 increase equivalent to the lesser of (i) the increase in the
13 designated cost of living index or (ii) 5%. The designated
14 cost of living index is the index known as the "Employment
15 Cost Index, Wages and Salaries, By Occupation and Industry
16 Groups: State and Local Government Workers: Public
17 Administration" as published by the Bureau of Labor
18 Statistics of the U.S. Department of Labor for the calendar
19 year immediately preceding the year of the respective July
20 1st increase date. The increase shall be added to the then
21 current amount, and the adjusted amount so determined shall
22 be the annual amount beginning July 1 of the increase year
23 until July 1 of the next year. No increase under this
24 provision shall be less than zero.

25 A member may purchase office equipment if the member
26 certifies to the Secretary of the Senate or the Clerk of the
27 House, as applicable, that the purchase price, whether paid
28 in lump sum or installments, amounts to less than would be
29 charged for renting or leasing the equipment over its
30 anticipated useful life. All such equipment must be
31 purchased through the Secretary of the Senate or the Clerk of
32 the House, as applicable, for proper identification and
33 verification of purchase.

34 Each member of the General Assembly is authorized to

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

32 As used in this Section the term "personal services"
33 shall include contributions of the State under the Federal
34 Insurance Contribution Act and under Article 14 of the

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

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

32 If a vacancy occurs in the office of Senator or
33 Representative in the General Assembly, any office equipment
34 in the possession of the vacating member shall transfer to

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

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

22 From any appropriation for the purposes of this Section
23 for a fiscal year which overlaps 2 General Assemblies, no
24 more than 1/2 of the annual allowance per member may be spent
25 or encumbered by any member of either the outgoing or
26 incoming General Assembly, except that any member of the
27 incoming General Assembly who was a member of the outgoing
28 General Assembly may encumber or spend any portion of his
29 annual allowance within the fiscal year.

30 The appropriation for the annual allowances permitted by
31 this Section shall be included in an appropriation to the
32 President of the Senate and to the Speaker of the House of
33 Representatives for their respective members. The President
34 of the Senate and the Speaker of the House shall voucher for

1 payment individual members' expenditures from their annual
2 office allowances to the State Comptroller, subject to the
3 authority of the Comptroller under Section 9 of the State
4 Comptroller Act.

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

6 Section 90-20. The Legislative Commission Reorganization
7 Act of 1984 is amended by adding Section 9-2.5 as follows:

8 (25 ILCS 130/9-2.5 new)

9 Sec. 9-2.5. Newsletters and brochures. The Legislative
10 Printing Unit may not print for any member of the General
11 Assembly any newsletters or brochures during the period
12 beginning February 1 of the year of a general primary
13 election and ending the day after the general primary
14 election and during a period beginning September 1 of the
15 year of a general election and ending the day after the
16 general election. A member of the General Assembly may not
17 mail, during a period beginning February 1 of the year of a
18 general primary election and ending the day after the general
19 primary election and during a period beginning September 1 of
20 the year of a general election and ending the day after the
21 general election, any newsletters or brochures that were
22 printed, at any time, by the Legislative Printing Unit.

23 Section 90-25. The General Assembly Staff Assistants Act
24 is amended by changing Sections 1a and 2 as follows:

25 (25 ILCS 160/1a) (from Ch. 63, par. 131.1)

26 Sec. 1a. Staff assistants; employment; allocation. There
27 shall be such staff assistants for the General Assembly as
28 necessary. Staff assistants may be employed as full-time
29 employees, part-time employees, or contractual employees. Of
30 the staff assistants so provided, one half the total number

1 shall be for the Senate and one half for the House of
2 Representatives. Of the assistants provided for the Senate,
3 one half shall be designated by the President and one half by
4 the minority leader. Of the assistants provided for the House
5 of Representatives, one half shall be designated by the
6 Speaker and one half by the minority leader.

7 (Source: P.A. 78-4.)

8 (25 ILCS 160/2) (from Ch. 63, par. 132)

9 Sec. 2. Staff assistants; assignments.

10 (a) During the period the General Assembly is in
11 session, the staff assistants shall be assigned by the
12 legislative leadership of the respective parties to perform
13 research and render other assistance to the members of that
14 party on such committees as may be designated.

15 (b) During the period when the General Assembly is not
16 in session, the staff assistants shall perform such services
17 as may be assigned by the President and Minority Leader of
18 the Senate and the Speaker and Minority Leader of the House
19 of Representatives party-leadership.

20 (c) The President and Minority Leader of the Senate and
21 the Speaker and Minority Leader of the House of
22 Representatives shall each adopt and implement personnel
23 policies for staff assistants under their respective
24 jurisdiction and control as required by the State Officials
25 and Employees Ethics Act.

26 (Source: Laws 1967, p. 280.)

27 Section 90-30. The Lobbyist Registration Act is amended
28 by adding Section 3.1 and changing Sections 3, 5, 6, 6.5, and
29 7 as follows:

30 (25 ILCS 170/3) (from Ch. 63, par. 173)

31 Sec. 3. Persons required to register.

1 (a) Except as provided in Sections 4 and 9, the
2 following persons shall register with the Secretary of State
3 as provided herein:

4 (1) Any person who, for compensation or otherwise,
5 either individually or as an employee or contractual
6 employee of another person, undertakes to influence
7 executive, legislative or administrative action.

8 (2) Any person who employs another person for the
9 purposes of influencing executive, legislative or
10 administrative action.

11 (b) It is a violation of this Act to engage in lobbying
12 or to employ any person for the purpose of lobbying who is
13 not registered with the Office of the Secretary of State,
14 except upon condition that the person register and the person
15 does in fact register within 2 business days after being
16 employed or retained for lobbying services 10-working-days-of
17 an-agreement-to-conduct-any-lobbying-activity.

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

19 (25 ILCS 170/3.1 new)

20 Sec. 3.1. Prohibition on serving on boards and
21 commissions. Notwithstanding any other law of this State, a
22 person required to be registered under this Act may not serve
23 on a board, commission, authority, or task force authorized
24 or created by State law or by executive order of the
25 Governor; except that this restriction does not apply to any
26 of the following:

27 (1) a registered lobbyist serving in an elective
28 public office, whether elected or appointed to fill a
29 vacancy;

30 (2) a registered lobbyist serving on a State
31 advisory body that makes nonbinding recommendations to an
32 agency of State government but does not make binding
33 recommendations or determinations or take any other

1 substantive action; and

2 (3) a registered lobbyist serving on a board,
3 council, commission, authority, task force, or other
4 equivalent entity that makes nonbinding recommendations
5 to a county, municipality, school district, or community
6 college district but does not make binding
7 recommendations or determinations or take any other
8 substantive action. This item (3) does not include any
9 special district or other limited purpose unit of local
10 government, except those specifically enumerated in this
11 item (3).

12 (25 ILCS 170/5) (from Ch. 63, par. 175)

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

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

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

33 (b) The name and address of the person or persons

1 employing or retaining registrant to perform such
2 services or on whose behalf the registrant appears.

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

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

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

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

31 Not later than 12 months after the effective date of this
32 amendatory Act of the 93rd General Assembly, or as soon
33 thereafter as the Secretary of State has provided adequate
34 software to the persons required to file, all statements and

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

10 Persons required to register under this Act shall, on an
11 annual basis, remit a single, annual and nonrefundable \$100
12 \$50 registration fee and a picture of the registrant. A
13 registrant may, in lieu of submitting a picture on an annual
14 basis, authorize the Secretary of State to use any photo
15 identification available in any database maintained by the
16 Secretary of State for other purposes. All fees shall be
17 deposited into the Lobbyist Registration Administration Fund
18 for administration and enforcement of this Act. The increase
19 in the fee from \$50 to \$100 by this amendatory Act of the
20 93rd General Assembly is intended to be used to implement and
21 maintain electronic filing of reports under this Act.

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

23 (25 ILCS 170/6) (from Ch. 63, par. 176)

24 Sec. 6. Reports.

25 (a) Except as otherwise provided in this Section, every
26 person required to register as prescribed in Section 3 shall
27 report, verified under oath pursuant to Section 1-109 of the
28 Code of Civil Procedure, to the Secretary of State all
29 expenditures for lobbying made or incurred by the lobbyist on
30 his behalf or the behalf of his employer. In the case where
31 an individual is solely employed by another person to perform
32 job related functions any part of which includes lobbying,
33 the employer shall be responsible for reporting all lobbying

1 expenditures incurred on the employer's behalf as shall be
2 identified by the lobbyist to the employer preceding such
3 report. Persons who contract with another person to perform
4 lobbying activities shall be responsible for reporting all
5 lobbying expenditures incurred on the employer's behalf. Any
6 additional lobbying expenses incurred by the employer which
7 are separate and apart from those incurred by the contractual
8 employee shall be reported by the employer.

9 (b) The report shall itemize each individual expenditure
10 or transaction over \$100 and shall include the name of the
11 official on whose behalf the expenditure was made, the name
12 of the client on whose behalf the expenditure was made, the
13 total amount of the expenditure, the date on which the
14 expenditure occurred and the subject matter of the lobbying
15 activity, if any.

16 Expenditures attributable to lobbying officials shall be
17 listed and reported according to the following categories:

- 18 (1) travel and lodging on behalf of others.
- 19 (2) meals, beverages and other entertainment.
- 20 (3) gifts.
- 21 (4) honoraria.

22 Individual expenditures required to be reported as
23 described herein which are equal to or less than \$100 in
24 value need not be itemized but are required to be categorized
25 and reported by officials in an aggregate total in a manner
26 prescribed by rule of the Secretary of State.

27 Expenditures incurred for hosting receptions, benefits
28 and other large gatherings held for purposes of goodwill or
29 otherwise to influence executive, legislative or
30 administrative action to which there are 25 or more State
31 officials invited shall be reported listing only the total
32 amount of the expenditure, the date of the event, and the
33 estimated number of officials in attendance.

34 Each individual expenditure required to be reported shall

1 include all expenses made for or on behalf of State officials
2 and members of the immediate family of those persons.

3 The category travel and lodging includes, but is not
4 limited to, all travel and living accommodations made for or
5 on behalf of State officials in the capital during sessions
6 of the General Assembly.

7 Reasonable and bona fide expenditures made by the
8 registrant who is a member of a legislative or State study
9 commission or committee while attending and participating in
10 meetings and hearings of such commission or committee need
11 not be reported.

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

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

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

19 The report shall include: (1) the name of each State
20 government entity lobbied; (2) whether the lobbying involved
21 executive, legislative, or administrative action, or a
22 combination; (3) the names of the persons who performed the
23 lobbyist services; and (4) a brief description of the
24 legislative, executive, or administrative action involved.

25 Except as otherwise provided in this subsection, gifts
26 and honoraria returned or reimbursed to the registrant within
27 30 days of the date of receipt shall need not be reported.

28 A gift or honorarium returned or reimbursed to the
29 registrant within 10 days after the official receives a copy
30 of a report pursuant to Section 6.5 shall not be included in
31 the final report unless the registrant informed the official,
32 contemporaneously with the receipt of the gift or honorarium,
33 that the gift or honorarium is a reportable expenditure
34 pursuant to this Act.

1 (c) Reports under this Section shall be filed by July
2 31, for expenditures from the previous January 1 through the
3 later of June 30 or the final day of the regular General
4 Assembly session, and by January 31, for expenditures from
5 the entire previous calendar year.

6 Registrants who made no reportable expenditures during a
7 reporting period shall file a report stating that no
8 expenditures were incurred. Such reports shall be filed in
9 accordance with the deadlines as prescribed in this
10 subsection.

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

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

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

28 (e) Within 30 days after a filing deadline, the lobbyist
29 shall notify each official on whose behalf an expenditure has
30 been reported. Notification shall include the name of the
31 registrant, the total amount of the expenditure, the date on
32 which the expenditure occurred, and the subject matter of the
33 lobbying activity.

34 (Source: P.A. 90-78, eff. 1-1-98.)

1 (25 ILCS 170/6.5)

2 Sec. 6.5. Response to report by official.

3 (a) Every person required to register as prescribed in
4 Section 3 and required to file a report with the Secretary of
5 State as prescribed in Section 6 shall, at least 25 days
6 before ~~the deadline for~~ filing the report, provide a copy of
7 the report to each official listed in the report by first
8 class mail or hand delivery. An official may, within 10 days
9 after receiving the copy of the report, provide written
10 objections to the report by first class mail or hand delivery
11 to the person required to file the report. If those written
12 objections conflict with the final report that is filed, the
13 written objections shall be filed along with the report.

14 (b) Failure to provide a copy of the report to an
15 official listed in the report within the time designated in
16 this Section is a violation of this Act.

17 (Source: P.A. 90-737, eff. 1-1-99.)

18 (25 ILCS 170/7) (from Ch. 63, par. 177)

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

20 It shall be the duty of the Secretary of State to provide
21 appropriate forms for the registration and reporting of
22 information required by this Act and to keep such
23 registrations and reports on file in his office for 3 years
24 from the date of filing. He shall also provide and maintain a
25 register with appropriate blanks and indexes so that the
26 information required in Sections 5 and 6 of this Act may be
27 accordingly entered. Such records shall be considered public
28 information and open to public inspection.

29 A report filed under this Act is due in the Office of the
30 Secretary of State no later than the close of business on the
31 date on which it is required to be filed.

32 Within 10 days after a filing deadline, the Secretary of
33 State shall notify persons he determines are required to file

1 but have failed to do so.

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

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

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

20 Section 90-35. The Illinois Procurement Code is amended
21 by changing Sections 50-13 and 50-30 as follows:

22 (30 ILCS 500/50-13)

23 Sec. 50-13. Conflicts of interest.

24 (a) Prohibition. It is unlawful for any person holding
25 an elective office in this State, holding a seat in the
26 General Assembly, or appointed to or employed in any of the
27 offices or agencies of State government and who receives
28 compensation for such employment in excess of 60% of the
29 salary of the Governor of the State of Illinois, or who is an
30 officer or employee of the Capital Development Board or the
31 Illinois Toll Highway Authority, or who is the spouse or
32 minor child of any such person to have or acquire any

1 contract, or any direct pecuniary interest in any contract
2 therein, whether for stationery, printing, paper, or any
3 services, materials, or supplies, that will be wholly or
4 partially satisfied by the payment of funds appropriated by
5 the General Assembly of the State of Illinois or in any
6 contract of the Capital Development Board or the Illinois
7 Toll Highway Authority.

8 (b) Interests. It is unlawful for any firm,
9 partnership, association, or corporation, in which any person
10 listed in subsection (a) is entitled to receive (i) more than
11 7 1/2% of the total distributable income or (ii) an amount in
12 excess of the salary of the Governor, to have or acquire any
13 such contract or direct pecuniary interest therein.

14 (c) Combined interests. It is unlawful for any firm,
15 partnership, association, or corporation, in which any person
16 listed in subsection (a) together with his or her spouse or
17 minor children is entitled to receive (i) more than 15%, in
18 the aggregate, of the total distributable income or (ii) an
19 amount in excess of 2 times the salary of the Governor, to
20 have or acquire any such contract or direct pecuniary
21 interest therein.

22 (c-5) Appointees and firms. In addition to any
23 provisions of this Code, the interests of certain appointees
24 and their firms are subject to Section 3A-35 of the Illinois
25 Governmental Ethics Act.

26 (d) Securities. Nothing in this Section invalidates the
27 provisions of any bond or other security previously offered
28 or to be offered for sale or sold by or for the State of
29 Illinois.

30 (e) Prior interests. This Section does not affect the
31 validity of any contract made between the State and an
32 officer or employee of the State or member of the General
33 Assembly, his or her spouse, minor child, or other immediate
34 family member living in his or her residence or any

1 combination of those persons if that contract was in
2 existence before his or her election or employment as an
3 officer, member, or employee. The contract is voidable,
4 however, if it cannot be completed within 365 days after the
5 officer, member, or employee takes office or is employed.

6 (f) Exceptions.

7 (1) Public aid payments. This Section does not
8 apply to payments made for a public aid recipient.

9 (2) Teaching. This Section does not apply to a
10 contract for personal services as a teacher or school
11 administrator between a member of the General Assembly or
12 his or her spouse, or a State officer or employee or his
13 or her spouse, and any school district, public community
14 college district, the University of Illinois, Southern
15 Illinois University, Illinois State University, Eastern
16 Illinois University, Northern Illinois University,
17 Western Illinois University, Chicago State University,
18 Governor State University, or Northeastern Illinois
19 University.

20 (3) Ministerial duties. This Section does not
21 apply to a contract for personal services of a wholly
22 ministerial character, including but not limited to
23 services as a laborer, clerk, typist, stenographer, page,
24 bookkeeper, receptionist, or telephone switchboard
25 operator, made by a spouse or minor child of an elective
26 or appointive State officer or employee or of a member of
27 the General Assembly.

28 (4) Child and family services. This Section does
29 not apply to payments made to a member of the General
30 Assembly, a State officer or employee, his or her spouse
31 or minor child acting as a foster parent, homemaker,
32 advocate, or volunteer for or in behalf of a child or
33 family served by the Department of Children and Family
34 Services.

1 (5) Licensed professionals. Contracts with licensed
2 professionals, provided they are competitively bid or
3 part of a reimbursement program for specific, customary
4 goods and services through the Department of Children and
5 Family Services, the Department of Human Services, the
6 Department of Public Aid, the Department of Public
7 Health, or the Department on Aging.

8 (g) Penalty. A person convicted of a violation of this
9 Section is guilty of a business offense and shall be fined
10 not less than \$1,000 nor more than \$5,000.

11 (Source: P.A. 90-572, eff. 2-6-98.)

12 (30 ILCS 500/50-30)

13 Sec. 50-30. Revolving door prohibition.

14 (a) Chief procurement officers, associate procurement
15 officers, State purchasing officers, their designees whose
16 principal duties are directly related to State procurement,
17 and executive officers confirmed by the Senate are expressly
18 prohibited for a period of 2 years after terminating an
19 affected position from engaging in any procurement activity
20 relating to the State agency most recently employing them in
21 an affected position for a period of at least 6 months. The
22 prohibition includes but is not limited to: lobbying the
23 procurement process; specifying; bidding; proposing bid,
24 proposal, or contract documents; on their own behalf or on
25 behalf of any firm, partnership, association, or corporation.
26 This subsection ~~Section~~ applies only to persons who terminate
27 an affected position on or after January 15, 1999.

28 (b) In addition to any other provisions of this Code,
29 employment of former State employees is subject to the State
30 Officials and Employees Ethics Act.

31 (Source: P.A. 90-572, eff. 2-6-98.)

32 Section 90-37. The Raffles Act is amended by changing

1 Section 8.1 as follows:

2 (230 ILCS 15/8.1) (from Ch. 85, par. 2308.1)

3 Sec. 8.1. (a) Political Committees. For the purposes of
4 this Section the terms defined in this subsection have the
5 meanings given them.

6 "Net Proceeds" means the gross receipts from the conduct
7 of raffles, less reasonable sums expended for prizes, license
8 fees and other reasonable operating expenses incurred as a
9 result of operating a raffle.

10 "Raffle" means a form of lottery, as defined in Section
11 28-2 (b) of the "Criminal Code of 1961", conducted by a
12 political committee licensed under this Section, in which:

13 (1) the player pays or agrees to pay something of
14 value for a chance, represented and differentiated by a
15 number or by a combination of numbers or by some other
16 medium, one or more of which chances is to be designated
17 the winning chance;

18 (2) the winning chance is to be determined through
19 a drawing or by some other method based on an element of
20 chance by an act or set of acts on the part of persons
21 conducting or connected with the lottery, except that the
22 winning chance shall not be determined by the outcome of
23 a publicly exhibited sporting contest.

24 "Unresolved claim" means a claim for civil penalty under
25 Sections Section 9-3, 9-10, and 9-23 of The Election Code
26 which has been begun by the State Board of Elections, has
27 been disputed by the political committee under the applicable
28 rules of the State Board of Elections, and has not been
29 finally decided either by the State Board of Elections, or,
30 where application for review has been made to the Courts of
31 Illinois, remains finally undecided by the Courts.

32 "Owes" means that a political committee has been finally

1 determined under applicable rules of the State Board of
2 Elections to be liable for a civil penalty under Sections
3 Section 9-3, 9-10, and 9-23 of The Election Code.

4 (b) ~~(1)~~ Licenses issued pursuant to this Section shall
5 be valid for one raffle or for a specified number of raffles
6 to be conducted during a specified period not to exceed one
7 year and may be suspended or revoked for any violation of
8 this Section. The State Board of Elections shall act on a
9 license application within 30 days from the date of
10 application.

11 ~~(2) Licenses shall be issued only to political~~
12 ~~committees which have been in existence continuously for~~
13 ~~a period of 1 year immediately before making application~~
14 ~~for a license and which have had during that entire 1~~
15 ~~year period a bona fide membership engaged in carrying~~
16 ~~out their objects.~~

17 (c) Licenses issued by the State Board of Elections are
18 subject to the following restrictions:

19 (1) No political committee shall conduct raffles or
20 chances without having first obtained a license therefor
21 pursuant to this Section.

22 (2) The application for license shall be prepared
23 in accordance with regulations of the State Board of
24 Elections and must specify the area or areas within the
25 State in which raffle chances will be sold or issued, the
26 time period during which raffle chances will be sold or
27 issued, the time of determination of winning chances and
28 the location or locations at which winning chances will
29 be determined.

30 (3) A license authorizes the licensee to conduct
31 raffles as defined in this Section.

32 The following are ineligible for any license under this
33 Section:

34 (i) any political committee which has an

1 officer who has been convicted of a felony;

2 (ii) any political committee which has an
3 officer who is or has been a professional gambler or
4 gambling promoter;

5 (iii) any political committee which has an
6 officer who is not of good moral character;

7 (iv) any political committee which has an
8 officer who is also an officer of a firm or
9 corporation in which a person defined in (i), (ii)
10 or (iii) has a proprietary, equitable or credit
11 interest, or in which such a person is active or
12 employed;

13 (v) any political committee in which a person
14 defined in (i), (ii) or (iii) is an officer,
15 director, or employee, whether compensated or not;

16 (vi) any political committee in which a person
17 defined in (i), (ii) or (iii) is to participate in
18 the management or operation of a raffle as defined
19 in this Section;

20 (vii) any committee which, at the time of its
21 application for a license to conduct a raffle, owes
22 the State Board of Elections any unpaid civil
23 penalty authorized by Sections Section 9-3, 9-10,
24 and 9-23 of The Election Code, or is the subject of
25 an unresolved claim for a civil penalty under
26 Sections Section 9-3, 9-10, and 9-23 of The Election
27 Code;

28 (viii) any political committee which, at the
29 time of its application to conduct a raffle, has not
30 submitted any report or document required to be
31 filed by Article 9 of The Election Code and such
32 report or document is more than 10 days overdue.

33 (d) (1) The conducting of raffles is subject to the
34 following restrictions:

1 (i) The entire net proceeds of any raffle must
2 be exclusively devoted to the lawful purposes of the
3 political committee permitted to conduct that game.

4 (ii) No person except a bona fide member of
5 the political committee may participate in the
6 management or operation of the raffle.

7 (iii) No person may receive any remuneration
8 or profit for participating in the management or
9 operation of the raffle.

10 (iv) Raffle chances may be sold or issued only
11 within the area specified on the license and winning
12 chances may be determined only at those locations
13 specified on the license.

14 (v) A person under the age of 18 years may
15 participate in the conducting of raffles or chances
16 only with the permission of a parent or guardian. A
17 person under the age of 18 years may be within the
18 area where winning chances are being determined only
19 when accompanied by his parent or guardian.

20 (2) If a lessor rents premises where a winning
21 chance or chances on a raffle are determined, the lessor
22 shall not be criminally liable if the person who uses the
23 premises for the determining of winning chances does not
24 hold a license issued under the provisions of this
25 Section.

26 (e) (1) Each political committee licensed to conduct
27 raffles and chances shall keep records of its gross
28 receipts, expenses and net proceeds for each single
29 gathering or occasion at which winning chances are
30 determined. All deductions from gross receipts for each
31 single gathering or occasion shall be documented with
32 receipts or other records indicating the amount, a
33 description of the purchased item or service or other
34 reason for the deduction, and the recipient. The

1 distribution of net proceeds shall be itemized as to
2 payee, purpose, amount and date of payment.

3 (2) Each political committee licensed to conduct
4 raffles shall report on the next report due to be filed
5 under Article 9 of The Election Code its gross receipts,
6 expenses and net proceeds from raffles, and the
7 distribution of net proceeds itemized as required in this
8 subsection.

9 Such reports shall be included in the regular reports
10 required of political committees by Article 9 of The Election
11 Code.

12 (3) Records required by this subsection shall be
13 preserved for 3 years, and political committees shall
14 make available their records relating to operation of
15 raffles for public inspection at reasonable times and
16 places.

17 (f) Violation of any provision of this Section is a
18 Class C misdemeanor.

19 (g) Nothing in this Section shall be construed to
20 authorize the conducting or operating of any gambling scheme,
21 enterprise, activity or device other than raffles as provided
22 for herein.

23 (Source: P.A. 86-394; 86-1028; 86-1301; 87-1271.)

24 Section 90-40. The State Lawsuit Immunity Act is amended
25 by changing Section 1 as follows:

26 (745 ILCS 5/1) (from Ch. 127, par. 801)

27 Sec. 1. Except as provided in the "Illinois Public Labor
28 Relations Act", ~~enacted--by--the--83rd-General-Assembly, or~~
29 ~~except-as-provided-in-"AN-ACT-to-create~~ the Court of Claims
30 Act, and the State Officials and Employees Ethics Act to
31 ~~prescribe-its-powers-and-duties, and to repeal-AN-ACT--herein~~
32 ~~named",--filed--July--17,--1945,--as--amended,~~ the State of

1 Illinois shall not be made a defendant or party in any court.
2 (Source: P.A. 83-1012.)

3 ARTICLE 99

4 MISCELLANEOUS PROVISIONS

5 Section 99-5. Severability. The provisions of this Act
6 are severable under Section 1.31 of the Statute on Statutes.

7 Section 99-15. Closed sessions; vote requirement. This
8 Act authorizes the ethics commissions of the executive branch
9 and legislative branch to conduct closed sessions, hearings,
10 and meetings in certain circumstances. In order to meet the
11 requirements of subsection (c) of Section 5 of Article IV of
12 the Illinois Constitution, the General Assembly determines
13 that closed sessions, hearings, and meetings of the ethics
14 commissions, including the ethics commission for the
15 legislative branch, are required by the public interest.
16 Thus, this Act is enacted by the affirmative vote of
17 two-thirds of the members elected to each house of the
18 General Assembly.

19 Section 99-99. Effective date. This Act takes effect
20 upon becoming law."