

1 AMENDMENT TO HOUSE BILL 201

2 AMENDMENT NO. _____. Amend House Bill 201 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 15 as follows:

6 (5 ILCS 315/15) (from Ch. 48, par. 1615)

7 Sec. 15. Act Takes Precedence.

8 (a) In case of any conflict between the provisions of
9 this Act and any other law, executive order or administrative
10 regulation relating to wages, hours and conditions of
11 employment and employment relations, the provisions of this
12 Act or any collective bargaining agreement negotiated
13 thereunder shall prevail and control. Nothing in this Act
14 shall be construed to replace or diminish the rights of
15 employees established by Sections 28 and 28a of the
16 Metropolitan Transit Authority Act or Sections 2.15 through
17 2.19 of the Regional Transportation Authority Act. Nothing in
18 this Act shall affect the provisions of Section 14 of the
19 Secretary of State Act.

20 (b) Except as provided in subsection (a) above, any
21 collective bargaining contract between a public employer and
22 a labor organization executed pursuant to this Act shall

1 supersede any contrary statutes, charters, ordinances, rules
2 or regulations relating to wages, hours and conditions of
3 employment and employment relations adopted by the public
4 employer or its agents. Any collective bargaining agreement
5 entered into prior to the effective date of this Act shall
6 remain in full force during its duration.

7 (c) It is the public policy of this State, pursuant to
8 paragraphs (h) and (i) of Section 6 of Article VII of the
9 Illinois Constitution, that the provisions of this Act are
10 the exclusive exercise by the State of powers and functions
11 which might otherwise be exercised by home rule units. Such
12 powers and functions may not be exercised concurrently,
13 either directly or indirectly, by any unit of local
14 government, including any home rule unit, except as otherwise
15 authorized by this Act.

16 (Source: P.A. 83-1012.)

17 Section 10. The Secretary of State Act is amended by
18 adding Section 14 as follows:

19 (15 ILCS 305/14 new)

20 Sec. 14. Inspector General.

21 (a) The Secretary of State must, with the advice and
22 consent of the Senate, appoint an Inspector General for the
23 purpose of detection, deterrence, and prevention of fraud,
24 waste, mismanagement, misconduct, and other abuses in the
25 Office of the Secretary of State. The Inspector General
26 shall serve a 2-year term. If no successor is appointed and
27 qualified upon the expiration of the Inspector General's
28 term, the office of Inspector General is deemed vacant and
29 the powers and duties under this Section may be exercised
30 only by an appointed and qualified interim Inspector General
31 until a successor Inspector General is appointed and
32 qualified. If the General Assembly is not in session when a

1 vacancy in the office of Inspector General occurs, the
2 Secretary of State may appoint an interim Inspector General
3 whose term shall expire 2 weeks after the next
4 regularly-scheduled session day of the Senate.

5 (b) The Inspector General shall have the following
6 qualifications:

7 (1) has not been convicted of any felony under the
8 laws 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 either (A) 5 or more years of service with
12 a federal, State, or local law enforcement agency, at
13 least 2 years of which have been in a progressive
14 investigatory capacity; (B) 5 or more years of service as
15 a federal, State, or local prosecutor; or (C) 5 or more
16 years of service as a senior manager or executive of a
17 federal, State, or local law enforcement agency.

18 (c) The Inspector General must review, coordinate, and
19 institute methods and procedures to increase the integrity,
20 productivity, and efficiency of the Office of the Secretary
21 of State. The duties of the Inspector General shall
22 supplement and not supplant the duties of the Chief Auditor
23 for the Secretary of State's Office. The Inspector General
24 must report directly to the Secretary of State.

25 (d) The Secretary of State may designate the Inspector
26 General and inspectors who are members of the Inspector
27 General's office as peace officers; however, the Inspector
28 General and his or her inspectors may not be members of the
29 Secretary of State's police force. These inspectors shall
30 have all the powers possessed by police officers in
31 municipalities and by sheriffs of counties, and the
32 inspectors may exercise those powers anywhere in the State
33 but only in the investigation of allegations of criminal
34 behavior by the Secretary of State or employees of the Office

1 of the Secretary of State.

2 No inspector may have peace officer status or exercise
3 police powers unless he or she successfully completes the
4 basic police training mandated and approved by the Illinois
5 Law Enforcement Training Standards Board or the Board waives
6 the training requirement by reason of the inspector's prior
7 law enforcement experience or training, or both.

8 The Board may not waive the training requirement unless
9 the inspector has had a minimum of 5 years of experience as a
10 sworn officer of a local, State, or federal law enforcement
11 agency, 2 of which must have been in an investigatory
12 capacity.

13 (e) In addition to the authority otherwise provided by
14 this Section, but only when investigating the Office of the
15 Secretary of State, its employees, or their actions, the
16 Inspector General is authorized:

17 (1) To have access to all records, reports, audits,
18 reviews, documents, papers, recommendations, or other
19 material available that relates to programs and
20 operations with respect to which the Inspector General
21 has responsibilities under this Section.

22 (2) To make any investigations and reports relating
23 to the administration of the programs and operations of
24 the Office of the Secretary of State that are, in the
25 judgement of the Inspector General, necessary or
26 desirable.

27 (3) To request any information or assistance that
28 may be necessary for carrying out the duties and
29 responsibilities provided by this Section from any local,
30 State, or federal governmental agency or unit thereof.

31 (4) When investigating criminal behavior, to
32 require by subpoena the appearance of witnesses and the
33 production of all information, documents, reports,
34 answers, records, accounts, papers, and other data and

1 documentary evidence necessary in the performance of the
2 functions assigned by this Section. A subpoena may be
3 issued under this paragraph (4) only by the Inspector
4 General and not by members of the Inspector General's
5 staff. Any person subpoenaed by the Inspector General
6 has the same rights as a person subpoenaed by a grand
7 jury. Any person who knowingly (A) fails to appear in
8 response to a subpoena; (B) fails to answer any question;
9 (C) fails to produce any books or papers pertinent to an
10 investigation under this Section; or (D) gives false
11 testimony during an investigation under this Section is
12 guilty of a Class A misdemeanor.

13 (5) To have direct and prompt access to the
14 Secretary of State for any purpose pertaining to the
15 performance of functions and responsibilities under this
16 Section.

17 (f) The Inspector General may receive and investigate
18 complaints or information from an employee of the Secretary
19 of State concerning the possible existence of an activity
20 constituting a violation of law, rules, or regulations;
21 mismanagement; abuse of authority; or substantial and
22 specific danger to the public health and safety. Any
23 employee who knowing files a false complaint or files a
24 complaint with reckless disregard for the truth or the
25 falsity of the facts underlying the complaint may be subject
26 to discipline as set forth in the rules of the Department of
27 Personnel of the Secretary of State.

28 The Inspector General may not, after receipt of a
29 complaint or information from an employee, disclose the
30 identity of the employee without the consent of the employee.

31 Any employee who has the authority to take, direct others
32 to take, recommend, or approve any personnel action may not,
33 with respect to that authority, take or threaten to take any
34 action against any employee as a reprisal for making a

1 complaint or disclosing information to the Inspector General,
2 unless the complaint was made or the information disclosed
3 with the knowledge that it was false or with willful
4 disregard for its truth or falsity.

5 (g) The Inspector General must adopt rules, in
6 accordance with the provisions of the Illinois Administrative
7 Procedure Act, establishing minimum requirements for
8 initiating, conducting, and completing investigations. The
9 rules must establish criteria for determining, based upon the
10 nature of the allegation, the appropriate method of
11 investigation, which may include, but is not limited to, site
12 visits, telephone contacts, personal interviews, or requests
13 for written responses. The rules must also clarify how the
14 Office of the Inspector General shall interact with other
15 local, State, and federal law enforcement investigations.

16 (h) Notwithstanding any other provision of law, this
17 amendatory Act of the 92nd General Assembly and the powers
18 and duties exercised by the Inspector General and members of
19 the Inspector General's office pursuant to this Section
20 supersede the provisions of any collective bargaining
21 agreement entered into by the Office of the Secretary of
22 State and a labor organization on, before, or after the
23 effective date of this amendatory Act of the 92nd General
24 Assembly.

25 (i) On or before January 1 of each year, the Inspector
26 General shall report to the President of the Senate, the
27 Minority Leader of the Senate, the Speaker of the House of
28 Representatives, and the Minority Leader of the House of
29 Representatives on the types of investigations and the
30 activities undertaken by the Office of the Inspector General
31 during the previous calendar year.

32 (j) This Section is repealed on December 31, 2003."