

1 AN ACT in relation to governmental ethics.

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

4 Section 5. If and only if House Bill 3412 as passed by
5 the 93rd General Assembly becomes law by override of the
6 Governor's amendatory veto, the State Officials and Employees
7 Ethics Act is amended by changing Sections 1-5, 5-5, 5-10,
8 5-20, 5-45, 15-10, 15-20, 15-25, 50-5, 70-5, and 70-15 and by
9 adding Sections 5-50, 5-55, and 15-40 and Articles 10, 20,
10 25, 30, and 35 as follows:

11 (93 HB3412enr. Art. 1, Sec. 1-5)

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

13 "Appointee" means a person appointed to a position in or
14 with a State agency, regardless of whether the position is
15 compensated.

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

28 "Candidate" means a person who has filed nominating
29 papers or petitions for nomination or election to an elected
30 State office, or who has been appointed to fill a vacancy in
31 nomination, and who remains eligible for placement on the

1 ballot at either a general primary election or general
2 election.

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

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

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

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

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

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

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

28 "Gift" means any gratuity, discount, entertainment,
29 hospitality, loan, forbearance, or other tangible or
30 intangible item having monetary value including, but not
31 limited to, cash, food and drink, and honoraria for speaking
32 engagements related to or attributable to government
33 employment or the official position of an employee, member,
34 or officer.

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

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

8 "Legislative branch constitutional officer" means a
9 member of the General Assembly and the Auditor General.

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

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

14 "Officer" means an executive branch a----State
15 constitutional officer ~~of--the--executive~~ or a legislative
16 branch constitutional officer.

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

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

33 "Prohibited political activity" means:

- 34 (1) Preparing for, organizing, or participating in

1 any political meeting, political rally, political
2 demonstration, or other political event.

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

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

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

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

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

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

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

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

1 with a campaign for elective office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 "Ultimate jurisdictional authority" means the following:

32 (1) For members, legislative partisan staff, and
33 legislative secretaries, the appropriate legislative
34 leader: President of the Senate, Minority Leader of the

1 Senate, Speaker of the House of Representatives, or
2 Minority Leader of the House of Representatives.

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

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

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

13 (5) For State employees of the Auditor General, the
14 Auditor General.

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

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

23 (8) For State employees not under the jurisdiction
24 of paragraph (1), (2), (3), (4), (5), (6), or (7), the
25 Governor.

26 (Source: 93HB3412enr.)

27 (93 HB3412enr. Art. 5, Sec. 5-5)

28 Sec. 5-5. Personnel policies.

29 (a) Each of the following shall adopt and implement
30 personnel policies for all State employees under his, her, or
31 its jurisdiction and control: (i) each executive branch
32 constitutional officer, (ii) each legislative leader, (iii)
33 the Senate Operations Commission, with respect to legislative

1 employees under Section 4 of the General Assembly Operations
2 Act, (iv) the Speaker of the House of Representatives, with
3 respect to legislative employees under Section 5 of the
4 General Assembly Operations Act, (v) the Joint Committee on
5 Legislative Support Services, with respect to State employees
6 of the legislative support services agencies, (vi) members of
7 the General Assembly, with respect to legislative assistants,
8 as provided in Section 4 of the General Assembly Compensation
9 Act, (vii) the Auditor General, (viii) the Board of Higher
10 Education, with respect to State employees of public
11 institutions of higher learning except community colleges,
12 and (ix) the Illinois Community College Board, with respect
13 to State employees of community colleges. The Governor shall
14 adopt and implement those policies for all State employees of
15 the executive branch not under the jurisdiction and control
16 of any other executive branch constitutional officer.

17 (b) The policies required under subsection (a) shall be
18 filed with the appropriate ethics commission established
19 under this Act or, for the Auditor General, with the Office
20 of the Auditor General.

21 (c)(b) The policies required under subsection (a) shall
22 include policies relating to work time requirements,
23 documentation of time worked, documentation for reimbursement
24 for travel on official State business, compensation, and the
25 earning or accrual of State benefits for all State employees
26 who may be eligible to receive those benefits. The policies
27 shall comply with and be consistent with all other applicable
28 laws. ~~For--State--employees--of--the--legislative--branch,~~ The
29 policies shall require State these employees to periodically
30 submit time sheets documenting the time spent each day on
31 official State business to the nearest quarter hour;
32 contractual State employees ~~of--the--legislative--branch~~ may
33 satisfy the time sheets requirement by complying with the
34 terms of their contract, which shall provide for a means of

1 compliance with this requirement. The policies for State
2 employees ~~of the legislative branch~~ shall require those time
3 sheets to be submitted on paper, electronically, or both and
4 to be maintained in either paper or electronic format by the
5 applicable fiscal office for a period of at least 2 years.

6 (d) The policies required under subsection (a) shall be
7 adopted by the applicable entity before February 1, 2004 and
8 shall apply to State employees beginning 30 days after
9 adoption.

10 (Source: 93HB3412enr.)

11 (93 HB3412enr. Art. 5, Sec. 5-10)

12 Sec. 5-10. Ethics training. Each officer, member, and
13 employee must complete, at least annually beginning in 2004,
14 an ethics training program conducted by the appropriate State
15 agency. Each ultimate jurisdictional authority must implement
16 an ethics training program for its officers, members, and
17 employees. These ethics training programs shall be overseen
18 by the appropriate Ethics Commission and Inspector General
19 appointed pursuant to this Act in consultation with the
20 Office of the Attorney General.

21 Each Inspector General shall set standards and determine
22 the hours and frequency of training necessary for each
23 position or category of positions. A person who fills a
24 vacancy in an elective or appointed position that requires
25 training and a person employed in a position that requires
26 training must complete his or her initial ethics training
27 within 6 months after commencement of his or her office or
28 employment.

29 ~~Ethics--training.---Each--officer---and---employee---must~~
30 ~~complete,---at---least---annually,---an---ethics---training-program~~
31 ~~conducted-by-the-appropriate-ethics-officer---appointed---under~~
32 ~~the---State---Gift---Ban---Act.---Each---ultimate---jurisdictional~~
33 ~~authority-must-implement-an-ethics-training-program---for---its~~

1 officers--and--employees.--A-person-who-fills-a-vacancy-in-an
2 elective-or-appointed-position-that-requires-training--and--a
3 person--employed--in--a--position-that-requires-training-must
4 complete-his-or-her-initial-ethics-training-within--6--months
5 after-commencement-of-his-or-her-office-or-employment.

6 (Source: 93HB3412enr.)

7 (93 HB3412enr. Art. 5, Sec. 5-20)

8 Sec. 5-20. Public service announcements; other
9 promotional material.

10 (a) Beginning January 1, 2004, no public service
11 announcement or advertisement that is on behalf of any State
12 administered program and contains the proper name, image, or
13 voice of any executive branch constitutional officer or
14 member of the General Assembly shall be broadcast or aired on
15 radio or television or printed in a commercial newspaper or a
16 commercial magazine at any time.

17 (b) The proper name or image of any executive branch
18 constitutional officer or member of the General Assembly may
19 not appear on any (i) bumper stickers, (ii) commercial
20 billboards, (iii) lapel pins or buttons, (iv) magnets, (v)
21 stickers, and (vi) other similar promotional items, if
22 designed, paid for, prepared, or distributed using public
23 dollars. This subsection does not apply to stocks of items
24 existing on the effective date of this amendatory Act of the
25 93rd General Assembly.

26 {a)--Except--as--otherwise--provided--in--this--Section,--no
27 public-service--announcement--or--advertisement--that--is--on
28 behalf--of--any--State-administered-program-and-that-contains
29 the-image-or-voice-of--any--executive--branch--constitutional
30 officer--or-member-of-the-General-Assembly-shall-be-broadcast
31 or-aired-on-radio-or-television-or-printed-in-a-newspaper--at
32 any--time--on--or--after--the-date-that-the-officer-or-member
33 files-his-or-her-nominating-petitions-for-public--office--and

1 ~~for--any-time-thereafter-that-the-officer-or-member-remains-a~~
2 ~~candidate-for-any-office.~~

3 (c)(b) This Section does not apply to communications
4 funded through expenditures required to be reported under
5 Article 9 of the Election Code.

6 (Source: 93HB3412enr.)

7 (93 HB3412enr. Art. 5, Sec. 5-45)

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

9 (a) No former officer, member, or State employee, or
10 spouse or immediate family member living with such person,
11 shall, within a period of one year immediately after
12 termination of State employment, knowingly accept employment
13 or receive compensation or fees for services from a person or
14 entity if the officer, member, or State employee, during the
15 year immediately preceding termination of State employment,
16 participated personally and substantially in the decision to
17 award State contracts with a cumulative value of over \$25,000
18 to the person or entity, or its parent or subsidiary.

19 (b) No former officer of the executive branch or State
20 employee of the executive branch with regulatory or licensing
21 authority, or spouse or immediate family member living with
22 such person, shall, within a period of one year immediately
23 after termination of State employment, knowingly accept
24 employment or receive compensation of fees for services from
25 a person or entity if the officer or State employee, during
26 the year immediately preceding termination of State
27 employment, made a regulatory or licensing decision that
28 directly applied to the person or entity, or its parent or
29 subsidiary.

30 (c) The requirements of this Section may be waived (i)
31 for the executive branch, in writing by the Executive Ethics
32 Commission, (ii) for the legislative branch, in writing by
33 the Legislative Ethics Commission, and (iii) for the Auditor

1 General, in writing by the Auditor General. During the time
2 period from the effective date of this amendatory Act of the
3 93rd General Assembly until the Executive Ethics Commission
4 first meets, the requirements of this Section may be waived
5 in writing by the appropriate ultimate jurisdictional
6 authority. During the time period from the effective date of
7 this amendatory Act of the 93rd General Assembly until the
8 Legislative Ethics Commission first meets, the requirements
9 of this Section may be waived in writing by the appropriate
10 ultimate jurisdictional authority. The waiver shall be
11 granted upon a showing that the prospective employment or
12 relationship did not affect the decisions referred to in
13 sections (a) and (b).

14 (d) This Section applies only to persons who terminate
15 an affected position on or after the effective date of this
16 amendatory Act of the 93rd General Assembly.

17 ~~(a) -- No former State employee may, within a period of one~~
18 ~~year -- immediately after termination of State employment,~~
19 ~~knowingly accept employment or receive compensation or fees~~
20 ~~for services from an employer if the employee, during the~~
21 ~~year immediately preceding termination of State employment,~~
22 ~~and on behalf of the State or State agency, negotiated in~~
23 ~~whole or in part one or more contracts with that employer~~
24 ~~aggregating \$25,000 or more.~~

25 ~~(b) -- The requirements of this Section may be waived by~~
26 ~~the appropriate ultimate jurisdictional authority of the~~
27 ~~former State employee if that ultimate jurisdictional~~
28 ~~authority finds in writing that the State's negotiations and~~
29 ~~decisions regarding the procurement of the contract or~~
30 ~~contracts were not materially affected by any potential for~~
31 ~~employment of that employee by the employer.~~

32 ~~(c) -- This Section applies only to persons who terminate~~
33 ~~an affected position on or after the effective date of this~~
34 ~~Act.~~

1 (Source: 93HB3412enr.)

2 (93 HB3412enr. Sec. 5-50 new)

3 Sec. 5-50. Ex parte communications; special government
4 agents.

5 (a) This Section applies to ex parte communications made
6 to any agency listed in subsection (e).

7 (b) "Ex parte communication" means any written or oral
8 communication by any person that imparts or requests material
9 information or makes a material argument regarding potential
10 action concerning regulatory, quasi-adjudicatory, investment,
11 or licensing matters pending before or under consideration by
12 the agency. "Ex parte communication" does not include the
13 following: (i) statements by a person publicly made in a
14 public forum; (ii) statements regarding matters of procedure
15 and practice, such as format, the number of copies required,
16 the manner of filing, and the status of a matter; and (iii)
17 statements made by a State employee of the agency to the
18 agency head or other employees of that agency.

19 (b-5) An ex parte communication received by an agency,
20 agency head, or other agency employee from an interested
21 party or his or her official representative or attorney shall
22 promptly be memorialized and made a part of the record.

23 (c) An ex parte communication received by any agency,
24 agency head, or other agency employee, other than an ex parte
25 communication described in subsection (b-5), shall
26 immediately be reported to that agency's ethics officer by
27 the recipient of the communication and by any other employee
28 of that agency who responds to the communication. The ethics
29 officer shall require that the ex parte communication be
30 promptly made a part of the record. The ethics officer shall
31 promptly file the ex parte communication with the Executive
32 Ethics Commission, including all written communications, all
33 written responses to the communications, and a memorandum

1 prepared by the ethics officer stating the nature and
2 substance of all oral communications, the identity and job
3 title of the person to whom each communication was made, all
4 responses made, the identity and job title of the person
5 making each response, the identity of each person from whom
6 the written or oral ex parte communication was received, the
7 individual or entity represented by that person, any action
8 the person requested or recommended, and any other pertinent
9 information. The disclosure shall also contain the date of
10 any ex parte communication.

11 (d) "Interested party" means a person or entity whose
12 rights, privileges, or interests are the subject of or are
13 directly affected by a regulatory, quasi-adjudicatory,
14 investment, or licensing matter.

15 (e) This Section applies to the following agencies:

16 Executive Ethics Commission
17 Illinois Commerce Commission
18 Educational Labor Relations Board
19 State Board of Elections
20 Illinois Gaming Board
21 Health Facilities Planning Board
22 Industrial Commission
23 Illinois Labor Relations Board
24 Illinois Liquor Control Commission
25 Pollution Control Board
26 Property Tax Appeal Board
27 Illinois Racing Board
28 Illinois Purchased Care Review Board
29 Department of State Police Merit Board
30 Motor Vehicle Review Board
31 Prisoner Review Board
32 Civil Service Commission
33 Personnel Review Board for the Treasurer
34 Merit Commission for the Secretary of State

1 Merit Commission for the Office of the Comptroller
2 Court of Claims
3 Board of Review of the Department
4 of Employment Security
5 Department of Insurance
6 Department of Professional Regulation and
7 licensing boards under the Department
8 Department of Public Health and licensing boards
9 under the Department
10 Office of Banks and Real Estate
11 and licensing boards under the Office
12 State Employees Retirement System Board of Trustees
13 Judges Retirement System Board of Trustees
14 General Assembly Retirement System Board of Trustees
15 Illinois Board of Investment
16 State Universities Retirement System Board of Trustees
17 Teachers Retirement System Officers Board of Trustees
18 (f) Any person who fails to (i) report an ex parte
19 communication to an ethics officer, (ii) make information
20 part of the record, or (iii) make a filing with the Executive
21 Ethics Commission as required by this Section or as required
22 by Section 5-165 of the Illinois Administrative Procedure Act
23 violates this Act.

24 (93 HB3412enr. Sec. 5-55 new)
25 Sec. 5-55. Prohibition on serving on boards and
26 commissions. Notwithstanding any other law of this State, on
27 and after February 1, 2004, a person, his or her spouse, and
28 any immediate family member living with that person is
29 ineligible to serve on a board, commission, authority, or
30 task force authorized or created by State law or by executive
31 order of the Governor if (i) that person is entitled to
32 receive more than 7 1/2% of the total distributable income
33 under a State contract other than an employment contract or

1 (ii) that person together with his or her spouse and
 2 immediate family members living with that person are entitled
 3 to receive more than 15% in the aggregate of the total
 4 distributable income under a State contract other than an
 5 employment contract; except that this restriction does not
 6 apply to any of the following:

7 (1) a person, his or her spouse, or his or her
 8 immediate family member living with that person, who is
 9 serving in an elective public office, whether elected or
 10 appointed to fill a vacancy; and

11 (2) a person, his or her spouse, or his or her
 12 immediate family member living with that person, who is
 13 serving on a State advisory body that makes nonbinding
 14 recommendations to an agency of State government but does
 15 not make binding recommendations or determinations or
 16 take any other substantive action.

17 (93 HB3412enr. Art. 10 heading new)

18 ARTICLE 10

19 GIFT BAN

20 (93 HB3412enr. Sec. 10-10 new)

21 Sec. 10-10. Gift ban. Except as otherwise provided in
 22 this Article, no officer, member, or State employee shall
 23 intentionally solicit or accept any gift from any prohibited
 24 source or in violation of any federal or State statute, rule,
 25 or regulation. This ban applies to and includes the spouse of
 26 and immediate family living with the officer, member, or
 27 State employee. No prohibited source shall intentionally
 28 offer or make a gift that violates this Section.

29 (93 HB3412enr. Sec. 10-15 new)

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

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

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

5 (3) Any (i) contribution that is lawfully made under the
6 Election Code or under this Act or (ii) activities associated
7 with a fundraising event in support of a political
8 organization or candidate.

9 (4) Educational materials and missions. This exception
10 may be further defined by rules adopted by the appropriate
11 ethics commission or by the Auditor General for the Auditor
12 General and employees of the Office of the Auditor General.

13 (5) Travel expenses for a meeting to discuss State
14 business. This exception may be further defined by rules
15 adopted by the appropriate ethics commission or by the
16 Auditor General for the Auditor General and employees of the
17 Office of the Auditor General.

18 (6) A gift from a relative, meaning those people related
19 to the individual as father, mother, son, daughter, brother,
20 sister, uncle, aunt, great aunt, great uncle, first cousin,
21 nephew, niece, husband, wife, grandfather, grandmother,
22 grandson, granddaughter, father-in-law, mother-in-law,
23 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
24 stepfather, stepmother, stepson, stepdaughter, stepbrother,
25 stepsister, half brother, half sister, and including the
26 father, mother, grandfather, or grandmother of the
27 individual's spouse and the individual's fiance or fiancée.

28 (7) Anything provided by an individual on the basis of a
29 personal friendship unless the member, officer, or employee
30 has reason to believe that, under the circumstances, the gift
31 was provided because of the official position or employment
32 of the member, officer, or employee and not because of the
33 personal friendship.

34 In determining whether a gift is provided on the basis of

1 personal friendship, the member, officer, or employee shall
2 consider the circumstances under which the gift was offered,
3 such as:

4 (i) the history of the relationship between the
5 individual giving the gift and the recipient of the gift,
6 including any previous exchange of gifts between those
7 individuals;

8 (ii) whether to the actual knowledge of the member,
9 officer, or employee the individual who gave the gift
10 personally paid for the gift or sought a tax deduction or
11 business reimbursement for the gift; and

12 (iii) whether to the actual knowledge of the
13 member, officer, or employee the individual who gave the
14 gift also at the same time gave the same or similar gifts
15 to other members, officers, or employees.

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

22 (9) Food, refreshments, lodging, transportation, and
23 other benefits resulting from the outside business or
24 employment activities (or outside activities that are not
25 connected to the duties of the officer, member, or employee
26 as an office holder or employee) of the officer, member, or
27 employee, or the spouse of the officer, member, or employee,
28 if the benefits have not been offered or enhanced because of
29 the official position or employment of the officer, member,
30 or employee, and are customarily provided to others in
31 similar circumstances.

32 (10) Intra-governmental and inter-governmental gifts.
33 For the purpose of this Act, "intra-governmental gift" means
34 any gift given to a member, officer, or employee of a State

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

6 (11) Bequests, inheritances, and other transfers at
7 death.

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

11 Each of the exceptions listed in this Section is mutually
12 exclusive and independent of one another.

13 (93 HB3412enr. Sec. 10-30 new)

14 Sec. 10-30. Gift ban; disposition of gifts. A member,
15 officer, or employee does not violate this Act if the member,
16 officer, or employee promptly takes reasonable action to
17 return the prohibited gift to its source or gives the gift or
18 an amount equal to its value to an appropriate charity that
19 is exempt from income taxation under Section 501 (c)(3) of
20 the Internal Revenue Code of 1986, as now or hereafter
21 amended, renumbered, or succeeded.

22 (93 HB3412enr. Sec. 10-40 new)

23 Sec. 10-40. Gift ban; further restrictions. A State
24 agency may adopt or maintain policies that are more
25 restrictive than those set forth in this Article and may
26 continue to follow any existing policies, statutes, or
27 regulations that are more restrictive or are in addition to
28 those set forth in this Article.

29 (93 HB3412enr. Art. 15, Sec. 15-10)

30 Sec. 15-10. Protected activity. An officer, a member, a
31 State employee, or a State agency shall not take any

1 retaliatory action against a State employee because the State
2 employee does any of the following:

3 (1) Discloses or threatens to disclose to a supervisor
4 or to a public body an activity, policy, or practice of any
5 officer, member, State agency, or other State employee that
6 the State employee reasonably believes is in violation of a
7 law, rule, or regulation.

8 (2) Provides information to or testifies before any
9 public body conducting an investigation, hearing, or inquiry
10 into any violation of a law, rule, or regulation by any
11 officer, member, State agency, or other State employee.

12 (3) Assists or participates in a proceeding to enforce
13 the provisions of this Act.

14 (Source: 93HB3412enr.)

15 (93 HB3412enr. Art. 15, Sec. 15-20)

16 Sec. 15-20. Burden of proof. A violation of this Article
17 may be established only upon a finding that (i) the State
18 employee engaged in conduct described in Section 15-10 and
19 (ii) that conduct was a contributing factor in the
20 retaliatory action alleged by the State employee. It is not
21 a violation, however, if it is demonstrated by clear and
22 convincing evidence that the officer, member, other State
23 employee, or State agency would have taken the same
24 unfavorable personnel action in the absence of that conduct.

25 (Source: 93HB3412enr.)

26 (93 HB3412enr. Art. 15, Sec. 15-25)

27 Sec. 15-25. Remedies. The State employee may be awarded
28 all remedies necessary to make the State employee whole and
29 to prevent future violations of this Article. Remedies
30 imposed by the court may include, but are not limited to, all
31 of the following:

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

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

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

4 (3) interest on the back pay; and

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

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

8 (Source: 93HB3412enr.)

9 (93 HB3412enr. Art. 15, Sec. 15-40 new)

10 Sec. 15-40. Posting. All officers, members, and State
11 agencies shall conspicuously display notices of State
12 employee protection under this Act.

13 (93 HB3412enr. Art. 20 heading new)

14 ARTICLE 20

15 EXECUTIVE ETHICS COMMISSION AND

16 EXECUTIVE INSPECTORS GENERAL

17 (93 HB3412enr. Sec. 20-5 new)

18 Sec. 20-5. Executive Ethics Commission.

19 (a) The Executive Ethics Commission is created.

20 (b) The Executive Ethics Commission shall consist of 9
21 commissioners. The Governor shall appoint 5 commissioners,
22 and the Attorney General, Secretary of State, Comptroller,
23 and Treasurer shall each appoint one commissioner.
24 Appointments shall be made by and with the advice and consent
25 of the Senate by three-fifths of the elected members
26 concurring by record vote. Any nomination not acted upon by
27 the Senate within 60 session days of the receipt thereof
28 shall be deemed to have received the advice and consent of
29 the Senate. If, during a recess of the Senate, there is a
30 vacancy in an office of commissioner, the appointing
31 authority shall make a temporary appointment until the next

1 meeting of the Senate when the appointing authority shall
2 make a nomination to fill that office. No person rejected for
3 an office of commissioner shall, except by the Senate's
4 request, be nominated again for that office at the same
5 session of the Senate or be appointed to that office during a
6 recess of that Senate. No more than 5 commissioners may be of
7 the same political party.

8 The terms of the initial commissioners shall commence
9 upon qualification. Four initial appointees of the Governor,
10 as designated by the Governor, shall serve terms running
11 through June 30, 2007. One initial appointee of the
12 Governor, as designated by the Governor, and the initial
13 appointees of the Attorney General, Secretary of State,
14 Comptroller, and Treasurer shall serve terms running through
15 June 30, 2008. The initial appointments shall be made within
16 60 days after the effective date of this Act.

17 After the initial terms, commissioners shall serve for
18 4-year terms commencing on July 1 of the year of appointment
19 and running through June 30 of the fourth following year.
20 Commissioners may be reappointed to one or more subsequent
21 terms.

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

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

27 (c) The appointing authorities shall appoint
28 commissioners who have experience holding governmental office
29 or employment and shall appoint commissioners from the
30 general public. A person is not eligible to serve as a
31 commissioner if that person (i) has been convicted of a
32 felony or a crime of dishonesty or moral turpitude, (ii) is,
33 or was within the preceding 12 months, engaged in activities
34 that require registration under the Lobbyist Registration

1 Act, (iii) is related to the appointing authority, or (iv) is
2 a State officer or employee.

3 (d) The Executive Ethics Commission shall have
4 jurisdiction over all officers and employees of State
5 agencies other than the General Assembly, the Senate, the
6 House of Representatives, the President and Minority Leader
7 of the Senate, the Speaker and Minority Leader of the House
8 of Representatives, the Senate Operations Commission, the
9 legislative support services agencies, and the Office of the
10 Auditor General. The jurisdiction of the Commission is
11 limited to matters arising under this Act.

12 (e) The Executive Ethics Commission must meet, either in
13 person or by other technological means, at least monthly and
14 as 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
24 to the compensation of members of the State Board of
25 Elections and may be reimbursed for their reasonable expenses
26 actually incurred in the performance of their duties.

27 (f) No commissioner or employee of the Executive Ethics
28 Commission may during his or her term of appointment or
29 employment:

- 30 (1) become a candidate for any elective office;
31 (2) hold any other elected or appointed public
32 office except for appointments on governmental advisory
33 boards or study commissions or as otherwise expressly
34 authorized by law;

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

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

5 (g) An appointing authority may remove a commissioner
6 only for cause.

7 (h) The Executive Ethics Commission shall appoint an
8 Executive Director. The compensation of the Executive
9 Director shall be as determined by the Commission or by the
10 Compensation Review Board, whichever amount is higher. The
11 Executive Director of the Executive Ethics Commission may
12 employ and determine the compensation of staff, as
13 appropriations permit.

14 (93 HB3412enr. Sec. 20-10 new)

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

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

22 (b) The Governor, Attorney General, Secretary of State,
23 Comptroller, and Treasurer shall each appoint an Executive
24 Inspector General, without regard to political affiliation
25 and solely on the basis of integrity and demonstrated
26 ability. Appointments shall be made by and with the advice
27 and consent of the Senate by three-fifths of the elected
28 members concurring by record vote. Any nomination not acted
29 upon by the Senate within 60 session days of the receipt
30 thereof shall be deemed to have received the advice and
31 consent of the Senate. If, during a recess of the Senate,
32 there is a vacancy in an office of Executive Inspector
33 General, the appointing authority shall make a temporary

1 appointment until the next meeting of the Senate when the
2 appointing authority shall make a nomination to fill that
3 office. No person rejected for an office of Executive
4 Inspector General shall, except by the Senate's request, be
5 nominated again for that office at the same session of the
6 Senate or be appointed to that office during a recess of that
7 Senate.

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

20 Each Executive Inspector General shall have the following
21 qualifications:

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

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

26 (3) has 5 or more years of cumulative service (A)
27 with a federal, State, or local law enforcement agency,
28 at least 2 years of which have been in a progressive
29 investigatory capacity; (B) as a federal, State, or local
30 prosecutor; (C) as a senior manager or executive of a
31 federal, State, or local agency; (D) as a member, an
32 officer, or a State or federal judge; or (E) representing
33 any combination of (A) through (D).

34 The term of each initial Executive Inspector General

1 shall commence upon qualification and shall run through June
2 30, 2008. The initial appointments shall be made within 60
3 days after the effective date of this Act.

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

9 A vacancy occurring other than at the end of a term shall
10 be filled by the appointing authority only for the balance of
11 the term of the Executive Inspector General whose office is
12 vacant.

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

15 (c) The Executive Inspector General appointed by the
16 Attorney General shall have jurisdiction over the Attorney
17 General and all officers and employees of, and vendors and
18 others doing business with, State agencies within the
19 jurisdiction of the Attorney General. The Executive Inspector
20 General appointed by the Secretary of State shall have
21 jurisdiction over the Secretary of State and all officers and
22 employees of, and vendors and others doing business with,
23 State agencies within the jurisdiction of the Secretary of
24 State. The Executive Inspector General appointed by the
25 Comptroller shall have jurisdiction over the Comptroller and
26 all officers and employees of, and vendors and others doing
27 business with, State agencies within the jurisdiction of the
28 Comptroller. The Executive Inspector General appointed by the
29 Treasurer shall have jurisdiction over the Treasurer and all
30 officers and employees of, and vendors and others doing
31 business with, State agencies within the jurisdiction of the
32 Treasurer. The Executive Inspector General appointed by the
33 Governor shall have jurisdiction over the Governor, the
34 Lieutenant Governor, and all officers and employees of, and

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

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

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

25 (e) No Executive Inspector General or employee of the
26 Office of the Executive Inspector General may, during his or
27 her term of appointment or employment:

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

29 (2) hold any other elected or appointed public
30 office except for appointments on governmental advisory
31 boards or study commissions or as otherwise expressly
32 authorized by law;

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

1 (4) actively participate in any campaign for any
2 elective office.

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

7 (e-1) No Executive Inspector General or employee of the
8 Office of the Executive Inspector General may, for one year
9 after the termination of his or her appointment or
10 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
14 judicial office.

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

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

23 (93 HB3412enr. Sec. 20-15 new)

24 Sec. 20-15. Duties of the Executive Ethics Commission. In
25 addition to duties otherwise assigned by law, the Executive
26 Ethics Commission shall have the following duties:

- 27 (1) To promulgate rules governing the performance of its
28 duties and the exercise of its powers and governing the
29 investigations of the Executive Inspectors General. It is
30 declared to be in the public interest, safety, and welfare
31 that the Commission adopt emergency rules under the Illinois
32 Administrative Procedure Act to initially perform its duties
33 under this subsection.

1 (2) To conduct administrative hearings and rule on
2 matters brought before the Commission only upon the receipt
3 of pleadings filed by an Executive Inspector General and not
4 upon its own prerogative, but may appoint special Executive
5 Inspectors General as provided in Section 20-21. Any other
6 allegations of misconduct received by the Commission from a
7 person other than an Executive Inspector General shall be
8 referred to the Office of the appropriate Executive Inspector
9 General.

10 (3) To prepare and publish manuals and guides and,
11 working with the Office of the Attorney General, oversee
12 training of employees under its jurisdiction that explains
13 their duties.

14 (4) To prepare public information materials to facilitate
15 compliance, implementation, and enforcement of this Act.

16 (5) To submit reports as required by this Act.

17 (6) To the extent authorized by this Act, to make
18 rulings, issue recommendations, and impose administrative
19 finances, if appropriate, in connection with the implementation
20 and interpretation of this Act. The powers and duties of the
21 Commission are limited to matters clearly within the purview
22 of this Act.

23 (7) To issue subpoenas with respect to matters pending
24 before the Commission, subject to the provisions of this
25 Article and in the discretion of the Commission, to compel
26 the attendance of witnesses for purposes of testimony and the
27 production of documents and other items for inspection and
28 copying.

29 (8) To appoint special Executive Inspectors General as
30 provided in Section 20-21.

31 (93 HB3412enr. Sec. 20-20 new)

32 Sec. 20-20. Duties of the Executive Inspectors General.
33 In addition to duties otherwise assigned by law, each

1 Executive Inspector General shall have the following duties:

2 (1) To receive and investigate allegations of violations
3 of this Act. The Executive Inspector General may receive
4 information through the Office of any Executive Inspector
5 General or through an ethics commission. An investigation may
6 be conducted only in response to information reported to the
7 Executive Inspector General as provided in this Section and
8 not upon his or her own prerogative. Allegations may not be
9 made anonymously. An investigation may not be initiated more
10 than one year after the most recent act of the alleged
11 violation or of a series of alleged violations except where
12 there is reasonable cause to believe that fraudulent
13 concealment has occurred. To constitute fraudulent
14 concealment sufficient to toll this limitations period, there
15 must be an affirmative act or representation calculated to
16 prevent discovery of the fact that a violation has occurred.
17 The Executive Inspector General shall have the discretion to
18 determine the appropriate means of investigation as permitted
19 by law.

20 (2) To request information relating to an investigation
21 from any person when the Executive Inspector General deems
22 that information necessary in conducting an investigation.

23 (3) To issue subpoenas to compel the attendance of
24 witnesses for the purposes of testimony and production of
25 documents and other items for inspection and copying and to
26 make service of those subpoenas and subpoenas issued under
27 item (7) of Section 20-15.

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

29 (5) To file pleadings in the name of the Executive
30 Inspector General with the Executive Ethics Commission,
31 through the Attorney General, as provided in this Article if
32 the Attorney General finds that reasonable cause exists to
33 believe that a violation has occurred.

34 (6) To assist and coordinate the ethics officers for

1 State agencies under the jurisdiction of the Executive
2 Inspector General and to work with those ethics officers.

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

5 (8) To request, as the Executive Inspector General deems
6 appropriate, from ethics officers of State agencies under his
7 or her jurisdiction, reports or information on (i) the
8 content of a State agency's ethics training program and (ii)
9 the percentage of new officers and employees who have
10 completed ethics training.

11 (93 HB3412enr. Sec. 20-21 new)

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

13 (a) The Executive Ethics Commission, on its own
14 initiative and by majority vote, may appoint special
15 Executive Inspectors General (i) to investigate alleged
16 violations of this Act if an investigation by the Inspector
17 General was not concluded within 6 months after its
18 initiation, where the Commission finds that the Inspector
19 General's reasons under Section 20-65 for failing to complete
20 the investigation are insufficient and (ii) to accept
21 referrals from the Commission of allegations made pursuant to
22 this Act concerning an Executive Inspector General or
23 employee of an Office of an Executive Inspector General and
24 to investigate those allegations.

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

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

31 (d) A special Executive Inspector General shall have the
32 same powers and duties with respect to the purpose of his or
33 her appointment as an Executive Inspector General appointed

1 under Section 20-10.

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

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

8 (93 HB3412enr. Sec. 20-23 new)

9 Sec. 20-23. Ethics Officers. Each officer and the head
10 of each State agency under the jurisdiction of the Executive
11 Ethics Commission shall designate an Ethics Officer for the
12 office or State agency. Ethics Officers shall:

13 (1) act as liaisons between the State agency and
14 the appropriate Executive Inspector General and between
15 the State agency and the Executive Ethics Commission;

16 (2) review statements of economic interest and
17 disclosure forms of officers, senior employees, and
18 contract monitors before they are filed with the
19 Secretary of State; and

20 (3) provide guidance to officers and employees in
21 the interpretation and implementation of this Act, which
22 the officer or employee may in good faith rely upon. Such
23 guidance shall be based, wherever possible, upon legal
24 precedent in court decisions, opinions of the Attorney
25 General, and the findings and opinions of the Executive
26 Ethics Commission.

27 (93 HB3412enr. Sec. 20-35 new)

28 Sec. 20-35. Administrative subpoena; compliance. A person
29 duly subpoenaed for testimony, documents, or other items who
30 neglects or refuses to testify or produce documents or other
31 items under the requirements of the subpoena shall be subject
32 to punishment as may be determined by a court of competent

1 jurisdiction. Nothing in this Section limits or alters a
2 person's existing rights or protections under State or
3 federal law.

4 (93 HB3412enr. Sec. 20-40 new)

5 Sec. 20-40. Collective bargaining agreements. Any
6 investigation or inquiry by an Executive Inspector General or
7 any agent or representative of an Executive Inspector General
8 must be conducted with awareness of the provisions of a
9 collective bargaining agreement that applies to the employees
10 of the relevant State agency and with an awareness of the
11 rights of the employees as set forth by State and federal law
12 and applicable judicial decisions. Any recommendation for
13 discipline or any action taken against any State employee
14 pursuant to this Act must comply with the provisions of the
15 collective bargaining agreement that applies to the State
16 employee.

17 (93 HB3412enr. Sec. 20-45 new)

18 Sec. 20-45. Standing; representation.

19 (a) Only an Executive Inspector General may bring
20 actions before the Executive Ethics Commission.

21 (b) The Attorney General shall represent an Executive
22 Inspector General in all proceedings before the Commission.
23 Whenever the Attorney General is sick or absent, or unable to
24 attend, or is interested in any matter or proceeding under
25 this Act, upon the filing of a petition under seal by any
26 person with standing, the Supreme Court (or any other court
27 of competent jurisdiction as designated and determined by
28 rule of the Supreme Court) may appoint some competent
29 attorney to prosecute or defend that matter or proceeding,
30 and the attorney so appointed shall have the same power and
31 authority in relation to that matter or proceeding as the
32 Attorney General would have had if present and attending to

1 the same.

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

12 (93 HB3412enr. Sec. 20-50 new)

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

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

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

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

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

29 (3) Recommendations for any corrective or
30 disciplinary action to be taken in response to any
31 alleged misconduct described in the report, including but
32 not limited to discharge.

33 (4) Other information the Executive Inspector

1 General deems relevant to the investigation or resulting
2 recommendations.

3 (c) Not less than 30 days after delivery of the summary
4 report of an investigation under subsection (a), if the
5 Executive Inspector General desires to file a petition for
6 leave to file a complaint, the Executive Inspector General
7 shall notify the Commission and the Attorney General. If the
8 Attorney General determines that reasonable cause exists to
9 believe that a violation has occurred, then the Executive
10 Inspector General, represented by the Attorney General, may
11 file with the Executive Ethics Commission a petition for
12 leave to file a complaint. The petition shall set forth the
13 alleged violation and the grounds that exist to support the
14 petition. The petition for leave to file a complaint must be
15 filed with the Commission within 18 months after the most
16 recent act of the alleged violation or of a series of alleged
17 violations except where there is reasonable cause to believe
18 that fraudulent concealment has occurred. To constitute
19 fraudulent concealment sufficient to toll this limitations
20 period, there must be an affirmative act or representation
21 calculated to prevent discovery of the fact that a violation
22 has occurred. If a petition for leave to file a complaint is
23 not filed with the Commission within 6 months after notice by
24 the Inspector General to the Commission and the Attorney
25 General, then the Commission may set a meeting of the
26 Commission at which the Attorney General shall appear and
27 provide a status report to the Commission.

28 (d) A copy of the petition must be served on all
29 respondents named in the complaint and on each respondent's
30 ultimate jurisdictional authority in the same manner as
31 process is served under the Code of Civil Procedure.

32 (e) A respondent may file objections to the petition for
33 leave to file a complaint within 30 days after notice of the
34 petition has been served on the respondent.

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

16 (g) On the scheduled date the Commission shall conduct a
17 closed meeting, either in person or, if the parties consent,
18 by telephone, on the complaint and allow all parties the
19 opportunity to present testimony and evidence. All such
20 proceedings shall be transcribed.

21 (h) Within an appropriate time limit set by rules of the
22 Executive Ethics Commission, the Commission shall (i) dismiss
23 the complaint or (ii) issue a recommendation of discipline to
24 the respondent and the respondent's ultimate jurisdictional
25 authority or impose an administrative fine upon the
26 respondent, or both.

27 (i) The proceedings on any complaint filed with the
28 Commission shall be conducted pursuant to rules promulgated
29 by the Commission.

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

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

34 (l) When the Inspector General concludes that there is

1 insufficient evidence that a violation has occurred, the
2 Inspector General shall close the investigation. At the
3 request of the subject of the investigation, the Inspector
4 General shall provide a written statement to the subject of
5 the investigation and to the Commission of the Inspector
6 General's decision to close the investigation. Closure by the
7 Inspector General does not bar the Inspector General from
8 resuming the investigation if circumstances warrant.

9 (93 HB3412enr. Sec. 20-55 new)

10 Sec. 20-55. Decisions; recommendations.

11 (a) All decisions of the Executive Ethics Commission
12 must include a description of the alleged misconduct, the
13 decision of the Commission, including any fines levied and
14 any recommendation of discipline, and the reasoning for that
15 decision. All decisions of the Commission shall be delivered
16 to the head of the appropriate State agency, the appropriate
17 ultimate jurisdictional authority, and the appropriate
18 Executive Inspector General. The Executive Ethics Commission
19 shall promulgate rules for the decision and recommendation
20 process.

21 (b) If the Executive Ethics Commission issues a
22 recommendation of discipline to an agency head or ultimate
23 jurisdictional authority, that agency head or ultimate
24 jurisdictional authority must respond to that recommendation
25 in 30 days with a written response to the Executive Ethics
26 Commission. This response must include any disciplinary
27 action the agency head or ultimate jurisdictional authority
28 has taken with respect to the officer or employee in
29 question. If the agency head or ultimate jurisdictional
30 authority did not take any disciplinary action, or took a
31 different disciplinary action than that recommended by the
32 Executive Ethics Commission, the agency head or ultimate
33 jurisdictional authority must describe the different action

1 and explain the reasons for the different action in the
2 written response. This response must be served upon the
3 Executive Ethics Commission and the appropriate Executive
4 Inspector General within the 30-day period and is not exempt
5 from the provisions of the Freedom of Information Act.

6 (93 HB3412enr. Sec. 20-60 new)

7 Sec. 20-60. Appeals. A decision of the Executive Ethics
8 Commission to impose a fine is subject to judicial review
9 under the Administrative Review Law. All other decisions by
10 the Executive Ethics Commission are final and not subject to
11 review either administratively or judicially.

12 (93 HB3412enr. Sec. 20-65 new)

13 Sec. 20-65. Investigations not concluded within 6 months.
14 If any investigation is not concluded within 6 months after
15 its initiation, the appropriate Executive Inspector General
16 shall notify the Executive Ethics Commission and appropriate
17 ultimate jurisdictional authority of the general nature of
18 the allegation or information giving rise to the
19 investigation and the reasons for failure to complete the
20 investigation within 6 months.

21 (93 HB3412enr. Sec. 20-70 new)

22 Sec. 20-70. Cooperation in investigations. It is the duty
23 of every officer and employee under the jurisdiction of an
24 Executive Inspector General, including any inspector general
25 serving in any State agency under the jurisdiction of that
26 Executive Inspector General, to cooperate with the Executive
27 Inspector General in any investigation undertaken pursuant to
28 this Act. Failure to cooperate with an investigation of the
29 Executive Inspector General is grounds for disciplinary
30 action, including dismissal. Nothing in this Section limits
31 or alters a person's existing rights or protections under

1 State or federal law.

2 (93 HB3412enr. Sec. 20-80 new)

3 Sec. 20-80. Referrals of investigations. If an Executive
 4 Inspector General determines that any alleged misconduct
 5 involves any person not subject to the jurisdiction of the
 6 Executive Ethics Commission, that Executive Inspector General
 7 shall refer the reported allegations to the appropriate
 8 Inspector General, appropriate ethics commission, or other
 9 appropriate body. If an Executive Inspector General
 10 determines that any alleged misconduct may give rise to
 11 criminal penalties, the Executive Inspector General may refer
 12 the allegations regarding that misconduct to the appropriate
 13 law enforcement authority.

14 (93 HB3412enr. Sec. 20-85 new)

15 Sec. 20-85. Quarterly reports by Executive Inspector
 16 General. Each Executive Inspector General shall submit
 17 quarterly reports to the appropriate executive branch
 18 constitutional officer and the Executive Ethics Commission,
 19 on dates determined by the Executive Ethics Commission,
 20 indicating:

21 (1) the number of allegations received since the
 22 date of the last report;

23 (2) the number of investigations initiated since
 24 the date of the last report;

25 (3) the number of investigations concluded since
 26 the date of the last report;

27 (4) the number of investigations pending as of the
 28 reporting date;

29 (5) the number of complaints forwarded to the
 30 Attorney General since the date of the last report; and

31 (6) the number of actions filed with the Executive
 32 Ethics Commission since the date of the last report and

1 the number of actions pending before the Executive Ethics
2 Commission as of the reporting date.

3 (93 HB3412enr. Sec. 20-86 new)

4 Sec. 20-86. Quarterly reports by the Attorney General.

5 The Attorney General shall submit quarterly reports to the
6 Executive Ethics Commission, on dates determined by the
7 Executive Ethics Commission, indicating:

8 (1) the number of complaints received from each of
9 the Executive Inspectors General since the date of the
10 last report;

11 (2) the number of complaints for which the Attorney
12 General has determined reasonable cause exists to believe
13 that a violation has occurred since the date of the last
14 report; and

15 (3) the number of complaints still under review by
16 the Attorney General.

17 (93 HB3412enr. Sec. 20-90 new)

18 Sec. 20-90. Confidentiality.

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

29 (b) Subject to the provisions of Section 20-50(c),
30 commissioners, employees, and agents of the Executive Ethics
31 Commission, the Executive Inspectors General, and employees
32 and agents of each Office of an Executive Inspector General

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

4 (93 HB3412enr. Sec. 20-95 new)

5 Sec. 20-95. Exemptions.

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

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

24 (c) Meetings of the Commission under Sections 20-5 and
25 20-15 of this Act are exempt from the provisions of the Open
26 Meetings Act.

27 (d) Unless otherwise provided in this Act, all
28 investigatory files and reports of the Office of an Executive
29 Inspector General, other than quarterly reports, are
30 confidential, are exempt from disclosure under the Freedom of
31 Information Act, and shall not be divulged to any person or
32 agency, except as necessary (i) to the appropriate law
33 enforcement authority if the matter is referred pursuant to

1 this Act, (ii) to the ultimate jurisdictional authority,
2 (iii) to the Executive Ethics Commission; or (iv) to another
3 Inspector General appointed pursuant to this Act.

4 (93 HB3412enr. Art. 25 heading new)

5 ARTICLE 25

6 LEGISLATIVE ETHICS COMMISSION AND

7 LEGISLATIVE INSPECTOR GENERAL

8 (93 HB3412enr. Sec. 25-5 new)

9 Sec. 25-5. Legislative Ethics Commission.

10 (a) The Legislative Ethics Commission is created.

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

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

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

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

30 Terms shall run regardless of whether the position is
31 filled.

32 (c) The appointing authorities shall appoint

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

15 (d) The Legislative Ethics Commission shall have
16 jurisdiction over members of the General Assembly and all
17 State employees whose ultimate jurisdictional authority is
18 (i) a legislative leader, (ii) the Senate Operations
19 Commission, or (iii) the Joint Committee on Legislative
20 Support Services. The jurisdiction of the Commission is
21 limited to matters arising under this Act.

22 (e) The Legislative Ethics Commission must meet, either
23 in person or by other technological means, monthly or as
24 often as necessary. At the first meeting of the Legislative
25 Ethics Commission, the commissioners shall choose from their
26 number a chairperson and other officers that they deem
27 appropriate. The terms of officers shall be for 2 years
28 commencing July 1 and running through June 30 of the second
29 following year. Meetings shall be held at the call of the
30 chairperson or any 3 commissioners. Official action by the
31 Commission shall require the affirmative vote of 5
32 commissioners, and a quorum shall consist of 5 commissioners.
33 Commissioners shall receive no compensation but may be
34 reimbursed for their reasonable expenses actually incurred in

1 the performance of their duties.

2 (f) No commissioner, other than a commissioner who is a
3 member of the General Assembly, or employee of the
4 Legislative Ethics Commission may during his or her term of
5 appointment or employment:

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

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

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

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

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

17 (h) The Legislative Ethics Commission shall appoint an
18 Executive Director. The compensation of the Executive
19 Director shall be as determined by the Commission or by the
20 Compensation Review Board, whichever amount is higher. The
21 Executive Director of the Legislative Ethics Commission may
22 employ and determine the compensation of staff, as
23 appropriations permit.

24 (93 HB3412enr. Sec. 25-10 new)

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

26 (a) The independent Office of the Legislative Inspector
27 General is created. The Office shall be under the direction
28 and supervision of the Legislative Inspector General and
29 shall be a fully independent office with its own
30 appropriation.

31 (b) The Legislative Inspector General shall be appointed
32 without regard to political affiliation and solely on the
33 basis of integrity and demonstrated ability. The Legislative

1 Ethics Commission shall diligently search out qualified
2 candidates for Legislative Inspector General and shall make
3 recommendations to the General Assembly.

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

19 The Legislative Inspector General shall have the
20 following qualifications:

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

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

25 (3) has 5 or more years of cumulative service (A)
26 with a federal, State, or local law enforcement agency,
27 at least 2 years of which have been in a progressive
28 investigatory capacity; (B) as a federal, State, or local
29 prosecutor; (C) as a senior manager or executive of a
30 federal, State, or local agency; (D) as a member, an
31 officer, or a State or federal judge; or (E) representing
32 any combination of (A) through (D).

33 The Legislative Inspector General may not be a relative
34 of a commissioner.

1 The term of the initial Legislative Inspector General
2 shall commence upon qualification and shall run through June
3 30, 2008.

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

9 A vacancy occurring other than at the end of a term shall
10 be filled in the same manner as an appointment only for the
11 balance of the term of the Legislative Inspector General
12 whose office is vacant.

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

15 (c) The Legislative Inspector General shall have
16 jurisdiction over the members of the General Assembly and all
17 State employees whose ultimate jurisdictional authority is
18 (i) a legislative leader, (ii) the Senate Operations
19 Commission, or (iii) the Joint Committee on Legislative
20 Support Services.

21 The jurisdiction of each Legislative Inspector General is
22 to investigate allegations of fraud, waste, abuse,
23 mismanagement, misconduct, nonfeasance, misfeasance,
24 malfeasance, or violations of this Act or violations of other
25 related laws and rules.

26 (d) The compensation of the Legislative Inspector
27 General shall be the greater of an amount (i) determined by
28 the Commission or (ii) by joint resolution of the General
29 Assembly passed by a majority of members elected in each
30 chamber. Subject to Section 25-45 of this Act, the
31 Legislative Inspector General has full authority to organize
32 the Office of the Legislative Inspector General, including
33 the employment and determination of the compensation of
34 staff, such as deputies, assistants, and other employees, as

1 appropriations permit.

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

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

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

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

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

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

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

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

23 (2) hold any elected public office; or

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

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

28 (f) The Commission may remove the Legislative Inspector
29 General only for cause. At the time of the removal, the
30 Commission must report to the General Assembly the
31 justification for the removal.

32 (93 HB3412enr. Sec. 25-15 new)

33 Sec. 25-15. Duties of the Legislative Ethics Commission.

1 In addition to duties otherwise assigned by law, the
2 Legislative Ethics Commission shall have the following
3 duties:

4 (1) To promulgate rules governing the performance of its
5 duties and the exercise of its powers and governing the
6 investigations of the Legislative Inspector General.

7 (2) To conduct administrative hearings and rule on
8 matters brought before the Commission only upon the receipt
9 of pleadings filed by the Legislative Inspector General and
10 not upon its own prerogative, but may appoint special
11 Legislative Inspectors General as provided in Section 25-21.
12 Any other allegations of misconduct received by the
13 Commission from a person other than the Legislative Inspector
14 General shall be referred to the Office of the Legislative
15 Inspector General.

16 (3) To prepare and publish manuals and guides and,
17 working with the Office of the Attorney General, oversee
18 training of employees under its jurisdiction that explains
19 their duties.

20 (4) To prepare public information materials to facilitate
21 compliance, implementation, and enforcement of this Act.

22 (5) To submit reports as required by this Act.

23 (6) To the extent authorized by this Act, to make
24 rulings, issue recommendations, and impose administrative
25 finer, if appropriate, in connection with the implementation
26 and interpretation of this Act. The powers and duties of the
27 Commission are limited to matters clearly within the purview
28 of this Act.

29 (7) To issue subpoenas with respect to matters pending
30 before the Commission, subject to the provisions of this
31 Article and in the discretion of the Commission, to compel
32 the attendance of witnesses for purposes of testimony and the
33 production of documents and other items for inspection and
34 copying.

1 (8) To appoint special Legislative Inspectors General as
2 provided in Section 25-21.

3 (93 HB3412enr. Sec. 25-20 new)

4 Sec. 25-20. Duties of the Legislative Inspector General.
5 In addition to duties otherwise assigned by law, the
6 Legislative Inspector General shall have the following
7 duties:

8 (1) To receive and investigate allegations of violations
9 of this Act. The Legislative Inspector General may receive
10 information through the Office of the Legislative Inspector
11 General or through an ethics commission. An investigation may
12 be conducted only in response to information reported to the
13 Legislative Inspector General as provided in this Section and
14 not upon his or her own prerogative. Allegations may not be
15 made anonymously. An investigation may not be initiated more
16 than one year after the most recent act of the alleged
17 violation or of a series of alleged violations except where
18 there is reasonable cause to believe that fraudulent
19 concealment has occurred. To constitute fraudulent
20 concealment sufficient to toll this limitations period, there
21 must be an affirmative act or representation calculated to
22 prevent discovery of the fact that a violation has occurred.
23 The Legislative Inspector General shall have the discretion
24 to determine the appropriate means of investigation as
25 permitted by law.

26 (2) To request information relating to an investigation
27 from any person when the Legislative Inspector General deems
28 that information necessary in conducting an investigation.

29 (3) To issue subpoenas, with the advance approval of the
30 Commission, to compel the attendance of witnesses for the
31 purposes of testimony and production of documents and other
32 items for inspection and copying and to make service of those
33 subpoenas and subpoenas issued under item (7) of Section

1 25-15.

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

3 (5) To file pleadings in the name of the Legislative
4 Inspector General with the Legislative Ethics Commission,
5 through the Attorney General, as provided in this Article if
6 the Attorney General finds that reasonable cause exists to
7 believe that a violation has occurred.

8 (6) To assist and coordinate the ethics officers for
9 State agencies under the jurisdiction of the Legislative
10 Inspector General and to work with those ethics officers.

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

13 (8) To request, as the Legislative Inspector General
14 deems appropriate, from ethics officers of State agencies
15 under his or her jurisdiction, reports or information on (i)
16 the content of a State agency's ethics training program and
17 (ii) the percentage of new officers and employees who have
18 completed ethics training.

19 (93 HB3412enr. Sec. 25-21 new)

20 Sec. 25-21. Special Legislative Inspectors General.

21 (a) The Legislative Ethics Commission, on its own
22 initiative and by majority vote, may appoint special
23 Legislative Inspectors General (i) to investigate alleged
24 violations of this Act, if an investigation by the Inspector
25 General was not concluded within 6 months after its
26 initiation, where the Commission finds that the Inspector
27 General's reasons under Section 25-65 for failing to complete
28 the investigation are insufficient and (ii) to accept
29 referrals from the Commission of allegations made pursuant to
30 this Act concerning the Legislative Inspector General or an
31 employee of the Office of the Legislative Inspector General
32 and to investigate those allegations.

33 (b) A special Legislative Inspector General must have

1 the same qualifications as the Legislative Inspector General
2 appointed under Section 25-10.

3 (c) The Commission's appointment of a special
4 Legislative Inspector General must be in writing and must
5 specify the duration and purpose of the appointment.

6 (d) A special Legislative Inspector General shall have
7 the same powers and duties with respect to the purpose of his
8 or her appointment as the Legislative Inspector General
9 appointed under Section 25-10.

10 (e) A special Legislative Inspector General shall report
11 the findings of his or her investigation to the Commission.

12 (f) The Commission may report the findings of a special
13 Legislative Inspector General and its recommendations, if
14 any, to the General Assembly.

15 (93 HB3412enr. Sec. 25-23 new)

16 Sec. 25-23. Ethics Officers. The President and Minority
17 Leader of the Senate and the Speaker and Minority Leader of
18 the House of Representatives shall each appoint an ethics
19 officer for the members and employees of his or her
20 legislative caucus. No later than January 1, 2004, the head
21 of each State agency under the jurisdiction of the
22 Legislative Ethics Commission, other than the General
23 Assembly, shall designate an ethics officer for the State
24 agency. Ethics Officers shall:

25 (1) act as liaisons between the State agency and
26 the Legislative Inspector General and between the State
27 agency and the Legislative Ethics Commission;

28 (2) review statements of economic interest and
29 disclosure forms of officers, senior employees, and
30 contract monitors before they are filed with the
31 Secretary of State; and

32 (3) provide guidance to officers and employees in
33 the interpretation and implementation of this Act, which

1 the officer or employee may in good faith rely upon. Such
2 guidance shall be based, wherever possible, upon legal
3 precedent in court decisions, opinions of the Attorney
4 General, and the findings and opinions of the Legislative
5 Ethics Commission.

6 (93 HB3412enr. Sec. 25-35 new)

7 Sec. 25-35. Administrative subpoena; compliance. A person
8 duly subpoenaed for testimony, documents, or other items who
9 neglects or refuses to testify or produce documents or other
10 items under the requirements of the subpoena shall be subject
11 to punishment as may be determined by a court of competent
12 jurisdiction. Nothing in this Section limits or alters a
13 person's existing rights or protections under State or
14 federal law.

15 (93 HB3412enr. Sec. 25-45 new)

16 Sec. 25-45. Standing; representation.

17 (a) Only the Legislative Inspector General may bring
18 actions before the Legislative Ethics Commission.

19 (b) The Attorney General shall represent the Legislative
20 Inspector General in all proceedings before the Commission.
21 Whenever the Attorney General is sick or absent, or unable to
22 attend, or is interested in any matter or proceeding under
23 this Act, upon the filing of a petition under seal by any
24 person with standing, the Supreme Court (or any other court
25 of competent jurisdiction as designated and determined by
26 rule of the Supreme Court) may appoint some competent
27 attorney to prosecute or defend that matter or proceeding,
28 and the attorney so appointed shall have the same power and
29 authority in relation to that matter or proceeding as the
30 Attorney General would have had if present and attending to
31 the same.

32 (c) Attorneys representing an Inspector General in

1 proceedings before the Legislative Ethics Commission, except
2 an attorney appointed under subsection (b), shall be
3 appointed or retained by the Attorney General, shall be under
4 the supervision, direction, and control of the Attorney
5 General, and shall serve at the pleasure of the Attorney
6 General. The compensation of any attorneys appointed or
7 retained in accordance with this subsection or subsection (b)
8 shall be paid by the Office of the Legislative Inspector
9 General.

10 (93 HB3412enr. Sec. 25-50 new)

11 Sec. 25-50. Investigation reports; complaint procedure.

12 (a) If the Legislative Inspector General, upon the
13 conclusion of an investigation, determines that reasonable
14 cause exists to believe that a violation has occurred, then
15 the Legislative Inspector General shall issue a summary
16 report of the investigation. The report shall be delivered to
17 the appropriate ultimate jurisdictional authority and to the
18 head of each State agency affected by or involved in the
19 investigation, if appropriate.

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

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

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

27 (3) Recommendations for any corrective or
28 disciplinary action to be taken in response to any
29 alleged misconduct described in the report, including but
30 not limited to discharge.

31 (4) Other information the Legislative Inspector
32 General deems relevant to the investigation or resulting
33 recommendations.

1 (c) Not less than 30 days after delivery of the summary
2 report of an investigation under subsection (a), if the
3 Legislative Inspector General desires to file a petition for
4 leave to file a complaint, the Legislative Inspector General
5 shall notify the Commission and the Attorney General. If the
6 Attorney General determines that reasonable cause exists to
7 believe that a violation has occurred, then the Legislative
8 Inspector General, represented by the Attorney General, may
9 file with the Legislative Ethics Commission a petition for
10 leave to file a complaint. The petition shall set forth the
11 alleged violation and the grounds that exist to support the
12 petition. The petition for leave to file a complaint must be
13 filed with the Commission within 18 months after the most
14 recent act of the alleged violation or of a series of alleged
15 violations except where there is reasonable cause to believe
16 that fraudulent concealment has occurred. To constitute
17 fraudulent concealment sufficient to toll this limitations
18 period, there must be an affirmative act or representation
19 calculated to prevent discovery of the fact that a violation
20 has occurred. If a petition for leave to file a complaint is
21 not filed with the Commission within 6 months after notice by
22 the Inspector General to the Commission and the Attorney
23 General, then the Commission may set a meeting of the
24 Commission at which the Attorney General shall appear and
25 provide a status report to the Commission.

26 (d) A copy of the petition must be served on all
27 respondents named in the complaint and on each respondent's
28 ultimate jurisdictional authority in the same manner as
29 process is served under the Code of Civil Procedure.

30 (e) A respondent may file objections to the petition for
31 leave to file a complaint within 30 days after notice of the
32 petition has been served on the respondent.

33 (f) The Commission shall meet, either in person or by
34 telephone, in a closed session to review the sufficiency of

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

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

19 (h) Within an appropriate time limit set by rules of the
20 Legislative Ethics Commission, the Commission shall (i)
21 dismiss the complaint or (ii) issue a recommendation of
22 discipline to the respondent and the respondent's ultimate
23 jurisdictional authority or impose an administrative fine
24 upon the respondent, or both.

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

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

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

32 (l) When the Inspector General concludes that there is
33 insufficient evidence that a violation has occurred, the
34 Inspector General shall close the investigation. At the

1 request of the subject of the investigation, the Inspector
2 General shall provide a written statement to the subject of
3 the investigation and to the Commission of the Inspector
4 General's decision to close the investigation. Closure by the
5 Inspector General does not bar the Inspector General from
6 resuming the investigation if circumstances warrant.

7 (93 HB3412enr. Sec. 25-55 new)

8 Sec. 25-55. Decisions; recommendations.

9 (a) All decisions of the Legislative Ethics Commission
10 must include a description of the alleged misconduct, the
11 decision of the Commission, including any fines levied and
12 any recommendation of discipline, and the reasoning for that
13 decision. All decisions of the Commission shall be delivered
14 to the head of the appropriate State agency, the appropriate
15 ultimate jurisdictional authority, and the Legislative
16 Inspector General. The Legislative Ethics Commission shall
17 promulgate rules for the decision and recommendation process.

18 (b) If the Legislative Ethics Commission issues a
19 recommendation of discipline to an agency head or ultimate
20 jurisdictional authority, that agency head or ultimate
21 jurisdictional authority must respond to that recommendation
22 in 30 days with a written response to the Legislative Ethics
23 Commission. This response must include any disciplinary
24 action the agency head or ultimate jurisdictional authority
25 has taken with respect to the officer or employee in
26 question. If the agency head or ultimate jurisdictional
27 authority did not take any disciplinary action, or took a
28 different disciplinary action than that recommended by the
29 Legislative Ethics Commission, the agency head or ultimate
30 jurisdictional authority must describe the different action
31 and explain the reasons for the different action in the
32 written response. This response must be served upon the
33 Legislative Ethics Commission and the Legislative Inspector

1 General within the 30-day period and is not exempt from the
2 provisions of the Freedom of Information Act.

3 (93 HB3412enr. Sec. 25-60 new)

4 Sec. 25-60. Appeals. A decision of the Legislative Ethics
5 Commission to impose a fine is subject to judicial review
6 under the Administrative Review Law. All other decisions by
7 the Legislative Ethics Commission are final and not subject
8 to review either administratively or judicially.

9 (93 HB3412enr. Sec. 25-65 new)

10 Sec. 25-65. Investigations not concluded within 6 months.
11 If any investigation is not concluded within 6 months after
12 its initiation, the Legislative Inspector General shall
13 notify the Legislative Ethics Commission and appropriate
14 ultimate jurisdictional authority of the general nature of
15 the allegation or information giving rise to the
16 investigation and the reasons for failure to complete the
17 investigation within 6 months.

18 (93 HB3412enr. Sec. 25-70 new)

19 Sec. 25-70. Cooperation in investigations. It is the duty
20 of every officer and employee under the jurisdiction of the
21 Legislative Inspector General, including any inspector
22 general serving in any State agency under the jurisdiction of
23 the Legislative Inspector General, to cooperate with the
24 Legislative Inspector General in any investigation undertaken
25 pursuant to this Act. Failure to cooperate with an
26 investigation of the Legislative Inspector General is grounds
27 for disciplinary action, including dismissal. Nothing in this
28 Section limits or alters a person's existing rights or
29 privileges under State or federal law.

30 (93 HB3412enr. Sec. 25-80 new)

1 Sec. 25-80. Referrals of investigations. If the
2 Legislative Inspector General determines that any alleged
3 misconduct involves any person not subject to the
4 jurisdiction of the Legislative Ethics Commission, the
5 Legislative Inspector General shall refer the reported
6 allegations to the appropriate ethics commission or other
7 appropriate body. If the Legislative Inspector General
8 determines that any alleged misconduct may give rise to
9 criminal penalties, the Legislative Inspector General may
10 refer the allegations regarding that misconduct to the
11 appropriate law enforcement authority.

12 (93 HB3412enr. Sec. 25-85 new)

13 Sec. 25-85. Quarterly reports by the Legislative
14 Inspector General. The Legislative Inspector General shall
15 submit quarterly reports to the General Assembly and the
16 Legislative Ethics Commission, on dates determined by the
17 Legislative Ethics Commission, indicating:

18 (1) the number of allegations received since the
19 date of the last report;

20 (2) the number of investigations initiated since
21 the date of the last report;

22 (3) the number of investigations concluded since
23 the date of the last report;

24 (4) the number of investigations pending as of the
25 reporting date;

26 (5) the number of complaints forwarded to the
27 Attorney General since the date of the last report; and

28 (6) the number of actions filed with the
29 Legislative Ethics Commission since the date of the last
30 report and the number of actions pending before the
31 Legislative Ethics Commission as of the reporting date.

32 (93 HB3412enr. Sec. 25-86 new)

1 Sec. 25-86. Quarterly reports by the Attorney General.
2 The Attorney General shall submit quarterly reports to the
3 Legislative Ethics Commission, on dates determined by the
4 Legislative Ethics Commission, indicating:

5 (1) the number of complaints received from the
6 Legislative Inspector General since the date of the last
7 report;

8 (2) the number of complaints for which the Attorney
9 General has determined reasonable cause exists to believe
10 that a violation has occurred since the date of the last
11 report; and

12 (3) the number of complaints still under review by
13 the Attorney General.

14 (93 HB3412enr. Sec. 25-90 new)

15 Sec. 25-90. Confidentiality.

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

26 (b) Subject to the provisions of Section 25-50(c),
27 commissioners, employees, and agents of the Legislative
28 Ethics Commission, the Legislative Inspector General, and
29 employees and agents of the Office of the Legislative
30 Inspector General shall keep confidential and shall not
31 disclose information exempted from disclosure under the
32 Freedom of Information Act or by this Act.

1 (93 HB3412enr. Sec. 25-95 new)

2 Sec. 25-95. Exemptions.

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

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

22 (c) Meetings of the Commission under Sections 25-5 and
23 25-15 of this Act are exempt from the provisions of the Open
24 Meetings Act.

25 (d) Unless otherwise provided in this Act, all
26 investigatory files and reports of the Office of the
27 Legislative Inspector General, other than quarterly reports,
28 are confidential, are exempt from disclosure under the
29 Freedom of Information Act, and shall not be divulged to any
30 person or agency, except as necessary (i) to the appropriate
31 law enforcement authority if the matter is referred pursuant
32 to this Act, (ii) to the ultimate jurisdictional authority,
33 or (iii) to the Legislative Ethics Commission.

1 (93 HB3412enr. Art. 30 heading new)

2 ARTICLE 30

3 AUDITOR GENERAL

4 (93 HB3412enr. Sec. 30-5 new)

5 Sec. 30-5. Appointment of Inspector General.

6 (a) The Auditor General shall appoint an Inspector
7 General (i) to investigate allegations of violations of
8 Articles 5 and 10 by State officers and employees under his
9 or her jurisdiction and (ii) to perform other duties and
10 exercise other powers assigned to the Inspectors General by
11 this or any other Act. The Inspector General shall be
12 appointed within 6 months after the effective date of this
13 Act.

14 (b) The Auditor General shall provide by rule for the
15 operation of his or her Inspector General. It is declared to
16 be in the public interest, safety, and welfare that the
17 Auditor General adopt emergency rules under the Illinois
18 Administrative Procedure Act to initially perform his or her
19 duties under this subsection.

20 (c) The Auditor General may appoint an existing
21 inspector general as the Inspector General required by this
22 Article, provided that such an inspector general is not
23 prohibited by law, rule, jurisdiction, qualification, or
24 interest from serving as the Inspector General required by
25 this Article.

26 The Auditor General may not appoint a relative as the
27 Inspector General required by this Article.

28 (93 HB3412enr. Sec. 30-10 new)

29 Sec. 30-10. Ethics Officer. The Auditor General shall
30 designate an Ethics Officer for the office of the Auditor
31 General. The ethics officer shall:

32 (1) act as liaison between the Office of the

1 Auditor General and the Inspector General appointed under
2 this Article;

3 (2) review statements of economic interest and
4 disclosure forms of officers, senior employees, and
5 contract monitors before they are filed with the
6 Secretary of State; and

7 (3) provide guidance to officers and employees in
8 the interpretation and implementation of this Act, which
9 the officer or employee may in good faith rely upon. Such
10 guidance shall be based, whenever possible, upon legal
11 precedent in court decisions and opinions of the Attorney
12 General.

13 (93 HB3412enr. Art. 35 heading new)

14 ARTICLE 35

15 OTHER INSPECTORS GENERAL WITHIN THE EXECUTIVE BRANCH

16 (93 HB3412enr. Sec. 35-5 new)

17 Sec. 35-5. Appointment of Inspectors General. Nothing in
18 this Act precludes the appointment by the Governor, the
19 Lieutenant Governor, the Attorney General, the Secretary of
20 State, the Comptroller, or the Treasurer of any inspector
21 general required or permitted by law. Nothing in this Act
22 precludes the Governor, the Attorney General, the Secretary
23 of State, the Comptroller, or the Treasurer from appointing
24 an existing inspector general under his or her jurisdiction
25 to serve simultaneously as an Executive Inspector General.
26 This Act shall be read consistently with all existing State
27 statutes that create inspectors general under the
28 jurisdiction of an executive branch constitutional officer.

29 (93 HB3412enr. Art. 50, Sec. 50-5)

30 Sec. 50-5. Penalties.

31 (a) A person is guilty of a Class A misdemeanor if that

1 person intentionally violates any provision of Section 5-15,
2 5-30, 5-40, or 5-45 or Article 15.

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

7 (c) A person who intentionally violates any provision of
8 Article 10 is guilty of a business offense and subject to a
9 fine of at least \$1,001 and up to \$5,000.

10 (d) Any person who intentionally makes a false report
11 alleging a violation of any provision of this Act to an
12 ethics commission, an inspector general, the State Police, a
13 State's Attorney, the Attorney General, or any other law
14 enforcement official is guilty of a Class A misdemeanor.

15 (e) An ethics commission may levy an administrative fine
16 of up to \$5,000 against any person who violates this Act, who
17 intentionally obstructs or interferes with an investigation
18 conducted under this Act by an inspector general, or who
19 intentionally makes a false, frivolous, or bad faith
20 allegation.

21 (f) In addition to any other penalty that may apply,
22 whether criminal or civil, a State employee who intentionally
23 violates any provision of Section 5-15, 5-20, 5-30, 5-35,
24 5-40, or 5-50, Article 10, Article 15, or Section 20-90 or
25 25-90 is subject to discipline or discharge by the
26 appropriate ultimate jurisdictional authority.

27 Penalties-

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

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

34 ~~(c)--In--addition--to--any--other-penalty-that-may-apply,~~

1 whether-criminal-or-civil,-a-director,-a-supervisor,-or-a
2 State-employee-who-intentionally-violates-any-provision-of
3 Section-5-15,-5-20,-5-30,-5-35,-or-5-40-or-Article-15-is
4 subject-to-discipline-or-discharge-by-the-appropriate
5 ultimate-jurisdictional-authority.

6 (Source: 93HB3412enr.)

7 (93 HB3412enr. Art. 70, Sec. 70-5)

8 Sec. 70-5. Adoption by governmental entities.

9 (a) Within 6 months after the effective date of this
10 Act, each governmental entity shall adopt an ordinance or
11 resolution that regulates, in a manner no less restrictive
12 than Section 5-15 and Article 10 of this Act, (i) the
13 political activities of officers and employees of the
14 governmental entity and (ii) the soliciting and accepting of
15 gifts by and the offering and making of gifts to officers and
16 employees of the governmental entity.

17 (b) Within 3 months after the effective date of this
18 amendatory Act of the 93rd General Assembly, the Attorney
19 General shall develop model ordinances and resolutions for
20 the purpose of this Article. The Attorney General and shall
21 advise governmental entities on their contents and adoption.

22 (c) As used in this Article, (i) an "officer" means an
23 elected or appointed official; regardless of whether the
24 official is compensated, and (ii) an "employee" means a
25 full-time, part-time, or contractual employee.

26 (Source: 93HB3412enr.)

27 (93 HB3412enr. Art. 70, Sec. 70-15)

28 Sec. 70-15. Home rule preemption. This Article is a
29 denial and limitation of home rule powers and functions in
30 accordance with subsection (i) of Section 6 of Article VII of
31 the Illinois Constitution. A home rule unit may not regulate
32 the political activities of its officers and employees and

1 the soliciting, offering, accepting, and making of gifts in a
2 manner less restrictive than the provisions of Section 70-5
3 ~~this-Act~~.

4 (Source: 93HB3412enr.)

5 Section 55. If and only if House Bill 3412 as passed by
6 the 93rd General Assembly becomes law by override of the
7 Governor's amendatory veto, the Illinois Administrative
8 Procedure Act is amended by changing Sections 1-20 and 5-165
9 as follows:

10 (5 ILCS 100/1-20) (from Ch. 127, par. 1001-20)

11 Sec. 1-20. "Agency" means each officer, board,
12 commission, and agency created by the Constitution, whether
13 in the executive, legislative, or judicial branch of State
14 government, but other than the circuit court; each officer,
15 department, board, commission, agency, institution,
16 authority, university, and body politic and corporate of the
17 State; each administrative unit or corporate outgrowth of the
18 State government that is created by or pursuant to statute,
19 other than units of local government and their officers,
20 school districts, and boards of election commissioners; and
21 each administrative unit or corporate outgrowth of the above
22 and as may be created by executive order of the Governor.

23 "Agency", however, does not include the following:

24 (1) The House of Representatives and Senate and
25 their respective standing and service committees.

26 (2) The Governor.

27 (3) The justices and judges of the Supreme and
28 Appellate Courts.

29 (4) The Legislative Ethics Commission.

30 (Source: P.A. 87-823.)

31 (5 ILCS 100/5-165)

1 Sec. 5-165. Ex parte communications in rulemaking;
2 special government agents.

3 (a) Notwithstanding any law to the contrary, this
4 Section applies to ex parte communications made during the
5 rulemaking process.

6 (b) "Ex parte communication" means any written or oral
7 communication by any person ~~required-to-be-registered-under~~
8 ~~the-Lobbyist-Registration-Act--to--an--agency,--agency--head,~~
9 ~~administrative-law-judge,--or--other--agency--employee~~ during the
10 rulemaking period that imparts or requests material
11 information or makes a material argument regarding potential
12 action concerning an agency's general, emergency, or
13 peremptory rulemaking under this Act and that is communicated
14 to that agency, the head of that agency, or any other
15 employee of that agency. For purposes of this Section, the
16 rulemaking period begins upon the commencement of the first
17 notice period with respect to general rulemaking under
18 Section 5-40, upon the filing of a notice of emergency
19 rulemaking under Section 5-45, or upon the filing of a notice
20 of rulemaking with respect to peremptory rulemaking under
21 Section 5-50. "Ex parte communication" does not include the
22 following: (i) statements by a person publicly made in a
23 public forum; (ii) statements regarding matters of procedure
24 and practice, such as the format of public comments, the
25 number of copies required, the manner of filing such
26 comments, and the status of a rulemaking proceeding; and
27 (iii) statements made by a ~~State-official--or~~ State employee
28 of that agency to the agency head or other employee of that
29 agency.

30 (c) An ex parte communication received by any agency,
31 agency head, or other agency employee, ~~or administrative--law~~
32 judge shall immediately be reported to that agency's ethics
33 officer by the recipient of the communication and by any
34 other employee of that agency who responds to the

1 communication. The ethics officer shall require that the ex
2 parte communication promptly be made a part of the record of
3 the rulemaking proceeding. The ethics officer shall promptly
4 file the ex parte communication with the Executive Ethics
5 Commission, including all written communications, all written
6 responses to the communications, and a memorandum prepared by
7 the ethics officer stating the nature and substance of all
8 oral communications, the identity and job title of the person
9 to whom each communication was made, and all responses made,
10 the identity and job title of the person making each
11 response, and the identity of each person from whom the
12 written or oral ex parte communication was received, the
13 individual or entity represented by that person, any action
14 the person requested or recommended, and any other pertinent
15 information. The disclosure shall also contain the date of
16 any ex parte communication.

17 (d) Failure to take certain actions under this Section
18 may constitute a violation as provided in Section 5-50 of the
19 State Officials and Employees Ethics Act.

20 (Source: 93 HB3412enr.)

21 Section 60. If and only if House Bill 3412 as passed by
22 the 93rd General Assembly becomes law by override of the
23 Governor's amendatory veto, the Open Meetings Act is amended
24 by changing Section 1.02 as follows:

25 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

26 Sec. 1.02. For the purposes of this Act:

27 "Meeting" means any gathering of a majority of a quorum
28 of the members of a public body held for the purpose of
29 discussing public business.

30 "Public body" includes all legislative, executive,
31 administrative or advisory bodies of the State, counties,
32 townships, cities, villages, incorporated towns, school

1 districts and all other municipal corporations, boards,
2 bureaus, committees or commissions of this State, and any
3 subsidiary bodies of any of the foregoing including but not
4 limited to committees and subcommittees which are supported
5 in whole or in part by tax revenue, or which expend tax
6 revenue, except the General Assembly and committees or
7 commissions thereof. "Public body" includes tourism boards
8 and convention or civic center boards located in counties
9 that are contiguous to the Mississippi River with populations
10 of more than 250,000 but less than 300,000. "Public body"
11 includes the Health Facilities Planning Board. "Public body"
12 does not include a child death review team or the Illinois
13 Child Death Review Teams Executive Council established under
14 the Child Death Review Team Act or an ethics commission,
15 ~~ethics--officer,--or-ultimate-jurisdictional-authority~~ acting
16 under the State Officials and Employees Ethics Act ~~State-Gift~~
17 ~~Ban-Act-as-provided-by-Section-80-of-that-Act.~~

18 (Source: P.A. 91-782, eff. 6-9-00; 92-468, eff. 8-22-01.)

19 Section 70. If and only if House Bill 3412 as passed by
20 the 93rd General Assembly becomes law by override of the
21 Governor's amendatory veto, the Freedom of Information Act is
22 amended by changing Section 7 as follows:

23 (5 ILCS 140/7) (from Ch. 116, par. 207)

24 Sec. 7. Exemptions.

25 (1) The following shall be exempt from inspection and
26 copying:

27 (a) Information specifically prohibited from
28 disclosure by federal or State law or rules and
29 regulations adopted under federal or State law.

30 (b) Information that, if disclosed, would
31 constitute a clearly unwarranted invasion of personal
32 privacy, unless the disclosure is consented to in writing

1 by the individual subjects of the information. The
2 disclosure of information that bears on the public duties
3 of public employees and officials shall not be considered
4 an invasion of personal privacy. Information exempted
5 under this subsection (b) shall include but is not
6 limited to:

7 (i) files and personal information maintained
8 with respect to clients, patients, residents,
9 students or other individuals receiving social,
10 medical, educational, vocational, financial,
11 supervisory or custodial care or services directly
12 or indirectly from federal agencies or public
13 bodies;

14 (ii) personnel files and personal information
15 maintained with respect to employees, appointees or
16 elected officials of any public body or applicants
17 for those positions;

18 (iii) files and personal information
19 maintained with respect to any applicant, registrant
20 or licensee by any public body cooperating with or
21 engaged in professional or occupational
22 registration, licensure or discipline;

23 (iv) information required of any taxpayer in
24 connection with the assessment or collection of any
25 tax unless disclosure is otherwise required by State
26 statute; and

27 (v) information revealing the identity of
28 persons who file complaints with or provide
29 information to administrative, investigative, law
30 enforcement or penal agencies; provided, however,
31 that identification of witnesses to traffic
32 accidents, traffic accident reports, and rescue
33 reports may be provided by agencies of local
34 government, except in a case for which a criminal

1 investigation is ongoing, without constituting a
2 clearly unwarranted per se invasion of personal
3 privacy under this subsection; and

4 (vi) the names, addresses, or other personal
5 information of participants and registrants in park
6 district, forest preserve district, and conservation
7 district programs.

8 (c) Records compiled by any public body for
9 administrative enforcement proceedings and any law
10 enforcement or correctional agency for law enforcement
11 purposes or for internal matters of a public body, but
12 only to the extent that disclosure would:

13 (i) interfere with pending or actually and
14 reasonably contemplated law enforcement proceedings
15 conducted by any law enforcement or correctional
16 agency;

17 (ii) interfere with pending administrative
18 enforcement proceedings conducted by any public
19 body;

20 (iii) deprive a person of a fair trial or an
21 impartial hearing;

22 (iv) unavoidably disclose the identity of a
23 confidential source or confidential information
24 furnished only by the confidential source;

25 (v) disclose unique or specialized
26 investigative techniques other than those generally
27 used and known or disclose internal documents of
28 correctional agencies related to detection,
29 observation or investigation of incidents of crime
30 or misconduct;

31 (vi) constitute an invasion of personal
32 privacy under subsection (b) of this Section;

33 (vii) endanger the life or physical safety of
34 law enforcement personnel or any other person; or

1 (viii) obstruct an ongoing criminal
2 investigation.

3 (d) Criminal history record information maintained
4 by State or local criminal justice agencies, except the
5 following which shall be open for public inspection and
6 copying:

7 (i) chronologically maintained arrest
8 information, such as traditional arrest logs or
9 blotters;

10 (ii) the name of a person in the custody of a
11 law enforcement agency and the charges for which
12 that person is being held;

13 (iii) court records that are public;

14 (iv) records that are otherwise available
15 under State or local law; or

16 (v) records in which the requesting party is
17 the individual identified, except as provided under
18 part (vii) of paragraph (c) of subsection (1) of
19 this Section.

20 "Criminal history record information" means data
21 identifiable to an individual and consisting of
22 descriptions or notations of arrests, detentions,
23 indictments, informations, pre-trial proceedings, trials,
24 or other formal events in the criminal justice system or
25 descriptions or notations of criminal charges (including
26 criminal violations of local municipal ordinances) and
27 the nature of any disposition arising therefrom,
28 including sentencing, court or correctional supervision,
29 rehabilitation and release. The term does not apply to
30 statistical records and reports in which individuals are
31 not identified and from which their identities are not
32 ascertainable, or to information that is for criminal
33 investigative or intelligence purposes.

34 (e) Records that relate to or affect the security

1 of correctional institutions and detention facilities.

2 (f) Preliminary drafts, notes, recommendations,
3 memoranda and other records in which opinions are
4 expressed, or policies or actions are formulated, except
5 that a specific record or relevant portion of a record
6 shall not be exempt when the record is publicly cited and
7 identified by the head of the public body. The exemption
8 provided in this paragraph (f) extends to all those
9 records of officers and agencies of the General Assembly
10 that pertain to the preparation of legislative documents.

11 (g) Trade secrets and commercial or financial
12 information obtained from a person or business where the
13 trade secrets or information are proprietary, privileged
14 or confidential, or where disclosure of the trade secrets
15 or information may cause competitive harm, including all
16 information determined to be confidential under Section
17 4002 of the Technology Advancement and Development Act.
18 Nothing contained in this paragraph (g) shall be
19 construed to prevent a person or business from consenting
20 to disclosure.

21 (h) Proposals and bids for any contract, grant, or
22 agreement, including information which if it were
23 disclosed would frustrate procurement or give an
24 advantage to any person proposing to enter into a
25 contractor agreement with the body, until an award or
26 final selection is made. Information prepared by or for
27 the body in preparation of a bid solicitation shall be
28 exempt until an award or final selection is made.

29 (i) Valuable formulae, computer geographic systems,
30 designs, drawings and research data obtained or produced
31 by any public body when disclosure could reasonably be
32 expected to produce private gain or public loss. The
33 exemption for "computer geographic systems" provided in
34 this paragraph (i) does not extend to requests made by

1 news media as defined in Section 2 of this Act when the
2 requested information is not otherwise exempt and the
3 only purpose of the request is to access and disseminate
4 information regarding the health, safety, welfare, or
5 legal rights of the general public.

6 (j) Test questions, scoring keys and other
7 examination data used to administer an academic
8 examination or determined the qualifications of an
9 applicant for a license or employment.

10 (k) Architects' plans, engineers' technical
11 submissions, and other construction related technical
12 documents for projects not constructed or developed in
13 whole or in part with public funds and the same for
14 projects constructed or developed with public funds, but
15 only to the extent that disclosure would compromise
16 security, including but not limited to water treatment
17 facilities, airport facilities, sport stadiums,
18 convention centers, and all government owned, operated,
19 or occupied buildings.

20 (l) Library circulation and order records
21 identifying library users with specific materials.

22 (m) Minutes of meetings of public bodies closed to
23 the public as provided in the Open Meetings Act until the
24 public body makes the minutes available to the public
25 under Section 2.06 of the Open Meetings Act.

26 (n) Communications between a public body and an
27 attorney or auditor representing the public body that
28 would not be subject to discovery in litigation, and
29 materials prepared or compiled by or for a public body in
30 anticipation of a criminal, civil or administrative
31 proceeding upon the request of an attorney advising the
32 public body, and materials prepared or compiled with
33 respect to internal audits of public bodies.

34 (o) Information received by a primary or secondary

1 school, college or university under its procedures for
2 the evaluation of faculty members by their academic
3 peers.

4 (p) Administrative or technical information
5 associated with automated data processing operations,
6 including but not limited to software, operating
7 protocols, computer program abstracts, file layouts,
8 source listings, object modules, load modules, user
9 guides, documentation pertaining to all logical and
10 physical design of computerized systems, employee
11 manuals, and any other information that, if disclosed,
12 would jeopardize the security of the system or its data
13 or the security of materials exempt under this Section.

14 (q) Documents or materials relating to collective
15 negotiating matters between public bodies and their
16 employees or representatives, except that any final
17 contract or agreement shall be subject to inspection and
18 copying.

19 (r) Drafts, notes, recommendations and memoranda
20 pertaining to the financing and marketing transactions of
21 the public body. The records of ownership, registration,
22 transfer, and exchange of municipal debt obligations, and
23 of persons to whom payment with respect to these
24 obligations is made.

25 (s) The records, documents and information relating
26 to real estate purchase negotiations until those
27 negotiations have been completed or otherwise terminated.
28 With regard to a parcel involved in a pending or actually
29 and reasonably contemplated eminent domain proceeding
30 under Article VII of the Code of Civil Procedure,
31 records, documents and information relating to that
32 parcel shall be exempt except as may be allowed under
33 discovery rules adopted by the Illinois Supreme Court.
34 The records, documents and information relating to a real

1 estate sale shall be exempt until a sale is consummated.

2 (t) Any and all proprietary information and records
3 related to the operation of an intergovernmental risk
4 management association or self-insurance pool or jointly
5 self-administered health and accident cooperative or
6 pool.

7 (u) Information concerning a university's
8 adjudication of student or employee grievance or
9 disciplinary cases, to the extent that disclosure would
10 reveal the identity of the student or employee and
11 information concerning any public body's adjudication of
12 student or employee grievances or disciplinary cases,
13 except for the final outcome of the cases.

14 (v) Course materials or research materials used by
15 faculty members.

16 (w) Information related solely to the internal
17 personnel rules and practices of a public body.

18 (x) Information contained in or related to
19 examination, operating, or condition reports prepared by,
20 on behalf of, or for the use of a public body responsible
21 for the regulation or supervision of financial
22 institutions or insurance companies, unless disclosure is
23 otherwise required by State law.

24 (y) Information the disclosure of which is
25 restricted under Section 5-108 of the Public Utilities
26 Act.

27 (z) Manuals or instruction to staff that relate to
28 establishment or collection of liability for any State
29 tax or that relate to investigations by a public body to
30 determine violation of any criminal law.

31 (aa) Applications, related documents, and medical
32 records received by the Experimental Organ
33 Transplantation Procedures Board and any and all
34 documents or other records prepared by the Experimental

1 Organ Transplantation Procedures Board or its staff
2 relating to applications it has received.

3 (bb) Insurance or self insurance (including any
4 intergovernmental risk management association or self
5 insurance pool) claims, loss or risk management
6 information, records, data, advice or communications.

7 (cc) Information and records held by the Department
8 of Public Health and its authorized representatives
9 relating to known or suspected cases of sexually
10 transmissible disease or any information the disclosure
11 of which is restricted under the Illinois Sexually
12 Transmissible Disease Control Act.

13 (dd) Information the disclosure of which is
14 exempted under Section 30 of the Radon Industry Licensing
15 Act.

16 (ee) Firm performance evaluations under Section 55
17 of the Architectural, Engineering, and Land Surveying
18 Qualifications Based Selection Act.

19 (ff) Security portions of system safety program
20 plans, investigation reports, surveys, schedules, lists,
21 data, or information compiled, collected, or prepared by
22 or for the Regional Transportation Authority under
23 Section 2.11 of the Regional Transportation Authority Act
24 or the St. Clair County Transit District under the
25 Bi-State Transit Safety Act.

26 (gg) Information the disclosure of which is
27 restricted and exempted under Section 50 of the Illinois
28 Prepaid Tuition Act.

29 (hh) Information the disclosure of which is
30 exempted under the State Officials and Employees Ethics
31 Act Section-80-of-the-State-Gift-Ban-Act.

32 (ii) Beginning July 1, 1999, information that would
33 disclose or might lead to the disclosure of secret or
34 confidential information, codes, algorithms, programs, or

1 private keys intended to be used to create electronic or
2 digital signatures under the Electronic Commerce Security
3 Act.

4 (jj) Information contained in a local emergency
5 energy plan submitted to a municipality in accordance
6 with a local emergency energy plan ordinance that is
7 adopted under Section 11-21.5-5 of the Illinois Municipal
8 Code.

9 (kk) Information and data concerning the
10 distribution of surcharge moneys collected and remitted
11 by wireless carriers under the Wireless Emergency
12 Telephone Safety Act.

13 (ll) Vulnerability assessments, security measures,
14 and response policies or plans that are designed to
15 identify, prevent, or respond to potential attacks upon a
16 community's population or systems, facilities, or
17 installations, the destruction or contamination of which
18 would constitute a clear and present danger to the health
19 or safety of the community, but only to the extent that
20 disclosure could reasonably be expected to jeopardize the
21 effectiveness of the measures or the safety of the
22 personnel who implement them or the public. Information
23 exempt under this item may include such things as details
24 pertaining to the mobilization or deployment of personnel
25 or equipment, to the operation of communication systems
26 or protocols, or to tactical operations.

27 (mm) Maps and other records regarding the location
28 or security of a utility's generation, transmission,
29 distribution, storage, gathering, treatment, or switching
30 facilities.

31 (nn) ~~(ll)~~ Law enforcement officer identification
32 information or driver identification information compiled
33 by a law enforcement agency or the Department of
34 Transportation under Section 11-212 of the Illinois

1 Vehicle Code.

2 (oo) (ll) Records and information provided to a
3 residential health care facility resident sexual assault
4 and death review team or the Residential Health Care
5 Facility Resident Sexual Assault and Death Review Teams
6 Executive Council under the Residential Health Care
7 Facility Resident Sexual Assault and Death Review Team
8 Act.

9 (2) This Section does not authorize withholding of
10 information or limit the availability of records to the
11 public, except as stated in this Section or otherwise
12 provided in this Act.

13 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01;
14 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff.
15 7-11-02; 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237,
16 eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03;
17 93-577, eff. 8-21-03; revised 9-8-03.)

18 Section 75. If and only if House Bill 3412 as passed by
19 the 93rd General Assembly becomes law by override of the
20 Governor's amendatory veto, the Illinois Public Labor
21 Relations Act is amended by changing Section 3 as follows:

22 (5 ILCS 315/3) (from Ch. 48, par. 1603)

23 Sec. 3. Definitions. As used in this Act, unless the
24 context otherwise requires:

25 (a) "Board" means the Illinois Labor Relations Board or,
26 with respect to a matter over which the jurisdiction of the
27 Board is assigned to the State Panel or the Local Panel under
28 Section 5, the panel having jurisdiction over the matter.

29 (b) "Collective bargaining" means bargaining over terms
30 and conditions of employment, including hours, wages, and
31 other conditions of employment, as detailed in Section 7 and
32 which are not excluded by Section 4.

1 (c) "Confidential employee" means an employee who, in
2 the regular course of his or her duties, assists and acts in
3 a confidential capacity to persons who formulate, determine,
4 and effectuate management policies with regard to labor
5 relations or who, in the regular course of his or her duties,
6 has authorized access to information relating to the
7 effectuation or review of the employer's collective
8 bargaining policies.

9 (d) "Craft employees" means skilled journeymen, crafts
10 persons, and their apprentices and helpers.

11 (e) "Essential services employees" means those public
12 employees performing functions so essential that the
13 interruption or termination of the function will constitute a
14 clear and present danger to the health and safety of the
15 persons in the affected community.

16 (f) "Exclusive representative", except with respect to
17 non-State fire fighters and paramedics employed by fire
18 departments and fire protection districts, non-State peace
19 officers, and peace officers in the Department of State
20 Police, means the labor organization that has been (i)
21 designated by the Board as the representative of a majority
22 of public employees in an appropriate bargaining unit in
23 accordance with the procedures contained in this Act, (ii)
24 historically recognized by the State of Illinois or any
25 political subdivision of the State before July 1, 1984 (the
26 effective date of this Act) as the exclusive representative
27 of the employees in an appropriate bargaining unit, (iii)
28 after July 1, 1984 (the effective date of this Act)
29 recognized by an employer upon evidence, acceptable to the
30 Board, that the labor organization has been designated as the
31 exclusive representative by a majority of the employees in an
32 appropriate bargaining unit; or (iv) recognized as the
33 exclusive representative of personal care attendants or
34 personal assistants under Executive Order 2003-8 prior to the

1 effective date of this amendatory Act of the 93rd General
2 Assembly, and the organization shall be considered to be the
3 exclusive representative of the personal care attendants or
4 personal assistants as defined in this Section.

5 With respect to non-State fire fighters and paramedics
6 employed by fire departments and fire protection districts,
7 non-State peace officers, and peace officers in the
8 Department of State Police, "exclusive representative" means
9 the labor organization that has been (i) designated by the
10 Board as the representative of a majority of peace officers
11 or fire fighters in an appropriate bargaining unit in
12 accordance with the procedures contained in this Act, (ii)
13 historically recognized by the State of Illinois or any
14 political subdivision of the State before January 1, 1986
15 (the effective date of this amendatory Act of 1985) as the
16 exclusive representative by a majority of the peace officers
17 or fire fighters in an appropriate bargaining unit, or (iii)
18 after January 1, 1986 (the effective date of this amendatory
19 Act of 1985) recognized by an employer upon evidence,
20 acceptable to the Board, that the labor organization has been
21 designated as the exclusive representative by a majority of
22 the peace officers or fire fighters in an appropriate
23 bargaining unit.

24 (g) "Fair share agreement" means an agreement between
25 the employer and an employee organization under which all or
26 any of the employees in a collective bargaining unit are
27 required to pay their proportionate share of the costs of the
28 collective bargaining process, contract administration, and
29 pursuing matters affecting wages, hours, and other conditions
30 of employment, but not to exceed the amount of dues uniformly
31 required of members. The amount certified by the exclusive
32 representative shall not include any fees for contributions
33 related to the election or support of any candidate for
34 political office. Nothing in this subsection (g) shall

1 preclude an employee from making voluntary political
2 contributions in conjunction with his or her fair share
3 payment.

4 (g-1) "Fire fighter" means, for the purposes of this Act
5 only, any person who has been or is hereafter appointed to a
6 fire department or fire protection district or employed by a
7 state university and sworn or commissioned to perform fire
8 fighter duties or paramedic duties, except that the following
9 persons are not included: part-time fire fighters, auxiliary,
10 reserve or voluntary fire fighters, including paid on-call
11 fire fighters, clerks and dispatchers or other civilian
12 employees of a fire department or fire protection district
13 who are not routinely expected to perform fire fighter
14 duties, or elected officials.

15 (g-2) "General Assembly of the State of Illinois" means
16 the legislative branch of the government of the State of
17 Illinois, as provided for under Article IV of the
18 Constitution of the State of Illinois, and includes but is
19 not limited to the House of Representatives, the Senate, the
20 Speaker of the House of Representatives, the Minority Leader
21 of the House of Representatives, the President of the Senate,
22 the Minority Leader of the Senate, the Joint Committee on
23 Legislative Support Services and any legislative support
24 services agency listed in the Legislative Commission
25 Reorganization Act of 1984.

26 (h) "Governing body" means, in the case of the State,
27 the State Panel of the Illinois Labor Relations Board, the
28 Director of the Department of Central Management Services,
29 and the Director of the Department of Labor; the county board
30 in the case of a county; the corporate authorities in the
31 case of a municipality; and the appropriate body authorized
32 to provide for expenditures of its funds in the case of any
33 other unit of government.

34 (i) "Labor organization" means any organization in which

1 public employees participate and that exists for the purpose,
2 in whole or in part, of dealing with a public employer
3 concerning wages, hours, and other terms and conditions of
4 employment, including the settlement of grievances.

5 (j) "Managerial employee" means an individual who is
6 engaged predominantly in executive and management functions
7 and is charged with the responsibility of directing the
8 effectuation of management policies and practices.

9 (k) "Peace officer" means, for the purposes of this Act
10 only, any persons who have been or are hereafter appointed to
11 a police force, department, or agency and sworn or
12 commissioned to perform police duties, except that the
13 following persons are not included: part-time police
14 officers, special police officers, auxiliary police as
15 defined by Section 3.1-30-20 of the Illinois Municipal Code,
16 night watchmen, "merchant police", court security officers as
17 defined by Section 3-6012.1 of the Counties Code, temporary
18 employees, traffic guards or wardens, civilian parking meter
19 and parking facilities personnel or other individuals
20 specially appointed to aid or direct traffic at or near
21 schools or public functions or to aid in civil defense or
22 disaster, parking enforcement employees who are not
23 commissioned as peace officers and who are not armed and who
24 are not routinely expected to effect arrests, parking lot
25 attendants, clerks and dispatchers or other civilian
26 employees of a police department who are not routinely
27 expected to effect arrests, or elected officials.

28 (l) "Person" includes one or more individuals, labor
29 organizations, public employees, associations, corporations,
30 legal representatives, trustees, trustees in bankruptcy,
31 receivers, or the State of Illinois or any political
32 subdivision of the State or governing body, but does not
33 include the General Assembly of the State of Illinois or any
34 individual employed by the General Assembly of the State of

1 Illinois.

2 (m) "Professional employee" means any employee engaged
3 in work predominantly intellectual and varied in character
4 rather than routine mental, manual, mechanical or physical
5 work; involving the consistent exercise of discretion and
6 adjustment in its performance; of such a character that the
7 output produced or the result accomplished cannot be
8 standardized in relation to a given period of time; and
9 requiring advanced knowledge in a field of science or
10 learning customarily acquired by a prolonged course of
11 specialized intellectual instruction and study in an
12 institution of higher learning or a hospital, as
13 distinguished from a general academic education or from
14 apprenticeship or from training in the performance of routine
15 mental, manual, or physical processes; or any employee who
16 has completed the courses of specialized intellectual
17 instruction and study prescribed in this subsection (m) and
18 is performing related work under the supervision of a
19 professional person to qualify to become a professional
20 employee as defined in this subsection (m).

21 (n) "Public employee" or "employee", for the purposes of
22 this Act, means any individual employed by a public employer,
23 including interns and residents at public hospitals and, as
24 of the effective date of this amendatory Act of the 93rd
25 General Assembly, but not before, personal care attendants
26 and personal assistants working under the Home Services
27 Program under Section 3 of the Disabled Persons
28 Rehabilitation Act, subject to the limitations set forth in
29 this Act and in the Disabled Persons Rehabilitation Act, but
30 excluding all of the following: employees of the General
31 Assembly of the State of Illinois; elected officials;
32 executive heads of a department; members of boards or
33 commissions; the Executive Inspectors General; any special
34 Executive Inspectors General; employees of each Office of an

1 Executive Inspector General; commissioners and employees of
2 the Executive Ethics Commission; the Auditor General's
3 Inspector General; employees of the Office of the Auditor
4 General's Inspector General; the Legislative Inspector
5 General; any special Legislative Inspectors General;
6 employees of the Office of the Legislative Inspector General;
7 commissioners and employees of the Legislative Ethics
8 Commission; employees of any agency, board or commission
9 created by this Act; employees appointed to State positions
10 of a temporary or emergency nature; all employees of school
11 districts and higher education institutions except
12 firefighters and peace officers employed by a state
13 university; managerial employees; short-term employees;
14 confidential employees; independent contractors; and
15 supervisors except as provided in this Act.

16 Personal care attendants and personal assistants shall
17 not be considered public employees for any purposes not
18 specifically provided for in this amendatory Act of the 93rd
19 General Assembly, including but not limited to, purposes of
20 vicarious liability in tort and purposes of statutory
21 retirement or health insurance benefits. Personal care
22 attendants and personal assistants shall not be covered by
23 the State Employees Group Insurance Act of 1971 (5 ILCS
24 375/).

25 Notwithstanding Section 9, subsection (c), or any other
26 provisions of this Act, all peace officers above the rank of
27 captain in municipalities with more than 1,000,000
28 inhabitants shall be excluded from this Act.

29 (o) "Public employer" or "employer" means the State of
30 Illinois; any political subdivision of the State, unit of
31 local government or school district; authorities including
32 departments, divisions, bureaus, boards, commissions, or
33 other agencies of the foregoing entities; and any person
34 acting within the scope of his or her authority, express or

1 implied, on behalf of those entities in dealing with its
2 employees. As of the effective date of this amendatory Act of
3 the 93rd General Assembly, but not before, the State of
4 Illinois shall be considered the employer of the personal
5 care attendants and personal assistants working under the
6 Home Services Program under Section 3 of the Disabled Persons
7 Rehabilitation Act, subject to the limitations set forth in
8 this Act and in the Disabled Persons Rehabilitation Act. The
9 State shall not be considered to be the employer of personal
10 care attendants and personal assistants for any purposes not
11 specifically provided for in this amendatory Act of the 93rd
12 General Assembly, including but not limited to, purposes of
13 vicarious liability in tort and purposes of statutory
14 retirement or health insurance benefits. Personal care
15 attendants and personal assistants shall not be covered by
16 the State Employees Group Insurance Act of 1971 (5 ILCS
17 375/). "Public employer" or "employer" as used in this Act,
18 however, does not mean and shall not include the General
19 Assembly of the State of Illinois, the Executive Ethics
20 Commission, the Offices of the Executive Inspectors General,
21 the Legislative Ethics Commission, the Office of the
22 Legislative Inspector General, the Office of the Auditor
23 General's Inspector General, and educational employers or
24 employers as defined in the Illinois Educational Labor
25 Relations Act, except with respect to a state university in
26 its employment of firefighters and peace officers. County
27 boards and county sheriffs shall be designated as joint or
28 co-employers of county peace officers appointed under the
29 authority of a county sheriff. Nothing in this subsection
30 (o) shall be construed to prevent the State Panel or the
31 Local Panel from determining that employers are joint or
32 co-employers.

33 (p) "Security employee" means an employee who is
34 responsible for the supervision and control of inmates at

1 correctional facilities. The term also includes other
2 non-security employees in bargaining units having the
3 majority of employees being responsible for the supervision
4 and control of inmates at correctional facilities.

5 (q) "Short-term employee" means an employee who is
6 employed for less than 2 consecutive calendar quarters during
7 a calendar year and who does not have a reasonable assurance
8 that he or she will be rehired by the same employer for the
9 same service in a subsequent calendar year.

10 (r) "Supervisor" is an employee whose principal work is
11 substantially different from that of his or her subordinates
12 and who has authority, in the interest of the employer, to
13 hire, transfer, suspend, lay off, recall, promote, discharge,
14 direct, reward, or discipline employees, to adjust their
15 grievances, or to effectively recommend any of those actions,
16 if the exercise of that authority is not of a merely routine
17 or clerical nature, but requires the consistent use of
18 independent judgment. Except with respect to police
19 employment, the term "supervisor" includes only those
20 individuals who devote a preponderance of their employment
21 time to exercising that authority, State supervisors
22 notwithstanding. In addition, in determining supervisory
23 status in police employment, rank shall not be determinative.
24 The Board shall consider, as evidence of bargaining unit
25 inclusion or exclusion, the common law enforcement policies
26 and relationships between police officer ranks and
27 certification under applicable civil service law, ordinances,
28 personnel codes, or Division 2.1 of Article 10 of the
29 Illinois Municipal Code, but these factors shall not be the
30 sole or predominant factors considered by the Board in
31 determining police supervisory status.

32 Notwithstanding the provisions of the preceding
33 paragraph, in determining supervisory status in fire fighter
34 employment, no fire fighter shall be excluded as a supervisor

1 who has established representation rights under Section 9 of
2 this Act. Further, in new fire fighter units, employees
3 shall consist of fire fighters of the rank of company officer
4 and below. If a company officer otherwise qualifies as a
5 supervisor under the preceding paragraph, however, he or she
6 shall not be included in the fire fighter unit. If there is
7 no rank between that of chief and the highest company
8 officer, the employer may designate a position on each shift
9 as a Shift Commander, and the persons occupying those
10 positions shall be supervisors. All other ranks above that
11 of company officer shall be supervisors.

12 (s) (1) "Unit" means a class of jobs or positions that
13 are held by employees whose collective interests may
14 suitably be represented by a labor organization for
15 collective bargaining. Except with respect to non-State
16 fire fighters and paramedics employed by fire departments
17 and fire protection districts, non-State peace officers,
18 and peace officers in the Department of State Police, a
19 bargaining unit determined by the Board shall not include
20 both employees and supervisors, or supervisors only,
21 except as provided in paragraph (2) of this subsection
22 (s) and except for bargaining units in existence on July
23 1, 1984 (the effective date of this Act). With respect
24 to non-State fire fighters and paramedics employed by
25 fire departments and fire protection districts, non-State
26 peace officers, and peace officers in the Department of
27 State Police, a bargaining unit determined by the Board
28 shall not include both supervisors and nonsupervisors, or
29 supervisors only, except as provided in paragraph (2) of
30 this subsection (s) and except for bargaining units in
31 existence on January 1, 1986 (the effective date of this
32 amendatory Act of 1985). A bargaining unit determined by
33 the Board to contain peace officers shall contain no
34 employees other than peace officers unless otherwise

1 agreed to by the employer and the labor organization or
 2 labor organizations involved. Notwithstanding any other
 3 provision of this Act, a bargaining unit, including a
 4 historical bargaining unit, containing sworn peace
 5 officers of the Department of Natural Resources (formerly
 6 designated the Department of Conservation) shall contain
 7 no employees other than such sworn peace officers upon
 8 the effective date of this amendatory Act of 1990 or upon
 9 the expiration date of any collective bargaining
 10 agreement in effect upon the effective date of this
 11 amendatory Act of 1990 covering both such sworn peace
 12 officers and other employees.

13 (2) Notwithstanding the exclusion of supervisors
 14 from bargaining units as provided in paragraph (1) of
 15 this subsection (s), a public employer may agree to
 16 permit its supervisory employees to form bargaining units
 17 and may bargain with those units. This Act shall apply
 18 if the public employer chooses to bargain under this
 19 subsection.

20 (Source: P.A. 93-204, eff. 7-16-03.)

21 Section 77. If and only if House Bill 3412 as passed by
 22 the 93rd General Assembly becomes law by override of the
 23 Governor's amendatory veto, the State Employee
 24 Indemnification Act is amended by changing Section 1 as
 25 follows:

26 (5 ILCS 350/1) (from Ch. 127, par. 1301)

27 Sec. 1. Definitions. For the purpose of this Act:

28 (a) The term "State" means the State of Illinois, the
 29 General Assembly, the court, or any State office, department,
 30 division, bureau, board, commission, or committee, the
 31 governing boards of the public institutions of higher
 32 education created by the State, the Illinois National Guard,

1 the Comprehensive Health Insurance Board, any poison control
2 center designated under the Poison Control System Act that
3 receives State funding, or any other agency or
4 instrumentality of the State. It does not mean any local
5 public entity as that term is defined in Section 1-206 of the
6 Local Governmental and Governmental Employees Tort Immunity
7 Act or a pension fund.

8 (b) The term "employee" means any present or former
9 elected or appointed officer, trustee or employee of the
10 State, or of a pension fund, any present or former
11 commissioner or employee of the Executive Ethics Commission
12 or of the Legislative Ethics Commission, any present or
13 former Executive, Legislative, or Auditor General's Inspector
14 General, any present or former employee of an Office of an
15 Executive, Legislative, or Auditor General's Inspector
16 General, any present or former member of the Illinois
17 National Guard while on active duty, individuals or
18 organizations who contract with the Department of
19 Corrections, the Comprehensive Health Insurance Board, or the
20 Department of Veterans' Affairs to provide services,
21 individuals or organizations who contract with the Department
22 of Human Services (as successor to the Department of Mental
23 Health and Developmental Disabilities) to provide services
24 including but not limited to treatment and other services for
25 sexually violent persons, individuals or organizations who
26 contract with the Department of Military Affairs for youth
27 programs, individuals or organizations who contract to
28 perform carnival and amusement ride safety inspections for
29 the Department of Labor, individual representatives of or
30 designated organizations authorized to represent the Office
31 of State Long-Term Ombudsman for the Department on Aging,
32 individual representatives of or organizations designated by
33 the Department on Aging in the performance of their duties as
34 elder abuse provider agencies or regional administrative

1 agencies under the Elder Abuse and Neglect Act, individuals
2 or organizations who perform volunteer services for the State
3 where such volunteer relationship is reduced to writing,
4 individuals who serve on any public entity (whether created
5 by law or administrative action) described in paragraph (a)
6 of this Section, individuals or not for profit organizations
7 who, either as volunteers, where such volunteer relationship
8 is reduced to writing, or pursuant to contract, furnish
9 professional advice or consultation to any agency or
10 instrumentality of the State, individuals who serve as foster
11 parents for the Department of Children and Family Services
12 when caring for a Department ward, and individuals who serve
13 as arbitrators pursuant to Part 10A of Article II of the Code
14 of Civil Procedure and the rules of the Supreme Court
15 implementing Part 10A, each as now or hereafter amended, but
16 does not mean an independent contractor except as provided in
17 this Section. The term includes an individual appointed as an
18 inspector by the Director of State Police when performing
19 duties within the scope of the activities of a Metropolitan
20 Enforcement Group or a law enforcement organization
21 established under the Intergovernmental Cooperation Act. An
22 individual who renders professional advice and consultation
23 to the State through an organization which qualifies as an
24 "employee" under the Act is also an employee. The term
25 includes the estate or personal representative of an
26 employee.

27 (c) The term "pension fund" means a retirement system or
28 pension fund created under the Illinois Pension Code.

29 (Source: P.A. 90-793, eff. 8-14-98; 91-726, eff. 6-2-00.)

30 (5 ILCS 395/Act rep.)

31 Section 80. If and only if House Bill 3412 as passed by
32 the 93rd General Assembly becomes law by override of the
33 Governor's amendatory veto, the Whistle Blower Protection Act

1 is repealed.

2 Section 83. If and only if House Bill 3412 as passed by
3 the 93rd General Assembly becomes law by override of the
4 Governor's amendatory veto, the Illinois Governmental Ethics
5 Act is amended by changing Sections 4A-101, 4A-102, 4A-105,
6 4A-106, and 4A-107 as follows:

7 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

8 Sec. 4A-101. Persons required to file. The following
9 persons shall file verified written statements of economic
10 interests, as provided in this Article:

11 (a) Members of the General Assembly and candidates
12 for nomination or election to the General Assembly.

13 (b) Persons holding an elected office in the
14 Executive Branch of this State, and candidates for
15 nomination or election to these offices.

16 (c) Members of a Commission or Board created by the
17 Illinois Constitution, and candidates for nomination or
18 election to such Commission or Board.

19 (d) Persons whose appointment to office is subject
20 to confirmation by the Senate.

21 (e) Holders of, and candidates for nomination or
22 election to, the office of judge or associate judge of
23 the Circuit Court and the office of judge of the
24 Appellate or Supreme Court.

25 (f) Persons who are employed by any branch, agency,
26 authority or board of the government of this State,
27 including but not limited to, the Illinois State Toll
28 Highway Authority, the Illinois Housing Development
29 Authority, the Illinois Community College Board, and
30 institutions under the jurisdiction of the Board of
31 Trustees of the University of Illinois, Board of Trustees
32 of Southern Illinois University, Board of Trustees of

1 Chicago State University, Board of Trustees of Eastern
2 Illinois University, Board of Trustees of Governor's
3 State University, Board of Trustees of Illinois State
4 University, Board of Trustees of Northeastern Illinois
5 University, Board of Trustees of Northern Illinois
6 University, Board of Trustees of Western Illinois
7 University, or Board of Trustees of the Illinois
8 Mathematics and Science Academy, and are compensated for
9 services as employees and not as independent contractors
10 and who:

11 (1) are, or function as, the head of a
12 department, commission, board, division, bureau,
13 authority or other administrative unit within the
14 government of this State, or who exercise similar
15 authority within the government of this State;

16 (2) have direct supervisory authority over, or
17 direct responsibility for the formulation,
18 negotiation, issuance or execution of contracts
19 entered into by the State in the amount of \$5,000 or
20 more;

21 (3) have authority for the issuance or
22 promulgation of rules and regulations within areas
23 under the authority of the State;

24 (4) have authority for the approval of
25 professional licenses;

26 (5) have responsibility with respect to the
27 financial inspection of regulated nongovernmental
28 entities;

29 (6) adjudicate, arbitrate, or decide any
30 judicial or administrative proceeding, or review the
31 adjudication, arbitration or decision of any
32 judicial or administrative proceeding within the
33 authority of the State; or

34 (7) have supervisory responsibility for 20 or

1 more employees of the State.

2 (g) Persons who are elected to office in a unit of
3 local government, and candidates for nomination or
4 election to that office, including regional
5 superintendents of school districts.

6 (h) Persons appointed to the governing board of a
7 unit of local government, or of a special district, and
8 persons appointed to a zoning board, or zoning board of
9 appeals, or to a regional, county, or municipal plan
10 commission, or to a board of review of any county, and
11 persons appointed to the Board of the Metropolitan Pier
12 and Exposition Authority and any Trustee appointed under
13 Section 22 of the Metropolitan Pier and Exposition
14 Authority Act, and persons appointed to a board or
15 commission of a unit of local government who have
16 authority to authorize the expenditure of public funds.
17 This subsection does not apply to members of boards or
18 commissions who function in an advisory capacity.

19 (i) Persons who are employed by a unit of local
20 government and are compensated for services as employees
21 and not as independent contractors and who:

22 (1) are, or function as, the head of a
23 department, division, bureau, authority or other
24 administrative unit within the unit of local
25 government, or who exercise similar authority within
26 the unit of local government;

27 (2) have direct supervisory authority over, or
28 direct responsibility for the formulation,
29 negotiation, issuance or execution of contracts
30 entered into by the unit of local government in the
31 amount of \$1,000 or greater;

32 (3) have authority to approve licenses and
33 permits by the unit of local government; this item
34 does not include employees who function in a

1 ministerial capacity;

2 (4) adjudicate, arbitrate, or decide any
3 judicial or administrative proceeding, or review the
4 adjudication, arbitration or decision of any
5 judicial or administrative proceeding within the
6 authority of the unit of local government;

7 (5) have authority to issue or promulgate
8 rules and regulations within areas under the
9 authority of the unit of local government; or

10 (6) have supervisory responsibility for 20 or
11 more employees of the unit of local government.

12 (j) Persons on the Board of Trustees of the
13 Illinois Mathematics and Science Academy.

14 (k) Persons employed by a school district in
15 positions that require that person to hold an
16 administrative or a chief school business official
17 endorsement.

18 (l) Special government agents. A "special
19 government agent" is a person who is directed, retained,
20 designated, appointed, or employed, with or without
21 compensation, by or on behalf of a statewide executive
22 branch constitutional officer to make an ex parte
23 communication under Section 5-50 of the State Officials
24 and Employees Ethics Act or Section 5-165 of the Illinois
25 Administrative Procedure Act. (Blank)-

26 This Section shall not be construed to prevent any unit
27 of local government from enacting financial disclosure
28 requirements that mandate more information than required by
29 this Act.

30 (Source: P.A. 91-622, eff. 8-19-99.)

31 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

32 Sec. 4A-102. The statement of economic interests
33 required by this Article shall include the economic interests

1 of the person making the statement as provided in this
2 Section. The interest (if constructively controlled by the
3 person making the statement) of a spouse or any other party,
4 shall be considered to be the same as the interest of the
5 person making the statement. Campaign receipts shall not be
6 included in this statement.

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

9 (1) The name, address and type of practice of any
10 professional organization or individual professional
11 practice in which the person making the statement was an
12 officer, director, associate, partner or proprietor, or
13 served in any advisory capacity, from which income in
14 excess of \$1200 was derived during the preceding calendar
15 year;

16 (2) The nature of professional services (other than
17 services rendered to the unit or units of government in
18 relation to which the person is required to file) and the
19 nature of the entity to which they were rendered if fees
20 exceeding \$5,000 were received during the preceding
21 calendar year from the entity for professional services
22 rendered by the person making the statement.

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

27 (4) The name of any unit of government which has
28 employed the person making the statement during the
29 preceding calendar year other than the unit or units of
30 government in relation to which the person is required to
31 file.

32 (5) The name of any entity from which a gift or
33 gifts, or honorarium or honoraria, valued singly or in
34 the aggregate in excess of \$500, was received during the

1 preceding calendar year.

2 (b) The following interests shall also be listed by
3 persons listed in items (a) through (f) and item (1) of
4 Section 4A-101:

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

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

22 (3) The identity of any compensated lobbyist with
23 whom the person making the statement maintains a close
24 economic association, including the name of the lobbyist
25 and specifying the legislative matter or matters which
26 are the object of the lobbying activity, and describing
27 the general type of economic activity of the client or
28 principal on whose behalf that person is lobbying.

29 (c) The following interests shall also be listed by
30 persons listed in items (g), (h), and (i), ~~and (1)~~ of Section
31 4A-101:

32 (1) The name and instrument of ownership in any
33 entity doing business with a unit of local government in
34 relation to which the person is required to file if the

1 ownership interest of the person filing is greater than
2 \$5,000 fair market value as of the date of filing or if
3 dividends in excess of \$1,200 were received from the
4 entity during the preceding calendar year. (In the case
5 of real estate, location thereof shall be listed by
6 street address, or if none, then by legal description).
7 No time or demand deposit in a financial institution, nor
8 any debt instrument need be listed.

9 (2) Except for professional service entities, the
10 name of any entity and any position held therein from
11 which income in excess of \$1,200 was derived during the
12 preceding calendar year if the entity does business with
13 a unit of local government in relation to which the
14 person is required to file. No time or demand deposit in
15 a financial institution, nor any debt instrument need be
16 listed.

17 (3) The name of any entity and the nature of the
18 governmental action requested by any entity which has
19 applied to a unit of local government in relation to
20 which the person must file for any license, franchise or
21 permit for annexation, zoning or rezoning of real estate
22 during the preceding calendar year if the ownership
23 interest of the person filing is in excess of \$5,000 fair
24 market value at the time of filing or if income or
25 dividends in excess of \$1,200 were received by the person
26 filing from the entity during the preceding calendar
27 year.

28 (Source: P.A. 92-101, eff. 1-1-02.)

29 (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

30 Sec. 4A-105. Time for filing. Except as provided in
31 Section 4A-106.1, by May 1 of each year a statement must be
32 filed by each person whose position at that time subjects him
33 to the filing requirements of Section 4A-101 unless he has

1 already filed a statement in relation to the same unit of
2 government in that calendar year.

3 Statements must also be filed as follows:

4 (a) A candidate for elective office shall file his
5 statement not later than the end of the period during
6 which he can take the action necessary under the laws of
7 this State to attempt to qualify for nomination,
8 election, or retention to such office if he has not filed
9 a statement in relation to the same unit of government
10 within a year preceding such action.

11 (b) A person whose appointment to office is subject
12 to confirmation by the Senate shall file his statement at
13 the time his name is submitted to the Senate for
14 confirmation.

15 (b-5) A special government agent, as defined in
16 item (1) of Section 4A-101 of this Act, shall file a
17 statement within 30 days after making the first ex parte
18 communication and each May 1 thereafter if he or she has
19 made an ex parte communication within the previous 12
20 months.

21 (c) Any other person required by this Article to
22 file the statement shall file a statement at the time of
23 his or her initial appointment or employment in relation
24 to that unit of government if appointed or employed by
25 May 1.

26 If any person who is required to file a statement of
27 economic interests fails to file such statement by May 1 of
28 any year, the officer with whom such statement is to be filed
29 under Section 4A-106 of this Act shall, within 7 days after
30 May 1, notify such person by certified mail of his or her
31 failure to file by the specified date. Except as may be
32 prescribed by rule of the Secretary of State, such person
33 shall file his or her statement of economic interests on or
34 before May 15 with the appropriate officer, together with a

1 \$15 late filing fee. Any such person who fails to file by
2 May 15 shall be subject to a penalty of \$100 for each day
3 from May 16 to the date of filing, which shall be in addition
4 to the \$15 late filing fee specified above. Failure to file
5 by May 31 shall result in a forfeiture in accordance with
6 Section 4A-107 of this Act.

7 Any person who takes office or otherwise becomes required
8 to file a statement of economic interests within 30 days
9 prior to May 1 of any year may file his or her statement at
10 any time on or before May 31 without penalty. If such person
11 fails to file such statement by May 31, the officer with whom
12 such statement is to be filed under Section 4A-106 of this
13 Act shall, within 7 days after May 31, notify such person by
14 certified mail of his or her failure to file by the specified
15 date. Such person shall file his or her statement of
16 economic interests on or before June 15 with the appropriate
17 officer, together with a \$15 late filing fee. Any such
18 person who fails to file by June 15 shall be subject to a
19 penalty of \$100 per day for each day from June 16 to the date
20 of filing, which shall be in addition to the \$15 late filing
21 fee specified above. Failure to file by June 30 shall result
22 in a forfeiture in accordance with Section 4A-107 of this
23 Act.

24 All late filing fees and penalties collected pursuant to
25 this Section shall be paid into the General Revenue Fund in
26 the State treasury, if the Secretary of State receives such
27 statement for filing, or into the general fund in the county
28 treasury, if the county clerk receives such statement for
29 filing. The Attorney General, with respect to the State, and
30 the several State's Attorneys, with respect to counties,
31 shall take appropriate action to collect the prescribed
32 penalties.

33 Failure to file a statement of economic interests within
34 the time prescribed shall not result in a fine or

1 ineligibility for, or forfeiture of, office or position of
2 employment, as the case may be; provided that the failure to
3 file results from not being included for notification by the
4 appropriate agency, clerk, secretary, officer or unit of
5 government, as the case may be, and that a statement is filed
6 within 30 days of actual notice of the failure to file.

7 (Source: P.A. 88-187; 88-605, eff. 9-1-94; 89-433, eff.
8 12-15-95.)

9 (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

10 Sec. 4A-106. The statements of economic interests
11 required of persons listed in items (a) through (f), and item
12 (j), and item (l) of Section 4A-101 shall be filed with the
13 Secretary of State. The statements of economic interests
14 required of persons listed in items (g), (h), (i), and (k),
15 ~~and (l)~~ of Section 4A-101 shall be filed with the county
16 clerk of the county in which the principal office of the unit
17 of local government with which the person is associated is
18 located. If it is not apparent which county the principal
19 office of a unit of local government is located, the chief
20 administrative officer, or his or her designee, has the
21 authority, for purposes of this Act, to determine the county
22 in which the principal office is located. On or before
23 February 1 annually, (1) the chief administrative officer of
24 any State agency in the executive, legislative, or judicial
25 branch employing persons required to file under item (f) or
26 item (l) of Section 4A-101 shall certify to the Secretary of
27 State the names and mailing addresses of those persons, and
28 (2) the chief administrative officer, or his or her designee,
29 of each unit of local government with persons described in
30 items (h), (i) and (k) of Section 4A-101 shall certify to the
31 appropriate county clerk a list of names and addresses of
32 persons described in items (h), (i) and (k) of Section 4A-101
33 that are required to file. In preparing the lists, each

1 chief administrative officer, or his or her designee, shall
2 set out the names in alphabetical order.

3 ~~On or before February 1 annually, the secretary to the~~
4 ~~board of education for local school councils established~~
5 ~~pursuant to Section 34-2.1 of the School Code shall certify~~
6 ~~to the county clerk the names and mailing addresses of these~~
7 ~~persons described in item (1) of Section 4A-101.~~

8 On or before April 1 annually, the Secretary of State
9 shall notify (1) all persons whose names have been certified
10 to him under items item (f) and (1) of Section 4A-101, and
11 (2) all persons described in items (a) through (e) and item
12 (j) of Section 4A-101, other than candidates for office who
13 have filed their statements with their nominating petitions,
14 of the requirements for filing statements of economic
15 interests. A person required to file with the Secretary of
16 State by virtue of more than one item among items (a) through
17 (f) and items item (j) and (1) shall be notified of and is
18 required to file only one statement of economic interests
19 relating to all items under which the person is required to
20 file with the Secretary of State.

21 On or before April 1 annually, the county clerk of each
22 county shall notify all persons whose names have been
23 certified to him under items (g), (h), (i), and (k), ~~and (1)~~
24 of Section 4A-101, other than candidates for office who have
25 filed their statements with their nominating petitions, of
26 the requirements for filing statements of economic interests.
27 A person required to file with a county clerk by virtue of
28 more than one item among items (g), (h), (i), and (k), ~~and~~
29 ~~(1)~~ shall be notified of and is required to file only one
30 statement of economic interests relating to all items under
31 which the person is required to file with that county clerk.

32 Except as provided in Section 4A-106.1, the notices
33 provided for in this Section shall be in writing and
34 deposited in the U.S. Mail, properly addressed, first class

1 postage prepaid, on or before the day required by this
2 Section for the sending of the notice. A certificate executed
3 by the Secretary of State or county clerk attesting that he
4 has mailed the notice constitutes prima facie evidence
5 thereof.

6 From the lists certified to him under this Section of
7 persons described in items (g), (h), (i), and (k)~~7--and-(l)~~ of
8 Section 4A-101, the clerk of each county shall compile an
9 alphabetical listing of persons required to file statements
10 of economic interests in his office under any of those items.
11 As the statements are filed in his office, the county clerk
12 shall cause the fact of that filing to be indicated on the
13 alphabetical listing of persons who are required to file
14 statements. Within 30 days after the due dates, the county
15 clerk shall mail to the State Board of Elections a true copy
16 of that listing showing those 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
19 file 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 Act is entitled to receive from the
26 Secretary of State or county clerk, as the case may be, a
27 receipt indicating that the person has filed such a
28 statement, the date of such filing, and the identity of the
29 governmental unit or units in relation to which the filing is
30 required.

31 The Secretary of State may employ such employees and
32 consultants as he considers necessary to carry out his duties
33 hereunder, and may prescribe their duties, fix their
34 compensation, and provide for reimbursement of their

1 expenses.

2 All statements of economic interests filed under this
3 Section shall be available for examination and copying by the
4 public at all reasonable times. Not later than 12 months
5 after the effective date of this amendatory Act of the 93rd
6 General Assembly, beginning with statements filed in calendar
7 year 2004, the Secretary of State shall make statements of
8 economic interests filed with the Secretary available for
9 inspection and copying via the Secretary's website. Each
10 person examining a statement filed with the county clerk must
11 first fill out a form prepared by the Secretary of State
12 identifying the examiner by name, occupation, address and
13 telephone number, and listing the date of examination and
14 reason for such examination. The Secretary of State shall
15 supply such forms to the county clerks annually and replenish
16 such forms upon request.

17 ~~The Secretary-of-State-or~~ county clerk, ~~as-the--ease--may~~
18 ~~be,~~ shall promptly notify each person required to file a
19 statement under this Article of each instance of an
20 examination of his statement by sending him a duplicate
21 original of the identification form filled out by the person
22 examining his statement.

23 (Source: P.A. 92-101, eff. 1-1-02.)

24 (5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

25 Sec. 4A-107. Any person required to file a statement of
26 economic interests under this Article who willfully files a
27 false or incomplete statement shall be guilty of a Class A
28 misdemeanor.

29 Failure to file a statement within the time prescribed
30 shall result in ineligibility for, or forfeiture of, office
31 or position of employment, as the case may be; provided,
32 however, that if the notice of failure to file a statement of
33 economic interests provided in Section 4A-105 of this Act is

1 not given by the Secretary of State or the county clerk, as
2 the case may be, no forfeiture shall result if a statement is
3 filed within 30 days of actual notice of the failure to file.

4 The Attorney General, with respect to offices or
5 positions described in items (a) through (f) and items (j)
6 and (l) of Section 4A-101 of this Act, or the State's
7 Attorney of the county of the entity for which the filing of
8 statements of economic interests is required, with respect to
9 offices or positions described in items (g) through (i) and
10 item (k) ~~and (l)~~ of Section 4A-101 of this Act, shall bring
11 an action in quo warranto against any person who has failed
12 to file by either May 31 or June 30 of any given year.

13 (Source: P.A. 88-187; 88-511.)

14 (5 ILCS 425/Act rep.)

15 Section 85. If and only if House Bill 3412 as passed by
16 the 93rd General Assembly becomes law by override of the
17 Governor's amendatory veto, the State Gift Ban Act is
18 repealed.

19 (15 ILCS 505/19 rep.)

20 Section 87. If and only if House Bill 3412 as passed by
21 the 93rd General Assembly becomes law by override of the
22 Governor's amendatory veto, the State Treasurer Act is
23 amended by repealing Section 19.

24 Section 90. If and only if House Bill 3412 as passed by
25 the 93rd General Assembly becomes law by override of the
26 Governor's amendatory veto, the Personnel Code is amended by
27 changing Section 4c as follows:

28 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

29 Sec. 4c. General exemptions. The following positions in
30 State service shall be exempt from jurisdictions A, B, and C,

1 unless the jurisdictions shall be extended as provided in
2 this Act:

3 (1) All officers elected by the people.

4 (2) All positions under the Lieutenant Governor,
5 Secretary of State, State Treasurer, State Comptroller,
6 State Board of Education, Clerk of the Supreme Court, and
7 Attorney General.

8 (3) Judges, and officers and employees of the
9 courts, and notaries public.

10 (4) All officers and employees of the Illinois
11 General Assembly, all employees of legislative
12 commissions, all officers and employees of the Illinois
13 Legislative Reference Bureau, the Legislative Research
14 Unit, and the Legislative Printing Unit.

15 (5) All positions in the Illinois National Guard
16 and Illinois State Guard, paid from federal funds or
17 positions in the State Military Service filled by
18 enlistment and paid from State funds.

19 (6) All employees of the Governor at the executive
20 mansion and on his immediate personal staff.

21 (7) Directors of Departments, the Adjutant General,
22 the Assistant Adjutant General, the Director of the
23 Illinois Emergency Management Agency, members of boards
24 and commissions, and all other positions appointed by
25 the Governor by and with the consent of the Senate.

26 (8) The presidents, other principal administrative
27 officers, and teaching, research and extension faculties
28 of Chicago State University, Eastern Illinois University,
29 Governors State University, Illinois State University,
30 Northeastern Illinois University, Northern Illinois
31 University, Western Illinois University, the Illinois
32 Community College Board, Southern Illinois University,
33 Illinois Board of Higher Education, University of
34 Illinois, State Universities Civil Service System,

1 University Retirement System of Illinois, and the
2 administrative officers and scientific and technical
3 staff of the Illinois State Museum.

4 (9) All other employees except the presidents,
5 other principal administrative officers, and teaching,
6 research and extension faculties of the universities
7 under the jurisdiction of the Board of Regents and the
8 colleges and universities under the jurisdiction of the
9 Board of Governors of State Colleges and Universities,
10 Illinois Community College Board, Southern Illinois
11 University, Illinois Board of Higher Education, Board of
12 Governors of State Colleges and Universities, the Board
13 of Regents, University of Illinois, State Universities
14 Civil Service System, University Retirement System of
15 Illinois, so long as these are subject to the provisions
16 of the State Universities Civil Service Act.

17 (10) The State Police so long as they are subject
18 to the merit provisions of the State Police Act.

19 (11) The scientific staff of the State Scientific
20 Surveys and the Waste Management and Research Center.

21 (12) The technical and engineering staffs of the
22 Department of Transportation, the Department of Nuclear
23 Safety, the Pollution Control Board, and the Illinois
24 Commerce Commission, and the technical and engineering
25 staff providing architectural and engineering services in
26 the Department of Central Management Services.

27 (13) All employees of the Illinois State Toll
28 Highway Authority.

29 (14) The Secretary of the Industrial Commission.

30 (15) All persons who are appointed or employed by
31 the Director of Insurance under authority of Section 202
32 of the Illinois Insurance Code to assist the Director of
33 Insurance in discharging his responsibilities relating to
34 the rehabilitation, liquidation, conservation, and

1 dissolution of companies that are subject to the
2 jurisdiction of the Illinois Insurance Code.

3 (16) All employees of the St. Louis Metropolitan
4 Area Airport Authority.

5 (17) All investment officers employed by the
6 Illinois State Board of Investment.

7 (18) Employees of the Illinois Young Adult
8 Conservation Corps program, administered by the Illinois
9 Department of Natural Resources, authorized grantee under
10 Title VIII of the Comprehensive Employment and Training
11 Act of 1973, 29 USC 993.

12 (19) Seasonal employees of the Department of
13 Agriculture for the operation of the Illinois State Fair
14 and the DuQuoin State Fair, no one person receiving more
15 than 29 days of such employment in any calendar year.

16 (20) All "temporary" employees hired under the
17 Department of Natural Resources' Illinois Conservation
18 Service, a youth employment program that hires young
19 people to work in State parks for a period of one year or
20 less.

21 (21) All hearing officers of the Human Rights
22 Commission.

23 (22) All employees of the Illinois Mathematics and
24 Science Academy.

25 (23) All employees of the Kankakee River Valley
26 Area Airport Authority.

27 (24) The commissioners and employees of the
28 Executive Ethics Commission.

29 (25) The Executive Inspectors General, including
30 special Executive Inspectors General, and employees of
31 each Office of an Executive Inspector General.

32 (26) The commissioners and employees of the
33 Legislative Ethics Commission.

34 (27) The Legislative Inspector General, including

1 special Legislative Inspectors General, and employees of
2 the Office of the Legislative Inspector General.

3 (28) The Auditor General's Inspector General and
4 employees of the Office of the Auditor General's
5 Inspector General.

6 (Source: P.A. 90-490, eff. 8-17-97; 91-214, eff. 1-1-00;
7 91-357, eff. 7-29-99.)

8 Section 95. If and only if House Bill 3412 as passed by
9 the 93rd General Assembly becomes law by override of the
10 Governor's amendatory veto, the General Assembly Compensation
11 Act is amended by changing Section 4 as follows:

12 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

13 Sec. 4. Office allowance. Beginning July 1, 2001, each
14 member of the House of Representatives is authorized to
15 approve the expenditure of not more than \$61,000 per year and
16 each member of the Senate is authorized to approve the
17 expenditure of not more than \$73,000 per year to pay for
18 "personal services", "contractual services", "commodities",
19 "printing", "travel", "operation of automotive equipment",
20 "telecommunications services", as defined in the State
21 Finance Act, and the compensation of one or more legislative
22 assistants authorized pursuant to this Section, in connection
23 with his or her legislative duties and not in connection with
24 any political campaign. On July 1, 2002 and on July 1 of each
25 year thereafter, the amount authorized per year under this
26 Section for each member of the Senate and each member of the
27 House of Representatives shall be increased by a percentage
28 increase equivalent to the lesser of (i) the increase in the
29 designated cost of living index or (ii) 5%. The designated
30 cost of living index is the index known as the "Employment
31 Cost Index, Wages and Salaries, By Occupation and Industry
32 Groups: State and Local Government Workers: Public

1 Administration" as published by the Bureau of Labor
2 Statistics of the U.S. Department of Labor for the calendar
3 year immediately preceding the year of the respective July
4 1st increase date. The increase shall be added to the then
5 current amount, and the adjusted amount so determined shall
6 be the annual amount beginning July 1 of the increase year
7 until July 1 of the next year. No increase under this
8 provision shall be less than zero.

9 A member may purchase office equipment if the member
10 certifies to the Secretary of the Senate or the Clerk of the
11 House, as applicable, that the purchase price, whether paid
12 in lump sum or installments, amounts to less than would be
13 charged for renting or leasing the equipment over its
14 anticipated useful life. All such equipment must be
15 purchased through the Secretary of the Senate or the Clerk of
16 the House, as applicable, for proper identification and
17 verification of purchase.

18 Each member of the General Assembly is authorized to
19 employ one or more legislative assistants, who shall be
20 solely under the direction and control of that member, for
21 the purpose of assisting the member in the performance of his
22 or her official duties. A legislative assistant may be
23 employed pursuant to this Section as a full-time employee,
24 part-time employee, or contractual employee, at the
25 discretion of the member. If employed as a State employee, a
26 legislative assistant shall receive employment benefits on
27 the same terms and conditions that apply to other employees
28 of the General Assembly. Each member shall adopt and
29 implement personnel policies for legislative assistants under
30 his or her direction and control relating to work time
31 requirements, documentation for reimbursement for travel on
32 official State business, compensation, and the earning and
33 accrual of State benefits for those legislative assistants
34 who may be eligible to receive those benefits. The policies

1 shall also require legislative assistants to periodically
2 submit time sheets documenting, in quarter-hour increments,
3 the time spent each day on official State business. The
4 policies shall require the time sheets to be submitted on
5 paper, electronically, or both and to be maintained in either
6 paper or electronic format by the applicable fiscal office
7 for a period of at least 2 years. Contractual employees may
8 satisfy the time sheets requirement by complying with the
9 terms of their contract, which shall provide for a means of
10 compliance with this requirement. A member may satisfy the
11 requirements of this paragraph by adopting and implementing
12 the personnel policies promulgated by that member's
13 legislative leader under the State Officials and Employees
14 Ethics Act with respect to that member's legislative
15 assistants.

16 As used in this Section the term "personal services"
17 shall include contributions of the State under the Federal
18 Insurance Contribution Act and under Article 14 of the
19 Illinois Pension Code. As used in this Section the term
20 "contractual services" shall not include improvements to real
21 property unless those improvements are the obligation of the
22 lessee under the lease agreement. Beginning July 1, 1989, as
23 used in the Section, the term "travel" shall be limited to
24 travel in connection with a member's legislative duties and
25 not in connection with any political campaign. Beginning on
26 the effective date of this amendatory Act of the 93rd General
27 Assembly, as used in this Section, the term "printing"
28 includes, but is not limited to, newsletters, brochures,
29 certificates, congratulatory mailings, greeting or welcome
30 messages, anniversary or birthday cards, and congratulations
31 for prominent achievement cards. As used in this Section,
32 the term "printing" includes fees for non-substantive
33 resolutions charged by the Clerk of the House of
34 Representatives under subsection (c-5) of Section 1 of the

1 Legislative Materials Act. No newsletter or brochure that is
2 paid for, in whole or in part, with funds provided under this
3 Section may be printed or mailed during a period beginning
4 February 1 of the year of a general primary election and
5 ending the day after the general primary election and during
6 a period beginning September 1 of the year of a general
7 election and ending the day after the general election,
8 except that such a newsletter or brochure may be mailed
9 during those times if it is mailed to a constituent in
10 response to that constituent's inquiry concerning the needs
11 of that constituent or questions raised by that constituent.
12 Nothing in this Section shall be construed to authorize
13 expenditures for lodging and meals while a member is in
14 attendance at sessions of the General Assembly.

15 Any utility bill for service provided to a member's
16 district office for a period including portions of 2
17 consecutive fiscal years may be paid from funds appropriated
18 for such expenditure in either fiscal year.

19 If a vacancy occurs in the office of Senator or
20 Representative in the General Assembly, any office equipment
21 in the possession of the vacating member shall transfer to
22 the member's successor; if the successor does not want such
23 equipment, it shall be transferred to the Secretary of the
24 Senate or Clerk of the House of Representatives, as the case
25 may be, and if not wanted by other members of the General
26 Assembly then to the Department of Central Management
27 Services for treatment as surplus property under the State
28 Property Control Act. Each member, on or before June 30th of
29 each year, shall conduct an inventory of all equipment
30 purchased pursuant to this Act. Such inventory shall be
31 filed with the Secretary of the Senate or the Clerk of the
32 House, as the case may be. Whenever a vacancy occurs, the
33 Secretary of the Senate or the Clerk of the House, as the
34 case may be, shall conduct an inventory of equipment

1 purchased.

2 In the event that a member leaves office during his or
3 her term, any unexpended or unobligated portion of the
4 allowance granted under this Section shall lapse. The
5 vacating member's successor shall be granted an allowance in
6 an amount, rounded to the nearest dollar, computed by
7 dividing the annual allowance by 365 and multiplying the
8 quotient by the number of days remaining in the fiscal year.

9 From any appropriation for the purposes of this Section
10 for a fiscal year which overlaps 2 General Assemblies, no
11 more than 1/2 of the annual allowance per member may be spent
12 or encumbered by any member of either the outgoing or
13 incoming General Assembly, except that any member of the
14 incoming General Assembly who was a member of the outgoing
15 General Assembly may encumber or spend any portion of his
16 annual allowance within the fiscal year.

17 The appropriation for the annual allowances permitted by
18 this Section shall be included in an appropriation to the
19 President of the Senate and to the Speaker of the House of
20 Representatives for their respective members. The President
21 of the Senate and the Speaker of the House shall voucher for
22 payment individual members' expenditures from their annual
23 office allowances to the State Comptroller, subject to the
24 authority of the Comptroller under Section 9 of the State
25 Comptroller Act.

26 (Source: P.A. 90-569, eff. 1-28-98; 91-952, eff. 7-1-01; 93
27 HB3412enr.)

28 Section 100. If and only if House Bill 3412 as passed by
29 the 93rd General Assembly becomes law by override of the
30 Governor's amendatory veto, the Legislative Commission
31 Reorganization Act of 1984 is amended by changing Section
32 9-2.5 as follows:

1 (25 ILCS 130/9-2.5)

2 Sec. 9-2.5. Newsletters and brochures. The Legislative
3 Printing Unit may not print for any member of the General
4 Assembly any newsletters or brochures during the period
5 beginning February 1 of the year of a general primary
6 election and ending the day after the general primary
7 election and during a period beginning September 1 of the
8 year of a general election and ending the day after the
9 general election. A member of the General Assembly may not
10 mail, during a period beginning February 1 of the year of a
11 general primary election and ending the day after the general
12 primary election and during a period beginning September 1 of
13 the year of a general election and ending the day after the
14 general election, any newsletters or brochures that were
15 printed, at any time, by the Legislative Printing Unit,
16 except that such a newsletter or brochure may be mailed
17 during those times if it is mailed to a constituent in
18 response to that constituent's inquiry concerning the needs
19 of that constituent or questions raised by that constituent.

20 (Source: 93 HB3412enr.)

21 Section 115. If and only if House Bill 3412 as passed by
22 the 93rd General Assembly becomes law by override of the
23 Governor's amendatory veto, the Lobbyist Registration Act is
24 amended by changing Sections 3.1 and 5 as follows:

25 (25 ILCS 170/3.1)

26 Sec. 3.1. Prohibition on serving on boards and
27 commissions. Notwithstanding any other law of this State, on
28 and after February 1, 2004, but not before that date, a
29 person required to be registered under this Act, his or her
30 spouse, and his or her immediate family members living with
31 that person may not serve on a board, commission, authority,
32 or task force authorized or created by State law or by

1 executive order of the Governor; except that this restriction
2 does not apply to any of the following:

3 (1) a registered lobbyist, his or her spouse, or
4 any immediate family member living with the registered
5 lobbyist, who is serving in an elective public office,
6 whether elected or appointed to fill a vacancy; and

7 (2) a registered lobbyist, his or her spouse, or
8 any immediate family member living with the registered
9 lobbyist, who is serving on a State advisory body that
10 makes nonbinding recommendations to an agency of State
11 government but does not make binding recommendations or
12 determinations or take any other substantive action.

13 (Source: 93HB3412enr.)

14 (25 ILCS 170/5) (from Ch. 63, par. 175)

15 (Text of Section amended by P.A. 93-32)

16 Sec. 5. Lobbyist registration and disclosure. Every
17 person required to register under Section 3 shall each-and
18 ~~every-year,~~ or before any such service is performed which
19 requires the person to register, but in any event not later
20 than 2 business days after being employed or retained, and on
21 or before each January 31 and July 31 thereafter, file in the
22 Office of the Secretary of State a written statement
23 containing the following information with respect to each
24 person or entity employing or retaining the person required
25 to register:

26 (a) The registrant's name, and permanent address,
27 e-mail address, if any, fax number, if any, business
28 telephone number, and temporary address, if the
29 registrant has a temporary address while lobbying of--the
30 registrant.

31 (a-5) If the registrant is an organization or
32 business entity, the information required under
33 subsection (a) for each person associated with the

1 registrant who will be lobbying, regardless of whether
2 lobbying is a significant part of his or her duties.

3 (b) The name and address of the person or persons
4 employing or retaining registrant to perform such
5 services or on whose behalf the registrant appears.

6 (c) A brief description of the executive,
7 legislative, or administrative action in reference to
8 which such service is to be rendered.

9 (c-5) Each executive and legislative branch agency
10 the registrant expects to lobby during the registration
11 period.

12 (c-6) The nature of the client's business, by
13 indicating all of the following categories that apply:
14 (1) banking and financial services, (2) manufacturing,
15 (3) education, (4) environment, (5) healthcare, (6)
16 insurance, (7) community interests, (8) labor, (9) public
17 relations or advertising, (10) marketing or sales, (11)
18 hospitality, (12) engineering, (13) information or
19 technology products or services, (14) social services,
20 (15) public utilities, (16) racing or wagering, (17) real
21 estate or construction, (18) telecommunications, (19)
22 trade or professional association, (20) travel or
23 tourism, (21) transportation, and (22) other (setting
24 forth the nature of that other business).

25 ~~(d) -- A picture of the registrant.~~

26 The registrant must file an amendment to the statement
27 within 14 calendar days to report any substantial change or
28 addition to the information previously filed, except that a
29 registrant must file an amendment to the statement to
30 disclose a new agreement to retain the registrant for
31 lobbying services before any service is performed which
32 requires the person to register, but in any event not later
33 than 2 business days after entering into the retainer
34 agreement.

1 Not later than 12 months after the effective date of this
2 amendatory Act of the 93rd General Assembly, or as soon
3 thereafter as the Secretary of State has provided adequate
4 software to the persons required to file, all statements and
5 amendments to statements required to be filed shall be filed
6 electronically. The Secretary of State shall promptly make
7 all filed statements and amendments to statements publicly
8 available by means of a searchable database that is
9 accessible through the World Wide Web. The Secretary of State
10 shall provide all software necessary to comply with this
11 provision to all persons required to file. The Secretary of
12 State shall implement a plan to provide computer access and
13 assistance to persons required to file electronically.

14 Persons required to register under this Act prior to July
15 1, 2003, shall remit a single, annual and nonrefundable \$50
16 registration fee. All fees collected for registrations prior
17 to July 1, 2003, shall be deposited into the Lobbyist
18 Registration Administration Fund for administration and
19 enforcement of this Act. Beginning July 1, 2003, all persons
20 other than entities qualified under Section 501(c)(3) of the
21 Internal Revenue Code required to register under this Act
22 shall remit a single, annual, and nonrefundable ~~\$350~~ \$300
23 registration fee. Entities required to register under this
24 Act which are qualified under Section 501(c)(3) of the
25 Internal Revenue Code shall remit a single, annual, and
26 nonrefundable ~~\$150~~ \$100 registration fee. Each individual
27 required to register under this Act shall submit, on an
28 annual basis, a picture of the registrant. A registrant may,
29 in lieu of submitting a picture on an annual basis, authorize
30 the Secretary of State to use any photo identification
31 available in any database maintained by the Secretary of
32 State for other purposes. The-increases-in-the-fees-from--\$50
33 to--\$100--and--from-\$50-to-\$300-by-this-amendatory-Act-of-the
34 93rd-General-Assembly--are--in--addition--to--any--other--fee

1 increase--enacted--by--the--93rd--or--any--subsequent--General
2 Assembly. Of each registration fee collected for
3 registrations on or after July 1, 2003, \$50 shall be
4 deposited into the Lobbyist Registration Administration Fund
5 for administration and enforcement of this Act and is
6 intended to implement and maintain electronic filing of
7 reports under this Act, any-additional-amount-collected-as-a
8 result-of-any-other-fee-increase-enacted-by-the-93rd--or--any
9 subsequent--General--Assembly--shall--be--deposited--into--the
10 Lobbyist-Registration-Administration-Fund--for--the--purposes
11 provided-by-law-for-that-fee-increase, the next \$100 shall be
12 deposited into the Lobbyist Registration Administration Fund
13 for administration and enforcement of this Act, and any
14 balance shall be deposited into the General Revenue Fund.

15 (Source: P.A. 93-32)

16 (Text of Section as amended by 93 HB3412enr.)

17 Sec. 5. Lobbyist registration and disclosure. Every
18 person required to register under Section 3 shall before any
19 service is performed which requires the person to register,
20 but in any event not later than 2 business days after being
21 employed or retained, and on or before each January 31 and
22 July 31 thereafter, file in the Office of the Secretary of
23 State a written statement containing the following
24 information with respect to each person or entity employing
25 or retaining the person required to register:

26 (a) The registrant's name, permanent address,
27 e-mail address, if any, fax number, if any, business
28 telephone number, and temporary address, if the
29 registrant has a temporary address while lobbying.

30 (a-5) If the registrant is an organization or
31 business entity, the information required under
32 subsection (a) for each person associated with the
33 registrant who will be lobbying, regardless of whether

1 lobbying is a significant part of his or her duties.

2 (b) The name and address of the person or persons
3 employing or retaining registrant to perform such
4 services or on whose behalf the registrant appears.

5 (c) A brief description of the executive,
6 legislative, or administrative action in reference to
7 which such service is to be rendered.

8 (c-5) Each executive and legislative branch agency
9 the registrant expects to lobby during the registration
10 period.

11 (c-6) The nature of the client's business, by
12 indicating all of the following categories that apply:
13 (1) banking and financial services, (2) manufacturing,
14 (3) education, (4) environment, (5) healthcare, (6)
15 insurance, (7) community interests, (8) labor, (9) public
16 relations or advertising, (10) marketing or sales, (11)
17 hospitality, (12) engineering, (13) information or
18 technology products or services, (14) social services,
19 (15) public utilities, (16) racing or wagering, (17) real
20 estate or construction, (18) telecommunications, (19)
21 trade or professional association, (20) travel or
22 tourism, (21) transportation, and (22) other (setting
23 forth the nature of that other business).

24 The registrant must file an amendment to the statement
25 within 14 calendar days to report any substantial change or
26 addition to the information previously filed, except that a
27 registrant must file an amendment to the statement to
28 disclose a new agreement to retain the registrant for
29 lobbying services before any service is performed which
30 requires the person to register, but in any event not later
31 than 2 business days after entering into the retainer
32 agreement.

33 Not later than 12 months after the effective date of this
34 amendatory Act of the 93rd General Assembly, or as soon

1 thereafter as the Secretary of State has provided adequate
2 software to the persons required to file, all statements and
3 amendments to statements required to be filed shall be filed
4 electronically. The Secretary of State shall promptly make
5 all filed statements and amendments to statements publicly
6 available by means of a searchable database that is
7 accessible through the World Wide Web. The Secretary of State
8 shall provide all software necessary to comply with this
9 provision to all persons required to file. The Secretary of
10 State shall implement a plan to provide computer access and
11 assistance to persons required to file electronically.

12 Persons required to register under this Act prior to July
13 1, 2003, shall ~~on an annual basis,~~ remit a single, annual
14 and nonrefundable \$50 ~~\$100~~ registration fee. All fees
15 collected for registrations prior to July 1, 2003, shall be
16 deposited into the Lobbyist Registration Administration Fund
17 for administration and enforcement of this Act. Beginning
18 July 1, 2003, all persons other than entities qualified under
19 Section 501(c)(3) of the Internal Revenue Code required to
20 register under this Act shall remit a single, annual, and
21 nonrefundable \$350 registration fee. Entities required to
22 register under this Act which are qualified under Section
23 501(c)(3) of the Internal Revenue Code shall remit a single,
24 annual, and nonrefundable \$150 registration fee. Each
25 individual required to register under this Act shall submit,
26 on an annual basis, a picture of the registrant ~~and a picture~~
27 ~~of the registrant.~~ A registrant may, in lieu of submitting a
28 picture on an annual basis, authorize the Secretary of State
29 to use any photo identification available in any database
30 maintained by the Secretary of State for other purposes. Of
31 each registration fee collected for registrations on or after
32 July 1, 2003, \$50 ~~All fees~~ shall be deposited into the
33 Lobbyist Registration Administration Fund for administration
34 and enforcement of this Act and, ~~The increase in the fee from~~

1 ~~\$50-to-\$100-by-this-amendatory-Act-and-of--the--93rd--General~~
2 ~~Assembly~~ is intended to be used to implement and maintain
3 electronic filing of reports under this Act, the next \$100
4 shall be deposited into the Lobbyist Registration
5 Administration Fund for administration and enforcement of
6 this Act, and any balance shall be deposited into the General
7 Revenue Fund. ~~and-is-in-addition-to-any--other--fee--increase~~
8 ~~enacted-by-the-93rd-or-any-subsequent-General-Assembly.~~
9 (Source: 93 HB3412enr.)

10 Section 990. Severability. The provisions of this Act
11 are severable under Section 1.31 of the Statute on Statutes.

12 Section 995. Closed sessions; vote requirement. This Act
13 authorizes the ethics commissions of the executive branch and
14 legislative branch to conduct closed sessions, hearings, and
15 meetings in certain circumstances. In order to meet the
16 requirements of subsection (c) of Section 5 of Article IV of
17 the Illinois Constitution, the General Assembly determines
18 that closed sessions, hearings, and meetings of the ethics
19 commissions, including the ethics commission for the
20 legislative branch, are required by the public interest.
21 Thus, this Act is enacted by the affirmative vote of
22 two-thirds of the members elected to each house of the
23 General Assembly.

24 Section 999. Effective date. This Act takes effect upon
25 becoming law.