



Rep. Michael J. Madigan

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1 AMENDMENT TO SENATE BILL 1897

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1897 by replacing  
3 everything after the enacting clause with the following:

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

1 office, or who has been appointed to fill a vacancy in  
2 nomination, and who remains eligible for placement on the  
3 ballot at either a general primary election or general  
4 election.

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

8 "Commission" means an ethics commission created by this  
9 Act.

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

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

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

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

27 "Executive branch constitutional officer" means the  
28 Governor, Lieutenant Governor, Attorney General, Secretary of  
29 State, Comptroller, and Treasurer.

30 "Gift" means any gratuity, discount, entertainment,  
31 hospitality, loan, forbearance, or other tangible or  
32 intangible item having monetary value including, but not  
33 limited to, cash, food and drink, and honoraria for speaking  
34 engagements related to or attributable to government

1 employment or the official position of an employee, member, or  
2 officer.

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

5 "Leave of absence" means any period during which a State  
6 employee does not receive (i) compensation for State  
7 employment, (ii) service credit towards State pension  
8 benefits, and (iii) health insurance benefits paid for by the  
9 State.

10 "Legislative branch constitutional officer" means a member  
11 of the General Assembly and the Auditor General.

12 "Legislative leader" means the President and Minority  
13 Leader of the Senate and the Speaker and Minority Leader of the  
14 House of Representatives.

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

16 "Officer" means an executive branch constitutional officer  
17 or a legislative branch constitutional officer.

18 "Political" means any activity in support of or in  
19 connection with any campaign for elective office or any  
20 political organization, but does not include activities (i)  
21 relating to the support or opposition of any executive,  
22 legislative, or administrative action (as those terms are  
23 defined in Section 2 of the Lobbyist Registration Act), (ii)  
24 relating to collective bargaining, or (iii) that are otherwise  
25 in furtherance of the person's official State duties or  
26 governmental and public service functions.

27 "Political organization" means a party, committee,  
28 association, fund, or other organization (whether or not  
29 incorporated) that is required to file a statement of  
30 organization with the State Board of Elections or a county  
31 clerk under Section 9-3 of the Election Code, but only with  
32 regard to those activities that require filing with the State  
33 Board of Elections or a county clerk.

34 "Prohibited political activity" means:

1           (1) Preparing for, organizing, or participating in any  
2 political meeting, political rally, political  
3 demonstration, or other political event.

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

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

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

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

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

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

28           (8) Initiating for circulation, preparing,  
29 circulating, reviewing, or filing any petition on behalf of  
30 a candidate for elective office or for or against any  
31 referendum question.

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

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

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

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

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

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

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

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

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

25           (2) does business or seeks to do business (i) with the  
26           member or officer or (ii) in the case of an employee, with  
27           the employee or with the member, officer, State agency, or  
28           other employee directing the employee;

29           (3) conducts activities regulated (i) by the member or  
30           officer or (ii) in the case of an employee, by the employee  
31           or by the member, officer, State agency, or other employee  
32           directing the employee;

33           (4) has interests that may be substantially affected by  
34           the performance or non-performance of the official duties

1 of the member, officer, or employee; or

2 (5) is registered or required to be registered with the  
3 Secretary of State under the Lobbyist Registration Act,  
4 except that an entity not otherwise a prohibited source  
5 does not become a prohibited source merely because a  
6 registered lobbyist is one of its members or serves on its  
7 board of directors.

8 "State agency" includes all officers, boards, commissions  
9 and agencies created by the Constitution, whether in the  
10 executive or legislative branch; all officers, departments,  
11 boards, commissions, agencies, institutions, authorities,  
12 public institutions of higher learning as defined in Section 2  
13 of the Higher Education Cooperation Act, and bodies politic and  
14 corporate of the State; and administrative units or corporate  
15 outgrowths of the State government which are created by or  
16 pursuant to statute, other than units of local government and  
17 their officers, school districts, and boards of election  
18 commissioners; and all administrative units and corporate  
19 outgrowths of the above and as may be created by executive  
20 order of the Governor. "State agency" includes the General  
21 Assembly, the Senate, the House of Representatives, the  
22 President and Minority Leader of the Senate, the Speaker and  
23 Minority Leader of the House of Representatives, the Senate  
24 Operations Commission, and the legislative support services  
25 agencies. "State agency" includes the Office of the Auditor  
26 General. "State agency" does not include the judicial branch.

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

28 "Ultimate jurisdictional authority" means the following:

29 (1) For members, legislative partisan staff, and  
30 legislative secretaries, the appropriate legislative  
31 leader: President of the Senate, Minority Leader of the  
32 Senate, Speaker of the House of Representatives, or  
33 Minority Leader of the House of Representatives.

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

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

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

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

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

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

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

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

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

24 (5 ILCS 430/5-20)

25 Sec. 5-20. Public service announcements; other promotional  
26 material.

27 (a) Beginning January 1, 2004, no public service  
28 announcement or advertisement that is on behalf of any State  
29 administered program and contains the proper name, image, or  
30 voice of any executive branch constitutional officer or member  
31 of the General Assembly shall be broadcast or aired on radio or  
32 television or printed in a commercial newspaper or a commercial  
33 magazine at any time.

1 (b) The proper name or image of any executive branch  
2 constitutional officer or member of the General Assembly may  
3 not appear on any (i) bumper stickers, (ii) commercial  
4 billboards, (iii) lapel pins or buttons, (iv) magnets, (v)  
5 stickers, and (vi) other similar promotional items, that are  
6 not in furtherance of the person's official State duties or  
7 governmental and public service functions, if designed, paid  
8 for, prepared, or distributed using public dollars. This  
9 subsection does not apply to stocks of items existing on the  
10 effective date of this amendatory Act of the 93rd General  
11 Assembly.

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

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

16 (5 ILCS 430/25-5)

17 Sec. 25-5. Legislative Ethics Commission.

18 (a) The Legislative Ethics Commission is created.

19 (b) The Legislative Ethics Commission shall consist of 8  
20 commissioners appointed 2 each by the President and Minority  
21 Leader of the Senate and the Speaker and Minority Leader of the  
22 House of Representatives.

23 The terms of the initial commissioners shall commence upon  
24 qualification. Each appointing authority shall designate one  
25 appointee who shall serve for a 2-year term running through  
26 June 30, 2005. Each appointing authority shall designate one  
27 appointee who shall serve for a 4-year term running through  
28 June 30, 2007. The initial appointments shall be made within 60  
29 days after the effective date of this Act.

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



1 terms.

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

5 Terms shall run regardless of whether the position is  
6 filled.

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

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

29 (e) The Legislative Ethics Commission must meet, either in  
30 person or by other technological means, monthly or as often as  
31 necessary. At the first meeting of the Legislative Ethics  
32 Commission, the commissioners shall choose from their number a  
33 chairperson and other officers that they deem appropriate. The  
34 terms of officers shall be for 2 years commencing July 1 and

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

8 (f) No commissioner, other than a commissioner who is a  
9 member of the General Assembly, or employee of the Legislative  
10 Ethics 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 office  
14 except for appointments on governmental advisory boards or  
15 study commissions or as otherwise expressly authorized by  
16 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 only  
22 for cause.

23 (h) The Legislative Ethics Commission shall appoint an  
24 Executive Director subject to the approval of at least 3 of the  
25 4 legislative leaders. The compensation of the Executive  
26 Director shall be as determined by the Commission or by the  
27 Compensation Review Board, whichever amount is higher. The  
28 Executive Director of the Legislative Ethics Commission may  
29 employ, subject to the approval of at least 3 of the 4  
30 legislative leaders, and determine the compensation of staff,  
31 as appropriations permit.

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

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

2           (a) The independent Office of the Legislative Inspector  
3 General is created. The Office shall be under the direction and  
4 supervision of the Legislative Inspector General and shall be a  
5 fully independent office with its own appropriation.

6           (b) The Legislative Inspector General shall be appointed  
7 without regard to political affiliation and solely on the basis  
8 of integrity and demonstrated ability. The Legislative Ethics  
9 Commission shall diligently search out qualified candidates  
10 for Legislative Inspector General and shall make  
11 recommendations to the General Assembly.

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

26           The Legislative Inspector General shall have the following  
27 qualifications:

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

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

32           (3) has 5 or more years of cumulative service (A) with  
33 a federal, State, or local law enforcement agency, at least  
34 2 years of which have been in a progressive investigatory

1 capacity; (B) as a federal, State, or local prosecutor; (C)  
2 as a senior manager or executive of a federal, State, or  
3 local agency; (D) as a member, an officer, or a State or  
4 federal judge; or (E) representing any combination of (A)  
5 through (D).

6 The Legislative Inspector General may not be a relative of  
7 a commissioner.

8 The term of the initial Legislative Inspector General shall  
9 commence upon qualification and shall run through June 30,  
10 2008.

11 After the initial term, the Legislative Inspector General  
12 shall serve for 5-year terms commencing on July 1 of the year  
13 of appointment and running through June 30 of the fifth  
14 following year. The Legislative Inspector General may be  
15 reappointed to one or more subsequent terms.

16 A vacancy occurring other than at the end of a term shall  
17 be filled in the same manner as an appointment only for the  
18 balance of the term of the Legislative Inspector General whose  
19 office is vacant.

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

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

27 The jurisdiction of each Legislative Inspector General is  
28 to investigate allegations of fraud, waste, abuse,  
29 mismanagement, misconduct, nonfeasance, misfeasance,  
30 malfeasance, or violations of this Act or violations of other  
31 related laws and rules.

32 (d) The compensation of the Legislative Inspector General  
33 shall be the greater of an amount (i) determined by the  
34 Commission or (ii) by joint resolution of the General Assembly

1 passed by a majority of members elected in each chamber.  
2 Subject to Section 25-45 of this Act, the Legislative Inspector  
3 General has full authority to organize the Office of the  
4 Legislative 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 Employment of staff is subject to the approval of at least 3 of  
8 the 4 legislative leaders.

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

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

13 (2) hold any other elected or appointed public office  
14 except for appointments on governmental advisory boards or  
15 study commissions or as otherwise expressly authorized by  
16 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 In this subsection an appointed public office means a  
22 position authorized by law that is filled by an appointing  
23 authority as provided by law and does not include employment by  
24 hiring in the ordinary course of business.

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

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

29 (2) hold any elected public office; or

30 (3) hold any appointed State, county, or local judicial  
31 office.

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

34 (f) The Commission may remove the Legislative Inspector

1 General only for cause. At the time of the removal, the  
2 Commission must report to the General Assembly the  
3 justification for the removal.

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

5 (5 ILCS 430/25-95)

6 Sec. 25-95. Exemptions.

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

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

26 (b) Any allegations and related documents submitted to the  
27 Legislative Inspector General and any pleadings and related  
28 documents brought before the Legislative Ethics Commission are  
29 exempt from the provisions of the Freedom of Information Act so  
30 long as the Legislative Ethics Commission does not make a  
31 finding of a violation of this Act. If the Legislative Ethics  
32 Commission finds that a violation has occurred, the entire  
33 record of proceedings before the Commission, the decision and

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

8 (c) Meetings of the Commission under Sections 25-5 and  
9 25-15 of this Act are exempt from the provisions of the Open  
10 Meetings Act.

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

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

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

23 (10 ILCS 5/9-8.10)

24 Sec. 9-8.10. Use of political committee and other reporting  
25 organization funds.

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

28 (1) In violation of any law of the United States or of  
29 this State.

30 (2) Clearly in excess of the fair market value of the  
31 services, materials, facilities, or other things of value  
32 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



1           this Article may be used to rent the clubs or facilities  
2           for a specific campaign-related event.

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

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

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

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

1 the semi-annual report of contributions and expenditures  
2 filed by the political committee for the period concluding  
3 June 30, 1998.

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

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

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

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

30 (40 ILCS 5/1-122 new)

31 Sec. 1-122. Service with the Legislative Ethics Commission  
32 or Office of the Legislative Inspector General.

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

19 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)  
20 Sec. 14-103.05. Employee.

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

29 A person entering service on or after January 1, 1972 and  
30 prior to January 1, 1984 shall become a member as a condition  
31 of employment and shall begin making contributions as of the  
32 first day of employment.

33 A person entering service on or after January 1, 1984

1 shall, upon completion of 6 months of continuous service which  
2 is not interrupted by a break of more than 2 months, become a  
3 member as a condition of employment. Contributions shall begin  
4 the first of the month after completion of the qualifying  
5 period.

6 The qualifying period of 6 months of service is not  
7 applicable to: (1) a person who has been granted credit for  
8 service in a position covered by the State Universities  
9 Retirement System, the Teachers' Retirement System of the State  
10 of Illinois, the General Assembly Retirement System, or the  
11 Judges Retirement System of Illinois unless that service has  
12 been forfeited under the laws of those systems; (2) a person  
13 entering service on or after July 1, 1991 in a noncovered  
14 position; or (3) a person to whom Section 14-108.2a or  
15 14-108.2b applies.

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

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

20 (2) incumbents of offices normally filled by vote of  
21 the people;

22 (3) except as otherwise provided in this Section, any  
23 person appointed by the Governor with the advice and  
24 consent of the Senate unless that person elects to  
25 participate in this System;

26 (3.1) any person serving as a commissioner of an ethics  
27 commission created under the State Officials and Employees  
28 Ethics Act unless that person elects to participate in this  
29 system with respect to that service as a commissioner;

30 (3.2) any person serving as a part-time employee in any  
31 of the following positions: Legislative Inspector General,  
32 Special Legislative Inspector General, employee of the  
33 Office of the Legislative Inspector General, Executive  
34 Director of the Legislative Ethics Commission, or staff of

1       the Legislative Ethics Commission, regardless of whether  
2       he or she is in active service on or after the effective  
3       date of this amendatory Act of the 93rd General Assembly,  
4       unless that person elects to participate in this System  
5       with respect to that service; in this item (3.2), a  
6       "part-time employee" is a person who is not required to  
7       work at least 35 hours per week;

8           (4) except as provided in Section 14-108.2 or  
9       14-108.2c, any person who is covered or eligible to be  
10      covered by the Teachers' Retirement System of the State of  
11      Illinois, the State Universities Retirement System, or the  
12      Judges Retirement System of Illinois;

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

15          (6) any person who becomes an employee after June 30,  
16      1979 as a public service employment program participant  
17      under the Federal Comprehensive Employment and Training  
18      Act and whose wages or fringe benefits are paid in whole or  
19      in part by funds provided under such Act;

20          (7) enrollees of the Illinois Young Adult Conservation  
21      Corps program, administered by the Department of Natural  
22      Resources, authorized grantee pursuant to Title VIII of the  
23      "Comprehensive Employment and Training Act of 1973", 29 USC  
24      993, as now or hereafter amended;

25          (8) enrollees and temporary staff of programs  
26      administered by the Department of Natural Resources under  
27      the Youth Conservation Corps Act of 1970;

28          (9) any person who is a member of any professional  
29      licensing or disciplinary board created under an Act  
30      administered by the Department of Professional Regulation  
31      or a successor agency or created or re-created after the  
32      effective date of this amendatory Act of 1997, and who  
33      receives per diem compensation rather than a salary,  
34      notwithstanding that such per diem compensation is paid by

1 warrant issued pursuant to a payroll voucher; such persons  
2 have never been included in the membership of this System,  
3 and this amendatory Act of 1987 (P.A. 84-1472) is not  
4 intended to effect any change in the status of such  
5 persons;

6 (10) any person who is a member of the Illinois Health  
7 Care Cost Containment Council, and receives per diem  
8 compensation rather than a salary, notwithstanding that  
9 such per diem compensation is paid by warrant issued  
10 pursuant to a payroll voucher; such persons have never been  
11 included in the membership of this System, and this  
12 amendatory Act of 1987 is not intended to effect any change  
13 in the status of such persons; or

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

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

20 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

21 Sec. 18-127. Retirement annuity - suspension on  
22 reemployment.

23 (a) A participant receiving a retirement annuity who is  
24 regularly employed for compensation by an employer other than a  
25 county, in any capacity, shall have his or her retirement  
26 annuity payments suspended during such employment. Upon  
27 termination of such employment, retirement annuity payments at  
28 the previous rate shall be resumed.

29 If such a participant resumes service as a judge, he or she  
30 shall receive credit for any additional service. Upon  
31 subsequent retirement, his or her retirement annuity shall be  
32 the amount previously granted, plus the amount earned by the  
33 additional judicial service under the provisions in effect

1 during the period of such additional service. However, if the  
2 participant was receiving the maximum rate of annuity at the  
3 time of re-employment, he or she may elect, in a written  
4 direction filed with the board, not to receive any additional  
5 service credit during the period of re-employment. In such  
6 case, contributions shall not be required during the period of  
7 re-employment. Any such election shall be irrevocable.

8 (b) Beginning January 1, 1991, any participant receiving a  
9 retirement annuity who accepts temporary employment from an  
10 employer other than a county for a period not exceeding 75  
11 working days in any calendar year shall not be deemed to be  
12 regularly employed for compensation or to have resumed service  
13 as a judge for the purposes of this Article. A day shall be  
14 considered a working day if the annuitant performs on it any of  
15 his duties under the temporary employment agreement.

16 (c) Except as provided in subsection (a), beginning January  
17 1, 1993, retirement annuities shall not be subject to  
18 suspension upon resumption of employment for an employer, and  
19 any retirement annuity that is then so suspended shall be  
20 reinstated on that date.

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

25 (e) A participant receiving a retirement annuity under this  
26 Article who serves as a part-time employee in any of the  
27 following positions: Legislative Inspector General, Special  
28 Legislative Inspector General, employee of the Office of the  
29 Legislative Inspector General, Executive Director of the  
30 Legislative Ethics Commission, or staff of the Legislative  
31 Ethics Commission, but has not elected to participate in the  
32 Article 14 System with respect to that service, shall not be  
33 deemed to be regularly employed for compensation by an employer  
34 other than a county, nor to have resumed service as a judge, on

1 the basis of that service, and the retirement annuity payments  
2 and other benefits of that person under this Code shall not be  
3 suspended, diminished, or otherwise impaired solely as a  
4 consequence of that service. This subsection (e) applies  
5 without regard to whether the person is in service as a judge  
6 under this Article on or after the effective date of this  
7 amendatory Act of the 93rd General Assembly. In this  
8 subsection, a "part-time employee" is a person who is not  
9 required to work at least 35 hours per week.

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

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law."