



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4320

Introduced 2/27/2009, by Rep. Constance A. Howard

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Governmental Ethics Act, the State Officials and Employees Ethics Act, the Governor's Office of Management and Budget Act, the Illinois Procurement Code, and the Illinois Grant Funds Recovery Act. Makes changes including, but not limited to: statements of economic interests; gifts to State officials and employees; prohibited sources of those gifts; offers and promises in exchange for campaign contributions; revolving door prohibitions; composition of the Executive Ethics Commission; initiation of complaints and investigations by the Executive Inspectors General; the Attorney General's authority to investigate and bring ethics complaints; summary ethics investigation reports; injunctive relief against ethics violations; administrative fines levied by ethics commissions; State contract subcontractors; State leases; and progress reports by State grant recipients and failure to file those reports. Effective immediately.

LRB096 11819 JAM 22664 b

1 AN ACT concerning ethics reform.

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

4 Section 5. The Illinois Governmental Ethics Act is amended  
5 by changing Sections 4A-102, 4A-103, and 4A-104 as follows:

6 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

7 Sec. 4A-102. The statement of economic interests required  
8 by this Article shall include the economic interests of the  
9 person making the statement as provided in this Section. The  
10 interest (if constructively controlled by the person making the  
11 statement) of a spouse or any other party, shall be considered  
12 to be the same as the interest of the person making the  
13 statement. Campaign receipts shall not be included in this  
14 statement.

15 (a) The following interests shall be listed by all persons  
16 required to file:

17 (1) The name, address and type of practice of any  
18 professional organization or individual professional  
19 practice in which the person making the statement was an  
20 officer, director, associate, partner or proprietor, or  
21 served in any advisory capacity, from which income in  
22 excess of \$1200 was derived during the preceding calendar  
23 year;

1           (2) The nature of professional services (other than  
2 services rendered to the unit or units of government in  
3 relation to which the person is required to file) and the  
4 nature of the entity to which they were rendered if fees  
5 exceeding \$5,000 were received during the preceding  
6 calendar year from the entity for professional services  
7 rendered by the person making the statement.

8           (3) The identity (including the address or legal  
9 description of real estate) of any capital asset from which  
10 a capital gain of \$5,000 or more was realized in the  
11 preceding calendar year.

12           (4) The name of any unit of government which has  
13 employed the person making the statement during the  
14 preceding calendar year other than the unit or units of  
15 government in relation to which the person is required to  
16 file.

17           (5) For each ~~The name of any entity from which a gift~~  
18 ~~or gifts, or honorarium or honoraria, valued singly or in~~  
19 ~~the aggregate in excess of \$500~~ received during the  
20 preceding calendar year: (i) the name of the entity from  
21 which it was received; and (ii) a description of each gift,  
22 its estimated dollar value, and the date it was received.  
23 The requirements of clause (ii) do not apply to any gift or  
24 honorarium provided by a person's father, mother, son,  
25 daughter, brother, sister, uncle, aunt, great aunt, great  
26 uncle, first cousin, nephew, niece, husband, wife,

1 grandfather, grandmother, grandson, granddaughter,  
2 father-in-law, mother-in-law, son-in-law, daughter-in-law,  
3 brother-in-law, sister-in-law, stepfather, stepmother,  
4 stepson, stepdaughter, stepbrother, stepsister, half  
5 brother, half sister, and including the father, mother,  
6 grandfather, or grandmother of the individual's spouse and  
7 the individual's fiance or fiancée. ~~was received during~~  
8 ~~the preceding calendar year.~~

9 (b) The following interests shall also be listed by persons  
10 listed in items (a) through (f) and item (l) of Section 4A-101:

11 (1) The name and instrument of ownership in any entity  
12 doing business in the State of Illinois, in which an  
13 ownership interest held by the person at the date of filing  
14 is in excess of \$5,000 fair market value or from which  
15 dividends of in excess of \$1,200 were derived during the  
16 preceding calendar year. (In the case of real estate,  
17 location thereof shall be listed by street address, or if  
18 none, then by legal description). No time or demand deposit  
19 in a financial institution, nor any debt instrument need be  
20 listed;

21 (2) Except for professional service entities, the name  
22 of any entity and any position held therein from which  
23 income of in excess of \$1,200 was derived during the  
24 preceding calendar year, if the entity does business in the  
25 State of Illinois. No time or demand deposit in a financial  
26 institution, nor any debt instrument need be listed.

1           (3) The identity of any compensated lobbyist with whom  
2           the person making the statement maintains a close economic  
3           association, including the name of the lobbyist and  
4           specifying the legislative matter or matters which are the  
5           object of the lobbying activity, and describing the general  
6           type of economic activity of the client or principal on  
7           whose behalf that person is lobbying.

8           (c) The following interests shall also be listed by persons  
9           listed in items (g), (h), and (i) of Section 4A-101:

10           (1) The name and instrument of ownership in any entity  
11           doing business with a unit of local government in relation  
12           to which the person is required to file if the ownership  
13           interest of the person filing is greater than \$5,000 fair  
14           market value as of the date of filing or if dividends in  
15           excess of \$1,200 were received from the entity during the  
16           preceding calendar year. (In the case of real estate,  
17           location thereof shall be listed by street address, or if  
18           none, then by legal description). No time or demand deposit  
19           in a financial institution, nor any debt instrument need be  
20           listed.

21           (2) Except for professional service entities, the name  
22           of any entity and any position held therein from which  
23           income in excess of \$1,200 was derived during the preceding  
24           calendar year if the entity does business with a unit of  
25           local government in relation to which the person is  
26           required to file. No time or demand deposit in a financial

1 institution, nor any debt instrument need be listed.

2 (3) The name of any entity and the nature of the  
3 governmental action requested by any entity which has  
4 applied to a unit of local government in relation to which  
5 the person must file for any license, franchise or permit  
6 for annexation, zoning or rezoning of real estate during  
7 the preceding calendar year if the ownership interest of  
8 the person filing is in excess of \$5,000 fair market value  
9 at the time of filing or if income or dividends in excess  
10 of \$1,200 were received by the person filing from the  
11 entity during the preceding calendar year.

12 (Source: P.A. 92-101, eff. 1-1-02; 93-617, eff. 12-9-03.)

13 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

14 Sec. 4A-103. The statement of economic interests required  
15 by this Article to be filed with the Secretary of State shall  
16 be filled in by typewriting or hand printing, shall be  
17 verified, dated, and signed by the person making the statement  
18 and shall contain substantially the following:

19 STATEMENT OF ECONOMIC INTEREST

20 (TYPE OR HAND PRINT)

21 .....

22 (name)

23 .....

24 (each office or position of employment for which this statement  
25 is filed)

1 .....  
2

(full mailing address)

3 GENERAL DIRECTIONS:

4 The interest (if constructively controlled by the person  
5 making the statement) of a spouse or any other party, shall be  
6 considered to be the same as the interest of the person making  
7 the statement.

8 Campaign receipts shall not be included in this statement.

9 If additional space is needed, please attach supplemental  
10 listing.

11 1. List the name and instrument of ownership in any entity  
12 doing business in the State of Illinois, in which the ownership  
13 interest held by the person at the date of filing is in excess  
14 of \$5,000 fair market value or from which dividends in excess  
15 of \$1,200 were derived during the preceding calendar year. (In  
16 the case of real estate, location thereof shall be listed by  
17 street address, or if none, then by legal description.) No time  
18 or demand deposit in a financial institution, nor any debt  
19 instrument need be listed.

20 Business Entity	Instrument of Ownership
21 .....	.....
22 .....	.....
23 .....	.....
24 .....	.....

25 2. List the name, address and type of practice of any  
26 professional organization in which the person making the

1 statement was an officer, director, associate, partner or  
 2 proprietor or served in any advisory capacity, from which  
 3 income in excess of \$1,200 was derived during the preceding  
 4 calendar year.

5	Name	Address	Type of Practice
6	.....	.....	.....
7	.....	.....	.....
8	.....	.....	.....

9 3. List the nature of professional services rendered (other  
 10 than to the State of Illinois) to each entity from which income  
 11 exceeding \$5,000 was received for professional services  
 12 rendered during the preceding calendar year by the person  
 13 making the statement.

14 .....

15 .....

16 4. List the identity (including the address or legal  
 17 description of real estate) of any capital asset from which a  
 18 capital gain of \$5,000 or more was realized during the  
 19 preceding calendar year.

20 .....

21 .....

22 5. List the identity of any compensated lobbyist with whom  
 23 the person making the statement maintains a close economic  
 24 association, including the name of the lobbyist and specifying  
 25 the legislative matter or matters which are the object of the  
 26 lobbying activity, and describing the general type of economic



1 activity of the client or principal on whose behalf that person  
2 is lobbying.

Lobbyist	Legislative Matter	Client or Principal
.....	.....	.....
.....	.....	.....

6 6. List the name of any entity doing business in the State  
7 of Illinois from which income in excess of \$1,200 was derived  
8 during the preceding calendar year other than for professional  
9 services and the title or description of any position held in  
10 that entity. (In the case of real estate, location thereof  
11 shall be listed by street address, or if none, then by legal  
12 description). No time or demand deposit in a financial  
13 institution nor any debt instrument need be listed.

Entity	Position Held
.....	.....
.....	.....
.....	.....

18 7. List the name of any unit of government which employed  
19 the person making the statement during the preceding calendar  
20 year other than the unit or units of government in relation to  
21 which the person is required to file.

.....
.....

24 8. For each gift or gifts, or honorarium or honoraria,  
25 valued singly or in the aggregate in excess of \$500 received  
26 during the preceding calendar year, list: (i) the name of the

1 entity from which it was received; and (ii) a description of  
 2 each gift, its estimated dollar value, and the date it was  
 3 received. Requirement (ii) does not apply to any gift or  
 4 honorarium provided by a person's father, mother, son,  
 5 daughter, brother, sister, uncle, aunt, great aunt, great  
 6 uncle, first cousin, nephew, niece, husband, wife,  
 7 grandfather, grandmother, grandson, granddaughter,  
 8 father-in-law, mother-in-law, son-in-law, daughter-in-law,  
 9 brother-in-law, sister-in-law, stepfather, stepmother,  
 10 stepson, stepdaughter, stepbrother, stepsister, half brother,  
 11 half sister, and including the father, mother, grandfather, or  
 12 grandmother of the individual's spouse and the individual's  
 13 fiance or fiancée. ~~List the name of any entity from which a~~  
 14 ~~gift or gifts, or honorarium or honoraria, valued singly or in~~  
 15 ~~the aggregate in excess of \$500, was received during the~~  
 16 ~~preceding calendar year.~~

17 .....

18 VERIFICATION:

19 "I declare that this statement of economic interests  
 20 (including any accompanying schedules and statements) has been  
 21 examined by me and to the best of my knowledge and belief is a  
 22 true, correct and complete statement of my economic interests  
 23 as required by the Illinois Governmental Ethics Act. I  
 24 understand that the penalty for willfully filing a false or  
 25 incomplete statement shall be a fine not to exceed \$1,000 or  
 26 imprisonment in a penal institution other than the penitentiary

1 not to exceed one year, or both fine and imprisonment."  
 2 .....  
 3 (date of filing) (signature of person making the statement)  
 4 (Source: P.A. 95-173, eff. 1-1-08.)

5 (5 ILCS 420/4A-104) (from Ch. 127, par. 604A-104)  
 6 Sec. 4A-104. The statement of economic interests required  
 7 by this Article to be filed with the county clerk shall be  
 8 filled in by typewriting or hand printing, shall be verified,  
 9 dated, and signed by the person making the statement and shall  
 10 contain substantially the following:

11 STATEMENT OF ECONOMIC INTERESTS

12 (TYPE OR HAND PRINT)

13 .....  
 14 (Name)  
 15 .....  
 16 (each office or position of employment for which this statement  
 17 is filed) .....  
 18 (full mailing address)

19 GENERAL DIRECTIONS:

20 The interest (if constructively controlled by the person  
 21 making the statement) of a spouse or any other party, shall be  
 22 considered to be the same as the interest of the person making  
 23 the statement.

24 Campaign receipts shall not be included in this statement.

25 If additional space is needed, please attach supplemental

1 listing.

2 1. List the name and instrument of ownership in any entity  
3 doing business with a unit of local government in relation to  
4 which the person is required to file, in which the ownership  
5 interest held by the person at the date of filing is in excess  
6 of \$5,000 fair market value or from which dividends in excess  
7 of \$1,200 were received during the preceding calendar year. (In  
8 the case of real estate, location thereof shall be listed by  
9 street address, or if none, then by legal description.) No time  
10 or demand deposit in a financial institution, nor any debt  
11 instrument shall be listed.

12	Business	Instrument of	Position of
13	Entity	Ownership	Management
14	.....	.....	.....
15	.....	.....	.....
16	.....	.....	.....

17 2. List the name, address and type of practice of any  
18 professional organization in which the person making the  
19 statement was an officer, director, associate, partner or  
20 proprietor, or served in any advisory capacity, from which  
21 income in excess of \$1,200 was derived during the preceding  
22 calendar year.

23	Name	Address	Type of Practice
24	.....	.....	.....
25	.....	.....	.....
26	.....	.....	.....

1           3. List the nature of professional services rendered (other  
 2 than to the unit or units of local government in relation to  
 3 which the person is required to file) to each entity from which  
 4 income exceeding \$5,000 was received for professional services  
 5 rendered during the preceding calendar year by the person  
 6 making the statement.

7           .....  
 8           .....

9           4. List the identity (including the address or legal  
 10 description of real estate) of any capital asset from which a  
 11 capital gain of \$5,000 or more was realized during the  
 12 preceding calendar year.

13           .....  
 14           .....  
 15           .....

16           5. List the name of any entity and the nature of the  
 17 governmental action requested by any entity which has applied  
 18 to a unit of local government in relation to which the person  
 19 must file for any license, franchise or permit for annexation,  
 20 zoning or rezoning of real estate during the preceding calendar  
 21 year if the ownership interest of the person filing is in  
 22 excess of \$5,000 fair market value at the time of filing or if  
 23 income or dividends in excess of \$1200 were received by the  
 24 person filing from the entity during the preceding calendar  
 25 year.

26           .....

1 .....

2 .....

3 6. List the name of any entity doing business with a unit  
4 of local government in relation to which the person is required  
5 to file from which income in excess of \$1,200 was derived  
6 during the preceding calendar year other than for professional  
7 services and the title or description of any position held in  
8 that entity. No time or demand deposit in a financial  
9 institution nor any debt instrument need be listed.

10 .....

11 .....

12 7. List the name of any unit of government which employed  
13 the person making the statement during the preceding calendar  
14 year other than the unit or units of government in relation to  
15 which the person is required to file.

16 .....

17 .....

18 8. For each gift or gifts, or honorarium or honoraria,  
19 valued singly or in the aggregate in excess of \$500 received  
20 during the preceding calendar year, list: (i) the name of the  
21 entity from which it was received; and (ii) a description of  
22 each gift, its estimated dollar value, and the date it was  
23 received. Requirement (ii) does not apply to any gift or  
24 honorarium provided by a person's father, mother, son,  
25 daughter, brother, sister, uncle, aunt, great aunt, great  
26 uncle, first cousin, nephew, niece, husband, wife,

1 grandfather, grandmother, grandson, granddaughter,  
 2 father-in-law, mother-in-law, son-in-law, daughter-in-law,  
 3 brother-in-law, sister-in-law, stepfather, stepmother,  
 4 stepson, stepdaughter, stepbrother, stepsister, half brother,  
 5 half sister, and including the father, mother, grandfather, or  
 6 grandmother of the individual's spouse and the individual's  
 7 fiance or fiancée. ~~List the name of any entity from which a~~  
 8 ~~gift or gifts, or honorarium or honoraria, valued singly or in~~  
 9 ~~the aggregate in excess of \$500, was received during the~~  
 10 ~~preceding calendar year.~~

11 .....

12 VERIFICATION:

13 "I declare that this statement of economic interests  
 14 (including any accompanying schedules and statements) has been  
 15 examined by me and to the best of my knowledge and belief is a  
 16 true, correct and complete statement of my economic interests  
 17 as required by the Illinois Governmental Ethics Act. I  
 18 understand that the penalty for willfully filing a false or  
 19 incomplete statement shall be a fine not to exceed \$1,000 or  
 20 imprisonment in a penal institution other than the penitentiary  
 21 not to exceed one year, or both fine and imprisonment."

22 .....

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

24 (Source: P.A. 95-173, eff. 1-1-08.)

25 Section 10. The State Officials and Employees Ethics Act is

1 amended by changing Sections 1-5, 5-30, 5-45, 10-15, 15-25,  
2 20-5, 20-10, 20-20, 20-21, 20-45, 20-50, 20-60, 20-65, 20-70,  
3 20-80, 20-85, 20-90, 20-95, and 50-5 and by adding Sections  
4 5-31, 20-20a, and 50-10 as follows:

5 (5 ILCS 430/1-5)

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

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

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

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



1 election.

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

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

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

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

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

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

24 "Employment benefits" include but are not limited to the  
25 following: modified compensation or benefit terms; compensated  
26 time off; or change of title, job duties, or location of office

1 or employment. An employment benefit may also include favorable  
2 treatment in determining whether to bring any disciplinary or  
3 similar action or favorable treatment during the course of any  
4 disciplinary or similar action or other performance review.

5 "Executive branch constitutional officer" means the  
6 Governor, Lieutenant Governor, Attorney General, Secretary of  
7 State, Comptroller, and Treasurer.

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

15 "Governmental entity" means a unit of local government  
16 (including a community college district) or a school district  
17 but not a State agency.

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

23 "Legislative branch constitutional officer" means a member  
24 of the General Assembly and the Auditor General.

25 "Legislative leader" means the President and Minority  
26 Leader of the Senate and the Speaker and Minority Leader of the

1 House of Representatives.

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

3 "Officer" means an executive branch constitutional officer  
4 or a legislative branch constitutional officer.

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

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

21 "Prohibited political activity" means:

22 (1) Preparing for, organizing, or participating in any  
23 political meeting, political rally, political  
24 demonstration, or other political event.

25 (2) Soliciting contributions, including but not  
26 limited to the purchase of, selling, distributing, or

1 receiving payment for tickets for any political  
2 fundraiser, political meeting, or other political event.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24           (1) is seeking official action (i) by the member or  
25 officer or (ii) in the case of an employee, by the employee  
26 or by the member, officer, State agency, or other employee

1 directing the employee;

2 (2) does business or seeks to do business (i) with the  
3 member or officer or (ii) in the case of an employee, with  
4 the employee or with the member, officer, State agency, or  
5 other employee directing the employee;

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

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

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

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

21 "State agency" includes all officers, boards, commissions  
22 and agencies created by the Constitution, whether in the  
23 executive or legislative branch; all officers, departments,  
24 boards, commissions, agencies, institutions, authorities,  
25 public institutions of higher learning as defined in Section 2  
26 of the Higher Education Cooperation Act (except community

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

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

16 "Ultimate jurisdictional authority" means the following:

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

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

25 (3) For State employees who are professional staff or  
26 employees of the House of Representatives and not covered

1 under item (1), the Speaker of the House of  
2 Representatives.

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

6 (5) For State employees of the Auditor General, the  
7 Auditor General.

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

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

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

20 (Source: P.A. 95-880, eff. 8-19-08.)

21 (5 ILCS 430/5-30)

22 Sec. 5-30. Prohibited offer or promise. An officer or  
23 employee of the executive or legislative branch or a candidate  
24 for an executive or legislative branch office may not provide,  
25 attempt to provide, offer, or promise, directly or indirectly,



1 anything of value related to State government, including but  
2 not limited to positions in State government, promotions, ~~or~~  
3 salary increases, other employment benefits, board or  
4 commission appointments, favorable treatment in any official  
5 or regulatory matter, the awarding of any public contract, or  
6 action or inaction on any legislative or regulatory matter, in  
7 consideration for a contribution to a political committee,  
8 political party, or other person or entity that has as one of  
9 its purposes the financial support of a candidate for elective  
10 office.

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

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

14 (5 ILCS 430/5-31 new)

15 Sec. 5-31. Duty to report. Any State employee who is  
16 requested or directed by an officer, member, or employee of the  
17 executive or legislative branch or a candidate for an executive  
18 or legislative branch office to engage in activity prohibited  
19 by Section 5-30 shall report such request or directive to the  
20 appropriate Inspector General. A State employee may also report  
21 such activity to an appropriate law enforcement agency.

22 (5 ILCS 430/5-45)

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

24 (a) No former officer, member, or State employee, or spouse

1 or immediate family member living with such person, shall,  
2 within a period of one year immediately after termination of  
3 State employment, knowingly accept employment or receive  
4 compensation or fees for services from a person or entity if  
5 the officer, member, or State employee, during the year  
6 immediately preceding termination of State employment,  
7 participated personally and substantially in the ~~decision to~~  
8 award of State contracts with a cumulative value of ~~over~~  
9 \$25,000 or more to the person or entity, or its parent or  
10 subsidiary.

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

22 (c) No spouse or immediate family member living with a  
23 currently serving officer, member, or State employee who, upon  
24 termination, would be subject to the restrictions contained in  
25 subsection (a) or (b) of this Section, shall knowingly accept  
26 employment or receive compensation or fees for services from a

1 person or entity, or its parent or subsidiary, if the covered  
2 person to whom he or she is related engaged in conduct  
3 described in subsection (a) or (b) with respect to that person  
4 or entity, or its parent or subsidiary, during the prior 12  
5 months. This subsection does not apply to employment or  
6 compensation or fees for services or relationships entered into  
7 prior to the effective date of this amendatory Act of the 96th  
8 General Assembly. The requirements of this Section may be  
9 waived (i) for the executive branch, in writing by the  
10 Executive Ethics Commission, (ii) for the legislative branch,  
11 in writing by the Legislative Ethics Commission, and (iii) for  
12 the Auditor General, in writing by the Auditor General. During  
13 the time period from the effective date of this amendatory Act  
14 of the 93rd General Assembly until the Executive Ethics  
15 Commission first meets, the requirements of this Section may be  
16 waived in writing by the appropriate ultimate jurisdictional  
17 authority. During the time period from the effective date of  
18 this amendatory Act of the 93rd General Assembly until the  
19 Legislative Ethics Commission first meets, the requirements of  
20 this Section may be waived in writing by the appropriate  
21 ultimate jurisdictional authority. The waiver shall be granted  
22 upon a showing that the prospective employment or relationship  
23 did not affect the decisions referred to in sections (a) and  
24 (b).

25 (d) Each of the officers, agencies, and entities referenced  
26 in Section 5-5(a) of this Act shall adopt a policy delineating

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

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

15 (f) The policies required under subsection (d) of this  
16 Section shall be adopted by the applicable entity within 6  
17 months after the effective date of this amendatory Act of the  
18 96th General Assembly.

19 (g) Each Inspector General shall have the authority to  
20 determine that additional State positions under his or her  
21 jurisdiction, not otherwise subject to the policies required by  
22 subsection (d) of this Section, are nonetheless subject to the  
23 notification requirement of subsection (i) below due to their  
24 involvement in the award of State contracts or in regulatory or  
25 licensing decisions.

26 (h) Each of the officers, agencies, and entities subject to

1 subsection (d) of this Section shall provide written  
2 notification in the following forms to all employees in  
3 positions subject to the policies required by subsection (d) or  
4 a determination made under subsection (g):

5 (1) upon hiring, promotion, or transfer into the  
6 relevant position; at the time the employee's duties are  
7 changed in such a way as to qualify that employee; or upon  
8 a determination made under subsection (g); and

9 (2) as part of the employee's ethics training provided  
10 pursuant to Section 5-10 of this Act.

11 (i) Any State employee in a position subject to the  
12 policies required by subsection (d) or to a determination under  
13 subsection (g), but who does not fall within the prohibition of  
14 subsection (l) below, who is offered non-State employment  
15 during State employment or within a period of one year  
16 immediately after termination of State employment shall, prior  
17 to accepting such non-State employment, notify the appropriate  
18 Inspector General. Such Inspector General shall make a  
19 determination as to whether the State employee is restricted  
20 from accepting such employment by subsections (a), (b), or (c).  
21 For purposes of this subsection, "appropriate Inspector  
22 General" means (i) for members and employees of the legislative  
23 branch, the Legislative Inspector General; (ii) for the Auditor  
24 General and employees of the Office of the Auditor General, the  
25 Inspector General provided for in Section 30-5 of this Act; and  
26 (iii) for executive branch officers and employees, the

1 Inspector General having jurisdiction over the officer or  
2 employee.

3 (j) A spouse of an employee in a position subject to the  
4 notification requirement in subsection (i) of this Section, or  
5 an immediate family member living with such an employee, shall  
6 also be subject to the notification requirement for the same  
7 period of time. Upon notification pursuant to this subsection,  
8 the appropriate Inspector General shall make a determination as  
9 to whether the spouse or immediate family member living with  
10 such employee is restricted from accepting employment by  
11 subsection (a), (b), or (c) above.

12 (k) An Inspector General's determination regarding  
13 restrictions under subsection (a), (b), or (c) may be appealed  
14 to the appropriate Ethics Commission. Notice of any  
15 determination of an inspector general and of any such appeal  
16 shall be given to the Attorney General. The standard of proof  
17 in all such determinations shall be by clear and convincing  
18 evidence. "Participated personally and substantially" may be  
19 further defined by rules adopted by the Executive Ethics  
20 Commission for the executive branch, the Legislative Ethics  
21 Commission for the legislative branch, and the Auditor General  
22 for the Auditor General and employees of the Office of the  
23 Auditor General.

24 (l) The following officers, members, or State employees, or  
25 a spouse or immediate family member living with such person,  
26 shall not, within a period of one year immediately after

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

12 (1) members or officers;

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

15 (3) persons whose appointment to office is subject to  
16 confirmation by the Senate;

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

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

23 (6) agency or office legal counsels;

24 (7) chiefs of staff, deputy chiefs of staff, associate  
25 chiefs of staff, assistant chiefs of staff, and deputy  
26 governors; and

1           (8) those who function as or who exercise similar  
2           authority within the government of this State to those  
3           enumerated in this subsection.

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

5           (5 ILCS 430/10-15)

6           Sec. 10-15. Gift ban; exceptions. The restriction in  
7           Section 10-10 does not apply to the following:

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

10          (2) Anything for which the officer, member, or State  
11          employee pays the market value.

12          (3) Any (i) contribution that is lawfully made under  
13          the Election Code or under this Act or (ii) activities  
14          associated with a fundraising event in support of a  
15          political organization or candidate.

16          (4) Educational materials and missions. This exception  
17          may be further defined by rules adopted by the appropriate  
18          ethics commission or by the Auditor General for the Auditor  
19          General and employees of the Office of the Auditor General.

20          (5) Travel expenses for a meeting to discuss State  
21          business. This exception may be further defined by rules  
22          adopted by the appropriate ethics commission or by the  
23          Auditor General for the Auditor General and employees of  
24          the Office of the Auditor General.

25          (6) A gift from a relative, meaning those people



1 related to the individual as father, mother, son, daughter,  
2 brother, sister, uncle, aunt, great aunt, great uncle,  
3 first cousin, nephew, niece, husband, wife, grandfather,  
4 grandmother, grandson, granddaughter, father-in-law,  
5 mother-in-law, son-in-law, daughter-in-law,  
6 brother-in-law, sister-in-law, stepfather, stepmother,  
7 stepson, stepdaughter, stepbrother, stepsister, half  
8 brother, half sister, and including the father, mother,  
9 grandfather, or grandmother of the individual's spouse and  
10 the individual's fiance or fiancée.

11 (7) Anything provided by an individual on the basis of  
12 a personal friendship unless the member, officer, or  
13 employee has reason to believe that, under the  
14 circumstances, the gift was provided because of the  
15 official position or employment of the member, officer, or  
16 employee and not because of the personal friendship.

17 In determining whether a gift is provided on the basis  
18 of personal friendship, the member, officer, or employee  
19 shall consider the circumstances under which the gift was  
20 offered, such as:

21 (i) the history of the relationship between the  
22 individual giving the gift and the recipient of the  
23 gift, including any previous exchange of gifts between  
24 those individuals;

25 (ii) whether to the actual knowledge of the member,  
26 officer, or employee the individual who gave the gift

1 personally paid for the gift or sought a tax deduction  
2 or business reimbursement for the gift; and

3 (iii) whether to the actual knowledge of the  
4 member, officer, or employee the individual who gave  
5 the gift also at the same time gave the same or similar  
6 gifts to other members, officers, or employees.

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

14 (8) ~~(9)~~ Food, refreshments, lodging, transportation,  
15 and other benefits resulting from the outside business or  
16 employment activities (or outside activities that are not  
17 connected to the duties of the officer, member, or employee  
18 as an office holder or employee) of the officer, member, or  
19 employee, or the spouse of the officer, member, or  
20 employee, if the benefits have not been offered or enhanced  
21 because of the official position or employment of the  
22 officer, member, or employee, and are customarily provided  
23 to others in similar circumstances.

24 (9) ~~(10)~~ Intra-governmental and inter-governmental  
25 gifts. For the purpose of this Act, "intra-governmental  
26 gift" means any gift given to a member, officer, or

1 employee of a State agency from another member, officer, or  
2 employee of the same State agency; and "inter-governmental  
3 gift" means any gift given to a member, officer, or  
4 employee of a State agency, by a member, officer, or  
5 employee of another State agency, of a federal agency, or  
6 of any governmental entity.

7 (10) ~~(11)~~ Bequests, inheritances, and other transfers  
8 at death.

9 (11) ~~(12)~~ Any item or items from any one prohibited  
10 source during any calendar year having a cumulative total  
11 value of less than \$25 ~~100~~.

12 Each of the exceptions listed in this Section is mutually  
13 exclusive and independent of one another, but exception 11 may  
14 not be applied to more than one member of the same immediate  
15 family (spouse and minor children living at home) during the  
16 same calendar year.

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

18 (5 ILCS 430/15-25)

19 Sec. 15-25. Remedies. The State employee may be awarded  
20 all remedies necessary to make the State employee whole and to  
21 prevent future violations of this Article. The circuit courts  
22 of this State shall have jurisdiction to hear cases brought  
23 under this Article. Remedies imposed by the court may include,  
24 but are not limited to, all of the following:

25 (1) reinstatement of the employee to either the same

1 position held before the retaliatory action or to an  
2 equivalent position;

3 (2) 2 times the amount of back pay;

4 (3) interest on the back pay;

5 (4) the reinstatement of full fringe benefits and  
6 seniority rights; and

7 (5) the payment of reasonable costs and attorneys'  
8 fees.

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

10 (5 ILCS 430/20-5)

11 Sec. 20-5. Executive Ethics Commission.

12 (a) The Executive Ethics Commission is created.

13 (b) The Executive Ethics Commission shall consist of 9  
14 commissioners. The Governor shall appoint 5 commissioners, and  
15 the Attorney General, Secretary of State, Comptroller, and  
16 Treasurer shall each appoint one commissioner; provided,  
17 however, that beginning July 1, 2011, the Executive Ethics  
18 Commission shall consist of 7 commissioners. The Governor shall  
19 appoint 3 commissioners, and the Attorney General, Secretary of  
20 State, Comptroller, and Treasurer shall each appoint one  
21 commissioner. The Governor shall appoint 2 commissioners to  
22 terms commencing July 1, 2011. The incumbent commissioners  
23 whose 4-year terms expire after June 30, 2011, shall continue  
24 to serve until the expiration of their terms of office.  
25 Appointments shall be made by and with the advice and consent

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

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

23 After the initial terms, commissioners shall serve for  
24 4-year terms commencing on July 1 of the year of appointment  
25 and running through June 30 of the fourth following year;  
26 provided, however, that beginning with the commissioners whose

1 appointments commence on July 1, 2011, commissioners shall be  
2 appointed for 6-year terms, commencing on July 1 of the year of  
3 appointment and running through June 30 of the sixth following  
4 year. Commissioners having served in excess of 5 years as  
5 members of the Commission shall be ineligible for  
6 reappointment. ~~may be reappointed to one or more subsequent~~  
7 ~~terms.~~

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

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

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

23 (d) The Executive Ethics Commission shall have  
24 jurisdiction over all officers and employees of State agencies  
25 other than the General Assembly, the Senate, the House of  
26 Representatives, the President and Minority Leader of the

1 Senate, the Speaker and Minority Leader of the House of  
2 Representatives, the Senate Operations Commission, the  
3 legislative support services agencies, and the Office of the  
4 Auditor General. The jurisdiction of the Commission is limited  
5 to matters arising under this Act, except with regard to  
6 oversight of investigations undertaken by the Executive  
7 Inspector General consistent with the broader authority set  
8 forth in Section 20-10 (c) of this Act.

9 (e) The Executive Ethics Commission must meet, either in  
10 person or by other technological means, at least monthly and as  
11 often as necessary. At the first meeting of the Executive  
12 Ethics Commission, the commissioners shall choose from their  
13 number a chairperson and other officers that they deem  
14 appropriate. The terms of officers shall be for 2 years  
15 commencing July 1 and running through June 30 of the second  
16 following year. Meetings shall be held at the call of the  
17 chairperson or any 3 commissioners. Official action by the  
18 Commission shall require the affirmative vote of 4 ~~5~~  
19 commissioners, and a quorum shall consist of 3 ~~5~~ commissioners.  
20 Commissioners shall receive compensation in an amount equal to  
21 the compensation of members of the State Board of Elections and  
22 may be reimbursed for their reasonable expenses actually  
23 incurred in the performance of their duties.

24 (f) No commissioner or employee of the Executive Ethics  
25 Commission may during his or her term of appointment or  
26 employment:

- 1           (1) become a candidate for any elective office;
- 2           (2) hold any other elected or appointed public office  
3           except for appointments on governmental advisory boards or  
4           study commissions or as otherwise expressly authorized by  
5           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          (g) An appointing authority may remove a commissioner only  
11          for cause.

12          (h) The Executive Ethics Commission shall appoint an  
13          Executive Director. The compensation of the Executive Director  
14          shall be as determined by the Commission or by the Compensation  
15          Review Board, whichever amount is higher. The Executive  
16          Director of the Executive Ethics Commission may employ and  
17          determine the compensation of staff, as appropriations permit.  
18          (Source: P.A. 93-617, eff. 12-9-03.)

19               (5 ILCS 430/20-10)

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

21               (a) Five independent Offices of the Executive Inspector  
22               General are created, one each for the Governor, the Attorney  
23               General, the Secretary of State, the Comptroller, and the  
24               Treasurer. Each Office shall be under the direction and  
25               supervision of an Executive Inspector General and shall be a



1 fully independent office with separate appropriations.

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

20 Nothing in this Article precludes the appointment by the  
21 Governor, Attorney General, Secretary of State, Comptroller,  
22 or Treasurer of any other inspector general required or  
23 permitted by law. The Governor, Attorney General, Secretary of  
24 State, Comptroller, and Treasurer each may appoint an existing  
25 inspector general as the Executive Inspector General required  
26 by this Article, provided that such an inspector general is not

1 prohibited by law, rule, jurisdiction, qualification, or  
2 interest from serving as the Executive Inspector General  
3 required by this Article. An appointing authority may not  
4 appoint a relative as an Executive Inspector General.

5 Each Executive Inspector General shall have the following  
6 qualifications:

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

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

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

19 The term of each initial Executive Inspector General shall  
20 commence upon qualification and shall run through June 30,  
21 2008. ~~The initial appointments shall be made within 60 days~~  
22 ~~after the effective date of this Act.~~

23 After the initial term, each Executive Inspector General  
24 shall serve for 5-year terms commencing on July 1 of the year  
25 of appointment and running through June 30 of the fifth  
26 following year. An Executive Inspector General may be

1 reappointed to one or more subsequent terms.

2 A vacancy 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 Executive Inspector General whose office is  
5 vacant.

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

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

1 and all officers and employees of, and vendors and others doing  
2 business with, executive branch State agencies under the  
3 jurisdiction of the Executive Ethics Commission and not within  
4 the jurisdiction of the Attorney General, the Secretary of  
5 State, the Comptroller, or the Treasurer.

6 The jurisdiction of each Executive Inspector General is to  
7 investigate allegations of fraud, waste, abuse, mismanagement,  
8 misconduct, nonfeasance, misfeasance, malfeasance, or  
9 violations of this Act or violations of other related laws and  
10 rules.

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

1 processing of budget submissions.

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

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

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

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

12 (4) actively participate in any campaign for any  
13 elective office.

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

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

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

22 (2) hold any elected public office; or

23 (3) hold any appointed State, county, or local judicial  
24 office.

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

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

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

7 (5 ILCS 430/20-20)

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

11 (1) To receive and investigate allegations of  
12 violations of this Act. The Executive Inspector General may  
13 initiate an investigation upon the receipt of ~~receive~~  
14 information from ~~through~~ the Office of any Executive  
15 Inspector General, ~~or through~~ or any  
16 other source. ~~An investigation may be conducted only in~~  
17 ~~response to information reported to the Executive~~  
18 ~~Inspector General as provided in this Section and not upon~~  
19 ~~his or her own prerogative.~~ Complaints ~~Allegations~~ may not  
20 be filed ~~made~~ anonymously. An investigation may not be  
21 initiated more than 3 years ~~one year~~ after the most recent  
22 act of the alleged violation or of a series of alleged  
23 violations except where there is reasonable cause to  
24 believe that fraudulent concealment has occurred. To  
25 constitute fraudulent concealment sufficient to toll this

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

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

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

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

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

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

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

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

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

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

7           (5 ILCS 430/20-20a new)

8           Sec. 20-20a. Attorney General investigatory authority. In  
9           addition to investigatory authority otherwise assigned by law,  
10           the Attorney General shall have the authority to investigate  
11           violations of this Act pursuant to notice received under  
12           Section 5-45(k) or Section 20-50(c) of this Act. The Attorney  
13           General shall have the discretion to determine the appropriate  
14           means of investigation as permitted by law, including (i) the  
15           request of information relating to an investigation from any  
16           person when the Attorney General deems that information  
17           necessary in conducting an investigation; and (ii) the issuance  
18           of subpoenas to compel the attendance of witnesses for the  
19           purposes of sworn testimony and production of documents and  
20           other items for inspection and copying and to make service of  
21           those subpoenas.

22           (5 ILCS 430/20-21)

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

24           (a) The Executive Ethics Commission, on its own initiative



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

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

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

25 (d) A special Executive Inspector General shall have the  
26 same powers and duties with respect to the purpose of his or

1 her appointment as an Executive Inspector General appointed  
2 under Section 20-10.

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

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

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

10 (5 ILCS 430/20-45)

11 Sec. 20-45. Standing; representation.

12 (a) With the exception of a person appealing an Inspector  
13 General's determination under Section 5-45(k) of this Act, only  
14 only an Executive Inspector General or the Attorney General may  
15 bring actions before the Executive Ethics Commission. The  
16 Attorney General may bring actions before the Executive Ethics  
17 Commission pursuant to notice received under Section 5-45(k) or  
18 Section 20-50(c) of this Act.

19 (b) The Attorney General shall represent an Executive  
20 Inspector General in all proceedings before the Commission.  
21 Whenever the Attorney General is sick or absent, or unable to  
22 attend, or is interested in any matter or proceeding under this  
23 Act, upon the filing of a petition under seal by any person  
24 with standing, the Supreme Court (or any other court of  
25 competent jurisdiction as designated and determined by rule of

1 the Supreme Court) may appoint some competent attorney to  
2 prosecute or defend that matter or proceeding, and the attorney  
3 so appointed shall have the same power and authority in  
4 relation to that matter or proceeding as the Attorney General  
5 would have had if present and attending to the same.

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

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

16 (5 ILCS 430/20-50)

17 Sec. 20-50. Investigation reports; complaint procedure.

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

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

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

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

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

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

15 If the summary report recommends corrective or  
16 disciplinary action as described in subsection (b)(3), the  
17 appropriate ultimate jurisdictional authority shall respond  
18 within 30 days, in writing to the Executive Inspector General  
19 and indicate what corrective or disciplinary action it has  
20 imposed. Within 30 days after receiving the response from the  
21 ultimate jurisdictional authority, the Executive Inspector  
22 General shall deliver to the Executive Ethics Commission a copy  
23 of the summary report and the response of the ultimate  
24 jurisdictional authority. The Executive Ethics Commission  
25 shall make public the summary report and the response of the  
26 ultimate jurisdictional authority, unless the Executive Ethics

1 Commission determines that the public interest in disclosure is  
2 outweighed by other factors, including the need for further  
3 investigation of the case or related cases, protecting the  
4 identity of witnesses, or fairness to the subject of the  
5 investigation. The Executive Ethics Commission may redact  
6 information in the summary report or response before making it  
7 public or issue a digest of the summary report and response  
8 without identifying information. In determining whether to  
9 make a summary report and response public in its entirety, in a  
10 redacted form, in a digest form, or not at all, the Executive  
11 Ethics Commission shall consider information provided by the  
12 appropriate Inspector General regarding the public interest in  
13 disclosure of the summary report and response and the factors  
14 which would outweigh the interest in public disclosure.

15 (c) Within ~~Not less than~~ 30 days after delivery of the  
16 summary report of an investigation under subsection (a), if the  
17 Executive Inspector General or any member of the Commission  
18 believes a complaint should be filed, he or she ~~desires to file~~  
19 ~~a petition for leave to file a complaint, the Executive~~  
20 ~~Inspector General~~ shall provide notice to ~~notify~~ the Commission  
21 and the Attorney General. After receiving the summary report,  
22 if the Commission believes a complaint should be filed, the  
23 Commission shall provide notice to the Attorney General. If,  
24 within 30 days after the delivery of such summary report, the  
25 Commission believes that additional investigation or  
26 enforcement is necessary, the Commission shall provide notice

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

22 (d) A copy of the complaint ~~petition~~ must be served on all  
23 respondents named in the complaint and on each respondent's  
24 ultimate jurisdictional authority in the same manner as process  
25 is served under the Code of Civil Procedure.

26 (e) A respondent may file objections to the ~~petition for~~

1 ~~leave to file a~~ complaint within 30 days after notice of the  
2 complaint ~~petition~~ has been served on the respondent.

3 (e-1) A reply in support of the complaint may be filed  
4 within 14 days after notice of the respondent's objections has  
5 been served on the petitioner.

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

21 (f-1) If the complaint is deemed to sufficiently allege a  
22 violation of this Act, the respondent may file an answer to the  
23 complaint within 30 days after receiving notice of the  
24 Commission's ruling.

25 (f-2) Within 7 days after the date for filing respondent's  
26 answer and if the Commission finds the complaint is sufficient,

1 the Commission shall notify the parties and shall set a hearing  
2 to be held within 60 days after filing of the respondent's  
3 answer, unless all of the parties consent to a later date.

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

9 (h) Within an appropriate time limit set by rules of the  
10 Executive Ethics Commission, the Commission shall ~~(i)~~ dismiss  
11 the complaint or shall (i) ~~(ii)~~ issue a recommendation of  
12 discipline to the respondent and the respondent's ultimate  
13 jurisdictional authority; (ii) issue injunctive relief as  
14 described in Section 50-10; (iii) impose an administrative fine  
15 as provided for in Section 50-5; or (iv) impose any combination  
16 of (i) through (iii). ~~or impose an administrative fine upon the~~  
17 ~~respondent, or both.~~

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

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

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

25 (l) When the Inspector General concludes that there is  
26 insufficient evidence that a violation has occurred, the



1 Inspector General shall close the investigation. For any  
2 investigation closed pursuant to this subsection, the  
3 Executive Ethics Commission has the discretion to request that  
4 the Inspector General deliver to the Commission a summary  
5 report of the investigation. The Commission also has the  
6 discretion to request that the Inspector General conduct  
7 further investigation of any matter closed pursuant to this  
8 subsection, or to refer the allegations to the Attorney General  
9 for further review. At the request of the subject of the  
10 investigation, the Inspector General shall provide a written  
11 statement to the subject of the investigation and to the  
12 Commission of the Inspector General's decision to close the  
13 investigation. Closure by the Inspector General does not bar  
14 the Inspector General from resuming the investigation, nor does  
15 such closure bar the Attorney General from investigating or  
16 filing a complaint, if circumstances warrant.

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

18 (5 ILCS 430/20-60)

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

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

1 (5 ILCS 430/20-65)

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

4 (a) Each Executive Inspector General shall file a monthly  
5 activity report with the Executive Ethics Commission that  
6 reflects activity during the previous month. The activity  
7 report shall be filed by the fifteenth day of the following  
8 month and shall disclose:

9 (1) The opening of any investigation during the  
10 preceding month, including the date it was opened, the  
11 affected office, agency or agencies, the investigation's  
12 unique tracking number, and a statement of the general  
13 nature of the allegation or allegations currently under  
14 investigation.

15 (2) The closing of any investigation during the  
16 preceding month, including the date it was closed, the  
17 affected office, agency or agencies, the investigation's  
18 unique tracking number, and a statement of the general  
19 nature of the allegations or allegations that formed the  
20 basis of the investigation.

21 (3) The status of any investigation that remained open  
22 at the end of the month, including the date it was opened,  
23 the affected office, agency or agencies, the  
24 investigation's unique tracking number, and a statement of  
25 the general nature of the investigation.

26 (b) If any investigation is not concluded within 6 months

1 after its initiation, the appropriate Executive Inspector  
2 General shall file a 6-month report with ~~notify~~ the Executive  
3 Ethics Commission. The 6-month report shall disclose: ~~and~~  
4 ~~appropriate ultimate jurisdictional authority of the general~~

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

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

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

13 (4) Whether the allegation has been referred to an  
14 appropriate law enforcement agency. If an Executive  
15 Inspector General has referred an allegation to a law  
16 enforcement agency and continues to work on the matter, the  
17 reporting requirement is suspended.

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

25 (6) Any other information deemed necessary by the  
26 Executive Ethics Commission in determining whether to

1           appoint a Special Inspector General.

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

3           (5 ILCS 430/20-70)

4           Sec. 20-70. Cooperation in investigations. It is the duty  
5 of every officer and employee under the jurisdiction of an  
6 Executive Inspector General, including any inspector general  
7 serving in any State agency under the jurisdiction of that  
8 Executive Inspector General, to cooperate with the Executive  
9 Inspector General and the Attorney General in any investigation  
10 undertaken pursuant to this Act. Failure to cooperate with an  
11 investigation of the Executive Inspector General or the  
12 Attorney General is grounds for disciplinary action, including  
13 dismissal. Nothing in this Section limits or alters a person's  
14 existing rights or protections under State or federal law.

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

16           (5 ILCS 430/20-80)

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

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

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

9 (5 ILCS 430/20-85)

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

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

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

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

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

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

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

5           (7) the number of allegations referred to any law  
6 enforcement agency, and the identity of the law enforcement  
7 agency to which those allegations were referred.

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

9           (5 ILCS 430/20-90)

10          Sec. 20-90. Confidentiality.

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

21          (b) Subject to the provisions of Section 20-50(c),  
22 commissioners, employees, and agents of the Executive Ethics  
23 Commission, the Executive Inspectors General, and employees  
24 and agents of each Office of an Executive Inspector General,  
25 the Attorney General, and the employees and agents of the

1 office of the Attorney General shall keep confidential and  
2 shall not disclose information exempted from disclosure under  
3 the Freedom of Information Act or by this Act.

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

5 (5 ILCS 430/20-95)

6 Sec. 20-95. 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 (b) Any allegations and related documents submitted to an  
11 Executive Inspector General and any pleadings and related  
12 documents brought before the Executive Ethics Commission are  
13 exempt from the provisions of the Freedom of Information Act so  
14 long as the Executive Ethics Commission does not make a finding  
15 of a violation of this Act. If the Executive Ethics Commission  
16 finds that a violation has occurred, the entire record of  
17 proceedings before the Commission, the decision and  
18 recommendation, and the mandatory report from the agency head  
19 or ultimate jurisdictional authority to the Executive Ethics  
20 Commission are not exempt from the provisions of the Freedom of  
21 Information Act but information contained therein that is  
22 otherwise exempt from the Freedom of Information Act must be  
23 redacted before disclosure as provided in Section 8 of the  
24 Freedom of Information Act.

25 (c) Meetings of the Commission under Sections 20-5 and

1 20-15 of this Act are exempt from the provisions of the Open  
2 Meetings Act.

3 (d) Unless otherwise provided in this Act, all  
4 investigatory files and reports of the Office of an Executive  
5 Inspector General, other than quarterly reports, are  
6 confidential, are exempt from disclosure under the Freedom of  
7 Information Act, and shall not be divulged to any person or  
8 agency, except as necessary (i) to the appropriate law  
9 enforcement authority ~~if the matter is referred pursuant to~~  
10 ~~this Act~~, (ii) to the ultimate jurisdictional authority, (iii)  
11 to the Executive Ethics Commission; ~~or~~ (iv) to another  
12 Inspector General appointed pursuant to this Act, or (v) to  
13 another appropriate entity that has authority to investigate  
14 the conduct alleged in the complaint.

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

16 (5 ILCS 430/50-5)

17 Sec. 50-5. Penalties.

18 (a) A person is guilty of a Class A misdemeanor if that  
19 person intentionally violates any provision of Section 5-15,  
20 ~~5-30~~, 5-40, or 5-45 or Article 15.

21 (a-1) For a violation of any Section of this Act, an ethics  
22 commission may levy an administrative fine up to \$20,000 or the  
23 estimated dollar value of the benefit obtained as a direct and  
24 indirect result of a violation of this Act, whichever is  
25 greater.



1       (a-2) Notwithstanding subsection (a-1), an ethics  
2 commission may levy an administrative fine for a violation of  
3 Section 5-45 of up to 3 times the total annual compensation  
4 that would have been obtained in violation of Section 5-45.

5       (b) A person who intentionally violates any provision of  
6 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business  
7 offense subject to a fine of at least \$1,001 and up to \$20,000  
8 ~~\$5,000~~.

9       (c) A person is guilty of a Class 4 felony if that person  
10 intentionally violates any provision of Section 5-30. A person  
11 convicted of violating Section 5-30 forfeits his or her office  
12 or employment.

13       (c-1) Notwithstanding subsection (a-1), an ethics  
14 commission may levy an administrative fine of up to 3 times the  
15 value of the cash or in-kind contribution to the political  
16 committee, political party, or other person or entity for a  
17 violation of Section 5-30.

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

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

26       (f) ~~(e)~~ An ethics commission may levy an administrative

1 fine of up to \$20,000 ~~\$5,000~~ against any person who violates  
2 this Act, who intentionally obstructs or interferes with an  
3 investigation conducted under this Act by an inspector general,  
4 or who intentionally makes a false, frivolous, or bad faith  
5 allegation.

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

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

13 (5 ILCS 430/50-10 new)

14 Sec. 50-10. Injunctive relief.

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

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

20 Section 15. The Governor's Office of Management and Budget  
21 Act is amended by changing Section 1 as follows:

22 (20 ILCS 3005/1) (from Ch. 127, par. 411)

23 Sec. 1. Definitions.

1 "Capital expenditure" means money spent for replacing,  
2 remodeling, expanding, or acquiring facilities, buildings or  
3 land owned directly by the State through any State department,  
4 authority, public corporation of the State, State college or  
5 university, or any other public agency created by the State,  
6 but not units of local government or school districts.

7 "Director" means the Director of the Governor's Office of  
8 Management and Budget.

9 "Office" means the Governor's Office of Management and  
10 Budget.

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

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

21 Section 20. The Illinois Procurement Code is amended by  
22 changing Sections 1-15.30, 50-5, 50-10, 50-10.5, 50-11, 50-12,  
23 50-13, 50-14, 50-14.5, 50-35, 50-60, 50-65, 50-70, and 53-10  
24 and by adding Sections 1-15.107, 20-120, and 50-2 as follows:

1 (30 ILCS 500/1-15.30)

2 Sec. 1-15.30. Contract. "Contract" means all types of State  
3 agreements, regardless of what they may be called, for the  
4 procurement, use, or disposal of supplies, services,  
5 professional or artistic services, or construction or for  
6 leases of real property, whether the State is lessor or lessee,  
7 or capital improvements, and including master contracts,  
8 contracts for financing through use of installment or  
9 lease-purchase arrangements, renegotiated contracts, and  
10 change orders.

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

12 (30 ILCS 500/1-15.107 new)

13 Sec. 1-15.107. Subcontract. "Subcontract" means a contract  
14 between a person and a person who has or is seeking a contract  
15 subject to this Code, pursuant to which the subcontractor  
16 provides to the contractor or another subcontractor some or all  
17 of the goods, services, property, remuneration, or other forms  
18 of consideration that are the subject of the primary contract  
19 and includes, among other things, subleases from a lessee of a  
20 State agency.

21 (30 ILCS 500/20-120 new)

22 Sec. 20-120. Subcontractors.

23 (a) Any contract granted under this Code that is of  
24 sufficient size that a written contract is required to be filed

1 under Section 20-80 of this Article shall state whether the  
2 services of a subcontractor will be used. The contract shall  
3 include the names and addresses of all subcontractors and the  
4 expected amount of money each will receive under the contract,  
5 and the contractor shall provide to the responsible chief  
6 procurement officer a copy of all subcontracts at or before the  
7 time of the execution of the contract.

8 (b) If at any time during the term of a contract, a  
9 contractor adds or changes any subcontractors, he or she shall  
10 promptly notify, in writing, the Department of Central  
11 Management Services, the Illinois Power Agency, or the higher  
12 education chief procurement officer, whichever is appropriate,  
13 and the responsible chief procurement officer, State  
14 purchasing officer, or their designee of the names and  
15 addresses and the expected amount of money each new or replaced  
16 subcontractor will receive. At the same time, the contractor  
17 shall provide to the responsible chief procurement officer a  
18 copy of the subcontract.

19 (c) In addition to any other requirements of this Code, a  
20 subcontract subject to this Section must include all of the  
21 subcontractor's certifications required by Article 50 of the  
22 Code.

23 (30 ILCS 500/50-2 new)

24 Sec. 50-2. Continuing disclosure; false certification.  
25 Every person that has entered into a multi-year contract and

1 every subcontractor with a multi-year subcontract shall  
2 certify, by July 1 of each fiscal year covered by the contract  
3 after the initial fiscal year, to the responsible chief  
4 procurement officer whether it continues to satisfy the  
5 requirements of this Article pertaining to eligibility for a  
6 contract award. If a contractor or subcontractor is not able to  
7 truthfully certify that it continues to meet all requirements,  
8 it shall provide with its certification a detailed explanation  
9 of the circumstances leading to the change in certification  
10 status. A contractor or subcontractor that makes a false  
11 statement material to any given certification required under  
12 this Article is, in addition to any other penalties or  
13 consequences prescribed by law, subject to liability under the  
14 Whistleblower Reward and Protection Act for submission of a  
15 false claim.

16 (30 ILCS 500/50-5)

17 Sec. 50-5. Bribery.

18 (a) Prohibition. No person or business shall be awarded a  
19 contract or subcontract under this Code who:

20 (1) has been convicted under the laws of Illinois or  
21 any other state of bribery or attempting to bribe an  
22 officer or employee of the State of Illinois or any other  
23 state in that officer's or employee's official capacity; or

24 (2) has made an admission of guilt of that conduct that  
25 is a matter of record but has not been prosecuted for that

1           conduct.

2           (b) Businesses. No business shall be barred from  
3           contracting with any unit of State or local government, or  
4           subcontracting under such a contract, as a result of a  
5           conviction under this Section of any employee or agent of the  
6           business if the employee or agent is no longer employed by the  
7           business and:

8                 (1) the business has been finally adjudicated not  
9                 guilty; or

10                (2) the business demonstrates to the governmental  
11                entity with which it seeks to contract or which is a  
12                signatory to the contract to which the subcontract relates,  
13                and that entity finds that the commission of the offense  
14                was not authorized, requested, commanded, or performed by a  
15                director, officer, or high managerial agent on behalf of  
16                the business as provided in paragraph (2) of subsection (a)  
17                of Section 5-4 of the Criminal Code of 1961.

18           (c) Conduct on behalf of business. For purposes of this  
19           Section, when an official, agent, or employee of a business  
20           committed the bribery or attempted bribery on behalf of the  
21           business and in accordance with the direction or authorization  
22           of a responsible official of the business, the business shall  
23           be chargeable with the conduct.

24           (d) Certification. Every bid submitted to and contract  
25           executed by the State and every subcontract subject to Section  
26           20-120 of this Code shall contain a certification by the

1 contractor or the subcontractor, respectively, that the  
2 contractor or subcontractor is not barred from being awarded a  
3 contract or subcontract under this Section and acknowledges  
4 that the contracting State agency may declare the related  
5 contract void if any certifications required by this Section  
6 are false. A contractor who makes a false statement, material  
7 to the certification, commits a Class 3 felony.

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

9 (30 ILCS 500/50-10)

10 Sec. 50-10. Felons.

11 (a) Unless otherwise provided, no person or business  
12 convicted of a felony shall do business with the State of  
13 Illinois or any State agency, or enter into a subcontract, from  
14 the date of conviction until 5 years after the date of  
15 completion of the sentence for that felony, unless no person  
16 held responsible by a prosecutorial office for the facts upon  
17 which the conviction was based continues to have any  
18 involvement with the business.

19 (b) Every bid submitted to and contract executed by the  
20 State and every subcontract subject to Section 20-120 of this  
21 Code shall contain a certification by the bidder or contractor  
22 or subcontractor, respectively, that the bidder, contractor,  
23 or subcontractor is not barred from being awarded a contract or  
24 subcontract under this Section and acknowledges that the  
25 contracting State agency may declare the related contract void



1 if any of the certifications required by this Section are  
2 false.

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

4 (30 ILCS 500/50-10.5)

5 Sec. 50-10.5. Prohibited bidders and contractors.

6 (a) Unless otherwise provided, no business shall bid or  
7 enter into a contract or subcontract under this Code ~~with the~~  
8 ~~State of Illinois or any State agency~~ if the business or any  
9 officer, director, partner, or other managerial agent of the  
10 business has been convicted of a felony under the  
11 Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under  
12 the Illinois Securities Law of 1953 for a period of 5 years  
13 from the date of conviction.

14 (b) Every bid submitted to and contract executed by the  
15 State and every subcontract subject to Section 20-120 of this  
16 Code shall contain a certification by the bidder, ~~or~~  
17 contractor, or subcontractor, respectively, that the bidder,  
18 contractor, or subcontractor is not barred from being awarded a  
19 contract or subcontract under this Section and ~~that the~~  
20 ~~contractor~~ acknowledges that the contracting State agency  
21 shall declare the related contract void if any of the  
22 certifications ~~certification~~ completed pursuant to this  
23 subsection (b) are ~~is~~ false.

24 (c) If a business is not a natural person, the prohibition  
25 in subsection (a) applies only if:

1           (1) the business itself is convicted of a felony  
2           referenced in subsection (a); or

3           (2) the business is ordered to pay punitive damages  
4           based on the conduct of any officer, director, partner, or  
5           other managerial agent who has been convicted of a felony  
6           referenced in subsection (a).

7           (d) A natural person who is convicted of a felony  
8           referenced in subsection (a) remains subject to Section 50-10.

9           (Source: P.A. 93-600, eff. 1-1-04.)

10           (30 ILCS 500/50-11)

11           Sec. 50-11. Debt delinquency.

12           (a) No person shall submit a bid for or enter into a  
13           contract or subcontract ~~with a State agency~~ under this Code if  
14           that person knows or should know that he or she or any  
15           affiliate is delinquent in the payment of any debt to the  
16           State, unless the person or affiliate has entered into a  
17           deferred payment plan to pay off the debt. For purposes of this  
18           Section, the phrase "delinquent in the payment of any debt"  
19           shall be determined by the Debt Collection Board. For purposes  
20           of this Section, the term "affiliate" means any entity that (1)  
21           directly, indirectly, or constructively controls another  
22           entity, (2) is directly, indirectly, or constructively  
23           controlled by another entity, or (3) is subject to the control  
24           of a common entity. For purposes of this subsection (a), a  
25           person controls an entity if the person owns, directly or

1 individually, more than 10% of the voting securities of that  
2 entity. As used in this subsection (a), the term "voting  
3 security" means a security that (1) confers upon the holder the  
4 right to vote for the election of members of the board of  
5 directors or similar governing body of the business or (2) is  
6 convertible into, or entitles the holder to receive upon its  
7 exercise, a security that confers such a right to vote. A  
8 general partnership interest is a voting security.

9 (b) Every bid submitted to and contract executed by the  
10 State and every subcontract subject to Section 20-120 of this  
11 Code shall contain a certification by the bidder, ~~or~~  
12 contractor, or subcontractor, respectively, that the  
13 contractor or the subcontractor and its affiliate is not barred  
14 from being awarded a contract or subcontract under this Section  
15 and ~~that the contractor~~ acknowledges that the contracting State  
16 agency may declare the related contract void if any of the  
17 certifications ~~certification~~ completed pursuant to this  
18 subsection (b) are ~~is~~ false.

19 (Source: P.A. 92-404, eff. 7-1-02; 93-25, eff. 6-20-03.)

20 (30 ILCS 500/50-12)

21 Sec. 50-12. Collection and remittance of Illinois Use Tax.

22 (a) No person shall enter into a contract with a State  
23 agency or enter into a subcontract under this Code unless the  
24 person and all affiliates of the person collect and remit  
25 Illinois Use Tax on all sales of tangible personal property

1 into the State of Illinois in accordance with the provisions of  
2 the Illinois Use Tax Act regardless of whether the person or  
3 affiliate is a "retailer maintaining a place of business within  
4 this State" as defined in Section 2 of the Use Tax Act. For  
5 purposes of this Section, the term "affiliate" means any entity  
6 that (1) directly, indirectly, or constructively controls  
7 another entity, (2) is directly, indirectly, or constructively  
8 controlled by another entity, or (3) is subject to the control  
9 of a common entity. For purposes of this subsection (a), an  
10 entity controls another entity if it owns, directly or  
11 individually, more than 10% of the voting securities of that  
12 entity. As used in this subsection (a), the term "voting  
13 security" means a security that (1) confers upon the holder the  
14 right to vote for the election of members of the board of  
15 directors or similar governing body of the business or (2) is  
16 convertible into, or entitles the holder to receive upon its  
17 exercise, a security that confers such a right to vote. A  
18 general partnership interest is a voting security.

19 (b) Every bid submitted and contract executed by the State  
20 and every subcontract subject to Section 20-120 of this Code  
21 shall contain a certification by the bidder, ~~or~~ contractor, or  
22 subcontractor, respectively, that the bidder, ~~or~~ contractor,   
23 or subcontractor is not barred from bidding for or entering  
24 into a contract under subsection (a) of this Section and ~~that~~  
25 ~~the bidder or contractor~~ acknowledges that the contracting  
26 State agency may declare the related contract void if any of

1 the certifications ~~certification~~ completed pursuant to this  
2 subsection (b) are ~~is~~ false.

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

4 (30 ILCS 500/50-13)

5 Sec. 50-13. Conflicts of interest.

6 (a) Prohibition. It is unlawful for any person holding an  
7 elective office in this State, holding a seat in the General  
8 Assembly, or appointed to or employed in any of the offices or  
9 agencies of State government and who receives compensation for  
10 such employment in excess of 60% of the salary of the Governor  
11 of the State of Illinois, or who is an officer or employee of  
12 the Capital Development Board or the Illinois Toll Highway  
13 Authority, or who is the spouse or minor child of any such  
14 person to have or acquire any contract or subcontract, or any  
15 direct pecuniary interest in any contract or subcontract,  
16 ~~therein~~, whether for stationery, printing, paper, or any  
17 services, materials, or supplies, that will be wholly or  
18 partially satisfied by the payment of funds appropriated by the  
19 General Assembly of the State of Illinois or in any contract or  
20 subcontract of the Capital Development Board or the Illinois  
21 Toll Highway Authority.

22 (b) Interests. It is unlawful for any firm, partnership,  
23 association, or corporation, in which any person listed in  
24 subsection (a) is entitled to receive (i) more than 7 1/2% of  
25 the total distributable income or (ii) an amount in excess of

1 the salary of the Governor, to have or acquire any such  
2 contract, subcontract, or direct pecuniary interest therein.

3 (c) Combined interests. It is unlawful for any firm,  
4 partnership, association, or corporation, in which any person  
5 listed in subsection (a) together with his or her spouse or  
6 minor children is entitled to receive (i) more than 15%, in the  
7 aggregate, of the total distributable income or (ii) an amount  
8 in excess of 2 times the salary of the Governor, to have or  
9 acquire any such contract, subcontract, or direct pecuniary  
10 interest therein.

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

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

18 (e) Prior interests. This Section does not affect the  
19 validity of any contract made between the State and an officer  
20 or employee of the State or member of the General Assembly, his  
21 or her spouse, minor child, or other immediate family member  
22 living in his or her residence or any combination of those  
23 persons, or any subcontract under such a contract, if that  
24 contract or subcontract was in existence before his or her  
25 election or employment as an officer, member, or employee. The  
26 contract or subcontract is voidable, however, if it cannot be

1 completed within 365 days after the officer, member, or  
2 employee takes office or is employed.

3 (f) Exceptions.

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

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

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

23 (4) Child and family services. This Section does not  
24 apply to payments made to a member of the General Assembly,  
25 a State officer or employee, his or her spouse or minor  
26 child acting as a foster parent, homemaker, advocate, or

1 volunteer for or in behalf of a child or family served by  
2 the Department of Children and Family Services.

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

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

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

14 (30 ILCS 500/50-14)

15 Sec. 50-14. Environmental Protection Act violations.

16 (a) Unless otherwise provided, no person or business found  
17 by a court or the Pollution Control Board to have committed a  
18 willful or knowing violation of the Environmental Protection  
19 Act shall do business with the State of Illinois or any State  
20 agency or enter into a subcontract that is subject to this Code  
21 from the date of the order containing the finding of violation  
22 until 5 years after that date, unless the person or business  
23 can show that no person involved in the violation continues to  
24 have any involvement with the business.

25 (b) A person or business otherwise barred from doing



1 business with the State of Illinois or any State agency or  
2 subcontracting under this Code by subsection (a) may be allowed  
3 to do business with the State of Illinois or any State agency  
4 if it is shown that there is no practicable alternative to the  
5 State to contracting with that person or business.

6 (c) Every bid submitted to and contract executed by the  
7 State and every subcontract subject to Section 20-120 of this  
8 Code shall contain a certification by the bidder, ~~or~~  
9 contractor, or subcontractor, respectively, that the bidder, ~~or~~  
10 ~~or~~ contractor, or subcontractor is not barred from being  
11 awarded a contract or subcontract under this Section and ~~that~~  
12 ~~the contractor~~ acknowledges that the contracting State agency  
13 may declare the related contract void if any of the  
14 certifications ~~certification~~ completed pursuant to this  
15 subsection (c) are ~~is~~ false.

16 (Source: P.A. 93-575, eff. 1-1-04; 93-826, eff. 7-28-04.)

17 (30 ILCS 500/50-14.5)

18 Sec. 50-14.5. Lead Poisoning Prevention Act violations.  
19 Owners of residential buildings who have committed a willful or  
20 knowing violation of the Lead Poisoning Prevention Act are  
21 prohibited from doing business with the State of Illinois or  
22 any State agency, or subcontracting under this Code, until the  
23 violation is mitigated.

24 (Source: P.A. 94-879, eff. 6-20-06.)

1 (30 ILCS 500/50-35)

2 Sec. 50-35. Disclosure and potential conflicts of  
3 interest.

4 (a) All offers from responsive bidders or offerors with an  
5 annual value of more than \$10,000, and all subcontracts, copies  
6 of which must be provided by Section 20-120 of this Code, shall  
7 be accompanied by disclosure of the financial interests of the  
8 contractor, bidder, ~~or~~ proposer, or subcontractor. The  
9 financial disclosure of each successful bidder or offeror and  
10 each subcontractor shall become part of the publicly available  
11 contract or procurement file maintained by the appropriate  
12 chief procurement officer.

13 (b) Disclosure by the responsive bidders or offerors or by  
14 subcontractors shall include any ownership or distributive  
15 income share that is in excess of 5%, or an amount greater than  
16 60% of the annual salary of the Governor, of the bidding entity  
17 or its parent entity, whichever is less, unless the contractor  
18 ~~or bidder,~~ or subcontractor (i) is a publicly traded entity  
19 subject to Federal 10K reporting, in which case it may submit  
20 its 10K disclosure in place of the prescribed disclosure, or  
21 (ii) is a privately held entity that is exempt from Federal 10k  
22 reporting but has more than 400 shareholders, in which case it  
23 may submit the information that Federal 10k reporting companies  
24 are required to report under 17 CFR 229.401 and list the names  
25 of any person or entity holding any ownership share that is in  
26 excess of 5% in place of the prescribed disclosure. The form of

1 disclosure shall be prescribed by the applicable chief  
2 procurement officer and must include at least the names,  
3 addresses, and dollar or proportionate share of ownership of  
4 each person identified in this Section, their instrument of  
5 ownership or beneficial relationship, and notice of any  
6 potential conflict of interest resulting from the current  
7 ownership or beneficial relationship of each person identified  
8 in this Section having in addition any of the following  
9 relationships:

10 (1) State employment, currently or in the previous 3  
11 years, including contractual employment of services.

12 (2) State employment of spouse, father, mother, son, or  
13 daughter, including contractual employment for services in  
14 the previous 2 years.

15 (3) Elective status; the holding of elective office of  
16 the State of Illinois, the government of the United States,  
17 any unit of local government authorized by the Constitution  
18 of the State of Illinois or the statutes of the State of  
19 Illinois currently or in the previous 3 years.

20 (4) Relationship to anyone holding elective office  
21 currently or in the previous 2 years; spouse, father,  
22 mother, son, or daughter.

23 (5) Appointive office; the holding of any appointive  
24 government office of the State of Illinois, the United  
25 States of America, or any unit of local government  
26 authorized by the Constitution of the State of Illinois or

1 the statutes of the State of Illinois, which office  
2 entitles the holder to compensation in excess of expenses  
3 incurred in the discharge of that office currently or in  
4 the previous 3 years.

5 (6) Relationship to anyone holding appointive office  
6 currently or in the previous 2 years; spouse, father,  
7 mother, son, or daughter.

8 (7) Employment, currently or in the previous 3 years,  
9 as or by any registered lobbyist of the State government.

10 (8) Relationship to anyone who is or was a registered  
11 lobbyist in the previous 2 years; spouse, father, mother,  
12 son, or daughter.

13 (9) Compensated employment, currently or in the  
14 previous 3 years, by any registered election or re-election  
15 committee registered with the Secretary of State or any  
16 county clerk in the State of Illinois, or any political  
17 action committee registered with either the Secretary of  
18 State or the Federal Board of Elections.

19 (10) Relationship to anyone; spouse, father, mother,  
20 son, or daughter; who is or was a compensated employee in  
21 the last 2 years of any registered election or re-election  
22 committee registered with the Secretary of State or any  
23 county clerk in the State of Illinois, or any political  
24 action committee registered with either the Secretary of  
25 State or the Federal Board of Elections.

26 (c) The disclosure in subsection (b) is not intended to

1 prohibit or prevent any contract. The disclosure is meant to  
2 fully and publicly disclose any potential conflict to the chief  
3 procurement officers, State purchasing officers, their  
4 designees, and executive officers so they may adequately  
5 discharge their duty to protect the State.

6 (d) In the case of any contract for personal services in  
7 excess of \$50,000; any contract competitively bid in excess of  
8 \$250,000; any other contract in excess of \$50,000; or any  
9 subcontract in excess of \$50,000; when a potential for a  
10 conflict of interest is identified, discovered, or reasonably  
11 suspected it shall be reviewed and commented on in writing by  
12 the Governor of the State of Illinois, or by an executive  
13 ethics board or commission he or she might designate. The  
14 comment shall be returned to the responsible chief procurement  
15 officer who must rule in writing whether to void or allow the  
16 contract, bid, offer, ~~or~~ proposal, or subcontract, weighing the  
17 best interest of the State of Illinois. The comment and  
18 determination shall become a publicly available part of the  
19 contract, bid, or proposal file.

20 (e) These thresholds and disclosure do not relieve the  
21 chief procurement officer, the State purchasing officer, or  
22 their designees from reasonable care and diligence for any  
23 contract, bid, offer, or proposal. The chief procurement  
24 officer, the State purchasing officer, or their designees shall  
25 be responsible for using any reasonably known and publicly  
26 available information to discover any undisclosed potential

1 conflict of interest and act to protect the best interest of  
2 the State of Illinois.

3 (f) Inadvertent or accidental failure to fully disclose  
4 shall render the contract, bid, proposal, subcontract, or  
5 relationship voidable by the chief procurement officer if he or  
6 she deems it in the best interest of the State of Illinois and,  
7 at his or her discretion, may be cause for barring from future  
8 contracts, bids, proposals, subcontracts, or relationships  
9 with the State for a period of up to 2 years.

10 (g) Intentional, willful, or material failure to disclose  
11 shall render the contract, bid, proposal, subcontract, or  
12 relationship voidable by the chief procurement officer if he or  
13 she deems it in the best interest of the State of Illinois and  
14 shall result in debarment from future contracts, bids,  
15 proposals, subcontract, or relationships for a period of not  
16 less than 2 years and not more than 10 years. Reinstatement  
17 after 2 years and before 10 years must be reviewed and  
18 commented on in writing by the Governor of the State of  
19 Illinois, or by an executive ethics board or commission he or  
20 she might designate. The comment shall be returned to the  
21 responsible chief procurement officer who must rule in writing  
22 whether and when to reinstate.

23 (h) In addition, all disclosures shall note any other  
24 current or pending contracts, subcontracts, proposals, leases,  
25 or other ongoing procurement relationships the bidding,  
26 proposing, ~~or~~ offering, or subcontracting entity has with any

1 other unit of State government and shall clearly identify the  
2 unit and the contract, proposal, lease, or other relationship.  
3 (Source: P.A. 95-331, eff. 8-21-07.)

4 (30 ILCS 500/50-60)

5 Sec. 50-60. Voidable contracts.

6 (a) If any contract is entered into or purchase or  
7 expenditure of funds is made in violation of this Code or any  
8 other law, the contract may be declared void by the chief  
9 procurement officer or may be ratified and affirmed, provided  
10 the chief procurement officer determines that ratification is  
11 in the best interests of the State. If the contract is ratified  
12 and affirmed, it shall be without prejudice to the State's  
13 rights to any appropriate damages.

14 (b) If, during the term of a contract, the contracting  
15 agency determines that the contractor is delinquent in the  
16 payment of debt as set forth in Section 50-11 of this Code, the  
17 State agency may declare the contract void if it determines  
18 that voiding the contract is in the best interests of the  
19 State. The Debt Collection Board shall adopt rules for the  
20 implementation of this subsection (b).

21 (c) If, during the term of a contract, the contracting  
22 agency determines that the contractor is in violation of  
23 Section 50-10.5 of this Code, the contracting agency shall  
24 declare the contract void.

25 (d) If, during the term of a contract, the contracting

1 agency learns from an annual certification or otherwise  
2 determines that the contractor no longer qualifies to enter  
3 into State contracts by reason of Section 50-5, 50-10, 50-12,  
4 50-14, or 50-14.5 of this Article, the contracting agency may  
5 declare the contract void if it determines that voiding the  
6 contract is in the best interests of the State.

7 (e) If, during the term of a contract, the contracting  
8 agency learns from an annual certification or otherwise  
9 determines that a subcontractor subject to Section 20-120 no  
10 longer qualifies to enter into State contracts by reason of  
11 Section 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-14, or 50-14.5  
12 of this Article, the contracting agency may declare the related  
13 contract void if it determines that voiding the contract is in  
14 the best interests of the State.

15 (Source: P.A. 92-404, eff. 7-1-02; 93-600, eff. 1-1-04.)

16 (30 ILCS 500/50-65)

17 Sec. 50-65. Suspension Contractor ~~suspension~~. Any  
18 contractor or subcontractor may be suspended for violation of  
19 this Code or for failure to conform to specifications or terms  
20 of delivery. Suspension shall be for cause and may be for a  
21 period of up to 10 years at the discretion of the applicable  
22 chief procurement officer. Contractors or subcontractors may  
23 be debarred in accordance with rules promulgated by the chief  
24 procurement officer or as otherwise provided by law.

25 (Source: P.A. 93-77, eff. 7-2-03.)



1 (30 ILCS 500/50-70)

2 Sec. 50-70. Additional provisions. This Code is subject to  
3 applicable provisions of the following Acts:

4 (1) Article 33E of the Criminal Code of 1961;

5 (2) the Illinois Human Rights Act;

6 (3) the Discriminatory Club Act;

7 (4) the Illinois Governmental Ethics Act;

8 (5) the State Prompt Payment Act;

9 (6) the Public Officer Prohibited Activities Act;

10 (7) the Drug Free Workplace Act;

11 (8) the Illinois Power Agency Act; ~~and~~

12 (9) the Employee Classification Act; and ~~and~~

13 (10) the State Officials and Employees Ethics Act.

14 (Source: P.A. 95-26, eff. 1-1-08; 95-481, eff. 8-28-07; 95-876,  
15 eff. 8-21-08.)

16 (30 ILCS 500/53-10)

17 Sec. 53-10. Concessions and leases of State property.

18 (a) Except for property under the jurisdiction of a public  
19 institution of higher education, concessions, including the  
20 assignment, license, sale, or transfer of interests in or  
21 rights to discoveries, inventions, patents, or copyrightable  
22 works, may be entered into by the State agency with  
23 jurisdiction over the property, whether tangible or  
24 intangible.

1 (b) Except for property under the jurisdiction of a public  
2 institution of higher education, all leases of State property  
3 and concessions shall be reduced to writing and shall be  
4 awarded under the provisions of Article 20, except that the  
5 contract shall be awarded to the highest and best bidder or  
6 offeror.

7 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

8 (30 ILCS 500/35-40 rep.)

9 Section 25. The Illinois Procurement Code is amended by  
10 repealing Section 35-40.

11 Section 30. The Illinois Grant Funds Recovery Act is  
12 amended by changing Section 4 and by adding Section 4.1 as  
13 follows:

14 (30 ILCS 705/4) (from Ch. 127, par. 2304)

15 Sec. 4. Grant Application and Agreement Requirements  
16 Requirement.

17 (a) Any person or organization, public or private, desiring  
18 to receive grant funds must submit a grant application to the  
19 appropriate grantor agency. Applications for grant funds shall  
20 be made on prescribed forms developed by the grantor agency,  
21 and shall include, without being limited to, the following  
22 provisions:

23 (1) the name, address, chief officers, and general

1 description of the applicant;

2 (2) a general description of the program, project, or  
3 use for which grant funding is requested;

4 (3) such plans, equipment lists, and other documents as  
5 may be required to show the type, structure, and general  
6 character of the program, project, or use for which grant  
7 funding is requested;

8 (4) cost estimates of developing, constructing,  
9 operating, or completing the program, project, or use for  
10 which grant funding is requested; and

11 (5) a program of proposed expenditures for the grant  
12 funds.

13 (b) Grant funds may not be used except pursuant to a  
14 written grant agreement, and any disbursement of grant funds  
15 without a grant agreement is void. At a minimum, a grant  
16 agreement must:

17 (1) ~~(a)~~ describe the purpose of the grant and be signed  
18 by the grantor agency making the grant and all grantees of  
19 the grant;

20 (2) ~~(b)~~ specify how payments shall be made, what  
21 constitutes permissible expenditure of the grant funds,  
22 and the financial controls applicable to the grant,  
23 including, for those grants in excess of \$25,000, the  
24 filing of quarterly reports describing the progress of the  
25 program, project, or use and the expenditure of the grant  
26 funds related thereto;

1           (3) ~~(e)~~ specify the period of time for which the grant  
2           is valid and, subject to the limitation of Section 5, the  
3           period of time during which grant funds may be expended by  
4           the grantee; ~~and~~

5           (4) contain a provision that any grantees receiving  
6           grant funds are required to permit the grantor agency, the  
7           Auditor General, or the Attorney General to inspect and  
8           audit any books, records, or papers related to the program,  
9           project, or use for which grant funds were provided;

10          (5) ~~(d)~~ contain a provision that all funds remaining at  
11          the end of the grant agreement or at the expiration of the  
12          period of time grant funds are available for expenditure or  
13          obligation by the grantee shall be returned to the State  
14          within 45 days ; and

15          (6) contain a provision in which the grantee certifies  
16          under oath that all information in the grant agreement is  
17          true and correct to the best of the grantee's knowledge,  
18          information, and belief; that the funds shall be used only  
19          for the purposes described in the grant agreement; and that  
20          the award of grant funds is conditioned upon such  
21          certification.

22          (Source: P.A. 83-640.)

23                 (30 ILCS 705/4.1 new)

24                 Sec. 4.1. Grant Fund Distribution Suspension. Grantor  
25                 agencies may withhold or suspend the distribution of grant

1 funds for failure to file required reports.

2 Section 99. Effective date. This Section and Sections 5,  
3 10, 15, 25, and 30 of this Act takes effect upon becoming law.  
4 Section 20 takes effect July 1, 2010.

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5 ILCS 420/4A-103 from Ch. 127, par. 604A-103

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5 ILCS 420/4A-104 from Ch. 127, par. 604A-104

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5 ILCS 430/1-5

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5 ILCS 430/5-30

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5 ILCS 430/5-31 new

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- 22 30 ILCS 705/4 from Ch. 127, par. 2304
- 23 30 ILCS 705/4.1 new