



Adopted in House Comm. on Jan 04, 2011

09600SB3965ham001

LRB096 24159 JDS 44677 a

1 AMENDMENT TO SENATE BILL 3965

2 AMENDMENT NO. _____. Amend Senate Bill 3965 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 1-5, 20-5, 20-10, 20-23, 20-90,
6 and 20-95 and by adding the heading of Article 75 and Sections
7 75-5 and 75-10 as follows:

8 (5 ILCS 430/1-5)

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

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

13 "Board members of Regional Transit Boards" means any person
14 appointed to serve on the governing board of a Regional Transit
15 Board.

16 "Campaign for elective office" means any activity in

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

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

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

20 "Commission" means an ethics commission created by this
21 Act.

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

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

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

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

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

24 "Executive branch constitutional officer" means the
25 Governor, Lieutenant Governor, Attorney General, Secretary of
26 State, Comptroller, and Treasurer.

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

8 "Governmental entity" means a unit of local government
9 (including a community college district) or a school district
10 but not a State agency or a Regional Transit Board.

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

16 "Legislative branch constitutional officer" means a member
17 of the General Assembly and the Auditor General.

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

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

22 "Officer" means an executive branch constitutional officer
23 or a legislative branch constitutional officer.

24 "Political" means any activity in support of or in
25 connection with any campaign for elective office or any
26 political organization, but does not include activities (i)

1 relating to the support or opposition of any executive,
2 legislative, or administrative action (as those terms are
3 defined in Section 2 of the Lobbyist Registration Act), (ii)
4 relating to collective bargaining, or (iii) that are otherwise
5 in furtherance of the person's official State duties or
6 governmental and public service functions.

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

14 "Prohibited political activity" means:

15 (1) Preparing for, organizing, or participating in any
16 political meeting, political rally, political
17 demonstration, or other political event.

18 (2) Soliciting contributions, including but not
19 limited to the purchase of, selling, distributing, or
20 receiving payment for tickets for any political
21 fundraiser, political meeting, or other political event.

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

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

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

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

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

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

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

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

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

1 (11) Distributing, preparing for distribution, or
2 mailing campaign literature, campaign signs, or other
3 campaign material on behalf of any candidate for elective
4 office or for or against any referendum question.

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

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

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

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

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

17 (1) is seeking official action (i) by the member or
18 officer or (ii) in the case of an employee, by the employee
19 or by the member, officer, State agency, or other employee
20 directing the employee;

21 (2) does business or seeks to do business (i) with the
22 member or officer or (ii) in the case of an employee, with
23 the employee or with the member, officer, State agency, or
24 other employee directing the employee;

25 (3) conducts activities regulated (i) by the member or
26 officer or (ii) in the case of an employee, by the employee

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

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

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

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

14 "Regional Transit Boards" means (i) the Regional
15 Transportation Authority created by the Regional
16 Transportation Authority Act, (ii) the Suburban Bus Division
17 created by the Regional Transportation Authority Act, (iii) the
18 Commuter Rail Division created by the Regional Transportation
19 Authority Act, and (iv) the Chicago Transit Authority created
20 by the Metropolitan Transit Authority Act.

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 (9) For employees of Regional Transit Boards, the
21 appropriate Regional Transit Board.

22 (10) For board members of Regional Transit Boards, the
23 Governor.

24 (Source: P.A. 95-880, eff. 8-19-08; 96-6, eff. 4-3-09; 96-555,
25 eff. 8-18-09.)

1 (5 ILCS 430/20-5)

2 Sec. 20-5. Executive Ethics Commission.

3 (a) The Executive Ethics Commission is created.

4 (b) The Executive Ethics Commission shall consist of 9
5 commissioners. The Governor shall appoint 5 commissioners, and
6 the Attorney General, Secretary of State, Comptroller, and
7 Treasurer shall each appoint one commissioner. Appointments
8 shall be made by and with the advice and consent of the Senate
9 by three-fifths of the elected members concurring by record
10 vote. Any nomination not acted upon by the Senate within 60
11 session days of the receipt thereof shall be deemed to have
12 received the advice and consent of the Senate. If, during a
13 recess of the Senate, there is a vacancy in an office of
14 commissioner, the appointing authority shall make a temporary
15 appointment until the next meeting of the Senate when the
16 appointing authority shall make a nomination to fill that
17 office. No person rejected for an office of commissioner shall,
18 except by the Senate's request, be nominated again for that
19 office at the same session of the Senate or be appointed to
20 that office during a recess of that Senate. No more than 5
21 commissioners may be of the same political party.

22 The terms of the initial commissioners shall commence upon
23 qualification. Four initial appointees of the Governor, as
24 designated by the Governor, shall serve terms running through
25 June 30, 2007. One initial appointee of the Governor, as
26 designated by the Governor, and the initial appointees of the

1 Attorney General, Secretary of State, Comptroller, and
2 Treasurer shall serve terms running through June 30, 2008. The
3 initial appointments shall be made within 60 days after the
4 effective date of this Act.

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

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

13 Terms shall run regardless of whether the position is
14 filled.

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

25 (d) The Executive Ethics Commission shall have
26 jurisdiction over all officers and employees of State agencies

1 other than the General Assembly, the Senate, the House of
2 Representatives, the President and Minority Leader of the
3 Senate, the Speaker and Minority Leader of the House of
4 Representatives, the Senate Operations Commission, the
5 legislative support services agencies, and the Office of the
6 Auditor General. The Executive Ethics Commission shall have
7 jurisdiction over all board members and employees of Regional
8 Transit Boards. The jurisdiction of the Commission is limited
9 to matters arising under this Act, except as provided in
10 subsection (d-5).

11 A member or legislative branch State employee serving on an
12 executive branch board or commission remains subject to the
13 jurisdiction of the Legislative Ethics Commission and is not
14 subject to the jurisdiction of the Executive Ethics Commission.

15 (d-5) The Executive Ethics Commission shall have
16 jurisdiction over all chief procurement officers and
17 procurement compliance monitors and their respective staffs.
18 The Executive Ethics Commission shall have jurisdiction over
19 any matters arising under the Illinois Procurement Code if the
20 Commission is given explicit authority in that Code.

21 (e) The Executive Ethics Commission must meet, either in
22 person or by other technological means, at least monthly and as
23 often as necessary. At the first meeting of the Executive
24 Ethics Commission, the commissioners shall choose from their
25 number a chairperson and other officers that they deem
26 appropriate. The terms of officers shall be for 2 years

1 commencing July 1 and running through June 30 of the second
2 following year. Meetings shall be held at the call of the
3 chairperson or any 3 commissioners. Official action by the
4 Commission shall require the affirmative vote of 5
5 commissioners, and a quorum shall consist of 5 commissioners.
6 Commissioners shall receive compensation in an amount equal to
7 the compensation of members of the State Board of Elections and
8 may be reimbursed for their reasonable expenses actually
9 incurred in the performance of their duties.

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

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

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

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

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

23 (g) An appointing authority may remove a commissioner only
24 for cause.

25 (h) The Executive Ethics Commission shall appoint an
26 Executive Director. The compensation of the Executive Director

1 shall be as determined by the Commission. The Executive
2 Director of the Executive Ethics Commission may employ and
3 determine the compensation of staff, as appropriations permit.

4 (i) The Executive Ethics Commission shall appoint, by a
5 majority of the members appointed to the Commission, chief
6 procurement officers and procurement compliance monitors in
7 accordance with the provisions of the Illinois Procurement
8 Code. The compensation of a chief procurement officer and
9 procurement compliance monitor shall be determined by the
10 Commission.

11 (Source: P.A. 96-555, eff. 8-18-09.)

12 (5 ILCS 430/20-10)

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

14 (a) Five independent Offices of the Executive Inspector
15 General are created, one each for the Governor, the Attorney
16 General, the Secretary of State, the Comptroller, and the
17 Treasurer. Each Office shall be under the direction and
18 supervision of an Executive Inspector General and shall be a
19 fully independent office with separate appropriations.

20 (b) The Governor, Attorney General, Secretary of State,
21 Comptroller, and Treasurer shall each appoint an Executive
22 Inspector General, without regard to political affiliation and
23 solely on the basis of integrity and demonstrated ability.
24 Appointments shall be made by and with the advice and consent
25 of the Senate by three-fifths of the elected members concurring

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

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

24 Each Executive Inspector General shall have the following
25 qualifications:

26 (1) has not been convicted of any felony under the laws

1 of this State, another State, or the United States;

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

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

12 The term of each initial Executive Inspector General shall
13 commence upon qualification and shall run through June 30,
14 2008. The initial appointments shall be made within 60 days
15 after the effective date of this Act.

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

21 A vacancy occurring other than at the end of a term shall
22 be filled by the appointing authority only for the balance of
23 the term of the Executive Inspector General whose office is
24 vacant.

25 Terms shall run regardless of whether the position is
26 filled.

1 (c) The Executive Inspector General appointed by the
2 Attorney General shall have jurisdiction over the Attorney
3 General and all officers and employees of, and vendors and
4 others doing business with, State agencies within the
5 jurisdiction of the Attorney General. The Executive Inspector
6 General appointed by the Secretary of State shall have
7 jurisdiction over the Secretary of State and all officers and
8 employees of, and vendors and others doing business with, State
9 agencies within the jurisdiction of the Secretary of State. The
10 Executive Inspector General appointed by the Comptroller shall
11 have jurisdiction over the Comptroller and all officers and
12 employees of, and vendors and others doing business with, State
13 agencies within the jurisdiction of the Comptroller. The
14 Executive Inspector General appointed by the Treasurer shall
15 have jurisdiction over the Treasurer and all officers and
16 employees of, and vendors and others doing business with, State
17 agencies within the jurisdiction of the Treasurer. The
18 Executive Inspector General appointed by the Governor shall
19 have jurisdiction over (i) the Governor, (ii) the Lieutenant
20 Governor, (iii) ~~and~~ all officers and employees of, and vendors
21 and others doing business with, executive branch State agencies
22 under the jurisdiction of the Executive Ethics Commission and
23 not within the jurisdiction of the Attorney General, the
24 Secretary of State, the Comptroller, or the Treasurer, and (iv)
25 all board members and employees of the Regional Transit Boards
26 and all vendors and others doing business with the Regional

1 Transit Boards.

2 The jurisdiction of each Executive Inspector General is to
3 investigate allegations of fraud, waste, abuse, mismanagement,
4 misconduct, nonfeasance, misfeasance, malfeasance, or
5 violations of this Act or violations of other related laws and
6 rules.

7 (d) The compensation for each Executive Inspector General
8 shall be determined by the Executive Ethics Commission and
9 shall be made from appropriations made to the Comptroller for
10 this purpose. Subject to Section 20-45 of this Act, each
11 Executive Inspector General has full authority to organize his
12 or her Office of the Executive Inspector General, including the
13 employment and determination of the compensation of staff, such
14 as deputies, assistants, and other employees, as
15 appropriations permit. A separate appropriation shall be made
16 for each Office of Executive Inspector General.

17 (e) No Executive Inspector General or employee of the
18 Office of the Executive Inspector General may, during his or
19 her term of appointment or employment:

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

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

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

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

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

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

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

12 (2) hold any elected public office; or

13 (3) hold any appointed State, county, or local judicial
14 office.

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

17 (f) An Executive Inspector General may be removed only for
18 cause and may be removed only by the appointing constitutional
19 officer. At the time of the removal, the appointing
20 constitutional officer must report to the Executive Ethics
21 Commission the justification for the removal.

22 (Source: P.A. 96-555, eff. 8-18-09.)

23 (5 ILCS 430/20-23)

24 Sec. 20-23. Ethics Officers. Each officer and the head of
25 each State agency under the jurisdiction of the Executive

1 Ethics Commission shall designate an Ethics Officer for the
2 office or State agency. The board of each Regional Transit
3 Board shall designate an Ethics Officer. Ethics Officers shall:

4 (1) act as liaisons between the State agency or
5 Regional Transit Board and the appropriate Executive
6 Inspector General and between the State agency or Regional
7 Transit Board and the Executive Ethics Commission;

8 (2) review statements of economic interest and
9 disclosure forms of officers, senior employees, and
10 contract monitors before they are filed with the Secretary
11 of State; and

12 (3) provide guidance to officers and employees in the
13 interpretation and implementation of this Act, which the
14 officer or employee may in good faith rely upon. Such
15 guidance shall be based, wherever possible, upon legal
16 precedent in court decisions, opinions of the Attorney
17 General, and the findings and opinions of the Executive
18 Ethics Commission.

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

20 (5 ILCS 430/20-90)

21 Sec. 20-90. Confidentiality.

22 (a) The identity of any individual providing information or
23 reporting any possible or alleged misconduct to an Executive
24 Inspector General or the Executive Ethics Commission shall be
25 kept confidential and may not be disclosed without the consent

1 of that individual, unless the individual consents to
2 disclosure of his or her name or disclosure of the individual's
3 identity is otherwise required by law. The confidentiality
4 granted by this subsection does not preclude the disclosure of
5 the identity of a person in any capacity other than as the
6 source of an allegation.

7 (b) Subject to the provisions of Section 20-52,
8 commissioners, employees, and agents of the Executive Ethics
9 Commission, the Executive Inspectors General, and employees
10 and agents of each Office of an Executive Inspector General,
11 the Attorney General, and the employees and agents of the
12 office of the Attorney General shall keep confidential and
13 shall not disclose information exempted from disclosure under
14 the Freedom of Information Act or by this Act, provided the
15 identity of any individual providing information or reporting
16 any possible or alleged misconduct to the Executive Inspector
17 General for the Governor may be disclosed to an Inspector
18 General appointed or employed by a Regional Transit Board in
19 accordance with Section 75-10.

20 (Source: P.A. 96-555, eff. 8-18-09.)

21 (5 ILCS 430/20-95)

22 Sec. 20-95. Exemptions.

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

1 (b) Any allegations and related documents submitted to an
2 Executive Inspector General and any pleadings and related
3 documents brought before the Executive Ethics Commission are
4 exempt from the provisions of the Freedom of Information Act so
5 long as the Executive Ethics Commission does not make a finding
6 of a violation of this Act. If the Executive Ethics Commission
7 finds that a violation has occurred, the entire record of
8 proceedings before the Commission, the decision and
9 recommendation, and the response from the agency head or
10 ultimate jurisdictional authority to the Executive Ethics
11 Commission are not exempt from the provisions of the Freedom of
12 Information Act but information contained therein that is
13 otherwise exempt from the Freedom of Information Act must be
14 redacted before disclosure as provided in the Freedom of
15 Information Act. A summary report released by the Executive
16 Ethics Commission under Section 20-52 is a public record, but
17 information redacted by the Executive Ethics Commission shall
18 not be part of the public record.

19 (c) Meetings of the Commission are exempt from the
20 provisions of the Open Meetings Act.

21 (d) Unless otherwise provided in this Act, all
22 investigatory files and reports of the Office of an Executive
23 Inspector General, other than monthly reports required under
24 Section 20-85, are confidential, are exempt from disclosure
25 under the Freedom of Information Act, and shall not be divulged
26 to any person or agency, except as necessary (i) to a law

1 enforcement authority, (ii) to the ultimate jurisdictional
2 authority, (iii) to the Executive Ethics Commission, ~~or~~ (iv)
3 to another Inspector General appointed pursuant to this Act, or
4 (v) to an Inspector General appointed or employed by a Regional
5 Transit Board in accordance with Section 75-10.

6 (Source: P.A. 96-555, eff. 8-18-09.)

7 (5 ILCS 430/Art. 75 heading new)

8 ARTICLE 75. REGIONAL TRANSIT BOARDS

9 (5 ILCS 430/75-5 new)

10 Sec. 75-5. Application of the State Officials and Employees
11 Ethics Act to the Regional Transit Boards.

12 (a) Beginning July 1, 2011, the provisions of Articles 1,
13 5, 10, 20, and 50 of this Act, as well as this Article, shall
14 apply to the Regional Transit Boards. As used in Articles 1, 5,
15 10, 20, 50, and 75, (i) "appointee" and "officer" include a
16 person appointed to serve on the board of a Regional Transit
17 Board, and (ii) "employee" and "State employee" include a
18 full-time, part-time, or contractual employee of a Regional
19 Transit Board.

20 (b) The Executive Ethics Commission shall have
21 jurisdiction over all board members and employees of the
22 Regional Transit Boards. The Executive Inspector General
23 appointed by the Governor shall have jurisdiction over all
24 board members, employees, vendors, and others doing business

1 with the Regional Transit Boards to investigate allegations of
2 fraud, waste, abuse, mismanagement, misconduct, nonfeasance,
3 misfeasance, malfeasance, or violations of this Act.

4 (5 ILCS 430/75-10 new)

5 Sec. 75-10. Coordination between Executive Inspector
6 General and Inspectors General appointed by Regional Transit
7 Boards.

8 (a) Nothing in this amendatory Act of the 96th General
9 Assembly precludes a Regional Transit Board from appointing or
10 employing an Inspector General to serve under the jurisdiction
11 of a Regional Transit Board to receive complaints and conduct
12 investigations in accordance with an ordinance or resolution
13 adopted by that respective Board, provided he or she is
14 approved by the Executive Ethics Commission. A Regional Transit
15 Board shall notify the Executive Ethics Commission within 10
16 days after employing or appointing a person to serve as
17 Inspector General, and the Executive Ethics Commission shall
18 approve or reject the appointment or employment of the
19 Inspector General. Any notification not acted upon by the
20 Executive Ethics Commission within 60 days after its receipt
21 shall be deemed to have received the approval of the Executive
22 Ethics Commission. Within 30 days after the effective date of
23 this amendatory Act of the 96th General Assembly, a Regional
24 Transit Board shall notify the Executive Ethics Commission or
25 any person serving on the effective date of this amendatory Act

1 as an Inspector General for the Regional Transit Board, and the
2 Executive Ethics Commission shall approve or reject the
3 appointment or employment within 30 days after receipt of the
4 notification, provided that any notification not acted upon by
5 the Executive Ethics Commission within 30 days shall be deemed
6 to have received approval. No person rejected by the Executive
7 Ethics Commission shall serve as an Inspector General for a
8 Regional Transit Board for a term of 5 years after being
9 rejected by the Commission. For purposes of this subsection
10 (a), any person appointed or employed by a Transit Board to
11 receive complaints and investigate allegations of fraud,
12 waste, abuse, mismanagement, misconduct, nonfeasance,
13 misfeasance, malfeasance, or violations of this Act shall be
14 considered an Inspector General and shall be subject to
15 approval of the Executive Ethics Commission.

16 (b) The Executive Inspector General appointed by the
17 Governor shall have exclusive jurisdiction to investigate
18 complaints or allegations of violations of this Act and, in his
19 or her discretion, may investigate other complaints or
20 allegations. Complaints or allegations of a violation of this
21 Act received by an Inspector General appointed or employed by a
22 Regional Transit Board shall be immediately referred to the
23 Executive Inspector General. The Executive Inspector General
24 shall have authority to assume responsibility and investigate
25 any complaint or allegation received by an Inspector General
26 appointed or employed by a Regional Transit Board. In the event

1 the Executive Inspector General provides written notification
2 of intent to assume investigatory responsibility for a
3 complaint, allegation, or ongoing investigation, the Inspector
4 General appointed or employed by a Regional Transit Board shall
5 cease review of the complaint, allegation, or ongoing
6 investigation and provide all information to the Executive
7 Inspector General. The Executive Inspector General may
8 delegate responsibility for an investigation to the Inspector
9 General appointed or employed by a Regional Transit Board. In
10 the event the Executive Inspector General provides an Inspector
11 General appointed or employed by a Regional Transit Board with
12 written notification of intent to delegate investigatory
13 responsibility for a complaint, allegation, or ongoing
14 investigation, the Executive Inspector General shall provide
15 all information to the Inspector General appointed or employed
16 by a Regional Transit Board.

17 (c) An Inspector General appointed or employed by a
18 Regional Transit Board shall provide a monthly activity report
19 to the Executive Inspector General indicating:

20 (1) the total number of complaints or allegations
21 received since the date of the last report and a
22 description of each complaint;

23 (2) the number of investigations pending as of the
24 reporting date and the status of each investigation;

25 (3) the number of investigations concluded since the
26 date of the last report and the result of each

1 investigation;

2 (4) the number of investigations pending as of the
3 reporting date and the status of each investigation; and

4 (5) the status of any investigation delegated by the
5 Executive Inspector General.

6 An Inspector General appointed or employed by a Regional
7 Transit Board and the Executive Inspector General shall
8 cooperate and share resources or information as necessary to
9 implement the provisions of this Article.

10 (d) Reports filed under this Section are exempt from the
11 Freedom of Information Act and shall be deemed confidential.
12 Investigatory files and reports prepared by the Office of the
13 Executive Inspector General and the Office of an Inspector
14 General appointed or employed by a Regional Transit Board may
15 be disclosed between the Offices as necessary to implement the
16 provisions of this Article.

17 Section 10. The Metropolitan Transit Authority Act is
18 amended by changing Section 21 as follows:

19 (70 ILCS 3605/21) (from Ch. 111 2/3, par. 321)

20 Sec. 21. Members of the Board shall hold office until their
21 respective successors have been appointed and have qualified.
22 Any member may resign from his or her office, to take effect
23 when his or her successor has been appointed and has qualified.
24 The Governor and the Mayor, respectively, may remove any member

1 of the Board appointed by him or her in case of incompetency,
2 neglect of duty, or malfeasance in office. They may give him or
3 her a copy of the charges against him or her and an opportunity
4 to be publicly heard in person or by counsel in his or her own
5 defense upon not less than 10 ~~ten~~ days' notice. The Governor
6 may remove any member in response to a summary report received
7 from the Executive Inspector General in accordance with Section
8 20-50 of the State Officials and Employees Ethics Act, provided
9 he or she has an opportunity to be publicly heard in person or
10 by counsel prior to removal. In case of failure to qualify
11 within the time required, or of abandonment of his or her
12 office, or in case of death, conviction of a crime or removal
13 from office, his or her office shall become vacant. Each
14 vacancy shall be filled for the unexpired term by appointment
15 in like manner, and with like regard as to the place of
16 residence of the appointee, as in case of expiration of the
17 term of a member of the Board.

18 (Source: Laws 1945, p. 1171.)

19 Section 15. The Regional Transportation Authority Act is
20 amended by changing Sections 3.03, 3A.03, and 3B.03 as follows:

21 (70 ILCS 3615/3.03) (from Ch. 111 2/3, par. 703.03)

22 Sec. 3.03. Terms, vacancies. Each Director shall hold
23 office for a term of 5 years, and until his successor has been
24 appointed and has qualified. A vacancy shall occur upon

1 resignation, death, conviction of a felony, or removal from
2 office of a Director. Any Director may be removed from office
3 (i) upon concurrence of not less than 11 Directors, on a formal
4 finding of incompetence, neglect of duty, or malfeasance in
5 office or (ii) by the Governor in response to a summary report
6 received from the Executive Inspector General in accordance
7 with Section 20-50 of the State Officials and Employees Ethics
8 Act, provided he or she has an opportunity to be publicly heard
9 in person or by counsel prior to removal. Within 30 days after
10 the office of any member becomes vacant for any reason, the
11 appointing authorities of such member shall make an appointment
12 to fill the vacancy. A vacancy shall be filled for the
13 unexpired term.

14 Whenever a vacancy for a Director, except as to the
15 Chairman or those Directors appointed by the Mayor of the City
16 of Chicago, exists for longer than 4 months, the new Director
17 shall be chosen by election by all legislative members in the
18 General Assembly representing the affected area. In order to
19 qualify as a voting legislative member in this matter, the
20 affected area must be more than 50% of the geographic area of
21 the legislative district.

22 (Source: P.A. 95-708, eff. 1-18-08.)

23 (70 ILCS 3615/3A.03) (from Ch. 111 2/3, par. 703A.03)

24 Sec. 3A.03. Terms, Vacancies. The initial term of the
25 directors appointed pursuant to subdivision (a) of Section

1 3A.02 shall expire on June 30, 1985; the initial term of the
2 directors appointed pursuant to subdivisions (b) through (g) of
3 Section 3A.02 shall expire on June 30, 1986. Thereafter, each
4 director shall be appointed for a term of 4 years, and until
5 his successor has been appointed and qualified. A vacancy shall
6 occur upon the resignation, death, conviction of a felony, or
7 removal from office of a director. Any director may be removed
8 from office (i) upon the concurrence of not less than 8
9 directors, on a formal finding of incompetence, neglect of
10 duty, or malfeasance in office or (ii) by the Governor in
11 response to a summary report received from the Executive
12 Inspector General in accordance with Section 20-50 of the State
13 Officials and Employees Ethics Act, provided he or she has an
14 opportunity to be publicly heard in person or by counsel prior
15 to removal. Within 30 days after the office of any director
16 becomes vacant for any reason, the appointing authorities of
17 such director shall make an appointment to fill the vacancy. A
18 vacancy shall be filled for the unexpired term. The initial
19 directors other than the chairman shall be appointed within 180
20 days of November 9, 1983.

21 On June 1, 1984 the seat of any Director of the Suburban
22 Bus Board not yet filled shall be deemed vacant and shall be
23 chosen by the election of all the legislative members of the
24 General Assembly representing the affected area. In order to
25 qualify as a voting legislative member in this matter, the
26 affected area must be more than 50% of the geographic area of

1 the legislative district.

2 (Source: P.A. 83-1156.)

3 (70 ILCS 3615/3B.03) (from Ch. 111 2/3, par. 703B.03)

4 Sec. 3B.03. Terms, Vacancies. Each director shall be
5 appointed for a term of 4 years, and until his successor has
6 been appointed and qualified. A vacancy shall occur upon the
7 resignation, death, conviction of a felony, or removal from
8 office of a director. Any director may be removed from office
9 (i) upon the concurrence of not less than 8 directors, on a
10 formal finding of incompetence, neglect of duty, or malfeasance
11 in office or (ii) by the Governor in response to a summary
12 report received from the Executive Inspector General in
13 accordance with Section 20-50 of the State Officials and
14 Employees Ethics Act, provided he or she has an opportunity to
15 be publicly heard in person or by counsel prior to removal.

16 Within 30 days after the office of any director becomes vacant
17 for any reason, the appropriate appointing authorities of such
18 director, as provided in Section 3B.02, shall make an
19 appointment to fill the vacancy. A vacancy shall be filled for
20 the unexpired term.

21 (Source: P.A. 95-708, eff. 1-18-08.)

22 Section 99. Effective date. This Act takes effect July 1,
23 2011."