



Rep. Ann M. Williams

Adopted in House on Nov 14, 2019

10100SB0730ham002

LRB101 04491 RJF 64648 a

1 AMENDMENT TO SENATE BILL 730

2 AMENDMENT NO. _____. Amend Senate Bill 730, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Governmental Ethics Act is amended
6 by changing Section 4A-106.5 as follows:

7 (5 ILCS 420/4A-106.5)

8 Sec. 4A-106.5. Persons filing statements with county
9 clerk; notice; certification of list of names; alphabetical
10 list; receipt; examination and copying of statements. The
11 statements of economic interests required of persons listed in
12 Section 4A-101.5 shall be filed with the county clerk of the
13 county in which the principal office of the unit of local
14 government with which the person is associated is located. If
15 it is not apparent which county the principal office of a unit
16 of local government is located, the chief administrative

1 officer, or his or her designee, has the authority, for
2 purposes of this Act, to determine the county in which the
3 principal office is located. Annually, on or before February 1,
4 the ~~The~~ chief administrative officer, or his or her designee,
5 of each unit of local government with persons described in
6 Section 4A-101.5 shall certify to the appropriate county clerk
7 a list of names and addresses of persons that are required to
8 file. In preparing the lists, each chief administrative
9 officer, or his or her designee, shall set out the names in
10 alphabetical order.

11 On or before April 1 annually, the county clerk of each
12 county shall notify all persons whose names have been certified
13 to him under Section 4A-101.5, other than candidates for office
14 who have filed their statements with their nominating
15 petitions, of the requirements for filing statements of
16 economic interests. A person required to file with a county
17 clerk by virtue of more than one item among items set forth in
18 Section 4A-101.5 shall be notified of and is required to file
19 only one statement of economic interests relating to all items
20 under which the person is required to file with that county
21 clerk.

22 Except as provided in Section 4A-106.1, the notices
23 provided for in this Section shall be in writing and deposited
24 in the U.S. Mail, properly addressed, first class postage
25 prepaid, on or before the day required by this Section for the
26 sending of the notice. Alternatively, a county clerk may send

1 the notices electronically to all persons whose names have been
2 thus certified to him. A certificate executed by a county clerk
3 attesting that he or she has sent the notice by the means
4 permitted by this Section constitutes prima facie evidence
5 thereof.

6 From the lists certified to him or her under this Section
7 of persons described in Section 4A-101.5, the clerk of each
8 county shall compile an alphabetical listing of persons
9 required to file statements of economic interests in his or her
10 office under any of those items. As the statements are filed in
11 his or her office, the county clerk shall cause the fact of
12 that filing to be indicated on the alphabetical listing of
13 persons who are required to file statements. Within 30 days
14 after the due dates, the county clerk shall mail to the State
15 Board of Elections a true copy of that listing showing those
16 who have filed statements.

17 The county clerk of each county shall note upon the
18 alphabetical listing the names of all persons required to file
19 a statement of economic interests who failed to file a
20 statement on or before May 1. It shall be the duty of the
21 several county clerks to give notice as provided in Section
22 4A-105 to any person who has failed to file his or her
23 statement with the clerk on or before May 1.

24 Any person who files or has filed a statement of economic
25 interest under this Section is entitled to receive from the
26 county clerk a receipt indicating that the person has filed

1 such a statement, the date of filing, and the identity of the
2 governmental unit or units in relation to which the filing is
3 required.

4 All statements of economic interests filed under this
5 Section shall be available for examination and copying by the
6 public at all reasonable times.

7 (Source: P.A. 101-221, eff. 8-9-19.)

8 Section 10. The State Officials and Employees Ethics Act is
9 amended by changing Sections 5-10.5, 20-5, 20-50, 20-63, 20-90,
10 25-5, 25-50, 25-63, 25-90 as follows:

11 (5 ILCS 430/5-10.5)

12 Sec. 5-10.5. Harassment and discrimination prevention
13 training.

14 (a) Until 2020, each officer, member, and employee must
15 complete, at least annually, a sexual harassment training
16 program. A person who fills a vacancy in an elective or
17 appointed position that requires training under this Section
18 must complete his or her initial sexual harassment training
19 program within 30 days after commencement of his or her office
20 or employment. The training shall include, at a minimum, the
21 following: (i) the definition, and a description, of sexual
22 harassment utilizing examples; (ii) details on how an
23 individual can report an allegation of sexual harassment,
24 including options for making a confidential report to a

1 supervisor, ethics officer, Inspector General, or the
2 Department of Human Rights; (iii) the definition, and
3 description of, retaliation for reporting sexual harassment
4 allegations utilizing examples, including availability of
5 whistleblower protections under this Act, the Whistleblower
6 Act, and the Illinois Human Rights Act; and (iv) the
7 consequences of a violation of the prohibition on sexual
8 harassment and the consequences for knowingly making a false
9 report. Proof of completion must be submitted to the applicable
10 ethics officer. Sexual harassment training programs shall be
11 overseen by the appropriate Ethics Commission and Inspector
12 General appointed under this Act.

13 (a-5) Beginning in 2020, each officer, member, and employee
14 must complete, at least annually, a harassment and
15 discrimination prevention training program. A person who fills
16 a vacancy in an elective or appointed position that requires
17 training under this subsection must complete his or her initial
18 harassment and discrimination prevention training program
19 within 30 days after commencement of his or her office or
20 employment. The training shall include, at a minimum, the
21 following: (i) the definition and a description of sexual
22 harassment, unlawful discrimination, and harassment, including
23 examples of each; (ii) details on how an individual can report
24 an allegation of sexual harassment, unlawful discrimination,
25 or harassment, including options for making a confidential
26 report to a supervisor, ethics officer, Inspector General, or

1 the Department of Human Rights; (iii) the definition and
2 description of retaliation for reporting sexual harassment,
3 unlawful discrimination, or harassment allegations utilizing
4 examples, including availability of whistleblower protections
5 under this Act, the Whistleblower Act, and the Illinois Human
6 Rights Act; and (iv) the consequences of a violation of the
7 prohibition on sexual harassment, unlawful discrimination, and
8 harassment and the consequences for knowingly making a false
9 report. Proof of completion must be submitted to the applicable
10 ethics officer. Harassment and discrimination training
11 programs shall be overseen by the appropriate Ethics Commission
12 and Inspector General appointed under this Act.

13 For the purposes of this subsection, "unlawful
14 discrimination" and "harassment" refer ~~refers~~ to
15 discrimination and harassment prohibited under Section 2-102
16 of the Illinois Human Rights Act.

17 (b) Each ultimate jurisdictional authority shall submit to
18 the applicable Ethics Commission, at least annually, or more
19 frequently as required by that Commission, a report that
20 summarizes the harassment and discrimination prevention ~~sexual~~
21 ~~harassment~~ training program that was completed during the
22 previous year, and lays out the plan for the training program
23 in the coming year. The report shall include the names of
24 individuals that failed to complete the required training
25 program. Each Ethics Commission shall make the reports
26 available on its website.

1 (Source: P.A. 100-554, eff. 11-16-17; 101-221, eff. 8-9-19;
2 revised 9-12-19.)

3 (5 ILCS 430/20-5)

4 Sec. 20-5. Executive Ethics Commission.

5 (a) The Executive Ethics Commission is created.

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

24 The terms of the initial commissioners shall commence upon
25 qualification. Four initial appointees of the Governor, as

1 designated by the Governor, shall serve terms running through
2 June 30, 2007. One initial appointee of the Governor, as
3 designated by the Governor, and the initial appointees of the
4 Attorney General, Secretary of State, Comptroller, and
5 Treasurer shall serve terms running through June 30, 2008. The
6 initial appointments shall be made within 60 days after the
7 effective date of this Act.

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

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

16 Terms shall run regardless of whether the position is
17 filled.

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

1 or employee.

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

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

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

24 (d-6) (1) The Executive Ethics Commission shall have
25 jurisdiction over the Illinois Power Agency and its staff. The
26 Director of the Agency shall be appointed by a majority of the

1 commissioners of the Executive Ethics Commission, subject to
2 Senate confirmation, for a term of 2 years. The Director is
3 removable for cause by a majority of the Commission upon a
4 finding of neglect, malfeasance, absence, or incompetence.

5 (2) In case of a vacancy in the office of Director of the
6 Illinois Power Agency during a recess of the Senate, the
7 Executive Ethics Commission may make a temporary appointment
8 until the next meeting of the Senate, at which time the
9 Executive Ethics Commission shall nominate some person to fill
10 the office, and any person so nominated who is confirmed by the
11 Senate shall hold office during the remainder of the term and
12 until his or her successor is appointed and qualified. Nothing
13 in this subsection shall prohibit the Executive Ethics
14 Commission from removing a temporary appointee or from
15 appointing a temporary appointee as the Director of the
16 Illinois Power Agency.

17 (3) Prior to June 1, 2012, the Executive Ethics Commission
18 may, until the Director of the Illinois Power Agency is
19 appointed and qualified or a temporary appointment is made
20 pursuant to paragraph (2) of this subsection, designate some
21 person as an acting Director to execute the powers and
22 discharge the duties vested by law in that Director. An acting
23 Director shall serve no later than 60 calendar days, or upon
24 the making of an appointment pursuant to paragraph (1) or (2)
25 of this subsection, whichever is earlier. Nothing in this
26 subsection shall prohibit the Executive Ethics Commission from

1 removing an acting Director or from appointing an acting
2 Director as the Director of the Illinois Power Agency.

3 (4) No person rejected by the Senate for the office of
4 Director of the Illinois Power Agency shall, except at the
5 Senate's request, be nominated again for that office at the
6 same session or be appointed to that office during a recess of
7 that Senate.

8 (d-7) The Executive Ethics Commission shall have
9 jurisdiction over complainants and respondents in violation of
10 subsection (d) of Section 20-90 ~~subsection (e) of Section~~
11 ~~20-63~~.

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

1 (f) No commissioner or employee of the Executive Ethics
2 Commission may during his or her term of appointment or
3 employment:

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

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

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

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

14 (g) An appointing authority may remove a commissioner only
15 for cause.

16 (h) The Executive Ethics Commission shall appoint an
17 Executive Director. The compensation of the Executive Director
18 shall be as determined by the Commission. The Executive
19 Director of the Executive Ethics Commission may employ and
20 determine the compensation of staff, as appropriations permit.

21 (i) The Executive Ethics Commission shall appoint, by a
22 majority of the members appointed to the Commission, chief
23 procurement officers and may appoint procurement compliance
24 monitors in accordance with the provisions of the Illinois
25 Procurement Code. The compensation of a chief procurement
26 officer and procurement compliance monitor shall be determined

1 by the Commission.

2 (Source: P.A. 100-43, eff. 8-9-17; 101-221, eff. 8-9-19.)

3 (5 ILCS 430/20-50)

4 Sec. 20-50. Investigation reports.

5 (a) If an Executive Inspector General, upon the conclusion
6 of an investigation, determines that reasonable cause exists to
7 believe that a violation has occurred, then the Executive
8 Inspector General shall issue a summary report of the
9 investigation. The report shall be delivered to the appropriate
10 ultimate jurisdictional authority and to the head of each State
11 agency affected by or involved in the investigation, if
12 appropriate. The appropriate ultimate jurisdictional authority
13 or agency head shall respond to the summary report within 20
14 days, in writing, to the Executive Inspector General. The
15 response shall include a description of any corrective or
16 disciplinary action to be imposed. If the appropriate ultimate
17 jurisdictional authority does not respond within 20 days, or
18 within an extended time period as agreed to by the Executive
19 Inspector General, an Executive Inspector General may proceed
20 under subsection (c) as if a response had been received.

21 (b) The summary report of the investigation shall include
22 the following:

23 (1) A description of any allegations or other
24 information received by the Executive Inspector General
25 pertinent to the investigation.

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

3 (3) Recommendations for any corrective or disciplinary
4 action to be taken in response to any alleged misconduct
5 described in the report, including but not limited to
6 discharge.

7 (4) Other information the Executive Inspector General
8 deems relevant to the investigation or resulting
9 recommendations.

10 (c) Within 30 days after receiving a response from the
11 appropriate ultimate jurisdictional authority or agency head
12 under subsection (a), the Executive Inspector General shall
13 notify the Commission and the Attorney General if the Executive
14 Inspector General believes that a complaint should be filed
15 with the Commission. If the Executive Inspector General desires
16 to file a complaint with the Commission, the Executive
17 Inspector General shall submit the summary report and
18 supporting documents to the Attorney General. If the Attorney
19 General concludes that there is insufficient evidence that a
20 violation has occurred, the Attorney General shall notify the
21 Executive Inspector General and the Executive Inspector
22 General shall deliver to the Executive Ethics Commission a copy
23 of the summary report and response from the ultimate
24 jurisdictional authority or agency head. If the Attorney
25 General determines that reasonable cause exists to believe that
26 a violation has occurred, then the Executive Inspector General,

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

19 (c-5) Within 30 days after receiving a response from the
20 appropriate ultimate jurisdictional authority or agency head
21 under subsection (a), if the Executive Inspector General does
22 not believe that a complaint should be filed, the Executive
23 Inspector General shall deliver to the Executive Ethics
24 Commission a statement setting forth the basis for the decision
25 not to file a complaint and a copy of the summary report and
26 response from the ultimate jurisdictional authority or agency

1 head. An Inspector General may also submit a redacted version
2 of the summary report and response from the ultimate
3 jurisdictional authority if the Inspector General believes
4 either contains information that, in the opinion of the
5 Inspector General, should be redacted prior to releasing the
6 report, may interfere with an ongoing investigation, or
7 identifies an informant or complainant.

8 (c-10) If, after reviewing the documents, the Commission
9 believes that further investigation is warranted, the
10 Commission may request that the Executive Inspector General
11 provide additional information or conduct further
12 investigation. The Commission may also appoint a Special
13 Executive Inspector General to investigate or refer the summary
14 report and response from the ultimate jurisdictional authority
15 to the Attorney General for further investigation or review. If
16 the Commission requests the Attorney General to investigate or
17 review, the Commission must notify the Attorney General and the
18 Inspector General. The Attorney General may not begin an
19 investigation or review until receipt of notice from the
20 Commission. If, after review, the Attorney General determines
21 that reasonable cause exists to believe that a violation has
22 occurred, then the Attorney General may file a complaint with
23 the Executive Ethics Commission. If the Attorney General
24 concludes that there is insufficient evidence that a violation
25 has occurred, the Attorney General shall notify the Executive
26 Ethics Commission and the appropriate Executive Inspector

1 General.

2 (d) A copy of the complaint filed with the Executive Ethics
3 Commission must be served on all respondents named in the
4 complaint and on each respondent's ultimate jurisdictional
5 authority in the same manner as process is served under the
6 Code of Civil Procedure.

7 (e) A respondent may file objections to the complaint
8 within 30 days after notice of the petition has been served on
9 the respondent.

10 (f) The Commission shall meet, either in person or by
11 telephone, at least 30 days after the complaint is served on
12 all respondents in a closed session to review the sufficiency
13 of the complaint. The Commission shall issue notice by
14 certified mail, return receipt requested, to the Executive
15 Inspector General, Attorney General, and all respondents of the
16 Commission's ruling on the sufficiency of the complaint. If the
17 complaint is deemed to sufficiently allege a violation of this
18 Act, then the Commission shall include a hearing date scheduled
19 within 4 weeks after the date of the notice, unless all of the
20 parties consent to a later date. If the complaint is deemed not
21 to sufficiently allege a violation, then the Commission shall
22 send by certified mail, return receipt requested, a notice to
23 the Executive Inspector General, Attorney General, and all
24 respondents of the decision to dismiss the complaint.

25 (g) On the scheduled date the Commission shall conduct a
26 closed meeting, either in person or, if the parties consent, by

1 telephone, on the complaint and allow all parties the
2 opportunity to present testimony and evidence. All such
3 proceedings shall be transcribed.

4 (h) Within an appropriate time limit set by rules of the
5 Executive Ethics Commission, the Commission shall (i) dismiss
6 the complaint, (ii) issue a recommendation of discipline to the
7 respondent and the respondent's ultimate jurisdictional
8 authority, (iii) impose an administrative fine upon the
9 respondent, (iv) issue injunctive relief as described in
10 Section 50-10, or (v) impose a combination of (ii) through
11 (iv).

12 (i) The proceedings on any complaint filed with the
13 Commission shall be conducted pursuant to rules promulgated by
14 the Commission.

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

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

19 (l) Within 30 days after the issuance of a final
20 administrative decision that concludes that a violation
21 occurred, the Executive Ethics Commission shall make public the
22 entire record of proceedings before the Commission, the
23 decision, any recommendation, any discipline imposed, and the
24 response from the agency head or ultimate jurisdictional
25 authority to the Executive Ethics Commission.

26 (Source: P.A. 100-588, eff. 6-8-18; 101-221, eff. 8-9-19.)

1 (5 ILCS 430/20-63)

2 Sec. 20-63. Rights of persons subjected to discrimination,
3 harassment, or sexual harassment.

4 (a) As used in this Section, "complainant" means a known
5 person identified in a complaint filed with an Executive
6 Inspector General as a person subjected to alleged
7 discrimination, harassment, or sexual harassment in violation
8 of Section 5-65 of this Act, subsection (a) of Section 4.7 of
9 the Lobbyist Registration Act, or Article 2 of the Illinois
10 Human Rights Act, regardless of whether the complaint is filed
11 by the person.

12 (b) A complainant shall have the following rights:

13 (1) within 5 business days of the Executive Inspector
14 General receiving a complaint in which the complainant is
15 identified, to be notified by the Executive Inspector
16 General of the receipt of the complaint, the complainant's
17 rights, and an explanation of the process, rules, and
18 procedures related to the investigation of an allegation,
19 and the duties of the Executive Inspector General and the
20 Executive Ethics Commission;

21 (2) within 5 business days after the Executive
22 Inspector General's decision to open or close an
23 investigation into the complaint or refer the complaint to
24 another appropriate agency, to be notified of the Executive
25 Inspector General's decision; however, if the Executive

1 Inspector General reasonably determines that publicly
2 acknowledging the existence of an investigation would
3 interfere with the conduct or completion of that
4 investigation, the notification may be withheld until
5 public acknowledgment of the investigation would no longer
6 interfere with that investigation;

7 (3) after an investigation has been opened, to have any
8 interviews of the complainant audio recorded by the
9 Executive Inspector General and to review, in person and in
10 the presence of the Executive Inspector General or his or
11 her designee, any transcript or interview report created
12 from that audio recorded interview. The complainant may
13 provide any supplemental statements or evidence throughout
14 the investigation to review statements and evidence given
15 to the Executive Inspector General by the complainant and
16 the Executive Inspector General's summarization of those
17 statements and evidence, if such summary exists. The
18 complainant may make suggestions of changes for the
19 Executive Inspector General's consideration, but the
20 Executive Inspector General shall have the final authority
21 to determine what statements, evidence, and summaries are
22 included in any report of the investigation;

23 (4) to have a union representative, attorney,
24 co-worker, or other support person who is not involved in
25 the investigation, at the complainant's expense, present
26 at any interview or meeting, whether in person or by

1 telephone or audio-visual communication, between the
2 complainant and the Executive Inspector General or
3 Executive Ethics Commission;

4 (5) to submit an impact statement that shall be
5 included with the Executive Inspector General's summary
6 report to the Executive Ethics Commission for its
7 consideration;

8 (6) to testify at a hearing held under subsection (g)
9 of Section 20-50, to the extent the hearing is based on an
10 allegation of a violation of Section 5-65 of this Act or
11 subsection (a) of Section 4.7 of the Lobbyist Registration
12 Act involving the complainant, and have a single union
13 representative, attorney, co-worker, or other support
14 person who is not involved in the investigation, at the
15 complainant's expense, accompany him or her while
16 testifying;

17 (7) to review, within 5 business days prior to its
18 release, any portion of a summary report of the
19 investigation subject to public release under this Article
20 related to the allegations concerning the complainant,
21 after redactions made by the Executive Ethics Commission,
22 and offer suggestions for redaction or provide a response
23 that shall be made public with the summary report; and

24 (8) to file a complaint with the Executive Ethics
25 Commission for any violation of the complainant's rights
26 under this Section by the Executive Inspector General.

1 (c) The complainant shall have the sole discretion in
2 determining whether to exercise the rights set forth in this
3 Section. All rights under this Section shall be waived if the
4 complainant fails to cooperate with the Executive Inspector
5 General's investigation of the complaint.

6 (d) The notice requirements imposed on Inspectors General
7 by this Section shall be waived if the Inspector General is
8 unable to identify or locate the complainant.

9 (e) (Blank). ~~A complainant receiving a copy of any summary
10 report, in whole or in part, under this Section shall keep the
11 report confidential and shall not disclose the report prior to
12 the publication of the report by the Executive Ethics
13 Commission. A complainant that violates this subsection (c)
14 shall be subject to an administrative fine by the Executive
15 Ethics Commission of up to \$5,000.~~

16 (Source: P.A. 101-221, eff. 8-9-19.)

17 (5 ILCS 430/20-90)

18 Sec. 20-90. Confidentiality.

19 (a) The identity of any individual providing information or
20 reporting any possible or alleged misconduct to an Executive
21 Inspector General or the Executive Ethics Commission shall be
22 kept confidential and may not be disclosed without the consent
23 of that individual, unless the individual consents to
24 disclosure of his or her name or disclosure of the individual's
25 identity is otherwise required by law. The confidentiality

1 granted by this subsection does not preclude the disclosure of
2 the identity of a person in any capacity other than as the
3 source of an allegation.

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

17 (c) In his or her discretion, an Executive Inspector
18 General may notify complainants and subjects of an
19 investigation with an update on the status of the respective
20 investigation, including when the investigation is opened and
21 closed.

22 (d) A complainant, as defined in subsection (a) of Section
23 20-63, or a respondent who receives a copy of any summary
24 report, in whole or in part, shall keep the report confidential
25 and shall not disclose the report, or any portion thereof,
26 prior to the publication of the summary report by the Executive

1 Ethics Commission pursuant to this Act. A complainant or
2 respondent who violates this subsection (d) shall be in
3 violation of this Act and subject to an administrative fine by
4 the Executive Ethics Commission of up to \$5,000.

5 (Source: P.A. 100-588, eff. 6-8-18.)

6 (5 ILCS 430/25-5)

7 Sec. 25-5. Legislative Ethics Commission.

8 (a) The Legislative Ethics Commission is created.

9 (b) The Legislative Ethics Commission shall consist of 8
10 commissioners appointed 2 each by the President and Minority
11 Leader of the Senate and the Speaker and Minority Leader of the
12 House of Representatives.

13 The terms of the initial commissioners shall commence upon
14 qualification. Each appointing authority shall designate one
15 appointee who shall serve for a 2-year term running through
16 June 30, 2005. Each appointing authority shall designate one
17 appointee who shall serve for a 4-year term running through
18 June 30, 2007. The initial appointments shall be made within 60
19 days after the effective date of this Act.

20 After the initial terms, commissioners shall serve for
21 4-year terms commencing on July 1 of the year of appointment
22 and running through June 30 of the fourth following year.
23 Commissioners may be reappointed to one or more subsequent
24 terms.

25 Vacancies occurring other than at the end of a term shall

1 be filled by the appointing authority only for the balance of
2 the term of the commissioner whose office is vacant.

3 Terms shall run regardless of whether the position is
4 filled.

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

21 (c-5) If a commissioner is required to recuse himself or
22 herself from participating in a matter as provided in
23 subsection (c), the recusal shall create a temporary vacancy
24 for the limited purpose of consideration of the matter for
25 which the commissioner recused himself or herself, and the
26 appointing authority for the recusing commissioner shall make a

1 temporary appointment to fill the vacancy for consideration of
2 the matter for which the commissioner recused himself or
3 herself.

4 (d) The Legislative Ethics Commission shall have
5 jurisdiction over current and former members of the General
6 Assembly regarding events occurring during a member's term of
7 office and current and former State employees regarding events
8 occurring during any period of employment where the State
9 employee's ultimate jurisdictional authority is (i) a
10 legislative leader, (ii) the Senate Operations Commission, or
11 (iii) the Joint Committee on Legislative Support Services. The
12 Legislative Ethics Commission shall have jurisdiction over
13 complainants and respondents in violation of subsection (d) of
14 Section 25-90 ~~subsection (e) of Section 25-63~~. The jurisdiction
15 of the Commission is limited to matters arising under this Act.

16 An officer or executive branch State employee serving on a
17 legislative branch board or commission remains subject to the
18 jurisdiction of the Executive Ethics Commission and is not
19 subject to the jurisdiction of the Legislative Ethics
20 Commission.

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

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

8 (f) No commissioner, other than a commissioner who is a
9 member of the General Assembly, or employee of the Legislative
10 Ethics Commission may during his or her term of appointment or
11 employment:

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

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

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

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

22 (f-5) No commissioner who is a member of the General
23 Assembly may be a candidate for statewide office, federal
24 office, or judicial office. If a commissioner who is a member
25 of the General Assembly files petitions to be a candidate for a
26 statewide office, federal office, or judicial office, he or she

1 shall be deemed to have resigned from his or her position as a
2 commissioner on the date his or her name is certified for the
3 ballot by the State Board of Elections or local election
4 authority and his or her position as a commissioner shall be
5 deemed vacant. Such person may not be reappointed to the
6 Commission during any time he or she is a candidate for
7 statewide office, federal office, or judicial office.

8 (g) An appointing authority may remove a commissioner only
9 for cause.

10 (h) The Legislative Ethics Commission shall appoint an
11 Executive Director subject to the approval of at least 3 of the
12 4 legislative leaders. The compensation of the Executive
13 Director shall be as determined by the Commission. The
14 Executive Director of the Legislative Ethics Commission may
15 employ, subject to the approval of at least 3 of the 4
16 legislative leaders, and determine the compensation of staff,
17 as appropriations permit.

18 (i) In consultation with the Legislative Inspector
19 General, the Legislative Ethics Commission may develop
20 comprehensive training for members and employees under its
21 jurisdiction that includes, but is not limited to, sexual
22 harassment, employment discrimination, and workplace civility.
23 The training may be recommended to the ultimate jurisdictional
24 authorities and may be approved by the Commission to satisfy
25 the sexual harassment training required under Section 5-10.5 or
26 be provided in addition to the annual sexual harassment

1 training required under Section 5-10.5. The Commission may seek
2 input from governmental agencies or private entities for
3 guidance in developing such training.

4 (Source: P.A. 100-588, eff. 6-8-18; 101-81, eff. 7-12-19;
5 101-221, eff. 8-9-19.)

6 (5 ILCS 430/25-50)

7 Sec. 25-50. Investigation reports.

8 (a) If the Legislative Inspector General, upon the
9 conclusion of an investigation, determines that reasonable
10 cause exists to believe that a violation has occurred, then the
11 Legislative Inspector General shall issue a summary report of
12 the investigation. The report shall be delivered to the
13 appropriate ultimate jurisdictional authority, to the head of
14 each State agency affected by or involved in the investigation,
15 if appropriate, and the member, if any, that is the subject of
16 the report. The appropriate ultimate jurisdictional authority
17 or agency head and the member, if any, that is the subject of
18 the report shall respond to the summary report within 20 days,
19 in writing, to the Legislative Inspector General. If the
20 ultimate jurisdictional authority is the subject of the report,
21 he or she may only respond to the summary report in his or her
22 capacity as the subject of the report and shall not respond in
23 his or her capacity as the ultimate jurisdictional authority.
24 The response shall include a description of any corrective or
25 disciplinary action to be imposed. If the appropriate ultimate

1 jurisdictional authority or the member that is the subject of
2 the report does not respond within 20 days, or within an
3 extended time as agreed to by the Legislative Inspector
4 General, the Legislative Inspector General may proceed under
5 subsection (c) as if a response had been received. A member
6 receiving and responding to a report under this Section shall
7 be deemed to be acting in his or her official capacity.

8 (b) The summary report of the investigation shall include
9 the following:

10 (1) A description of any allegations or other
11 information received by the Legislative Inspector General
12 pertinent to the investigation.

13 (2) A description of any alleged misconduct discovered
14 in the course of the investigation.

15 (3) Recommendations for any corrective or disciplinary
16 action to be taken in response to any alleged misconduct
17 described in the report, including, but not limited to,
18 discharge.

19 (4) Other information the Legislative Inspector
20 General deems relevant to the investigation or resulting
21 recommendations.

22 (c) Within 30 days after receiving a response from the
23 appropriate ultimate jurisdictional authority or agency head
24 under subsection (a), the Legislative Inspector General shall
25 notify the Commission and the Attorney General if the
26 Legislative Inspector General believes that a complaint should

1 be filed with the Commission. If the Legislative Inspector
2 General desires to file a complaint with the Commission, the
3 Legislative Inspector General shall submit the summary report
4 and supporting documents to the Attorney General. If the
5 Attorney General concludes that there is insufficient evidence
6 that a violation has occurred, the Attorney General shall
7 notify the Legislative Inspector General and the Legislative
8 Inspector General shall deliver to the Legislative Ethics
9 Commission a copy of the summary report and response from the
10 ultimate jurisdictional authority or agency head. If the
11 Attorney General determines that reasonable cause exists to
12 believe that a violation has occurred, then the Legislative
13 Inspector General, represented by the Attorney General, may
14 file with the Legislative Ethics Commission a complaint. The
15 complaint shall set forth the alleged violation and the grounds
16 that exist to support the complaint. Except as provided under
17 subsection (1.5) of Section 20, the complaint must be filed
18 with the Commission within 12 months after the Legislative
19 Inspector General's receipt of the allegation of the violation
20 or within 18 months after the most recent act of the alleged
21 violation or of a series of alleged violations, whichever is
22 later, except where there is reasonable cause to believe that
23 fraudulent concealment has occurred. To constitute fraudulent
24 concealment sufficient to toll this limitations period, there
25 must be an affirmative act or representation calculated to
26 prevent discovery of the fact that a violation has occurred. If

1 a complaint is not filed with the Commission within 6 months
2 after notice by the Inspector General to the Commission and the
3 Attorney General, then the Commission may set a meeting of the
4 Commission at which the Attorney General shall appear and
5 provide a status report to the Commission.

6 (c-5) Within 30 days after receiving a response from the
7 appropriate ultimate jurisdictional authority or agency head
8 under subsection (a), if the Legislative Inspector General does
9 not believe that a complaint should be filed, the Legislative
10 Inspector General shall deliver to the Legislative Ethics
11 Commission a statement setting forth the basis for the decision
12 not to file a complaint and a copy of the summary report and
13 response from the ultimate jurisdictional authority or agency
14 head. The Inspector General may also submit a redacted version
15 of the summary report and response from the ultimate
16 jurisdictional authority if the Inspector General believes
17 either contains information that, in the opinion of the
18 Inspector General, should be redacted prior to releasing the
19 report, may interfere with an ongoing investigation, or
20 identifies an informant or complainant.

21 (c-10) If, after reviewing the documents, the Commission
22 believes that further investigation is warranted, the
23 Commission may request that the Legislative Inspector General
24 provide additional information or conduct further
25 investigation. The Commission may also refer the summary report
26 and response from the ultimate jurisdictional authority to the

1 Attorney General for further investigation or review. If the
2 Commission requests the Attorney General to investigate or
3 review, the Commission must notify the Attorney General and the
4 Legislative Inspector General. The Attorney General may not
5 begin an investigation or review until receipt of notice from
6 the Commission. If, after review, the Attorney General
7 determines that reasonable cause exists to believe that a
8 violation has occurred, then the Attorney General may file a
9 complaint with the Legislative Ethics Commission. If the
10 Attorney General concludes that there is insufficient evidence
11 that a violation has occurred, the Attorney General shall
12 notify the Legislative Ethics Commission and the appropriate
13 Legislative Inspector General.

14 (d) A copy of the complaint filed with the Legislative
15 Ethics Commission must be served on all respondents named in
16 the complaint and on each respondent's ultimate jurisdictional
17 authority in the same manner as process is served under the
18 Code of Civil Procedure.

19 (e) A respondent may file objections to the complaint
20 within 30 days after notice of the petition has been served on
21 the respondent.

22 (f) The Commission shall meet, at least 30 days after the
23 complaint is served on all respondents either in person or by
24 telephone, in a closed session to review the sufficiency of the
25 complaint. The Commission shall issue notice by certified mail,
26 return receipt requested, to the Legislative Inspector

1 General, the Attorney General, and all respondents of the
2 Commission's ruling on the sufficiency of the complaint. If the
3 complaint is deemed to sufficiently allege a violation of this
4 Act, then the Commission shall include a hearing date scheduled
5 within 4 weeks after the date of the notice, unless all of the
6 parties consent to a later date. If the complaint is deemed not
7 to sufficiently allege a violation, then the Commission shall
8 send by certified mail, return receipt requested, a notice to
9 the Legislative Inspector General, the Attorney General, and
10 all respondents the decision to dismiss the complaint.

11 (g) On the scheduled date the Commission shall conduct a
12 closed meeting, either in person or, if the parties consent, by
13 telephone, on the complaint and allow all parties the
14 opportunity to present testimony and evidence. All such
15 proceedings shall be transcribed.

16 (h) Within an appropriate time limit set by rules of the
17 Legislative Ethics Commission, the Commission shall (i)
18 dismiss the complaint, (ii) issue a recommendation of
19 discipline to the respondent and the respondent's ultimate
20 jurisdictional authority, (iii) impose an administrative fine
21 upon the respondent, (iv) issue injunctive relief as described
22 in Section 50-10, or (v) impose a combination of items (ii)
23 through (iv).

24 (i) The proceedings on any complaint filed with the
25 Commission shall be conducted pursuant to rules promulgated by
26 the Commission.

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

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

5 (l) Within 30 days after the issuance of a final
6 administrative decision that concludes that a violation
7 occurred, the Legislative Ethics Commission shall make public
8 the entire record of proceedings before the Commission, the
9 decision, any recommendation, any discipline imposed, and the
10 response from the agency head or ultimate jurisdictional
11 authority to the Legislative Ethics Commission.

12 (Source: P.A. 100-588, eff. 6-8-18; 101-221, eff. 8-9-19;
13 revised 9-12-19.)

14 (5 ILCS 430/25-63)

15 Sec. 25-63. Rights of persons subjected to discrimination,
16 harassment, or sexual harassment.

17 (a) As used in this Section, "complainant" means a known
18 person identified in a complaint filed with the Legislative
19 Inspector General as a person subjected to alleged
20 discrimination, harassment, or sexual harassment in violation
21 of Section 5-65 of this Act or Article 2 of the Illinois Human
22 Rights Act, regardless of whether the complaint is filed by the
23 person.

24 (b) A complainant shall have the following rights:

25 (1) within 5 business days of the Legislative Inspector

1 General receiving a complaint in which the complainant is
2 identified, to be notified by the Legislative Inspector
3 General of the receipt of the complaint, the complainant's
4 rights, and an explanation of the process, rules, and
5 procedures related to the investigation of ~~investigating~~
6 an allegation, and the duties of the Legislative Inspector
7 General and the Legislative Ethics Commission;

8 (2) within 5 business days after the Legislative
9 Inspector General's decision to open or close an
10 investigation into the complaint or refer the complaint to
11 another appropriate agency, to be notified of the
12 Legislative Inspector General's decision; however, if the
13 Legislative Inspector General reasonably determines that
14 publicly acknowledging the existence of an investigation
15 would interfere with the conduct or completion of that
16 investigation, the notification may be withheld until
17 public acknowledgment of the investigation would no longer
18 interfere with that investigation;

19 (3) after an investigation has been opened, to have any
20 interviews of the complainant audio recorded by the
21 Legislative Inspector General and to review, in person and
22 in the presence of the Legislative Inspector General or his
23 or her designee, any transcript or interview report created
24 from that audio recorded interview. The complainant may
25 provide any supplemental statements or evidence throughout
26 the investigation ~~to review statements and evidence given~~

1 ~~to the Legislative Inspector General by the complainant and~~
2 ~~the Legislative Inspector General's summarization of those~~
3 ~~statements and evidence, if such summary exists. The~~
4 ~~complainant may make suggestions of changes for the~~
5 ~~Legislative Inspector General's consideration, but the~~
6 ~~Legislative Inspector General shall have the final~~
7 ~~authority to determine what statements, evidence, and~~
8 ~~summaries are included in any report of the investigation;~~

9 (4) to have a union representative, attorney,
10 co-worker, or other support person who is not involved in
11 the investigation, at the complainant's expense, present
12 at any interview or meeting, whether in person or by
13 telephone or audio-visual communication, between the
14 complainant and the Legislative Inspector General or
15 Legislative Ethics Commission;

16 (5) to submit a complainant impact statement that shall
17 be included with the Legislative Inspector General's
18 summary report to the Legislative Ethics Commission for its
19 consideration;

20 (6) to testify at a hearing held under subsection (g)
21 of Section 25-50, to the extent the hearing is based on an
22 allegation of a violation of Section 5-65 of this Act
23 involving the complainant, and have a single union
24 representative, attorney, co-worker, or other support
25 person who is not involved in the investigation, at the
26 complainant's expense, accompany him or her while

1 testifying;

2 (7) to review, within 5 business days prior to its
3 release, any portion of a summary report of the
4 investigation subject to public release under this Article
5 related to the allegations concerning the complainant,
6 after redactions made by the Legislative Ethics
7 Commission, and offer suggestions for redaction or provide
8 a response that shall be made public with the summary
9 report; and

10 (8) to file a complaint with the Legislative Ethics
11 Commission for any violation of the complainant's rights
12 under this Section by the Legislative Inspector General.

13 (c) The complainant shall have the sole discretion in
14 determining whether or not to exercise the rights set forth in
15 this Section. All rights under this Section shall be waived if
16 the complainant fails to cooperate with the Legislative
17 Inspector General's investigation of the complaint.

18 (d) The notice requirements imposed on the Legislative
19 Inspector General by this Section shall be waived if the
20 Legislative Inspector General is unable to identify or locate
21 the complainant.

22 (e) (Blank). ~~A complainant receiving a copy of any summary~~
23 ~~report, in whole or in part, under this Section shall keep the~~
24 ~~report confidential and shall not disclose the report prior to~~
25 ~~the publication of the report by the Legislative Ethics~~
26 ~~Commission. A complainant that violates this subsection (e)~~

1 ~~shall be subject to an administrative fine by the Legislative~~
2 ~~Ethics Commission of up to \$5,000.~~

3 (Source: P.A. 101-221, eff. 8-9-19; revised 9-12-19.)

4 (5 ILCS 430/25-90)

5 Sec. 25-90. Confidentiality.

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

16 (b) Subject to the provisions of Section 25-50(c),
17 commissioners, employees, and agents of the Legislative Ethics
18 Commission, the Legislative Inspector General, and employees
19 and agents of the Office of the Legislative Inspector General
20 shall keep confidential and shall not disclose information
21 exempted from disclosure under the Freedom of Information Act
22 or by this Act.

23 (c) In his or her discretion, the Legislative Inspector
24 General may notify complainants and subjects of an
25 investigation with an update on the status of the respective

1 investigation, including when the investigation is opened and
2 closed.

3 (d) A complainant, as defined in subsection (a) of Section
4 25-63, or a respondent who receives a copy of any summary
5 report, in whole or in part, shall keep the report confidential
6 and shall not disclose the report, or any portion thereof,
7 prior to the publication of the summary report by the
8 Legislative Ethics Commission pursuant to this Act. A
9 complainant or respondent who violates this subsection (d)
10 shall be in violation of this Act and subject to an
11 administrative fine by the Legislative Ethics Commission of up
12 to \$5,000.

13 (Source: P.A. 100-588, eff. 6-8-18.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.".