

1 AN ACT in relation to governmental ethics.

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

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 1-5, 5-20, 25-5, 25-10, and 25-95
6 as follows:

7 (5 ILCS 430/1-5)

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

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

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

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

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

32 "Commission" means an ethics commission created by this

1 Act.

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

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

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

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

19 "Executive branch constitutional officer" means the
20 Governor, Lieutenant Governor, Attorney General, Secretary of
21 State, Comptroller, and Treasurer.

22 "Gift" means any gratuity, discount, entertainment,
23 hospitality, loan, forbearance, or other tangible or
24 intangible item having monetary value including, but not
25 limited to, cash, food and drink, and honoraria for speaking
26 engagements related to or attributable to government
27 employment or the official position of an employee, member, or
28 officer.

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

31 "Leave of absence" means any period during which a State
32 employee does not receive (i) compensation for State
33 employment, (ii) service credit towards State pension
34 benefits, and (iii) health insurance benefits paid for by the
35 State.

36 "Legislative branch constitutional officer" means a member

1 of the General Assembly and the Auditor General.

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

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

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

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

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

24 "Prohibited political activity" means:

25 (1) Preparing for, organizing, or participating in any
26 political meeting, political rally, political
27 demonstration, or other political event.

28 (2) Soliciting contributions, including but not
29 limited to the purchase of, selling, distributing, or
30 receiving payment for tickets for any political
31 fundraiser, political meeting, or other political event.

32 (3) Soliciting, planning the solicitation of, or
33 preparing any document or report regarding any thing of
34 value intended as a campaign contribution.

35 (4) Planning, conducting, or participating in a public
36 opinion poll in connection with a campaign for elective

1 office or on behalf of a political organization for
2 political purposes or for or against any referendum
3 question.

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

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

12 (7) Soliciting votes on behalf of a candidate for
13 elective office or a political organization or for or
14 against any referendum question or helping in an effort to
15 get voters to the polls.

16 (8) Initiating for circulation, preparing,
17 circulating, reviewing, or filing any petition on behalf of
18 a candidate for elective office or for or against any
19 referendum question.

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

23 (10) Preparing or reviewing responses to candidate
24 questionnaires in connection with a campaign for elective
25 office or on behalf of a political organization for
26 political purposes.

27 (11) Distributing, preparing for distribution, or
28 mailing campaign literature, campaign signs, or other
29 campaign material on behalf of any candidate for elective
30 office or for or against any referendum question.

31 (12) Campaigning for any elective office or for or
32 against any referendum question.

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

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

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

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

7 (1) is seeking official action (i) by the member or
8 officer or (ii) in the case of an employee, by the employee
9 or by the member, officer, State agency, or other employee
10 directing the employee;

11 (2) does business or seeks to do business (i) with the
12 member or officer or (ii) in the case of an employee, with
13 the employee or with the member, officer, State agency, or
14 other employee directing the employee;

15 (3) conducts activities regulated (i) by the member or
16 officer or (ii) in the case of an employee, by the employee
17 or by the member, officer, State agency, or other employee
18 directing the employee;

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

22 (5) is registered or required to be registered with the
23 Secretary of State under the Lobbyist Registration Act,
24 except that an entity not otherwise a prohibited source
25 does not become a prohibited source merely because a
26 registered lobbyist is one of its members or serves on its
27 board of directors.

28 "State agency" includes all officers, boards, commissions
29 and agencies created by the Constitution, whether in the
30 executive or legislative branch; all officers, departments,
31 boards, commissions, agencies, institutions, authorities,
32 public institutions of higher learning as defined in Section 2
33 of the Higher Education Cooperation Act, and bodies politic and
34 corporate of the State; and administrative units or corporate
35 outgrowths of the State government which are created by or
36 pursuant to statute, other than units of local government and

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

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

12 "Ultimate jurisdictional authority" means the following:

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

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

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

25 (4) For State employees who are employees of the
26 legislative support services agencies, the Joint Committee
27 on Legislative Support Services.

28 (5) For State employees of the Auditor General, the
29 Auditor General.

30 (6) For State employees of public institutions of
31 higher learning as defined in Section 2 of the Higher
32 Education Cooperation Act, the board of trustees of the
33 appropriate public institution of higher learning.

34 (7) For State employees of an executive branch
35 constitutional officer other than those described in
36 paragraph (6), the appropriate executive branch

1 constitutional officer.

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

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

6 (5 ILCS 430/5-20)

7 Sec. 5-20. Public service announcements; other promotional
8 material.

9 (a) Beginning January 1, 2004, no public service
10 announcement or advertisement that is on behalf of any State
11 administered program and contains the proper name, image, or
12 voice of any executive branch constitutional officer or member
13 of the General Assembly shall be broadcast or aired on radio or
14 television or printed in a commercial newspaper or a commercial
15 magazine at any time.

16 (b) The proper name or image of any executive branch
17 constitutional officer or member of the General Assembly may
18 not appear on any (i) bumper stickers, (ii) commercial
19 billboards, (iii) lapel pins or buttons, (iv) magnets, (v)
20 stickers, and (vi) other similar promotional items, that are
21 not in furtherance of the person's official State duties or
22 governmental and public service functions, if designed, paid
23 for, prepared, or distributed using public dollars. This
24 subsection does not apply to stocks of items existing on the
25 effective date of this amendatory Act of the 93rd General
26 Assembly.

27 (c) This Section does not apply to communications funded
28 through expenditures required to be reported under Article 9 of
29 the Election Code.

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

31 (5 ILCS 430/25-5)

32 Sec. 25-5. Legislative Ethics Commission.

33 (a) The Legislative Ethics Commission is created.

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

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

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

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

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

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

21 (c) The appointing authorities shall appoint commissioners
22 who have experience holding governmental office or employment
23 and may appoint commissioners who are members of the General
24 Assembly as well as commissioners from the general public. A
25 commissioner who is a member of the General Assembly must
26 recuse himself or herself from participating in any matter
27 relating to any investigation or proceeding in which he or she
28 is the subject. A person is not eligible to serve as a
29 commissioner if that person (i) has been convicted of a felony
30 or a crime of dishonesty or moral turpitude, (ii) is, or was
31 within the preceding 12 months, engaged in activities that
32 require registration under the Lobbyist Registration Act,
33 (iii) is a relative of the appointing authority, or (iv) is a
34 State officer or employee other than a member of the General
35 Assembly.

36 (d) The Legislative Ethics Commission shall have

1 jurisdiction over members of the General Assembly and all State
2 employees whose ultimate jurisdictional authority is (i) a
3 legislative leader, (ii) the Senate Operations Commission, or
4 (iii) the Joint Committee on Legislative Support Services. The
5 jurisdiction of the Commission is limited to matters arising
6 under this Act.

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

20 (f) No commissioner, other than a commissioner who is a
21 member of the General Assembly, or employee of the Legislative
22 Ethics Commission may during his or her term of appointment or
23 employment:

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

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

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

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

33 (g) An appointing authority may remove a commissioner only
34 for cause.

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

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

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

9 (5 ILCS 430/25-10)

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

11 (a) The independent Office of the Legislative Inspector
12 General is created. The Office shall be under the direction and
13 supervision of the Legislative Inspector General and shall be a
14 fully independent office with its own appropriation.

15 (b) The Legislative Inspector General shall be appointed
16 without regard to political affiliation and solely on the basis
17 of integrity and demonstrated ability. The Legislative Ethics
18 Commission shall diligently search out qualified candidates
19 for Legislative Inspector General and shall make
20 recommendations to the General Assembly.

21 The Legislative Inspector General shall be appointed by a
22 joint resolution of the Senate and the House of
23 Representatives, which may specify the date on which the
24 appointment takes effect. A joint resolution, or other document
25 as may be specified by the Joint Rules of the General Assembly,
26 appointing the Legislative Inspector General must be certified
27 by the Speaker of the House of Representatives and the
28 President of the Senate as having been adopted by the
29 affirmative vote of three-fifths of the members elected to each
30 house, respectively, and be filed with the Secretary of State.
31 The appointment of the Legislative Inspector General takes
32 effect on the day the appointment is completed by the General
33 Assembly, unless the appointment specifies a later date on
34 which it is to become effective.

35 The Legislative Inspector General shall have the following

1 qualifications:

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

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

6 (3) has 5 or more years of cumulative service (A) with
7 a federal, State, or local law enforcement agency, at least
8 2 years of which have been in a progressive investigatory
9 capacity; (B) as a federal, State, or local prosecutor; (C)
10 as a senior manager or executive of a federal, State, or
11 local agency; (D) as a member, an officer, or a State or
12 federal judge; or (E) representing any combination of (A)
13 through (D).

14 The Legislative Inspector General may not be a relative of
15 a commissioner.

16 The term of the initial Legislative Inspector General shall
17 commence upon qualification and shall run through June 30,
18 2008.

19 After the initial term, the Legislative Inspector General
20 shall serve for 5-year terms commencing on July 1 of the year
21 of appointment and running through June 30 of the fifth
22 following year. The Legislative Inspector General may be
23 reappointed to one or more subsequent terms.

24 A vacancy occurring other than at the end of a term shall
25 be filled in the same manner as an appointment only for the
26 balance of the term of the Legislative Inspector General whose
27 office is vacant.

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

30 (c) The Legislative Inspector General shall have
31 jurisdiction over the members of the General Assembly and all
32 State employees whose ultimate jurisdictional authority is (i)
33 a legislative leader, (ii) the Senate Operations Commission, or
34 (iii) the Joint Committee on Legislative Support Services.

35 The jurisdiction of each Legislative Inspector General is
36 to investigate allegations of fraud, waste, abuse,

1 mismanagement, misconduct, nonfeasance, misfeasance,
2 malfeasance, or violations of this Act or violations of other
3 related laws and rules.

4 (d) The compensation of the Legislative Inspector General
5 shall be the greater of an amount (i) determined by the
6 Commission or (ii) by joint resolution of the General Assembly
7 passed by a majority of members elected in each chamber.
8 Subject to Section 25-45 of this Act, the Legislative Inspector
9 General has full authority to organize the Office of the
10 Legislative Inspector General, including the employment and
11 determination of the compensation of staff, such as deputies,
12 assistants, and other employees, as appropriations permit.
13 Employment of staff is subject to the approval of at least 3 of
14 the 4 legislative leaders.

15 (e) No Legislative Inspector General or employee of the
16 Office of the Legislative Inspector General may, during his or
17 her term of appointment or employment:

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

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

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

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

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

31 (e-1) No Legislative Inspector General or employee of the
32 Office of the Legislative Inspector General may, for one year
33 after the termination of his or her appointment or employment:

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

35 (2) hold any elected public office; or

36 (3) hold any appointed State, county, or local judicial

1 office.

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

4 (f) The Commission may remove the Legislative Inspector
5 General only for cause. At the time of the removal, the
6 Commission must report to the General Assembly the
7 justification for the removal.

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

9 (5 ILCS 430/25-95)

10 Sec. 25-95. Exemptions.

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

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

30 (b) Any allegations and related documents submitted to the
31 Legislative Inspector General and any pleadings and related
32 documents brought before the Legislative Ethics Commission are
33 exempt from the provisions of the Freedom of Information Act so
34 long as the Legislative Ethics Commission does not make a
35 finding of a violation of this Act. If the Legislative Ethics

1 Commission finds that a violation has occurred, the entire
2 record of proceedings before the Commission, the decision and
3 recommendation, and the mandatory report from the agency head
4 or ultimate jurisdictional authority to the Legislative Ethics
5 Commission are not exempt from the provisions of the Freedom of
6 Information Act but information contained therein that is
7 exempt from the Freedom of Information Act must be redacted
8 before disclosure as provided in Section 8 of the Freedom of
9 Information Act.

10 (c) Meetings of the Commission under Sections 25-5 and
11 25-15 of this Act are exempt from the provisions of the Open
12 Meetings Act.

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

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

23 Section 10. The Election Code is amended by changing
24 Section 9-8.10 as follows:

25 (10 ILCS 5/9-8.10)

26 Sec. 9-8.10. Use of political committee and other reporting
27 organization funds.

28 (a) A political committee, or organization subject to
29 Section 9-7.5, shall not make expenditures:

30 (1) In violation of any law of the United States or of
31 this State.

32 (2) Clearly in excess of the fair market value of the
33 services, materials, facilities, or other things of value
34 received in exchange.

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

17 (4) For the satisfaction or repayment of any debts or
18 for the payment of any expenses relating to a personal
19 residence. Campaign funds may not be used as collateral for
20 home mortgages.

21 (5) For clothing or personal laundry expenses, except
22 clothing items rented by the public official or candidate
23 for his or her own use exclusively for a specific
24 campaign-related event, provided that committees may
25 purchase costumes, novelty items, or other accessories
26 worn primarily to advertise the candidacy.

27 (6) For the travel expenses of any person unless the
28 travel is necessary for fulfillment of political,
29 governmental, or public policy duties, activities, or
30 purposes.

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

1 (8) In payment for anything of value or for
2 reimbursement of any expenditure for which any person has
3 been reimbursed by the State or any person. For purposes of
4 this item (8), a per diem allowance is not a reimbursement.

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

22 (10) Directly for an individual's tuition or other
23 educational expenses, except for governmental or political
24 purposes directly related to a candidate's or public
25 official's duties and responsibilities.

26 (11) For payments to a public official or candidate or
27 his or her family member unless for compensation for
28 services actually rendered by that person. The provisions
29 of this item (11) do not apply to expenditures by a
30 political committee in an aggregate amount not exceeding
31 the amount of funds reported to and certified by the State
32 Board or county clerk as available as of June 30, 1998, in
33 the semi-annual report of contributions and expenditures
34 filed by the political committee for the period concluding
35 June 30, 1998.

36 (b) The Board shall have the authority to investigate, upon

1 receipt of a verified complaint, violations of the provisions
2 of this Section. The Board may levy a fine on any person who
3 knowingly makes expenditures in violation of this Section and
4 on any person who knowingly makes a malicious and false
5 accusation of a violation of this Section. The Board may act
6 under this subsection only upon the affirmative vote of at
7 least 5 of its members. The fine shall not exceed \$500 for each
8 expenditure of \$500 or less and shall not exceed the amount of
9 the expenditure plus \$500 for each expenditure greater than
10 \$500. The Board shall also have the authority to render rulings
11 and issue opinions relating to compliance with this Section.

12 (c) Nothing in this Section prohibits the expenditure of
13 funds of (i) a political committee controlled by an
14 officeholder or by a candidate or (ii) an organization subject
15 to Section 9-7.5 to defray the customary and reasonable
16 ~~ordinary and necessary~~ expenses of an officeholder in
17 connection with the performance of governmental and public
18 service functions ~~duties~~. ~~For the purposes of this subsection,~~
19 ~~"ordinary and necessary expenses" include, but are not limited~~
20 ~~to, expenses in relation to the operation of the district~~
21 ~~office of a member of the General Assembly.~~

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

23 Section 15. The Illinois Pension Code is amended by adding
24 Section 1-122 and changing Sections 14-103.05 and 18-127 as
25 follows:

26 (40 ILCS 5/1-122 new)

27 Sec. 1-122. Service with the Legislative Ethics Commission
28 or Office of the Legislative Inspector General.
29 Notwithstanding any provision in this Code to the contrary, if
30 a person serves as a part-time employee in any of the following
31 positions: Legislative Inspector General, Special Legislative
32 Inspector General, employee of the Office of the Legislative
33 Inspector General, Executive Director of the Legislative
34 Ethics Commission, or staff of the Legislative Ethics

1 Commission, then (A) no retirement annuity or other benefit of
2 that person under this Code is subject to forfeiture,
3 diminishment, suspension, or other impairment solely by virtue
4 of that service and (B) that person does not participate in any
5 pension fund or retirement system under this Code with respect
6 to that service, unless that person (i) is qualified to so
7 participate and (ii) affirmatively elects to so participate.
8 This Section applies without regard to whether the person is in
9 active service under the applicable Article of this Code on or
10 after the effective date of this amendatory Act of the 93rd
11 General Assembly. In this Section, a "part-time employee" is a
12 person who is not required to work at least 35 hours per week.

13 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

14 Sec. 14-103.05. Employee.

15 (a) Any person employed by a Department who receives salary
16 for personal services rendered to the Department on a warrant
17 issued pursuant to a payroll voucher certified by a Department
18 and drawn by the State Comptroller upon the State Treasurer,
19 including an elected official described in subparagraph (d) of
20 Section 14-104, shall become an employee for purpose of
21 membership in the Retirement System on the first day of such
22 employment.

23 A person entering service on or after January 1, 1972 and
24 prior to January 1, 1984 shall become a member as a condition
25 of employment and shall begin making contributions as of the
26 first day of employment.

27 A person entering service on or after January 1, 1984
28 shall, upon completion of 6 months of continuous service which
29 is not interrupted by a break of more than 2 months, become a
30 member as a condition of employment. Contributions shall begin
31 the first of the month after completion of the qualifying
32 period.

33 The qualifying period of 6 months of service is not
34 applicable to: (1) a person who has been granted credit for
35 service in a position covered by the State Universities

1 Retirement System, the Teachers' Retirement System of the State
2 of Illinois, the General Assembly Retirement System, or the
3 Judges Retirement System of Illinois unless that service has
4 been forfeited under the laws of those systems; (2) a person
5 entering service on or after July 1, 1991 in a noncovered
6 position; or (3) a person to whom Section 14-108.2a or
7 14-108.2b applies.

8 (b) The term "employee" does not include the following:

9 (1) members of the State Legislature, and persons
10 electing to become members of the General Assembly
11 Retirement System pursuant to Section 2-105;

12 (2) incumbents of offices normally filled by vote of
13 the people;

14 (3) except as otherwise provided in this Section, any
15 person appointed by the Governor with the advice and
16 consent of the Senate unless that person elects to
17 participate in this System;

18 (3.1) any person serving as a commissioner of an ethics
19 commission created under the State Officials and Employees
20 Ethics Act unless that person elects to participate in this
21 system with respect to that service as a commissioner;

22 (3.2) any person serving as a part-time employee in any
23 of the following positions: Legislative Inspector General,
24 Special Legislative Inspector General, employee of the
25 Office of the Legislative Inspector General, Executive
26 Director of the Legislative Ethics Commission, or staff of
27 the Legislative Ethics Commission, regardless of whether
28 he or she is in active service on or after the effective
29 date of this amendatory Act of the 93rd General Assembly,
30 unless that person elects to participate in this System
31 with respect to that service; in this item (3.2), a
32 "part-time employee" is a person who is not required to
33 work at least 35 hours per week;

34 (4) except as provided in Section 14-108.2 or
35 14-108.2c, any person who is covered or eligible to be
36 covered by the Teachers' Retirement System of the State of

1 Illinois, the State Universities Retirement System, or the
2 Judges Retirement System of Illinois;

3 (5) an employee of a municipality or any other
4 political subdivision of the State;

5 (6) any person who becomes an employee after June 30,
6 1979 as a public service employment program participant
7 under the Federal Comprehensive Employment and Training
8 Act and whose wages or fringe benefits are paid in whole or
9 in part by funds provided under such Act;

10 (7) enrollees of the Illinois Young Adult Conservation
11 Corps program, administered by the Department of Natural
12 Resources, authorized grantee pursuant to Title VIII of the
13 "Comprehensive Employment and Training Act of 1973", 29 USC
14 993, as now or hereafter amended;

15 (8) enrollees and temporary staff of programs
16 administered by the Department of Natural Resources under
17 the Youth Conservation Corps Act of 1970;

18 (9) any person who is a member of any professional
19 licensing or disciplinary board created under an Act
20 administered by the Department of Professional Regulation
21 or a successor agency or created or re-created after the
22 effective date of this amendatory Act of 1997, and who
23 receives per diem compensation rather than a salary,
24 notwithstanding that such per diem compensation is paid by
25 warrant issued pursuant to a payroll voucher; such persons
26 have never been included in the membership of this System,
27 and this amendatory Act of 1987 (P.A. 84-1472) is not
28 intended to effect any change in the status of such
29 persons;

30 (10) any person who is a member of the Illinois Health
31 Care Cost Containment Council, and receives per diem
32 compensation rather than a salary, notwithstanding that
33 such per diem compensation is paid by warrant issued
34 pursuant to a payroll voucher; such persons have never been
35 included in the membership of this System, and this
36 amendatory Act of 1987 is not intended to effect any change

1 in the status of such persons; or

2 (11) any person who is a member of the Oil and Gas
3 Board created by Section 1.2 of the Illinois Oil and Gas
4 Act, and receives per diem compensation rather than a
5 salary, notwithstanding that such per diem compensation is
6 paid by warrant issued pursuant to a payroll voucher.

7 (Source: P.A. 92-14, eff. 6-28-01.)

8 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

9 Sec. 18-127. Retirement annuity - suspension on
10 reemployment.

11 (a) A participant receiving a retirement annuity who is
12 regularly employed for compensation by an employer other than a
13 county, in any capacity, shall have his or her retirement
14 annuity payments suspended during such employment. Upon
15 termination of such employment, retirement annuity payments at
16 the previous rate shall be resumed.

17 If such a participant resumes service as a judge, he or she
18 shall receive credit for any additional service. Upon
19 subsequent retirement, his or her retirement annuity shall be
20 the amount previously granted, plus the amount earned by the
21 additional judicial service under the provisions in effect
22 during the period of such additional service. However, if the
23 participant was receiving the maximum rate of annuity at the
24 time of re-employment, he or she may elect, in a written
25 direction filed with the board, not to receive any additional
26 service credit during the period of re-employment. In such
27 case, contributions shall not be required during the period of
28 re-employment. Any such election shall be irrevocable.

29 (b) Beginning January 1, 1991, any participant receiving a
30 retirement annuity who accepts temporary employment from an
31 employer other than a county for a period not exceeding 75
32 working days in any calendar year shall not be deemed to be
33 regularly employed for compensation or to have resumed service
34 as a judge for the purposes of this Article. A day shall be
35 considered a working day if the annuitant performs on it any of

1 his duties under the temporary employment agreement.

2 (c) Except as provided in subsection (a), beginning January
3 1, 1993, retirement annuities shall not be subject to
4 suspension upon resumption of employment for an employer, and
5 any retirement annuity that is then so suspended shall be
6 reinstated on that date.

7 (d) The changes made in this Section by this amendatory Act
8 of 1993 shall apply to judges no longer in service on its
9 effective date, as well as to judges serving on or after that
10 date.

11 (e) A participant receiving a retirement annuity under this
12 Article who serves as a part-time employee in any of the
13 following positions: Legislative Inspector General, Special
14 Legislative Inspector General, employee of the Office of the
15 Legislative Inspector General, Executive Director of the
16 Legislative Ethics Commission, or staff of the Legislative
17 Ethics Commission, but has not elected to participate in the
18 Article 14 System with respect to that service, shall not be
19 deemed to be regularly employed for compensation by an employer
20 other than a county, nor to have resumed service as a judge, on
21 the basis of that service, and the retirement annuity payments
22 and other benefits of that person under this Code shall not be
23 suspended, diminished, or otherwise impaired solely as a
24 consequence of that service. This subsection (e) applies
25 without regard to whether the person is in service as a judge
26 under this Article on or after the effective date of this
27 amendatory Act of the 93rd General Assembly. In this
28 subsection, a "part-time employee" is a person who is not
29 required to work at least 35 hours per week.

30 (Source: P.A. 86-1488; 87-1265.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.